



An
Bord
Pleanála

Inspector's Report

ABP-318234-23

Development

Planning permission to install a 24 metre multi-user lattice type telecommunications support structure, carrying antenna and dishes enclosed within a 2.4 metre high palisade fenced compound together with associated ground equipment cabinets and associated site works, including a new access track on lands

Location

Mullagha, Rathkenny, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

23761

Applicant

On Tower Ireland Limited

Type of Application

Permission

Planning Authority Decision

To grant permission with conditions

Type of Appeal

Third Party

Appellants

Anne Marie and Bernard Garry

Observer

Amanda Butterly

Date of Site Inspection

28th February 2024

Inspector

Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is located in open, rolling countryside about 9 kilometres to the north of Navan, 8 kilometres to the west of Slane and 1.5 kilometres to the south of Rathkenny Cross. It occupies a position close to the summit of Mullagha Hill.
- 1.2. The site, with a stated area of 0.001 hectares, comprises a square-shaped area in the north-western corner of an agricultural field, together with a strip of land running along the western edge of the field. The eastern and northern boundaries of the field are defined by rows of trees.
- 1.3. Access to the site is via an unpaved farm lane which runs eastwards for about 212 metres and serves two dwellings and several sheds. The land rises by about 20 metres from the road to the upper part of the site.
- 1.4. To the east and south of the site a series of electricity pylons crosses the countryside.

2.0 Proposed Development

- 2.1. It is proposed to erect a 24-metre high lattice support structure on which telecommunications equipment would be installed, comprising antennas, transmission dishes and cabling. Cabinets and related equipment would be contained within a fenced compound.
- 2.2. It is proposed to construct an access track, 3 metres in width and about 135 metres in length, to run northwards from the existing lane to the upper corner of the host field. Vegetation would be cleared and the track laid with granular fill material.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 18th September 2023, Meath County Council granted permission for the proposed development, subject to 10 conditions. These included conditions relating to material finish and colour, decommissioning, obstacle lighting, construction waste and working hours during the construction period.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The planner's report of 21st August 2023 provided the reasoning for the authority's decision. He described the site and the proposed development, set out national and local planning policy and summarised matters raised in third party submissions. Having noted that no pre-planning consultation had taken place, he reached the following conclusions:

- The proposed mast would contribute to a strong and sustainable telecommunications network throughout the County and ensure provision of third, fourth and fifth generation (3G/4G/5G) telecommunications services in the surrounding area.
- The 24 metre high mast would be in an elevated position for maximum network coverage. It would be visible to a certain extent from a number of viewpoints, including in relation to a neighbouring dwelling. It would not have an impact on Protected Views 28 and 27 identified in the Development Plan. The visual impact of telecommunications infrastructure cannot be entirely mitigated. Landscape features would contribute to minimising its impact on the environment. Subject to compliance with conditions, the development would not seriously injure visual and residential amenity or be likely to have significant effects on the environment or ecology of the area. The development is acceptable on balance.
- The proposed development is not of a type listed in Part 1 of Schedule 5 to the Planning and Development Regulations 2001. Whilst it is listed under Part 2, it is significantly sub-threshold development for the purposes of Schedule 7 and would not on its own or cumulatively with other projects result in significant effects on the environment. The need for EIA can therefore be excluded by preliminary examination and a screening determination is not required.

Other Technical Reports

3.2.3. The Council's Public Lighting, Transportation Section had no comments.

3.2.4. The Council's Broadband Officer said there have been ongoing issues with poor mobile services for users of community facilities in the Rathkenny area. While 3G

coverage is generally good, 4G is not at the required levels for good connectivity. 5G services are available for Three and Eir from other sites but coverage is scattered. There is significant merit to a mast at the location proposed.

3.2.5. The Council's Executive Engineer stated that the traffic generated at operational stage would not create a significant increase over that existing. He had no objection to the proposed development.

