



An
Bord
Pleanála

Inspector's Report

ABP-319769-24

Development

To erect a 24 metre lattice support structure carrying telecommunications equipment including antennas, dishes, and associated equipment.

Location

Eir Exchange, Dundalk Road,
Drumnasillagh (Townland),
Ravensdale, Co. Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

2460127

Applicant(s)

Towercom Limited

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party Appeal

Appellant(s)

Towercom Limited

Observer(s)

Finbarr McDonnell

Michael Router

Rebecca Dunne

Iain Brown-Hovett

Verona Brown-Hovelt

Tracy Connolly
Philip Fearon
Dessie O'Connor
Gareth O'Brien

Date of Site Inspection

20th November 2024

Inspector

Ian Boyle

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is on the Old Newry Road (R132-40) (Regional Road) in the rural townland of Drumnasillagh, Ravensdale, Co. Louth. It accommodates an existing Eir Exchange, roughly 200m east of the N1 (National Route).
- 1.2. The property has a small exchange building and two 10m tall wooden poles. A chain link and post fence travels around part of the site periphery. It is evident that the infrastructure has been in-situ for an extended period of time and the exchange unit has become somewhat dated and in need of replacement.
- 1.3. The site is in a rural area with scattered single dwellings, farm holdings and small sporadic pockets of forests. The closest dwelling is roughly 30m to the northeast. An existing drainage ditch runs along the western side of the site. There is a reservoir approximately 160m to the south of the property.
- 1.4. The site has a stated area of approximately 0.04ha.

2.0 Proposed Development

- 2.1. The proposed development is for a new 24m high lattice support structure, with an overall height of 25.5m, to carry telecommunications equipment, including antennas, dishes and associated equipment, together with new ground level equipment cabinets and fencing.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for three reasons which can be summarised as follows:

1. Appropriate Assessment (Culverting of Watercourse): The proposed development involves culverting a watercourse to create temporary construction access. This watercourse is hydrologically connected to Dundalk Bay SPA and SAC, and the site is within a flood zone. The Applicant has not clarified the potential impacts on the watercourse, and without an Appropriate

Assessment (AA) Screening, or Natura Impact Statement (NIS), it cannot be ensured there would be no significant effects on Dundalk Bay SPA or other European sites.

2. Site Selection and Co-location of Facilities: The Louth County Development Plan 2021-2027 (Section 13.18.3) requires a supplementary report for new structures or antennae to justify infrastructure needs and explain why co-location is not feasible. The Planning Authority considers that the Applicant has not shown this location is the only feasible site, or that the structure is necessary, given the 'good' to 'very good' coverage that exists in this area. The proposal also does not comply with Policy Objectives MOV 56 and IU 41, which regulate road access and orderly telecommunications development.
3. Road Safety: The proposed new vehicular entrance onto the R132 (a Protected Regional Road). The Applicant has not demonstrated that the proposal qualifies for an exemption under Table 7.10 of the Louth County Development Plan or that the required sightlines can be met. Therefore, the proposal development poses a traffic hazard and contradicts Section 13.16.17 and Table 13.13 of the Development Plan, endangering public safety and conflicting with sustainable planning.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The application includes a supporting statement and report indicating a deficiency in 4G and 5G coverage in the area. According to the report, the current structure's height restricts coverage due to its low height compared to surrounding trees and its height relative to the adjacent M1 motorway. The existing timber pole cannot support 4G services, limiting the site to 2G and 3G services. With Vodafone planning to retire its 3G network soon, the site would only offer 2G voice services without an upgrade.
- The proposal to upgrade the site will increase the structure's height, making it more effective for 4G and future 5G deployment by facilitating directional antennas. The new structure will also enhance the site's structural capacity to accommodate Vodafone's upgrade and other operator needs.

