



An
Coimisiún
Pleanála

Inspector's Report ABP-322723-25

Development

Erection of a 24m lattice telecommunications support structure on a 1.2 metre high raised foundation together with associated antennas and dishes.

Location

Rath Water Reservoir, Rath
Ashbourne, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

2560355

Applicant(s)

Vantage Towers Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

As above.

Observer(s)

None

Date of Site Inspection

22nd July 2025

Inspector

Kenenth Moloney.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.3. Meath County Development Plan, 2021 – 2027, (as varied).....	9
5.4. Natural Heritage Designations	11
5.5. EIA Screening	11
6.0 The Appeal	12
6.2. Planning Authority Response.....	14
7.0 Planning Assessment	14
8.0 AA Screening.....	25
9.0 Water Framework Directive	26
10.0 Recommendation	26
12.0 Reasons and Considerations.....	26
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – WFD Impact Assessment Stage 1	

1.0 Site Location and Description

- 1.1. The appeal site is located adjacent to the junction of the M2 and R165/N2 roundabout at the northern edge of Ashbourne, Co. Meath.
- 1.2. The development site is situated within the existing Rath Reservoir compound. The Rath Reservoir compound is gated and includes an existing water tower structure and a telecommunications compound on site.
- 1.3. The existing telecommunications structure includes a mast which is screened by mature evergreen planting located along the northern and eastern boundary of the site and is similar in height to the mast structure.
- 1.4. The Rath Reservoir compound is served by an access road off the N2.
- 1.5. The stated site area is 0.006 ha. The site is adjoined by agricultural fields to the southwest and west.

2.0 Proposed Development

- 2.1. The proposed development seeks planning permission for the erection of a 24m lattice telecommunications support structure on a 1.2-metre-high raised foundation. The overall height of the structure is 25.2 metres.
- 2.2. The proposed structure will include associated antennas and dishes.
- 2.3. The structure will be enclosed by a 2.4m high palisade fence.
- 2.4. It is proposed to remove the existing 15 metre lattice telecommunications structure with antennas (providing an overall height of 17.5 metres).

3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to **refuse** permission for the following reason.
 1. MOV OBJ 38 of the Meath County Development Plan 2021-2027 states: “To continue to support and facilitate TII, Fingal County Council, Louth County Council and Monaghan County Council in the planning and delivery of upgrades to the N2, as appropriate and to reserve route corridor free from

development which would interfere with the delivery of identified schemes, when finalised.'

The proposed development is located within the N2 Rath Roundabout to Kilmoon Cross 'Preferred Option Corridor' for the proposed N2 Rath Roundabout to Kilmoon Cross Road Scheme.

Development of the kind proposed in this application would be premature pending the determination by the planning authority or the road authority of any transportation or road layout for the area or any part thereof.

Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area and would establish a very undesirable future precedent at this location

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 4th June 2024, notes the following.

- The site is zoned RA 'Rural Area' in the MCDP, 2021 – 2027.
- Utilities is a permitted use within this zoning objective. The development is acceptable in principle.
- Given the existing structure on the site and the established screening the proposed development would not give rise to any significant impacts on the visual amenity of the area.
- HSE submission requires FI (refer to para 3.3 below).
- No change to the existing access.
- The proposed development is located within the N2 Rath Roundabout to Kilmoon Cross 'Preferred Option Corridor'.
- The Transportation Department recommends the application be refused as it is premature until the above scheme progresses, and detailed design is finalised.
- Proposal not likely to have significant effect on European Sites. Stage 2 AA not required.

- EIAR not required.

3.2.2. Other Technical Reports

- Transportation Dept. – There are two reports on file from the Transportation Dept., the first dated 8th May 2025, and the second dated 26th May 2025. Both reports recommend refusal on the basis that the development is located within the preferred corridor of the N-2 Rath Roundabout to Kilmoon Cross road scheme and would be premature.

3.3. Prescribed Bodies

- HSE – (a) Not possible to comment on public health as no supporting documentary information has been provided in relation to this development and the compliance of the structures with international safety guidelines on electromagnetic radiation. (b) FI requested in relation to details of the construction phase and mitigation measures to control dust, noise and emissions to surface and groundwater in the interest of public health.
- DAA – No comments.

3.4. Third Party Observations

- None

4.0 Planning History

- None

Note

The PA planners' reports refers that the existing mast on the site was erected under exemption provisions of Class 29 of Statutory Instrument No 86/1994 – Local Government (Planning and Development) Regulations 1994.

