



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308369-20

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<b>Development</b>	Installation of electronic communication infrastructure.
<b>Location</b>	Huntstown Way, Huntstown, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	S254W/05/20
<b>Applicant(s)</b>	Cignal Infrastructure Limited
<b>Type of Application</b>	Section 254 Licence.
<b>Planning Authority Decision</b>	To refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cignal infrastructure Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> February 2021
<b>Inspector</b>	Deirdre MacGabhann

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## 1.0 Site Location and Description

1.1. The appeal site lies to the north west of Blanchardstown in the residential area of Huntstown, Dublin 15. The site lies on the northern side of Huntstown Way, east of its roundabout junction with Ashfield Way and Huntstown Park. The proposed site lies on a grass verge on the inside of a pedestrian footpath and cycle path. A bus stop on the northern carriageway of the road lies to the east of the site.

Approximately 90m to the west of the site are a group of small local shops. On the front façade of these are existing telecommunications infrastructure which are referred to in the appeal (see photographs). To the north and south of the site are residential dwellings. These lie side on to the public road and are separated from it by boundary walls.

## 1.2. Proposed Development

1.3. The proposed development comprises overground communications infrastructure including:

- A 15m galvanised streetpole, finished in goosewing grey, with a diameter of 0.324m at the base and increasing to 0.406m at the top.
- Three no. tri-sector antennas located back to back, inside casing at the upper section of the pole, with the casing shrouding the equipment and expanding the streetpole's profile at this location.
- Internal cabling linking the equipment to a cabinet (1.168m x 0.793m x 1.649m) at the base of the pole and the associated fibre network.

1.4. It is stated that the equipment is required by eir Mobile to enhance mobile and mobile broadband coverage and capacity in the area, for the period May 2020 to May 2025. The development will replace an in situ under functioning rooftop site, shared with Three and Vodafone located to the northwest of the site. It is stated that the development will be built in accordance with Health and Safety legislation and guidelines, including the limits set by the International Committee on Non-ionising Radiation Protection (ICNIRP).

## 2.0 Planning Authority Decision

### 2.1. Decision

- 2.1.1. On the 8<sup>th</sup> December 2020, the planning authority decided to refuse to grant a licence under section 254 of the Planning and Development Act 2000 for the following reason *‘Having regard to the nature and height of the proposed communications infrastructure, the Residential zoning of the site, its proximity to existing residential properties, it is considered that the proposed mast will damage the visual and residential amenity of the area, would be contrary to the objectives of the Fingal County Development Plan 2017-2023 in respect of telecommunications antennae and would be contrary to the proper planning and sustainable development of the area’.*

### 2.2. Planning Authority Reports

#### Planning Reports

- 8<sup>th</sup> September 2020 – The report refers to the location of the appeal site, its zoning, planning history and policies of County Development Plan. The report refers to the applicant’s previous application for a licence for a monopole on the site and considers that the applicant has failed to overcome the previous reasons for refusal. It acknowledges that the applicant has made alterations to the visual appearance of the development and that it would have benefits for the area in terms of broadband provision. However, having regard to its height, location in a residential area (RS zoning) and proximity to residential development, the report recommends refusing permission on the grounds that it would have a negative impact on and detract from the residential and visual amenity of the area.

#### Other Technical Reports

- None.

### 2.3. Prescribed Bodies

- None.

## 2.4. Third Party Observations

- None.

## 3.0 Planning History

3.1. Under PA ref. S254W-03-02 the applicant applied for a section 254 licence at the subject site for a similar development. It included proposals for a 15m galvanised pole, with increasing diameter to the top, 0.3m wide dish at c. 10m from base and a base cabinet (1.898m x 0.798m x 1.652m). It was refused on the grounds of impact on visual and residential amenity of the area.

## 4.0 Policy Context

### 4.1. National Guidelines

- National Broadband Plan, DCENR, 2012. Sets out a strategy to deliver high speed broadband across the State.
- Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DoE, 1996. Provide guidance on, amongst other things, siting of masts. This includes, in city suburbs, to co-locate telecommunications where possible and to locate new telecommunication masts in industrial or in industrially zoned land or commercial or retail areas. The guidance states that only as a last resort, if these alternatives are not available, should free-standing masts be located in a residential area or beside schools. Further, 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, with the support structure should be kept to the minimum height consistent with effective operation.

### 4.2. Fingal County Development Plan 2017-2023

4.2.1. Section 7.4 of the current County Development Plan deals with Information and Communication Technologies. The main thrust of the plan is to promote and

facilitate widespread communication infrastructure throughout the county, in accordance with the requirements of the government's guidelines (above) to achieve balanced social and economic development (policy Objectives IT01, IT03 and IT05). Objectives also require best practice in siting and design (IT07) and in the interest of visual amenity and the protection of sensitive landscapes, high quality design of masts, subject to radio and engineering parameters IT08).