3.2.6. There was no response from the Council's Environment Section or from its Conservation Officer.

3.3. Third Party Submissions

3.3.1. Eight third party submissions were made to the planning authority. The following concerns were raised:

- Lack of consultation with local residents by the applicant company
- Misspelling of townland name on Council's website
- Absence of an environmental impact assessment (EIA) report
- Alternatives, including co-location of antennae on existing masts
- Negative visual and landscape impacts, including light pollution
- Absence of mitigation measures
- Potential impact on archaeological heritage
- Possible health effects, including on children attending Rathkenny School
- Negative impact on local air quality and noise
- Safety of lane users
- Possible impact on aircraft training
- Impacts on wildlife
- Devaluation of property
- Precedent for similar developments including wind turbines

4.0 Planning History

4.1. None

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Section 6.16 of the Meath County Development Plan 2021-2027 states 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 expansion of these services is key to meeting the needs of the County's population and a modern digital economy.
- 5.1.2. INF POL 56 of the Plan is 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.
- 5.1.3. INF POL 59 is 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.
- 5.1.4. DM OBJ 85 is to avoid the location of structures in sensitive [and] highly sensitive landscapes and where views are to be preserved.
- 5.1.5. HER POL 52 is to protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007), to ensure that new development meets high standards of siting and design.
- 5.1.6. Appendix 5 to the Plan comprises the Landscape Character Assessment. The application site falls within the Rathkenny Hills Very High Value Landscape Character Area 4 (LCA 4), which is rated as having high landscape sensitivity and regional

landscape importance. The area is described as having low potential capacity to accommodate new overhead cables, masts or substations. A large overhead pylon line which crosses the area is described as a significant visual detractor and it is stated that it would be difficult to accommodate and mitigate against the adverse effects of further development of this type. It is recommended that the visual quality of the hill slopes is maintained as the critical setting for the Boyne River Valley by appropriate siting of new development in visually unobtrusive sites with boundary treatments specific to this LCA.

5.1.7. HER OBJ 50 is to require landscape and visual impact assessments prepared by suitably qualified professionals to be submitted with planning applications for development which may have significant impact on LCAs of medium or high sensitivity.

5.1.8. HER OBJ 56 is to preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6 and to protect these views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape. The identified protected views include:

27. South east from county road between Horistown and Creewood II; and

28. North east from county road between Rathkenny and Dreminstown.

5.1.9. HER POL 3 is to require, as part of the development management process, archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate, for development in the vicinity of monuments or in areas of archaeological potential. Where there are upstanding remains, a visual impact assessment may be required.

5.1.10. HER OBJ 2 is to ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential is sited and designed in a sensitive manner with a view to minimal detractor from the monument or its setting.

5.2. National Guidelines

5.2.1. The 1996 Telecommunications Antennae and Support Structures Guidelines contain the following requirements:

- Areas legally designated for environmental conservation must be given the required protection when considering planning applications for mobile telephony infrastructure. Accordingly, fragile landscapes have to be treated

sensitively, scenic views preserved, archaeological/geological sites and monuments and buildings of historical and architectural interest protected and sacred areas respected.

- In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. Proximity to archaeological sites and other monuments should be avoided. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc. as a screen or backdrop. Some masts will remain quite noticeable in spite of the best precautions.
- In upland/mountainous areas hilltops will be favoured by operators as offering the best location from the point of view of radio coverage. Masts on hilltops will by definition remain visible. Yet, if an authority were to rule out every hilltop as a possible location, the consequence would be that the operator might not be able to service the area or that a number of structures might be required to provide the same level of service. In the latter case visual intrusion might be increased rather than diminished.
- Where there is an existing mast every effort should be made to share it provided the shared mast is not itself unduly obtrusive.
- In the vicinity of airports, the Irish Aviation Authority should be given an opportunity to comment on the application from the point of view of location, height-obstruction, painting and illumination.

5.2.2. Circular Letter PL 07/12 advises that planning authorities should not determine planning applications on health grounds. They should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.

5.3. Natural Heritage Designations

5.3.1 The application site is not subject to any national heritage designation. According to Tables 8.2 and 8.3 and Map 8.3 of the County Development Plan, the closest Natura

2000 sites are the River Boyne and River Blackwater Candidate Special Area of Conservation and the River Boyne and River Blackwater Special Protection Area, both of which are located about 6 kilometres from the application site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The following arguments were presented on behalf of the appellants, Anne Marie and Bernard Garry, who live in close proximity to the application site:

