



An
Bord
Pleanála

Inspector's Report

ABP-308562-20

Development	Extension of telecommunications lattice tower (new overall height 31.5 metres), antennas, dishes and associated equipment, new ground equipment cabinets, fencing and associated site works.
Location	Eir, Belgard Road, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0203
Applicant(s)	Vodafone Ireland Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Vodafone Ireland Limited
Observer(s)	None
Date of Site Inspection	23 rd April 2021
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located within the Eir property on the eastern side of the Belgard Road, c. 620m northeast of Tallaght town centre. In the northern portion of the property is the Eir exchange building, while on the southern side of the building is a circulation and parking area for vehicles. Access to the property is from an existing gated entrance in the southwestern corner of the property, and there are high boundary walls (c.3m) with security fencing on the upper parts of the walls.
- 1.2. The appeal site, encompassing the existing lattice tower with associated telecommunications equipment, ground level services and security fencing, is located in the circulation area on the southern side of the exchange building. The site is rectangular in configuration, with a stated area of 0.018ha. The lattice tower is a tripod metal frame, measuring 24m in height, above which is the headframe element accommodating the telecommunications equipment. The combined principal height of the structure is indicated as 26.6m.
- 1.3. Adjacent to the north of the Eir property is an ESB property with a substation and a telecommunications monopole, and adjacent to the south is St. Mary's Close, a small residential development with three dwellings. The upper portions of the lattice tower and the monopole are both visible from the Belgard Road and from St. Mary's Close.

2.0 Proposed Development

- 2.1. The proposed development comprises an extension to the existing lattice tower with a similar triangular shaped lattice frame measuring 6m in height onto which the new antennas, dishes, and associated equipment will be attached. Above the extended frame, is proposed to erect lightning finials, measuring a further 1.5m in height thereby increasing the tower to a principal height of 31.5m. In totality, the principal height of the tower is proposed to increase by 4.9m from 26.6m to 31.5m.
- 2.2. At ground level, the proposal includes for the removal of the existing 2.4m palisade fencing with entrance gate and the provision of two new ground equipment cabinets to the west of the tower base, 2.4m palisade fencing, with new gate, enclosing an enlarged area, and site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 5th October 2020, the planning authority issued a Notification of Decision to Refuse Permission for one reason, that can be summarised as follows:

1. The proposed development is contrary to the REGEN zoning objective of the South Dublin County Development Plan 2016-2022, and injurious to the amenities of property in the vicinity, based on regard being had to:
 - a. Section 4.3 of the Planning Guidelines for Telecommunications Antennae and Support Structures;
 - b. Detrimental visual impact and exacerbation of overbearing on St. Mary's Close;
 - c. REGEN zoning objective which seeks to support regeneration of the area by residential led development; and
 - d. Recent residential development granted in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report is the basis for the planning authority decision. In addition to the matters cited in the refusal reason, the report notes, inter alia:

- No planning history at the subject site, concludes tower has been in situ for at least 11 years;
- Planning history in the vicinity of the site referred to including St. Mary's Close, a Part 8 scheme from 2013, and two recent applications for strategic housing developments;
- Site is no longer zoned for industrial development, a vertical extension of the lattice structure is not consistent with the planning guidelines with relocation being preferable; and
- Requirement for Stage 2 Appropriate Assessment is screened out.

3.2.2. Other Technical Reports

Roads Section – no objection subject to condition, for a construction traffic management plan.

Public Realm Parks Section – reviewed, no comment.

Water Services Section – no objection subject to condition including details of proximity of fence to nearest surface water sewer.

Environmental Services Section – planner’s report refers to no objection subject to conditions (the technical report was not received from the planning authority at the time of assessment – this did not prohibit the following assessment).

3.3. **Prescribed Bodies**

Irish Water – no objection, subject to conditions, including details of the proximity of the proposed fence to nearest watermain and wastewater sewer.

3.4. **Third Party Observation**

- 3.4.1. One third party observation was received by the planning authority from the Tallaght Traveller’s Community Development Project on behalf of the residents in St. Mary’s Close. The existing mast is stated to be an eye sore, to tower over the community, and the residents have tried to have it removed previously (number of photographs included). The observation objects to the proposed development on grounds of it being an eye sore on the image of the area.

4.0 **Planning History**

Appeal Site

No planning history.