5.0 Policy Context

5.1. National Policy

5.1.1. Climate Action Plan (CAP) 2025

- CAP 2025 to be read in conjunction with CAP 2024.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Commission to make all decisions in a manner that is consistent with the current CAP.

5.1.2. The National Planning Framework – First Revision (April 2025)

NPO 31: 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. It is a national policy objective (NPO 62) to develop a stable, innovative and secure digital communications and service infrastructure on an all-island basis

5.1.3. National Development Plan Review 2025

5.1.4. The updated NDP features annual sectoral capital allocations from 2026 to 2030, and overall capital expenditure ceilings to 2035. The National Development Plan, 2018 – 2027, identified road projects for investment including the N2 Rath Roundabout to Kilmoon Cross.

5.1.5. Section 28 Guidelines – Department of the Environment Telecommunication Guidelines, 1996

Section 4 of the Guidelines relates to development management and some of the key guidance relates to design and siting, visual impact and sharing facilities and

clustering of installations. In terms of visual impacts, the Guidelines advise as follows.

- Visual impacts from masts that do not terminate views might be considered not seriously detrimental.
- Intermittent and incidental views may not intrude overly on the general view of the prospect.
- Local factors shall be taken into account such as intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape and the position of the object with respect of the skyline.

In the vicinity of larger towns and in city suburbs, operations should attempt to locate in industrial estates or in industrial zoned land.

As part of the planning application, operators should furnish a statement of compliance with the International Radiation Protection Association Guidelines.

5.1.6. Circular Letter PL07/12-Department of Environment, Community and Local Government-2012

This Circular provides direction for all forms of telecommunications infrastructure in terms of the recommended duration of permissions, separation distances from residences/schools, bonds and a register of structures.

5.1.7. Circular PL 03/2018 – Revision of Development Contribution Guidelines in Respect of Telecommunications Infrastructure

This circular states that waivers shall be applied to Development Contribution Schemes to include any telecommunications infrastructure.

5.2. **Eastern Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 – 2030**

Regional Policy Objective 8.10 supports appraisal and or delivery the N2 Rath Roundabout to Kilmoon Cross project. Regional Policy Objective 8.25 seeks to support and facilitate the delivery of the National Broadband Plan.

5.3. Meath County Development Plan, 2021 – 2027, (as varied)¹

- 5.3.1. The appeal site is located outside of the settlement boundary of Ashbourne, in accordance with the provisions of the Meath County Development Plan, 2021 – 2027, as varied. Although the site is located outside the settlement boundary the appeal site is zoned RA ‘Rural Area’. The stated objective for such lands is:

‘To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage’.

5.3.2. Chapter 3 – Settlement and Housing Strategy

Chapter 3 sets out the settlement strategy for County Meath and Ashbourne is designated as a ‘self-sustaining growth town’ which is the third settlement tier in the county settlement hierarchy².

5.3.3. Chapter 5 – Movement Strategy

Policy objective MOV OBJ 38 is relevant, and states as follows.

To continue to support and facilitate TII, Fingal County Council, Louth County Council and Monaghan County Council in the planning and delivery of upgrades to the N2, as appropriate and to reserve route corridor free from development which would interfere with the delivery of identified schemes, when finalised.

5.3.4. Chapter 6 – Infrastructure Strategy

Section 6.16.4 Telecommunications Antennae, includes guidance, and in summary the following is noted.

- The Council recognises the essential need for high-quality communications and information technology networks in assuring the competitiveness of the County’s economy.
- The preferred approach is for all new support structures to fully meet the co-location or clustering policy of the guidelines. The shared use of existing

¹ Variation No. 1 and Variation No. 2 to the Meath County Development Plan 2021-2027, was adopted on the 13th of May, 2024. Variation No. 3 to the Meath County Development Plan 2021-2027, was adopted on the 27th January 2025.

² Table 3.4 of the CDP

structures will be insisted upon where the numbers of masts located in any single area are considered to be excessive.

- Due to the physical size of mast structures and the materials used to construct them, such structures can severely impact on both rural and urban landscapes.
- Applications shall minimise damage through discreet siting, appropriate and good design.
- The design of mast structures should be simple and well finished and shall employ the latest technology in order to minimise their scale and visual impact.
- In upland/hilly or mountainous areas, softening of the visual impact can be achieved through planting of shrubs, trees etc. as a screen or backdrop, if appropriate.
- Disguised masts e.g. as trees, will be encouraged in appropriate locations.
- In accordance with circular PL07/12 the Plan will seek to support applications for telecommunications infrastructure in appropriate locations in compliance with all environmental requirements.