- 4.2.2. Development management guidelines in respect of telecommunications require co-location of antennae (DMS143), location at appropriate locations, outside of sensitive environments (DMS144), and specific information on the development at application stage.
- 4.2.3. With respect to zoning, the appeal site is situated in an area zoned for residential development (RS), with the objective provide for residential development and protect and improve residential amenity. Utility installations are permitted in principle in the zone.

#### **4.3. Natural Heritage Designations**

- 4.3.1. The appeal site is c.2.4km to the north of the Royal Canal proposed Natural Heritage Area (site code 002103). The nearest European site are over 10km from the site and are situated in Dublin Bay.

#### **4.4. EIA Screening**

- 4.4.1. The proposed development is not of a type that constitutes an EIA project and environmental impact assessment is not required.

### **5.0 The Appeal**

#### **5.1. Grounds of Appeal**

- 5.1.1. First party grounds of appeal are:
  - Nature and height of development.
    - Telecommunications infrastructure is acceptable within a residentially zoned area. There is no prohibition in the County Development Plan

of on installing telecoms development in residential areas. Other 15m poles have been granted by the planning authority in other areas of the County.

- The County Development Plan attests to the benefits of and supports suitably designed telecommunications infrastructure in the County.
- The development is compliant with policy objective IT08 which allows for the influence of radio engineering parameters on the design of the structure.
- 15m pole is required to prevent network blocking from adjacent trees and to provide coverage to the widest possible area.
- The development, as a slimline street solution of 15m in height in a residential area, is consistent with the 'Green Book' (Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads) published by the Dept. of Communications, Energy and Natural Resources in 2015.
- Most residents and businesses welcome the provision of broadband services, particularly in areas of poor existing coverage.
- Residential Zoning.
  - Utility installations in principle are permitted in RS residential zones.
  - The development is consistent with the 1996 Telecommunications Guidelines which state that the siting of infrastructure in proximity to residential development is only proposed by operators as a last resort and in such circumstances require that structures be kept to a minimum height consistent with effective operation and should be monopole.
  - The 15m shrouded pole is specifically designed for residential deployment and is considered a last resort solution to target a persistent blackspot.
  - The pole is located beside existing utilities.
- Residential amenity and visual impact.
  - Telecommunications have been designated by government as an essential service during Covid, with thousands of people working from

home. Use of mobile data has increased exponentially since the Covid crisis. There is a consequential requirement for suitable sustainable infrastructure in or near demand centres. The proposed development should be considered an attractive addition to the amenity of an area, as its benefits outweigh any perceived visual impact.

- The slimline shrouded structure replaces an overtly visual rooftop site which is technically sub-par.
- Detailed consideration was given to the siting and external appearance of the pole, which was specifically designed for a residential area. The slender pole will appear similar to existing utility infrastructure. None of the nearby bungalows will have direct views of the pole from ground floor windows and high walls restrict views from gardens.
- The visual impact assessment shows that there is no visibility of the pole, from nine of fourteen vantage points, within 500m of the site, intermittent/indirect views from four and direct views from one (taken from within 40m of the pole).
- Height of the pole is greater than surrounding street lamps, but its width is consistent with in situ utilities and the cabinet size is consistent with existing telecoms cabinets.
- Recent decision by the Board have determined that the type of development is not visually obtrusive (ABP 306033, 305114, 307196).

## 5.2. Planning Authority Response/Observations/Further Responses

- None.

## 6.0 Assessment

6.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended). In their consideration of the development, under section 254(5) of the Act, the Board is required to have regard to:

- a. the proper planning and sustainable development of the area,
  - b. any relevant provisions of the development plan, or a local area plan,
  - c. the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
  - d. the convenience and safety of road users including pedestrians.
- 6.2. Having regard to these requirements, local and national planning policy, the application details, all other documentation on file and my inspection of the site, I consider that the main issues for this appeal relate to consistency of the development with regard to the zoning of the site, national and local planning policies in respect of the location of telecommunication development and the impact of the development on visual and residential amenity.
- 6.3. The applicant refers to other decisions made by the Board in respect of 15m telecommunication masts (ABP 306033, 30514 and 307196 - attached). These appeals were determined having regard to national and local policy context of the development and site specific characteristics. They do not, therefore, form a directly relevant precedent for the proposed development, which must be adjudicated upon on its own merits.
- 6.4. **Zoning**
- 6.5. The appeal site is zoned RS for residential development. The objective of the RS zoning is to provide for residential development and protect and improve residential amenity. The vision for the zoning is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. Telecommunication development is neither permitted nor not permitted and is therefore a use which is assessed in terms of its contribution to the achievement of the zoning objective and vision (page 363, Fingal CDP). I refer to this matter in more detail below.
- 6.6. With regard to utility installations, I would accept that these are permitted in the zoning. However, I would not accept that such uses specifically include telecommunications infrastructure as a distinction is drawn between them in the zoning policies Development Plan. For example, utility installations are included as

