



An
Bord
Pleanála

Inspector's Report PL301354-18

Development

Erection of a 15m shrouded Monopole Structure carrying telecommunications equipment together with associated exchange cabinets and fencing. The GSM antennas will be concealed within the top of the section of the structure and the equipment will be cabled to adjacent communications cabinets, all located within a gated compound. The development will form part of Three Irelands Ltd 2G Voice, 3G and 4G Network.

Location

Laurel Lodge Shopping Centre,
Castleknock, Dublin 15

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW18A/0007

Applicant(s)

Shared Access Limited

Type of Application

Planning Permission

Planning Authority Decision

Refusal

Type of Appeal	First Party vs. Refusal
Appellant(s)	Shared Access Limited
Observer(s)	<ol style="list-style-type: none">1. Declan & Concepta Fitzpatrick2. Howard Mahony3. Francis Donnelly4. Alicia Falvey5. Derek Lambert6. John Walsh7. Francis & Geraldine Graydon8. Scoil Thomais Parents Assoc.9. Edward Walsh10. Terry & Gerald McAuley
Date of Site Inspection	26 th July 2018
Inspector	L.W. Howard

1.0 Site Location and Description

- 1.1. The stated 0.00216ha application site is situated within a roughly triangular shaped area located at the southern corner of the 'Laurel Lodge' shopping centre complex which is located off Laurel Lodge Road. Castleknock Avenue, parallel with Laurel Lodge Road and separated throughout its length by a tree planted green strip, is further to the east. The site is adjacent and to the northeast of a traffic light-controlled entrance off Laurel Lodge Road, which serves the shopping centre complex and the Church Complex to the south-west.
- 1.2. The generally rectangular shaped shopping centre complex itself comprises a 2-storey building aligned along the north-westerly edge, with retail units at ground floor level and offices over. The centre also includes a 'Centra' store and Public House, backing onto the north-eastern edge of the complex. There is a surface parking area alongside and there is existing signage visually designating the shopping centre complex and its composition proximate to the location of the proposed development. Vehicular access to the surface car parking is through the southwest facing site boundary of the shopping centre complex, opposite the church surface carpark.
- 1.3. The north-western part of the centre bounds the grounds and playground of Scoil Thomáis National School.
- 1.4. The Castleknock Community Centre and Creche facility, and Church Complex are located to the south-west of the application site, across the local access road.
- 1.5. The surrounding area is characterised by 2-storey residential development. There is a narrow area of open space on the opposite side of Laurel Lodge Road
- 1.6. There is an existing sign proximate the location of the application site, with a stated height of 8.6m. This is a two-sided sign which includes the name of the Shopping Centre and the names of businesses located within the Centre

2.0 Proposed Development

- 2.1. Planning permission is sought for the erection of a 15m high shrouded monopole structure carrying telecommunications equipment together with associated exchange cabinets and fencing. It is proposed to conceal the GSM antennas within the top of the section of the structure and the equipment will be cabled to some adjacent communications cabinets, all located within a gated compound. The development will form part of Three Ireland's Ltd 2G voice, 3G and 4G network.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Planning Permission Refused, for 2no. stated Refusal Reasons as follows –
1. The proposed development by reason of its scale, excessive height, siting, and prominent location within the streetscape would be visually incongruous, obtrusive and out of keeping with the pattern of development in the area. The proposed development would seriously injure the visual amenities of the area and of property in the vicinity.
 2. The erection of a large telecommunications structure would detract from the visual amenities of the area and would create an undesirable precedent for other similar structures within the local centres, located predominantly in low residential areas. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key planning issues considered as follows -

Principle of Development

- the planning principle of the proposed development is acceptable, noting that 'telecommunications structures' are 'permitted in principle' on lands designated with the 'LC' Zoning Objective, and subject to compliance with the

relevant provisions (ie. Objective DMS 145) of the County Development Plan 2017-2023.

Requirement for a mobile phone mast

- note the applicant's motivation of requirement for a mobile phone mast at the proposed location, as follows –
 - this site is proposed to improve the mobile voice and data coverage to the surrounding residential area.
 - both indoor and outdoor coverage 2G and 3G coverage in the area of Laurel Lodge will increase from 'fair' to 'good' to 'excellent'.
 - with the increased numbers of people working from home 1 or 2 days a week, the next step is providing upgraded coverage in urban areas, and it is crucial that this area be provided with indoor 3G / 4G and broadband coverage.
- note applicant's coverage maps submitted, favourably demonstrating the suitability of the application site for the location of a 'phone mast'.
- the 'coverage maps' show that signal strength rises from a 'fair signal level' to an 'excellent level' for both 2G and 3G mobile phone services, with the impletion of the proposed development on the application site.