Policy Objective INF POL 54, is relevant and states as follows:

- To facilitate the delivery of a high-capacity Information and Communications Technology (ICT) infrastructure and broadband network and digital broadcasting throughout the County.

Policy Objective INF POL 56, is relevant and states as follows:

- To promote orderly development of telecommunications infrastructure throughout the County in accordance with the requirements of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” July 1996, except where they conflict with Circular Letter PL 07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

Chapter 11 – Development Management Standards and Land Use Zoning Objectives

Section 11.8.5 Telecommunications and Broadband. The following development management policies and objectives are relevant.

DM POL 29:

- To require compliance with the requirements of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities” July 1996, except where they conflict with Circular Letter PL 07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

DM OBJ 83:

- To encourage the location of telecommunications structures at appropriate location within the County, subject to environmental considerations.

DM OBJ 84:

- To require the co-location of antennae on existing support structures and where this is not feasible require documentary evidence as to the non-availability of this option in proposals for new structures.

DM OBJ 85:

- To avoid the location of structures in sensitive landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved. (Please refer to Chapter 8 Cultural Heritage, Natural Heritage, Landscape and Green Infrastructure and Appendices 6-9 inclusive for further details).

5.4. Natural Heritage Designations

- Rogerstown Estuary SAC (Site Code 000208) 15km east
- Rogerstown Estuary SPA (Site Code 004015) 15km east
- Balrath Woods pNHA (Site Code 001579) 11.5km northwest

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. The first-party submission is by charterhouse, Infrastructure Consultants, on behalf of Vantage Towers Ltd, and the submission refers to the market overview, the importance of modern 5G technology, outdoor v indoor coverage, statistics for the Irish market and the grounds of appeal. The grounds of the appeal may be summarised as follows.

Planning Proposal

- The proposed development would not interfere with the delivery of upgrades to the N2.
- The status of the N2 upgrade is not finalised.
- Normally in the case of one mast replacing an existing mast the new mast is built in close proximity to the existing mast before removing the existing mast. However given the restricted site area, it is proposed to remove the existing structure and then erect the new mast in the same position.
- Apart from an increase in height there will be no change to the existing situation. The proposal will therefore not interfere with the delivery of the road scheme.

Temporary Grant

- The compulsory purchase programme for land acquisitions will not commence for many years.
- Accordingly, there is an option for a temporary period, of 5 to 7 years approximately.

Timing of the Road Scheme

- The Minister for Transport, on the 28th of March 2025, announced public expenditure for national roads.

- The N2 Rath Roundabout to Kilmoon Cross is not included within the expenditure announcement.
- A separate announcement was made for regional and local roads.
- Appendix 3 of the submission includes a list of funding allocations for County Meath in 2025. The N2 Rath Roundabout to Kilmoon Cross is not included.
- The road upgrade is unlikely to commence for many years.
- The proposed structure is required now for the benefit of the economy.

Planning Authority's N2 Rath Roundabout to Kilmoon Cross Brochure

- The following is noted from the PA's brochure.
 - An area is included within the corridor to indicate a potential-tie-in to the existing N2 and R135, which includes the development site.
 - The corridor does not represent the actual width of the road scheme or the lands to be acquired.
 - There are many stages to progress before the proposal is complete.

Roundabout and Site

- Figure 8 of appeal submission demonstrates the existing M2 will be extended along the yellow route to the south and to the west of the mast site.
- The map illustrates that the remaining M2 road to the N2 / R135 roundabout is for tie-in purposes only.
- The existing M2 road to the roundabout is already substantial in layout and design as such very little alteration will be required.
- Any alterations to the existing access road will not impact on the proposed mast.

Existing Rath Reservoir Infrastructure

- The financial viability of the relocation of infrastructure to undertake any 'tie-in' road scheme including the relocation of the reservoir, mast and associated compound is questioned.

- The proposal to replace the mast is unlikely to ever impact the proposed road scheme.

Visual Impact

- The appeal submission includes photomontages of the proposed development to justify the site selection and the visual impacts of the proposed development.

6.2. Planning Authority Response

- None

7.0 Planning Assessment

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Site Selection
- Impact on N2 Upgrade
- Health and Safety
- Other Matters

7.1. Principle of Development

- 7.1.1. The appeal site is located outside of the settlement boundary of Ashbourne, in accordance with the provisions of the Meath County Development Plan, 2021 – 2027, as varied (MCDP). The immediate area surrounding the settlement boundary of Ashbourne, including the appeal site, is zoned RA 'Rural Area'. The stated objective for such lands is:

‘To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage’.