- The application is invalid since it fails to comply with Article 23(1) of the Planning and Development Regulations 2001. Although there are severe changes of level within the site, the layout plan doesn't show the level or contours of the land and the proposed structures relative to Ordnance Survey datum or a temporary benchmark. The elevation drawings show measurements relative to ground level at the base of the proposed structure but the relationship between the elevations and the layout drawings can't be established. There are no elevations or sections showing the proposed mast in the context of nearby features such as houses, pylons and the access road.
- This proposed development requires EIA screening at least under Paragraphs 10(dd) and 15 of Part 2 of Schedule 5 to the Planning and Development Regulations 2001. EIA is mandatory for private roads exceeding 2000 metres in length. In this instance a private road of 140 metres is proposed, therefore sub-threshold EIA screening is required.
- The competent authority must examine the project having regard to the selection criteria in Schedule 7. Having regard to the precautionary principle by reference to which the EIA Directive 2011/92/EU falls to be interpreted, a risk of significant effects arises where it cannot be excluded, on the basis of objective information, that a project is likely to have such effects.
- While the Regulations provide for preliminary examination of sub-threshold projects on a case-by-case basis, there is no specific provision in the Directive for this. The examination must be done according to the EIA screening procedure which requires the developer to submit the information required

under Schedule 7A. In *Shadowmill Limited v An Bord Pleanála* [2023] IEHC 157, at Paragraph [59], the High Court indicated that “*The difference between preliminary examination and EIA screening lies in the depth of inquiry*” rather than in the criteria to be taken into account. The environmental sensitivities of the location do not allow for the possibility of excluding EIA screening.

- The technical justification report submitted with the application says the development would provide voice and high-speed data services to the areas surrounding Glackenstown (about 3.6 kilometres to the north west of the site). The report is misconceived about the mast location or the location of the coverage; alternatively, there is no explanation as to why a mast at Mullagha is proposed to serve Glackenstown when closer locations would be more suitable.
- Operators no longer own the structures on which their infrastructure is mounted. While there is a report from Three concerning Glackenstown, there is no documentary evidence from the owners of the other structures in the area about the availability or suitability of alternative locations. A mast designed to accommodate two operators should have evidence from two operators to demonstrate the need for it.
- The Landscape Institute’s Guidelines for Landscape and Visual Impact Assessment (LVIA) emphasise the importance of scoping in consultation with the planning authority, but no pre-application consultation took place. The applicant’s visual appraisal does not consider impact in winter when there is less screening from foliage. There is no information on the identity and qualifications of the person or persons who carried out the appraisal. Contrary to best practice set out in the Institute’s Guidelines, the appraisal doesn’t have separate assessments of landscape as a resource and of the visual impact on people and a cumulative assessment of those factors.
- Mullagha Hill is more than 150 metres above sea level. It is the highest location in the wider area and visible from the Hill of Slane, Hill of Tara, Hill of Skryne, the Boyne Valley and the Hill of Lloyd to the east of Slane. The photographs in the applicant’s visual impact appraisal do not give an accurate, complete or objective view of the site. Its prominence is downplayed as well as the impact

of the pylon line which runs close by. The appraisal does not assess the impact on the protected views and prospects identified in the Development Plan.

- The appellant's solicitor submitted photographs, including views from the south at the junction between the Castletown and Rochestown Roads and from the north at Rathkenny Cross Roads and Rathkenny School. The pylons are visible from Mullagha Hill and from north and south of the application site. The mast would be highly prominent when seen from the north. It would further degrade the landscape, which does not have the capacity to absorb this kind of infrastructure, particularly given the difficulties in achieving mitigation.
- There is no evidence that the Council's planner used an accepted methodology for the review such as the Landscape Institute's Technical Guidance Note 1/20. While he reached conclusions in relation to Protected Views 27 and 28, he ignored the other protected views and prospects in the area.
- Attention is drawn to the Board's decision referenced 312466-22 whereby it refused permission for agricultural sheds at Bellewstown, Co. Meath citing the lack of a LVIA. Meath County Council refused permission for a mast at Dromconrath in the absence of a LVIA (21/561).
- The site is very close to a rath or earthwork which is listed on the Record of Monument and Places. The outline of the earthwork is visible on the ground. Although the application site is stated to be 107 metres from the centre of the earthwork, it is estimated to be about 60 metres from the nearest part. The archaeological site is among five recorded in the townland of Mullagha.
- It is stated in the applicant's cover letter that because of distance the proposed structure is not expected to have an adverse impact on the setting of the archaeological sites. This does not follow because the construction of a roadway and structure would entail disturbance of ground which has not been surveyed for its archaeological significance. In the absence of an archaeological assessment, the Board has not been provided with sufficient information to enable it to grant permission.

