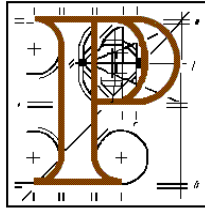


# An Bord Pleanála



## Inspector's Report

**Appeal Reference:** PL29N.246725

**Development:** Construction of a 18m high telecommunications support structure in place of existing telecommunications support structure at Station Road, Raheny, Dublin 1.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 3496/15  
Applicants: Vodafone Ireland Ltd.  
Type of Application: Permission  
Planning Authority Decision: Grant permission

### Planning Appeal

Appellants: St. Assam's and District Residents' Association  
Type of Appeal: Third Party  
Observer(s): Maurice Murphy  
Date of Site Inspection: 13<sup>th</sup> August 2016

**Inspector:** Donal Donnelly

**Appendices:** Photographs & maps

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The appeal site is located on Station Road in Raheny approximately 6.5km north-east of Dublin City Centre. The village of Raheny is situated around the crossroads of the R809 and R105 (Howth Road). Station Road forms part of the northern arm of the crossroads and Raheny Dart Station is situated on the western side of the road.
- 1.2 The site adjoins the Dart Station to the south of the city bound platform. Access to the site is via a gateway located between the station and the church grounds to the south. The railway is along a cutting at this location and the appeal site is elevated above the platforms and line. There is a credit union building to the south-west of the site and on the opposite side of the railway line is a housing estate.
- 1.3 The stated area of the site is 128.8 sq.m. The site is surrounded by a 2.4m high palisade fence. Internally, there is a telecom cabinet box and generator and a 15m high tri-lattice telecommunications structure.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 Permission is sought for the following:
  - Removal of existing 15m high telecommunications support structure;
  - Construction of a new 18m telecommunications support structure;
  - The proposed structure will carry telecommunications apparatus that will form part of Vodafone Ireland's GSM, 3G and 4G network.

## **3.0 TECHNICAL REPORTS**

- 3.1 The recommendation to grant planning permission, as outlined within the planning report, reflects the decision issued by the Planning Authority.
- 3.2 Under the evaluation of the application within the initial Planner's Report, it is noted that the Z4 zoning designation allows for the siting of public service installations.
- 3.3 The Case Planner states that it is evident from the coverage maps submitted with the planning application that there are substantial gaps with regard to indoor 3G coverage beyond the coverage of the subject base station and nearby base stations.
- 3.4 It is agreed that the location of the structure and associated infrastructure is compatible with the Council's guidelines on telecommunications antennae; the subject site is semi industrial in nature being located behind a Dart station and south of the main rail line. It is also stated that the existing compound and ground level equipment will not be overly perceived from the public realm.

The monopole will be clearly visible but will replace a well-established structure, and it is also considered that the proposed monopole structure will appear less cluttered than the existing lattice structure.

- 3.5 Further information was sought from the applicant requesting drawings and details of the existing telecom structure on site and the relevant consent reference. The applicant was also asked to clarify if the proposed structure will be available to accommodate other users. Finally, the applicant was asked to furnish evidence that the proposed installation complies with relevant standards for electromagnetic emissions from the base station.
- 3.6 In response, the applicant submitted drawings and details of the existing structure and it is considered that the proposed structure is as ideally located as it can be, and that its backland location will mean that it is not overly deleterious to the visual amenities of the area. The applicant confirms that the structure will be available to other operators and has submitted a Declaration of Conformity with ICNIRP Public Exposure Guidelines.
- 3.7 It is concluded that the proposed development is consistent with the Development Plan and with the proper planning and sustainable development of the area.

#### **4.0 PLANNING AUTHORITY'S DECISION**

- 4.1 Dublin City Council issued notification of decision to grant permission for the proposed development subject to six conditions of a standard nature.

#### **5.0 APPEAL GROUNDS**

- 5.1 A third party against the Council's decision was submitted by the St. Assam's and District Residents' Association. It is stated that this association represents approximately 400 householders in the Raheny Village area.
- 5.2 The grounds of appeal and main points raised in this submission are summarised as follows:
- Proposal will be an ugly obtrusive structure and will be clearly visible from the rear of houses along Springdale Road and other nearby roads, such as Lough Derg Estate.
  - Proposed development will be seriously injurious to the local street scene and will be clearly visible along the stretch of Howth Road between SuperValu and the Church of Our Lady Mother of Devine Grace in the centre of the village.
  - Proposal will be situated a few metres from the church.