- 7.1.2. Section 11.14.6 ‘Land Use Zoning Categories’ of the Meath CDP notes that the primary objective of the ‘Rural Areas’ land-use zoning is to protect and promote the value and future sustainability of rural areas. This section of the MCDP also sets out permissible uses and open for consideration uses for lands zoned ‘Rural Areas’. In this respect I would note that the MCDP confirms that ‘*utility structures*’ is a permissible use within the land-use zoning objective ‘Rural Areas’.
- 7.1.3. Having regard to the above considerations I am satisfied that the proposed development, which relates to the erection of a 24m lattice telecommunications support structure, is consistent in principle with zoning provisions of the current Development Plan.
- 7.1.4. In addition, national, regional and local policy objectives support the rollout of a high-quality telecommunications service. The development on the subject site is consistent with national planning policy, including the National Planning Framework – First Revision³ policies such as NPO 31 (National Broadband Plan) and NPO 62 (communications). Furthermore, RPO 8.25 in the EMRA Regional Spatial Economic Strategy (2019 – 2031), supports communication networks and digital infrastructure. The MCDP, recognises the essential need for high-quality communications and information technology networks in assuring the competitiveness of the County’s economy. The proposed new telecommunications structure would enhance and improve digital and communications services locally and would therefore be consistent with national, regional and local policy objectives.
- 7.1.5. A further relevant consideration in respect of the principle of development is that the development site currently accommodates an existing mast structure (17.5 m high) and the proposed mast structure (25.2 m high) will replace the existing structure. The proposed higher mast is utilising an established site which is consistent with the sharing and clustering approach in the Guidelines (1996) and the provisions of s. 6.16.4 of the MCDP, 2021 – 2027.

³ April 2025

- 7.1.6. I would therefore be satisfied that the principle of the development, which relates to the erection of a 24m lattice telecommunications support structure, is consistent with the zoning objectives of the MCDP, 2021 – 2027, and with national, regional and local policy objectives to enhance telecommunications infrastructure.

7.2. **Site Selection**

7.2.1. **Introduction**

The appeal submission has resubmitted photomontages which outline the visual impacts of the proposed development and the justification for the site selection, which for completeness I have assessed below.

- 7.2.2. Policy objectives INF POL 56 and DM POL 29 of the Meath CDP both require compliance with the Guidelines (1996). Section 4.0 of the guidelines (1996) advises planning authorities specifically in relation to site selection, having regard to design, siting, visual impact and location.

- 7.2.3. Ashbourne is designated as a '*self-sustaining growth town*' in the county settlement strategy in accordance with the provisions of the Meath CDP, 2021 – 2027, which is the third settlement tier, behind Regional Growth Town (South Drogheda Environs) and Key Towns (Navan and Maynooth). Within the county context self-sustaining growth towns are larger towns and the CDP notes that self-sustaining growth towns have a moderate level of jobs and services that includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.

- 7.2.4. The guidelines (1996) refer that in the vicinity of larger towns and in city suburbs, operations should attempt to locate in industrial estates or in industrial zoned land. However, I have noted above in para. 7.1.1. that the appeal site is located outside of the settlement boundary of Ashbourne. Having regard to the location of the appeal site outside of a settlement boundary of a '*self-sustaining growth town*' and within the site of an existing utility compound, I would consider that test of last resort, in accordance with the Guidelines (1996) would not apply to the subject site.

7.2.5. **Technical Justification**

In terms of site selection, I would note that the planning application was accompanied by a report entitled 'Technical Justification' setting out the justification

for the selected site. I would note that the report has identified current service blackspots that requires coverage improvements. The areas targeted for improvement include Ballymadun and Borranstown, and surrounding roads, businesses, farms, housing and its immediate environs as well as commercial premises within these areas. I would note from Fig. 6 of the applicant's submission that accompanied the planning application, that both Ballymadun and Borranstown are rural areas and are located to the north of Ashbourne and to the east of the N2.

- 7.2.6. The 'Technical Justification' report identifies other operating structures in the local area and the nearest operational site, relative to the appeal site, is a site deployed in the Ashbourne Business Park located 1.1km to the south of the appeal site.

