



An
Bord
Pleanála

Inspector's Report PL.06D.247392

Development	Permission for a 21m slim line monopole to replace existing floodlight pole, monopole will carry antennas and existing floodlights.
Location	Blackrock College RFC.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/215
Applicant(s)	Vodafone Ireland Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brook Court Residents, Maire Halphin, O'Connor and Gleann na Smol Residents Association, Mairead Byrne, Leo Toole
Observer(s)	Grainne Ni Dhomhnaill, Cllr. Cormac Devlin, Cllr. Patricia Stewart, Early Childcare and Education;

Date of Site Inspection

11th January 2017

Inspector

Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located off Stradbroom Road in Blackrock, Co. Dublin.
- 1.2. The appeal site is within the grounds of Blackrock RFC and includes 3 no. playing pitches, club house and car parking provision.
- 1.3. The main pitch includes terracing on its southern side and 6 no. floodlight poles.
- 1.4. The overall size of the appeal site is sizable and the shape of the appeal site is irregular.
- 1.5. The club grounds are adjoined by housing on three sides.
- 1.6. The houses in the immediate area are two-storey in height and include a mix of detached and semi-detached suburban type houses.
- 1.7. The existing houses located to the east and north are situated at lower levels than the site of the proposed development.

2.0 Proposed Development

- 2.1. The proposed development is for a slim line monopole to replace existing floodlight. The proposed monopole will carry associated antennas and dish, existing floodlights, associated equipment and proposed equipment cabinet.
- 2.2. The existing 18m high floodlight pole will be removed and monopole will be 21m high.

3.0 Planning Authority Decision

- 3.1. Dun Laoghaire-Rathdown County Council decided to grant planning permission subject to 5 conditions. Condition no. 4 requires that when the use ceases and that all the structures shall be removed from the site. The remainder of the conditions are standard.

3.2. Planning Authority Reports

- 3.2.1. The main issues raised in the planner's report are as follows;
 - Relevant development plan policies include EI28 and E2.

- The proposed development is acceptable in principle.
- The location details are deficient.
- Section 8.2.9.9 of the development plan sets out specific development management guidance.
- The proposal is positive as it will not require any additional support structures.
- It is considered unlikely that an additional 3m would detract from the visual amenities.
- A comparative assessment is required of both the existing and the proposed development.
- An assessment of Lux Levels and potential for light overspill is required.
- The Planning Authority does not have a competency on health matters in relation to masts.
- The beam of greatest intensity of light is 122m from the proposed site and therefore will have no impact on any nearby schools.

3.2.2. Transportation Planning; - No objections subject to conditions.

3.3. **Third Party Observations**

There are 55 no. third party submissions and one public representative and the issues raised have been noted and considered.

4.0 **Planning History**

- L.A. Ref. 12A/0093 – Permission granted for single storey extension to the existing clubhouse to include gym.
- L.A. Ref. 11A/0260 – Permission was granted for new flood lighting consisting of 6 no. 18m high lighting columns to the main pitch.
- L.A. Ref. 11A/0261 – Permission granted for new all weather pitch.
- L.A. Ref. 11A/0262 – Permission granted for upgrading of existing flood lighting.

- L.A. Ref. D00A/0490 – Permission refused by Local Authority. Split decision by An Bord Pleanála granting permission for the relocation of the existing grass rugby pitch to revised location, construction of new all-weather pitch and refusing permission for the office development.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022.

The appeal site is zoned Objective F *‘to preserve and provide for open space with ancillary active recreational amenities’*.

Section 8.2.3.4 of the County Development Plan sets out guidance in relation to ‘Telecommunications Antennae and Structures’.

6.0 The Appeal

6.1. The following is the summary of a third party appeal submitted by the residents of **Brook Court**;

- The height and intensity of floodlighting within Blackrock RFC has increased very significantly over the years.
- It is submitted that the proposed commercial use does not relate to the zoning objective which provides ancillary sporting objectives.
- The proposed mast and antenna structures conflicts with the green objectives of the County.
- It is submitted that the location of the mast in close proximity to schools and residential uses is contrary to the national guidelines.

- It is possible that the beams of intensity, given the new heights, may land on the childcare facility.
- The mast will be visible from a significant number of houses and gardens which will have adverse impact on the visual amenities of the local area.
- The width of the mast as evident from the submitted drawings appears to be 2.5 times greater than the existing floodlight pole.
- The proposed development will dominate evening and early night skyline.
- The screening in the local area is selective and a large number of properties have no screening.
- The existing 18m floodlights are situated on elevated ground.
- The increased height, width and the additional structures will have an adverse impact on visual amenities in the local area. This is evident from the submitted photograph in Appendix 3 (Taken from the upstairs bedroom of 17 Brook Court).
- It is submitted that condition 6(d) was applied to grant of permission L.A. Ref. 11A/0260 and required that the height shall not exceed 18m.
- The applicant has not demonstrated how they will mitigate against the visual impact.
- The proposed development will change the symmetry of the three existing poles.
- The telecommunications cabinet at ground level with palisade fencing would be clearly visible from nearby residential properties.
- There is a precedent for the refusal of 18.5m high stayed pole in proximity to residential properties under L.A. Ref. D09A/08040. The level of obtrusiveness would appear to be greater from the proposed development.
- It is submitted that the proposed mast could increase in size with the future use of operators using the mast.
- Details in relation to the location of the beam are unclear.

- There are genuine human health concerns in relation to the proposed development.
- There has been a lack of adequate consultation.

6.2. A third party appeal was submitted by **Maire Halpin** of no. 58 Wynberg Park. The content of this appeal submission is broadly similar to the appeal submission from the residents of Brook Court, however there are some relevant additional points raised which are summarised as follows;

- The planning application in 2011 for floodlights raised to the level of 18m was raised by some residents as a concern to Dun-Laoighaire Rathdown County Council. Details attached in Appendix 7.
- The visual impact of the proposed development is clearly demonstrated in the attached Appendices 10 – 13.
- The proposed mast and lighting would dominate the skyline.
- No indication has been given to the effect of shadows that will be cast by this significantly higher structure.
- There is a complete listing of alternative sites attached to Appendix 8 and 9 of this submission. The applicant has not demonstrated that they have fully complied with the national guidelines in regard with sharing facilities.

6.3. The following is the summary of an appeal submitted Reid Associates on behalf of **Karen O'Connor and Gleann na Smol Residents Association;**

Principle

- The proposal would materially contravene the development plan zoning objective for the site to preserve and provide open space with ancillary active recreational uses.
- In addition to land-uses issues proposed developments must have regard to issues such as height, massing, traffic generation, public health regulations, design, visual amenity and potential nuisance.

- It is contended that the description of the proposed development including the word replacement is misleading.
- The proposed telecom communications infrastructure is very different to a floodlighting pole. This will mislead the public and will avoid an assessment of the principle of the proposed development.
- The Planning Authority failed to consider the current application in terms of first principles.
- Telecom masts are not considered as uses that are permissible in principle or are open for consideration within an area designated zoning objective F.
- Public services are identified as being open for consideration. It is concluded that public service could not include the development of telecoms phone mast. The definition of public services refers to telephone services rather than mobile communications.
- Section 8.3.5 of the Development Plan states that uses that are not permitted in principle or open for consideration will not be permitted.
- The different nature of use as a telecommunications structure was not considered from first principles as to whether it should be refused permission.
- The Development Plan clearly identifies telecommunications infrastructure as a separate land use category and class.
- Section 8.3.7 of the County Development Plan states that uses other than permissible and open for consideration can only be granted in exceptional circumstances.
- In relation to Policy EI 28 which promote telecommunications infrastructure however proposals must accord with development plan zoning objectives.
- Policy EI28 allows for no scope for the location of telecommunications mast within open space. The Planning Authority failed to have regard to the zoning objective of the site.
- The proposed development is not a cultural use, is not a community facility, not a traveller's accommodation and therefore the proposed development

does not fall into any of the uses permissible in principle within the open space zone.

- The proposed development is not consistent with Section 8.2.9.9 of the County Development Plan for the following reasons;
 - The DOELG Guidance identifies open space as sensitive.
 - The beam of greatest intensity affects the Links Childcare and Education provider which is located in Somerset House.
 - There is no appropriate assessment of visual impact.
 - There is no adequate assessment on residential amenity.
 - The existing trees are inadequate for screening.
 - There is no comprehensive map of all telecommunications structures within 1km.
 - There is no evidence to support the reasons for not sharing masts.
 - There is no adequate statement for compliance with ICNIRP.

Visual Impact

- The proposed structure is high for a backland setting.
- The visual impact of the proposed development has not been justified.
- The Building Height strategy is set out in Appendix 9 of the County Development Plan. Section 4.8 states that in suburban areas a general recommended height of two-storeys will apply.
- Section 4.6 identifies zoned open space as the most restrictive for heights.
- There is no assessment to assess the visual impact of the proposed development on protected views.
- The photographs submitted with the A.I. have no scale.
- There is no assessment of the proposed development on strategic views and the proposed mast is located on higher ground which is 7m higher than the surrounding residences.

- It is contended that the proposed mast contravenes the development plan as it comprises of an excessively high structure within a suburban area characterised mainly by two-storey development.
- The proposed mast structure is a bulkier structure than the existing floodlight poles.
- The proposed development is unrelated to recreational amenity open space and is industrial in character and visual appearance.
- The existing trees do not provide sufficient screening and the proposed mast will be visually dominating over the existing treeline.

Adverse Impact on Amenities

- The height of the overall structure in relation to adjoining residential properties is 28m allowing for a 7m difference between residential properties and the site of the mast.
- The view from Wynberg will be dominant.
- No site contour map has been submitted to determine the impact of the trees for screening.
- The majority of the houses that adjoin the football ground are situated within the beam of greatest intensity of the proposed mast which is 50m to 200m.
- The Links Early Childcare and Education Provider has not been identified in the site layout as a sensitive use.
- It is contended that the guidelines effectively recommend excluding masts in areas designated for schools and open space.
- The proposed development will have adverse implications for schoolchildren.

Public Consultation

- There was inadequate public consultation in relation to the proposed development.

Justification for the proposed development

- No justification in the context of the Code of Practice on Sharing of Radio sites has been submitted.
- The proposed high level mast is unacceptable in a suburban area.

Invalid application and invalid decision

- It is submitted that the subject development has been inadequately described in the subject statutory notices and therefore is not consistent with Article 18 and 19 of the Planning and Development Regulations.
- The lightning rod and finial to the mast structure has not been included in the height calculations.
- The height of the subject development exceeds 21m and the notices are therefore inaccurate.
- The description of the proposed development as a replacement structure is inaccurate.
- The decision of the Planning Authority not to invoke a material contravention consideration in accordance with Section 34(6) of the Act invalidates the decision of the Planning Authority.

6.4. The following is the summary of an appeal submitted by **Mairead Byrne**;

- The proposed structure is located approximately 25m from the nearest residential boundary and approximately 47.7m from the nearest family home.
- The nearest childcare facility is located almost 158 m from the proposed mast.
- There are children who train and play in the existing rugby club.
- There are fears that should permission be granted that additional operators will locate their masts to the site to facilitate sharing in accordance with the national guidelines. This will raise health concerns.

- It is estimated that approximately 150 / 165 family homes will be affected with a 200m radius of the proposed mast. The proposed mast will have implications for health such as anxiety, mental health and quality of life.
- It is contended that the location of the proposed mast is located in a vulnerable location. The nature of the rugby game is to kick high balls and this could make the proposed telecommunications equipment vulnerable and a risk to persons.
- It is contended that these floodlight heights are currently under investigation (condition no. 3 of L.A. Ref. 11A/0260/C1), and therefore the current application makes no sense and is at least premature until a final decision has been made.
- Any future clustering at the top of the mast would be visually obtrusive and seriously injure the visual amenities of the area.

6.5. The following appeal has been submitted by **Leo Toole** (15 Windsor Park) on behalf of residents of Windsor Park;

- There was no consultation by the Blackrock RFC or the applicant with local residents.
- The submitted drawings fail to show the true heights of the proposed structure with the lighting finial attached.
- The lighting finial is attached to the top of the 21m structure. The submitted drawings fail to show the total height of the structure.
- It is submitted that the proposed commercial use does not relate to the zoning objective which provides ancillary sporting objectives.
- It is submitted that the location of the mast in close proximity to schools and residential uses is contrary to the national guidelines.
- The applicant has not submitted elevations that could be used to judge the scale of the mast from the existing houses. There are no details of proposed screening.

- It is contended that the visual impact of the proposal has not been adequately assessed and the proposed structure will tower over existing houses.
- There is increased height and width to the mast.
- A significant number of houses in Winsor Park have no screening.
- The proposed structure will have a commanding visual impact.
- The telecommunications cabinet at ground level with palisade fencing (19.5 sq. m.) would be clearly visible from nearby residential properties. These structures are not ancillary to sports grounds.
- It is submitted that should other operators succeed in clustering with the proposed mast they may only require their own cabinets at ground level to support their own attachments and therefore further impacting on the visual amenities of the local area.
- It is submitted that the applicant has not adequately demonstrated that it is not feasible to share their infrastructure on an established telecommunications site. The proposal is therefore contrary to paragraph 4.5 of the national guidelines.
- There is also a concern that the subject site would attract other operators.
- Health and safety issues have not been adequately addressed.
- Houses in the local area will be devalued.

6.6. Applicant's Response

The following is the summary of a response submitted by the applicant's agent;

- Due to inadequate coverage in the local area the application is necessary.
- The development will provide a significant improvement to the 3G and 4G voice and data services to the surrounding areas.
- The proposal represents a 3m increase in height and is required from a radio engineering aspect.

- The original application noted that there is a gap in the service in the area as evidenced by coverage maps.
- The location of the site has been chosen having regard to network requirements.
- A site was considered at Monkstown Community Centre however this site did not offer the required minimum height coverage.
- It is contended that no alternative sites were available.
- It is submitted that the applicant has complied with the national guidelines, has supplied technical justification combined with a review of other sites in the area.
- Department Circular PL07/12 confirms that Planning Authorities should not determine planning applications on health grounds.
- The zoning for the area does not preclude the use of telecommunications equipment in this location.
- The applicant has submitted full details of ICNIRP compliance to the local authority.
- The submission includes a visual impact assessment from 11 no. viewpoints.
- The applicant confirms that none of the submitted views will amount to an adverse visual impact.
- The original submission outlined full details of site sharing/ clustering options. These options were unavailable.

6.7. **Planning Authority Response**

No further comments.

6.8. **Appellant's Response**

The following is the summary of a response submission submitted by Reid Associates on behalf of **Karen O'Connor and Gleann na Smol Residents Association**;

- The level of opposition against the proposed development is sizable.
- The proposal would neither comply with the County Development Plan objectives or the national guidelines.
- The problems would be compounded in the future by clustering.
- The cumulative impact of clustering has not been considered.
- The proposal would set an adverse precedent for similar development in the local area and would be contrary to the proper planning and sustainable development of the area.

6.9. Observations

The following is the summary of an observation submitted by **Grainne Ni Dhomhnaill**;

- The implications that the proposed development will have on health will need to be considered.
- The following uses are located proximate to the proposed development;
 - Links Childcare, Sommerset House
 - Rowan House Montessori School
 - Wee Care Montessori Crèche
 - Rockford Manor Secondary School
- Health implications due to masts are well documented.
- It is acknowledged that other operators may also locate their masts at this location should permission be granted to the applicant.

Councillor Cormac Devlin (F.F.) submitted a representation / observation supporting the objection submitted by Ms. Karen O'Connor.

The following is the summary of an observation submitted by **Councillor Patricia Stewart**;

- Having regard to the scale, proximity to established residential amenities it is considered that the proposed development would seriously injure residential amenities due to visual dominance and intrusion.
- The proposal would seriously depreciate the value of property and is contrary to the proper planning and sustainable development of the area.

The following is the summary of an observation submitted by **Early Childcare and Education**;

- The applicant has not consulted Links Early Childhood in relation to Section 8.2.9.9 of the County Development Plan.
- The Links Early Childhood and Education is a school as defined by the Department of Education and Skills and falls within the boundary of the beam of greatest intensity.
- The applicant's submission refers to Links Early Childhood and Education as an office building.
- Since there was no consultation between the applicant and Links Early Childhood and Education the proposal is contrary to the development plan.
- It is submitted that the Links Early Childhood and Education has removed mobile antennas from its property and has compensated existing leases to complete this. The Links Early Childhood and Education would be in a financial disadvantage should the development go ahead and it continues to reimburse remaining lease agreements on its own site.

7.0 **Assessment**

7.1. Principle of Development

- 7.1.1. It is government policy to increase the amount of mobile phone operators in Ireland to enhance the availability, price and quality of telecommunications services.

- 7.1.2. A relevant policy provision in the Dun Laoighaire Rathdown County Development Plan is EI 28 '*Telecommunications Infrastructure*' and this policy provision promotes and facilitates the provision of appropriate telecommunications infrastructure including broadband connectivity.
- 7.1.3. I would note that Policy E2 of the Dun Laoighaire Rathdown County Development Plan promotes the rollout of high speed broadband, in particular next generation networks to support knowledge based economies.
- 7.1.4. Therefore, in general terms, based on national policy and local policy, the provision of telecommunications infrastructure is encouraged.
- 7.1.5. The appeal site is zoned 'Objective F' in the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2020, and the objective of this zoning provision is '*to preserve and provide for open space with ancillary active recreational amenities*'. Table 8.3.10 of the County Development Plan sets out the permitted and open for consideration uses for this zoning objective.
- 7.1.6. I would note that in accordance with the Land-Use Zoning Objective Matrix of the Dun Laoghaire Rathdown County Development Plan that public service is open for consideration within the land-use zoning objective 'F'. Section 8.3.12 'Definition of Use Classes' of the County Development Plan outlines that a public service is a building or land that allows for the provision of public services which includes 'telephone, radio, television.....' .
- 7.1.7. I would consider that having regard to both national policy, development plan policy and zoning objectives relating to the appeal site that the principle of the proposed development would be acceptable, and would primarily depend on compliance with DOELG Guidelines, impact on local residential amenities and its visual impact.

7.2. Impact on Adjoining Residential Amenities

- 7.2.1. The appeal site is an established sports ground and has 6 no. floodlights situated around the perimeter of the main playing pitch. The sports grounds are enclosed by established suburban type housing.
- 7.2.2. However, considering the appellant's argument, I would note that Section 3.2 of the national guidelines would be relevant. In this section of the national guidelines it is

stated that *'an authority should also indicate any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply. Such locations might include, for example, lands whose high amenity value is already recognised in the development plan or sites beside schools which might give rise to local concerns'*.

- 7.2.3. Section 8.2.9.8 of the County Development Plan sets out considerations for proposals for telecommunication antenna and structures. It is notable that in terms of residential amenities it is considered the greatest potential impact associated with telecommunication antenna and structures is visual impact.
- 7.2.4. The playing pitch the subject of the proposed development is elevated in relation to the adjoining houses.
- 7.2.5. I would note from the information on the file that the nearest residential property to the proposed development is no. 56A Wynberg Park as this is located approximately 48m from the proposed development.
- 7.2.6. The DOELG Guidelines offers general guidance to the location of telecommunication antenna and structures in suburban areas in paragraph 2.3.1. In this paragraph it is stated that in suburban areas a tower or mast is generally required for antenna infrastructure because of the low rise of many existing buildings in a suburban setting.
- 7.2.7. Paragraph 4.3 of the national guidelines advises that suburban operators should endeavour to locate in industrial estates or within industrially zoned land. The guidelines state that only as a last resort should freestanding masts be located in residential areas or beside schools. The guidelines further advise that if such locations become necessary then sites already developed for utilities should be considered and support structures should be kept to a minimum height and should be a monopole rather than a latticed tripod or square structure.
- 7.2.8. Having regard to County Development Plan guidance and national guidelines I would consider that any adverse visual impact on residential amenities would be significant.
- 7.2.9. The applicant's response to the appeal submission included a visual impact assessment of the proposed development and having regard to the proximity of residential properties to the proposed development I would consider that the view from Viewpoint no. 9 is important. It is evident from the submitted viewpoint no. 9,

both existing and proposed, that the proposed development would be visible from the public road to the front of these existing houses. On this basis I would consider that the visual impact of the proposed development would be more prominent from the rear of these residential properties. I would consider that viewpoint no. 6 and no. 7, although located some distance from the proposed development, would illustrate a visual impact from the proposed development. This same visual impact would be evident from the rear of the adjacent properties, i.e. The Beeches.

7.2.10. I would also consider that the viewpoints from views no. 2, 3, 4, 5, would illustrate the visual impact from the rear of properties in Brook Court and Windsor Park.

7.2.11. I would also acknowledge that the monopole structure is a bulkier structure than the existing floodlight pole. I would consider, based on a visual observation of the area and the submitted visual impact assessment that the proposed development will adversely impact on established residential amenities.

7.2.12. In relation to potential light overspill from the proposed new structure. I would acknowledge that the applicant has adequately addressed any concerns in relation to light overspill in their additional information submission. In the revised drawings in this submission the flood lighting is relocated to the same level as current height and therefore there will be no additional impact on established residential amenities.

7.3. Other Issues

7.3.1. It is noted that the Commission for Communications Regulations (ComReg) monitors emission limits from antennae support structures and a licence to provide telecommunications services is subject to compliance with strict emissions control. The limits are specified by the International Commission for Non-Ionizing Radiation Protection (ICNIRP).

7.3.2. The applicant submits with their application a declaration which demonstrates full compliance with the International standards set by ICNIRP. This is in accordance with the DOELG Telecommunications Guidelines, 1996. Accordingly, I would consider that any public health issues have been dealt with adequately.

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site, had due regard to Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

9.0 Reasons and Considerations

Having regard to the location of the proposed development within an area defined for public open space and adjacent to the established residential amenities it is considered that the proximity of the proposed development to existing residential properties would adversely impact on established amenities in terms of visual impact. The development as proposed would therefore seriously injure the amenities, or depreciate the value of property in the vicinity and as such would be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector

31st January 2017