



An  
Bord  
Pleanála

## Inspector's Report ABP-317757-23

<b>Development</b>	Removal and replacement of a 11.3 metre wooden pole with an 18 metre monopole carrying antennas, dishes, associated equipment, together with ground based equipment cabinets and all associated site development works to provide for wireless data and broadband services.		
<b>Location</b>	Bawntaaffe, Monasterboice, Drogheda, County Louth.		
<b>Planning Authority Ref.</b>	23258.		
<b>Applicant(s)</b>	Emerald Tower Limited.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	To refuse permission.
<b>Type of Appeal</b>	First Party	<b>Appellant</b>	Emerald Tower Limited.
<b>Observer(s)</b>	1. Mr M Joyce		
<b>Date of Site Inspection</b>	05/01/2024	<b>Inspector</b>	Richard Taylor

### Context

#### 1. Site Location/ and Description.

The proposed site is located within a corner section of a larger agricultural field with typical field boundary hedgerows interspersed sporadically with mature trees. The site comprises a fenced off rectangular area comprising a telecommunications pole approximately 11.3 metres in height with associated typical free standing ancillary cabinets. The site and adjacent fields to the north and northeast are

broadly level in terms of topography however, the site and adjacent fields occupy an elevated position as surrounding topography falls sharply to the west, south, and southwest.

There are a number of dwellings to the northwest. The closest dwelling is approximately 150 metres from the site. There is a further dwelling approximately 130 metres to the southwest at the closest point. To the south there is a public house with associated car parking known as the Monasterboice Inn. To the east and adjacent to the public house, and southeast of the site, there is a GAA sports pitch complex including a clubhouse and floodlighting. Further to the south is the R132 public road, with the M1 motorway further to the west which traverses in a north-south orientation.

## **2. Description of development.**

Removal and replacement of a 11.3 metre wooden pole with an 18-metre monopole carrying antennas, dishes, and associated equipment. Ground-based equipment cabinets are also proposed for 3 operators, two of which are 1.65m in height and 1.34m in width, with a third cabinet 1.25m in height and 0.62m in width, and fourth small “PDB” cabinet. The proposal will provide for wireless data and broadband services. The appellant’s statement revises the proposals considered by the Council to provide additional tree planting around the proposed mast and equipment, within the compound.

## **3. Planning History.**

011333: 11.5m Antennae support structure, containerised equipment security fence and access track to form part of the cellular digital communications network. Temporary Grant of approval for 5 years 17/05/2002.

071569: Retention of 11.5m Antennae support structure, containerised equipment security fence and access track to form part of the cellular digital communications network. Temporary Grant of approval for 5 years 08/11/2007.

12482: Continuance of use of existing 11.5m Antennae support structure carrying telecommunications equipment, associated equipment container and palisade fencing as previously granted under local authority reference 071569. Granted 03/12/2012.

#### **4. National/Regional/Local Planning Policy**

- The National Development Plan 2018–2027
- National Strategic Outcome 7 - Enhanced Amenity and Heritage:
- The NPF recognises the value of cultural heritage as a key component of, and contributor to, the attractiveness and sustainability of our cities, towns, villages and rural areas in terms of developing cultural creative spaces, private inward investment, and attracting and retaining talent and enterprise. This includes all elements of living space including streets, public spaces, built heritage and natural amenity areas, cultural and sporting opportunities and sustainable transport networks, all of which play a central part in defining the character and attractiveness of places.
- National Planning Framework 2020 – 2040
- National Policy Objective 17: Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.
- National Policy Objective 48: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.
- The Louth County Development Plan 2021-2027 was adopted by the members of Louth County Council at a Special Council Meeting on the 30th September 2021. The Plan came into effect on the 11th November 2021. It has regard to national and regional policies in respect of telecommunications development.
- Key documents and policies are as follows:
- 8.12.2 Areas of High Scenic Quality: Areas of High Scenic Quality (AHSQ), whilst not quite possessing the exceptional natural beauty and landscape quality of the AONB, nevertheless add significantly to the stock of natural scenic landscapes within the County. They are listed in Table 8.13 and illustrated on Map 8.15. The Council considers it important that AHSQ are protected from excessive development, particularly from inappropriate, one-off, urban-generated housing, in order to preserve their unspoiled rural landscapes. Monasterboice is designated under reference AHSQ 2.

