



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319633-24

#### Development

To erect a 21-metre-high monopole telecommunications and all associated site works.

#### Location

Saint Patrick's GFC Lordship,  
Rampark, Jenkinstown, Dundalk, Co.  
Louth

#### Planning Authority

Louth County Council

#### Planning Authority Reg. Ref.

2460032

#### Applicant(s)

Vantage Towers Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant

Lisa Treanor.

#### Observers

- Terrie and Lorcan Hughes
- Brian Treanor
- Iain Brown- Hovelt
- Elizabeth Hughes

- Nicola Jordon
- Lisa Finnegan
- SN Muire, Board of Management
- David and Kathleen Hanlon
- Sandra and Peter Carroll
- Thomas and Lorna Keenan
- Marion Ronan
- Teresa Finnegan
- Sarah Finnegan
- Yvonne Finnegan
- Sean and Olivia Finnegan
- Grace Finnegan
- John Finnegan
- Fintan and Mairead Brennan.
- Colm and Helen Finnegan
- William Murphy
- Stephanie Murphy
- Tommy and Celia Keenan
- Ross McElwain
- Martin Murphy
- Jenny O'Connell
- Justin McArdle
- D.J O'Hanlon and Wayne Gough
- Nicola Hanlon
- Anne Marie Roddy

**Date of Site Inspection**

16<sup>th</sup> October 2024.

**Inspector**

Lucy Roche

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## **1.0 Site Location and Description**

- 1.1. The appeal site falls within the grounds of Saint Patrick's GFC in the settlement of Lordship, on the Cooley Peninsula in north County Louth. It lies to the north of the R173 Dundalk-Greenore Road, c. 9km east of Dundalk and c. 1km north of coast at Dundalk Bay.
- 1.2. Lordship is a small village with a population of c. 500, the settlement pattern for which roughly follows the route of the R173, branching off along the minor arms of the regional road. St. Patrick's GFC occupies a central position within the settlement. Surrounding land uses comprise a mix of mainly residential and community uses, including Rampark National School directly to the south of the GFC grounds, c90m from the appeal site and a childcare facility and playground within the GFC grounds. The residential developments of Railway Village and Railway Crescent border the western end of GFC grounds. The closest residential property to the appeal site lies c. 120 metres to the east.
- 1.3. The site itself comprises an area of approximately 25sqm (0.0025ha) and is to the north of an existing playing pitch. The area currently accommodates an 18-metre-high flood light that is positioned on the southern slope of a grassed mound that extends partially along the northern boundary of the GFC grounds. The main clubhouse building is located c. 50 metres to the southwest while a covered viewing stand is sited c. 30 metres further east along the boundary. The site is accessed via the GFC grounds.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a 21-metre-high monopole telecommunications support structure with antennas, dishes and associated telecommunications equipment.
- 2.2. The proposal is to remove an existing 18-metre-high flood light and replace it with the new monopole structure. The floodlights are to be reinstalled on the monopole at the original 18-metre-high level. The additional 3 metres above the flood light will accommodate the antenna and supporting equipment.

- 2.3. The monopole structure is to be placed on a concrete base (c.5m x 5m) that is to be built into the existing grassed mound at ground level thus necessitating a retaining wall and railing along the western, northern and eastern edges of the base. The structure and compound are designed to house equipment for Vodafone.
- 2.4. Access to the site will be gained through the main entrance to the GFC grounds via an existing track.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following an initial request for further information, the planning authority on the 4<sup>th</sup> of April 2024 issued a notification of its decision to grant permission for the proposed telecommunications structure subject to six conditions. The conditions are standard for a development of this nature.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- The initial report of the Local Authority Case Planner (March 2024) has regard to the locational context of the site, to national and local planning policy and to the third-party submissions and interdepartmental reports received.
- Part 2 of the report considers Environmental Impact Assessment and Appropriate Assessment. It concludes that the project is not a relevant Class for the purposes of EIA and that no appropriate assessment issues arise.
- Part 3 of the report comprises the main assessment. The Case Planner is satisfied that the structure can be accommodated at the subject site. The report has regard to Policy IU42 of the LCDP which requires co-location of antennae support structures. The report notes that permitted telecommunication structures to the west of the subject site were not considered for co-location. The report concludes with a recommendation that further information be sought on this issue.