Adjacent Site to North

PA Ref. SD14A/0137, ABP PL06S.243848

Permission granted by An Bord Pleanála on 14th January 2015 to ESB Telecoms Ltd for the continued use on a permanent basis (from a temporary 5 year permission permitted under PA Ref. SD08A/0740) of the 40m telecommunications structure with existing and additional antennae within a 2.3m palisade fenced compound.

This mast was noted at the site inspection.

Adjacent Site to South

PA Ref. SD138/0001

Part 8 consent from 2013 for the redevelopment a residential caravan park with 3 dwellings. This consent has been implemented and is St. Mary's Close.

Site to West

TA06S.303306 – permission granted on 15th April 2019 by An Bord Pleanála for 438 apartments, 403 student bedspaces, creche and site works.

This permission does not appear to have been commenced at time of site inspection.

Site to North

TA06S.305763 – permission granted on 20th February 2020 by An Bord Pleanála for demolition of existing buildings and 328 apartments, creche and site works.

This permission does not appear to have been commenced at time of site inspection.

5.0 Policy Context

5.1. National Policy

Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996

- 5.1.1. These Ministerial Section 28 planning guidelines, and the subsequent Circular Letter: PL 07/12, are relevant to applications for telecommunications structures.
- 5.1.2. The planning guidelines provide guidance on items including design, siting, sharing facilities and clustering.
- 5.1.3. Section 4.3 of the planning guidelines is cited in the PA refusal reason. This section identifies visual impact as being among the most important considerations in assessing a proposal of this nature. Of relevance to the appeal determination, the guidelines highlight the following:
 - In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters;
 - Some masts will remain quite noticeable in spite of the best precautions;

- Along major roads...masts may be visible but yet are not terminating views...in such cases it might be decided that the impact is not seriously detrimental;
- There will be local factors which [will determine] 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...;
- In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land; and
- In urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.

Circular Letter: PL07/12

- 5.1.4. Issued in October 2012, Circular Letter: PL07/12 updates certain sections of the planning guidelines. Of conditions, the Circular advises against the inclusion of any relating to a temporary time period, monitoring arrangement, security bond in the event of obsolescence, or development contribution.

5.2. Local Policy

- 5.2.1. The applicable development plan is the South Dublin County Development Plan 2016-2022 (CDP), and the appeal site is located on lands zoned as 'REGEN' with the objective '*To facilitate enterprise and/ or residential led regeneration*'. In terms of use class, telecommunications are included within 'public services' as services installations, and this use class is permitted in principle in the REGEN zoning.

Section 7.4.0: Information and Communications Technology

- 5.2.2. Section 7.4.0 contains Policy IE4 with IE4 Objectives 1, 3, and 4, which are of direct relevance to the appeal case, as follows:

Policy IE4: Information and Communications Technology

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 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 telecommunication masts in the County and promote and facilitate the sharing of facilities.

Section 11.6.2: Information and Communications Technology

5.2.3. Of relevance to the national planning guidance, Section 11.6.2 requires that applicants demonstrate four criteria as follows:

Section 11.6.2:

- *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.*

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or near to any European site, proposed Natural Heritage Area or Natural Heritage Area.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The following is a summary of the main issues raised in the first party grounds of appeal:

- The applicant cites five grounds of appeal including visual impact, need for the development, site suitability, policy context, and precedent;
- The extension to the tower measures 4.9m in height, which is not considered to be overly excessive;
- The existing conditions at the site and surrounding area are characterised by industrial properties, utilities, streetlights, electricity poles, and telecommunications structures;
- There will be some limited visual impact from the extended structure, which is stated as being intermittent, due to the existing conditions, with the magnitude of the impact on the visual amenities of the area therefore being acceptable;
- The existing telecommunications site is of critical importance to the Vodafone network in this region;
- The tower is not capable at present of supporting a full configuration of equipment from new operators;
- A lattice tower is the preferred method of multi-user telecommunications support as structurally it can carry equipment and environmental loads without movement;
- Proposed extension and new equipment are required to future proof the site, and make the structure available to other telecommunications and broadband operators;
- There is significant planned growth in the area (residential schemes, college, town centre), and the extension with increased coverage is required to meet demands;

- The site is suitable due to the siting of the existing tower, its location in and adjacent to industrial properties, the natural screening along the northern boundary, its set back from the public road, and notable separation distances from future residential developments;
- The site is suitable as it is located on REGEN zoned lands, proximate to 'TC' Town Centre zoned lands;
- The proposal complies with CDP policy and objectives relating to Information and Communications Technology (IE4 Objective 4, Section 11.6.2); and
- There is a precedent for telecommunication infrastructure and utilities in the locality, and of clustering of masts with the adjacent ESB pole (PA Ref. SD 14A/0137, ABP PL06S.243848).