- The Applicant has not fully assessed alternative sites, despite an existing Eir location being c. 500m away. The need for enhanced 4G and 5G coverage in the area is not justified and a robust argument has not been made for intensified telecommunications infrastructure at this site.
- The proposed 25.5m telecommunications structure is adjacent to a residential property. The Applicant has submitted Comreg mapping which shows 4G coverage in the area as 'Good' to 'Very Good'. The Applicant argues that the area, being 15m lower than the M1 motorway, requires improved coverage due to a perceived shortfall. However, this is not sufficient justification for the new structure. While a technical assessment has been provided, it does not sufficiently show that this location is the only viable option for the mast.
- There are third party concerns regarding the potential impact on neighbouring properties and that no additional landscaping or mitigation measures are proposed. There are eleven residential properties within a 300m radius of the site. One nearby dwelling has a large garden adjacent to the subject site. However, after a site inspection, it has been determined that the natural screening and topography of the land would mitigate any negative impacts on residential amenity. The proposed development would not affect neighbouring property amenities or lead to any unacceptable overshadowing.
- There are concerns in relation to traffic and transportation, including that the R132 is a Protected Regional Road and that minimum sightlines have not been shown to be achieved.
- The site is in Flood Zone B indicating a moderate risk of flooding. The application did not include a flood risk assessment, which is necessary to determine if the proposed surface water methods could lead to potential flooding.
- The applicant did not provide an Appropriate Assessment Screening Report. The proposed culverting of the adjacent watercourse for temporary construction access raises concerns due to the location of the site in a flood risk area and its proximity to an SAC and SPA. There are concerns that without proper mitigation measures the development could negatively impact these European sites. The information provided regarding the culverting is

therefore deemed insufficient for the Planning Authority to confirm that there would be no significant effects arising.

- Recommends a refusal for the reasons set out above (see Section 3.1).

3.2.2. Other Technical Reports

Placemaking and Physical; Development:

Requested further information:

- The R132 is a Protected Regional Road. The Applicant should demonstrate whether the proposed development is exempt under Table 7.10: Restrictions and Exemptions on Protected Regional Roads of the Louth County Development Plan 2021-2027 ('CDP').
- Demonstrate adequate sightlines are achievable and in accordance with Table 13.13 of the CDP 'Minimum visibility standards for new entrances'.
- Sightlines are required to be 215m on either side of the site entrance from a point 2.4m back in from the edge of the road carriageway over a height of 1.05m– 0.6m above road level at the site entrance.
- The proposed site access details are insufficient. A revised design should be prepared and based on:
 - a) Realistic volume calculations - based on the catchment area to ensure that the capacity of the culvert is sufficient.
 - b) Structural integrity – design the crossing to ensure that it can support the expected loads to be imposed upon it during construction.
 - c) Water quality – details of how the water quality of the existing water course shall be protected before, during, and after construction works have been completed. This includes the removal of the existing crossing.

3.3. Third Party Observations

A total of 15 no. third party observations were received by the Planning Authority, mainly from residents in the surrounding area.

The main issues raised are:

- Existing telecommunications coverage in the area is already adequate and there is no need for network improvements.
- Lack of alternative sites have been considered by the applicant.
- Appropriate Assessment concerns.
- The proposed new structure(s) are far greater in size and scale than the existing development.
- Visual impact on the surrounding area, which is of high scenic quality.
- Residential amenity impacts, including overshadowing and overbearance.
- Wind noise created by the new structure.
- Drainage and flooding.
- Health due to emissions.
- Devaluation of property.
- It is unlikely greater demand will be forthcoming for improved coverage as the area is zoned rural and new development would be limited.
- Issues with Towercom acting as the agent for Eir.
- Lack of screening and landscaping proposed.

4.0 Planning History

Subject Site

Reg. Ref. 21255: An application to erect a 24m high lattice telecommunications support structure together with antennas, dishes and associated equipment was withdrawn in March 2021.

Reg. Ref. 72186: The Planning Authority granted permission for a small automatic exchange in April 1972.

5.0 Policy Context

5.1. Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures, 1996

- 5.1.1. 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.
- 5.1.2. 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. and should be a monopole (or poles) rather than a latticed tripod or square structure.
- 5.1.3. The Guidelines also state that visual impact is among the more important considerations that should be considered in arriving at a decision for 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.
- 5.1.4. 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.

5.1.5. 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.

5.2. **Circular Letter PL07/12**

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. 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 permissions requiring security (i.e. bond/cash deposits).
- 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.

5.3. **Regional Spatial and Economic Strategy for the Eastern & Midland Regional Assembly (RSES)**

5.3.1. Telecommunications networks play a crucial role in enabling social and economic activity. The RSES (Page 230) states that it supports actions to strengthen communications links to develop a stable, innovative and secure digital communications and services infrastructure. RPO 8.25 seeks to support and facilitate the delivery of the National Broadband Plan.

5.4. Louth County Development Plan 2021-2027

- 5.4.1. The operative Development Plan for the area is the Louth County Development Plan 2021-2027 (CDP / County Development Plan). The CDP came into effect on the 11th November 2021.

