



An
Bord
Pleanála

Inspector's Report

ABP-307377-20

Development	Extension of a telecommunications lattice tower carrying antennas and associated equipment and additional new antennas.
Location	Eir, Scholarstown Road, Ballyboden, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0042
Applicant	Vodafone Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal of Permission
Appellant	Vodafone Ireland Ltd.
Observer(s)	(1) Colm Brophy, TD (2) Francis Noel Duffy, TD (3) John Lahart, TD

(4) Andrew & Barbara Ferguson, John
& Catherine Slacke-Fitzgerald and
John & Siobhan Patchell

(5) Cllr. Deirdre O'Donovan

(6) Boden Park Residents Association

Date of Site Inspection

25.08.2020

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site comprises part of the Eir exchange property on the north side of Scholarstown Road approx. 700 metres north west of Edmonstown Golf Club in south Dublin.
- 1.2. The Eir exchange property is accessed from a short laneway off the junction of Scholarstown Road and Stocking Lane. It is a backland property comprising an exchange building which is externally finished in red brick and plaster, a 12 metres high lattice tower (to be increased in height under this planning application) adjacent to the south side of the building with antennae and other equipment bringing the overall height to 14.63 metres, a car parking/circulation area and a grassed area in the north west corner. There are some mature trees around the site boundaries and in the general vicinity. Property boundaries are a mixture of a stone wall, wire fence and palisade fencing. There are detached two storey residential properties between the Eir property and Scholarstown Road to the south with rear garden areas of two of these properties to the east and west sides. Semi-detached housing on The Rise backs onto the Eir property to the north.

2.0 Proposed Development

- 2.1. The application is for permission for:
 - The extension of an existing telecommunications lattice tower to a height of 21.5 metres carrying existing and new antennas, dishes and associated equipment,
 - New ground equipment cabinets, bollards and associated site development works.
- 2.2. In addition to standard planning application plans and particulars the application was accompanied by a detailed cover letter.

3.0 Planning Authority Decision

3.1. Decision

The planning application was refused by the planning authority for the following two reasons:

1. Having regard to the scale, height and design of the extension to the existing telecommunications structure, it is considered that the proposed development would be visually obtrusive in this established residential area, would form an overbearing and obtrusive feature in these residential zoned lands, and is contrary to the provisions of the South Dublin County Development Plan 2016-2022. The proposed development therefore is contrary to the proper planning and sustainable development of the area.
2. The proposed development is located within proximity of a Protected Structure and the historic curtilage of Boden Park House (RPS# 301) to the east. On the basis of the information submitted and the lack of a detailed visual impact assessment or assessment on the impact on the character of the protected structure, the Planning Authority is not satisfied that the proposed development would not have an adverse impact on the character and setting of Boden Park House. The proposed development therefore is contrary to the Development Plan objective HCL3 Objective 1: To ensure the protection of all structures (or parts of structures) and the immediate surroundings including the curtilage and attendant grounds of structures contained in the Record of Protected Structures and HCL Policy 3 which seeks to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly. The proposed development therefore is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Planning Report is the basis of the planning authority's decision. It concludes that, having regard to the County Development Plan 2016-2022 and the

telecommunications guidelines, the proposed extended lattice tower would be visually obtrusive and overbearing on the surrounding residential area, does not have regard to the guidance set out in Heritage, Conservation and Landscapes (HCL) Policy 3 of the Plan and would adversely impact on the special character, appearance and historic curtilage of the protected structure.

3.2.2. **Other Technical Reports**

Roads Department – No objection.

EHO – The planning authority Planning Report states no objection subject to standard conditions.

Water Services Section – The planning authority Planning Report states no objection.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

11 no. submissions were received. Six were from local residents, three from local TDs and two from council members. The issues raised are largely covered by the grounds of appeal.

4.0 **Planning History**

4.1.1. None.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

5.1.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity' on Map 10. There is a protected structure, RPS No. 301, adjacent to the east of the site.

5.1.2. Section 7.4.0 (Infrastructure & Environmental Quality – Information and Communications Technology) states:

'Infrastructure & Environmental Quality (IE) Policy 4 Information and Communications Technology (ICT)

It is the policy of the Council to promote and facilitate the sustainable development of a high quality ICT network throughout the County in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.