However, I would acknowledge that the applicant's documentation confirms that the service at Ashbourne Business Park is not pointed at the Ballymadun / Borranstown area and is unable to provide adequate coverage to these targeted areas given distance. The applicant's report includes a list of all other operators' sites in the local area and has discounted co-location at these sites on the basis that they would be unable to provide adequate coverage to the targeted areas. I would consider that the applicant's report has rationally discounted all other existing sites in the local area, which are situated a further distance from the targeted areas for improvement, relative to the application site or the Ashbourne Business Park site.

- 7.2.7. On the basis of the above considerations and the submitted 'Technical Justification' report, I would accept the applicant's justification that replacing the existing telecommunications structure with a 24m lattice mast at the Ashbourne Water tower would be the best option to improve coverage in the targeted areas. Accordingly, in my view, the applicant has adequately demonstrated the location of the proposed development and further justified that co-location with other facilities in the local area, to improve coverage in targeted areas, is not viable.

7.2.8. Visual Impact Assessment

As noted above the appeal submission includes the resubmission of photomontages of the proposed development which I have assessed below. As described in section 1.0 above, the appeal site is located adjacent to the junction of the M2 and R165/N2 roundabout adjoining the northern edge of Ashbourne. The development site is located within an existing water tower compound where there is an established

telecommunications mast. I noted during my site assessment that the general character of the immediate area is agriculture, primarily located to the southwest and west of the appeal site, and that there is no established housing located within the immediate context of the development site.

7.2.9. The existing Rath Reservoir compound is gated and enclosed by 2.4m high palisade fencing. According to the submitted drawings (drawing no. MHABE / 002 / 06) the height of the existing reservoir tower is 11.5m above ground level. I noted from my site assessment that the existing mature evergreen trees located along the northern and eastern boundary of the site are similar in height to the existing telecommunications mast therefore providing screening of the existing mast.

7.2.10. The existing mast on the subject site rises to a height of 17.5m above ground level and the proposed telecommunications structure exceeds the height of the existing mast by 7.7 metres, rising to a height of 25.2 metres above ground level.

7.2.11. Section 4.3 of the Guidelines (1996) includes guidance in respect of visual impact and principally the guidelines advise to take great care when dealing with sensitive landscapes and that the softening of the visual impact can be achieved by planting. The guidelines specifically advise, relevant to the proposed development, that masts along major roads maybe visible but yet are not terminating views, and in such cases, it might be concluded that the impact is not seriously detrimental. Further the guidelines advise that views along such routes may be intermittent and incidental, and in most cases, viewers may not be facing the mast, and the mast may not intrude overly on the general view of prospect. Finally in respect of views along major routes, the guidelines consider that local factors can be considered in taking into account the extent to which an object is noticeable or intrusive. Local objects include trees, buildings or topography. Section 6.16.4 of the MCDP advises the design of mast structures should be simple and well finished and shall employ the latest technology in order to minimise their scale and visual impact.

7.2.12. I would acknowledge that the applicant submitted 4 no. photomontages of the proposed development as part of the planning application and with the appeal submission. I have reviewed all the submitted photomontages of the proposed development, and I would consider as follows.

- Viewpoint 1 - Visual Impact along the M2

I would consider based on the submitted photomontage that the upper level of the proposed mast is visible, however having regard to the existing objects such as mature trees, both on the development site and along the M2 corridor, that the visibility of the mast is not a terminating view.

- Viewpoint 2 - Visual Impact from Pillo Hotel Car Park

I would consider that the view of the proposed mast from the hotel car park, having regard to established objects, such as mature trees and utility poles, would be intermittent and the proposed development would not intrude overly on views from this location.

- Viewpoint 3 - Visual Impact along the N2

The proposed mast is visible along the N2 travelling in a southern direction, however the visual impact, having regard to existing mature trees and the angle of the view would be intermittent and incidental. I would agree with the applicant's assertion that from this viewpoint along the N2 the visual impact of the proposed mast is minimum to medium against the skyline.

- Viewpoint 4 - Visual Impact along R135

In respect of views of the proposed mast along the R165, as indicated in viewpoint no. 4, I would consider that local factors, such as mature trees, utility poles, overhead traffic lights, would absorb the visual impact of the proposed mast.

7.2.13. I would consider that the applicant's submitted photomontages, as considered above, would demonstrate that the impact of the proposed mast would be largely diminished by local objects and overall, the proposed mast would not intrude overly on the visual amenities of the area.

7.2.14. I would note from Map 8.6 'Views & Prospects' of the MCDP, that there is no designated 'Views or Prospects' that would be impacted by the proposed development. Further, there are no designated 'Views or Prospects' that relate to the wider context of the appeal site. I have also outlined in para 5.3 above that the proposed development is not located within or close to a European Designated Site. As such I would consider that the appeal site is not located within a sensitive landscape.