Zoning

The subject site is zoned 'Rural Policy Zone 2' which is identified as an 'Area Under Strong Urban Influence and of Significant Landscape Value'.

Area of High Scenic Quality

The site is in a designated Area of High Scenic Quality ('AHSQ – Feede Mountains and Cooley Area'). See Map 8.15 of the CDP.

Chapter 7: Movement

- Policy Objective MOV 56 is to safeguard the capacity and safety of the National and Regional Road network by restricting further access onto National Primary, National Secondary, and Protected Regional Roads in accordance with the details set out in Tables 7.9 and 7.10.
- Table 7.10 'Restrictions and Exemptions on Protected Regional Road' identifies the R132 ('R132 Dundalk-Feede') as subject to a restriction requiring 'no new access or intensification of existing access'.

Chapter 8: Natural Heritage, Biodiversity and Green Infrastructure

- Policy Objective NGB 6 is to ensure a screening for Appropriate Assessment (AA) on all plans and/or projects and/or Stage 2 Appropriate Assessment (Natura Impact Report/ Natura Impact Assessment) where appropriate, is undertaken to make a determination. European Sites located outside of the County but within 15km of the proposed development site shall be included in such screenings as should those to which there are pathways, for example, hydrological links for potential effects
- Policy Objective NGB 37 is to protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations

Chapter 10: Infrastructure and Public Utilities

Section 10.4.24 is in relation to 'Telecommunications Support Structures and Antennae'. The following policies and objectives are considered relevant:

- Policy Objective IU 41 is 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.
- Policy Objective IU 42 is 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.
- Policy Objective IU 44 is 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.
- Policy Objective IU 45 is 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.

Chapter 13: Development Management Guidelines

- Section 13.18.3 includes guidance on 'Telecommunications Structures'. It states that:

'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.'

- Section 13.19.8 is in relation to 'Areas of Outstanding Natural Beauty and High Scenic Quality'. It states that:

'Any development in Areas of Outstanding Natural Beauty (AONB) or High Scenic Quality (AHSQ) shall be sensitive to the landscape in which will be located. The design or scale of any building or the use/operation of any development shall not interfere, undermine the quality, or be prominent or obtrusive features within the landscape.

A Visual Impact Assessment may be required to demonstrate how a development would integrate into the local landscape. This would be dependent on a number of factors including location, the nature of the development, and the design and scale of any buildings or operations.

The Visual Impact Assessment will involve an appraisal of the relationship of the development with its immediate surroundings from short and long distance vantage points and any changes in character of existing views or the local landscape as a result of the development. Photomontages of the development from surrounding vantage points shall be included with any Visual Impact Assessment.

Details of any access roads and ancillary buildings shall be included with any application and shall be designed to minimise the visual impact.'

- Table 13.13 sets out the 'minimum visibility standards for new entrances'.

5.5. Natural Heritage Designations

- No designations apply to the subject site.
- The nearest European Site is Carlingford Mountain SAC (Site Code: 000453) which is roughly 1.5km to the east.
- Dundalk Bay SAC (Site Code: 000455) is roughly 2.3km to the east. Dundalk Bay SPA (Site Code: 004026) is roughly 2.5km to the south.

5.6. 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 this report.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

Culverting of Watercourse

- The site is accessed by crossing the Ballymacscanlan stream, which flows into the Flurry River, and onwards to Dundalk Bay.
- It is proposed to temporarily bypass the stream via a piped flow while a temporary culvert is placed at the access point. This would divert the watercourse through a pipe while the culvert is installed. Therefore, the pathway to Dundalk Bay would be removed.

- The culvert would be temporary and operate for the duration of the construction works only. Once works are complete, the site access would be reinstated to its original condition.
- Standard environmental measures are proposed.

Need for Telecommunications Development

- The proposal is for redevelopment as a multiuser facility. It is an existing telecommunications site which is identifiable on the ComReg website.
- The existing lightweight wooden poles are unsuitable to take additional equipment, and the existing installation is no longer fit for purpose and the nearest existing telecommunications installation is 4km away.
- If there had been other suitable locations nearby, such as the commercial property 500m to the north, the operator would have contacted the property owners directly. Unfortunately, they are not appropriate options.
- Therefore, the application is in accordance with the sequential approach for locating telecoms infrastructure.
- The height of the existing poles is limited to 2G and 3G services. They are unable to provide 4G and 5G services without upgrade. Vodafone also intends to retire its 3G service soon meaning modernisation of the network is required.
- Vodafone coverage plots show 'fair' to 'good' existing 4G coverage in the area only with continuous levels of 'very good' along the M1 motorway.
- Mature natural screening in the area would minimise visual impact.
- The proposed development has been designed as a multi-user facility.

