



An
Bord
Pleanála

Inspector's Report ABP317745-23

Development

Permission for a 24 metres monopole telecommunications support structure carrying antennas, dishes, associated equipment, ground-based equipment cabinets, fencing and all associated site development works. This is in the curtilage of a protected structure.

Location

Laytown Railway Station, Ninch,
Laytown, County Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

23222.

Applicant

On Tower Ireland Limited.

Type of Application

Permission

Planning Authority Decision

Permission.

Type of Appeal

Third Party

Appellant

Project East Meath Ltd.

Observer(s)

1. Colin Blake.
2. Peadar Laighleis

3. Gillian and Aidan Brady
4. Theresa Kerins
5. Shamsa Doyle
6. Laytown Mast Action Group
7. Teresa and Brian Stack
8. Hilary Lawler and Peter Loftus
9. Conaill Bailey
10. Karin Duffy

Date of Site Inspection

14th December 2023.

Inspector

Derek Daly

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1.0 Site Location and Description

- 1.1. The appeal site on which the structure is proposed is located within the site of Laytown Railway station and is located to the west of the Dublin Drogheda rail line within the unused area north of an existing car park serving the railway station. Access to the site is via the R150 regional route and this access serves as the main entrance to the station. To the west of the railway station site are open fields. To the east of the rail line north of R150 is the built up area of Laytown village consisting primarily of residential development with a mix of retail and other commercial uses and further to the east of the built up area is the coastline. There is residential development immediately to the east of the railway station. To the south of the R150 is estuary of the River Nanny.
- 1.2. The site has a stated area of 0.0055 hectares.

2.0 Proposed Development

- 2.1. The proposal as initially submitted on the 3rd March 2023 provides for a development consisting of a 24 metres monopole telecommunications multi use support structure carrying antennas, dishes, associated equipment, ground-based equipment cabinets, fencing and all associated site development works.
- 2.2. The development will be within a compound defined by a 2.4 metre high palisade fence and an associated retaining wall located to the north of the railway station building and west of the rail line.
- 2.3. The 24 metres monopole telecommunications support structure will be constructed on a concrete support foundation. Associated telecommunication facilities including antennae, Remote Radio Units (RRUs) and dishes are proposed on the monopole structure. There is also provision for a number of ground level cabinet structures within the compound.
- 2.4. In addition to the drawing submitted with the application a planning statement incorporating environmental considerations was submitted outlining the basis of choosing the site, compliance with relevant guidance and visual analysis based on a number of viewpoints. A technical justification was also submitted in the context of

national policy and county policy and meeting future needs and replacing existing telecommunications facilities deemed unable to meet future needs and an analysis of alternative sites including use of existing sites. A separate visual impact assessment incorporating photomontages was also submitted.

- 2.5. The site is within the site of the railway and station and within railway station site is in a protected structure Laytown Station Masters House RPS 91072.
- 2.6. Following a request of further information an Appropriate Assessment (AA) Screening Report was submitted on the 26th June 2023. The report refers to the proximity to the River Nanny Estuary and Shore SPA (Site code IE0004158) approximately 170 metres from the site and to the absence of watercourses or drains on the site. Nine Natura sites are identified within 15 kilometres of the proposed site with no pathways from the proposed development site to the Natura Site. There is an assessment of likely effects. All nine sites are screened out. The River Nanny Estuary and Shore SPA is assessed based on Qualifying Interests (QIs) in relation to direct and indirect effects and collision with the proposed mast structure is considered a low collision risk. In combination was also considered. Based on the assessment a stage 2 AA was considered not to be required.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to ten conditions. Among the conditions of note condition no 2 requires agreement with the planning authority on external finishes, conditions 3 and 4 limit changes to the structure and condition no 7 requires installation of a suitable obstacle lighting on the structure.

3.2. Planning Authority Reports

- 3.2.1. The planning report with a date of the 26th April 2023 refers to the planning history of the site, to provisions in relation to national and local policy and guidance and submissions received.

- 3.2.2. Among the main issues for assessment as identified are principle of the development, residential and visual amenity, Environment, Heritage, Appropriate Assessment (AA) and Environment Impact Assessment (EIA). Reference is to the zoning of the site and the principle of the site is considered acceptable. Reference is made to the report of the Conservation officer. It is considered that the development is acceptable in relation to impact arising in relation to residential and visual amenities. In relation to AA, it is indicated that the site is not within a Natura site and lists the sites within 15 kilometres and considers that due to the proximity of the River Nanny Estuary and Shore SPA (Site code IE0004158) AA Screening is required. The need for EIA is excluded. Further information was recommended and requested on the 26th April 2023.

The planning report dated the 11th July 2023 noted the further information response and concluded a Stage 2 AA was not required. Permission was recommended.

- 3.2.3. The broadband officer in a report dated 4th April 2023 refers to the current position in relation to telecommunication services in the area and the need for an upgrade of these services.
- 3.2.4. The fire officer in a report dated the 6th April 2023 indicates no objections.
- 3.2.5. The roads report dated the 11th April 2023 indicates no objections.
- 3.2.6. A report in relation to flood risk management dated the 24th April 2023 indicates no objection.
- 3.2.7. The Conservation Officer in a report dated 25th April 2023 indicates no objections given the inherent industrial structures present on the site which exists around the Protected Structure.

3.3. **Other submissions.**

- 3.3.1. A number of third party submissions were received in the course of the assessment of the proposed development.
- 3.3.2. The development was submitted to DAU and other external consultees and no responses were received.

4.0 Planning History

There is no recent relevant application in relation to the appeal site.

5.0 Policy and Context

5.1. Development Plan

The relevant statutory development plan is the Meath County Development Plan 2021-2027.

Volume 1 Chapter 6 refers to Infrastructure and section 6.16 specifically refers to Information and Communication Technologies indicating that the provision of a high-quality competitive telecommunications service is considered essential in order to promote industrial and commercial development, to improve personal and household security and to enhance social inclusion and mobility. The increased usage of new technologies has placed an increased reliance on the provision of such services in all areas for industrial, commercial, tourism and social development. The expansion of these services is key to meeting the needs of the County's population and a modern digital economy.

Section 6.16.4 refers to Telecommunications Antennae and reference is made that the Council recognises the essential need for high-quality communications and information technology networks in assuring the competitiveness of the County's economy and its role in supporting regional and national development generally. It shall be the preferred approach that all new support structures fully meet the co-location or clustering policy of the current guidelines or any such guidelines that replace these, and that shared use of existing structures will be insisted upon where the numbers of masts located in any single area are considered to be excessive. Due to the physical size of mast structures and the materials used to construct them, such structures can severely impact on both rural and urban landscapes and when assessing planning applications, great care needs to be taken to minimise damage through discreet siting, appropriate and good design. The design of mast structures should be simple and well finished. They should employ the latest technology in order to minimise their scale and visual impact. In accordance with circular PL07/12,13 the Plan will seek to support applications for telecommunications

infrastructure in appropriate locations in compliance with all environmental requirements.