- Nearby residents are very concerned at the possible health hazards from electromagnetic radiation and possible devaluation of their property.

## **6.0 RESPONSES**

6.1 No responses.

## **7.0 OBSERVATION**

7.1 An observation on the appeal was received from a resident of Station Road. The main points raised in this submission are summarised below:

*Mr. Maurice Murphy, 13 Station Road, Raheny*

- Location of the proposed development is in the heart of the village, yards from the church and residential homes – height alone will be visually obtrusive, overbearing and would have a negative impact on the skyline.
- Telecommunications Guidelines advise that only as a last resort, and if all the alternatives are unavailable or unsuitable, should free-standing masts be located in a residential area or beside schools.
- There are four local children's playgroups/ Montessori and national schools within a 50 to 100m radius of the mast.
- Alternative more suitable sites were not explored by Vodafone given that Harmonstown industrial units are only 750m away, Coolock Industrial Estate is 2km away, and Howth Junction/ Kilbarrack Industrial Estate is approximately 3km away.
- There is a large mast already located at Raheny Garda Station, which Vodafone could have attached their transmitters to.

## **8.0 PLANNING HISTORY**

8.1 No planning history.

## **9.0 DEVELOPMENT PLAN**

*Dublin City Development Plan, 2011-2017*

9.1 The site is zoned "Z4" (*District Centres*) where is it the objective "to provide for and improve mixed services facilities." Public service installations are not listed as being permissible or open for consideration within this zone.

- 9.2 With respect to telecommunications (Section 5.2.4.13), it is a policy of the Council (SI58) *“to encourage and facilitate telecommunications infrastructure in appropriate locations throughout the city as a means of improving economic competitiveness and contributing to sustainable movement by reducing the need to travel through enabling e-working, e-commerce and distance learning.”*
- 9.3 It is stated in Section 17.35 that when evaluating proposals for telecommunications apparatus, the Council will have regard to the Telecommunications Antennae and Support Structures Guidelines and will favour co-location of such apparatus.
- 9.4 Appendix 18 – Guidelines on Telecommunications Antennae includes information on siting and design; possible sharing of installations; visual amenity; and health and safety.

## **10.0 NATIONAL GUIDELINES**

### *Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, DoEHLG 1996*

- 10.1 These Guidelines encourage the sharing of facilities and clustering to reduce the visual impact on the landscape.
- 10.2 A circular was issued under Section 28 of the Planning and Development Act, 2000 (as amended) to update certain sections of these Guidelines. Planning Authorities are now advised that temporary permissions should cease. It is also stated that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds.

## **11.0 ASSESSMENT**

- 11.1 Planning permission is sought for the construction of an 18m high telecommunications structure in place of an existing 15m high telecommunications structure, (no planning permission record exists for this structure).
- 11.2 Dublin City Council has issued notification of decision to grant permission for the replacement structure and a third party appeal has been submitted by a local residents' association. This appeal is supported by a nearby observer.
- 11.3 Having considered the contents of the planning application, the grounds of appeal and the site context, I consider that this appeal should be assessed under the following:
- Development principle;
  - Visual impact and impact on residential amenity;

- Technical justification/ alternatives.

#### Development principle

- 11.4 Appendix 29 of the Development Plan sets out a list of land use definitions. Telecommunications structures would be described as “public service installations” being *“a building, or part thereof, a roadway or land used for the provision of public services. Public services include all service installations necessary for electricity, gas, telephone, radio, telecommunications, television, data transmission, drainage, including waste water treatment plant and other statutory undertakers: bring centres, green waste composting centres, public libraries, public lavatories, public telephone boxes, bus shelters, etc.”*
- 11.5 The appeal site is within a “Z4” District Centre zoning. Public service installations are not listed as being permissible or open for consideration under this zoning objective. However, uses not specified as permissible or open for consideration in Zone Z4 and certain other zones will be dealt with on their merits.
- 11.6 It should be noted that there is an existing telecommunications structure on site that does not appear to be authorised. I would therefore be of the opinion that this planning application should be treated as a new structure without having the benefit of an established use on site.
- 11.7 As stated in the Development Plan, the evaluation of planning applications for the provision of telecommunications apparatus will have regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities.

#### Visual impact and impact on residential amenity

- 11.8 It is submitted within the third party appeal that the proposed development will be an ugly and obtrusive structure when viewed from surrounding residential areas and the local street scene in Raheny village.
- 11.9 The nearest residences to the proposed mast are at distances of approximately 50m to the north within the Lough Derg Estate. There are approximately 30 no. dwellings within 100m of the proposed development.
- 11.10 Guidelines on Telecommunications Antennae are contained in Appendix 18 of the Development Plan. It is stated that such structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses and that only as a last resort should free standing masts be considered in a residential area or beside a school.
- 11.11 The appeal site is located adjacent to public, commercial and community uses and there is significant division between the site and the nearest residential area in the form of a rail cutting and a belt of mature trees. The observer on the appeal points out that there are four local children's playgroups/ Montessori and national schools within a 50 to 100m radius of the mast. I

would be satisfied, however, that the crèches/ schools are not actually beside the proposed mast. Due consideration should also be given to the fact that in district centres such as this, one can expect to be in proximity to a telecommunications structure and other public service installations.

- 11.12 With respect to the visual impact of the proposed structure on the street scene, the existing mast gives a good indication of the potential appearance in terms of location and scale of the proposed structure. The visual impact of the additional height of the proposed structure will be offset to a certain degree by the monopole design as opposed to the lattice type design of the existing structure. I consider that the existing structure is unobtrusive from the public road having regard to its set back and height. I would also be of the view that an 18m high structure at this location will not appear as a prominent feature in the street scene.
- 11.13 Issues of health and safety were raised in submissions; however, as noted in the Circular to the Guidelines, planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes.
- 11.14 Finally, I am of the opinion that the proposed structure is in accordance with Development Plan Policy SI58 which seeks *“to encourage and facilitate telecommunications infrastructure in appropriate locations throughout the city as a means of improving economic competitiveness and contributing to sustainable movement by reducing the need to travel through enabling e-working, e-commerce and distance learning.*

Technical justification/ alternatives

- 11.15 It is stated in Section 17.35 of the Development Plan that when evaluating proposals for telecommunications apparatus, the Council will favour co-location. Appendix 18 – Guidelines on Telecommunications Antennae states that *“where existing support structures are not unduly obtrusive, the City Council will encourage co-location or sharing of antennae on existing support structures, masts and tall buildings. Applicants must satisfy the City Council that they have made every reasonable effort to share with other operators.”*
- 11.16 The observer on the appeal submits that alternative more suitable sites were not explored by Vodafone given that Harmonstown industrial units are only 750m away, Coolock Industrial Estate is 2km away, and Howth Junction/ Kilbarrack Industrial Estate is approximately 3km away. It is also highlighted that there is a large mast already located at Raheny Garda Station, which Vodafone could have attached their transmitters to.
- 11.17 The mast at Raheny Garda Station is situated approximately 270m south-west of the proposed mast and the other locations cited by the observer are significantly removed from the site. The applicant has indicated that the Garda station site would not provide good coverage within the area around the proposed mast. It is submitted that the proposed mast would provide

indoor 3G coverage to an approximate 2,500 population, as well as the local train station and commuters along the rail line.

- 11.18 It would appear, therefore, that there is sufficient technical justification for the proposed mast. The applicant has also expressed a willingness to share the structure with other mobile phone operators.

Appropriate Assessment

- 11.19 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise

## RECOMMENDATION

I have read the submissions on file, visited the site and paid due regard to the provisions of the current Dublin City Development Plan. I recommend that planning permission be granted for the proposed development based on the reasons and considerations hereunder and subject to the conditions set out below.

## REASONS AND CONSIDERATIONS

Having regard to the zoning objective, the design, scale and location of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities area, or the residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to the Planning Authority on 21<sup>st</sup> April 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

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

2. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and,



notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

**Reason:** To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

3. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

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**Donal Donnelly**  
**Inspector**

13<sup>th</sup> September 2016