7.2.15. I would note that the PA planner's report, dated 27th May 2025, raised no concerns in respect of visual impacts of the proposed development.

7.2.16. I would be satisfied, having regard to the above considerations, that the proposed mast, owing to the established mast on site, the location of the site outside of an urban area and not within a sensitive landscape, and the existing evergreen mature screening within the development site, that the proposed development would be acceptable and would not have any significant impacts on the visual amenity of the area.

7.3. Impact on N2 Upgrade

7.3.1. Introduction

The PA's refusal reason considered that the proposed development would be premature pending the determination by the planning authority or the road authority of the road layout in respect of N2 Rath Roundabout to Kilmoon Cross Road Scheme.

7.3.2. The first party in appealing the PA's decision to refuse permission considers that the proposed mast would not interfere with the delivery of upgrades to the N2 and that a temporary permission, approximately 5 to 7 years, could be considered given the timing of the proposed road project. I note that the appellant includes details of recent public expenditure announcements for national roads by the Dept. of Transport and the N2 Rath Roundabout to Kilmoon Cross Road Scheme was not allocated funding. The appellant also highlights that the indicative junction corridor at southern tie-in to the N2 and R165 includes the development site and that the corridor is not representative of the actual width of the road scheme or the lands to be acquired.

7.3.3. Policy and Preferred Option Corridor

Notwithstanding the appellants comments in respect of non-allocation of public funding for the proposed road scheme, I would note the N2 upgrade of the Rath Roundabout to Kilmoon Cross Road Scheme is supported by national, regional and local policy objectives. National Strategic Outcome 2 'Enhanced Regional Accessibility' of the National Development Plan, 2018 – 2027, identifies priority projects in relation to the national road network and this includes the N2 Rath

Roundabout to Kilmoon Cross. In addition, regional policy objective 8.10 of ERMA Regional Spatial Economic Strategy (2019 – 2031) supports appraisal and or delivery the N2 Rath Roundabout to Kilmoon Cross project, subject to the appropriate environmental and planning process. The national and regional policy context is supported in the MCDP, 2021 – 2017 (as varied), in particular in CDP policy objective MOV OBJ 38 which states:

To continue to support and facilitate TII, Fingal County Council, Louth County Council and Monaghan County Council in the planning and delivery of upgrades to the N2, as appropriate and to reserve route corridor free from development which would interfere with the delivery of identified schemes, when finalised.

- 7.3.4. The PA's internal report from the Transport Department (dated 8th May 2025) confirms that the subject mast development is located within the Preferred Option Corridor for the proposed N2 Rath Roundabout to Kilmoon Cross Scheme and refers that details of the scheme are available on www.n2rath2kilmoon.ie. The Transport Department recommends refusal until the scheme progresses, and detailed design is finalised.
- 7.3.5. I have reviewed www.n2rath2kilmoon.ie and I would note that the scheme moved from Phase 1 (Concept and Feasibility) to Phase 2 (Options Selection) in January 2020. In February 2022 Phase 2 was completed and E-2 was identified as the preferred option for the N2 Rath Roundabout to Kilmoon Cross Scheme. The maps (Fig. 4 and Fig. 8) in the appeal submission illustrates the preferred option E-2 and this preferred route incorporates the appeal site.
- 7.3.6. I would also note that the initial preferred option corridor originally identified broad areas of land designated for tie-in junctions between the proposed scheme and the existing N2, which included the appeal site. However, the indicative junction corridor was refined in February 2025 with the objective of narrowing down the indicative junction corridors, to optimise land use and minimise unnecessary land reservation, while the scheme awaits funding for progression into phase 3.
- 7.3.7. The indicative junction corridor at southern tie-in, which relates to the Rath roundabout, has therefore been refined to show a smaller area where the proposed

junction may be sited adjacent to the existing M2 motorway to the south-west of the existing Rath Roundabout, and this refinement includes the appeal site.