IE4 Objective 1 – To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County.

IE4 Objective 2 – To co-operate with the relevant agencies to facilitate the undergrounding of all electricity, telephone and television cables in urban areas wherever possible, in the interests of visual amenity and public health.

IE4 Objective 3 – To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.

IE4 Objective 4 – To discourage a proliferation of telecommunications masts in the County and promote and facilitate the sharing of facilities.

IE4 Objective 5 – To actively discourage the proliferation of above ground utility boxes throughout the County and to promote soft planting around existing ones and any new ones that cannot be installed below the surface to mitigate the impact on the area.

IE4 Objective 6 – To require the identification of adjacent Public Rights of Way and established walking routes by applicants prior to any new telecommunications developments (including associated processes) and to prohibit telecommunications

developments that impinge thereon or on recreational amenities, public access to the countryside or the natural environment.

Actions

- South Dublin County Council will co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have equitable access to a wide range of services and the latest technologies as they become available.
- The Planning Authority will create and maintain a register of approved telecommunications structures supported by relevant databases in cooperation with operators.'

5.1.3. Section 11.6.2 (Implementation – Infrastructure & Environmental Quality – Information and Communications Technology) states:

'In the consideration of proposals for telecommunications antennae and support structures, applicants will be required to demonstrate:

- Compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (as may be amended), and to other publications and material as may be relevant in the circumstances,
- On a map, the location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation (2003),
- Degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc) and the potential for mitigating visual impacts including low and mid level landscape screening, tree-type masts being provided where appropriate, colouring or painting of masts and antennae, and considered access arrangements, and
- The significance of the proposed development as part of the telecommunications network.'

- 5.1.4. Section 9.1.2 (Heritage, Conservation & Landscapes – Built Heritage and Architectural Conservation – Protected Structures) states:

‘Heritage, Conservation and Landscapes (HCL) Policy 3 Protected Structures

It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

HCL3 Objective 1 – To ensure the protection of all structures (or parts of structures) and the immediate surroundings including the curtilage and attendant grounds of structures contained in the Record of Protected Structures.’

There are also three other objectives which are not applicable to the proposed development.

5.2. **Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996**

- 5.2.1. These guidelines, and the subsequent Circular Letter PL 07/12, are relevant to applications for telecommunications structures.

5.3. **Natural Heritage Designations**

- 5.3.1. The closest Natura 2000 sites are Wicklow Mountains SPA and Wicklow Mountains SAC approx. 4.6km to the south. The closest heritage area is Dodder Valley pNHA approx. 2.2km to the north west.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points made can be summarised as follows:

- To address the first reason for refusal a Visual Impact Assessment has been carried out from eight viewpoints. This assessment demonstrates that the

proposed development would not be visually obtrusive in the wider environment, nor would it be an overbearing and obtrusive feature.

- There has been a telecommunications structure on site for over twenty years. It is an accepted part of the telecommunications infrastructure in the area and a familiar part of the skyline. It cannot meet current or future demand without being upgraded, specifically increasing its height. The existing installation indicates a precedent for infrastructure and utilities in the area and the property has a high capacity for absorbing the proposed development. It is the most suitable location for telecommunications infrastructure with predominantly residential and open space zonings in the area. The surrounding natural and built environment will also assist in screening.
- The design is typical for this type of a support structure. It is the minimum height necessary to ensure sufficient radio coverage.
- There would be some limited visual impact, but views are likely to be intermittent. Where visible, it will generally be seen protruding over rooftops and through natural screening, existing buildings and general visual clutter. It would not have a prominent visual impact. The magnitude of the impact would be acceptable.
- In relation to the second reason for refusal, an Architectural Heritage Impact Assessment (AHIA), was undertaken in relation to the visual impact on the protected structure and is submitted with the grounds of appeal. The telecommunications structure is located in an existing exchange property and it is not in an Architectural Conservation Area. The proposed extension is examined under the Guidelines for the Assessment of Architectural Heritage Impacts of National Roads Schemes (sic) and, under these criteria, could be considered to have an indirect, neutral impact of moderate significance. The assessment considers that the visual impact of the proposed extension will not negatively impact on a proper understanding of the historic setting of Boden Park House, whose front elevation faces north, and its associated views when mitigation measures are taken into account such as a paint scheme enabling the extension to present as a more familiar structure on the landscape, additional planting focusing on the gaps in the shared eastern boundary or