6.2. Planning Authority Response

- 6.2.1. The planning authority has provided documentation from the application, refers to development contribution schemes as relevant, and makes no further comment.

6.3. Observations

- 6.3.1. No observations received.

7.0 Assessment

- 7.1. I consider the main items in determining this appeal are as follows:

- Principle of Development;
- Rationale for Development;
- Amenities of the Area; and
- Appropriate Assessment Screening.

7.2. Principle of Development

- 7.2.1. The site is located on lands subject to the REGEN zoning objective in the CDP which seeks '*To facilitate enterprise and/ or residential led regeneration*'. The proposed development comes within the scope of the public services use class, which is permitted in principle in the REGEN zoning. As such, the proposed development is an extension to an existing, permissible use at this zoned site.

- 7.2.2. The PA's refusal reason refers to the proposed development being contrary to the REGEN zoning objective with reference to the regeneration of the area being achieved through residential-led development, and to recent planning history of strategic housing developments permitted in the area. I consider these refusal reason items encompass the principle of development and propose to address these items in turn.
- 7.2.3. The subject lattice tower is an established use at this industrial property, stated in the PA planner's report as being in situ for at least 11 years. In the adjacent ESB property, permission was granted in 2015 on a permanent basis for the 40m telecommunications monopole (this infrastructure had been implemented on foot of a temporary permission in 2008). These lands were previously zoned for industrial development purposes. I note that the current REGEN zoning and the inclusion of the site (and the Eir and ESB properties) within the zoning are reflective of the changing context for the area.
- 7.2.4. However, the PA's refusal reason focuses only on the residential element of the zoning objective and the recent residential related planning history. I highlight the fullness of the REGEN zoning objective, with the reference in the first instance to facilitating enterprise. I consider that the enterprise aspect of the zoning objective and the associated role that the proposed development has for facilitating enterprise to be material considerations in this appeal.
- 7.2.5. The subject site is located along the southern edge of the wider REGEN zoning and is adjacent to the 'TC' town centre zoning. Given the size of the site, its location within the entirety of the REGEN zoned lands, the existing tower and established use at the site, and the scale and nature of the proposed extension, I do not consider that the proposed development would impede or be prejudicial to the regeneration of the wider REGEN zoned landbank, or to have an adverse impact on the amenities of the future properties within the strategic residential developments referred to in the refusal reason.
- 7.2.6. In summary, I consider the proposed development to be acceptable in principle, I do not consider the proposed development to be contrary to the REGEN zoning objective, and I do not concur with the PA's refusal reason in this regard.

7.3. **Rationale for Development**

- 7.3.1. I note that the PA planner's report and the third party submission refer, respectively, to the relocation and to the removal of the tower being the preferred development outcome. From the planner's report, it is apparent that the preference for the relocation of the structure formed part of the basis for the refusal reason. The grounds of the first party appeal include the need for proposed development and the site's suitability for same. I consider these items to be material considerations in the appeal.
- 7.3.2. The applicant indicates that the proposed extension is required to future proof the site to meet the increased demands arising from the planned growth in the area, and to make the structure available for sharing with other telecommunications and broadband operators. The applicant indicates that a lattice tower is the preferable type of supporting structure due to its being able to carry equipment loads, and that extending the subject structure is preferable due to the importance of this site in the applicant's regional network. The applicant also outlines the conditions of the site and surrounding area which make the site suitable for the extension, and highlights the proposal will avoid the necessity to establish a new freestanding tower elsewhere. The requirement for a vertical extension is to achieve clearer and uninterrupted signals over high buildings, trees, and other potential obstructive features in the vicinity of the site.
- 7.3.3. In Section 5.0 of this report, I identified CDP Policy IE4 and three objectives of relevance to the appeal determination. I consider the proposed development will provide appropriate telecommunications infrastructure within the County (as per IE4 Objective 1), and is of a scale and design to facilitate the sharing of facilities thereby avoiding the necessity for additional freestanding masts (as per IE4 Objective 4). Policy IE4 and IE4 Objective 3 both refer to amenities of the area, which are addressed in the following subsection.
- 7.3.4. Of CDP Section 11.6.2, I have reviewed the initial documentation submitted with the application, including a report with required information demonstrating compliance with national planning policy, the locations of other telecommunications structures, an outline of associated impacts, and the significance of the development for the network. Much of the information therein is reiterated in the grounds of appeal, which I have outlined above. Fundamentally, the proposal is an extension to an existing tower which is required to improve services to meet growing demands and is