- NBG 37: To protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations.
- 9.5 Tentative World Heritage Sites: While formal designation of Monasterboice and other sites is likely to be many years away, it is important that this Plan protects the landscape and other values contributing to the site's nomination and ensure that this is not damaged in any way.
- BHC 19: To maintain the Outstanding Universal Value (OUV) of the Tentative World Heritage Site of Monasterboice and support its nomination as a UNESCO World Heritage Site.
- IU 36 To promote and facilitate the sustainable delivery of a high-quality ICT infrastructure network throughout the County taking account of the need to protect the countryside and the urban environment together with seeking to achieve balanced social and economic development.
- IU 38 To secure the rollout of high-quality broadband and telecommunication infrastructure throughout the County and facilitate its expansion in remote rural areas, in the interest of promoting economic growth, competitiveness and social inclusion.
- IU 41 To ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PI07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.
- IU 42 To require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in proposals for new structures.
- IU 43 To facilitate the public and private sector in making available where feasible and suitable, strategically located structures or sites, including those in the ownership of Louth County Council, to facilitate improved telecommunications coverage.
- IU 44 To require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes.

- IU 45 To operate a presumption against the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations.
- IU 46 To require the de-commissioning of a telecommunications structure and its removal off-site at the operator's expense where it is no longer required.
- Chapter 13 – Development Management Guidelines.
- 13.18.3 Telecommunications Structures: In identifying a suitable location for telecommunications structures consideration shall be given to the potential visual impact of the development and any sensitivities in the local landscape or settlement in which the structure is proposed to be located. Telecommunication structures on visually sensitive elevated lands will only be considered where technical or coverage requirements mean the infrastructure is essential. Structures shall be designed to facilitate the attachment of additional antennae and minimise any visual impact. Any boundaries around structures shall be carefully considered and take account of the location of the structure.
- Other relevant Guidance:
- DECLG Planning Guidelines 'Telecommunications Antennae and Support Structures' (July 1996) and any amendments or revisions and Circular Letter PL07/12 issued by DECLG (October 2012).

## **5. Natural Heritage Designations**

- The nearest natural heritage designations to the site is the River Boyne and River Blackwater SAC, site code 002299, which is approximately 2.8 kilometres from the site, and River Blackwater SPA, site code 004232 which is approximately 3.9 kilometres from the site.

## **Development, Decision and Grounds of Appeal**

**6. PA Decision.** One reason for refusal was cited on the Notification of Decision to Refuse by the Council:

The development is contrary to policies IU 45 and NBG 37 due to excessive height and scale and lack of screening at this elevated and prominent location, it will have a serious negative impact upon the visual amenity of this Area of High Scenic

Quality (AHSQ 2) and the Tentative World Heritage Site of Monasterboice when viewed from the surrounding roads, particularly the R132 to the southeast, Kieran's Cross Road to the north, and the local public road to the east.

**7. First Party Appeal.** Grounds:

- The appellant wishes to upgrade the current site location due to its favourable terrain and ability to overlook a large area along the M1 ensuring contiguous voice and data services between Tullyallen and Mullary. This will allow deployment of higher capacity 4G and 5G to the area. The height of 18 metres is required to accommodate additional technologies for Eir, Vodafone, and will allow for a future 3rd operator. The current pole is too low in height for a second operator to co-locate on the same pole. A new higher pole is required for co-location of multiple operators and to cater for new technology equipment. Co-location is advocated in the 1996 government guidelines and County Development Plan.
- During the site search stage, 4 alternative options were investigated within approximately 4 kilometres of the proposal. These are all identified as being unsuitable for the needs of the operators.
- There are no suitable existing structures in the area to locate multi operator equipment and the local community around the proposal currently suffered from a severe lack of high-speed wireless broadband and data services. Intervening vegetation, built form, and increasing capacity issues means the operators cannot meet their wireless broadband and data objectives without a new structure which is proposed as a last resort. The location selected is the optimum location in the search area. The height is the lowest height possible due to surrounding high trees and built form in the area.
- The replacement pole will not result in any additional structures. It will have a galvanised finish and assimilate with the typical sky colour in Ireland and surrounding built form. It is possible to be painted in any colour such as dark fir green or black finish which could be requested by planning condition. It is slim line, slender and unfussy design to minimise any negative visual impacts. The multiple design will mimic existing telecommunications structures on site to minimise any visual impacts.