Potential Co-Location on other masts

- note that the applicant has assessed the four operating telecommunications masts adjacent the Laurel Lodge Shopping Centre with regard to their potential for co-location of the telecommunications equipment which are included within the current proposed development.
- note subsequently the applicant's statement that for each of the four sites, they are 'unable to cover the specific area' of Laurel Lodge Shopping Centre.

Impact on the Amenities of the Area

- reference the location of the proposed development within a compound at the north-eastern side of the entrance to the Laurel Lodge Shopping Centre Complex, all within a suburban area characterised by low rise (ie. no more

than 2-storey height) retail units, offices, residential development and open spaces.

- consequently, the proposed mast structure at a stated 15m height and of a 'monopole' type, and associated structures will be readily visible and prominent in the sightline both of pedestrians and people travelling in vehicles along Laurel Lodge Road, and also for residents of the immediate area.
- consider this prominence of structure is confirmed in the photomontages submitted by the applicant. Proposed View 1 and Proposed View 5 in which the structure is clearly viewed from the east and west respectively, from the adjacent Laurel Lodge Road
- consider that the proposed development, given the nature of the proposed structure and its visual intrusion, will have an unduly negative impact on the visual and residential amenities of the immediate 'Laurel Lodge' area, and consequently for people who use and live in the area.
- as proposed, consider a precedent would be set for similar type development.

Appropriate Assessment

- Having regard to nature of proposed development, and location of the application site proximate to the nearest European site, no appropriate assessment issues arise.
- The proposed development would likely not have a significant effect individually or in combination with other plans and projects, on a European site.

Conclusion

- Whilst accepting the applicant's motivations that there is a need for the proposed development, and that co-location of the equipment on an existing competitors nearby installation would not serve the needs of the Laurel Lodge Shopping Centre area, it is considered that the location proposed for a mobile phone mast is contrary to the proper planning and sustainable development of the area, given that the proposed development will have an unduly negative impact on the amenities, both visual and residential of the surrounding area.
- Recommend 'Refusal', for two stated refusal reasons

3.2.2. Other Technical Reports

Transportation Planning Section No Objection, subject to Conditions

Water Services Section No Objection, subject to Conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1. Several 3rd party submissions / observations referenced received by the Planning Authority.

3.4.2. Issues addressed included –

- the visual impact on adjacent properties
- the height of the proposed structure
- unknown health impacts
- devaluation of property in the vicinity
- the reduction in parking at the Laurel Lodge Shopping Centre

4.0 Planning History

4.1. The Application Site

FW17A/0156 Planning permission refused for proposed development by ‘Shared Access Ltd.’, the current applicants, consisting of the erection of a 12m high Shrouded Totem Structure carrying telecommunications equipment required in the provision of localised mobile and broadband services. The structure consists of a triangular section tower designed to be entirely clad with non-commercial informational signage panels made of a radio-friendly material. The GSM antennas are to be concealed within the top section of the structure, and the equipment to be cabled to adjacent communications cabinets, all located within a

gated compound. The development is to form part of Three Ireland's Ltd 2G voice, 3G and 4G network.

Subsequently, a **1st party appeal** by 'Shared Access Ltd.' against the Planning Authority decision to refuse planning permission has been lodged with the Board under ref. **ABP-300387-17**. This 1st party appeal is understood yet to be decided.

5.0 Policy Context

5.1. Fingal County Development Plan (2017-2023) :

Relevant provisions incl. –

Ch.7 Physical Infrastructure :

7.4 Information and Communication Technologies (ICT) :

Telecommunications Antennae and Support Structures :

- emphasise the need for high quality communications and information technology networks, in assuring competitiveness of the County's economy, and its role in supporting regional and national development.
- The DoEHLG's "Telecommunications, Antennae and Support Structures, Guidelines for Planning Authorities – 1996", enables guidance to Planning Authorities on this matter.
- However, the advantages of a high-quality ICT infrastructure, must be balanced against the need to safeguard the rural and urban environment.
- Visual impact must therefore be kept to a minimum, with detailed consideration of siting, external appearance, and the utilisation of landscaping measures effectively.

Objectives IT05 provide the necessary telecommunications infrastructure throughout the County in accordance with the requirements of the *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities July 1996*, except where they conflict with *Circular Letter PL07/12* which shall take precedence, and any subsequent revisions or additional Guidelines in this area.

- Objectives IT06** promote and encourage service providers to engage in pre-planning discussions with the Planning Authority prior to the submission of planning applications
- Objectives IT07** require ‘best practice’ in siting and design in relation to the erection of communication antennae
- Objectives IT08** secure a high quality of design of masts, towers and antennae, and other such infrastructure in the interests of visual amenity and the proception of sensitive landscapes, subject to radio and engineering parameters

Ch.11 Land Use Zoning :

11.6 Zoning Objectives, Vision & Use Classes :

Zoning Objective “LC” Local Centre

Objective – to “Protect, Provide for and / or improve ‘Local Centre’ Facilities”.