6.2. Applicant Response

6.2.1. The following arguments were presented on behalf of the applicant company:

- The drawings lodged with the planning authority were sufficient to meet the requirements of Article 23(1) of the Planning and Development Regulations 2001. The site was surveyed using antenna, software and a geoid model which provides the Ordnance Survey datum or elevational reference point. The elevation height where the installation is proposed is recorded as 150 metres. Three additional points are shown on the site location map, demonstrating the changes in level along the route of the proposed access track. The application drawings were deemed valid by Meath County Council as competent authority.
- The proposed development is of a type and scale that does not require EIA. It is sub-threshold development. Details contained in the application and updated in this response are sufficient to allow the authority to decide whether the project is likely to have significant effects on the environment. Meath County Council has decided that it is not.
- On Tower Ireland Limited provides telecommunications infrastructure services and support. It has significant commercial relationships with every mobile network operator in the State, namely Three, Vodafone and Meteor/Eir, in addition to radio, broadband and emergency communication service providers. Whilst managing its existing portfolio of 1,150 sites in Ireland, the applicant plans to add new developments to facilitate the provision of broadband in blackspot areas and higher transmission speeds in urban and rural areas.
- The planning application represents a commitment by On Tower to provide space to the operators Three Ireland (Hutchinson) Limited. All other operators would be offered space to co-locate services on the site, thereby providing a choice of good quality mobile and broadband services to the local community.
- A technical report by a Three Ireland radio engineer demonstrated that there is a coverage blackspot in the area surrounding Glackenstown and that the wider area has deficient broadband services. There are no existing antenna support structures or telecommunications base stations in the area to meet Three's coverage objectives. All existing support structures have been ruled out for co-

location as all but one already host Three. The other site, about 7 kilometres to the west of the application site, would be unable to cover the target area.

- The Commission for Communications Regulation has made available an online outdoor mobile phone coverage map. Outdoor coverage provided by Three, Vodafone and Eir is identified as fair and there are areas of no coverage surrounding the site.
- The applicant develops sites only where there has been an expression of interest from operators. The expenditure involved is high. The applicant and operators would not deploy unnecessary duplicate infrastructure in locations where opportunities already exist to co-locate equipment. The applicant and its property team identified this site as the best candidate in this search ring to meet the requirements of planning, radio coverage and legal tenure. No other candidate was considered.
- The site is in LCA 4 – Rathkenny Hills, which is listed as having low capacity to accommodate masts. The visual impact of the installation was appraised in the application documentation, which included photomontages. The appraisal predicted that visual impact would be to an acceptable standard for the development type. The development would be exposed in close-range views along the access road. Both close and distant views would be screened by mature trees and hedgerows in the wider area, which would limit the visibility of the installation and assist in integrating it into the landscape.
- Photomontages were produced for 14 viewpoints to demonstrate a sample of the expected impacts. It was found that the development would have a moderate/significant negative impact when seen from the farmyard of the site provider and a moderate negative impact from in front of his residence. It would also have a moderate negative impact from School Road, Rathkenny and from a local access road to the south. It would have a slight/moderate or slight negative impact from four other viewpoints. The visual impact from the remaining six viewpoints was found to be neutral.
- There is no requirement under local or national policy to undertake LVIA's for small-scale telecommunications installations. The planning authority assessed the development against the correct LCA and sensitivity and decided that the

visual impact was acceptable. Had the authority deemed that an LVIA was necessary, then it should have issued a further information request. It is not reasonable within the four weeks given for an appeal response to commission such a document.