replacing this boundary with a non-transparent structure. The AHIA states that a tension is caused between complying with IE Policy 4 Objective 4 and the west and south west facing views from the protected structure and its curtilage. This tension is released by the proposed mitigation measures. The assessment states that few places survive in a totally unaltered state and there should be an acceptance of managed change so that what is significant about a place is not adversely affected. The extension of the telecommunications structure is an indirect development proposal and its impact is of a visual nature when viewed from the curtilage. The assessment notes that the proposed extension will not be visible in the same context as the protected structure when viewed from outside the curtilage of Boden Park House.

- A lattice tower is the preferred method of infrastructure support as they are structurally capable of supporting equipment and environmental loads without movement. The extension is preferable to the construction of an independent antennae support structure.
- The national Telecommunications Guidelines provide no restriction in terms of distances between telecommunications structures and houses and it is not uncommon for structures or antennae to be in close proximity to residential development in urban areas. The presence of houses increases the justification for the proposed infrastructure as there is improved opportunities for businesses and working from home initiatives.
- The proposal to extend an existing telecommunications site is in accordance with the 1996 Guidelines and the Council's own policies in Section 7.4 and Section 11.6.2 of the County Development Plan 2016-2022.
- Precedent for similar development of telecommunications structures in residential areas is outlined.
- A Technical Justification Report has also been submitted with the grounds of appeal. The main driver is to improve voice and data services in the area which is known to be compromised. Ongoing housing development leads to higher customer demand. Maps have been provided showing 4G coverage at 12 metres and 20 metres heights.

6.2. Planning Authority Response

6.2.1. The planning authority confirms its decision and the appeal raises no new issues.

6.3. Observations

Six observations were received from (1) Colm Brophy TD, (2) Francis Noel Duffy TD, (3) John Lahart TD, (4) Andrew & Barbara Ferguson, Boden Park House, John & Catherine Slacke-Fitzgerald, Van Neis and John & Siobhan Patchell, Dunkeld, (all properties adjacent to the south/east of the site on Scholarstown Road), (5) Cllr. Deirdre O'Donovan and (6) Boden Park Residents Association.

The main points made can be summarised as follows:

Conservation and Heritage Impact

- The development lies within the historic curtilage of Boden Park House. Subsequent development (Van Neis and Dunkeld) was sensitive and respectful.
- The owners bought Boden Park House in 2015 and have invested a very substantial amount of money in major conservation works to the house and gardens.
- Practically all mature trees referred to in the grounds of appeal are in the Boden Park House site and adjoining properties and the applicant has provided little or no screening proposals.
- It is not agreed the proposed development would have a neutral or moderate impact as claimed in the AHIA submitted with the grounds of appeal. It is considered that it will be clearly visible and significant. Photographs in the AHIA submitted with the grounds of appeal were taken at a time when trees were in full leaf and the impact would be more significant in winter and early spring.
- If permitted the development would become the new dominant visual feature in the landscape and an aberration which would damage the visual amenity and character of Boden Park House.
- A Conservation Architect's Heritage Impact Report has been submitted with one of the observations. This concludes that the extension will have a

significant negative impact on the character of the setting of Boden Park House and the proposed mitigation will do little to mitigate the impact.