Use Classes related to Zoning Objective –

Permitted in Principle incl. – ‘telecommunications structures’ and ‘utility installations’.

(see Map – Fingal Co. Dev. Plan 2016 Land Use Zoning Objectives) .

Ch.12 Development Management Standards

12.10 Movement and Infrastructure

Telecommunications Antennae and Support Structures :

Objectives DMS143 require co-location of antennae on existing support structures. Where not feasible, require documentary evidence as to the non-availability of this option in proposals for new structures.

Objectives DMS144 encourage location of telecommunications based services at appropriate locations within the County, subject to environmental considerations and avoid the location of structures in fragile landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved.

Objectives DMS145

require information with respect to telecommunications structures at application stage, as follows :

- demonstrated compliance with the DoE's "Telecommunications, Antennae and Support Structures (Guidelines for Planning Authorities - 1996)", and / or to any subsequent amendments, Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation and to such other publications and materials as may be relevant in the circumstances
- demonstrate the significance of the proposed development as part of a national telecommunications network
- indicate on map the location of all existing telecommunications structures (whether operated by the applicant or a competing company), within a 1km radius of the proposed site
- where sharing not proposed, submit documentary evidence clearly stating the reasons why it is not feasible to share existing facilities bearing in mind the Code of Practice on Sharing of radio Sites issued by the Commission for Communications regulation
- demonstrate to what degree there is an impact on public safety, landscape, vistas and ecology
- identify any mitigation measures

5.2. National Policy – D.o.E.’s Telecommunications, Antennae and Support Structures (Guidelines for Planning Authorities - 1996) :

The Guidelines provide relevant technical information in relation to installations, and offer guidance on planning issues so that environmental impact is minimised and a consistent approach is adopted by Planning Authorities. These Guidelines require that Operators take cognisance of the Guidelines.

Ch.4 Dev. Control and Telecommunications

Includes guidance for pre-planning discussions, design and siting, visual impact, access roads and poles, sharing facilities and clustering, health and safety aspects, obsolete structures and temporary permissions.

4.2 Design & Siting

- Design of support structures, and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters.
- Location will be substantially influenced by radio engineering factors
- In trying to achieve a balance, consideration of the following additional issues are relevant.

4.3 Visual Impact

- Stressed as among the most important considerations;
- Generally, applicants have limited locational flexibility, given the constraints arising from radio planning parameters.
- Visual impact will, by definition, vary with the general visual context of the proposed development.
- Great care will have to be taken when dealing with fragile or sensitive landscapes;
- In spite of best precautions, some masts remain noticeable. In such a case, attention to local factors is necessary, in concluding whether a mast is noticeable or intrusive. These include :
 - intermediate objects (buildings or trees).
 - topography
 - scale of the object in the wider landscape
 - the multiplicity of other objects in the wider panorama
 - position of the object with respect to the skyline

- weather
- lighting conditions.
- Emphasise principle of co-location / mast sharing and clustering;
- Within city suburbs :
 - preferred location is in industrial estates, or industrially zoned lands.
 - ESB Substations may be suitable for the location of antennae support structures.
- As a last resort, free standing masts may be located in a residential area, or beside schools. In this regard, sites already developed for utilities should be considered, and masts / antennae designed and adapted for the specific location.
- Support structure should be kept to minimum height consistent with effective operation, and should be monopole.

4.4 Access Roads & Poles

Can cause greater visual impact than installation itself;

4.5 Sharing Facilities & Clustering

- All applicants encouraged to share. Demonstration by applicants, of a reasonable effort to share, is expected.
- Where sharing must not possible, applicant's encouraged to co-locate on a site;
- support structures used by emergency or other essential services are not suitable for sharing with public mobile telephone services.

5.3. DoEHLG Circular Letter PL07/12 :

DoEHLG Circular Letter PL07/12 enabled revision of the 1996 Guidelines as follows :

- Planning Authorities advised to cease attaching temporary permissions with regard to telecommunications masts and antennae. Rather, Planning Authorities are to determine applications on merit, with no time limit attached to the permission.

- Planning Authorities to not include separation distances in Development Plans, as these can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.
- The lodgement of a bond or cash deposit is no longer appropriate.
- In co-operation with operators, Planning Authorities should create a register of approved telecommunications structures in their areas.
- Health and Safety issues are regulated by other Codes, and should not be additionally regulated by the planning process.