- The second report of the Local Authority Case Planner (April 2024) has regard to the further information received on the 11<sup>th</sup> of March 2024. The Local Authority Case Planner accepted the applicant's position that permitted telecommunication infrastructure to the west of the subject site are unsuitable due to the separation distances involved and the fact that the proposed site at Lordship is at a higher level than the permitted mast sites. The requirement for a mast at this location was accepted. The report concluded with a recommendation to grant permission subject to condition.

### 3.2.2. Other Technical Reports

- Placemaking and Physical Development – No Objections (subject to condition)
- Environment - No Objections subject to condition

### 3.2.3. Prescribed Bodies

- None

## 3.3. Third Party Observations

The Planning Authority received five third-party submissions. The issues raised are similar to those set out in the grounds of appeal and can be summarised as follows:

- Impact on residential amenity by way of visual intrusion and reduction in property values
- Lack of justification for a mast at this location and failure to consider other more suitable sites / co-location.
- Proximity of the development to residential properties, schools, community sports and play facilities
- Visual impact of structure
- Risks to human health, animals and the natural environment
- Lack of EIA and AA screening report

## 4.0 Planning History

- None of relevance

## 5.0 Policy Context

### 5.1. Louth County Development Plan 2021-2027

- 5.1.1. The site is located within the designated boundary of the level 5 settlement (Rural Node) of Lordship. The lands are not subject to any land use zoning objective.
- 5.1.2. Volume 2 of the LCDP contains a Settlement Boundary and Flood Map for Lordship. As per the details provided, the site is not within a flood zone.
- 5.1.3. Chapter 10, Section 10.4.2.4 deals with Telecommunications Support Structures and Antennae:

The Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a successful economy and accepts the critical importance of a high-quality telecommunications service at national, regional and local level. Deregulation of the telecommunications industry has resulted in both choice and competition in conjunction with duplication and over provision of facilities. While the advantages of a high-quality ICT infrastructure are acknowledged, these must be balanced against the need to safeguard both the urban and rural landscape, which can be significantly impacted due to the physical nature of these structures. Visual impact should be kept to a minimum with detailed consideration of design, siting and scope for utilising landscaping measures effectively.

#### *Noted Policy Objectives:*

- 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.
  
- IU 47            To encourage service providers to engage in pre-planning discussions with the Planning Authority prior to the submission of planning applications.

5.1.4. Chapter 13, Development Management Guidelines notes the following in respect of Telecommunications Structures:

The importance of high-quality telecommunications infrastructure in maintaining economic competitiveness and providing connectivity for businesses and communities is recognised.

The assessment of any application for telecommunications structures will have regard to the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996 and Circular Letter PI07/12 published by the DECLG in 2012. The co-location of existing structures is encouraged.

The construction of a new antennae or structure will only be considered when co-location is not a feasible option. Any proposal for a new structure or antennae will



require a supplementary report setting out the requirements for the infrastructure and why co-location is not feasible.

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. A Visual Impact Assessment of the development including photomontages, may be required, depending on the nature of the development proposed. 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. Palisade fencing will not normally be considered acceptable, particularly in built up areas.

## **5.2. National Planning Framework – Project Ireland 2040**

- 5.2.1. Objective 24 – *‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’*

## **5.3. Guidance / Circulars**

- 5.3.1. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

The ‘Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures’ (1996) set out government policy for the assessment of proposed new telecommunications structures (‘the 1996 Guidelines’). The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.

Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds,

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

The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

The Guidelines state that the approach will vary depending on whether a proposed development is in:

- a rural/agricultural area.
- an upland/hilly, mountainous area.
- a smaller settlement/village.
- an industrial area/industrially zoned land; or
- a suburban area of a larger town or city.

The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

#### DoECLG Circular Letter PL07/12

- 5.3.2. This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, 'Planning authorities 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’.

5.3.3. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

#### 5.4. **Natural Heritage Designations**

The proposed development site is not located on or adjacent a designated site. Dundalk Bay which is designated as SAC, SPA and NHA, is located approximately 0.75km to the south.