Construction Access

- Table 7.10 of the CDP 'Restrictions and Exemptions on Protected Regional Roads' restricts no new access or intensification of existing access along the R132.
- The application did not identify any exemption as it is only proposed to create a temporary vehicular access for the construction works.

- Table 13.13 'Minimum Visibility Standards for New Entrances' only applies to permanent new entrances and not temporary construction access.
- Once operational the proposed development would be visited on average four to six times a year for maintenance purposes via a pedestrian entrance.

Other

- Visual impact was not referenced as a reason for refusal by LCC. Photomontages have been prepared to support this finding Authority (see Appendix D).
- There has been telecommunications infrastructure on the exchange property for many years and the proposal seeks only to improve this infrastructure.
- The proposed development complies with the relevant health and safety policies and regulations for the communications industry and is in accordance with Circular Letter PL07/12.

6.2. Planning Authority Response

The Board has received a response from the Planning Authority. The main issues are as follows:

- The issues raised in the Appeal have already been considered by the Planning Authority.
- It was considered that to request further from the Applicant would conflict with the Development Management Guidelines for Planning Authorities as applicants should not have to suffer unnecessary delay or expense if a refusal is likely.
- The Applicant's Cover Letter to the Planning Authority shows mobile network providers Eir, Three and Vodafone have 'good' to 'very good' network services in the surrounding area. The new information contained in the appeal has been submitted to justify the proposal for the purposes of qualifying for an exemption from the restriction on new accesses onto protected regional routes. However, this conflicts with the information submitted by the Appellant in their original application to the Planning Authority.

- In relation to the Applicant's assertion that the restriction on new accesses does not apply to temporary accesses, the Planning Authority still has concerns regarding the operation and safety of the temporary access. It is not clear how or when the access would be removed once construction is finalised. Furthermore, telecommunication masts of this nature require regular maintenance and repair, and it is not clear how this would be carried out without a permanent vehicular access.
- The Planning Authority rely on An Bord Pleanála to assess the AA Screening Report as they are now the competent authority.
- Recommends that the Board refuse planning permission.

6.3. **Observations**

The Board has received several observations. The main issues raised are as follows:

- There is already has good to very good 4G coverage in the area.
- A full copy of the AA Screening was not submitted with the appeal, and so the appeal is invalid.
- The proposed development is not just a small extension of its existing use, as a lattice type communications structure, it is more significant than that.
- There would be visual and landscape impacts, and the photomontages fail to include views from dwellings.
- The area is one of high scenic quality and the proposal would diminish the rural landscape.
- The photomontages are inaccurate and misleading and no photomontage has been taken of directly in front of the site.
- Overshadowing.
- Human health and radiation concerns.
- Car parking problems associated with contractor vehicles parked on the roadside.

- Drainage and flooding concerns.
- The proposed development has not justified the need for improved coverage levels in this area.

7.0 **Assessment**

The main planning considerations relevant to this appeal case are:

- Appropriate Assessment
- Site Selection (Alternatives Considered)
- Road Safety and Access
- Other Issues

7.1. **Appropriate Assessment**

Background

7.1.1. The Planning Authority's first reason for refusal is in relation to Appropriate Assessment. It states that the proposed development would involve culverting a watercourse to create temporary construction access, that the watercourse is hydrologically connected to Dundalk Bay SPA and SAC and the site is within a flood zone. The refusal reason also states that the Applicant has not clarified the potential impacts on the watercourse, and without an Appropriate Assessment (AA) Screening or Natura Impact Statement (NIS), it cannot be ensured there would be no significant effects on Dundalk Bay SPA or other European sites.

7.1.2. I note that a Stage 1 AA Screening Report accompanies the First Party Appeal. However, the report appears to be incomplete with the latter pages of the document missing. Therefore, I have had regard to the AA Screening, but also the information contained in the First Party Appeal to assist in my review of this issue.

