



### Development

Permission to erect a 24-metre lattice support structure carrying telecommunications equipment and all site works.

### Location

Eir Exchange, Dundalk Road  
Drumnasillagh Td, Ravensdale Co.  
Louth.

### Planning Authority

Louth County Council

### Planning Authority Reg. Ref.

2560307

### Applicant(s)

Towercom Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission + Conditions

### Type of Appeal

Third Party vs. Grant (NPA)

### Appellant(s)

Venora Brown Hovelt

### Observer(s)

Siobhain Corbett  
Philip Fearon  
Finbarr McDonnell  
Sam Mulligan  
Emma and James Fearon  
Gareth O'Brien  
Dessie O'Connor

John Werhly  
Ian Hovelt  
Jonathan & Jayne Graham  
Michael Router

**Date of Site Inspection**

25<sup>th</sup> of May 2026

**Inspector**

Stephen Ward

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## 1.0 Site Location and Description

- 1.1. The site is located along the Old Newry Road (R132 Regional Road) in the rural townland of Drumnasillagh, Ravensdale, Co. Louth. It is distanced approximately 5km northeast of Dundalk and approximately 200m east of the N1 National Road between Dundalk and Newry.
- 1.2. The site has a stated area of 400m<sup>2</sup> and currently comprises an existing Eir Exchange facility including two small buildings, two no. 10m tall wooden poles with operators' equipment, and an ESB pole supporting several power lines. It is bounded by a mixture of fencing, trees and hedgerows. A drainage ditch runs along the front of the site, and the site frontage includes a low-level pedestrian gate flanked by post and rail fencing.
- 1.3. The site is in a rural area which mainly comprises scattered single dwellings and farm holdings. The closest dwelling is roughly 30m to the northeast of the site. Aghnaskeagh Reservoir is approximately 160m to the south of the property and Drumad Garda Station is c. 200m to the northwest.

## 2.0 Proposed Development

- 2.1. In summary, permission is sought for the following:
  - To erect a 24-metre lattice support structure carrying telecommunications equipment including antennas, dishes, and associated equipment (comprising a total height of 25.5 metres including attached lightning finials).
  - New ground level equipment cabinets and fencing.
  - On completion of the above the two existing 10-metre-high wooden poles each with a 3-metre-high antenna attached (comprising a total height of 13 metres each) will be removed. The existing ESB pole and power lines will also be relocated.
  - A temporary construction access is proposed at the southwest site corner, while a new wooden pedestrian access gate and fencing is proposed along the roadside boundary.

2.2. The proposed support structure would make this site available to telecommunications and broadband operators. Specifically, the application aims to immediately address the ability for Vodafone to provide enhanced 4G and 5G services to the area. A letter of support from Vodafone is attached to the application.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By Order dated 13<sup>th</sup> of February 2026, Louth County Council made a decision to grant permission subject to 8 conditions.

##### **3.1.1. Conditions**

The conditions are mainly standard in nature. Bespoke conditions can be summarised as follows:

Condition 6 – Requires access visibility lines for the construction phase, as well as the maintenance of drainage and road conditions.

Condition 7 – Outlines requirements in the event of an accidental discharge, spillage or deposit of oil.

Condition 8 – Requires revised proposals displaying the provision of native hedgerow species planting along the roadside boundary behind the required visible splays.

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

##### **3.2.1. Further Information**

Following the initial assessment of the application, a further information request was issued to the applicant. The issues raised can be summarised as follows:

1. Submit sightline proposals for the proposed temporary construction access.
2. Submit an appropriate flood risk assessment.
3. Submit proposals for drainage pipelines and temporary bridge over existing roadside stream.
4. Submit a Landscaping Plan.
5. Submit a Construction Management Plan.

### 3.2.2. Planning Reports

The LCC assessment is outlined in two Planning reports, i.e. the first recommending further information and the second on the response to the further information request. The assessment outlined in the two reports can be collectively summarised under the following headings.

#### Principle of Development

- Telecommunications development is broadly acceptable in principle in the rural area, subject to compliance with all other relevant planning considerations.
- The need/justification has been demonstrated for the proposed development at this location given:
  - The proposed installation will provide for the enhancement and improvement of telecommunications and broadband services in the region.
  - As the demand for 5G services increase, the coverage areas will be reduced.
  - Current coverage in this location and the surrounding area is negatively impacted by the landscape, which significantly affects the delivery of reliable voice and data services to the area.
  - The proposal will significantly improve coverage and enhance the provision of new 4G and 5G services to the local area.
  - The investment required to provide the proposed development is sizable and required as demonstrated by this 3rd planning application.
  - The letter of support from Vodafone Ireland for the proposed development.

#### Design, Scale and Form

- Having regard to the established infrastructure on site; the fact that the location is not unduly elevated (notwithstanding the location in a designated Area of High Scenic Quality by the LCDP); existing natural screening; the scale of the development which would not impact on the character of the area; and previous refusal reasons; the proposal will not have any undue negative impact on the visual amenities or character of the wider area.

- The further information response outlined proposals to retain existing vegetation as landscaping. However, some additional planting should be carried out along the roadside boundary. This matter will be dealt with by condition.

#### Residential Amenity

- The natural screening and topography of the land would prevent any unacceptable negative impact on neighbouring residential amenity, both for the closest residential receptor and other dwellings in the surrounding area.
- The applicant has submitted a Declaration of Conformity with ICNIRP Public Exposure Guidelines (ICNIRP Declaration).
- The Planning Authority considers that the proposed development would not result in any significant impact on the amenities of the neighbouring properties.
- The proposed development is not considered to result in an unacceptable level of overshadowing due to the narrow shape of the structure.

#### Traffic and Transport

- The initial assessment outlined the need to demonstrate adequate sightlines (4.5m x 215m) from the proposed construction access.
- The further information response for sightlines of 165m sightlines was considered acceptable given the temporary nature of the access and the limited traffic movements.
- The further information response includes a construction traffic management plan which is acceptable.

#### Flood Risk & Drainage

- The initial assessment outlined that the OPW Preliminary Flood Risk Assessment (PFRA) maps indicate that a portion of the proposed site is vulnerable to flooding, and an appropriate flood risk assessment is required. The further information response included a Site-Specific Flood Risk Assessment which was deemed to be comprehensive and acceptable.
- The initial assessment outlined that proposals for the temporary access over the on-site watercourse are acceptable, but that further information was required on

culverting standards. The further information response included design calculations (drainage volume, existing flow capacity, pipe flow, structural integrity) which was deemed to be acceptable.

#### Appropriate Assessment Screening

- The initial assessment outlined that a determination could not be made until matters relating to possible flooding and the design specification for the proposed culvert has been resolved.
- Matters in relation to flooding and the design specification for the proposed culvert were resolved in the further information response. Therefore, it was considered reasonable to conclude that on the basis of the information on the file, which was considered adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, in view of the sites conservation objectives and a Stage 2 AA is not therefore required.

#### EIA Screening

- Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### Development Contributions

- Contributions shall not apply as per Circular Letter: PL 03/2018, issued by the Department of Housing, Planning and Local Government on the 3rd July 2018.

#### Conclusion

- The report concludes that the provision of this infrastructure would significantly improve mobile coverage in the area in accordance with national, regional and county policy. It recommends a grant of permission, and this forms the basis of the LCC decision.

### 3.2.3. Other Technical Reports

- Environment: No objections subject to conditions.
- Placemaking & Physical Development: The initial report requested further information in relation to construction access sightlines; compliance with restrictions on 'Protected Regional Roads'; Flood Risk; and the watercourse crossing arrangements. The subsequent report on the further information response confirmed that there were no objections subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

The planning authority received a total of 16 no. submissions which objected to the proposed development. The main issues raised are covered in the grounds of appeal and appeal observations received (see section 7 of this report).

## 4.0 Planning History

**ABP Ref. 319769-24:** On the 6<sup>th</sup> of January 2025, the Board (now Commission) made a decision to refuse permission for the erection of a 24-metre lattice support structure carrying telecommunications equipment including antennas, dishes, and associated equipment. The reason for refusal was as follows:

*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), the location of the site in 'Rural Policy Zone 2' and an Area of High Scenic Quality under the Louth County Development Plan 2021-2027, Policy Objectives IU 41 and IU 42 and Section 13.18.3 (Telecommunications Structures) of the development plan, it is considered that the applicant did not provide a sufficient assessment of suitable alternative locations and 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.*

The Board Direction in this case also outlined that (in summary):

- (i) The information had not satisfactorily addressed the potential visual impact of the development in an Area of High Scenic Quality.
- (ii) The second reason for refusal recommended by the Inspector (traffic hazard) was not warranted given that the development would not result in a significant intensification of traffic.
- (iii) The development does not fall within a class that requires EIA Screening.

**P.A. 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.

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

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan for the area is the Louth County Development Plan 2021-2027 (CDP). The CDP came into effect on the 11<sup>th</sup> of November 2021 and has been subject to three variations to date.

#### Movement / Transport

The site adjoins Regional Road R132, which is designated as a Protected Regional Road. Table 7.10 of the CDP outlines 'Restrictions and Exemptions for such roads. Policy Objective MOV 58 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.

## Landscape

The site is in a designated Area of High Scenic Quality (AHSQ 1 – Feede Mountains and Cooley Area’) as per s. 8.12.2 and Map 8.15 of the CDP.

Section 8.12.3 and Map 8.16 outline that there are several protected ‘Views and Prospects’ in the wider surrounding landscape.

Section 8.12 and Map 8.20 outline that the adjoining Regional Road R132 is part of a network of designated Scenic Routes in the area.

Relevant provisions include the following:

**NBG 25** Where appropriate, require that landscape and visual impact assessments prepared by suitably qualified professionals be submitted with development applications, which may have significant impact on landscape character areas, especially in highly sensitive areas.

**NBG 36** To protect the unspoiled natural environment of the Areas of Outstanding Natural Beauty (AONB) from inappropriate development and reinforce their character, distinctiveness and sense of place, for the benefit and enjoyment of current and future generations.

**NBG 37** - To protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations.

**NBG 38** - Protect and sustain the established appearance and character of views and prospects listed in Tables 8.14 – 8.18 of this Plan that contribute to the distinctive quality of the landscape, from inappropriate development.

**NBG 40** - To prohibit inappropriate development which would interfere with or adversely affect the Scenic Routes as identified in Table 8.19 and illustrated on Map 8.20.

## Natural Heritage

Relevant provisions outlined in Chapter 8 include:

**NBG 3** - To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.

**NBG 9** - To ensure that proposals for development, where appropriate, protect and conserve biodiversity sites outside designated sites and require an appropriate level of ecological assessment by suitably qualified professionals to accompany development proposals likely to impact on such sites.

**NBG 14** - To protect from inappropriate development and maintain the character, integrity and conservation value of those features or areas of ecological interest listed as pNHA or that may be designated as NHA, during the lifetime of this Plan.

#### Infrastructure and Public Utilities

Section 10.3 deals with Flood Risk Management and relevant provisions include the following (in summary):

**IU 26** - To reduce the risk of new development being affected by possible future flooding by:

- Avoiding development in areas at risk of flooding and
- Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk.

**IU 27** - To ensure all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” 2009.

Section 10.4 deals with Communications and relevant provisions include (in summary):

**IU 37** To promote and facilitate the sustainable delivery of a high-quality ICT infrastructure network throughout the County taking account of the need to protect the countryside and the urban environment together with seeking to achieve balanced social and economic development.

**IU 39** To secure the rollout of high quality broadband and telecommunication infrastructure throughout the County and facilitate its expansion in remote rural areas, in the interest of promoting economic growth, competitiveness and social inclusion.

**IU 42** To ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the Telecommunications Antennae

and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PI07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

**IU 43** To require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non feasibility of this option in proposals for new structures.

**IU 45** To require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes.

**IU 46** 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.

#### Development Management Guidelines

Chapter 13 sets out the standards and guidelines which will be applied in the assessment of development proposals.

Section 13.9.7 outlines requirements for Visual Impact Assessments.

Section 13.16 outlines transport-related standards, including Table 13.13 'Minimum visibility standards for new entrances'.

Section 13.18.3 'Telecommunications Structures' outlines the following:

*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.*

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

### Project Ireland 2040

The National Planning Framework (First Revision April 2025) acknowledges that telecommunications networks play a crucial role in enabling social and economic activity. For rural Ireland, it states that broadband is essential enabling infrastructure that affords rural communities the same opportunities to engage with the digital economy as it does to those who live in our cities and towns. National Policy Objective 31 aims to 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.

### Regional Spatial and Economic Strategy for the Eastern & Midland Regional Assembly (RSES)

The RSES 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 and the sustainable development of a high-quality ICT network.

### Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

These guidelines, hereafter referred to as the Telecommunications Guidelines, set out the criteria for the assessment of telecommunications structures. Section 3.2 sets out that an authority should indicate in their Development Plan an acceptance of the importance of a high-quality telecommunications service, as well as any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools.

Section 4.3 outlines that the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application. Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes. In rural areas, masts can be placed in forestry plantations to reduce visual intrusion subject to clearance of

obstructions, suitable colour scheme, and additional planting. Some masts will remain quite noticeable in spite of best precautions and additional visual considerations will need to be taken into account. In upland/mountainous areas masts may remain visible but should not be discounted, and every effort should be made to share/cluster with existing masts to reduce the visual impact on the landscape (as also outlined in Section 4.5 of the Guidelines).

Circular Letter PL 07/12, issued in 2012, revises elements of the 1996 Guidelines. In summary, the revisions are as follows:

- Temporary permissions should only be used in exceptional circumstances where particular site / environmental conditions apply.
- Separation distances between telecommunication structures and sensitive receptors should not be incorporated into statutory plans.
- Bonds for the removal of structures should not apply.
- A register of approved structures should be maintained.
- Clarification that Planning Authorities do not have competence to assess health and safety matters as these matters are regulated by other codes.

### 5.3. **Natural Heritage Designations**

The nearest European Site is Carlingford Mountain SAC (Site Code: 000453) which is c. 1.5km to the east. Dundalk Bay SAC (Site Code: 000455) is c. 2.3km to the south, while Dundalk Bay SPA (Site Code: 004026) is c. 2.5km to the south.

## 6.0 **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 (or Part V of the 1994 Roads Regulations). 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.

## 7.0 The Appeal

At the outset I would highlight that some CDP references contained in the appeal and subsequent observations do not match the current version of the CDP according to the LCC website at the time of writing (i.e. Consolidated Louth County Development Plan 2021-2027 (including Variations 1, 2 and 3)). This may be due to the use of an earlier or unconsolidated version of the CDP. Where relevant I have highlighted these instances and made appropriate reference to the current version.

### 7.1. Grounds of Appeal

The LCC decision to grant permission has been appealed by Verona Brown Hovelt (stated owner of dwelling to the immediate north of the appeal site). The grounds of appeal can be summarised under the following headings.

#### Unauthorised Development

- The LCC Planner's Report indicates that the existing 10-metre support poles have not been authorised by the planning authority. This is significant given that the application and the LCC decision relies heavily on the established use of the site, which is misleading.
- The use of the site for telecommunications infrastructure is not 'established' in any statutory sense.
- The planning authority recently refused permission for a similar development on the grounds that the proposal would consolidate unauthorised development (P.A. Reg. Ref. 2460035).
- Therefore, the proposed development represents both the consolidation and intensification of unauthorised development in close proximity to an existing residential population and within a protected landscape.

#### Access

- Given that the existing support structures and antennae are unauthorised, the proposed development must result in an intensification of access.
- The proposed development is intended to facilitate co-location of antennae, which necessitates access for other operators and a resultant further intensification.

- The intensification of access on the R132 Protected Regional Road is not permissible under Table 7.10 and Policy Objective MOV 56<sup>1</sup> of the LCDP.
- Although only a pedestrian access exists, the LCDP does not distinguish between pedestrian and vehicular access points to a Protected Regional Road. In any case, vehicles will need to park along the road and will create road safety issues as was highlighted in the previous Inspector's Report for ABP Ref. 319769-24.
- The parking of vehicles along the road also interferes with sightlines at the entrance to the appellant's property to the north.

### Justification

- Given that permission was never granted for the support structures and antennae on site, the applicant has not provided any justification as to why this site must be used over any other undeveloped site in the area.
- The applicant has provided no justification as to why the development must be located within a residential area given that residential areas are designated as areas of last resort under section 4.3 of the Telecommunications Guidelines.
- The development is inconsistent with the Telecommunications Guidelines and Policy Objective IU 41<sup>2</sup> of the LCDP.
- The Site Justification prepared by Vodafone clearly explains why the site is not suitable due to its low levels.
- The Site Justification report mentions and discounts only one other location (Rosewood County Club) and does not assess the suitability of any sites where telecommunications infrastructure is not in place.
- The application does not engage in the locational hierarchy as per section 4.3 of the Telecommunications Guidelines. No forestry, industrial, or commercial locations have been assessed.
- Drumad Garda Station would be a more suitable site and has not been considered.

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<sup>1</sup> The reference to MOV 56 appears to actually relate to MOV 58. See section 5.1 of this report for details.

<sup>2</sup> The reference to IU 41 appears to actually relate to IU 42. See section 5.1 of this report for details.

## Landscape

- Having regard to the location on a designated Scenic Route (SR2) in the Feede Mountains and Cooley Area of High Scenic Amenity (AHSQ1), overlooked by high ground within the Carlingford and Feede Mountains Area of Outstanding Natural Beauty (AONB1), as well as several protected views and prospects (VP2, VP3, VP12, VP13), and in the absence of a detailed landscape and visual impact assessment report (as per NBG 25 and s. 13.9.7 of the LCDP), it has not been demonstrated that the development would not seriously injure the character of the surrounding landscape and visual amenities of the area.
- In addition, the surrounding landscape contains a remarkable concentration of archaeological heritage and historical/recreational value, which are visual receptors that are highly susceptible to change. This includes the Táin Way hiking trail along the R174 road to the west<sup>3</sup> of the site and no assessment of impacts on this route has been carried out.
- The LCC assessment relies heavily on the fact the site is of low elevation, without any reference to the sensitivity of views from higher ground.
- The proposed development is contrary to Policy Objectives NBG 36 (Protection of AONB), NBG 37 (Protection of AHSQ), NBG 38 (Protected Views and Prospects) and NBG 40 (Protection of Scenic Routes), as well as Policy Objectives IU 44 and IU 45<sup>4</sup> (Telecommunications Support Structures and Antennae) and Policy Objective NBG 25 (LVIA for highly sensitive landscape character areas) of the Development Plan.

### **7.2. Applicant Response in the case of a 3<sup>rd</sup> Party Appeal**

The applicant has responded to the 3<sup>rd</sup> Party Appeal. The main points of the response can be summarised under the following headings:

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<sup>3</sup> This would appear to be an error. The R174 runs to the east of the site.

<sup>4</sup> References to IU 44 and IU 45 would appear to actually relate to IU 45 and IU 46 (See section 5.1 of this report for details).

### Established Telecommunications Location

- The LCC Planner's report does not find the structures 'unauthorised'. It just states that there are no records of planning permission authorisation.
- The applicant is also unaware of any previous permission but considers that they were built under a previous planning exemption (Class 29 of the 1994 Planning Regulations).
- The area was previously identified as requiring communications coverage and the Exchange property offered a suitable location to avail of the exemption. Such infrastructure is often required to be located close to roads, urban areas, sports facilities, tourist attractions and scenic areas, and existing Exchange sites (particularly those with existing telecommunications) are suitable locations.
- The supporting letter from Vodafone details the benefits of increased height compared to the surrounding treeline and that the upgrade also facilitates directional antennae which allow more advanced 4G and future 5G technologies.
- Vodafone has also provided an ICNIRP Statement.

### Access

- The further information response demonstrates that 165m sightlines are available in both directions.
- This is a temporary access (5-6 weeks), and it is argued that sightline requirements apply only to permanent entrances.
- A full Design and Construction Safety and Health Plan and Traffic Management Plan was also submitted as further information.
- LCC has considered that sightline proposals are acceptable and the Board's direction in the previous case (ABP Ref. 319769) did not consider the development a traffic hazard.

### Justification

- The application documents have continually demonstrated compliance with the Telecommunications Guidelines and support for the national network.

- The Site Justification Report from Vodafone shows a significant increase of 'Very Good' coverage to the M1 motorway. The increase in 'Good' coverage extends to the surrounding area and facilitates a great continuity of service.
- The structure is designed to accommodate multiple users (mobile, broadband, broadcasters, emergency services) and to cater for changing technologies. This will reduce the demand for further structures in accordance with the Telecommunications Guidelines.
- The appeal reference to the 'last resort' in residential areas in the Telecommunications Guidelines is regularly used incorrectly as a 'test' for developments in smaller towns/villages, residential areas, or beside schools. The site is in a rural area and the LCC assessment was satisfied with its justification.
- Some recent similar cases by the Commission are referenced with regard to the 'last resort' requirement (ACP Ref. 323745 & ACP Ref. 321229A).
- The proposal (including removal of existing structures) at the established utilities property is in line with the sequential approach and provides adequate justification. It should not be considered a new telecommunications site, and the proposed development is required given the limitations of the existing infrastructure.

#### Visual Impact

- Following the previous refusal (ABP Ref. 319769), the applicant reviewed the proposed design and identified additional viewpoints for photomontages (8 no. viewpoints were submitted with the application from various distances and orientations).
- The site is not elevated and benefits from mature screening. The area is characterised by agricultural land, one-off dwellings and forestry. The wider topography is undulating and land to the north and west is at a higher elevation.
- LCC was satisfied with the visual impact. Condition no. 8 of the LCC decision requires additional planting and this will be complied with.

- Having regard to the characteristics of the site and surrounding area and the need for increased height to meet operational requirements, it is submitted that the visual impact is acceptable.

### 7.3. Planning Authority Response

None.

### 7.4. Observations

The Commission has received 11 third-party observations on the appeal. The observations support the appeal and reiterate many of the issues already outlined in section 7.1 above. Any additional issues raised can be collectively summarised under the following headings.

#### Planning History

- Previous applications have been unsuccessful and there have been no material changes that would justify a different outcome in this instance.

#### Landscape

- The Cooley peninsula shares geological, cultural, and visual connections with the Ring of Gullion and surrounding UNESCO Global Geopark landscapes.
- The removal of smaller poles does not mitigate the visual impact.
- The photomontage images do not adequately or accurately assess the visual impact of the development.
- The support structure should be kept to minimum height and width in accordance with the Telecommunications Guidelines.
- The LCDP designates the area as 'Rural Policy Zone 2' which is an 'Area Under Strong Urban Influence and of Significant Landscape Value'.
- The proposal would contravene landscape protection provisions as outlined in section 13.19.8 and Policy U 36<sup>5</sup> of the LCDP.

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<sup>5</sup> No such policy reference exists in the CDP. The observation refers to the need to balance countryside protection with ICT development, which is consistent with IU 37 (See section 5.1 of this report for details).

- Future extension/intensification of the structure and antennae (and possibly other similar developments) has not been adequately or cumulatively assessed.

#### Access & Traffic

- The proposal would materially contravene LCDP policy relating to the Protected Regional Road R132.
- There is inadequate provision for construction access and movement.
- The visual impact of the structure will distract drivers and create a traffic hazard.

#### Residential Amenity

- Proximity to dwellings raises serious concerns about visual intrusion, amenity and noise (including wind-generated noise).
- There are concerns about health impacts associated with electromagnetic radiation.
- There has been inadequate assessment of residential impacts, including no access to properties to properly assess the impacts.
- There would be a substantial loss of amenity to nearby residences, particularly Drumnasilla House which would suffer a devastating loss in value.
- Alteration to on-site ESB power lines will disrupt service in the area.

#### Flooding & Drainage

- The site is prone to flooding due to the spring-fed stream on site overflowing during heavy rainfall. This also causes flooding upstream and poses a risk to surrounding properties.
- It is plainly bad policy to permit any new development on the site that would inevitably reduce natural drainage.
- The applicant's reliance on historical data is flawed given the recent changes in weather patterns. The assessment of the applications fails to properly consider significant recent weather/flooding events in the area, as well as problems with culverting and dumping.
- Proposals for the diversion of the existing stream during construction are unclear.

### Justification

- Local residents have not been consulted about the proposal of the possibility of alternative locations on more suitable sites of higher elevation.
- While the proposal may plug a gap in service for passing traffic, it does not address the main thrust of National Broadband Policy to improve services to homes and businesses.
- National Policy support does not override the development plan and cannot justify failure to meet core planning criteria.
- There is no justification for improved 4G coverage as it is 'good' to 'very good' according to ComReg mapping.
- Inadequate consideration of alternative technologies such as satellite-based connectivity and fibre broadband.

### Environment & Ecology

- There are bats present in the area and several suitable roosting / foraging sites. The application fails to address potential impacts in accordance with legislative obligations.
- The LCC reports outline that the Appropriate Assessment Screening and assessment of environmental impacts is incomplete. The planning authority cannot lawfully grant permission when such matters are unresolved.
- The applicant's AA Screening report incorrectly refers to connectivity to the Boyne River.
- There are concerns about health and environment-related impacts on biodiversity, including vegetation/habitats, sheep, bats, birds, and red squirrel.

## **8.0 Assessment**

### **8.1. Introduction**

- 8.1.1. Having regard to the documentation submitted in connection with the application and the appeal, including all submissions received, and having inspected the site, I consider that the main issues for assessment are as follows:

- The Principle and Justification of Development
- Landscape & Visual Amenity
- Residential Amenity
- Access & Traffic
- Flood Risk & Drainage
- Biodiversity.

## 8.2. The Principle and Justification of Development

### Planning History

- 8.2.1. The observations on the appeal include opinions that circumstances have not changed since the previous case (ABP Ref. 319769) and that permission should accordingly be refused again. In this regard I acknowledge the consistencies between the previous appeal case and the current application. However, all cases should be assessed and determined on their own merits having regard to the sensitivity of the receiving environment, the specifics of the proposed development, and the updated information/submissions available. Accordingly, I confirm that this assessment represents my *de novo* consideration of all material planning issues, including the updated documentation submitted in connection with the application / appeal and all submissions received.
- 8.2.2. The appeal has also raised the planning history of the site in contending that the existing support structures and antennae are unauthorised development. This view appears to be based on the LCC Planner's Report, which stated that '*..there is no record for the existing 10m poles that have been since erected on site, and thus existing poles have not been authorised by the Planning Authority*'.
- 8.2.3. The applicant's appeal response contends that this does not amount to a finding of 'unauthorised development', and I would concur that the absence of records confirming authorisation by the planning authority does not necessarily amount to a development being unauthorised *per se*. In this regard the applicant contends that the structures were erected as 'exempted development' under Class 29 of the Planning

Regulations of 1994. Having reviewed the Planning Regulations of 1994 as per the 'electronic Irish Statute Book' website<sup>6</sup>, I note the following:

- Article 9 states that:

*(1)(a) Subject to paragraph (b) and article 10, development of a class specified in column 1 of Part I of the Second Schedule shall be exempted development for the purposes of the Acts, provided that such development complies with the conditions and limitations specified in column 2 of the said Part I opposite the mention of that class in the said column 1,*

*(b) Development of class 29 (f) specified in column 1 of Part I of the Second Schedule which complies with the conditions and limitations specified in column 2 of the said Part I opposite the mention of that part of that class in the said column 1 shall, if commenced during the period of six months beginning on the coming into operation of this paragraph, be exempted development for the purposes of the Acts.*

- Article 10 'Restrictions on exemption' outlines that circumstances where 'Development to which article 9 relates shall not be exempted development for the purposes of the Acts'.
- The Second Schedule, Part I, Class 29 includes:

*The carrying out, by Bord Telecom Éireann — The Irish Telecommunications Board, or by any person to whom a licence under section 111 of the Postal and Telecommunications Services Act, 1983 has been granted, of development consisting of the provision of—*

*(f) antenna support structures,*

- The 'conditions and limitations' relating to Class 29 (f) states:

*The height of any such structure shall not—*

*(a) if constructed or erected on the ground, exceed 15 metres,*

*(b) if constructed or erected on the roof of a building, exceed 7 metres above the roof.*

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<sup>6</sup> Accessed on 27<sup>th</sup> of May 2026

8.2.4. Having regard to the foregoing, I consider that there is inadequate information to make a definitive conclusion on whether or not the erection of these structures was or was not exempted development. The Commission may therefore wish to seek further information on whether *inter alia*:

- The structures were erected within the period referenced in Article 9(b).
- Any restrictions on exemption applied at the time under Article 10.
- The structures were erected by a body/person referenced under Class 29.

8.2.5. However, I ultimately conclude that a determination regarding unauthorised development or exempted development is outside the scope of the appeal. The application ultimately proposes to remove the support structures and associated antennae, and for that reason I do not recommend that the matter should be pursued any further.

#### Location

8.2.6. The appeal contends that this is a residential area and should only be considered as a 'last resort' in accordance with section 4.3 of the Telecommunication Guidelines. However, while the Telecommunications Guidelines does not define the meaning of a 'residential area', I consider that this relates to a built-up area where the predominant land use is residential. This however is a rural area where the predominant use is agriculture. I acknowledge the presence of one-off dwellings in the area, but I do not consider that this constitutes a 'residential area'.

8.2.7. Apart from 'residential areas', the only other references to the 'last resort' approach in the Guidelines relates to sites '*within or in the immediate surrounds of smaller towns or villages*' or '*beside schools*'. The appeal site does not come within any of these categories and, accordingly, I consider that the question of 'last resort' does not arise in this case.

#### Justification & Alternatives

8.2.8. The appeal and observations outline concerns that the need for the proposed development has not been justified and that more appropriate alternatives have not been adequately considered.

- 8.2.9. The application and appeal response outlines that the development would make this site available to telecommunications and broadband operators in line with local and national policy, and that this would reduce the demand for other such structures. More specifically, the application aims to immediately address the ability of Vodafone to provide enhanced 4G and 5G services to the area. It includes a letter of support from Vodafone which outlines that current coverage in Ravensdale is negatively impacted by the landscape (particularly the treeline and rising topography to the east and west), which significantly affects the delivery of reliable voice and data services. Due to the location of the appeal site and the height of the proposed structure, it contends that the development would secure coverage towards the main surrounding roads (N1, R132, R174).
- 8.2.10. In the first instance I acknowledge that the observations include an opinion that the development is not justified on the basis that 4G Vodafone coverage in the area is already classed as 'good' to 'very good' according to ComReg mapping. I have had regard to this mapping information, and I also note that 5G Vodafone coverage is classified as 'Fair' which equates to *'Fair signal and reliable data speeds may be attained, but disconnections and data drop-outs may occur at weaker signal levels'*.
- 8.2.11. The applicant's documentation also acknowledges the ComReg Coverage maps. It outlines that the appeal site currently provides 2G services and 'basic' 4G services at 900MHz, which is reflected on the ComReg coverage map. However, it highlights that ComReg mapping does not distinguish between the different layers of 4G and 5G services and states that the proposed upgrade at the Exchange will enable Vodafone to provide the full range of services (i.e 700MHz, 800MHz, 900MHz, 1800MHz, 2100MHz and 2600MHz, whereas now only 900MHz is provided).
- 8.2.12. In this regard the application is supported by a technical Site Justification Report prepared by Vodafone. It outlines that there is an existing drop in coverage to the north of the appeal site where coverage is predominantly rated as 'Fair'. For 2G services this indicates that *'Variable signal and data speeds may be harder to be attained, marginal data with drop-outs is possible at weaker signal levels'*, while for 4G/5G services *'Variable data speeds may be harder to be attained, but marginal data with drop-outs is possible at weaker signal levels'*. With the proposed upgrade in place, the report outlines that coverage in the area would be upgraded to 'Very good',

which indicates '*Strong signal with good connections and maximum data speeds*' for 2G services, and '*Strong signal with maximum data speeds*' for 4G/5G services.

- 8.2.13. While I acknowledge the differences in the coverage ratings in the ComReg mapping and the applicant's technical Justification Report, I would accept that the ComReg website outlines that the map results '*are for illustrative purposes only and the actual user experience may, depending upon the particular circumstances of the user, differ considerably from the results shown on the Coverage Map*'. I also note that the ComReg maps provide results for outdoor coverage as opposed to indoor coverage. I consider that the applicant has provided a more detailed technical justification report based on the specifics of the existing and proposed site infrastructure and the surrounding environment. On this basis I am satisfied that the proposed development will result in significant coverage improvements. Therefore, in principle, I am satisfied that there is a justification for improved services in the area and that this would be consistent with local, regional, and national planning policy (as per section 5 of this report) which aims to facilitate the delivery of a high-quality ICT infrastructure network.
- 8.2.14. I note that CDP Policy Objective IU 43 requires the co-location of antennae support structures and sites where feasible, as well as the submission of documentary evidence as to the non-feasibility of this option in proposals for new structures. This is also reflected in section 13.18.3 of the CDP. In this regard I note that the Site Justification Report prepared by Vodafone has reviewed 6 other existing telecommunications sites in the area based on ComReg mapping, 5 of which are discounted on the basis that they already accommodate Vodafone equipment and are too far from the target coverage area. This is considered reasonable. The only other existing site (Rosewood County Club) is stated to have a rooftop height of just 9m and is deemed to have similar limiting characteristics as the existing appeal site (impeded line of sight). Having inspected the Rosewood site I would concur that its characteristics and constraints are likely to be similar to those of the existing Exchange site facility. Having regard to these factors, I am satisfied that the application includes documentary evidence as to the non-feasibility of co-location to satisfactorily address the requirements of CDP section 13.18.3 and Policy IU 43. Similarly, I consider that the potential for sharing/clustering has been adequately considered in accordance with section 4.5 of the Telecommunications Guidelines.

- 8.2.15. CDP Policy Objective IU 42 also aims to ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the Telecommunications Guidelines and Circular Letter PL 07/12. In this regard I have previously outlined my opinion that this is a 'rural area' and therefore the relevant provisions of the Guidelines relating to 'rural areas' will be considered.
- 8.2.16. Section 2.2 of the Guidelines acknowledges that larger cells are generally used in rural areas where coverage rather than capacity is the critical requirement, and that higher masts are usually required in rural areas. Section 4.3 outlines that in most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters.
- 8.2.17. The appeal and associated observations contend that there has been inadequate assessment of alternative locations where telecommunications infrastructure is not in place, including forestry, industrial/commercial locations, and the local Garda Station. In this regard I note that section 4.3 of the Guidelines outlines that towers and masts can (my emphasis) be placed in forestry plantations provided that the antennae are clear of obstructions. However, I do not consider that this outlines a requirement for forestry locations in rural areas. Regarding the other suggested locations, I do not consider that industrial/commercial locations are applicable given the rural nature of the area, and I do not consider it reasonable that the applicant should be required to investigate all potential sites in the area (i.e. including the Garda Station and other undeveloped sites).
- 8.2.18. The observations also outline opinions that there has been inadequate consideration of alternative technologies by other operators such as satellite-based connectivity and fibre broadband. However, I would acknowledge the technologies proposed by the prospective operator and I am satisfied that these proposals should be considered on their merits.

### Conclusion

- 8.2.19. In conclusion, I consider that whether the existing support structures are authorised or not, they are to be removed under the current proposal, and the site is an established utility/telecommunication site in any event by virtue of the established exchange facilities. I am satisfied that the application has established that an existing coverage gap will be addressed by the proposed development, and the feasibility of co-location

has been adequately ruled out in accordance with the requirements of the CDP and the Telecommunications Guidelines. Therefore, I consider that the principle of developing this established telecommunications utility site in a rural area is reasonable subject to the further consideration of potential impacts.

### 8.3. Landscape & Visual Amenity

- 8.3.1. The appeal and associated observations have highlighted the various CDP landscape/scenic designations and historical, tourism, and recreational values associated with this area. They outline serious concerns that there has been inadequate assessment of visual/landscape impacts, that the proposed development would seriously detract from the landscape character and visual amenity of the area, and that it would be contrary to the provisions of the CDP and the Telecommunications Guidelines.
- 8.3.2. According to CDP designations, I note that the site is located within a designated Area of High Scenic Quality (AHSQ) and that there are designated Areas of Outstanding Natural Beauty (AONB) in the wider surrounding area to the east and north. The adjoining road R132 is part of a network of designated Scenic Routes and there are several protected 'Views and Prospects' in the surrounding area. As outlined in section 5.1 of this report, CDP policies NBG 36, NBG 37, NBG 38, and NBG 40 generally seek to protect such features from inappropriate development.
- 8.3.3. More specifically with regard to telecommunications structures and the protection of visual amenity, I also note that CDP Policy IU 45 requires best practice in terms of siting and design, while Policy IU 46 outlines 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.
- 8.3.4. In terms of assessment, I note that CDP Policy NBG 25 requires, where appropriate, the preparation of landscape and visual impact assessments for development applications which may have significant impact on landscape character areas, especially in highly sensitive areas. Section 13.18.3 'Telecommunications Structures' outlines that a Visual Impact Assessment may be required, depending on the nature of the development proposed, while Section 13.19.8 'Areas of Outstanding Natural Beauty and High Scenic Quality' also outlines that a Visual Impact Assessment may

be required to demonstrate how a development would integrate into the local landscape. Therefore, as I have underlined in this paragraph, the requirement for a Visual Impact Assessment (as envisaged under section 13.9.7 of the CDP) is discretionary as opposed to mandatory. In this case I note that the application includes photomontages and accompanying assessment (in the application 'cover letter') as opposed to a specific 'Visual Impact Assessment'. In principle, I do not consider that this level of assessment would contravene any requirements of the CDP, and I note that the planning authority was also satisfied with both the information submitted and the visual impacts of the development.

8.3.5. The applicant's photomontages compare existing and proposed verified views from 8 viewpoints on the surrounding road network. The application outlines the technical methodology used in the preparation of the photomontages by a specialist company using computer aided technology and GPS mapping services. I note that the observations on the appeal include concerns about the accuracy of the images, but no technical information has been included to substantiate such claims. Accordingly, I am not aware of any grounds to conclude that the images are misleading.

8.3.6. My assessment of the submitted viewpoints is as follows:

View 1 – This is taken directly across the road (designated Scenic Route) from the site and, unsurprisingly, the proposed structure would be prominent in this close and localised viewpoint. However, given the north-south alignment of the road at this point, the focus would be away from the appeal site (to the east), and I am satisfied that any such prominent view would be brief and the impact would be localised.

View 2 – This is taken from the N1 road c. 400m to the southwest. Due to the raised embankment and trees along the N1, I note that the proposed structure cannot be seen from this point. Furthermore, I am satisfied that this view is generally representative of views from the N1, which is the most frequently used route in the area.

View 3 – This is taken from a local road c. 500m east of the appeal site. The road runs generally on a north-south alignment, which would be focused away from the appeal site (to the west). I note that the proposed structure would skyline above the existing ridgeline in this view. However, given the limited width of the structure and the distance involved, I do not consider that it would have a significant impact.

The Regional Road R174 (designated Scenic Route and part of the Táin Way) runs a further c. 550m to the east, again in a north-south alignment. Due to the increased separation distance and similar characteristics, I again consider that the impact from the R174 would not be significant.

Views 4 & 5 – These are taken from the adjoining R132 road (designated Scenic Route) on the northern and southern approaches to the site. The northern view (View 4) demonstrates that the structure will be effectively screened by existing roadside vegetation. And while the upper section of the structure will be visible in View 5, I am satisfied that impacts along the road will be mitigated by vegetative screening and the winding alignment of the road. Accordingly, I do not consider that it will significantly detract from the value of the scenic route or the upland AONB in the eastern background of the view.

View 6 – This is taken from the road just west of the N1, c. 860 metres southwest of the proposed structure. Due to the trees along the road, I note that the proposed structure cannot be seen and would not detract from the upland AONB in the eastern background of the view.

View 7 – This is taken from a bridge over the N1, c. 1.25km southwest of the proposed structure. Due to the trees along the road, I note that the proposed structure cannot be seen and would not detract from the upland AONB in the eastern background of the view.

View 8 – This taken from a minor road c. 430m east of the appeal site. Due to the topography and trees along the field edges, I note that the proposed structure cannot be seen and would not detract from the upland AONB in the eastern background of the view.

- 8.3.7. The appeal also raises concerns about impacts on protected ‘views and prospects’ in the surrounding area. Having inspected the site and description of these ‘views and prospects’ as per Appendix 7 of the CDP, I would assess the impacts on the views cited in the appeal as follows:

VP2 – The proposed structure will not be visible as this viewpoint is located on the opposite (eastern) side of Clermont Cairn Mountain.

VP3 – The proposed structure will be visible from this elevated panoramic viewpoint at Clermont Cairn RTE Mast. However, given the significant distance (c. 3.5km) and the lower elevation of the proposed structure, I do not consider that the impact will be significant.

VP12 – This view from Ballymakellett specifies views towards Dundalk Bay (i.e. to the south, away from the proposed development). Otherwise, given the significant distance (c. 3.5km) and the lower elevation of the proposed structure, I do not consider that the impact on panoramic/scenic views will be significant.

VP13 – This view from Faughart Hill references a wide range of views, including eastwards to the Cooley Mountains and valley. However, having regard to the significant distance (c. 2km) and the lower elevation of the proposed structure, I do not consider that the impact will be significant.

8.3.8. I consider that the foregoing outlines a robust assessment of the visual impact of the proposed development in the surrounding landscape. In doing so, I have had regard to the relevant CDP policies for telecommunications structures and designations for landscape sensitivity (AHSQ & AONB), scenic routes, and protected views and prospects, as well as the siting and design provisions of the Telecommunications Guidelines. I have also had regard to the other sensitivities and features of the wider landscape, including its historical/archaeological heritage and tourism/recreational value. Having regard to these matters I acknowledge that the proposed structure will be visible from viewpoints in the wider landscape and indeed will be prominent in closer viewpoints (as would be expected). However, having considered the assimilative capacity of the landscape, including the relatively low level of the site and the screening provided by vegetation around the appeal site and along surrounding roads and viewpoints, I do not consider that the proposed development would be inappropriate or that it would have a serious negative impact on landscape character or the visual amenity of the area. This is consistent with the assessment of the planning authority.

#### 8.4. Residential Amenity

- 8.4.1. The appeal and observations raise concerns about the proximity of the proposed structure to existing dwellings and inadequate assessment of associated impacts including visual intrusion, amenity, and noise.
- 8.4.2. As previously outlined, I do not consider that this constitutes a 'residential area' as envisaged in the Telecommunication Guidelines. However, I acknowledge the proximity of the proposed structure to existing dwellings, the closest being the appellant's c. 40m to the northeast of the proposed structure. The next closest dwelling is distanced c. 90m to the south.
- 8.4.3. I would highlight (as per section 5 of this report) that the Circular Letter PL 07/12 outlines that distances between telecommunication structures and sensitive receptors should not be incorporated into Development Plans. Consistent with this, the LCDP does not specify any such separation requirement for houses.
- 8.4.4. Notwithstanding this, I have considered the height and scale of the proposed structure and its location relative to existing dwellings. I note that the appeal site benefits from mature vegetation which will screen the lower part of the structure. I also note that the surrounding dwellings benefit from mature vegetation which helps to mitigate the impact of the development. In particular, there is significant vegetative screening between the proposed structure and the closest dwelling (i.e. the appellant's dwelling to the northeast). I acknowledge that the upper part of the structure will still be visible from surrounding dwellings. However, having regard to its limited width, the separation distances, and the intervening screening, I am satisfied that the proposed structure would not seriously detract from the residential amenity of surrounding properties by reason of visual intrusion or otherwise.
- 8.4.5. The observations have also raised concerns about operational health and noise impacts, including wind-related noise. However, the application includes a statement of compliance with ICNIRP guidelines, and I would highlight that the 1996 Telecommunication Guidelines advise that applications should not be determined on health grounds. The updating 2012 Circular reiterates that advice by stating that Planning Authorities should be primarily concerned with the issues of location and design and that health and safety matters should be regulated by other codes. I also do not consider that the development is of a nature that generates significant noise

(wind-related or otherwise), and I am satisfied that it is adequately distanced from dwellings to avoid any significant noise impacts. Accordingly, I do not consider that a refusal of permission would be warranted on health or noise grounds.

- 8.4.6. Regarding construction related impacts, the observations include a concern that alterations to the on-site ESB power lines will disrupt service in the area. However, I consider that such temporary disruptions are not uncommon in construction projects and this will be adequately managed in consultation with the service provider to avoid any significant impacts.
- 8.4.7. In conclusion, I do not consider that the proposed development would result in any unacceptable impacts on the residential amenity of surrounding properties to warrant a refusal of permission in this case. Similarly, I do not consider that any impacts would be to such an extent that would adversely affect the value of property in the area.

## 8.5. Access & Traffic

- 8.5.1. The appeal and observations contend that the proposed development would result in an intensification of access/traffic which would constitute a traffic hazard and would materially contravene Policy Objective MOV 58 of the CDP.
- 8.5.2. I acknowledge that the R132 is a Protected Regional Road as per CDP Table 7.10 and that Policy Objective MOV 58 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. I note that Table 7.10 places a restriction of '*No new access or intensification of existing access*' for the R132 but also outlines that 'Exemptions' (Nos. 1-5) apply.
- 8.5.3. In the first instance, I would highlight that the proposed development does not involve a new permanent vehicular access and there is no existing vehicular access to the site to be intensified. I note that a temporary vehicular construction access is proposed and a new pedestrian gate access will replace the existing one. And while I acknowledge that section 7.10 of the CDP does not specifically distinguish between permanent and construction access, or between vehicular and pedestrian access, it is my opinion that the intention of the CDP is to restrict permanent vehicular access.

Section 7.10 of the CDP outlines that the aim of the policy is *inter alia* to maintain efficiency and functionality of the road network; to protect investment and maintain economic competitiveness; and to minimise risks to road safety associated with additional stopping and turning movements. In that context it is my opinion that a temporary construction access or a pedestrian access could not reasonably be seen to be affected by the CDP restrictions and the strategic aims of same. Accordingly, I do not consider that the Table 7.10 restrictions on the 'R132 Dundalk-Feede' apply in this case.

- 8.5.4. Even in the event that the Commission considers that the restrictions do apply, I have previously outlined that five exemptions can be applied. In summary, Exemption 1 relates to the elimination of a traffic hazard; Exemption 2 relates to 'major development'; Exemption 4 relates to natural resources; and Exemption 5 relates to housing. Given the nature and scale of the proposed development, I do not consider that any of these exemptions apply.
- 8.5.5. I note that Exemption 3 is for '*Extensions to an authorised use where the additional traffic generated would not result in the creation of a traffic hazard*'. The appeal contends that this does not apply as the proposed development would result in the extension and intensification of an unauthorised use (i.e. the telecommunications structures).
- 8.5.6. As previously outlined, I do not consider that there is adequate information available to determine whether or not the telecommunications structures are authorised, and I consider that such a determination would be outside the scope of this appeal case. However, I do not consider that the proposed development involves the extension or intensification of the alleged unauthorised use (i.e. telecommunications structures). On the contrary it proposes to remove the alleged unauthorised structures. And following the removal of the existing telecommunications structures, I consider that the proposed development essentially involves the further development (i.e. extension) of the originally authorised telecommunications / utilities use. Therefore, I consider that the development involves '*Extensions to an authorised use.*' as per Exemption 3.
- 8.5.7. The second aspect of Exemption 3 is '*..where the additional traffic generated would not result in the creation of a traffic hazard*'. In this regard I acknowledge that the

accommodation of other telecommunications operators on the proposed structures may lead to additional traffic for maintenance purposes. In the absence of a vehicular access to the site, I note that there is adequate space for roadside parking on the hard shoulder. The alignment of the road is generally straight and flat with good visibility for traffic, and there is a continuous white line road marking to prevent overtaking. And consistent with the applicant's prediction that operators would only need to access the site 4-8 times per year, I would accept that the volume of additional operational traffic would not be significant.

- 8.5.8. With regards to construction stage traffic, I again consider that the traffic volumes would be insignificant and would only occur for a temporary period of 5-6 weeks. The application includes 'further information' proposals for sightlines of 165m, accompanied by a 'Design and Construction Safety and Health Plan' and 'Traffic Management Plan'. I am satisfied that these proposals are acceptable and can be included as a condition of any permission.
- 8.5.9. I have also considered the potential for impacts on available sightlines from the appellant's entrance located c. 25m to the north of the appeal site. I have previously outlined the space for roadside parking in the hard shoulder at the appeal site and the limited volume of additional traffic associated with the development. Furthermore, I would note that sightlines to the south of the appellant's entrance would be measured to the continuous centreline of the road (not the eastern edge) to account for north-bound traffic. Accordingly, I do not consider that traffic associated with the development would impact on sightline availability from the appellant's entrance.
- 8.5.10. The observations on the appeal also include a concern that the visual impact of the structure would distract motorists and create a traffic hazard. However, I have previously considered the visual impact of the structure in sections 8.3 and 8.4 of this report. I acknowledge that the structure would be prominent from some localised viewpoints, but I do not consider that this would be to such an extent to distract motorists and/or cause a traffic hazard.
- 8.5.11. Having regard to the foregoing, I do not consider that the additional traffic generated by the proposed development would result in the creation of a traffic hazard or that it would adversely affect the efficiency/functionality of the road network. Accordingly, even in the event that the Commission concludes that the restrictions outlined in

Table 7.10 of the CDP apply to this case, I am satisfied that Exemption No. 3 can be applied to support the proposed development and that there would be no material contravention of CDP Policy Objective MOV 58.

## 8.6. Flood Risk & Drainage

- 8.6.1. The observations on the appeal include concerns about flood risk and drainage, including potential impacts for the site itself and surrounding properties. It has been contended that the site and surrounding land is prone to flooding due to the spring-fed stream overflowing during heavy rainfall, and that this will be exacerbated by the proposed development.
- 8.6.2. I note that the applicant's further information response included a Site-Specific Flood Risk Assessment (SSFRA). Section 3.2 outlines the data sources used, including mapping from the OPW, EPA, GSI, and OSI, as well as information from the CDP, EPA catchment assessment, Flood Risk Management Plan for the Neagh Bann River Basin, and the application drawings. And while the observations on the appeal contend that this data does not take into account recent weather patterns and flooding events, I am satisfied that the data is appropriate in accordance with best practice and the Flood Risk Management Guidelines.
- 8.6.3. The applicant's analysis of previous and predicted flooding can be summarised as follows:

Historic (OPW flood maps) – The nearest recorded event was flooding of a house and road c. 1.4km southeast of the site in 2001.

Groundwater (GSI) - No flood extents are noted within the vicinity of the site.

Surface Water (GSI) – The closest flood extent reported is located c. 1.8km northeast of the site.

National Indicative Fluvial Maps (NIFM) - There are no flood extents in the vicinity of the site. The closest lie c. 650m east and c. 700m west of the development.

Catchment Flood Risk Assessment and Management (CFRAM) Study - The CFRAM programme provides a detailed assessment of flooding in areas identified as Areas for Further Assessment (AFA's) during the PFRA study. The proposed site is not located within an AFA and hence was not covered within any study area.

Preliminary Flood Risk Assessment (PFRA) – I note that indications in PFRA mapping that a portion of the site is vulnerable to flooding was the basis of the planning authority concerns and subsequent request for further information. However, the applicant's SSFRA outlines that PFRA maps have since been superseded by the NIFM and CFRAM Maps (see above).

OPW Drainage Maps - The site is not located within benefitting lands.

GSI Maps - The site overlies a locally important aquifer – bedrock which is generally moderately productive. The groundwater vulnerability index at the site is classified as high. There are no karst features within or surrounding the proposed site.

Historical Maps - There are no obvious signs of flooding in any of the historical maps viewed within the site area or immediate vicinity of the site.

- 8.6.4. The applicant's SSFRA notes that a temporary 0.95m (3ft) precast culvert is to be installed in the existing stream where the site access will be located. It outlines that the culvert will allow for adequate conveyance capacity that surpasses the current and increased flow rates of the watercourse, eliminating the risk of overflow or alteration to water levels. When construction is complete the culvert will be removed, and the watercourse will be restored to its original state.
- 8.6.5. The SSFRA is also accompanied by a 'Watercourse and Flood Risk Design' report. In summary, it outlines the following:
- Drainage calculations demonstrate that there will be no flow restriction to the existing watercourse due to the proposed temporary construction works.
  - Structural calculations demonstrate that the design of the watercourse crossing is suitable for the designed load of 60KN.
  - The existing watercourse on the site was stagnant at the time of inspection with a water depth of 75mm. The flow capacity of the existing channel is capable of carrying a 120-year flood event without issue or modification.
  - The site has been designed to flow rainfall off the telecoms pile cap in four separate directions, ensuring no stagnant water sits and damages the site. To further mitigate the effects of heavy rainfall, soakaway zones will be incorporated to allow for the removal of water through a passive method.

- The design of the piles and pile cap is site specific and considers the water table, possibility of the water table rising, and other site-specific details such as soil type and bearing.
- Construction will only be commenced in the summer months when the average rainfall is lowest.

8.6.6. The applicant's SSFRA outlines that the Strategic Flood Risk Assessment (SFRA) accompanying the CDP outlines that a Justification Test is not required for any development located within Flood Zone C. It concludes that the proposed development is located within Flood Zone C as outlined in the National Indicative Fluvial Mapping (NIFM) modelled flood extents, that it is not deemed to be at risk of flooding, nor is it determined that the proposed development would increase flooding risk elsewhere. As a result, it concludes that a justification test is not necessary.

8.6.7. Having reviewed the application documents, including the SSFRA and 'Watercourse and Flood Risk Design', I am satisfied that there has been adequate information and assessment in relation to flood risk and drainage. The available information does not indicate any significant flood risk relating to the site. And while the observations point to recent flood events in the area and other contributing factors such as culverting and dumping, I am ultimately satisfied that the proposed development is of limited site coverage on an already developed site and that it incorporates suitable drainage measures to prevent flood risk to the site and surrounding lands. Furthermore, the details submitted satisfactorily demonstrate that the existing on-site watercourse will not be adversely affected at either the construction or operational stage.

8.6.8. Having regard to the foregoing, I am satisfied that the proposal incorporates suitable drainage measures and that the proposed development would be acceptable from a flood risk perspective.

## 8.7. **Biodiversity**

8.7.1. The observations include concerns that there are bats present in the area, including several suitable roosting/foraging sites, and that the application fails to adequately address potential impacts on bats. Concerns have also been raised about potential impacts on vegetation/habitats, birds, and red squirrel.

- 8.7.2. With regard to the availability of habitat sites for bats, birds, and red squirrel, I would highlight that the development proposes to retain the existing trees and vegetation surrounding the site. And while it is proposed to remove 3 no. existing poles from the site, I do not consider that such structures offer any suitable roosting/foraging habitat for bats, birds or squirrel. Accordingly, I do not consider that the proposed development involves the removal/demolition of any structures that would affect habitat availability on site.
- 8.7.3. The site is already largely developed and immediately adjoins a regional road. Accordingly, I do not consider that it is of significant biodiversity importance for habitats or species and the limited scale of the works would not have a significant effect. I acknowledge that the proposed structure will be significantly higher than the existing poles and overhead wires on site. However, I do not consider that this would be to such an extent that would significantly impact on biodiversity, including flight paths for bats or birds.
- 8.7.4. I have acknowledged the presence of the existing stream on site. It is of limited capacity and is not likely to act as a significant habitat feature for any water-dependant species. In any case however, I am satisfied that appropriate proposals have been included to protect the water quality and regime at construction and operational stage, and that this would satisfactorily prevent any significant biodiversity impact, both on the appeal site and further downstream.
- 8.7.5. The observations also include concerns about health-related impacts of the development on sheep, from an agricultural perspective. However, similar to my conclusions on human health as previously outlined in section 8.4 of this report, I do not consider that this case should be determined on any such health-related grounds.
- 8.7.6. The potential for impacts on designated Natura 2000 sites will be addressed separately in section 9 of this report. However, having regard to the foregoing, I do not consider that the proposed development would have any significant or unacceptable biodiversity impacts.

## 9.0 AA Screening

- 9.1. An AA Screening exercise has been completed (See Appendix 2 of this report). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dundalk Bay SAC or Dundalk Bay SPA in view of the conservation objectives of these sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2. This determination is based on:
- The nature of the proposed works and their limited scale and duration.
  - The application of standard construction measures which would be implemented regardless of proximity to a European Site.
  - The limited connectivity between the appeal site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.
- 9.3. The possibility of significant effects on any other European Sites has been excluded on the basis of objective information.
- 9.4. No measures intended to avoid or reduce harmful effects on European Sites were taken into account in reaching this conclusion.

## 10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the River Basin Management Plan 2022–2027. The receiving water environment has been identified and assessed. See Appendix 3 of this report for further details.
- 10.2. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

10.3. Any residual risks are capable of being addressed through the proposed mitigation measures as outlined in Appendix 3. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

## 11.0 Recommendation

I recommend that permission be GRANTED for the proposed development, subject to conditions, and for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

Having regard to the consistency of the proposed development with the provisions of the Louth County Development Plan 2021-2027 and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 1996 and the associated Circular Letter PL 07/12, the pattern and character of development in the area, and the nature, scale, and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to an excessive proliferation of telecommunications support structures, would not be seriously injurious to the landscape character or visual amenity of the area, would not be seriously injurious to the residential amenities of surrounding properties, would be acceptable in terms of traffic safety and convenience, would not give rise to flood risk on the site or on surrounding lands, and would not detract from the biodiversity value of the area including the Natura 2000 network of European Sites. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22nd day of January 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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

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

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

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

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

**Reason:** In the interest of public health.

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

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

6. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.  
(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

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

7. Construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, offsite disposal of construction demolition waste, protection of the adjoining public road, prevention of spillages, and a detailed construction traffic management plan to include proposals for 165-metre sightlines in both directions from the proposed construction access.

**Reason:** In the interests of public safety and residential amenity.

8. Proposals for the planting of native hedgerow species along the roadside boundary of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Stephen Ward

Senior Planning Inspector

8th June 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500939-LH-26
<b>Proposed Development Summary</b>	Permission to erect a 24-metre lattice support structure carrying telecommunications equipment and all site works.
<b>Development Address</b>	Eir Exchange, Dundalk Road Drumnasillagh Td, Ravensdale Co. Louth.
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	
	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A – Not a Class.
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> 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 EIA Screening required.

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	N/A – Not a Class
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	N/A – Not a Class
<b>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)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Appendix 2: AA Screening Determination

### Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
<b>Case Reference Number: PL-500939-LH-26</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Permission to erect a 24-metre lattice support structure carrying telecommunications equipment and all site works. Refer to section 2 of Inspector's Report for further details.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site has a small area of c. 400m<sup>2</sup> and is already largely developed with a telecommunication exchange facility, 2 no. telecommunications support structures, and an ESB pole supporting several power lines.</p> <p>A drainage ditch runs along the front of the site. The construction stage involves the culverting of the existing drain and construction of a temporary vehicular access thereover. The construction phase is expected to be relatively short (5-6 weeks).</p> <p>The nearest European Sites are Carlingford Mountain SAC (Site Code: 000453) (c. 1.5km to the east), Dundalk Bay SAC (Site Code: 000455) (c. 2.3km to the south), and Dundalk Bay SPA (Site Code: 004026) (c. 2.5km to the south).</p>
<b>Screening report</b>	Yes. The application includes an AA Screening Report prepared by Moore Group – Environmental Services.
<b>Natura Impact Statement</b>	No.
<b>Relevant submissions</b>	The observations on the application outlined concerns about negative impacts on European Sites, including potential pollution of the connecting watercourse on site. The observations on the appeal also contend that the planning authority reports highlight incomplete information to grant permission, and that the applicant's AA

	Screening report incorrectly refers to connectivity to the Boyne River.
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**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

<b>European Site (code)</b>	<b>Qualifying interests (Conservation objectives on NPWS website)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections</b>	<b>Consider further in screening Y/N</b>
Carlingford Mountain SAC (000453)	Northern Atlantic wet heaths with Erica tetralix; European dry heaths; Alpine and Boreal heaths; Species-rich Nardus grasslands; Blanket bogs (* if active bog); Transition mires and quaking bogs; Alkaline fens; Siliceous scree of the montane to snow levels; Calcareous rocky slopes with chasmophytic vegetation; Siliceous rocky slopes with chasmophytic vegetation.	1.5	None	N
Dundalk Bay SAC (000455)	Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows.	2.3	Via Surface Water	Y
Dundalk Bay SPA (004026)	Great Crested Grebe; Greylag Goose; Light-bellied Brent Goose; Shelduck; Teal; Mallard; Pintail; Common Scoter; Red-breasted	2.5	Via Surface Water	Y

	Merganser; Oystercatcher; Ringed Plover; Golden Plover; Grey Plover; Lapwing; Knot; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Black-headed Gull; Common Gull; Herring Gull; Wetland and Waterbirds.			
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

Surface Water

The site includes a drainage stream which is within the hydrological catchment of the Ballymascanlan River, which flows into the Flurry River and onwards to the Dundalk Bay European Sites. There is potential for construction-related pollution to be diverted to the on-site stream, particularly given that it is proposed to temporarily culvert the stream to facilitate construction access. At operational stage the stream will have been reverted to its natural state and there will be no emissions to potentially affect surface water.

I am satisfied that the culverting works associated with on-site stream have been suitably designed to protect water quality and regime. Furthermore, the purpose of these works is to facilitate construction access and is considered standard construction practice that would apply in any case, i.e., rather than any form of mitigation to address the potential for significant effects on European Sites.

The development involves other construction works mainly associated with the installation of the proposed support structure. The application includes specific details of construction methodologies, including a 'Design and Construction Safety and Health Plan'. I note that environmental controls are proposed, including the use of drip trays for plant equipment; use of spill kits; no refueling to take place within 30m of watercourse; and fuel storage in Jerry cans. Again however, I consider that this is standard practice rather than any form of mitigation to address the potential for significant effects on European Sites.

Furthermore, having regard to the limited scale and duration of the proposed construction works, and the significant distance and hydrological buffer between the appeal site and the Dundalk Bay European Sites, I am satisfied that any potential pollutants would have no potential for significant effects on the qualifying interests of the European Sites.

### Flooding

Although the planning authority raised concerns about the potential for flood risk, which could potentially exacerbate the hydrological pathway to downstream Dundalk Bay European Sites, it was ultimately satisfied that the potential for flood risk and significant effects on European Sites was addressed through the further information response. I have also outlined (section 8.6 of this report) that the development is acceptable in terms of flood risk and drainage, and there is no potential for significant effects on the qualifying interests of the European Sites.

### Habitat Loss & Alteration

The Proposed Development is not located within or immediately adjacent to any European sites. Therefore, no direct habitat loss or alteration is anticipated.

### Habitat/Species Fragmentation

The Proposed Development does not have the potential to directly cause habitat loss or alteration. Therefore, no direct habitat/species fragmentation is anticipated.

### Changes in Population Density

Having regard to the absence of potential habitat loss/alteration and habitat species/fragmentation, no direct changes in population density are anticipated.

### Ex-situ Impacts

Having regard to the small size, its developed nature, and the distance from European Sites, there is no potential for likely significant effects via ex-situ habitat loss.

### Collision Risk

Based on the limited scale of the development, the developed nature of the site, and the distance from European Sites, it is considered that birds, including SCI species, do not face a significant risk of collision with the Proposed Development.

### Cumulative / In-combination effects

The applicant AA Screening Report considers a range of other developments in the vicinity of the site. It also outlines how the LCDP complies with the Habitats Directive by ensuring that all relevant projects will be subject to AA. Consistent with the applicant's conclusions, I am satisfied that there will be no predicted in-combination effects given that the Proposed Development will have no effect on any European site.

<b>AA Screening matrix</b>		
<b>Site name</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
<b>Qualifying interests</b>	<b>Impacts</b>	<b>Effects</b>
<b>Site 1:</b> <b>Dundalk Bay SAC (000455)</b> Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows	<b>Direct:</b> None  <b>Indirect</b> Negative impacts (temporary) on surface water/water quality due to construction related emissions and watercourse crossing, including increased sedimentary and construction related pollution.	Having regard to the standard construction practice to be employed to protect the on-site watercourse, together with the nature and limited scale of the works and the distance of the appeal site from the SAC, there is no potential for significant effects on the SAC qualifying interests.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2:</b> <b>Dundalk Bay SPA (004026)</b> Great Crested Grebe; Greylag Goose; Light-bellied Brent Goose; Shelduck; Teal; Mallard; Pintail; Common Scoter; Red-breasted Merganser; Oystercatcher; Ringed Plover; Golden Plover; Grey Plover; Lapwing; Knot; Dunlin; Black-	<b>Direct:</b> None  <b>Indirect</b> Negative impacts (temporary) on surface water/water quality due to construction related emissions and watercourse crossing, including increased sedimentary and	Having regard to the standard construction practice to be employed to protect the on-site watercourse, together with the nature and limited scale of the works and the distance of the appeal site from the SPA, there is no potential for significant effects on the SPA qualifying interests.

tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Black-headed Gull; Common Gull; Herring Gull; Wetland and Waterbirds.	construction related pollution.	
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Dundalk Bay SAC or Dundalk Bay SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>		
<p><b>Screening Determination</b>  <b>Finding of no likely significant effects</b></p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dundalk Bay SAC or Dundalk Bay SPA in view of the conservation objectives of these sites and are therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> <li>• The nature of the proposed works and their limited scale and duration.</li> <li>• The application of standard construction measures which would be implemented regardless of proximity to a European Site.</li> <li>• The limited connectivity between the appeal site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.</li> </ul>		

### Appendix 3

#### Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	PL-500939-LH-26	<b>Townland, address</b>	Eir Exchange, Dundalk Road Drumnasillagh Td, Ravensdale Co. Louth
<b>Description of project</b>		Erect a 24-metre lattice support structure carrying telecommunications equipment and all site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site has a small area of c. 400m<sup>2</sup> and is already largely developed with a telecommunication exchange facility, 2 no. telecommunications support structures, and an ESB pole supporting several power lines.</p> <p>A drainage ditch runs along the front of the site. It is within the hydrological catchment of the Ballymascanlan River, which flows into the Flurry River and onwards to Dundalk Bay.</p> <p>The site is underlain by the Dundalk groundwater body.</p>	
<b>Proposed surface water details</b>		The site has been designed to flow rainfall off the telecoms pile cap in four separate directions. To further mitigate the effects of heavy rainfall, soakaway zones will be incorporated to allow for the removal of water through a passive method.	
<b>Proposed water supply source &amp; available capacity</b>		Not applicable.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Not applicable.	

<b>Others?</b>	<p>The application is accompanied by a Site-Specific Flood Risk Assessment. As outlined in section 8.6 of this report, I am satisfied that the development is acceptable from a flood risk and drainage perspective.</p> <p>The application is also accompanied by an AA Screening Report. As outlined in sections 8.7 and 9 of this report, I am satisfied that the proposed development would not have any unacceptable effects on biodiversity/ecology and would have the potential for significant effects on any European Sites, either alone or in combination with other plans or projects.</p>
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<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>							
<b>Identified water body</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective</b>	<b>Identified pressures</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>	<b>Mitigation Measures proposed</b>	<b>Is mitigation sufficient? Will there be any residual impacts?</b>
Ballymascanlan River	Ballymascanlan_010 (UKGBNI1NB060602038)	Poor	At risk	Urban Run-off	The on-site stream is within the hydrological catchment. Potential surface water run-off and pollution during construction, including stream crossing.	The culverting works associated with the on-site stream crossing have been suitably designed to protect water quality and regime.	The mitigation measures are sufficient to prevent any significant residual impacts.
Flurry River	Flurry_030 (IE_NB_06F020700)	Poor	Under Review	Not Identified	There is a potential pathway via the Ballymascanlan River. Potential surface water	The application includes specific details of construction methodologies,	

					run-off and pollution during construction, including stream crossing.	including a 'Design and Construction Safety and Health Plan'. Environmental controls include the use of drip trays for plant equipment; use of spill kits; no refueling to take place within 30m of watercourse; and fuel storage in Jerry cans.	
Dundalk (Groundwater)	Dundalk (IE_NB_G_015)	Good	Not at Risk	Not Identified	Underlying the site. Potential surface water infiltration and pollution during construction.	The on-site stream will be restored to its natural state following the short-term construction period (5-6 weeks).	