- The application site is not located on or within the curtilage of a protected structure or listed monument. An earthwork was identified about 107 metres to the north east. The Archaeological Survey of Ireland notes that it is situated at the crest of the west-facing slope of Mullagha Hill. A small circular enclosure with a diameter of about 15 metres is depicted faintly on the 1836 edition of the Ordnance Survey 1836 map where it is annotated as a “Fort”. This is a slightly raised rectangular and grass-covered area defined by scarps. .
- A ring fort is located about 373 metres to the south east of the proposed tower location. The Archaeological Survey states that the crop mark of a circular enclosure with a diameter of about 30 metres, defined by a single fosse with a wide entrance, is visible on an oblique aerial photograph from July 1967 when cereals were being grown in the field. It has not appeared on other aerial images taken when the field was under grass.
- The application site is outside the zone of notification for both these monuments as delineated on heritagemaps.ie, therefore there would be no direct physical impacts on these monument sites. As a precautionary measure and in line with good practice, construction activities would be strictly confined to the development area to avoid disturbance of ground.
- Meath County Council determined that there was no requirement to undertake an impact assessment in relation to local archaeology. Should the Board consider it necessary, the applicant would accept a condition requiring it to engage an archaeologist to undertake archaeological monitoring in accordance with an application for licence under Section 26 of the National Monuments (Amendment) Act 1930.

6.3. Planning Authority Response

- 6.3.1. The planning authority was satisfied that all relevant matters outlined in the applicants' appeal submission were considered in the course of its assessment of the planning application as detailed in the planner's report.

6.4. Observations

- 6.4.1. Mark and Amanda Butterley of Mullagha, Slane made the following observations:
- According to the EIA Directive, a prospective developer must prepare an EIA report setting out details of the project and its likely effects on the environment, including archaeological heritage. There is no EIA report with this application.
 - Fibre broadband is currently in the roll-out phase in the area. Network build is in progress with anticipated delivery dates of April to June 2024 in Mullagha. Broadband and mobile phone coverage are available. There are four telecommunications masts in the area serving Vodafone, Three and Meteor/Eir mobile providers. Two of these masts are closer to Glackenstown than the proposed mast would be. Co-location of antennae on the existing masts in the area does not seem to have been considered as an alternative to the proposed development. This was cited by Meath County Council as a reason for refusing the proposed mast at Dromconrath (21/561).
 - The applicant has not carried out a LVIA. Meath County Council refused permission for the proposed mast at Dromconrath because there was no LVIA, but granted permission in this case.
 - The Council's decision did not take into account that the site is part of the Rathkenny Hills LCA, which is classified as of very high landscape value in the Development Plan. Mullagha Hill, the fifth most prominent hill in Co. Meath, is steeped in history and has scenic views of seven counties. The tower would be located on an elevated site and dominate the landscape. It would be seen above the natural tree line for miles around and would no doubt be an eyesore.
 - The application cover letter acknowledges that the development would have a negative impact from multiple viewpoints. This type of development should be prohibited to protect the hill and townland for future generations. Reference

was made to the Board's decision 313462-22 refusing permission for a 36 metre high telecommunications structure at Blundelstown, Navan.

- No archaeological impact assessment was carried out. The application site is in the vicinity of five registered several historic monuments in the townland, including a standing stone, a ring fort, two enclosures and an earthwork.
- Navan Airfield is situated about 3 kilometres to the south of the application site. It operates as a recreational flying club and as an aviation training facility whose flight path crosses Mullagha regularly. No consultation with the Irish Aviation Authority is documented in the application. The owners of the airfield have not been consulted by the proposed developers.

7.0 Assessment

7.1. Issues

7.1.1. Having inspected the site and considered in detail the documentation on file for this Third Party appeal, it seems to me that the main planning issues are:

- the validity of the application;
- whether EIA screening is required;
- the need for the proposed development;
- visual and landscape impacts;
- impact on archaeological heritage;
- health effects;
- aircraft safety;
- impacts on local air quality and noise, on the safety of lane users, on wildlife and on property values, and precedent for similar developments.

7.1.2 I must also consider whether an appropriate assessment (AA) is required pursuant to the European Union Habitats Directive.