#### 5.5. **EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

This is a third-party appeal against the decision of Louth County Council (LCC) to grant permission for the erection of a 21-metre-high monopole telecommunication

structure within the grounds of Saint Patrick's GFC. The appeal was lodged by Lisa Treanor, a resident of the area and is co-signed by several signatories. The appeal is supported by aerial imagery, map-based images (including a ComReg map for 3G coverage in the area); copies of correspondence with St. Patrick's GFC; details of protected structures and recorded monuments in the area and their distance from the proposed site.

The issues raised on the appeal can be summarised under the following headings:

- **Negative Visual Impact** - The proposed mast is unsightly and would degrade the landscape / area of significant amenity value. It would degrade views to and from protected areas and structures, private residential housing, local amenities and services. The height of the mast is intrusive and would result in a loss of public and private amenity to those living in the area. Concerns raised regarding the accuracy of the photomontages which imply that the mast will be the same height as the goal posts (c13m)
- **Flood Risk:** The erection of such a mast would serve as a flood risk and further exacerbate the threat of more unprecedented flooding which is already a problem for locals in the area.
- **Health Risks:** – there has been no independent health risk assessment conducted to prove that the microwave pulse and ionized radiation levels emitted from the mast are safe for humans, local wildlife, marine life or farm animals.
- **Separation Distances / Proximity to houses, schools etc:** – the 1996 guidelines advised that planning authorities should indicate in the development area any location where telecommunications would not be favoured such as high amenity areas or beside schools. There is a growing trend for the insertion of development policies and objectives specifying minimum distance between telecommunications structures from houses and schools (e.g. 1km). Concerns have been raised regarding the proximity of the proposed mast to residential areas, schools and other sensitive receptors (including children's respite centre) and the potential health risks to residents, students and teachers etc. There has been no assessment conducted for the

safe distance between telecommunications structures from local houses and schools.

- **Property Value:** - The proposed mast would devalue property in the area.
- **Lack of Public Consultation / Engagement:** - There has been a lack of consultation between the applicants, Vantage Towers, St. Patricks GFC and residents with many of the concerns raised by locals having gone unanswered.
- **Alternatives / co-location:** - There has been no satisfactory assessment conducted of alternative locations and no assessment to show that this is the only suitable site for the proposed mast.
- **Procedural Issues:** - There is no record of a preplanning meeting taking place as per Policy Objective IU47 of the LCDP. The planning application was published in a national newspaper as opposed to local newspapers
- **Additional Structures:** - The policy of clustering telecommunications cells and equipment on existing masts will add to the negative impacts on the environment and on human health and devaluation of property.
- **Loss of trees:** - There is a very worrying trend of cutting down trees near masts in an effort to hide the death of trees and nearby vegetation due to radiation exposure. This has a seriously negative impact on the environment and increased the risk of local flooding. The cutting down of mature trees and forests near existing masts in the area has already been noted by the locals.
- **Impact on architectural heritage.** There are a number of protected structures and recorded monuments in the area.

## 6.2. Applicant Response

- **Negative Visual Impact:** - Reference is made to Section 4 of the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), which addresses design, setting and visual impact. The visual impact of the proposal was considered before and during

the planning process. The proposed 21-metre-high structure will replace an existing 18-metre-high flood light at the side of a sports pitch. It will be one of many tall structures at this location which will mitigate any visual impact. It is important for the structure to be raised above the catchment area to ensure coverage - the structure is not inappropriately high.

- **Photomontage:** - Regarding Viewpoint 1, the goal posts referred to by the appellant / observer are in the foreground and therefore appear taller. The original photograph shows that the goalposts have not been amended for the photomontage.
- **Flood Risk:** - The proposal involves a foundation base 5 metres by 5 metres with a supporting retaining wall. The footprint is relatively small and will not create a flood risk.
- **Health Risks:** - The proposed installation and any future equipment is and will be fully compliant with the relevant health and safety legislation and will be operated in accordance with ComReg guidelines. Circular PL07/12 advises against specifying minimum separation distances between masts and houses. It also reminds planning authorities that health issues are not a planning consideration in relation to telecommunication structures with such structures required to meet standards regarding non-ionising radiation.
- **Proximity to houses, schools etc.:** - The national guidelines provide no restriction in terms of distance between telecommunication structures and dwellings and the main requirement is compliance with standards with regard to non-ionising radiation. It is not uncommon for structures to be located in urban areas and given the demand to provide coverage to towns and villages and residential areas in general, it would be impossible to provide services without locating such structures in proximity to residential areas etc.
- **Property Value:** - Regard is had to previous Board decisions (PL02.243341; PL02.236307; PL02.216361), which address this issue and comments made in the assessments – *proximity to a mast may or may not impact sale price; there is no evidence that a development of this nature can have an impact on property values; the provision of broadband access may help to off-set any loss of value.*