Habitats Directives

7.1.3. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to

consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

AA Screening

- 7.1.4. A description of the appeal site is under Section 1.0 of my report. The proposed development is for a lattice type telecommunications support structure. It is described in further detail in Section 2.0 above. I note that a new (temporary) construction access is proposed off the Old Newry Road (R132-40). The access would cross the Ballymacscanlan stream which flows into the Flurry River before flowing onwards into Dundalk Bay.
- 7.1.5. No European designations apply to the subject site. The nearest European Site is Carlingford Mountain SAC (Site Code: 000453) which is roughly 1.5km to the east. Dundalk Bay SAC (Site Code: 000455) is roughly 2.3km to the east. Dundalk Bay SPA (Site Code: 004026) is roughly 2.5km to the south. There is no ecological pathway or functional link between the site and Carlingford Mountain SAC, which is situated upgradient of the site. There is no potential for impact for this reason.
- 7.1.6. I note that the proposed development seeks to temporarily bypass the Ballymacscanlan stream by installing a conduit while a temporary culvert is put in place near the site access. This would divert the stream in the interim while the permanent culvert is being constructed. Therefore, any potential ecological pathway to Dundalk Bay would be removed. This would ensure that there would be no possibility for any contaminants to travel from the site onwards to Dundalk Bay or, by extension, any other European Site. The site access would be reinstated to its original condition once the construction phase has been completed.
- 7.1.7. I further consider that given the nature and scale of the proposed development that it would have limited groundworks only, such that any potential pollutants in surface water run-off would be minor in nature, and unlikely to make their way into a watercourse. I also note the separation distance involved between the appeal site and Dundalk Bay and the presence of intervening features, landuses and roads.
- 7.1.8. I note that the appeal sets out a series of standard construction measures which would be typical as part of a construction project such as this. This includes that no refuelling can take place adjacent the watercourse, the use of drip trays under plant

machinery, and locating spill kits at refuelling area, amongst others. I do not consider any of the protocols outlined to be mitigation measures for the purposes of Appropriate Assessment.

- 7.1.9. I note that the Planning Authority raised concerns in that the site lies within a flood zone and that no flood risk assessment was submitted as part of the application. However, in having regard to information set out above and the drainage and surface water methods proposed, I am satisfied that no appropriate assessment issues would arise in this case. The Board may wish to request a flood risk assessment if they consider this information necessary. This would be a new issue and in having regard to the other reasons for which I have recommended refusing permission, it is not necessary to pursue the matter further, in my opinion. I would also note that the site has already been developed and accommodates an existing telecoms facility, such that the new development would be unlikely toacerbate flood risk in any significant way. This is particularly the case, in my opinion, as a more formalised and efficient surface water drainage solution forms part of the overall application.
- 7.1.10. Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development, and the location and setting of the site in a existing Eir Exchange compound, and separation distances from the nearest European Sites, I am satisfied that no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.2. Site Selection (Alternatives Considered)

- 7.2.1. The Planning Authority's second reason for refusal is that the Applicant has not shown that this location is the only feasible site, or that the structure is necessary, given the 'good' to 'very good' coverage that exists in the area. It is also stated that the proposal also does not comply with Policy Objectives MOV 56 and IU 41 of the Louth CDP, which seek to regulate road access and the orderly development of telecommunications development. [Both of these objectives are cited in Section 5.4 of my report above.]
- 7.2.2. The Development Plan requires that best practice be followed in siting and minimising the number of masts in a particular location, but also to facilitate such

development in a clustered manner whilst recognising the need for economic activity within the county. I note that Objective IU 44 of the Development Plan is 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. Objective IU 42 is also relevant, in my opinion, in that it requires co-location of antennae support structures and sites, where feasible, and that operators are required to submit 'documentary evidence' as to the non-feasibility of this option in any proposal for a new telecoms structure.