7.2. Validity of the Application

- 7.2.1. Site location maps at 1:2500 scale and 1:500 scale were submitted. They show the elevation above sea level at the entrance to the farm lane; at the start of the proposed access track; at four points along the access track; and near to the base of the proposed structure. A third site location map, at 1:10,560 scale, shows local contours, albeit measured in feet rather than metres. An Ordnance Survey map at 1:50,000 scale was also submitted, which shows contours in metres in the wider area surrounding the application site.
- 7.2.2. The elevation drawings show the heights of the proposed structure, equipment, cabinets and compound in relation to existing ground level at a point about 9 metres away from the point marked 150 metres above sea level on the site layout plan. It would have been preferable had the 150-metre contour been used as a benchmark. However, when I inspected the site, I did not discern any difference in level between the two points that would materially affect the assessment of visual impact.
- 7.2.3. The statutory requirement to show the main features of any buildings which would be contiguous to the proposed structure does not apply in this instance as there are no such buildings. There is no statutory requirement to show the proposed mast in the context of pylons and the access road.
- 7.2.4. The validity of a planning application is a matter for consideration by the planning authority. In this instance, the Council accepted the application as valid. In my opinion, the Council's judgement was not unreasonable.
- 7.2.5. The planning application appeared on a list of forthcoming decisions published by the Council with the address stated as "Mullaga, Rathkenny, Co. Meath". I am not persuaded that anyone would have been misled by the omission of the letter "h" from the townland name. I do not accept that this minor spelling mistake rendered the application invalid. The application, with the correct address, can be found by using the Search Planning Applications Online facility on the Council's website.

7.3. EIA Screening

- 7.3.1. Part 10 of the Planning and Development Regulations 2001 implements provisions of the European Union EIA Directive. Schedule 5 to the Regulations specifies classes of development which require EIA. A telecommunications structure does not fall into any class in Schedule 5. However, by virtue of Class 10(dd) in Part 2 of Schedule 5, all private roads which would exceed 2000 metres in length require EIA. The proposed new access track with a length of about 135 metres is sub-threshold development.
- 7.3.2. Article 109 of the Planning and Development Regulations states that where an appeal relating to a planning application for sub-threshold development is not accompanied by an EIA report, the Board shall carry a preliminary examination of, at the least, the nature, size or location of the development. Where the Board concludes, based on such preliminary examination, that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required. Where it concludes that there is significant and realistic doubt in regard to the likelihood of such effects, it shall require the applicant to submit to the Board the information specified in Schedule 7A for the purposes of a screening determination.
- 7.3.3. The proposed 3 metre wide access track would run uphill along the edge of the host field to the proposed telecommunications structure. It would be an ancillary part of the overall development and would be a minor feature in the landscape. I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. I therefore conclude, following preliminary examination, that an EIA is not required and there is no requirement for a screening determination.

7.4. Need

- 7.4.1. The Meath County Development Plan and the 1996 Telecommunications Antennae and Support Structures Guidelines are favourably disposed to the orderly development of telecommunications infrastructure, subject to environmental constraints. INF POL 59 of the Plan encourages co-location of antennae on existing support structures and requires documentary evidence as to the non-availability of this option when proposals are submitted for new structures. The 1996 Guidelines also advocate mast sharing.
- 7.4.2. I see no reason to doubt the accuracy of the mobile phone coverage maps posted online by the Commission for Communications Regulation, which indicate that outdoor coverage is fair and there are areas of no coverage adjacent to the application site.

The radio engineer's report demonstrate that co-location of antennae on the existing masts in the area was considered as an alternative to the proposed development but was ruled out because they already host the prospective operator or are too far away to cover the target area. I am not convinced that the absence of corroborating documentary evidence from other operators in the area weakens the applicant's case.

- 7.4.3. The Council's Broadband Officer confirms that mobile services for users of community facilities in the Rathkenny area has been poor and sees significant merit in the proposal to install a mast at the location proposed. I conclude that a need for the development has been established but must now be balanced against its potential detrimental effects.

7.5. Aircraft Safety

- 7.5.1. Although the potential impact of the proposed telecommunications structure on the nearby Navan Airfield was drawn to the attention of the planning authority, it seems not to have consulted the Irish Aviation Authority in accordance with the 1996 Guidelines. The authority has however attached a condition to its decision requiring the fitting of suitable obstacle lighting. The prospect of the structure being illuminated must be taken into account in assessing its visual and landscape impact.

7.6. Visual and Landscape Impacts

- 7.6.1. It is a policy objective of the Council to require LVIA's to be submitted with planning applications for development which may have significant impact on LCAs of high sensitivity. In this instance, the planning authority was content to assess the applicant company's proposals taking account of its visual impact appraisal, which contained existing and expected views from 14 locations. A detailed analysis of the impacts from those vantage points is provided in the applicant's response evidence. Also on file are 30 photographs taken from five viewpoints by the appellants' solicitor and three taken from different viewpoints in the course of my own site inspection, which was carried out in winter.
- 7.6.2. The Landscape Institute's Guidelines for LVIA do not have a statutory status but represent professional best practice. In my opinion, the failure of the applicant's visual impact appraisal to comply with every recommendation in the Institute's Guidelines does not lead automatically to the conclusion that permission must be refused.

- 7.6.3. In the previous planning decisions cited as precedents where permission was refused because in the absence of a LVIA, the decision maker could not be satisfied that the proposed development would not harm the character of the landscape and the visual amenity of the area. In this instance, I am content that there is enough information available to the Board about landscape and visual impacts to enable it to take a well informed decision.
- 7.6.4. As the application site does not lie to the south east of the between Horistown and Creewood or to the north east of the road between Rathkenny and Dreminstown, the proposed installation would not affect Protected Views 27 and 28 identified in the Development Plan. The appellants have suggested that there are other protected views and prospects in the area but as they have not specified where they are, I am unable to make an assesment.
- 7.6.5. In the course of my inspection, I observed that the area surrounding the application site comprises a gentle, undulating, intimate landscape in which trees and hedgerows are strong elements. The pylons and associated wirescape detract from the area's appearance and it is not surprising that the Landscape Character Assessment appended to the Development Plan cautions against further development of this type. However, the current proposal is not for another row of pylons and must be assessed on its own merits. I agree with the planning authority that though the visual impact of telecommunications infrastructure cannot be entirely mitigated, landscape features would help to minimise the impact of the proposed installation on the environment.
- 7.6.6. It is inevitable that a 24 metre high mast placed near the top of a hill would be visible from a number of viewpoints. I am satisfied that the expected views illustrated in the photomontages portray a representative sample of impacts. The installation would be detracting feature in close-up views and from certain more distant places to the north and south where there are open views, especially at night if a red obstacle light were fitted. I conclude that the development would to some extent be detrimental to the visual amenity and landscape character of the area.
- 7.6.7. While the proposed installation would not be fully integrated into the landscape, it would be obscured by vegetation throughout the year from many places in the locality. It is an exaggeration to say that it would be seen for miles around and would dominate the landscape.

- 7.6.8. There is tension between two provisions of the County Development Plan – INF POL 56 to promote orderly development of telecommunications infrastructure and HER POL 52 to protect and enhance the quality, character, and distinctiveness of the landscape. It seems to me that the task of the Board as decision maker is to strike a reasonable balance between these conflicting factors.
- 7.6.9. In considering how best to advise the Board, I am mindful of the statement in the National Telecommunications Antennae and Support Structures Guidelines that if every hilltop were ruled out as a possible location, the operator might not be able to service the area or a number of structures might be required to provide the same level of service, in which case visual intrusion might be increased rather than diminished. In the final analysis, I conclude that the need for the proposed development outweighs the limited detriment to visual amenity and landscape character.

7.7. Impact on Archaeological Heritage

- 7.7.1. The Heritage Council's website heritagemaps.ie records eight sites and monuments in the townland of Mullagha. They are depicted by dots with circles round them. These circular zones do not define the extent of the monuments, nor do they define buffer areas beyond which ground disturbance should not take place. They merely identify areas of land within which it is expected that monuments are located.
- 7.7.2. All but one of the sites and monuments in the townland are located well to the south of the farm lane from which access to the installation would be taken and too far away from the application site to be affected by the development. The remaining heritage asset, described as an earthwork with a diameter of 15 metres, is located in the eastern part of the field which lies to the north of the site. The site and the field to the north are separated by a strong line of trees. The appellants have suggested that the application site could be as close as 60 metres from the enclosure. Even at that distance, the development would have no physical impact on the monument.
- 7.7.3. The appellants have pointed out that construction of the access track and structure would disturb ground which has not been surveyed for its archaeological significance. As a precautionary measure, a condition could be attached to any permission requiring archaeological monitoring of construction works and supervision of any agreed preservation measures. I consider that such a condition would overcome the objections to the proposed development on archaeological grounds.