5.4. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **1st Party Grounds of Appeal – Shared Access Ltd. (c/o FocusPlus Ltd.) :**

The 1st party grounds of appeal are set out fully in the documentation dated 25th November 2017. These may be summarised as follows :

3G / 4G Blackspot :

- 6.1.1. An overview of the application site, including planning history, particulars of the development proposed, the legislative planning context and the Planning Authority's reasons for refusal are provided at the outset, as a contextual overview.
- 6.1.2. The area around Laurel Lodge is indicated as being a 'black' spot for 3G and 4G indoor coverage with their customers unable to use their devices for data.
- 6.1.3. The application site, within the Shopping Centre Complex, is the only commercial location enabling a viable solution to improve Three Ireland's Indoor 3G and 4G coverage. The proposed development at this location would improve the mobile voice and data coverage to the surrounding Castleknock residential communities, as well as the other residential areas in Maple, Sycamore, Oaktree, Laverna, and the Roselawn and Delwood areas of Blanchardstown.
- 6.1.4. There are no other telecommunications structures or commercial structures in this area that would meet Three Ireland's service provisions obligations.

- 6.1.5. The application site is described as a last resort as there is no existing base station in the vicinity which could be used to provide the necessary coverage required. If permission is refused Three Ireland would lose essential coverage which would in turn have a negative impact on their network provision in this area.
- 6.1.6. Due to the nature of the land, it would not be possible to secure an alternative site that would satisfy the requirements of the Planning Authority as set out in the County Development Plan 2017-2023.
- 6.1.7. Affirm that the application site and the development proposed, represent a vital component of strategic telecommunications infrastructure within the Fingal area.

No Alternative Locations :

- 6.1.8. The first step was to ensure there was no suitable existing infrastructure in proximity to the search area. The surrounding area was subject to an investigation to see if co-location on an existing structure, as the preferred option to installing new infrastructure, could be achieved. From this investigation it was concluded impossible to achieve any practical degree of expansive coverage, when compared to the application site currently proposed for development with new infrastructure.

Visual Impact :

- 6.1.9. The application site was concluded as the most suitable location for the proposed development, as it is the only commercial location in the area and is currently the only viable location enabling a solution to Three Irelands Indoor 3G / 4G Blackspot.
- 6.1.10. Within urban locations views of sites for installation are likely to be partial and intermittent due to topography, existing vegetation and existing structures / buildings.
- 6.1.11. The proposed structure type (ie. monopole) was chosen for its aesthetically pleasing, slim-line design and its suitability for the existing environment.
- 6.1.12. There are other “relatively high” slim-line structures in the vicinity, including 10m Ball Catch Net Masts, 10m Floodlighting, 5m and 7.5m Street Lights and existing tree line. These are referenced, together with visual location at paragraph 4.3 – ‘Visual Impact’ of the appeal submission.
- 6.1.13. Visual impact is mitigated by the presence of these existing structures. The proposed installation site would not have any adverse impact on the environment.

- 6.1.14. In the proposed design, Shared Access Ltd. have facilitated capacity to accommodate co-location of other licenced operators, as required by the County Development Plan 2017-2023.
- 6.1.15. Assert that 15m is not excessive with regard to height. This also allows for further co-location.
- 6.1.16. The proposed development would not substantially impact the character of the area. This opinion is substantiated and supplemented by way of inclusion of a series of photomontages taken from different vantage points, in the vicinity of the location of the proposed development. This assessment focussed on views from local routes and nearby residential amenity to ensure a realistic picture of the potential visual impact.
- 6.1.17. The viewpoints exhibit some degree of visibility, to varying degrees of prominence. However, none are considered to be detrimental to the overall amenity of the area. Accordingly, conclude the proposed development is in compliance with the Objectives of the County Development Plan 2017-2023.
- 6.1.18. Finishes with the colour 'grey' are proposed, to better blend with the Irish skyline. Within the compound, cabinet sizes are to be kept to a minimum.

Impact in a Local Context

- 6.1.19. Telecommunications connectivity is now regarded as “the fourth utility service”. A key incentive for new business attraction to an area is the level of communication services available. Demand for such services locally in an area, has increased with advances in technology
- 6.1.20. With increased number of people now working from home, the next step for the Three Ireland network, is providing upgraded coverage above the existing context. Crucial in this regard, is that the local area be provided with indoor 3G / 4G and broadband coverage.
- 6.1.21. Emphasise the growth in ‘tablet’ based education and learning within schools. Sustained growth within these education / learning programmes is dependent on an up to date and stable telecommunications network. The cloud computing ecosystem is referenced as transforming how many schools operate.

Conclusion

6.1.22. The proposed development will provide essential telecommunications coverage to the area and is strategically important in the services provided to the area, local community, business and education.

6.1.23. The proposed development should be granted for the following reasons :

- Indoor 3G / 4G Blackspot
- No Alternative Locations
- Site Sharing
- Commercial Location
- Local Need

6.1.24. Request that the Board overturn the decision of the Planning Authority and grant planning permission for the proposed development.

6.2. Planning Authority Response

6.2.1. Emphasise the need for high quality communications and information technology networks within its administrative area.

6.2.2. However, also indicated that a balance must be made to ensure a high quality of design of masts, towers and antennae and other such infrastructure in the interest of visual amenity and the protection of sensitive landscapes.

6.2.3. Reference made to character of the local area within which the proposed development was to be located, comprising of relatively low-level and density of development. These contribute to the overall character of the area.

6.2.4. The Planning Authority also considered that the issues raised in the 1st party appeal have been considered in their Planner's Report.

6.2.5. Request that the Board uphold their decision to refuse planning permission.

6.3. Observations

6.3.1. The Board received 10no. Observations in response to the 1st party appeal by Shared Access Ltd. These Observations were received from :

- Terry & Gerald McAuley (30th April 2018) Flag 'A'
- Edward Walsh (30th April 2018) Flag 'B'
- Scoil Thomais Parents Assoc. (27th April 2018) Flag 'C'

- John Walsh (received date stamped 01st May 2018) Flag 'D'
- Derek Lambert (30th April 2018) Flag 'E'
- Alicia Falvey (29th April 2018) Flag 'F'
- Francis Donnelly (30th April 2018) Flag 'G'
- Howard Mahony (received date stamped 01st May 2018) Flag 'H'
- Francis & Geraldine Graydon (30th April 2018) Flag 'I'
- Declan & Concepta Fitzpatrick (23rd April 2018) Flag 'J'

6.3.2. The individual grounds of observation by the respective Observers are set out fully in the documentation included and flagged on the appeal file. These may be summarised under the following headings.

6.3.3. **Visual Amenity**

- The scale and height of the proposed structure is excessive and, if permitted, it would negatively impact on its streetscape setting and the wider visual amenity of the area.
- The visual representations of the proposed development do not reflect the height and visual impact of the proposed development.
- The scale and height of the proposed structure is excessive and will have a considerable impact on the street context and the visual amenity of the area.
- The Planning Authority's reasons for refusal are supported.
- The proposed structure including the area of the base of the compound will impact on visibility at the adjacent pedestrian crossing

6.3.4. **Co-Location**

- Alternative locations or upgrading of existing proximate masts have not been fully examined.

6.3.5. **Health & Community Impact**

- Little regard has been shown for the possible future health implications for the local community in this densely populated suburban community.
- The concerns of the local community have not been adequately addressed.
- This proposal would give a greater consideration to a commercial development over the health, welfare and amenity of the local community.

6.3.6. **Planning**

- The appeal has very little regard for the proper planning and development of the area within which the proposed development is to be located. Little regard has been given to the land-use zoning objectives for the surrounding land which seeks to provide for and protect the local community.

6.3.7. **Health**

- Little regard has been shown for the possible future health implications for the local community in this densely populated suburban community.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The issue of appropriate assessment also needs to be addressed. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed development.
- Objective DMS145 : Alternative Site Investigation – Co-Location / Clustering
- Objectives IT07-IT08 and Objective DMS145 – Visual Amenity Impact
- Health and Safety Issues
- General Services and Infrastructural provision
- Other Issues – Section 48 Development Contributions
- Appropriate Assessment

7.2. **Principle and location of the proposed development :**

7.2.1. I have had careful regard to the comprehensive and technically substantive arguments submitted by the applicant – Shared Access Ltd., and supplemented by further submissions in support of the proposed development by Three Ireland. I am

satisfied that the planning principle of the proposed telecommunications development, located within the southern edge of the existing, established Laurel Lodge Shopping Centre Complex surface car-park, has been satisfactorily established, and that in the 'public interest' the proposed development is understood part of the consolidation and sustained maintenance of the national mobile network infrastructure and broadband services in the area.

- 7.2.2. The Planning Authority, in its considerations, do not dispute this strategic significance.
- 7.2.3. Clearly zoned 'LC – Local Centre', the applicable zoning matrix designates 'telecommunications structures' as being 'permitted in principle' within the 'LC' Zone. I note that neither the Planning Authority or any of the 3rd Party or 1st Party interests contest this principle. In terms of the applicable 'LC' zoning objective, and supplemented by the 'LC – Vision', the primary consideration within the Zone is to "provide a mix of local community and commercial facilities for the existing and developing communities" in the area. Towards this 'Vision', the attraction, consolidation and sustainability of a range of community, recreational and retail facilities, within the Laurel Lodge Shopping centre Complex is increasingly dependent on the ready availability of telecommunications and broadband infrastructure and services to a reliable, high standard.
- 7.2.4. Such telecommunications and broadband capacity locally, would also sustain the user needs within the surrounding residential neighbourhoods, community / parish centre and educational institutions. In this regard, the applicant emphasises that telecommunications and broadband connectivity is now regarded as "the fourth utility service".
- 7.2.5. In as much as the applicant substantiates the strategic need for the proposed development towards consolidation and upgrade of telecommunications / broadband services locally, to an "excellent" standard, they also demonstrate the consequence to this capacity were the proposed development not to be granted planning permission. Simply, the existing 'Indoor 3G / 4G Blackspot' coverage in the locality would be sustained.
- 7.2.6. In the context of the understood Three Ireland telecommunications development of the 15m high monopole, further qualification is enabled at Section 7.4 – "Telecommunications Antennae and Support Structures", of the Fingal County

Development Plan 2017-2023, which emphasises the need for high quality communications and information technology networks, in assuring competitiveness of the County's economy, and its strategic role in supporting regional and national development. However, further emphasis is made that the advantages of a high-quality information and communication technologies infrastructure, must be balanced against the need to safeguard the suburban environment, in this instance. In this regard, visual impact must be minimised, with detailed consideration of siting, external appearance of the apparatus, and the utilisation of landscaping measures effectively. The Development Plan 2017-2023 Objectives IT05 – IT08, and Objectives DMS143 and DMS135, give focus to the sustainable development management of telecommunications antennae and support structures.

7.2.7. It is in this regard that the proposed telecommunications structure, in itself, is challenged and requires further consideration. Understandably, this has been a weighted concern for the attention of the Planning Authority and the 3rd party objectors and observers, resident locally.

7.3. Objective DMS145 : Alternative Site Investigation – Co-Location / Clustering :

7.3.1. Section 4.5 “Sharing Facilities and Clustering” in the DoEHLG’s Guidelines 1996 recommends that existing masts should be shared rather than new masts constructed, and that the sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. These provisions are underscored at Section 7.4 “Telecommunications Antennae and Support Structures”, and associated policies and objectives of the Fingal County Development Plan 2017-2023.

7.3.2. I note the stated commitment by Shared Access Ltd., as applicant, to subscribe to these policy guidelines advocating co-location at existing off-site infrastructure locations particularly. Having careful regard to the submissions made by Shared Access Ltd., I believe that a sufficient and reasonable argument establishing the need for development purposes, has been made as to why co-location and further clustering at other existing off-site locations within the surrounding Laurel Lodge / Castleknock area is both not practical, or technically feasible.

7.3.3. Accordingly, I am satisfied that Shared Access Ltd. have adequately determined the feasibility of co-locating the proposed new monopole at an alternative suitable

location, both by way of available existing base stations locally, as well as the identification of new alternative sites, and which as a preferred scenario, would result in less adverse effects on in-situ local residential neighbourhoods particularly. I am satisfied that Shared Access Ltd. have been proactive in assessing suitable, existing alternative support structures / base stations and sites locally, and specifically under current circumstances taking into account the mobile network needs of Three Ireland, whilst anticipating future consolidation by way of co-location by other mobile network operators.

7.3.4. I therefore note and accept as reasonable the applicants motivation that whilst other base stations exist in the general area, these locations already serve specific areas within the established cellular network, and cannot be easily adapted to cover the black spot of coverage that will be sustained locally around the Laurel Lodge Shopping Centre complex, should the proposed development to be located at the edge of the Shopping Centre Complex surface car park space be refused planning permission. In this regard, I note the applicant's motivation that the application site "is described as a last resort as there is no existing base station in the vicinity which could be used to provide the necessary coverage required". I note that in addition to business, commercial and retail practices, and community facilities and educational institutions, a substantial growing local population in the surrounding neighbourhoods, characterised by increasing 'work from home' practice, would be affected, consequent of such a mobile coverage black spot. I further note the technical confirmation made that due to the lack of existing telecoms infrastructure locally, the mobile networks are stretched as it is, in an environment of increasing user demands at higher technical specs, with consequent operational difficulties particularly at peak periods. Certainly, the applicant motivates that were permission to be 'refused' "Three Ireland would lose essential coverage which would in turn have a negative impact on their network provision in this area".

7.3.5. Whilst accepting the applicant's motivations in this regard, as "reasonable" (ref. Section 4.5 – "Sharing Facilities and Clustering" of 1996 Guidelines), and having regard to the application sites suburban location, it is not clearly apparent whether, in the scoping of alternative site locations in the area for co-location / clustering opportunities, deliberate attention was paid to industrial estates, zoned industrial

lands or ESB Substations, identified as preferred locations at Section 4.3 – “Visual Impact” of the 1996 Guidelines.

- 7.3.6. Logically therefore, having regard to the information available, the proposed erection of a new 15m high shrouded monopole telecommunications structure, carrying telecommunications equipment (ie. GSM antennae) and equipment to be cabled to ground level communications cabinets located within a gated compound, will in my view enable a consolidation of the existing Three Ireland network operations locally, whilst enabling capacity for future anticipated co-location by other mobile network operators in this area.
- 7.3.7. In this regard, I am satisfied the applicant - Shared Access Ltd. has “reasonably” demonstrated compliance with both the “Telecommunications Antennae and Support Services – Guidelines for Planning Authorities” (July 1996), and the Code of Practice on Sharing of Radio Sites, as required by Objective DMS145 of the Fingal County Development Plan 2017-2023.

7.4. Objectives IT07-IT08 and Objective DMS145 – Visual Amenity Impact

- 7.4.1. The Planning Authority assert in their Refusal Reason No.1 for the proposed 15m high telecommunications monopole development, that due to its scale, excessive height, siting, prominent location within the streetscape, and proximity to adjoining residential neighbourhoods, the proposed monopole would be visually incongruous, obtrusive and out of keeping with the pattern of development in the area. Accordingly therefore, the proposed new monopole would not be compliant with the relevant provisions of the Fingal County Development Plan 2017-2023.
- 7.4.2. Section 7.4 “Telecommunications Antennae and Support Structures” of the Development Plan 2017-2023, emphasises the need for high quality communications and information technology networks, in assuring competitiveness of the County’s economy, and its strategic role supporting regional and national development. However, qualification is made that the advantages of a high-quality ICT infrastructure must be balanced against the need to safeguard the suburban environment in the current instance. Specific attention is drawn to visual impact, which must be kept to a minimum, with detailed consideration of siting, external appearance, and the utilisation of landscaping measures effectively. Objectives IT07

– IT08 and Objective DMS145, give focus to the sustainable development management of telecommunications antennae and support structures. Visual Impact is also stressed as among the most important considerations at Section 4.3 of the DoEHLG’s 1996 Guidelines regarding telecommunications antennae and support structures. The Guidelines 1996 go on at Section 4.3 – “Visual Impact” to acknowledge that in spite of best precaution, some telecommunications masts remain “noticeable”. In such cases, the Guidelines advocate that attention to local factors is necessary, in concluding whether a proposed mast is “noticeable” or “intrusive”. In my view, this distinction is relevant in consideration of the visual impact on local amenities surrounding the Laurel Lodge Shopping Centre complex, of the proposed 15m high telecommunications monopole, and the ancillary fenced compound at the base.

7.4.3. I have had regard to the existing advertising signage for Laurel Lodge Shopping Centre, and its component units. This existing signage is stated to be c.6.3m in height. The proposed 15m shrouded monopole structure would therefore be almost 2½ times the height of this existing signage boarding. In my view, this ‘ad hoc’ height differential is significant, at the exposed visible entrance to the Shopping Centre complex, and must be considered as a threat to prevailing amenity. As part of their attention to assessment of visual impact, as required by policy, the applicants have submitted photomontages taken from various vantage points within the broader neighbourhood (see “V1-V5”, as notated in the document ‘Photomontages’, dated January 2018). Whilst these viewpoints illustrate comparative visual legibility to varying degrees of visual distinction and prominence within the respective streetscape scenes illustrated in the photomontages (ie. “V1-V5”), and with specific reference to that from Laurel Lodge Road, the applicant – Shared Access Ltd. asserts that none are considered to be detrimental to the overall visual amenity of the area. Notable in this regard is the established 2-storey built character of the immediate (ie. the shopping centre complex itself) and wider surrounding area (ie. 2-storey detached and semi-detached houses). However, to the contrary, having regard to the photomontages submitted, illustrating both the existing and proposed, and to my own observations made at the time of site visit, I consider that the proposed 15m monopole structure, if permitted, would be considerably more visually dominant than the existing c.6.3m high signage board, currently the only structure

present at the already visually prominent entrance into the Laurel Lodge Shopping Centre complex from Laurel Lodge Road (see photographs attached taken at the time of my site visit).

- 7.4.4. Further, I believe that the negative impact on visual amenity consequent of the visual prominence, dominance and incongruity in the streetscape by the proposed new 15m monopole, would be significantly worsened by the associated telecommunication equipment and structures that comprise an integral part of the proposed development, and are proposed located around the base of the monopole within a fenced, gated compound. Moreover, the proposed location adjacent the entrance to the already exposed Shopping Centre Complex, at the edge of an open, expansive surface car park, would in my view emphasise the visual prominence and incongruity of the proposed development.
- 7.4.5. I note that visibility of the 15m monopole from within the surface car park has not been addressed by the applicant. In my view, having regard to my own observations at the time of site visit, this 'ad hoc', prominent or obtrusive intrusive visual impact is serious and disproportionate when viewed from within the surface car park (see photographs 4-7 and 9-10 attached, taken at the time of site visit).
- 7.4.6. In my view, there is nothing discrete or sympathetic with respect to the location selected for the proposed development, within the context of the Laurel Lodge Shopping Centre Complex. Rather in my view, the negative visual impact of the proposed 15m high monopole has bridged the precautionary distinction set out at Section 4.3 – “Visual Impact” of the 1996 Guidelines in as much as the visual impact is less “noticeable” and significantly more “intrusive” and out of character in the surrounds. Having regard to these concerns, I consider that the proposed development would be contrary to Objectives IT07-IT08 and Objective DMS145 set out in the Fingal County Development Plan 2017-2023, and to Section 4.3 – “Visual Impact” of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (July 1996)” respectively, which seek to enhance the character of the area and keep the visual impact of telecommunications infrastructure to a minimum. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area. I share the Planning Authority’s conviction in this regard, and that their ‘Refusal Reasons’ substantiating serious and

disproportionate negative visual amenity impact be sustained. I recommend to the Board accordingly.

7.5. Health and Safety Issues :

- 7.5.1. Public Health and Safety is a concern of 3rd Parties. On the information available, the Board has consistently taken the view that there is no conclusive evidence of adverse health effects from telecommunications / mobile phone masts.
- 7.5.2. The DoEHLG 'Telecommunications, Antennae and Support Structures – Guidelines for Planning Authorities', 1996, provide guidance on the matter, stating that as part of the licensing framework, Operators are required to comply with the relevant international standards in relation to emissions of non-ionising radiation from telecommunications antennae. Section 4.6 of the Guidelines provides that as part of their planning application, operators be required to demonstrate compliance with the International Radiation Protection Association. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) is an independent scientific body, which has produced an international set of guidelines for public exposure to radio frequency waves.
- 7.5.3. Within the original planning application documentation, I note the applicants statement that the application site will be developed in accordance with current Health and safety Legislation and Guidelines. Specifically, the transmitter output powers, antenna types fall arrest and mounting configuration are referenced as consistent with modern technologies. The cumulative power output of the proposed installation falls well within the IRPA Guidelines, by a significant safety factor.
- 7.5.4. I further reference, and have had regard to the signed declaration from Mosaic, on behalf of Three Ireland, stating that the proposed equipment and installation, as detailed in the attached planning application, is designed to be in full compliance with the limits prescribed by the Guidelines if the International Commission on Non-Ionising Radiation Protection (ICNIRP).
- 7.5.5. Accordingly, having regard to all of the above, references included by the applicant within the original application documentation, I understand the proposed development will be compliant with ICNIRP Limits.
- 7.5.6. DoEHLG Circular Letter PL07/12, 19/10/2012, reiterates the 1996 advice to Planning Authorities, not to determine planning applications on health grounds. Circular Letter

PL07/12 further states that Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures, and that they do not have competence for health and safety matters in respect of telecommunications infrastructure. Rather, health and safety matters are regulated by other codes and should not be additionally regulated by the planning process.

7.5.7. Accordingly, having regard to all of the above, I consider that it would not be appropriate to refuse permission for the proposed development, on the grounds of health and safety issues

7.6. General Services and Infrastructural provision :

7.6.1. Having regard to the nature and specificity of purpose of the proposed development, itself requiring a minimum of infrastructure and services, and all the information available, my own observations made at the time of physical inspection, the relevant provisions of the DoEHLG's 1996 Guidelines and of the Fingal County Development Plan 2017-2023, together with the Fingal County Council Departmental technical reports received, I am satisfied that subject to regular mitigation, monitoring and management, as generally Conditioned as standard by the relevant Planning Authority, adequate services are available to the proposed development, that no obvious serious threat to public and environmental health exists, and that the proposed development would be in accordance with the proper planning and sustainable development of the area.

7.7. Other Issues – Section 48 Development Contributions :

7.7.1. The Fingal County Council 'Development Contribution Scheme 2016-2020', at paragraph 10(i) – 'Exemptions and Reductions', sets out the categories of development which are exempted from the requirement to pay 'development contributions' under the Scheme.

7.7.2. 'Broadband Infrastructure (Masts and Antennae)' and '... antennae structures ...' (subparagraphs 10(i)(g) and 10(i)(l) respectively), are categories of development exempted from the requirement to pay 'Development Contributions'.

7.7.3. Accordingly, should the Board be inclined towards a grant of planning permission for the proposed development, I understand that it would not be in accordance with

Fingal County Council Development Contribution Scheme 2016-2020, for the Board to attach a Condition under Section 48 of the Planning and Development Act 2000, as amended, requiring payment of a 'Development Contribution'.

7.8. Appropriate Assessment :

- 7.8.1. Having regard to the nature and scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to all of the above, I recommend that permission be REFUSED in accordance with the following Schedules.

9.0 Reasons and Considerations

The proposed 15 metre shrouded totem structure carrying telecommunications equipment required in the provision of localised mobile and broadband services would, by reason of its excessive scale and height, provide an overly visually dominant and obtrusive structure in this prominent exposed corner location along a well trafficked suburban road, that would detract from and not enhance the visual character of this low profile Local Centre and surrounding low density residential neighbourhoods. As such, the proposed development would set an undesirable precedent and be contrary to Objectives IT07-IT08 and Objective DMS145 set out in the Fingal County Development Plan 2017-2023, and Section 4.3 – “Visual Impact” of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (July 1996)” respectively, which seek to enhance the character of the area and keep the visual impact of telecommunications infrastructure to a minimum. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

L. W. Howard
Planning Inspector

24th August 2018