- 7.2.3. The Applicant states that that the proposed development would improve the current level of coverage for the area and that it would allow the site to be used by other telecommunications and broadband providers, as required by planning policy. I have viewed the ComReg Outdoor Coverage Map for the appeal site and surrounding area. Vodafone's 2G and 4G coverage is 'very good', which means there is a strong signal with very good connections/maximum data speeds. 5G coverage is shown as 'fair', however, which means a signal and reliable data speeds are attainable, but that disconnections and data dropouts may still occur. There is no coverage map available for 3G on the ComReg online mapping system. This indicates the 3G service has now been retired.
- 7.2.4. I further note that the Telecommunication Guidelines and Planning Circular PL07/12 encourages co-locating antennae on existing support structures and requires 'documentary evidence of the non-availability' of this option for proposals for new structures. It also states that the shared use of existing structures will be required where there is an excessive concentration of masts located in a single area.
- 7.2.5. The Applicant identifies six other potential telecommunication sites in the area which are between 500m and 4.2km from the proposed development (see Section 4.0 of the Planning Statement, dated 12th March 2024). The Applicant states that there are operators utilising the existing suitable telecommunications structures in these locations, but that significant potential exists for a multi-user telecommunications facility at the subject site. While it may be the case that these other locations are not suitable, or are unable, to accommodate new telecommunications infrastructure, this has not been explored as part of the application and there is an absence of any documentary evidence confirming their non-availability as is required by policy. I note also that Policy Objective IU 42 is to encourage the co-location of antennae

support structures and sites where feasible and that operators shall be required to submit 'documentary evidence' as to the non-feasibility of this option in proposals for new structures (emphasis added).

- 7.2.6. In summary, and in having reviewed the information contained within the original application and appeal, I am not satisfied that the matter of alternative sites has been fully examined as required by both national and local planning policy and that permission should be refused for this reason.

7.3. Road Safety and Access

- 7.3.1. The Planning Authority's third reason for refusal is in relation to a proposed new vehicular access to the property from the R132. It is stated that this could cause a traffic hazard and that it has not been demonstrated the access qualifies for an exemption under Table 7.10 of the Louth County Development Plan or that the required sightlines can be met.
- 7.3.2. I note that the County Development Plan (Table 7.10) is in relation to 'Restrictions and Exemptions on Protected Regional Roads'. It identifies that this section of R132 is restricted in having 'no new access or intensification of an existing access'. It provides five criteria where an exemption can be granted for the creation of a new access. This includes a new access which would eliminate a traffic hazard (Point 1) or an extension of an authorised use where additional traffic generated would not result in the creation of a traffic hazard (Point 3). I disagree with the assertion put forward by the Applicant that an exemption is unnecessary because the proposed access is 'temporary' and required for the construction phase only. The Development Plan does not make a distinction between a permanent or temporary means of access.
- 7.3.3. It is also not made clear how the facility would be served by maintenance and repair vehicles in the future and whether vehicles would simply park on side of the road for the duration of such inspections and works, which could, in itself, pose a road safety issue. I accept that the frequency of visits to the facility would likely be low. However, I also note that the site is on a section of road that is busy and heavily trafficked. This was evident during my site visit when motorists were passing at speed, and it was difficult to find a suitable nearby location to park and inspect the

site. I note that the lattice tower has been designed to accommodate several different service providers and that the road is specifically identified as a 'Protected Regional Road' in the County Development Plan where the objective is to maintain the efficiency and functionality of such routes and minimise risk to road safety. I consider that the issue of road safety has not been adequately addressed by the Applicant and should be refused permission for this reason.

7.4. Other Issues

- 7.4.1. Third parties have raised other issues in relation to visual and residential impact, drainage, flooding and potential health impacts arising due to emissions from new telecommunications infrastructure in the area. These issues are discussed as follows:

Visual Impact

- 7.4.2. The appeal site is situated in a scenic area near the Cooley Peninsula. It is zoned 'Rural Policy Zone 2' which is identified as an 'Area Under Strong Urban Influence and of Significant Landscape Value'. The site is also in a designated Area of High Scenic Quality ('AHSQ – Feede Mountains and Cooley Area'). The 1996 Guidelines state that visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application.
- 7.4.3. The area is rural in character with a small number of dwellings, farm holdings and small pockets of forests. The closest dwelling is roughly 30m to the northeast. I acknowledge that the site comprises a utilities compound and the proposal is to improve and upgrade the existing support infrastructure so that it can address modern-day telecommunications needs. The application is for a 24m high lattice support structure, with an overall height of 25.5m, which I consider to be a significant physical and visual departure from the existing exchange building and 2 no. 10m tall wooden poles on the site.
- 7.4.4. Whilst I accept the reasoning behind this is so that the facility can accommodate more than one service provider, this could also be achieved by installing a single monopole type structure instead. This type of mast would be less visually intrusive than a lattice tower type structure and, potentially, be able to integrate better with its surrounding environment, depending on the outcome of the visual impact analysis.