7.8. Health Effects

- 7.8.1. It is not unusual for concerns to be expressed about the health effects of telecommunications equipment, particularly on children. However, Circular PL 07/12 advises that planning applications should not be determined on health grounds, as health matters are regulated by other codes. Accordingly, I consider that the health effects of the proposed installation need not engage the attention of the Board.

7.9. Other Impacts

- 7.9.1. Third party submissions addressed to the planning authority expressed concern about additional traffic in the locality having negative impacts on wildlife, on local air and noise quality, and on the safety of lane users. The third parties were concerned about the amount of non-biodegradable construction materials involved and the need for equipment shelters, lighting systems and generators.
- 7.9.2. Extra traffic and temporary disruption are unavoidable while construction works are going on but I accept the Council Engineer's view that traffic generation at operational stage would not be significant. A condition of the Council's decision restricts working hours during the construction period. Another condition could be attached to require the submission and implementation of a construction environmental management plan. In my opinion, such conditions would adequately protect public health and the residential amenities of the area during the construction stage.
- 7.9.3. Another third party submission stated that the application site is adjacent to a wooded area which is home to nesting birds of prey, including protected species. It suggested that the mast would be in their flight path and would also impact on pheasants and deer. However, no detailed evidence was submitted to demonstrate a significant likelihood of serious harm being caused to birds or deer as a result of the presence of the proposed development. I therefore attach little weight to these concerns.
- 7.9.4. Whereas the proposed development would bring about a relatively minor reduction in the visual amenity of the residents of a small number of properties in the area, in the absence of detailed evidence, I am not persuaded that it would have a substantial effect on property values.
- 7.9.5. Every application site has its own individual characteristics and I do not accept that granting permission for the proposed installation would create a precedent for other

telecommunications installations elsewhere, let alone for wind turbine developments, which raise of a variety of other issues.

7.10. **Appropriate Assessment Screening**

- 7.10.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and the distance from any Natura 2000 site, it is possible to screen out the requirement for the submission of a Natura impact statement and the carrying out of an AA at an initial stage.

8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to the conditions set out below.

9.0 **Reasons and Considerations**

Having regard to the Meath County Development Plan 2021-2027, INF POL 56 to promote orderly development of telecommunications infrastructure and HER POL 52 to protect and enhance the quality, character, and distinctiveness of the landscape, and to the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), it is considered that the need for the proposed installation outweighs the limited detriment to visual amenity and landscape character and that a grant of planning permission would be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	<p>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 shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Details of a colour scheme for the telecommunications support structure and all associated structures and equipment shall be submitted to and agreed in writing with the planning authority prior to the commencement of development, and the agreed colour scheme shall be applied to the structures and equipment upon erection.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>A low intensity fixed red obstacle light shall be fitted to the mast and shall be visible from all angles in azimuth. Details of this light, its location on the mast, and the lighting sequence shall be submitted to and agreed in writing with the planning authority prior to the commencement of development, and the light shall be installed and operated in accordance with the agreed details.</p> <p>Reason: In the interest of air traffic safety.</p>
4.	<p>Prior to the commencement of any works associated with the development, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate proposals for the collection and disposal of construction waste, the housing of equipment, lighting, and noise, dust and vibration control. The agreed CEMP shall be implemented in full.</p> <p>Reason: In the interest of residential amenities, public health and safety.</p>
5.	<p>Site development and building works shall be carried out between the hours of 8.00am and 6.00pm on Mondays to Fridays inclusive, between 8.00am and 2.00pm on Saturdays, and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the residential amenities of properties in the vicinity.</p>
6.	<p>The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to monitor all site clearance works, topsoil stripping and groundworks. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological</p>

	<p>interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation of objects of archaeological interest.</p>
7.	<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>
8.	<p>The telecommunications structure shall be made available on reasonable terms for the provision of mobile telecommunications antennae by any licensed telecommunications operator who wishes to co-locate.</p> <p>Reason: To avoid the development of a multiplicity of telecommunications structures in the area, in the interest of visual amenity.</p>
9.	<p>In the event of the telecommunications mast and antennae ceasing to operate for a period of six months, the telecommunications support structure, all associated structures and equipment and the access track shall be removed at the owner's expense and the site shall be returned to its original condition within six months of their removal.</p> <p>Reason: In the interest of visual 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.



TREVOR A RUE

Planning Inspector

14th March 2024