Policies INF POL 54, 55, 56, 57, 58, 59 and 60 and INF OBJ 51, 52 and 53 support the initial statement.

In particular I would refer to;

- INF POL 56 To promote orderly development of telecommunications infrastructure throughout the County in accordance with the requirements of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” July 1996, except where they conflict with Circular Letter PL 07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.
- INF POL 57 To promote best practice in siting and design in relation to the erection of communication antennae, having regard to ‘Guidance on the potential location of overground telecommunications infrastructure on public roads’, (Dept of Communications, Energy & Natural Resources, 2015).
- INF POL 59 To encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new structures. The shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration.
- INF OBJ 53 To secure high-quality of design of masts, towers and antennae and other such infrastructure in the interests of visual amenity and the protection of sensitive landscapes, subject to radio and engineering parameters.

Chapter 8 refers to Cultural and Natural Heritage and section 8.7 specifically to Architectural Heritage and the Council wishes to ensure that those buildings, streetscapes and features which are of merit are protected and managed so that they retain their character and special interest. Policies and objectives include;

- Policy HER POL 15 is to encourage the conservation of Protected Structures, and where appropriate, the adaptive reuse of existing buildings and sites in a manner compatible with their character and significance. In certain cases,

land use zoning restrictions may be relaxed in order to secure the conservation of the protected structure.

- HER POL 17 requires that all planning applications relating to Protected Structures contain the appropriate accompanying documentation in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any variation thereof, to enable the proper assessment of the proposed works.
- HER OBJ 17 To promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to protected structures or historic buildings in an Architectural Conservation Area.

Section 8.8 refers to Natural Heritage and policies and objectives are outlined in relation to the protection of Natural Heritage including designated Natura Sites and protected species.

Section 8.15 refers to the Coastal Zone with policies in relation to its protection and enhancement.

Section 8.17 refers to Landscape and in particular to Landscape Character Assessment and sensitivities. The site is within proximate to Landscape Character Areas 7 Coastal Plains and 8 Nanny Valley which are defined as having High Sensitivity Volume 2 Appendix 5 of the CDP.

Views and prospects are referred to in appendix 10 and map 8.6 with view 65 Laytown Strand North Distinctive View northwards along the shore from Laytown.

- INFO POL 60 provides to assess proposals for the location of telecommunication sensitive landscapes in accordance with the policies set down within the Landscape Character Assessment.

Volume 2 of the plan has Written Statement and Maps for Settlements and there is a plan for Laytown village which is part of the East Meath local plan incorporating an East Meath area consisting of Bettystown-Laytown-Mornington East and Donacarney.

The site is located within the development boundary of Laytown as defined in sheet no 5.4 (a) Land Use Zoning. The site is zoned TU Transport and Utilities which

encompasses the railway station with the objective: *To provide for essential transport and public utilities and infrastructure including rail stations, park and ride facilities, water and waste water infrastructure, electricity, gas, and telecommunications infrastructure.* Guidance in relation to these zoned lands is that they are identified to provide for essential public infrastructure and the nature of these facilities is such that the use of the lands is dedicated to the provision and maintenance of this infrastructure.

The lands immediately to the west of the railway station in a narrow strip are zoned FI Open Space and the lands to the west of the open space are zoned as a Strategic Employment Site. The lands to the south of the railway station on the southern side of the regional road are zoned H1 High Amenity. Residential lands are located east of the railway line and the village is in effect east of the railway line.

The written statement indicates that it will provide an overview of the development strategy for East Meath. A detailed Local Area Plan for the area will be prepared during the life of this Plan. The East Meath area consists of Bettystown-Laytown-Mornington East and Donacarney (East Meath). These areas were designated as a single settlement 'Laytown-Bettystown-Mornington-Donacarney' in the census. This designation automatically requires the preparation of a Local Area Plan for this census town.

The plan recognises that whilst the area is well served by a regular bus and commuter rail service, the links between residential areas and Laytown Rail Station need to be enhanced. Lands have therefore been identified for a Park and Ride facility adjacent to Laytown Rail Station. The provision of this facility would promote the use of the rail service and reduce on street parking and improve traffic flows and circulation in the vicinity of the train station.

5.2. National Guidelines / Section 28 Ministerial Guidelines

- 5.2.1. Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities, 1996. Section 4.3 refers to Visual Impact and that visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. In most cases the applicant will only have limited flexibility as regards location. In relation to locating along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet

are not terminating views. In such cases it might be decided that the impact is not seriously detrimental.

Only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.

The guidelines further state that only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

- 5.2.2. Circular Letter PL 07/12, DoECLG 2012 This includes further advice on the issue of health and safety and reiterates that this is regulated by other codes and is not a matter for the planning process.
- 5.2.3. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011).

The Architectural Heritage Protection Guidelines for Planning Authorities (2011) provides more detailed guidance in relation to the assessment of development proposals on a range of matters including development control (chapter 6) and in relation to the protection of the setting of protected structures.

5.3. Natural Heritage Designations

The site is not located within or immediately adjacent to a Natura 2000 site. There are nine sites located within 15 kilometres of the appeal site and the proposal was the subject of an Appropriate Assessment Stage 1 screening in relation to these sites and their Qualifying Interests (QIs) and Conservation Objectives.

5.4. EIA Screening

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

Other than works carried out during the construction phase of the project the development will not give rise to any discharges to surface or groundwater.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant's grounds of appeal are in summary;

- The appellant refers to the history of Laytown railway station and that it looks more or less as it did in the 19th Century apart from the removal of the signal cabin and the replacement of the iron pedestrian bridge with a modern version.
- Reference is made to the protected structures on the site and buildings listed in the National Inventory of Architectural Heritage.
- Reference is made to the 1996 National Guidance on Telecommunications Antennae and Support Structures and that INF POL 56 of the current CPD essentially incorporates these guidelines which are mandatory guidelines.
- Reference is made in particular to section 4.3 of the Guidelines and that only as a last resort should be located within towns and villages and that in sites already developed for utilities antennae should be adapted to the location and kept to a minimum height.
- The current proposal does not comply with the CDP or National Guidance.
- It is contended that the application is invalid and does not comply with Article 23(1) of the Planning Regulations as levels relative to Ordinance Datum are not outlined on a site with severe changes in levels.

- The relationship between the elevations and layout drawings cannot be established as elevation drawings are measured relative to ground level.
- The elevation drawings do not show the main features of any buildings and reference in this regard is made to protected structures.
- There is a failure to comply with Article 23(1) (c) and (d) of the Planning Regulations and these breaches are not just technical but substantial.
- The curtilage of the Protected Buildings were not defined by the County Council which in the view of the appellant encompasses the railway station site and the nearby road bridge and viaduct or carry out an analysis of impact on protected structures.
- A huge mast will not have a relationship to the railway station or its use as a railway station.
- The proposal does not represent a replacement of an existing mast on the Aleverno Hotel as it is larger and free standing.
- The photomontages are misleading and incomplete and incorrectly configured and vertical features are incorporated in an incorrect manner.
- No views from within the station are indicated.
- In terms of scale the mast will be three times the height of the historic wooden bridge and ten times the wooden station house.
- There is no appraisal of landscape and reference is made to HER OBJ 29 of the CDP and designated view No 65.
- There are errors in the planning authority decision and that the site is not rural and is within the settlement of Laytown and reference is made to objectives at the location of the proposal and to specific objectives OBJ 2 and BLMD OBJ 7. The EIA is referred to and the absence of a reference to Landscape Character Assessment.
- Reference is made to INFO POL 60 and that the site is within or affects Landscape Character Areas 7 and 8 and there is no assessment of the visual impact on these areas or appraisal of impacts on protected views.
- The proposal conflicts with objective BLMD OBJ.

- The issue of Appropriate Assessment is raised and in particular condition no.7 the installation of obstacle lighting and the impacts arising in relation to a nearby SPA.
- The mast will not offer a better service to the area and there are better locations in the area.
- Reference is made to the need for EIA screening given the context of the site and its surroundings.
- Extracts from the National Inventory of Architectural Heritage are included with the grounds.

6.2. **First Party Response.**

6.2.1. The applicant in a response to the grounds of appeal refers to;

6.2.2. General comments

- Reference is made to the location of the proposed development and discussions with Irish Rail to locate the proposal further north along the railway line and further away from the railway station which contains a Protected Structure however due to health and safety requirements of Irish Rail, the applicant has forced to keep the site location within the car park area which is protected from the railway line by palisade fence and the chosen site location was the only one made available to it by the landowner for safety reasons. The exact location within the car park area is at the furthest point from the railway station within the car park as the applicant was very cognisant of the Protected Structure.
- The precise site was chosen as this is located on the western edge of Laytown, minimising the impact on any sensitive land uses while also being in close enough proximity to provide adequate coverage for the town. In addition, the vertical infrastructure items located in close proximity of the proposed site would be helpful in absorbing the proposal into the landscape.
- The proposal will not result in an additional telecommunications structure but will be a replacement one which will also be able to accommodate up to three separate operators on the same structure resulting in a reduction in the proliferation of structures in the area and the environmental damage that this

would result in the years ahead in Laytown in accordance with the Laytown 2 Telecommunications Guidelines for Planning Authorities 1996 and the County Development Plan.

- Reference is made to existing screening existing in the area.
- In relation to zoning, the site location falls into TU-Transport and Utilities zoning which is stated to be used “To provide for essential transport and public utilities and infrastructure including rail stations, park and ride facilities, water and waste water infrastructure, electricity, gas and telecommunications infrastructure” as per the current Meath County Development Plan 2021-2027. The proposed development was deemed acceptable with regard to zoning which has been confirmed in the Planners Report.
- In relation to design the proposed Development was for the installation of a new 24 metres telecommunications monopole (submitted planning application) which is now proposed to be reduced to a 21metre support structure as part of this appeal response). There is provision for a second and a third operator to co-locate on this pole, as advocated in the 1996 Government Guidelines and County Development Plan regarding co-location.
- There is now an urgent requirement for improved wireless broadband services in this area to provide new 3G (data), 4G (high speed data) services, and 5G (superfast broadband) for the operator to improve overall network coverage. This proposal has the potential to reduce the total number of masts in the immediate area from three to a single structure in which to support three separate operators.
- A Technical Justification is provided by Three Ireland in Appendix 7 of this response to the third party appeal.
- It is considered that the balance has been achieved by the Planning Authority in recognizing the serious issues for broadband coverage in Laytown as a result of the loss of the existing Three Ireland site, the possible need for a new site for Eir Mobile and its recognition that the proposal will be able to cater for all three national operators (Three, Eir and Vodafone) which needs to be balanced by accepting that there will be some visual intrusion on the Station Masters House Protected Structure as a result of the proposal as evidenced

by the provided photomontages, however it is not to a degree which is considered to be detrimental to the Protected Structure, which the applicant respectfully requests the Board to concur with and uphold the Grant of Permission by the Planning Authority.

6.2.3. Specifically in relation to the third party appeal submission;

- The impact on a Protected Structure referenced in the grounds of appeal is considered using excerpts from the Cultural Heritage Statement (Appendix 10) noting the impact of the proposed mast would be considered low i.e., where a change to the site is proposed which, though noticeable, is not such that the architectural heritage character/ integrity of the site is significantly compromised. Given the protected structure status of the Station masters house and by association the station building, the sensitivity of the structures would be would high. The low magnitude of impact, and the high sensitivity of the protected structure would result in an overall significance of effect that is moderate i.e., ‘an effect which causes noticeable changes in the character of the environment but without significant consequences.
- Reference is made to the issue of national policy as set out in the Department of Environment Heritage and Local Government, Telecommunications, Antenna and Support Structures (Guidelines for Planning Authorities 1996) and Circular PL07/12 which place significant emphasis on the importance of co-location and new telecommunications structures being used by more than one operator and that the proposal for a new structure at Laytown will facilitate co-location of up to three separate operators, in accordance with the telecommunications guidelines. Circular PL07/12 acknowledges that ‘mobile telephony, with associated ground-based antennae and support structures, will remain a key feature of telecommunications infrastructure for the foreseeable future. Moreover, the roll-out of NBP will tend to increase the importance of the infrastructure’. Accordingly, it is requested that no time limit be placed upon a forthcoming planning permission
- In accordance with section 4.3 of the 1996 Government Guidelines the proposal is a monopole type structure the most suitable structure in an urban area which states that ‘*If such a location should become necessary, sites*

already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure'.

- It is considered that the continued use and redevelopment of an existing telecommunications site, at the Alverno House Hotel, is not possible due to the condition of the rooftop on which the existing Three Ireland antennas are located.
- The guidelines recommend a hierarchy of suitable locations for telecommunications equipment which has been followed here as part of the site selection process.
- In relation to visual amenity, the Guidelines detail that in most cases the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc., already referred to.
- In relation to the validity of the application in relation to the omission of OS contours/levels please updated drawings in Appendix 5 on the Site Layout Plan 1:1000 with Contour Lines, now includes same however it is also noted that levels ASL (above sea level) were on the submitted planning application drawings in compliance with the Planning and Development Regulations 2001.
- In relation to the elevation drawings and the location of the proposal in relation to the Railway Station buildings, the scale of the elevation drawings (1:000) is in compliance with the said planning regulations and is required to show the entire proposal in its fullest form. There is no requirement to show a proposal by way of a contiguous elevation drawing to other features within the blue line boundary which in this case is the railway station building itself at approx. 50m away at its closest point. If it did the proposal would be difficult to visualize on the actual elevation drawings as the scale would have to be much larger than 1:100 such as 1:1000 and would cause difficulties for the Planning Authority to view what is proposed.

- Points no. 16 to 18 of the grounds of appeal relate to the curtilage of the Protected Structure and in the response, it is clearly indicated that the development is clearly labelled within the railway station on notices and drawings.
- It is contended that if the operator Three did not require a replacement site, the current proposal would not have been put forward in the first place.
- A response is also made in relation to the issue of visual impact and the difficulty of producing photomontages. An assessment of 8 viewpoints is outlined and there are predicted to be No Significant visual impacts as a result of this proposal assessing that in some locations there will be a level of impact.
- Specifically in relation to the significance of any visual impact on the Protected Structure it is considered that the balance has been achieved by the Planning Authority in recognizing the serious issues for broadband coverage in Laytown as a result of the loss of the existing Three Ireland site, the possible need for a new site for Eir Mobile and its recognition that the proposal will be able to cater for all three national operators (Three, Eir and Vodafone) which needs to be balanced by accepting that there will be some visual intrusion on the Station Masters House Protected Structure as a result of the proposal as evidenced by the provided photomontages, however it is not to a degree which is considered to be detrimental to the Protected Structure, which the applicant respectfully requests the Board to concur with and uphold the Grant of Permission by the Planning Authority.
- In response to the grounds of appeal referring to the red obstacle light which was required by condition in the decision to grant planning permission an updated AA Screening Report is attached in Appendix 2 which has considered the red obstacle light, which concludes in section 7 (page 29) that “In accordance with the Habitats Directive, an Appropriate Assessment (AA) Screening has been carried out on the proposed development, in relation to any potential impacts upon the relevant European Sites and concludes a Stage 2 AA is not required for the proposed development.

- In response to the appellants points some very minor degradation to the 4G coverage in the direct vicinity of the existing site will occur it is contended in the response that this is unavoidable due to the nature of radio signals and propagation from the source. There will be significant improvements to the north of Laytown in the built-up residential areas. It will also improve the coverage along the Dublin to Belfast railway line and the R150 between Julianstown and Laytown. The replacement site will also negate the need for an additional site in the area. The new site will be capable of supporting new technologies and frequencies to further enhance the quality of the coverage and service in the area.
- An EIAR is not in fact required for this proposed development and the project can be screened out without the need for a Natura Impact Statement, given its small scale installation, within a hard surfaced car park at a relatively low height of 21m slim structure with no moving parts (unlike wind turbines).

6.3. Planning Authority Responses.

The planning authority in responses indicate that the issues raised in the grounds of appeal are addressed in the assessment of the application and the development is consistent with the policies and objectives of the Meath County Development Plan 2021-2027 and request the Board uphold its decision to grant permission. It is also indicated that they have no further comments to make in relation to other appeal responses.

6.4. Appellant Response to First Party Applicant Response

6.4.1. The appellant in a response to the applicant's response to the third party appeal in summary refers to;

- The reduction in height to 21 metres is noted and raises questions as to whether initial justification is supported by objective verifying information.
- The proposal is more than a replacement of an existing facility and issues of signal strength are not addressed as indicated in the grounds of appeal and acknowledged in the applicant response.
- The modelling does not take into the reduction in height.

- There is no longer the need for co-location as Eir is using another installation permitted by the Board and is in contravention of the Meath CDP and national guidance.
- The appellant has not addressed the issue of validity and there are furthermore issues in relation to the validity of site notices in particular at the pedestrian access to the railway station.
- The conservation officer report was not available by the planning authority as previously stated.
- The planning authority has failed in its obligation to adopt a Local Area Plan.
- There remain shortcomings in relation to the issue of visual assessment, photographs and photomontages some of which is acknowledged in the applicant response.
- The Guidelines for Landscape and Visual Impact Assessment (GLVIA) requires both landscape and visual assessment and this not the case in this proposal.
- Issues are raised in relation to the Cultural Impact Assessment Report which is not an appropriate assessment of the protected structure and of no relevance to the Board's decision.
- The Appropriate Assessment Screening is devoid of any objective scientific analysis and does not characterise the current conservation status of the River Nanny Estuary and Shore SPA omitting that the site is designated for wetland and waterbirds generally (A999) and contains other errors in assessment to screen out the development.
- The developer has not demonstrated why EIA Screening is not required.

7.0 Observer Submissions

7.1. Colin Blake in a submission in summary refers to;

- The site borders a SPA and an appropriate EIA has not been carried out.
- The structure is not in keeping with the surrounding landscape or protected structure.

- The proposal is not a replacement of an existing telecommunication facility and will be bigger and used by other providers.
- Reference is made to the resident swift population and impact of the proposal on this species.

7.2. Peadar Laighleis in a submission in summary refers to;

- The proposal compromises the appearance of Laytown Railway Station essentially unchanged since the 19th century with protected structures and architectural heritage.
- Reference is made to the 1996 national guidance and location of structures away from listed buildings, sensitive landscapes and small towns and villages.
- Where these sites are necessary, they should be specifically developed for this purpose and kept to the minimum height.

7.3. Gillian and Aidan Brady in a submission in summary refers to;

- The impact on surrounding landscape and local properties.
- No consultation on the impact on the health of local people.
- The development will impact the area and the appearance of unprotected structures in Laytown Railway Station.
- Reference is made to the proximity of the SPA and an appropriate EIA has not been carried out.
- The mast is within 250 metres of a children's playground.
- The proposal is not a replacement of an existing telecommunication facility and will be bigger and used by other providers.

7.4. Theresa Kerins in a submission in summary refers to;

- Reference is made to the protected structures and buildings of architectural heritage and for the need to protect these structures.
- Reference is made to national guidance and location of structures as a last resort in towns and village and height kept to a minimum.
- The mast will not be in a rural setting but in a village.