Residential Amenity and Visual Impact

- The extension of an already unsightly tower will have a hugely detrimental impact on the enjoyment and character of gardens and homes which share a common boundary with the facility.
- The scale of the development is unprecedented in residential zoned land and will be visually obtrusive.
- A number of photographs have been submitted outlining the visual impact of the existing lattice tower on adjoining properties to the north, south and east.
- Proposed mitigation measures are deeply inadequate.
- No shadow study has been submitted to demonstrate impact on adjoining properties.
- No acoustic study has been submitted demonstrating noise impact in, for example, strong winds.
- Operational noise is already emitted from the antennae day and night and neighbours have raised this issue directly with the applicant/operator.
- The submitted visual assessment falls short of the standard expected and does not adequately demonstrate the visual impact of the proposed development.
- No tree survey has been submitted supporting the assertion surrounding trees will naturally screen the development. When surrounding foliage, outside the site, matures, the additional height will be rendered redundant.
- The site area is not large and its ability to subsume the development is very limited.

Technical Justification

- No real technical justification for the development has been made. It is unnecessary for the improvement of coverage to the area and is all about the provision of space for other licenced operators and creation of a new revenue stream for Eir.

- The precedent site referred to in the grounds of appeal, P.A. Reg. Ref. SD15A/0389 / ABP Reg. Ref. PL 06S.245344, is 798 metres away from the current application site. The documentation submitted with that application suggested its grant would result in less need for another telecoms site in the vicinity.
- Neither of the two technical justification reports submitted justifies the requirement to extend the tower, considers the overall network in the surrounding area or considers any alternative solutions. The extension does nothing to increase range but simply allows greater capacity for future telecommunications architecture. Comment is provided on a number of issues referenced in the technical justifications.
- While it can be accepted there may be a need to improve coverage in the area there is no need to locate it in an inappropriate residential location.
- On the one hand tree screening is proposed and on the other hand the applicant says the extra height is needed to see above the tall dense foliage in the area. No evidence has been provided that voice and data services are compromised.
- Coverage maps submitted with the application are inconsistent and are also inconsistent with coverage maps on the ComReg website.

Miscellaneous

- In relation to health concerns, the Boden Park Residents Association observation states residents already fear the impact of the existing structure and are extremely concerned over the increased risk from the proposed structure. There is severe concern from about the rollout of 5G technology and its radiation levels. Cancer is also referenced in relation to proximity to masts. No ICNIRP certificate of compliance has been submitted.
- The development would impact the sustainable development of the area and set a dangerous precedent.
- The zoning objective is to protect and/or improve residential amenity. The proposed development is contrary to this and the existing lattice tower would not get planning permission today given its proximity to residential property.

- The development would have an adverse impact on the value of property.
- The development is not consistent with relevant provisions of the County Development Plan 2016-2022 e.g. design, alternative sites, map showing existing structures within 2km and impact on visual amenity, and should be rejected.
- The precedents outlined in the grounds of appeal are not comparable to the proposed development.
- The net benefit is a very small improvement on existing coverage and the application is all about intensification and proliferation of use/users.
- An alternative site should be sought.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Background to Application
- Zoning
- Compliance with the South Dublin County Council Development Plan 2016-2020
- Impact on Adjacent Residential Amenity/Protected Structure
- Public Health
- Appropriate Assessment

7.1. Background to Application

- 7.1.1. According to the documentation submitted with the planning application, the existing lattice tower was erected under planning exemptions and has been in place for approx. twenty years. The proposed extension would make the site available for other operators in line with local and national policy. The installation would ensure continued network coverage for the applicant with potential for enhancement and improvement of telecommunications and broadband services. The existing tower is not capable of supporting a full configuration of equipment from new operators as it is of inadequate height and structural capacity. Existing Vodafone equipment would remain on the tower as well as carrying proposed new antennas, dishes and associated equipment and the proposed lattice structure would future-proof the site. It is stated that Eir Mobile will co-locate. Eir Mobile already have an installation on the rooftop of the existing exchange building but it is not providing the indoor service needed. A further technical justification for Three Ireland was submitted with the grounds of appeal. The rationale is to improve the coverage and capacity of mobile telecommunications and broadband services in the area.

7.2. Zoning

- 7.2.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity' on Map 10 of the County Development Plan 2016-2022. 'Public services' is cited as permitted in principle in Table 11.2 (Zoning Objective 'RES': 'To protect and/or improve residential amenity' of the Plan. 'Public services' is defined in Schedule 5 (Definition of Use Classes & Zoning Matrix Table) as 'a building or part thereof or land used for the provision of public services. Public services include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage ...' As a telecommunications structure is defined as a public service, and as public services are permitted in principle within this zoning objective (notwithstanding the fact the site is an established exchange facility with an existing telecommunications structure) I consider that the principle of development is therefore acceptable, subject to the detailed considerations below.