development which is permitted in principle in many of the land use zonings. In contrast, telecommunications are referenced separately, in fewer and in specific zonings e.g. Town Centre zoning objective, where telecommunication structures are 'permitted in principle'. Further, in the Development Plan's description of Utility Facilities (page 417, attached), the text does not refer to telecommunication masts but specifically to telecommunication equipment cabinets.

## **6.7. Location of the Development**

- 6.7.1. In city suburbs national planning guidelines advocate the location of telecommunication masts in industrial or in industrially zoned land or commercial or retail areas. If such sites are not available, the guidance states that only as a last resort, should free-standing masts be located in a residential area. In such circumstances, the guidelines state that sites already developed for utilities should be considered and masts designed for their specific location, with the mast being a monopole structure and kept to a minimum height consistent with its effective operation.
- 6.7.2. The appellant argues that the appeal site is in effect a last resort as the mast will replace a defective shared structure and provide enhanced cover in an area which is currently a black spot area. In the planning application documents (Planning Report), the applicant refers to the absence of communication structures within a 1km radius of the site and the unsuitability of the existing site (at the local retail area, to the north west of the appeal site) for enhancement or expansion due to its design limitations. The applicant also refers to the nearest alternative site at Mulhuddart (see attachments) which is incapable of providing coverage to the existing blackspot area or being enhanced to replace the proposed development, due to the distances involved.
- 6.7.3. Having regard to the foregoing, I would accept that the proposed development is in a densely populated urban area, with limited existing facilities or non-residential facilities for the location of a mast to address the existing blackspot (see attachments). I would also accept that the development is located in proximity to other existing small scale utilities (typically cabinets).

- 6.7.4. However, it is also evident from ComRegs site viewer (attached) that, consistent with the government's guidelines, all of the telecommunications structures in the area would appear to be located on non-residential structures. The proposed development would be a departure from this norm and, with the precedent it would set, should be thoroughly justified. In this respect, I have concerns that whilst the applicant has stated that the existing site is unable to upgrade to 4G, due to design limitations, there is no technical explanation or evidence to support this statement. Similarly, the option of a 15m monopole, located on the non-residential lands, located to the west of the site in the vicinity of the existing site is not explored.
- 6.7.5. In the absence of this supporting evidence, I do not consider that the applicant has therefore adequately demonstrated that the proposed development is a 'last resort'.

## **6.8. Impact on Visual and Residential Amenity**

- 6.8.1. The proposed development is a 15m slender monopole, widening for its uppermost third to screen antennae. The development has therefore been designed in a manner which is mindful of its residential and roadside setting. The development is sited within the verge of the public road, alongside a footpath and cycle path, which are separated from the road by a further grass verge. In the vicinity of the site there are further utility cabinets and a bus stop. Huntstown Way is also tree lined residential properties closest to the site are orientated side on to the public road and separated from the development by a boundary wall (c.1.8m).
- 6.8.2. The applicant has prepared photomontages of the proposed development and having regard to these, my assessment of the plans presented and my inspection of the site, I consider that the development would be visible in and dominate views in the immediate area of the site, principally by virtue its height relative to existing linear structures (schematic elevation DN\_4868-104; Cignal Smart Streetpole VRP 1VRP 2). These views have the potential to be most acute from the rear gardens of properties to north of the site which abut the public road.
- 6.8.3. I would accept that visual impact of the development would be decline significantly with any distance from the site, due to the presence of intervening development, similar tall structures in the landscape (lighting poles) and roadside trees. However, in the absence of a transparent and demonstrable justification for the development in

a residential area, I consider that it would conflict with government policy which directs such development away from residential areas, and would therefore detract from the residential amenity of the area.

## **7.0 Appropriate Assessment**

7.1. Having regard to the modest scale of the proposed development its distance from European sites, 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 a licence be refused for the proposed development.

## **9.0 Reasons and Considerations**

Having regard to the government's guidelines on Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DoE, 1996, policies of the Fingal County Development Plan 2017-2023, the nature and height of the proposed development and its location in a residential area, it is considered that insufficient evidence has been provided in respect of alternative sites, to support the location of the development. It is considered, therefore, that the proposed development would therefore be contrary to the government's guidelines, the Residential Zoning of the site and to the proper planning and sustainable development of the area.

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Deirdre MacGabhann  
Planning Inspector

8<sup>th</sup> February 2021