- There is a need to protect fragile landscape and protection of vulnerable species and bees and swifts.
- Reference is made to issues arising to public health arising from the latest generation of masts which have more limited range of signal strength.

7.5. Shamsa Doyle in a submission in summary refers to;

- There is no justification in the planning decision as to why the site was chosen and there are alternative sites available.
- There is no clear demonstration by the Broadband officer of the necessity for such an enormous mast and there is no reported issues with current services.
- There is no reference to the level of research of more suitable sites.
- There is evidence of a potential reduction in the level of service.
- The proposal is not a replacement of an existing facility or service but a new installation.
- The development will be an eyesore and impact on the visual impact of the village contrary to 1996 guidance and affect Local Character Area 7.
- The development will impact on a protected view.
- Reference is made to the adjacent protected structure.
- The proposal contravenes the CDP.
- An EIS must be carried out.
- Reference is made to the swift species population.
- Reference is made to the site's setting in a village and the need for additional parking in the railway station.
- Reference is made to issues of health.
- The development fails to comply with Article 23(1) of the Planning Regulations.

7.6. Laytown Mast Action Group in a submission in summary refer to;

- The proposed development was inadequately advertised as there are two main entrances on either side of the railway bridge for pedestrian and vehicular access and notices were not placed in those locations.
- The county council in its response has not explained why it is considered to be consistent with the CDP.
- The report of the Conservation Officer was only recently put on the public file and contains errors and does not contain an appraisal of the protected structures and architectural heritage. There is nothing industrial in relation to the mast as stated in the report.
- The submission includes 88 letters from concerned letters living in Laytown and the surrounding area and these letters largely restate issues raised in other third party submissions.

7.7. Teresa and Brian Stack in a submission in summary refer to;

- There is no evidence in the planning report to justify the location of the development in the context of national guidance.
- The Broadband officer does not demonstrate a clear necessity for the mast.
- Reference is made to the nearby SPA and the impact on protected species.
- Reference is made to the issue of the impact of masts on public health and the precautionary principle should apply in relation to considering public health and the evidence of impact is strong.
- Visual impact is also referred to.

7.8. Karin Duffy in a submission in summary refers to,

- Issues of impact on health are raised.
- Reference is made to impact on protected structures and architectural and built heritage.
- Reference is made to whether an improved service will be provided.

7.9. Hilary Lawler in a submission in summary refers to,

- The site is not rural it is in a town.

- Reference is made to impact on architectural heritage.
- Reference is made to impact on bird species which need protection.
- Visual impact arising from the height of the proposal is referred to in what is a tourist area.
- Issues of impact on health are raised.

7.10. Conall Bailey in a submission in summary refers to

- Reference is made to impact on architectural heritage and visual impact.
- The grounds of appeal are also in part submitted.

7.11. Further Observer Submissions to the first party response.

7.11.1. Brendan and Karin Duffy in a submission retains issues in relation to visual impact and in relation to health and safety.

7.11.2. Peadar Laigheis in a submission refers to issues of EIA, impact on wildlife species, impact on the protected structure and visual impact.

7.11.3. Colin Blake in a submission refers to visual impact, absence of reference to the SPA, health and safety concerns and the development is not in keeping with the architectural heritage.

7.11.4. Brian and Theresa Stack in a submission refer to issues of impact on built and cultural heritage arising from the structure and its construction, impact on residential amenities, issues in relation to its technical justification, impact on health, impact on the SPA and also includes a report from a consultant on the built heritage (ANU Heritage).

7.11.5. Theresa Kerins in a submission refers to the impact on architectural heritage and also includes a report from a consultant on the built heritage (ANU Heritage).

7.11.6. Laytown Mast Action Group in a submission refer to the incorrect/inadequate public notices, issues of architectural heritage and impacts arising from the construction of the mast, issues of safety, health related matters, EIA, visual impact, deficiencies in relation to technical justification, includes a report from a consultant on the built heritage (ANU Heritage) and a number of appendices.

7.11.7. Shamsa Doyle in a submission refers to issues relating to health and a number of appendices including a report from a consultant on the built heritage (ANU Heritage).

8.0 **Assessment**

8.1. It is noted that the Board referred the appeal to a number of statutory consultees and also that the planning authority also referred the proposal to statutory consultees in relation to the built and natural heritage and no responses were received.

8.2. I am satisfied in relation to the submitted drawings and other documentation that the development can be assessed and the relationship of the proposed development to its surroundings and wider receiving landscape can be evaluated.

8.3. I would also note that in the response to the grounds of appeal the first party applicant has lowered the height of the mast to 21 metres and submitted mapping and drawings reflecting this which were circulated to all parties and submissions were received in relation to this matter. For the purpose of this assessment, I will consider the revised proposal with a height of 21 metres.

8.4. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development
- Site selection/need for the development.
- Impact on visual and residential amenity.
- Built heritage.
- Other Matters
- Appropriate Assessment

8.5. Principle of the development

8.5.1. National Policy in developing and improving telephony and broadband infrastructural services is set out within the 1996 Telecommunications Guidelines, and the revisions/updates to these Guidelines within Planning Circular PL 07/12. More

recently, the National Broadband Plan (NBP), was published in 2020 and reflects the Government's ambition to ensure that the opportunities presented by this digital transformation (provided by the NBP) are available to every community in Ireland. The delivery of the NBP will play a major role in empowering rural communities through greater digital connectivity, which will support enterprise development, employment growth and diversification of the rural economy.

- 8.5.2. The Telecommunication Guidelines set out the need for the facilitation of a high quality telecommunications service and set out the issues for consideration within planning assessments including location, access, co-location / shared facilities, design and visual impact.
- 8.5.3. The provisions of the current Meath County Development Plan reflects national guidance as set out in section 6.16 indicating that the provision of a high-quality competitive telecommunications service is considered essential in order to promote industrial and commercial development and the expansion of these services is key to meeting the needs of the County's population and a modern digital economy and in assuring the competitiveness of the County's economy and its role in supporting regional and national development generally. The provisions of the CDP in effect support National policy.
- 8.5.4. The proposal to improve telecommunications and broadband services is therefore consistent with the guidance as set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) and the County Development Plan. I consider that the principle of a proposed telecommunications structure, would be acceptable subject to assessment based on the criteria outlined in national and local guidance as set out in the CDP in relation to type of structure sharing of mast infrastructure and location away from sensitive locations.
- 8.5.5. In this regard I would note that the national guidance does indicate that only as a last resort should freestanding masts be located within or in the immediate surrounds of smaller towns and villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. In relation to the appeal site the site is zoned with the objective TU Transport and Utilities which encompasses the entire railway station site: *To provide for essential transport and public utilities and*

infrastructure including rail stations, park and ride facilities, water and waste water infrastructure, electricity, gas, and telecommunications infrastructure.

- 8.5.6. The development as submitted accords with the zoning objective and the principle of the development is acceptable. I would also consider that as indicated in the national guidance there is reference to use of sites already developed for utilities should be considered and that masts and antennae should be designed and adapted for the specific location and the current proposal utilising a site used for infrastructure would comply with the guidance.
- 8.5.7. I would also note that in relation to development in Laytown the railway line in effect operates as the development boundary for the village with no residential zoning west of the railway line. There is provision in the plan for the lands to the west of the railway zoned as a Strategic Employment Site with narrow strip of open space between this strategic employment site and the railway station site but the presence of a mast in the location proposed would not impact on either the open space or future employment site and if the site to the west is developed in the future for the use envisaged the development of this site would provide a degree of screening to the proposed mast structure.
- 8.5.8. In relation to the actual location of the mast it is not immediately adjacent to any structure and on lands currently not utilised for any purpose. The development of a mast in the proposed location would not militate in relation the future use of the railway station or future infrastructural improvements for the station including parking. I would also note that in relation to the design of the proposed mast structure that a monopole design is proposed conforming to national and local guidance in relation to reduction of impact.
- 8.6. Site selection/need for the development.
- 8.6.1. The Telecommunication Guidelines and Planning Circular PL07/12 seeks to encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new structures. It also states that the shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration. Similarly, as previously stated the Guidelines state that only as a last resort should free-standing masts be located within or in the immediate

surrounds of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.

- 8.6.2. The applicant has stated the need for the upgrading of the telecommunications network, that the existing service in the area is deficient and there is a need to make provision for an improved service provision in the area in an area where there is currently a known coverage deficit. This deficit has been questioned by third parties in submissions and that the current proposal will not address any current deficit and with the removal of a current mast the current service will disimprove and in relation to the latter the applicant has acknowledged this may occur to some degree.
- 8.6.3. In the response to the grounds of appeal and third party submissions the applicant submitted details relating to coverage, existing masts in the wider area to demonstrate justification of the need for the proposed development. In addition, the applicant states there are no other suitable sites available within the area for co-location where the current proposal could be facilitated.
- 8.6.4. There is no substantive evidence within the application or appeal regarding any suitable alternative sites available within the wider area. Having reviewed the information submitted, I am satisfied that the applicant has demonstrated an adequate technical justification for the proposed development. There is recognition in national guidance that upgrading of telecommunications is necessary and changes arising from the ongoing and future roll out of 4G and 5G technologies require development of new locations which vary in the range of coverage provided and the increased use of shared facilities and replacement of existing sites which may not address the changing requirements.
- 8.6.5. On the basis of the information submitted the need therefore for an improved telecommunications network is accepted and the planning authority would also recognise this. It is also noted the applicant is making provision for sharing the proposed development and in this regard the proposal largely is in compliance with National guidance and the provisions as set out in the CDP.
- 8.7. Impact on visual and residential amenity.

- 8.7.1. The primary grounds of appeal refer to seriously injure the visual and residential amenity of the existing adjacent residential amenity referencing National guidance and objectives in the current County Development Plan.
- 8.7.2. Specifically in relation to residential amenity it is well recognised that placing infrastructure of this nature is challenging and this is reflected in the advice contained in Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines.
- 8.7.3. The appeal site is not immediately adjacent to existing residential development, the nearest residential development is an apartment building to the east of the railway line dwelling in excess of 25 metres distant and other than this residential apartment development dwellings in residential estates are a minimum of 80 metres from the proposal and a large section of the residential development nearer to the coast is in excess of 350 metres distant from the proposed development. In terms of impact the vast majority of residential development is removed from the proposed structure. The proposal will be a noticeable visual presence to the apartment development but the development is within a site long established with an industrial/infrastructure use and a permitted use on the railway site.
- 8.7.4. In relation to visual impact, it is and must be accepted that a structure of the height proposed cannot be screened and will be visible even with a reduction of height to 21 metres.
- 8.7.5. The issue therefore is not that there is no visual impact but is the level of impact considered to be significant. Reference is made to the issue of visual analysis carried out and the assessment of visual analysis. In terms of design the proposal is for a monopole and not a lattice type structure which reduces the level of impact. The locations chosen for visual impact analysis cover a range of locations in the area and do indicate that the mast will be visible in particular near the site itself and do refer to varying magnitudes of visibility from many of the identified locations.
- 8.7.6. Based on a site inspection the mast will be visible from locations in the area but the impact must be considered in the context of the receiving landscape which is site on the fringe of a built up area.
- 8.7.7. The primary visual impact will be approaching the village from the R150 and it will be visible from many locations in the village but buildings in the general locality will

make this visibility intermittent and partial as in many locations it will be the upper section of the mast structure which will be visible. In relation to views from along the coastline visibility is more distant and is part of landscape which is a built up area.

8.7.8. In relation to landscape sensitivity the village is part of a landscape with two Landscape Character Areas, Landscape Character Areas 7 Coastal Plains and 8 Nanny Valley which are defined as having High Sensitivity. The Coastal Plains covers a wide area and the primary sensitivity of this area is the coast itself and the site is removed from this area and the axis of this designation is largely north to south. The site is removed from the shoreline area with the built up area intervening and the site does not I consider adversely impact on this area. I would also note that view 65 Laytown Strand North Distinctive View northwards along the shore from Laytown would not be impacted as the view is directed away from the site. In relation to the Nanny Valley LCA the focus and axis is east to west towards the coast and although as indicated there will be visibility from the R150 which follows the valley although noting the mast will be visible. I do not consider that the visual impact would be such as to significantly and adversely impact on the visual amenity of the area given it will be a pole type structure.

8.7.9. The overall conclusion is that the receiving landscape is capable of absorbing and moderating visual impact and any visual impact is immediate to the site.

8.7.10. Specifically in relation to the issue of health both in relation to human health which is raised in many submissions, I first note the concerns raised by the appellant and observers in relation to health matters. This however is an issue which Circular Letter: PL 07/12 has addressed and clearly states that this is regulated by other codes and is not a matter for the planning process. Based upon this Circular, there can be no reasonable consideration given to this issue in this assessment. The Board is limited to considering the location and design of the proposed development, with due regard to the provisions made in the Guidelines to such matters, primarily in relation to other impacts and but not health related matters.

8.8. Built heritage

8.8.1. Issues have been raised in relation to the impact of the development in particular on the history of Laytown railway station and that it looks more or less as it did in the 19th Century apart from the removal of the signal cabin and the replacement of the

iron pedestrian bridge with a modern version to the protected structures on the site and buildings listed in the National Inventory of Architectural Heritage primarily the Station Masters House.

- 8.8.2. It is noted that although many original features remain of the railway station there have been changes to and an evolution of the railway station over time including to the station masters house with the loss of an annex structure north of this building, the loss of the signal box and the replacement of the metal bridge over the railway line and its replacement with a new modern bridge.
- 8.8.3. The proposed mast is not immediately contiguous to the protected structure and it is I estimate approximately 40 metres from it. The protected structure in its current state is a stand alone structure adjoining the railway platform with a relationship to the railway line and no specifically to lands to the north to which it has no visual or functional relationship. I do not consider that given the physical separation that the proposed mast be adversely impact on the setting of the protected structure.
- 8.8.4. I note reference to the conservation officer report in the grounds of appeal and absence from the file when inspected by third parties but I note it was referred to and quoted in the initial planning report requesting further information and formed part of the decision making of the planning authority. I note that the report indicates no objections given the inherent industrial structures present on the site and I would agree with this assessment.

9.0 Other Matters

- 9.1.1. Reference is made in third party submissions to the public/site notices in the lifetime of the application which is at the discretion for the planning authority to determine and consider and the Board has no function in relation to this matter.

10.0 Appropriate Assessment Screening

- 10.1. Appropriate Assessment Screening Compliance with Article 6(3) of the Habitats Directive. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

10.2. In third party submissions the impact on the natural heritage is referred to and question the overall assessment of AA.

10.3. Background to Application

An Appropriate Assessment Screening Report (AASR) compiled by Veon Ecology MKO Planning and Environmental Consultants was submitted following a request by the planning authority by way of further information as part of the planning authority's assessment of the documentation and planning application. A revised Appropriate Assessment Screening Report was submitted in response to matters raised in the grounds of appeal and observer submissions. I propose to consider in this assessment the revised Appropriate Assessment Screening Report.

I am satisfied that adequate information is provided in respect of the baseline conditions, and potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the reports is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

The AA Screening Report identified nine European 2000 sites within 15km of the proposed development;

- Boyne Coast and Estuary SAC (001957)
- River Boyne And River Blackwater SAC (002299)
- Clogher Head SAC (001459)
- Rockabill to Dalkey Island SAC (003000)
- River Nanny Estuary and Shore SPA (004158)
- Boyne Estuary SPA (004080)
- River Boyne and River Blackwater SPA (004232)
- Rockabill SPA (004014)
- Skerries Islands SPA (004122)

Having reviewed the sites it is considered that the radius of 15 kilometres is reasonable in relation to assessment of European sites in relation to potential

connectivity to the project site and there is no need to consider site in excess of 15 kilometres.

The AASR considered these sites their qualifying Interests and the Conservation Objectives including species and habitats in relation to potential impacts direct and indirect indicating there are no pathways (physical or hydrological connections which could act as a route for potential direct impacts) from the source site to any of these European Sites. The proposed development was considered in combination with other plans and projects in the locality that could result in cumulative/in-combination effects on the European Sites.

The Screening for AA, concluded that *the proposed development:*

- *Is not directly connected with or necessary to the management of any European Site(s).*
- *And will not have a likely significant adverse effect on the integrity of any European Site(s). Therefore, in conclusion a Stage 2 AA is not required for the proposed development.*

On the basis of this screening assessment which determined that, in view of best scientific knowledge and in the absence of mitigation measures, potential likely significant effects from the proposed development can be ruled out, in view of the conservation objectives of these European Sites. In addition, there is no potential for significant adverse effects from the proposed development, alone or in-combination with other plans and projects, on the integrity of these European Sites.

Having reviewed the documents and the submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

10.4. Screening for Appropriate Assessment - Test of likely significance

The project is not directly connected with or necessary to the management of a European Site and therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated

Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

10.5. Brief Description of the development

The proposal as initially submitted on the 3rd March 2023 provides for a development consisting of a 24 metres monopole telecommunications multi use support structure carrying antennas, dishes, associated equipment, ground-based equipment cabinets, fencing and all associated site development works. In the response to the appeal submissions the applicant proposes to reduce the overall height to 21 metres.

Development works include a 2.4 metre high palisade fence and an associated retaining wall located to the north of the railway station building and west of the rail line and the 21 metres monopole telecommunications support structure will be constructed on a concrete support foundation.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites. Construction related uncontrolled surface water construction related pollution. Habitat loss / fragmentation Habitat disturbance / species disturbance (Construction and or operational) The 'source-pathway-receptor' model was used to determine potential links between sensitive features of the natura sites and the source of the effects.

10.6. Submissions/Observations

I have reviewed the submissions made. I note that many third party submissions note concerns regarding impact on the European Sites, the absence of a defined scientific assessment of potential impacts and also concerns in relation to biodiversity impacts.

10.7. European Sites

10.7.1. The site is not located within a Natura site or immediately adjacent to any site.

The closest European Site River Nanny Estuary and Shore SPA (004158) is approximately 170 metres to the south of the appeal site. This European site is not hydrologically connected to the site and therefore not within the likely zone of impact.

10.7.2. A potential zone of influence has been established for the development having regard to the location of European sites, the Qualifying Interests (QIs) of the sites,

the source-pathway receptor model and potential environment effects of the proposed project.

A summary of European sites that occur within 15km within the possible zone of influence/connectivity of the proposed development is presented in the table below. As already stated, sites further than 15 kilometres are not considered. Where a possible connection between the development and a European Site has been identified these sites are examined in more detail.

Table 1 Summary Table of European Sites within a possible zone of influence of the proposed development. European Site List of Qualifying Interest /Special Conservation Interest.