7.3. Compliance with the South Dublin County Council Development Plan 2016-2020

7.3.1. The Plan contains specific provisions in relation to development of the type proposed. These provisions are set out in Section 5.1 of this assessment.

7.3.2. In relation to IE Policy 4, it is Council policy to promote and facilitate the sustainable development of a high quality ICT network, which is what the development proposes, while protecting the amenity of urban areas, which is an issue with this site given the proximity of residential property. IE Policy 4 contains six objectives:

- Objective 1 – I consider the proposed development is fully consistent with this objective as it facilitates the provision of telecommunications infrastructure within the County.
- Objective 2 – I do not consider this objective to be relevant to the application.
- Objective 3 – This issue is separately considered under Section 7.4.
- Objective 4 – I consider the proposed development is fully consistent with this objective as it is specifically for the sharing of facilities which would reduce the need for a proliferation of separate masts in the vicinity.
- Objective 5 – I do not consider this objective to be particularly relevant to the application. While ground equipment cabinets etc. are proposed they would be located within the curtilage of the Eir exchange property and adjacent to ancillary structures and the exchange building, would be limited in scale in the context of overall site and would, effectively, not be visible from outside the site.
- Objective 6 – I do not consider this objective to be relevant to the application.

The proposed development would also be consistent with an 'Action' cited in Section 7.4.0. This states that the planning authority will co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have equitable access to a wide range of services and the latest technologies as they become available.

7.3.3. In addition to IE Policy 4, there are four other issues outlined in Section 11.6.2 of the Plan that an applicant will be required to demonstrate consistency with.

- The first issue is compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996), and Circular Letter PL 07/12 and any other relevant publications. Section 1.2 and Section 4.5 of the Guidelines state that, to avoid unnecessary proliferation of masts, owners would be expected to facilitate co-location of antennas and support structures with other operators. Planning authorities should encourage co-location of antennae on existing support structures and masts. Section 2.4 notes that sharing will give rise to higher and stronger structures.

Design, siting and visual impact is referenced in Section 4 (Development Control and Telecommunications). Design is greatly dictated by radio and engineering parameters and there may be only limited scope for requesting changes in design, however the applicant should be asked to explore other designs which may be an improvement. Visual impact is among the more important considerations which have to be taken into account in arriving at a decision. Great care will have to be taken when dealing with fragile or sensitive landscapes according to the Guidelines. It is stated that proximity to listed buildings, among other areas, should be avoided. In city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land and ESB substations may be suitable for the location of antennae support structures. Section 4.3 (Visual Impact) specifically states as follows; 'Only as a last resort ... should free-standing masts be located in a residential area ... If such a location should become necessary, sites already developed for utilities should be considered and masts 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'.

Circular Letter PL 07/12 was issued to update certain sections of the 1996 guidelines. I do not consider the proposed development is specifically affected by the content of the Circular Letter.

The proposed development is consistent with the Guidelines in respect of facilitating co-location and, in terms of the specific site, which is an established exchange property which already has a telecommunications mast and where public services are permitted in principle in the land use zoning matrix, I

consider the site to be, in principle, compliant with the Guidelines. Notwithstanding, there is a tension between the appropriateness of the site and issues of visual/residential amenity and the proximity of the protected structure. This is addressed in Section 7.4.

- In relation to the second issue, I note that no map has been submitted showing all telecommunications structures in a 2km radius, and why these cannot be shared. Notwithstanding, given the proposed co-location, the fact an existing support structure is to be utilised and the fact that the use is permitted in principle under the zoning matrix, I do not consider its absence to be a critical omission and, given the circumstances, the proposed development can be assessed on its own merits.
- The third issue is addressed in Section 7.4 of this assessment.
- In relation to the fourth issue the applicant states the proposed development is required because the existing structure cannot meet current or future demand without being upgraded. Increasing the height will allow the support structure to accommodate additional equipment for two or three operators, maximising the capacity of the existing infrastructure. It will future-proof the site. It is stated that increased data usage in the area necessitates an extended structure to meet extended height and stability requirements for multiple operators. I consider this adequate to outline the significance of the proposed development in the area.