- 7.3.8. I would therefore be satisfied that the proposed road scheme, in relation to the upgrade of the N2 at this location, which is strongly supported by national, regional and local policy objectives, is currently underway. I would acknowledge the appellant's comments that the preferred corridor is not representative of the actual width of the road scheme or the lands to be acquired. However as outlined above the indicative junction corridor at southern tie-in, which relates to the Rath roundabout, has been refined to show a smaller area. Furthermore, I would acknowledge that the corridor shown does not represent the actual lands to be acquired, the corridors indicate the lands within which the proposed scheme that could be developed. I would consider that the exact details of the land take, junction and side road design and property impacts will be developed during the next phase of the planning and design process.
- 7.3.9. I would also consider, having regard to Fig. 4 of the appeal submission, and also having regard to the details of the road scheme as contained in www.n2rath2kilmoon.ie, that the land reservation adjacent to the appeal site is required to consider the tie-in with existing N2 (for access to Primatestown and Cushinstown). In addition, the land reservation is required for further consideration in respect of the indicative active travel measures. The proposed scheme provides for the provision of cycle and pedestrian improvements along the existing N2 between Ashbourne and Cushinstown. I would also note that the corridor illustrated may be subject to change following the completion of further design, engineering and environmental surveys and assessments during Phase 3. Further the appellant questions the financial viability of the proposed road scheme, however financial viability is not a relevant planning consideration.
- 7.3.10. I would acknowledge that Section 5.8.3 of the Meath CDP recognises the strategic importance of the N2 upgrade project to maintain and improve accessibility to employment areas. Further section 5.8.3 of the Plan also recognises the regional importance of the N2 corridor, as identified in the National Development Plan and the National Planning Framework, in enhancing regional accessibility consistent with National Strategic Outcome 2. I would consider that Policy objective MOV OBJ 38 of the Meath CDP, (referred to above) is clear in its objective to support and facilitate

the N2 upgrades and to reserve the route corridor free from development that would interfere with the delivery of the identified scheme. The proposed development, which relates to a mast telecommunications structure is located within the preferred route corridor, and therefore, in my view, would be inconsistent with policy objective MOV OBJ 38 of the Meath CDP.

7.3.11. Furthermore, and on the basis of the above policy support for the proposed N2 Upgrade, I would note section 7.16.1 of the Development Management Guidelines, 2007, which refers to premature development. The guidelines advise that premature development includes development which would be premature pending the determination by the planning authority or the road authority of a road layout for the area. In this case the proposed development is located within a preferred option corridor of a proposed road scheme, supported by national, regional and local policy objectives, and in my view would be premature until the determination of the road layout.

7.3.12. Notwithstanding my conclusion on the premature nature of the proposed development, I would note that the appellant submits that the development could be granted permission for a temporary period, approximately 5 to 7 years. However in this respect I would refer the Commission to the Departmental Guidance set out under Circular Letter PL07/12 which advises that attaching a condition to a permission for a telecommunications mast which limit their life to a set temporary period should cease, and that, only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life. In this case I would not consider that such exceptional circumstances applied in this instance.

7.3.13. Conclusion

On the basis of the above considerations and having regard to Policy objective MOV OBJ 38 of the Meath CDP, 2021 – 2027, which supports and facilitates the N2 upgrades, and to reserve the route corridor free from development, I would conclude that the proposed development would be premature pending the determination by the road authority in respect of N2 Rath Roundabout to Kilmoon Cross Road Scheme. I would concur with the PA refusal reason, and I would recommend that the Commission refuse permission for the proposed development on the basis that the

development is premature until such time that the proposed road layout is determined.

7.4. Health and Safety

- 7.4.1. The applicant confirms, in their application documentation, that they have stringent health and safety policies and codes for its maintenance crew and the public in relation the standards set by the International Non-Ionising Radiation Committee. However, the application, nor the appeal documentation, did not include a statement of compliance with the International Radiation Protection Association Guidelines (IRPA) or any equivalent. I have noted below in para. 7.5.4 that the MCDP, 2021 – 2027, does not explicitly require a statement of compliance.
- 7.4.2. In this regard the applicant refers to Circular PL07/12 which states that health and safety matters surrounding telecommunication structures are regulated by other codes and as such should not be regulated by the planning process.
- 7.4.3. The submission on the file from the HSE considers that it is not possible to comment on public health as no supporting documentary information has been provided in relation to this development and the compliance of the structures with international safety guidelines on electromagnetic radiation.
- 7.4.4. I would note that section 4.6 of the Guidelines (1996), states that as part of an application, operators should be required to furnish a statement of compliance with the International Radiation Protection Association Guidelines and to furnish evidence that the installation complies with these Guidelines. I have noted the relevant provisions of the MCDP, 2021 – 2027, in respect of the proposed development, in para. 5.3 above. However, there is no direct, explicit requirement to furnish a statement of compliance under the MCDP. Further the MCDP refers to compliance with guidelines, in more general terms, in policy objectives INF POL 56 and DM POL 28. I would note that in both cases the policy objectives refer to compliance with the requirements of the guidelines, *'except where they conflict with Circular Letter PL 07/12 which shall take precedence'*. I have noted Circular PL07/12 above, and specifically the circular letter advises that Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have the competence for health and safety matters of telecommunications structures.