European Site	List of Qualifying Interest /Special Conservation Interest	Distance from the proposed development Metres	Connections (Source pathway receptor)	Considered further in screening. Yes/ No (Y/N)
001957 Boyne Coast and Estuary SAC	Habitats 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco Puccinellietalia maritimae) 2110 Embryonic shifting	2446.73	This European Site is located entirely outside the proposed development site. No surface water connectivity therefore no source pathway receptor chain	N

	<p>dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)</p>			
<p>002299</p> <p>River Boyne and River Blackwater SAC</p>	<p>Habitats</p> <p>7230 Alkaline fens</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p>Species</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>) 1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p>	6107.79	<p>This European Site is located entirely outside the proposed development site. No surface water connectivity therefore no source pathway receptor chain</p>	N

001459 Clogher Head SAC	Habitats 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	12073.01	This European Site is located entirely outside the proposed development site. No surface water connectivity therefore no source pathway receptor chain	N
003000 Rockabill to Dalkey Island SAC	Habitats 1170 Reefs Species 1351 Harbour Porpoise (<i>Phocoena</i> <i>phocoena</i>)	13963.60	This European Site is located entirely outside the proposed development site. No surface water connectivity therefore no source pathway receptor chain	N
004080 Boyne Estuary SPA	Birds A162 Redshank (<i>Tringa</i> <i>totanus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A142 Lapwing (<i>Vanellus</i>	4434.29	This European Site is located entirely outside the proposed development site. No	N

	<p>vanellus)</p> <p>A143 Knot (<i>Calidris canutus</i>)</p> <p>A169 Turnstone (<i>Arenaria interpres</i>)</p> <p>A130 Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>A141 Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>A156 Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>A048 Shelduck (<i>Tadorna tadorna</i>)</p> <p>A144 Sanderling (<i>Calidris alba</i>)</p> <p>A195 Little Tern (<i>Sterna albifrons</i>)</p> <p>Habitats</p> <p>Wetland</p>		<p>surface water connectivity therefore no source pathway receptor chain</p>	
<p>004232</p> <p>River Boyne and River Blackwater SPA</p>	<p>Birds A229 Kingfisher (<i>Alcedo atthis</i>)</p>	11038.66	<p>This European Site is located entirely outside the proposed development site. No surface water connectivity therefore no source pathway</p>	N

			receptor chain	
004014 Rockabill SPA	<p>Birds</p> <p>A192 Roseate Tern (<i>Sterna dougallii</i>)</p> <p>A193 Common Tern (<i>Sterna hirundo</i>)</p> <p>A148 Purple Sandpiper (<i>Calidris maritima</i>)</p> <p>A194 Arctic Tern (<i>Sterna paradisaea</i>)</p>	13478.37	This European Site is located entirely outside the proposed development site. No surface water connectivity therefore no source pathway receptor chain	N
004122 Skerries Islands SPA	<p>Birds A169 Turnstone (<i>Arenaria interpres</i>) A148 Purple Sandpiper (<i>Calidris maritima</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>) A184 Herring Gull (<i>Larus argentatus</i>) A046 Light- bellied Brent Goose (<i>Branta bernicla hrota</i>)</p>	14270.98	This European Site is located entirely outside the proposed development site. No surface water connectivity therefore no source pathway receptor chain	N
004158 River Nanny Estuary and Shore	<p>Birds</p> <p>A184 Herring Gull (<i>Larus argentatus</i>)</p> <p>A140 Golden Plover</p>	170.24	This European Site is located entirely outside the proposed	Y Considered further in following paragraph

SPA	(Pluvialis apricaria) A137 Ringed Plover (Charadrius hiaticula) A144 Sanderling (Calidris alba) A143 Knot (Calidris canutus) A130 Oystercatcher (Haematopus ostralegus) Habitats Wetlands		development site. Proximity to this site requires consideration.	
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10.7.3. River Nanny Estuary and Shore SPA (004158)

This European site is specifically addressed in section 4.5.1 of the AASR as numerous species of overwintering bird are known to utilise the areas within the estuary of the River Nanny located 170 metres from southern site boundary. Given the scale of the project and habitats present, species of conservation concern are unlikely to occur within the area of the works footprint and immediately adjacent as the site in its current state and proposed state would not present optimum conditions for foraging given that the species largely favour wetland habitat or for roosting and that the importance of the SPA is that of a wetlands, as an important site for wintering waders, of importance as a roost area for the birds and that the intertidal flats also provide feeding habitat.

The proposed site, however, notwithstanding its proximity is not an area which would be identified of importance in relation to foraging or roosting. There is no surface water connectivity therefore no source pathway receptor chain identified between the appeal site and the European site..

The nature of the works proposed and its ongoing use would not through an absence of hydrological connection present any direct or indirect impact on habitats which the

qualifying interests would use or apply conditions which do not currently operate on the site.

10.8. Swift bird species

Reference is made to potential impact of the proposed development on the swift species in many submissions. Swifts are a migratory species very common in urban areas who nest in cavities in walls or in spaces in eaves of houses and old buildings. Because of this, they are highly unlikely to be impacted by the proposed development and are familiar with manmade objects, poles and similar features and the loss of suitable locations for nesting is of greater concern.

10.9. Obstacle Light as required by condition of Planning Authority

Reference is made to the requirement by way of condition in the planning authority's decision for an air navigation light on the mast structure and that this was not assessed. I would note that the structure is a static structure which is not a lattice type structure and that in relation to impacting bird species it would be similar to other vertical objects which are prevalent in urban areas thought of a greater height. There is nothing to indicate that the presence of a navigation obstacle on a static structure would impact on bird species in their flight patterns which primarily occurs in periods of daylight.

10.10. AA Screening Conclusion

In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Therefore, having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and to the absence of emissions

therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for Stage 2 AA.

11.0 Recommendation

11.1. I recommend that permission be granted.

12.0 Reasons and Considerations

Having regard to

- National Planning Framework,
- the current Meath County Development Plan 2021-2027,
- the Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 and Circular Letter PL07/12, and
- the scale and design of the proposed development,

it is considered that the proposed development would be in accordance with National Policy for telecommunications infrastructure and the current Meath County Development Plan 2021-2027. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The Mast structure shall not exceed 21 metres in height as indicated in drawings and documentation submitted to the Board on the 5th September 2023</p> <p>Reason: In the interest of clarity and visual amenity</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.</p> <p>Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.</p>
5.	<p>Details of the specific colour finish for the telecommunications structure shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The applicant shall also submit to and agree with the planning authority prior to commencement of development a landscaping scheme for the site which shall include an enhanced screen boundary.</p> <p>Reason: In the interest of the visual amenities of the area and to protect residential amenity.</p>
6.	<p>The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p>Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any</p>

	future alterations.
7.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area</p>
8.	<p>The telecommunication support structure can be fitted with suitable obstacle lighting as close to the top of the structure as possible and visible from every angle in azimuth and shall fully comply with the requirements of the Irish Aviation Authority in relation to such lighting.</p> <p>Reason: In the interest of orderly development and public safety.</p>
9.	<p>On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed and the site reinstated at the developer's expense.</p> <p>Reason: In the interest of clarity.</p>
10.	<p>The construction of the development shall be managed in accordance with the Construction Management Plan to be submitted to and agreed with the planning authority prior to the commencement of any development works on the site.</p> <p>Reason: in the interest of public safety and residential amenity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

5th January 2024