7.4. Impact on Adjacent Residential Amenity/Protected Structure

- 7.4.1. The impact of the proposed development on the residential amenity of adjacent properties, and on the protected structure Boden Park House, is the primary area of concern cited in the observations received in response to the grounds of appeal.
- 7.4.2. The existing lattice support tower has a height of 12 metres with existing operator's equipment giving it an overall indicated height of 14.63 metres. The lattice tower is to be extended by 8 metres, to 20 metres, with 1.5 metres high lightning finials giving an overall proposed height of 21.5 metres, an overall increase in height of 6.83 metres. Section 3.3 of the grounds of appeal justifies the lattice tower design stating they are structurally capable of supporting the loads of both equipment and environmental

loads without movement and as such they are considered the most suitable of multi-user telecommunications support structures. In terms of design, I note the width of the proposed extension is narrower than the width of the existing headframe area. The grounds of appeal suggest mitigation by way of additional landscaping. This should be included as a condition of any grant though the potential for landscaping may be limited by the extent of hard surfacing on the property. The proposed extension will clearly have a visual impact on the receiving environment. This is unavoidable given the nature of proposed development. However, the existing natural and built environment does play a role in reducing the visual impact of the structure and there is only intermittent visibility of the existing telecommunications structure in the wider area.

7.4.3. Conflicting documentation has been submitted in relation to the impact the development would have on the setting and curtilage of Boden Park House. Boden Park House is a protected structure and is included in the National Inventory of Architectural Heritage (Ref. No. 11216031) where it is described as a five-bay two-storey house dating to c.1825 and appraised as a large Georgian house and farm buildings obscured by walls and trees. The AHIA submitted with the grounds of appeal states that the proposed extension is examined under the Guidelines for the Assessment of Architectural Heritage Impacts of National Roads Schemes, a document which has no relevance to the current application. HLC Policy 3 of the County Development Plan 2016-2022 states it is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly. While the AHIA submitted with the grounds of appeal considers the development would have an indirect, neutral impact of moderate significance once mitigation measures are taken into account, the report submitted in the observation from the occupants of Boden Park House consider the proposed development would have a significant negative impact. It is stated in the application that, in consideration of the protected structure, the extension proposed is of the minimal required height.

7.4.4. Council and national policy promote the provision and improvement of telecommunications infrastructure while protecting the amenities of areas and conserving and protecting protected structures. These policies conflict in this

application and I fully understand and acknowledge the concerns expressed in the submissions and observations relating to visual impact and the protected structure. Notwithstanding, having regard to the fact that the site is in an established telephone exchange property where public services are permitted in principle in the land use zoning matrix, where there is an existing telecommunications support structure in place that it is proposed to extend and that the development would facilitate co-location and sharing of structures as encouraged by Council and national policy, I consider that the proposed development would be acceptable at this location and would not have an undue adverse impact on the setting of Boden Park House or on the amenity of residential properties in the vicinity.

7.5. Public Health

- 7.5.1. Concern in relation to the impact on the health of residents has been raised in the Boden Park Residents Association observation.
- 7.5.2. Section 2.6 (Health and Safety Aspects) of Circular Letter PL 07/12 states that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.
- 7.5.3. Therefore, having regard to the content of the Circular Letter, issues of public health in relation to the telecommunications structure are not a matter for the planning authority.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location remote from and with no hydrological pathway 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. I recommend that permission be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the South Dublin County Development Plan 2016-2022 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, as amended by the further plans and particulars received by An Bord Pleanála on 19.06.2020, 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. The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from site when it is no longer required.

The site shall be reinstated to its predevelopment condition at the expense of the operator.

Reason: In the interest of orderly development.

3. The antennae 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. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

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

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

6. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

Anthony Kelly

Planning Inspector

08.09.2020