- **Lack of Public Consultation / Procedural issues:** - there is no obligation for public consultation by the applicant or the landowner. The planning process was followed correctly. The newspaper notice was made in the Daily Star in accordance with the list of acceptable newspapers to the local authority and the site notices were erected at the relevant location. The appellant did manage to make a submission and has been afforded the opportunity to make an appeal.
- **Additional Structures:** - Any future development in respect of similar structures will be subject to the proper planning process.
- **Protected Structures:** - Protected structures and monuments within the vicinity of the sports grounds were considered, listed and mapped within the application letter. It is submitted that the proposal will not impact on these bearing in mind the existing floodlights, the small increase in height and distance from these properties.
- **Alternative Locations:** - Alternative existing installations were addressed in the application. to provide coverage the proposed structure must be above the catchment area and close to population demand. The sports ground is the ideal location to secure coverage.
- **Coverage:** - In response to the applicants ComReg map showing 3G coverage. Technology has grown from 2G through 3G, 4G and now 5G. With each new technology the coverage area reduces. Also, the greater demand for the site the smaller the actual coverage becomes resulting in a need for some overlap. Demand for 5G is expected to grow exponentially. Vodafone is phasing out its 3G services and Three Ireland will do the same at the end of the year. The 3G map provided with the appeal is therefore out of date. While ComReg provide excellent coverage maps, these maps are based on outdoor coverage levels. Indoor levels (including in-car levels) will be smaller by comparison and will vary with location and topography. For modern services it is more important to be close to the source of demand, and to road networks. The applicant's submission outlines the importance of 5G technology to the Irish Economy.

- **Conclusion:** - Lordship is subject to weak coverage, particularly for enhanced 4G and modern 5G services. Vodafone wishes to provide upgraded and modern services for the area with the aim of providing its customers with a high-quality, high-speed network that can meet current and future demand. With the closure of 3G services, the need for the proposed structure will be critical.

### 6.3. Planning Authority Response

- The planning authority are satisfied that the issues raised in the appeal were considered in their report of the 4<sup>th</sup> of April 2024. They request that the Board uphold their decision to grant permission.

### 6.4. Observations

29no. observations have been received in respect of this appeal, from:

<ul style="list-style-type: none"> <li>• Terrie and Lorcan Hughes</li> <li>• Brian Treanor</li> <li>• Iain Brown- Hovelt</li> <li>• Elizabeth Hughes</li> <li>• Nicola Jordon</li> <li>• Lisa Finnegan</li> <li>• SN Muire, Board of Management</li> <li>• David and Kathleen Hanlon</li> <li>• Sandra and Peter Carroll</li> <li>• Thomas and Lorna Keenan</li> <li>• Marion Ronan</li> <li>• Teresa Finnegan</li> <li>• Sarah Finnegan</li> <li>• Yvonne Finnegan</li> <li>• Sean and Olivia Finnegan</li> </ul>	<ul style="list-style-type: none"> <li>• Grace Finnegan</li> <li>• John Finnegan</li> <li>• Fintan and Mairead Brennan.</li> <li>• Colm and Helen Finnegan</li> <li>• William Murphy</li> <li>• Stephanie Murphy</li> <li>• Tommy and Celia Keenan</li> <li>• Ross McElwain</li> <li>• Martin Murphy</li> <li>• Jenny O'Connell</li> <li>• Justin McArdle</li> <li>• D.J O'Hanlon and Wayne Gough</li> <li>• Nicola Hanlon</li> <li>• Anne Marie Roddy</li> </ul>
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The issues raised are similar to those set out in the grounds of appeal and summarised in section 6.1 above. The main reoccurring issues raised by observers relate to health and safety concerns, given the location of the proposed development in a residential area, in proximity to schools, childcare facilities, amenity areas etc; the impact of the proposed development on the visual amenities and character of the area and the lack of pre-planning / public consultation prior to the lodgement of the application. A number of the observations received are accompanied by a petition signed by c500 signatories.

## **7.0 Assessment**

7.1. Having undertaken a site visit and having examined the application details and all other documentation on file, including the submissions received in relation to the appeal and the reports of the local authority, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues pertaining to this appeal can be assessed under the following headings:

- Justification and Co-Location
- Amenity Impacts
- Health Impacts
- Procedural and Other Matters
- Appropriate Assessment

### **7.2. Justification and Co-location**

7.2.1. The applicant's technical justification for the proposed telecommunications infrastructure is set out in Section 2 of the supporting statement (cover letter) prepared by Charter House Infrastructure Consultants and submitted with the application.

7.2.2. It is contended that existing Vodafone 4G and 5G coverage in the target area of Lordship is inadequate and that coverage needs will be exacerbated due to the planned phase out of existing 3G services. To illustrate this the supporting statement

includes two map-based images which have been taken from ComReg's public viewer and which detail current Vodafone 4G and 5G service levels in and around the target area. The images show that the area surrounding the application site has only 'fair' to 'fringe' levels of 4G coverage and only 'fringe' levels of 5G coverage. It is stated that current customer demand is not being met, that significant coverage improvement is needed and that a new structure is required in the area to address this demand.

- 7.2.3. The issue of potential co-location with other existing structures is considered in Section 4 of the supporting statement and further in the applicant's response to the further information request received by the planning authority on the 11<sup>th</sup> of March 2024. The case is made that there are no suitable existing / permitted structures in the area that would be capable of providing the coverage required. Essentially, existing structures in the area are too far away to deliver the required data speed in this populated area.
- 7.2.4. Having considered the information provided, I am satisfied that the Applicants have demonstrated a need for improved telecommunication infrastructure in the area. I am further satisfied that the Applicants have addressed the issue of co-location and that they have adequately demonstrated that there are no suitable sites / structures available to address the identified service deficiencies. On this basis, I am satisfied that a new telecommunication mast in this area is justified subject to appropriate site selection.

### **7.3. Amenity Impacts**

- 7.3.1. The proposal is to remove an existing 18-metre-high pole mounted flood light and to replace it with a new 21-metre-high monopole structure that will support the proposed telecommunications equipment (antennae, dishes etc) and the floodlight which is to be reinstalled at the original 18-metre-height. The monopole and associated ground level cabinets are to be constructed on a concrete base (5 metre x 5 metre) which is to be built into the existing grassed mound at ground level, thus

necessitating a retaining wall and railing along the western, northern and eastern edge of the concrete base.

7.3.2. The proposed monopole structure is slim with a minimalist design that, although three metres higher, is not dissimilar to the existing pole mounted floodlight. In my opinion the proposal represents a suitable design solution for a telecommunications mast at this location.

7.3.3. In terms of visual impact, the proposed development site is within the settlement boundary (rural node) of Lordship, in an area identified as being of 'High Scenic Quality' and at the edge of the Carlingford Lough and Mountains incl. West Feede Uplands, Landscape Character Area, which is identified in the LCDP as being of international importance. While acknowledging the scenic value of the wider landscape, regard is had to the specific context of the site within a settlement boundary and within a sports ground where there are a significant number of floodlights and other vertical structures (goal posts etc.) of significant height. In my opinion, the proposed development site does not itself constitute a landscape which could be described as high value or high sensitivity.

7.3.4. The applicants submitted as part of the application a series of photomontage visualisations to aid in the assessment of the proposed development. the six images can be described as follows.

**Photomontage View 1:** Taken from within the grounds of St. Patrick's GFC, c91m to the southwest of the proposed development site, adjacent to the boundary with Rampart National School

**Photomontage View 2:** Taken from within the grounds of St. Patrick's GFC, c146m to the southeast of the proposed development site, on the boundary with neighbouring residential properties.

**Photomontage View 3:** Taken from within the grounds of St. Patrick's GFC, c140m to the east of the proposed development site, close to a secondary entrance to GFC, on the boundary with neighbouring residential properties.

**Photomontage View 4:** Taken from a point 208m to the northeast of the proposed development site, across an area of open field

**Photomontage View 5:** Taken from a point 190m to the northeast of the proposed development site, across an area of open field.

**Photomontage View 6:** Taken from a point 199m to the south of the proposed development site, on the opposite side of the R173 looking towards the school entrance and playing pitch beyond.

- 7.3.5. Having visited the site and the surrounding area, I am satisfied that the images presented offer an adequate representation of the proposed development from the selected viewpoints. I am also satisfied that while the proposed telecommunications structure would be visible from the selected viewpoints and from neighbouring lands and properties, it would not have a significant negative impact on the visual amenities or character of the area. In my opinion the proposed structure would read as an addition to the existing floodlights and would not comprise a discordant or dominant feature in this context.
- 7.3.6. In terms of its location within the development boundary of Lordship and its proximity to residential properties, schools and other sensitive receptors, regard is had to Section 4.3 of the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) which addresses visual impact and which states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages, in residential areas or beside schools. It further states that if such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.
- 7.3.7. I have previously determined that the applicants have demonstrated a need for new telecommunications infrastructure in Lordship. The proposed structure is located within the grounds of a Gaelic football club at a point that is removed from the school (Rampark National School, c, 90 metres to the south) and from neighbouring residential properties (+125 metres). The proposed monopole structure will replace an existing pole mounted floodlight, and its design is suitable for this specific location.

- 7.3.8. The 1996 Guidelines also state in Section 4.3 that proximity to listed buildings, archaeological sites and other monuments should be avoided. There are no listed buildings on or directly adjacent to the appeal site. The applicants supporting statement identifies features of architectural and archaeological heritage in the area. The third-party appellant also notes the presence of a recorded monument, a megalithic tomb, located c1.6km to the northeast. Given the nature, scale and design of the proposed telecommunications structure, its location within the GFC grounds, the separation distances available and the fact that it is intended to replace an existing structure of similar visual characteristics, I do not consider that the proposed development would have any significant negative impact on the character, amenity or heritage value of features of architectural or archaeological heritage in the area.
- 7.3.9. In conclusion, I am satisfied that the provision of a 21-metre-high monopole in place of an existing 18-metre-high pole mounted flood light, would not in the context of the site, constitute an obtrusive or incongruous form of development in the landscape which would seriously injure the visual amenities of the area. I therefore do not recommend that permission for the proposed development be refused on this basis.

#### **7.4. Health Impacts**

- 7.4.1. One of the primary issues raised in the appeal and in the observations received relates to alleged health and safety risks associated with the proposed telecommunications infrastructure given its proximity to residential properties, schools etc. The lack of independent health risk assessment proving that the microwave pulse and ionized radiation levels emitted from masts are safe for humans and animals is raised as a concern as is the potential impact of radiation exposure on trees / vegetation.
- 7.4.2. I note that health and safety matters associated with telecommunications structures are a matter for The Commission for Communications Regulations (ComReg), the statutory body responsible for the regulation of radiation emissions. Thus, I do not consider this to be a matter for An Bord Pleanála in determining and deliberating on the appeal. I refer the Board to Circular PL07/12 which states that planning

authorities should primarily be concerned with the appropriate location and design of telecommunication 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.

## **7.5. Procedural and Other Matters:**

- 7.5.1. The third-party Appellant and Observers to this appeal have raised several procedural issues and other matters that are addressed under the following headings:

### *Statutory Notices:*

- 7.5.2. Concerns have been raised in relation to the publication of the statutory notice in a national rather than local newspaper and in relation to the placement of the site notice. I note that procedural matters, such as a determination as to the adequacy (or otherwise) of the public notices and subsequent validation (or not) of a planning application, are generally the responsibility of the planning authority which in this instance took the view that the submitted documentation satisfied the minimum regulatory requirements. Furthermore, I am satisfied that any perceived irregularities in terms of the publication and/or display of the notices did not prevent concerned parties from objecting to or from submitting observations in respect of the proposed development.

### *Landowners Consent*

- 7.5.3. It is the contention of some of the observers to this appeal that the applicants failed to demonstrate that they had the consent of the landowners to make the application, the landowners are stated as St. Patricks GFC Community Centre under the trustees of Croke Park. The application includes a letter from the Chairperson and Treasurer of St. Patricks GFC which gives consent to the applicant to apply for planning permission to erect a telecommunications installation at St. Patricks GFC. This is I consider this sufficient to permit, at least, the making of a valid planning application.

Regard is had to section 34(13) of the *Planning and Development Act 2000 (as amended)* which states: “A person shall not be entitled solely by reason of a permission under this section to carry out any development.” As such, in the event of a grant of permission, it would be applicant’s responsibility to ensure sufficient legal interest exists to implement the permission. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal.

#### *Lack of Pre-planning / Public Consultation*

- 7.5.4. The failure of the applicants and / or St. Patricks GFC to enter pre-planning discussions with the planning authority and their failure to engage with residents prior to the submission of the planning application is raised by third parties as they consider this to be contrary to Policy Objective IU47 of the LCDP. However, as Policy Objective IU47 seeks only to ‘encourage’ service providers to engage in pre-planning discussions, I am satisfied that there is no obligation on the applicant to do so. The proposal cannot therefore be deemed to contravene Objective IU47. Furthermore, there is no obligation on the applicant / landowner to engage directly with residents or concerned parties outside of the normal planning process.

#### *Devaluation of Properties*

- 7.5.5. Third parties are concerned that the proposed telecommunication mast would contribute to the devaluation of land and property in the area. I am not satisfied that sufficient evidence has been provided to demonstrate that this would be the case, and I note point made by the applicants in their response to the grounds of appeal, that enhanced wireless broadband is now a necessary utility that would be of benefit to the area.

#### *Flood Risk*

- 7.5.6. In relation to flood risk, I note that the proposed telecommunication structure is not within a flood zone. The proposal includes for the construction of a 5m x 5m (25sqm) concrete base on which the proposed mast and associated equipment is to be

constructed. Surface water runoff from this limited area of hardstand area would be minimal and is unlikely to result in or significant contribute to, flooding.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed telecommunications project in light of the requirements S177U of the Planning and Development Act 2000 as amended
- 8.1.2. The subject site is located within the grounds of Saint Patrick's GFC at Lordship, c9km east of Dundalk. The site is located approximately 0.75km from Dundalk Bay which is designated an SAC (site code:000455) and SPA (Site code: 004026).
- 8.1.3. The proposed development comprises the erection of a 21-metre-high monopole telecommunication structure together with antennas, dishes and associated telecommunications equipment on a concrete base (5m x 5m) all enclosed by security fencing. The proposal does not require a connection to public mains water or sewerage. Surface water runoff will be minimal given the limited size of the hardstand area.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature and scale of the development
  - The location of the development, its distance from nearest European site and the lack of connections
- 8.1.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.



## 9.0 Recommendation

I recommend that permission be granted subject to the conditions outlined below

## 10.0 Reasons and Considerations

Having regard to:

- a) The Telecommunications Antennae and Support Structures -Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
- b) The Telecommunications Antennae and Support Structures and Department and Environment, Community and Local Government Circular Letter PL07/12,
- c) The objectives of the Louth County Development Plan,
- d) The nature, scale and location of the proposed telecommunications structure,

It is considered that the proposed development would be in accordance with National Policy and guidance on telecommunications infrastructure and with the objectives of the Louth County Development Plan 2021-2027. It is also considered that subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

- 2 Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

**Reason:** In the interests of visual amenity

- 3 No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without prior grant of planning permission.

**Reason:** In the interest of visual amenities of the area

- 4 Surface water and drainage arrangements for the proposed development shall comply with the requirements of the planning authority for such works and services

**Reason:** In the interests of public health

- 5 A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety

- 6 The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of a third-party licenced telecommunications operators.

**Reason:** to avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development

- 7 The proposed monopole structure and all associated equipment and structures hereby permitted shall be demolished and removed from site when it is no longer required. The site shall be reinstated to its predevelopment condition at the expense of the developer.

**Reason:** In the interest of orderly development.

*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.*

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Lucy Roche  
Planning Inspector

3<sup>rd</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	319633-24		
<b>Proposed Development</b> <b>Summary</b>	To erect a 21-metre-high monopole telecommunications and all associated site works.		
<b>Development Address</b>	Saint Patrick's GFC Lordship, Rampark, Jenkinstown, Dundalk, Co. Louth		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	
<b>No</b>	X		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			
<b>5. Has Schedule 7A information been submitted?</b>			

<b>No</b>	<b>X</b>	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_