- 7.4.5. I note that the appeal includes a series of photomontages comprising mainly longer views of the proposed development, including from the N1 to the west and at various points along the R132 (north and south). There are 6 no. Visual Reference Points (VRPs) in total, but none of these provide a visual representation of the proposed development from closeup, or in front of the site. There are also limited viewpoints of the scenic backdrop behind the appeal site towards the mountainous landscape to the east, which includes The Round Mountain, Annaloughan Mountain, and Carlingford Mountain, and which are contributing factors to the scenic quality of this landscape. I consider that the photomontages are lacking in terms of providing an accurate visual description of the proposal and that the visual impact assessment completed by the Applicant is deficient for this reason.
- 7.4.6. I consider that a more detailed assessment should have been completed, particularly as the receiving environment is identified as having a 'Significant Landscape Value' as according to the County Development Plan¹ and that it is a designated 'Area of High Scenic Quality (AHSQ)' (Map 8.15 of the CDP refers). I also note that the CDP under Section 13.19.8 requires any development in an AHSQ to be sensitive to the landscape in which it would be located and that the design or scale of any building should not interfere, undermine the quality, be prominent or have obtrusive features within the landscape.
- 7.4.7. Section 13.19.8 also requires that a Visual Impact Assessment should 'demonstrate how a development would integrate into the local landscape and that this is dependent on a number of factors, including the location, nature of the development, and the design and scale of any buildings or operations'. The CDP states that the assessment should 'involve an appraisal of the relationship of the development with its immediate surroundings from short and long distance vantage points and any changes in character of existing views or the local landscape as a result of the development'. I am not satisfied that this has been achieved by the application from reviewing the information before me.
- 7.4.8. In conclusion, I am not persuaded that best practice in siting and design has been followed to ensure compliance with Policy Objective IU 44. This objective requires

¹ The site falls within Rural Policy Zone 1 under Map Number 3.2 ('Rural Policy Zone Map') of the CDP which are 'Areas under strong urban influence and of significant landscape value'.

the application of best practice in the placement and design of communication antennae and supporting infrastructure in order to safeguard visual amenity and protect sensitive landscapes. Similarly, I am not convinced that the proposed lattice-type support structure would be able to avoid being so visually prominent or obtrusive within this landscape such that it could be considered as consistent with Section 13.19.8 of the Plan regarding the protection of 'Areas of Outstanding Natural Beauty and High Scenic Quality'.

- 7.4.9. Notwithstanding the above, I note that this is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it would be unnecessary to pursue the matter further, in my opinion.

Health impacts

- 7.4.10. I note that Section 2.6 of Circular Letter PL07/12 is in relation to the health and safety aspects. It states the 1996 Guidelines advise that Planning Authorities should not include monitoring arrangements as part of any planning permission conditions, nor determine planning applications based on health grounds.
- 7.4.11. Such matters are regulated by other codes and protocols such that the Board need not concern itself with this particular issue for the purposes of assessing this planning appeal.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12), and the Louth County Development Plan 2021-2027, including Policy Objectives IU 41 and IU 42 and Section 13.18.3 'Telecommunications Structures', it is considered that the proposed development would be contrary to the stated policy in respect of the

orderly development of telecommunications throughout the County and the requirement to co-locate antennae support structures and sites where feasible. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- 9.2. The Louth County Development Plan 2021-2027 (Table 7.10 'Restrictions and Exemptions on Protected Regional Road') identifies the R132 (Dundalk-Feede) as having a restriction of 'no new access or intensification of existing access'. The application has also failed to demonstrate that an exemption should be granted for the proposed new entrance. The development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

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

Ian Boyle
Senior Planning Inspector

25th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319769		
Proposed Development Summary	The proposed development is for a new 24m high lattice support structure, with an overall height of 25.5m, to carry telecommunications equipment, including antennas, dishes and associated equipment, together with new ground level equipment cabinets and fencing.		
Development Address	The appeal site is on the Old Newry Road (R132-40) in the rural townland of Drumnasillagh, Ravensdale, Co. Louth. It accommodates an existing Eir Exchange roughly 200m east of the N1 (National Route).		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		NA – Not a class.	EIA Mandatory EIAR required
No	✓	NA – Not a class.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion

No		NA – Not a class.		No EIAR or Preliminary Examination required
Yes		NA – Not a class.		Proceed to Q.4

4. Has Schedule 7A information been submitted?				
No	✓		Preliminary Examination required	
Yes			Screening Determination required	

Inspector: _____

Date: _____