- The proposal is compliant with the National Planning Framework, Regional Planning Guidelines for the Greater Dublin Area 2010- 2022, Louth County Development Plan 2021-2027, and the Department of Environment Heritage and Local Government, Telecommunications, Antenna and Support Structures (Guidelines For Planning Authorities 1996), and Circular PL07/12.
- Heritage impacts:
- The development is located approximately 177 metres from the closest recorded monument, church-LH 01725 and an enclosure- LH 01726. The remains of the church stand at a height of 0.7 metres and is grass covered. The partial remains of an irregular shaped enclosure surrounding the church is visible by a gentle curve in the landscape. This site is not visible as it is covered by grass, only the remains of both monuments are located underground. The site is suitably distanced from these monuments and separated by hedgerows, pasture, and semi mature trees. The development will not affect the scheduled monuments to the east. The site is less than 200 metres from a monument, souterrain: LH 01757, situated on the lower west slope of “Pleasure Hill” with its entrance approximately 57 metres from the nearest part of Baawntaffe. These are only visible as a gentle slope in the terrain and is separated by the R132 road and therefore will not be impacted by this development. The appellant believes that this is not a valid refusal reason and is not contrary to proper planning and sustainable development of the area.
- Area of High Scenic Quality and Tentative World Heritage Site: the development has been strategically located at this location to minimise visual impact on heritage assets. The site is a replacement with the modest increase of 6.7 metres in height to improve coverage requirements and ICT services for the wider area in accordance with national targets set by central government.
- The policy objectives in the plan seek to protect against inappropriate development in sensitive locations and to safeguard against developments that might impact special settings, they are not intended to hinder sustainable development or undermine quality of services in this context. Visual impact evidence demonstrates that there will be a negligible visual impact at 8 out of 12 viewpoints provided.

- The site is located within the wider zone of the tentative World Heritage site, approximately 177 metres from scheduled monuments. The plan states that “formal designation of Monasterboice is likely to be years away”. This is very vague, and it is not set when this will be nominated. The future development of this area should not be held in limbo whilst a designation is under consideration. The site will not have a negative effect on these monuments and should not therefore be a reason for refusal.
- Lack of Screening: the reason for refusal refers to lack of screening at this elevated and prominent location. The appellant has amended the proposals and incorporated a landscaping scheme to mitigate the visual impacts. This includes semi-mature trees to be planted at 3 metres in height consisting of a mix of native deciduous trees. These trees will be maintained at a height of 3.4 metres to ensure signal coverage.
- Visual Impacts: a viewpoint analysis supported by photomontage visualisations examines the visual effects of the proposal at 12 short-medium range viewpoints. No significant visual effects are predicted and therefore will not alter the landscape significantly especially from viewpoints at Kieran’s Cross to the north, the R132 to the southeast and a local road to the east. Out of the 12 viewpoints, there are 8 predicted to have a negligible visual impact or have a low or medium impact. Due to the small-scale nature of the development, existing substantial screening due to vegetation and urban built form means that there would be no significant visual impacts on nearby sensitive receptors such as neighbouring properties, cultural heritage assets, local roads and public rights of way.
- Health: a licence to provide services is subject to compliance with strict emission controls. The limits are specified by the international Commission for non-ionising radiation protection (ICN IRP), ICN IRP declaration was submitted as part of the licence application as evidence of this compliance.