- 7.4.5. I would consider that having regard to the substantive issue in this appeal that this issue is not pursued further by the Commission. Notwithstanding, and having regard to the submission from the HSE, should the Commission be minded to grant permission, I would recommend a condition requiring that the development shall comply with European Communities (Electronic Communications (Authorisation) Regulations 2000, ICNIRP guidelines for public exposure to electromagnetic fields.

7.5. **Other Matters**

The submission from the HSE recommends an FI request in relation to details of the construction phase and mitigation measures to control dust, noise and emissions to surface and groundwater in the interest of public health. I would consider that this issue can be addressed by condition, should the Commission be minded to grant permission.

8.0 **AA Screening**

- 8.1. I have considered case ABP-322723-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The proposed development comprises of the erection of a 24m lattice telecommunications support structure on a 1.2-metre-high raised foundation. The closest European Site, part of the Natura 2000 Network, is the Rogerstown Estuary SAC (Site Code 000208) and Rogerstown Estuary SPA (Site Code 004015) both located 15km to the east of the development site.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.4. The reason for this conclusion is as follows:
- The absence of any ecological pathway from the development site to the nearest European Site.
 - Location-distance from nearest European site.

- 8.5. I conclude, 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.
- 8.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

- 9.1. Refer to Appendix 2. I conclude that on the basis of objective information, that the proposed development, subject to standard construction practice during construction phase, will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

- 11.0 I recommend that planning permission be refused for the reason set out below.

12.0 Reasons and Considerations

The National Development Plan, 2018 – 2027, makes particular reference to and prioritises the upgrade of the N2 from Rath Roundabout to Kilmoon Cross section of road which is already underway. Regional Policy Objective 8.10 the Eastern Regional Assembly – Regional Spatial and Economic Strategy, 2019 – 2030, and Policy Objective MOV OBJ 38 of the Meath County Development Plan, 2021 – 2027, (as varied), supports its delivery. The appeal site is located within the Preferred Option Corridor of the N2 Rath Roundabout to Kilmoon Cross. Notwithstanding that the appeal site is considered suitable in all other aspects in the context of the proper planning and sustainable development, the Commission has concluded that it would be premature pending the determination by the Road Authority of a road layout for the area or any part thereof. The proposed development would, therefore, 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.

Kenneth Moloney
Senior Planning Inspector

16th September 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322723-25
Proposed Development Summary	Erection of a 24m lattice telecommunications support structure on a 1.2-metre-high raised foundation together with associated antennas and dishes.
Development Address	Rath Water Reservoir, Rath Ashbourne, Co. Meath
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-322723-25	Townland, address	Rath Water Reservoir, Rath Ashbourne, Co. Meath.
Description of project	Erection of a 24m lattice telecommunications support structure on a 1.2-metre-high raised foundation together with associated antennas and dishes		
Brief site description, relevant to WFD Screening,	The appeal site is located adjacent to the junction of the M2 and R165/N2 roundabout at the northern edge of Ashbourne, Co. Meath. The development site is located within the existing Rath Reservoir compound There is a river water body located approximately 1km to the southwest of the development site.		
Proposed surface water details	NA		
Proposed water supply source & available capacity	NA		
Proposed wastewater treatment system & available capacity, other issues	NA		

Others?			No			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	1km to the southwest of the development site.	DUNSHAUGHLIN STREAM_010 IE_EA_08D030300	Poor	At Risk	Ag, HYMO, DWTS	Yes – surface run-off
Groundwater Waterbody	Underlying site	Lusk-Bog of the Ring IE_EA_G_014	Good	At Risk	Chemical, Chemical Quality Diminution For SW, Nutrients	Yes – site is underlain by productive fissured bedrock

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	<u>Surface</u> Site clearance / Construction	DUNSHAUGHLIN STREAM_010	Existing surface water run-off	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out
2.	<u>Ground</u> Site clearance / Construction	Lusk-Bog of the Ring	Pathway exists	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
1.	Surface run-off	KNOCKNAGORAN_010	Surface water drainage system in the area	Site servicing - hydrocarbons	Standard operational management.	No	Screened out

2.	Discharges to Ground	Louth	Pathway exists	site servicing - hydrocarbons	Standard operational management.	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA