



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307220-20

#### Development

The construction of telecommunications infrastructure comprising of; an 18 metre high monopole with telecommunications equipment attached, and ancillary ground based equipment, cabinets and fencing

#### Location

Salmon's Public House, Mountview Rd, Coolmine, Dublin 15

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

FW20A/0008

#### Applicant(s)

Three Ireland Services (Hutchinson)  
Ltd

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Three Ireland Services (Hutchinson)

**Date of Site Inspection**

23<sup>rd</sup> June 2020

**Inspector**

Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.002 hectares, is located on the south side of Mountview Road, Coolmine. The appeal site is part of the curtilage of Salmon Inn public house, which is a single-storey structure. The site is located to the rear of the existing public house (south western corner). To the west of the site is a car park, to the south west is a school premises (St. Philips Senior National School), to the south east is Mountview Youth and Community Centre.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of an 18m monopole with telecommunications equipment attached and ancillary ground based equipment, cabinets and fencing to the rear of Salmons public house, Monutview Rd.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on one reason...

1. Having regard to the height and siting of the proposed telecommunications infrastructure and the proximity of the site to sensitive Community and Residential zonings and existing properties, it is considered that the proposed mast would be incongruous to existing community and residential character and would as a consequence detract from the visual, community and residential amenity of the area. In addition, the Planning Authority is not satisfied based on the information submitted that the proposed development complies with Objectives IT07, DMS143 and DMS145 of the Fingal County Development Plan 2017-23 and section 4.5 of the telecommunications Antennae and Support Structures 1996 Guidelines in terms of co-location and sharing of facilities in the area. 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

Planning Report (16/03/20): The design and scale was considered to have an adverse visual impact in close proximity to existing community and residential development and considered to be contrary Development Plan policy in relation to telecommunications infrastructure. Refusal was recommended based on the reason outlined above.

#### 3.2.2. Other Technical Reports

Transportation Planning (02/02/20): No objection subject to condition.

Irish Water (02/03/20): No objection.

Environmental Health (06/03/20): No objection subject to condition.

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

#### 3.4.1 A number of submission were received from the following...

St. Phillips Junior School Parents Association.

St. Phillips Junior School.

St. Phillips Senior National.

Mary Conneely.

Andre Gilleran.

Roerto Krampovitis.

Denise Dwyer.

The issue raised can be summarised as follows...

- The proposal is considered to be too close to the school and community centre with health and safety concerns, the proposal is considered to be

visually obtrusive, the proliferation of telecommunications structures is noted with it considered appropriate to co-locate with existing infrastructure.

## 4.0 Planning History

4.1 No planning history.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Fingal County Council Development Plan 2017-2023. The appeal site is zoned 'LC' with a stated objective 'to protect, provide for and/or improve local centre facilities'.

#### Chapter 7

##### Objective IT01

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

##### Objective 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.

##### Objective IT06

Promote and encourage service providers to engage in pre-planning discussions with the Planning Authority prior to the submission of planning applications.

#### Objective IT07

Require best practice in siting and design in relation to the erection of communication antennae.

#### Objective IT08

Secure a high quality of design of masts, towers and antennae and other such infrastructure in the interests of visual amenity and the protection of sensitive landscapes, subject to radio and engineering parameters.

### Chapter 12 Development Management Standards

#### Telecommunications Antennae and Support Structures

#### Objective DMS143

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

#### Objective DMS144

Encourage the 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.

#### Objective DMS145

Require the following information with respect to telecommunications structures at application

stage:

- Demonstrate compliance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment in July 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 material as maybe relevant in the circumstances.
- Demonstrate the significance of the proposed development as part of a national telecommunications network.
- Indicate on a 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 is 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

### Telecommunications Antennae and Support Structures Guidelines for Planning Authorities

#### Section 4.2 Design and Siting

“The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”.

“Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and mast and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure”.

### Section 4.3 Visual Impact

“Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
  
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In



these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect

- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

### **5.3 Natural Heritage Designations**

5.3.1 None in the vicinity.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1 A first party appeal has been lodged by Three Ireland Services (Hutchinson) Ltd. The grounds of appeal are as follows...

- The proposal is needed to facilitate improvement in telecommunications infrastructure in line with National policy and deal with the demand for improved services. The location of the site is determined by the demand and the provision of a structure of this type at an urban location such as this is a common occurrence with the appellant providing examples of other existing telecommunications infrastructure in close proximity to residential and community development.
- The appeal site is in an area of fast growing population based on statistics with a need for improved telecommunications services. The new freestanding structure is required and an existing roof mounted structure in the area is insufficient to meet demand.

- It is noted that the visual impact of the proposal is satisfactory with the lower section of the tower well screened by existing vegetation and structures.
- The applicant has provided a technical justification and the design of structure is monopole and not a lattice structure as per the recommendations of the National Guidelines.
- There are no existing telecommunications structures in the area that can facilitate co-location with a need for a new structure. There is an existing structure on the roof of the pub, however such is insufficient to meet the requirements for improved coverage.
- It is noted that the proposal is compliant with development plan objectives in relation to telecommunication infrastructure.

## 6.2. Planning Authority Response

6.2.1 No response.

## 7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Appropriateness of the location, technical justification

Visual Impact

Appropriate Assessment

7.2 Appropriateness of the location, technical justification:

7.2.1 One of the main reasons for refusal relates to location, scale and visual impact of the structure in close proximity to a residential and community use (school). The proposal was also considered not to comply with Objectives IT07, DMS143 and DMS145 of the Fingal County Development Plan 2017-23 and section 4.5 of the Telecommunications Antennae and Support Structures 1996 Guidelines in terms of co-location and sharing of facilities in the area.

7.2.2 I would note that the application includes technical justification for the proposed development indicating that there are service/coverage deficiencies in the area the proposal is set to address. The information on file also provides detail of existing support structures examined as an alternative to the provision of new support structure in the area. It is indicated that these structure do not facilitate the provision of the necessary coverage for the area in question due to issues such as proximity, physical obstruction and the fact that the provider in question already has infrastructure at these locations and additional infrastructure will not deal with the coverage issue. The technical justification notes that some the infrastructure in the area are serving a high capacity and there is a need for additional infrastructure to serve a significant area of residential development in which coverage is currently deficient. The technical justification outlines the suitability of all existing three infrastructure in the vicinity and a site owned by a rival operator that is considered to be unsuitable due to elevation. The information on file notes that the area to be served is a residential area and such poses issues in terms of finding locations to site such infrastructure. I would consider based on the information submitted that there is a technical justification for the proposal and that the provision of such would be consistent with Objectives IT01 and IT05 under the Fingal Development Plan as set out above and the provision of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities. I am also satisfied the applicant has submitted sufficient information demonstrate the need for an additional telecommunication support infrastructure and has complied with Objectives DMS143 and DMS 145 of the Fingal County Development Plan and the provisions of Telecommunications Antennae and Support Structures Guidelines for Planning Authorities.

7.2.3 The reason for refusal highlights the location of the proposed development in close proximity to a community use (school and community centre) and residential development. National policy under Section 4.2 states that “the design of the

antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”.

“Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and mast and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure”.

7.2.4 As noted earlier I would consider that a technical justification has been demonstrated for the additional support structure. In relation to its location and its proximity to the school, I would note that the structure is to improve coverage in a residential area location to the west/north west of the site, which would pose issues in terms of locating such infrastructure due to the lack of sites for such without being a prominent feature. The proposal seeks to locate the mast in within the curtilage and to the rear of an existing commercial structure. I would consider that such is an appropriate location for the structure and would comply with national policy regarding siting. I would note that the issue of visual impact is dealt with in the following section of this report.

7.2.5 I would note that subject to the proposed infrastructure being installed, operated and maintained so that there is compliance with the international standards relating to emission of non-ionising radiation, the safety standards under COMReg and relevant guidance, standards and legislation no issues with regard to risk to public health from a planning perspective should arise.

### 7.3 Visual Impact:

7.3.1 One of the main aspects of the decision to refuse relates to visual impact at this location due to its location in an area adjacent residential development and community facilities including a school and childcare facility. The proposal is for an 18m monopole structure and is located to the rear of an existing public house (single-storey). In terms of the form of the structure, it is a monopole instead of lattice type structure and such would in keeping with National Policy in regards to its siting in terms of being in an existing urban area. The structure will be partially visible due to its location to the rear of the existing public house and I would consider having regard to its height and location relative to existing structures, existing vegetation in the vicinity that the overall visual impact would be not disproportionate or negative at this location.

### 7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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. I recommend a grant of permission based on the following conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan, 2017-2023 and the DOEHLG Section 28 Statutory Guidelines; “*Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of

properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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

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

2. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

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

3. 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

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

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

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

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

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

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

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

**Reason:** In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

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Colin McBride  
Planning Inspector

12<sup>th</sup> August 2020