#### **8. Observation:**

- One observation has been received to the appeal from a neighbouring resident. The observer also lodged a representation to the application. Their observation broadly repeats issues raised to the application and the main issues are summarised as follows:



- The local community supported 442 separate objections to the original planning submission for the current pole erected on site.
- The proposal will have a significant overbearing visual impact. It will not be suitably screened, should be distanced from any residential dwellings, heritage assets and other sensitive receptors, will not be absorbed and stimulated into its surroundings, the design will not minimise any visual impact locally, and the appearance would seriously impact upon the visual and residential amenity of the area and form an obtrusive feature.
- The site is within the Tentative World Heritage site wider zone and an appropriate Environmental Impact Statement has not been completed by the appellant.
- Claims that the proposed, 2.6 metre wide monopole is not a modest or minor and increase in height from the existing 11.3 metre tall wooden pole are incorrect as suggested by the appellant. The proposal is significant compared to the existing pole.
- The additional screening proposed by the appellant is a token gesture. The proposed trees will be approximately 3 metres tall which will barely rise above the compounds railings and provide insufficient screening.
- According to ComRegs coverage maps, there is full outdoor 4G coverage for Eir within the targeted area suggested by the appellant. The proposal would provide slightly improved quality of 4G coverage to the very limited number of premises. The technical justification provided relates to indoor coverage, while the regulations governing telecommunications licences do not have a stipulation regarding indoor coverage but are focused on outdoor coverage.
- The need for the proposal is questioned in relation to broadband provision, as National Broadband Ireland are installing cabled high-speed fibre broadband rural Ireland and within the locality of the site. Broadband services are also available via satellite providers.
- The appellant's site location map incorrectly identifies adjacent lands as agricultural use. The observer is in the process of constructing a dwelling and the proposal will adversely impact on the amenity of their site and significant visual impacts on the area.

- If ABP decide that a replacement is necessary, a smaller slim line design of pole is available. Provision for a third operator may not be required as a no letter of support has been submitted from any other operators.

## **9. PA Response**

- The Council provided a further response to update the planning report summarised as follows:
- The site is located on very elevated and exposed lands approximately 283 metres to the north of the Monasterboice Inn (Donegan's), approximately 463 metres to the east of the M1 motorway and approximately 1.2 kilometres to the southeast of Monasterboice graveyard and round tower, which is a Tentative World Heritage Site and an "area of cultural value", as per chapter 9.5 and chapter 3.17.3 and 8.12.2 of the Louth County Development Plan. The site is also located in rural policy zone 1, which is described as an "area under strong urban influence and of significant landscape value" in the development plan. The rural area of Monasterboice is designated as an "area of high scenic quality" (AHSQ2) in the development plan.
- The site is in an environmentally sensitive area due to its high scenic quality and cultural value. The plan states that "it is important that development in these locations is carefully managed in order to preserve these sensitive landscapes".
- The immediate site is visible along the R132 to the southeast, Kieran's Cross Road to the north and the public road to the east from which the top 3m-4m of the existing 11.3 metre high pole is visible on the skyline.
- The new mast is 6.7 metres higher than the existing mast and is of larger scale and width. This will be more visible from the above viewpoints. Due to the sites elevated, prominent, an exposed position on one of the highest parts of the scenic Monasterboice area, and only a short distance of approximately 1.22 kilometres from the Tentative World Heritage Site, the proposal is significantly more obtrusive and prominent than the existing structure and would therefore have an unacceptable and detrimental impact upon the existing visual amenity of the area.

- The visual assessment information has been considered. The Planning Authority is not satisfied that the applicant adequately and comprehensively considered the visual impact of the proposal on the sensitive scenic rural location.
- The Planning Authority has considered the suggested alternative sites and is not satisfied that the applicant has fully explored other possible options, including alternative smaller structures at less visually obtrusive locations in the general area that would provide a similar level of coverage.
- Notwithstanding the shortcomings in 4G and 5G coverage within the area the replacement mast would have a serious negative and detrimental impact on visual amenity and contravenes policy objectives IU 45 and NGB 37 of the plan.
- The proposal will not adversely impact on residential amenity due to significant separation distances from the nearest residential properties.

