



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307828-20

---

<b>Development</b>	Permission for installation of antennae and transmission dishes on supporting poles, together with equipment cabinets, cabling and associated site works at the roof level.
<b>Location</b>	Carechoice Swords, Bridge Street, Townparks, Swords, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0147
<b>Applicant(s)</b>	Signal Infrastructure Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11th November 2020.
<b>Inspector</b>	Barry O'Donnell

## 1.0 Site Location and Description

- 1.1. The appeal site is located at the corner of Bridge Street and Church Road, consisting of the roof of the recently constructed CareChoice Nursing Home building. The building is 3 to 5 storeys in height, over basement, on a site with a stated area of 0.3384ha. The site is set on an incline, with ground levels rising in a north-south direction.
- 1.2. The site is west of Main Street, in a mixed-use neighbourhood. The Ward River adjoins the site to the east, with a mix of primarily commercial properties further to the east and primarily residential development to the west.
- 1.3. There are a number of protected structures in close proximity to the site. Swords Castle is to the north-east, on the opposite side of Bridge Street, Mill Bridge is adjacent to the site, on Bridge Street and the Old Vicarage adjoins to the south.

## 2.0 Proposed Development

- 2.1. Permission is sought for the installation of 6 No. antennae and 2 No. transmission dishes on supporting poles, together with equipment cabinets, cabling and associated site works at roof level of the Carechoice building.
- 2.2. The antennae would be located toward the north end of the building, and would be clustered in three locations across the roof, Sectors A, B and C. Each cluster would contain 2 structures (6 total), made up of a single mounted antenna and a larger installation of 4 mounted antennae. The clusters would be set back approx. 5m from the eastern roof edge, 6.5m from the northern edge and 6m from the western edge.
- 2.3. The proposed transmission dishes would each measure 300mm in diameter, extending above roof level by approx. 1.5m and set back from the northern edge by approx. 7.5m.
- 2.4. Additional supporting equipment includes 2 equipment cabinets, cabling, access ladder hooks and non-slip matting. The equipment cabinets would 2m high and 0.82m wide, mounted on a steel frame and would be located adjacent to the eastern edge of the roof, roughly in line with the proposed antennae.

- 2.5. A letter of support from Eir Mobile has been provided, confirming that Eir is interested in locating equipment onto this property and that it would provide coverage to customers living, visiting or travelling in the area.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On 10<sup>th</sup> July 2020 Fingal County Council refused permission, for the following two reasons:

*'1. Having regard to the height and siting of the proposed telecommunications infrastructure and its highly sensitive location within the Zone of Archaeological Potential for the historic town of Swords (RMP Ref. DU011-034) and between the historic and protected sites of Swords Castle (RPS 0351), Mill Bridge (RPS 0352), the Old Vicarage (RPS 0362), St. Columba's Church (RPS 360a) and Round Tower (RPS 0360b), it is considered that the proposed development would not only detract from the character and appearance of the host building, but also have a significant adverse effect on the appearance and character of the area and setting of nearby protected structures contrary to Objectives CH07, CH09 and CH14 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. 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 the impracticality 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 Report dated 7th July 2020, which reflects the decision to refuse permission. The report acknowledged that the proposal was consistent with the 'MC' zoning objective applying to the site, but expressed particular concerns in relation to the visual impact of the development and the failure of the applicant to adequately demonstrate

that co-location on an existing structure in the area was not a viable option. The report also questioned the adequacy of supporting documentation provided as part of the application. The recommended reasons for refusal were generally in accordance with the Planning Authority's reasons for refusal.

### 3.2.2. Other Technical Reports:

**Transportation Planning Section** – Undated report, which outlined there is no objection to the development.

**Conservation Officer** – Report dated 27<sup>th</sup> April 2020, which highlighted that the location chosen for the antennae is the most prominent corner of Church Road and Bridge Street, with views available from as far away as Seatown Road. The report highlighted comments provided as part of the assessment of the application for the subject building, where it was requested that no additional elements should be provided on the roof, as this would increase its height. The Conservation Officer remains of the view that the height of the building should not be increased in the proposed manner.

**Water Services** – Report dated 18<sup>th</sup> May 2020, which outlined there is no objection to the development.

**Archaeology Department** – Report dated 22<sup>nd</sup> April 2020, advising that the Heritage section of the planning report does not document that the site is within the zone of notification of the Historic Town of Swords DU011-035. The report also outlines that there is no cognisance of the inter-visibility between Swords Castle and the ecclesiastic site of St. Columba's Church and round tower and, as a consequence, there is no assessment of the visual impact of the development on that view.

### 3.3. Prescribed Bodies

3.3.1. Irish Water – Submission dated 25<sup>th</sup> May 2020, outlining there is no objection to the development.

3.3.2. Irish Aviation Authority – Submission dated 29<sup>th</sup> April 2020, outlining the IAA had no comment to make on the application.

3.3.3. The Dublin Airport Authority was also consulted on the application and the Planner's Report outlines that no submission had been received at the time of the report.

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

3.4.1. 1 letter of objection was received, the issues raised within which can be summarised as follows:

- Concerns regarding the proliferation of telecommunications structures in the area,
- Concerns regarding the visual impact of the development.

3.4.2. The submission requested that the associated cabinets should be sited in such a way that they are not visible from the Ramparts of the castle or from ground level along Bridge Street and the Rathbeale Road.

## 4.0 **Planning History**

4.1.1. The subject site has been the subject of a number of previous applications, for redevelopment. Of relevance to the current proposal is:

F15A/0467 - (Bord Ref. PL06F.246732) Permission granted for demolition of 4 no. uninhabited houses and construction of a nursing home ranging from 3 to 5 storeys over basement and including associated works.

Permission was granted for amendments to the approved development, including a proposed increase of 201sqm in the floor area of the building, under Reg. Ref. F18A/0432.

## 5.0 **Policy Context**

### 5.1. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

5.1.1. The Guidelines deal with those telecommunications installations which form part of the requirements for licensed, public mobile telephony and which require planning permission. They provide technical information in relation to these installations and offer general guidance on planning issues so that the environmental impact is minimised and a consistent approach is adopted by the various planning authorities in the preparation of their development plans and in the operation of development control.

- 5.1.2. Reference is made within the Guidelines to the operational requirements of service providers, which require additional base stations in order to meet the national coverage requirement of licence conditions. Base stations house antennae, the extent and layout of which is designed in order to maximise the extent of coverage provided. In urban areas, the Guidelines outline that the use of buildings or other tall structures is preferable to the construction of an independent antennae support structure.
- 5.1.3. In relation to the location of these structures, the Guidelines advise that topography and population density will dictate to a large extent the location of the base station. While each base station has its own locational requirements, it must also fit into the national network. For this reason, there may not always be great flexibility regarding a given location. Where substantial local flexibility is required it may mean moving other sites in the network or providing additional alternative base stations. However, some flexibility should almost always be available.
- 5.1.4. In relation to design and siting, it is advised that this will be dictated by radio and engineering parameters. However, there may be limited scope for design change and applicants should be asked to explore the possibility of other available designs.
- 5.1.5. Visual impact is among the more important considerations which have to be taken into account in the assessment of such proposals. In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. The visual impact will vary, depending on the locational context, however 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. Proximity to listed buildings, archaeological sites and other monuments should be avoided.
- 5.1.6. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share.
- 5.1.7. When the antennae and their support structures are no longer being used by the original operator and no new user has been identified they should be demolished, removed and the site re-instated at the operators' expense. This should be a condition of permission and the authority should consider a bonding arrangement to this effect.

## 5.2. Development Plan

5.2.1. The site is zoned 'MC' Major Town Centre under the Fingal County Development Plan 2017-2023.

5.2.2. Objective IT08 is relevant to proposals for telecommunications infrastructure, outlining an objective to:

*'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.'*

5.2.3. Section 12.10 'Telecommunications Antennae and Support Structures' is also relevant, containing a number of objectives to control the development of such infrastructure:

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.'*

## 5.3. Natural Heritage Designations

5.3.1. The subject site is not located within or adjacent to any designated European Site.

## 5.4. EIA Screening

5.4.1. Having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A detailed appeal submission has been prepared by 4site, on behalf of the applicant, within which the key issues with the proposed development, from the applicant's perspective, are outlined as being:

- Evidence to indicate that a reasonable effort has been made to share or cluster with the existing mast sites in the vicinity.
- Potential impacts of the proposal on the visual amenity of the immediate area, especially in the area.
- Potential impact on the heritage assets in the area

6.1.2. The appeal submission provides a detailed assessment of the proposed development, in relation to these identified issues. The contents of this assessment can be summarised as follows:

- The proposed development has been designed in order to meet Eir Mobile operator requirements and other potential providers to support voice and broadband communications with antennae, transmission dishes and equipment.
- The development is considered to be consistent with the development plan zoning objective and vision for the lands, where there is a requirement in the area for high-speed data services.
- The development will improve local data services, but its primary function is for infill coverage in the surrounding area where there are coverage issues on the Eir network.
- A search zone was identified, which reflected network blackspots in the area and a number of locations were analysed, including a number of existing telecommunications structures within approx. 1km. Co-location at one of these existing sites was the first preference for the development, but this was not possible in each instance. The applicant contends that every effort has been made to look at co-location, but this was not an option.



- A technical justification has been prepared, which demonstrates coverage gaps and depicts how the development would fill these gaps. Mapping has also been provided, which indicates that a large amount of the area affected by coverage gaps would be rectified by the development.
- When assessing proposals for new telecommunications facilities, planning authorities should have regard to 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities', which outline that there is limited flexibility in relation to the location of these structures, given the constraints arising from radio planning parameters.
- The application was accompanied by a series of photomontages and a visual impact appraisal, which discussed the character and sensitivity of the site and the anticipated effects caused by the development. It is contended that the development would not create an overly dominant figure.
- An updated visual impact appraisal has been provided, which depicts and assesses the development from 15 viewpoint locations (11 were assessed as part of the application). Additional viewpoints from the grounds of St. Columba's Church, Church Road and the grounds of Swords Castle have been provided. The assessment contends that in each instance, a 'slight', 'slight/neutral' or 'imperceptible' impact would arise. It is contended that the impacts arising are not sufficient to warrant a refusal of permission, given the benefits of the development.
- A number of development plan objectives were highlighted within the planner's report, where the development was considered to be non-compliant. It is contended that the development is generally compliant with relevant development plan objectives and is supported by justification and impact assessments, which demonstrate its acceptability.
- The site is not within or near any environmentally designated sites.
- The development will not impact in any way on residential amenity within the area.
- In relation to heritage, it is acknowledged that the site is within the zone of notification for the Historic Town of Swords and is close to a number of heritage assets and is also within the protected views to and from St. Columba's Church. However, it is contended that, due to its smallscale nature, the development would

have no material impact on these assets or views. It is contended that the concerns of the planning officer are unfounded.

- The concerns of the Conservation Officer and Archaeology Department are acknowledged. In relation to the Conservation Officer's concerns, the proposal is considered to be sufficiently setback and screened and would only be visible from the immediate vicinity and in certain locations. In relation to the County Archaeologist's concerns, it is contended that the updated visual impact appraisal addresses the concerns and demonstrates that the development would not be visible St. Columba's Church and round tower and would only be visible in a distant view to Swords castle.
- The concerns of the lone third party observer are acknowledged and addressed. In particular it is contended that the development would not be unsightly and would not be detrimental to visual amenity, as viewed from Swords Castle. In relation to concerns regarding plans for public realm improvements in the area, it is contended that the development would have no impact on future plans.

## **6.2. Planning Authority Response**

- 6.2.1. Submission received dated 3<sup>rd</sup> September 2020, outlining that the Planning Authority remains of the opinion that the proposed development will detract from the character and appearance of the host building and would also have a significant detrimental impact on the visual amenities and established character of the area. The Board is requested to uphold the decision to refuse permission. It is acknowledged that, should permission be granted, broadband infrastructure is exempt from any requirement to pay a financial contribution under the adopted development contribution scheme 2016-2020.

## **6.3. Observations**

- 6.3.1. None.

## **6.4. Further Responses**

- 6.4.1. None.

## 7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of development;
- Investigation of alternative sites;
- Visual impact;
- Other issues; and
- Appropriate assessment.

### 7.2. Principle of Development

7.2.1. The proposed development is consistent with the 'MC' zoning objective, under which telecommunications structures are a permitted in principle land-use.

### 7.3. Investigation of Alternative Sites

7.3.1. The appellant has provided an outline of the need for an additional telecommunications installation in this part of Swords and also the benefits which would accrue, from its installation.

7.3.2. The Planning Authority's decision to refuse permission cited concerns that the applicant had not satisfactorily demonstrated that co-location of the proposed development on another existing structure in the area would be impractical.

7.3.3. I note that the applicant has clarified this aspect of the development within the grounds of appeal, stating that 4 alternative sites within approx. 1km of the site were investigated, from the point of view of co-location, and that 3 of these alternative sites did not have capacity to accommodate the development and the fourth site, the Fingal Co. Co. offices, could not accommodate the development at this time, due to roof improvement works. On this basis, I am satisfied that the applicant has demonstrated that co-location is impractical in this instance.

### 7.4. Visual Impact

7.4.1. The existing building on the site presents as a five-storey building adjacent to Bridge Street and it is significantly taller than adjoining buildings, which are typically single and two-storey in height. As can be seen from the photomontage viewpoints submitted

with the appeal, the building is prominent in a number of close-range views, from the west, north and east, and there are restricted views from the south.

- 7.4.2. I have some concerns in relation to the visual exposure of the development, which would extend above the roof of the building by approx. 2.5m and would be clearly visible in close-range views, as can be seen from a number of the photomontage viewpoints. However, in saying this, the site is not situated within an Architectural Conservation Area and, whilst the antennae would be visually exposed, they would not add to the building's bulk and would be read as roof-level installations in the available views.
- 7.4.3. I would also highlight to the Board that I noted on my visit to the site that the County Council offices, which are of a similar scale and height to the subject building and which are visible in a number of the same views, contain telecommunications structures at roof level. Photomontage viewpoints 1 and 2 of the original application submission are high resolution images and identify the County Council offices and its roof-level installations. The proposed development would thus not be out of character.
- 7.4.4. The proposed cabinets are not identified in the photomontage images and, measuring 2.5m wide and 2m high, cumulatively, they would be more visually prominent than the antennae. In my opinion these cabinets would be more appropriately sited, away from the roof edge. There appears to be space elsewhere on the roof to accommodate them and, in this context, I consider it appropriate that, should the Board be minded to grant permission, a condition should attach, requiring the applicant to agree the location of the cabinets with the Planning Authority, with a view to minimising their visual impact.
- 7.4.5. The Planning Authority's refusal cited particular concerns in relation to the impact of the development on the setting of nearby protected structures, referencing Swords Castle (RPS No. 0351), Mill Bridge (RPS No. 0352), the Old Vicarage (RPS No. 0362), St. Columba's Church (RPS No. 360a) and Round Tower (RPS No. 0360b). I note in this regard that as part of the appeal the applicant has provided a number of additional photomontage viewpoints, which respond to the Planning Authority's concerns. Viewpoint 5 is taken from Mill Bridge, viewpoint 15 is taken adjacent to the Old Vicarage and there are multiple viewpoints (6, 8, 9, 10 and 12) from Swords Castle and (7, 13 and 14) from St. Columba's Church.

7.4.6. As can be seen from the photomontages, the development is clearly visible in viewpoints 5, 6 and 15 and there are restricted views at viewpoints 8 and 10 but I do not consider it would have an adverse impact on the character and setting of these protected structures.

7.4.7. In general terms, I consider a balance needs to be struck between the visual impact of the proposed development and the benefits which would arise from it and whilst the development would undoubtedly be visible in views, I do not consider that it would be out of character and would not detract from the visual amenity of the area, including the character and setting of the nearby protected structures. I therefore consider the development is acceptable, in visual terms.

## 7.5. **Other Issues**

7.5.1. The site is within the zone of archaeological notification for the Historic Town of Swords (Ref. DU011-035), which encompasses a large part of the centre of the village. The proposed development is contained entirely at roof level and will thus have no impact on the archaeological potential of the area.

7.5.2. I note from the Planning Authority's submission on the appeal that broadband infrastructure is exempted from the requirement to pay a financial contribution, under the terms of the adopted development contribution scheme.

## 7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development, which is outside of any Natura 2000 site, I do not consider that any Appropriate Assessment issues arise and I do not consider 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**

8.1.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the 'MC' zoning which applies to the site under the Fingal County Development Plan 2017-2023, under which telecommunications structures are permissible, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the visual amenities of the area or the character and/or setting of protected structures in the vicinity. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer shall submit and agree with the Planning Authority, proposals in relation to the location of the outdoor cabinets, where possible locating these structures away from the roof edge in order to minimise their visual impact.</p> <p><b>Reason:</b> In the interest of protecting the visual amenities of the area.</p>
3.	<p>Details of the proposed colour scheme for the telecommunications structures and ancillary elements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of protecting the visual amenities of the area.</p>
4.	<p>Within six months of the date of cessation of use, the telecommunications structure and ancillary structures shall be removed, and the site shall be</p>

	<p>reinstated at the developer's expense. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the date of cessation of the use of the structure. Reinstatement shall be deemed to include the grubbing out of and replanting of the access track created in association with the development permitted herein.</p> <p><b>Reason:</b> In the interest of protecting the visual amenities of the area.</p>
5.	<p>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.</p> <p><b>Reason:</b> In the interest of protecting the visual amenities of the area</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

---

Barry O'Donnell  
 Planning Inspector

13<sup>th</sup> November 2020.