## **Environmental Screening**

### **10. EIA Screening**

A telecommunication mast/antenna is not a class of development designated in Parts 1 or 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended. Therefore, the requirement for submission of an EIAR and carrying out of an environmental impact assessment may be set aside at a preliminary stage.

### **11. AA Screening**

Having regard to the modest nature and scale of development, location, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **2.0 Assessment**

- 2.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main

issues are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:

- a) Revised proposal.
- b) Visual impacts on local townscape.
- c) Visual impacts on built heritage.
- d) Need for the proposal and alternative sites.
- e) Impact on the residential amenity and other issues.

Each issue shall be considered in turn below.

- a) Revised proposal.

2.2. Within their appeal submission, the appellant has provided additional landscaping details comprising tree planting within the compound area that the telecommunications pole and associated cabinets are located. I consider this revision to be minor in nature and all parties have had an opportunity to review and comment all these details. I consider that no issue of prejudice of any party arises and accordingly the revisions are admissible. I shall therefore consider these revisions within the appeal.

- b) Visual impacts on local townscape.

2.3. National Planning Policy and the Development Plan both support telecommunications provision. However, the policy framework also highlights the importance of protection of built heritage assets and visual amenity. There is disagreement between the parties regarding the visual impact of the proposal. The appellant has sought to demonstrate that no adverse impact will arise through the provision of photomontage supporting information from what they consider to be 12 key views of the appeal site and associated monopole and equipment. The key views will therefore be considered in turn.

2.4. Viewpoint 5 is the closest viewpoint to the appeal site and is located approximately 265 metres east of the site from the adjacent public road. From this viewpoint there are several overhead powerline supporting poles, and the existing telecommunications mast appears as a lower structure than the power line infrastructure. From this viewpoint, the mast and attached equipment appears as a

more significant structure in terms of both height and width. The associated compound would, however, have a limited visual impact as it is not significantly discernible from this location. The structure would be most visible on approach from the east, however there will be limited views of the structure on approach from the public road from the south due to the rising topography and intervening field boundary vegetation and existing buildings.

- 2.5. Viewpoint 6 is located on the R132 public road. The supporting visual states that the distance from the site is 439 metres. However, this distance appears to be incorrect, and I estimate this position to be located approximately 1.44 kilometres due southeast from the site. Notwithstanding this error, I would agree that views of the structure from this location would be significantly restricted given intervening vegetation and landscape features between that the site and this location.
- 2.6. Viewpoint 7 is located closer to the site and also from the R132 public road. The submitted visual information states that the viewpoint is approximately 1440 metres from the site. However, this again appears to be incorrect, and I estimated this viewpoint is approximately 1 kilometre due southeast of the site. Views of the structure from this location would be significantly restricted given intervening vegetation at landscape features between that the site and this location.
- 2.7. Viewpoint 8 is located approximately 420 metres due south of the site on the R132 public road opposite the Monasterboice public house. The existing viewpoint indicates that the top element of the existing mast protrudes slightly above the existing ridgeline of the building. The proposed view indicates that the mast would be significantly higher and evident above the roof of this building. I note that there are several very mature trees located to the right of the proposed mass structure from this viewpoint. These would mitigate views of the structure to a certain degree from this location and for a short stretch to the east broadly along the frontage of the Monasterboice Inn. Viewpoint 1 is included within the supporting visualisation information submitted with the application, which states that this viewpoint is approximately 750 metres southeast of the appeal site and opposite road junction with Sillogue Lane and the R132. The mast would be screened to a degree from this viewpoint due to intervening mature trees and vegetation on the opposite side of the road. However, my site visit analysis indicates that the mast would be readily visible from the R132 along a stretch of both sides of the road from viewpoint 8 southwards

to beyond/southeast of viewpoint 1, to a point broadly adjacent to the junction at the Sillogue road and R132. From and along this section of the R132, the elevated position of the site is apparent together with power line infrastructure and floodlighting associated with the GAA pitch facilities adjacent to the Monasterboice Inn to the east, and southeast of the site. From this viewpoint the existing mast is evident. However, it is relatively successful in integrating within the landscape due to existing power line and floodlighting poles and mature vegetation. Given the larger characteristics of the proposed mast, I consider that the proposal would be significantly evident along this part of the R132 Road. From the junction at the Sillogue road and R132, as you travel southeastwards, views become filtered by the alignment and curvature of the road and mature roadside boundary vegetation.

- 2.8. Viewpoint 4 is annotated within the additional viewpoint information submitted with the appeal by the appellant, however the relevant computer-generated image (CGI) has not been provided. Within the original supporting information provided with the application, the viewpoint is at a different location to the rear of the Monasterboice Inn and associated car parks. From my site visit assessment, I consider that there would also be significant views of the structure from the junction of the New Line road towards the Monasterboice Inn, approximately 250 metres to the southwest of the site. The top element and associated equipment of the existing mast is visible from this location. It therefore follows that the new mast would be significantly evident from this location given the elevated position of the site relative to the R132 Road.
- 2.9. Viewpoint 9 is located within Kieran's Cross road at an approximate distance of 520 metres north of the appeal site. The CGI illustrates the existing mast at the end of this vista and occupying an elevated position above this public road. A number of existing power poles flank each side of the road. The existing and proposed mast are clearly evident from this viewpoint. The proposed mast would be significantly more visually evident in this viewpoint. Site visit assessment indicates that the visual impacts of both the existing and proposed pole become more significant as you travel towards the site and would become a dominant feature within the streetscape, particularly as you approach the curvature in the road and gap between existing dwellings at this location, approximately 250 metres from the appeal site. This is demonstrated by viewpoint 3, which is included within the supporting information

included with the application. I would therefore agree with the opinion of the Council that the visual impacts would be significant in this location.

- 2.10. Viewpoint 10 is approximately 790 metres northeast off the site. This view shows a detached dwelling in the foreground with mature trees to the rear and indicates that neither the existing nor proposed mast are visible from this location. From my site visit I noted that views of the appeal site were possible further to the south of this location due to a gap between buildings and lack of vegetation. This is supported by viewpoint 11, which notes that this viewpoint is approximately 811 metres from the appeal site. From this viewpoint towards the site, the general topography is relatively level. Whilst there is intervening mature field boundary vegetation, the mast would be apparent along this stretch of public road.
- 2.11. Viewpoint 12 is located due northeast, approximately 1185 metres from the appeal site. This viewpoint indicates mature trees and landscaping in the foreground with a dwelling sited within a visual gap between the vegetation. The mast structure is evident in the background of this visual gap. From this viewpoint, I do not consider that the proposal would adversely impact on visual amenity due to the screening afforded by existing vegetation and the mast would only be visible for a short stretch of the public road adjacent and along the frontage of this dwelling.
- 2.12. Following review of these submitted CGI information, I would highlight to the Bord that I do not consider that the suggested viewpoints would constitute all of the critical views of the site following site visit assessment and as discussed above. I would further highlight that whilst the CGI information is helpful, they are not a true representation of the visual impact of the existing mast which is more apparent to the naked eye from on-site assessment. After careful consideration I conclude that the mast would have a significant visual impact on the local landscape for short, medium, and distance views as discussed above.

c) Visual impacts on built heritage.

- 2.13. In this case the Council highlights that the appeal site is within a Tentative World Heritage site, an Area of Significant Landscape Value, and an Area Of High Scenic Quality. The Tentative World Heritage site is an area of cultural value as discussed in chapter 9.5 and chapter 3.17.3 and 8.12. 2 of the plan. The proposal would adversely impact on these assets, and this is supported by the observer. The

appellant, in summary, disagrees that the proposal would adversely impact on these designations and the landscape.

- 2.14. The appeal site is approximately 1.23 kilometres from the Tentative World Heritage site at Monasterboice at the shortest distance. Tentative World Heritage sites are discussed at 9.5 within the plan. Policy BHC19 seeks to “maintain the outstanding universal value of the heritage site of Monasterboice and support its nomination as a UNESCO World Heritage site”. Map 9.3 illustrates the designation, and includes 3 zones (core zone, wider zone, recorded monuments). Whilst not expressly stated within the plan, I interpret the “wider zone” as being an area within which visual impacts and linkages to the cultural asset are possible and therefore subject to the policy requirement of maintaining the “Outstanding Universal Value” as discussed in the policy. I consider that this must be read in conjunction with policies IU 44 and IU 45. IU 44 requires best practice in both siting and design, “in the interests of visual amenity and the protection of sensitive landscapes.” IU 45 expressly states that the Council will “operate a presumption against the location of structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations.” 13.18.3 states “Telecommunication structures on visually sensitive elevated lands will only be considered where technical or coverage requirements mean the infrastructure is essential.”
- 2.15. From site visit assessment of the environs at, and around, the appeal site and the Monasterboice heritage site, I note that there are direct visual links between both sites in that the heritage site is directly visible from the appeal site and conversely the existing mast is visible from the heritage site albeit filtered by vegetation around and between both locations. I note that CGI visual information between both locations has not been provided, and therefore must rely on my site visit assessment. As set out above, I consider that the characteristics of the larger proposed mast would result in a greater visual impact from key views within and around and locality of the appeal site. I therefore conclude that the proposed increased height and design of the proposal would be more readily apparent from the heritage site. Notwithstanding this, the heritage asset would not be visible in conjunction with the proposal from the road network below the appeal site on, and around, the R132. However, it would be viewed in conjunction with the heritage site in the background from various locations on the public road network to the east of



the appeal site just beyond the boundary delineated as the “wider zone” in map 9.3, due to the elevated position of these lands. Given the wording of the relevant policies which seek the “protection of sensitive landscapes”, “operate a presumption against antenna where a serious negative impact on visual amenity of sensitive sites would occur”, and requirement to “maintain Outstanding Universal Value”, I conclude that the policy requires a precautionary approach to development in order to protect the setting of the heritage site and ensure any possible future UNESCO designation is not prejudiced. I also disagree with the appellant this requirement is vague and that “future development of this area should not be held in limbo whilst a designation is under consideration.” The policy does not prevent development. Rather it is a requirement to ensure development is appropriate to the area and would not prejudice a UNESCO designation. It is appropriate to ensure this level of protection through policy given national and local policy requirements to protect heritage and cultural assets, and potential benefits such a designation could provide to the local and wider Council area.

d) Need for the proposal and alternative sites.

2.16. The appellant’s evidence sets out a technical justification for the proposal. It states that their reasoning for the site location is due to “it’s favourable terrain and ability to overlook a large area”. The development will also allow the operators, Eir and Vodafone, to deploy higher capacity 4G and 5G on the site. It would also allow for a future 3rd operator at the site. The evidence goes on to illustrate existing and proposed 4G coverage from the existing and proposed mast structures.

2.17. National and local planning policy and guidance supports the provision and improvement of telecommunications infrastructure and mast sharing by multiple operators. However, in this instance and as discussed above, the national and local policy also requires proposals to be sensitive to landscape and heritage assets within and around any proposed site. The proposed coverage map indicates that the majority of signal coverage improvements would be largely located within an area to the north and east of the appeal site, with sporadic areas of improvement to the northwest, west, and southwest of the M1 motorway. Based on the evidence, I note that the existing provision would not be significantly improved. In this instance, it is not the case that there is a significant deficiency in signal coverage within the local area as delineated in the supporting map. The appellant states that proposal would

facilitate increased capacity for signal coverage in the locality. However, there is no evidence provided to define this capacity improvement. The evidence relies on a broad statement to this effect. I therefore conclude that the benefits of the proposal are not outweighed by the visual impacts on the local area and heritage site.

- 2.18. The evidence states that four alternate options were investigated and that in compliance with each operator's licence, all attempts to utilise any existing telecommunications structures where they represent the optimum environmental solutions. The ComReg site finder mast register was used to search for existing sites in the area which is the most up-to-date source of information. It goes on to state that Eir is already co-located on the nearest three out of four existing telecommunications structures within approximately 4 kilometres of the proposal, excluding the existing structure on site. The evidence refers to a fifth structure close to Eir's existing sites, however it does not indicate this location.
- 2.19. The alternative existing mast installations are located 1.8 kilometres, 2.9 kilometres, 3.25 kilometres, and four kilometres from the appeal site. These have all been discounted for a range of factors including distance from the appeal site, one or both operators already being present, or the locations not being suitable in addressing the deficiencies at the site location.
- 2.20. I note that all of these locations appear to be located outside of the wider zone delineated for the Monasterboice heritage designation. Notwithstanding this alternative location review, I am not satisfied that the location represents the most suitable for the proposal and that solutions outside of the heritage designation wider zone have been fully reviewed and discounted. Whilst I accept on the basis of the supporting coverage map information that there is a degree of deficiency in the area, as discussed above, I do not consider that the need for improved services outweighs the visual impacts of the proposal on the local area and the heritage site.
- e) Impact on the residential amenity.
- 2.21. The observer considers that the proposal will adversely impact on their dwelling, which is currently under construction to the east of the site. Objections largely relate to the visual impact of the proposal when viewed from their dwelling and associated curtilage. The Council concluded that the proposal would not adversely impact on residential amenity.

- 2.22. The appeal site and associated mast structure is located approximately 206 metres to the west of the observer's dwelling. The evidence indicates that views of the current mast is possible from their dwelling. This view is not protected per se, however I have concluded above that the visual impacts of the proposed mast would be detrimental to the visual amenity of the area. The mast and associated equipment would not adversely impact on other amenity in terms of dominance or overshadowing due to the significant separation distances between the sites. Privacy issues do not arise due to the nature of the development.
- 2.23. The observer also considers that an environmental impact assessment should be undertaken for the proposal. As stated earlier in this report, the proposal does not fall within the scope of the EIA regulations and accordingly an assessment is not required in this instance.
- 2.24. The observer also refers to their site being incorrectly labelled as "agricultural land" on the submitted supporting maps. The observer's comments are noted and, in this regard, they are correct in highlighting this issue. However, I have considered the impact of the proposal on the observer's property but do not consider this issue to be significant.
- 2.25. The observer also refers to the proposed planting as mitigation for the visual impact of the proposal, included within the appeal supporting information. This planting comprises trees approximately 3 metres in height within the telecommunications compound. The appellant indicates that this planting would be required to be retained at a maximum height of 3 metres to ensure appropriate operation of the mast and associated infrastructure. The observer comments that this planting would be inadequate to mitigate the visual impacts of the 18 metre mast structure. After careful consideration, I agree with the observer's opinion as the screening would be inadequate to appropriately mitigate the visual impacts of the proposal as discussed above.
- 2.26. I have carefully considered all issues raised within the observation. The remaining issues that have been highlighted are considered in the above assessment.

### **3.0 Recommendation**

- 3.1. Having regard to the above it is recommended that permission is REFUSED for the reason set out below.

### **4.0 Reasons & Considerations**

The proposed development is contrary to policy objectives IU 45 and NBG37 of the Louth County Development Plan 2021-2027 (as varied) in that, due to its excessive height and scale and a lack of screening at this elevated and prominent location, it will have a serious negative impact upon the visual amenity of this area of high scenic quality (AHSQ 2) and the Tentative World Heritage Site of Monasterboice when viewed from the surrounding roads, particularly the R132 to the southeast, Kieran's Cross Road to the north and the local public road to the east. This proposal is therefore contrary to the proper planning and sustainable development of the area.

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 in inappropriate way.

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Richard Taylor  
Planning Inspector  
18<sup>th</sup> March 2024