of a scale and design to facilitate the sharing of the structure with other operators. Accordingly, I consider the relevant bullet-points in Section 11.6.2 (first, second and fourth bullet-points) have been satisfactorily demonstrated, and the third bullet-point refers to amenities of the area which is addressed in the following subsection.

- 7.3.5. In summary, I consider the rationale for the proposed development as outlined by the applicant to be reasonable, that the proposal is in keeping with requirements of national and CDP policy on overarching matters such as sharing facilities and general siting, and that the proposed development complies with relevant CDP policy and objectives in Policy IE4 and Section 11.6.2.

7.4. Amenities of the Area

- 7.4.1. The PA's refusal reason states that the proposed development would seriously injure the amenities of property in the vicinity. In my opinion, the proposed development is a type of use class that is not injurious to residential amenity per se, nor a use associated with traffic generation, noise, nuisance, or other public health issue. As such, the following assessment focuses on the impact on visual amenity associated with the proposal.
- 7.4.2. At present, the landscape of the site and its surrounding area is characterised by industrial buildings, utilities, and the telecommunications masts. I do not consider the receiving landscape to be fragile or sensitive, as described in Section 4.3 of the planning guidelines, nor is there any landscape value, sensitivity, preserved view or other such visual amenity designation identified for the site in the CDP.
- 7.4.3. The PA's refusal reason refers to advice in Section 4.3 of the planning guidelines, and the planner's report identifies that as the site is no longer zoned for industrial purposes and is adjacent to a residential scheme, the proposal is not consistent with the guidelines. I have reviewed the planning guidelines, and note that for towns and city suburbs telecommunications are advised to be located in industrial estates (as per the proposed development) or in industrially zoned lands; and that the use of tall buildings or other existing structures (as per the proposed development) is always preferable to the construction of a new support structure. As the proposed development is for an extension to an existing structure and not a newly proposed freestanding tower, I consider that some aspects of the guidelines that the PA has relied upon are not applicable to the proposal. Conversely, I consider that the

proposed extension is consistent with the advice included in Section 4.3 of the planning guidelines.

- 7.4.4. With regard to the visual amenity of future properties in the vicinity, I consider that due to the subject tower and adjacent monopole being established features in the skyline, to the extent of screening along the northern boundary with the ESB property, and to notable separation distances, there will be limited impact on the visual amenity of future residents of SHD application, TA06S.305763 (in lands to the north), and of future residents of SHD application, TA06S.303306 (to the west of Belgard Road), and is therefore acceptable.
- 7.4.5. With regard to the visual amenity of the subject property, the proposed ground level works, including the replaced fencing, extended enclosure area and new cabinets, will only be visible to persons within the Eir property due to the almost complete enclosure provided by the existing boundary walls. These ground works are considered to be acceptable in terms of scale, design and finishes. For pedestrians and drivers on the public road, persons working or visiting the adjacent industrial and employment uses, the visual impact of the extended tower will be intermittent and incidental, and is therefore acceptable.
- 7.4.6. As such, this appeal case pivots on the degree to which the vertical extension to the existing tower impacts on the visual amenities of the properties in St. Mary's Close. The proposed extension (measuring 4.9m) increases the principal height of the existing tower from 26.6m to 31.5m, thereby representing an c.18.5% proportional increase. The proposed extension comprises 6m of lattice tower (extending through the existing wider headframe) and 1.5m of lightning finials, whereby the extension, in terms of scale and bulk, comprises elements that are narrow and with a vertical emphasis. The proposed extension will be visible and therefore will have a visual impact.
- 7.4.7. Having visited the appeal site and St. Marys' Close, and reviewed the third party submission with photographs from upper windows, it is apparent that the northerly outlook from St. Mary's Close is presently characterised by the subject tower, the ESB monopole, the Eir exchange building, the high boundary wall, other utilities (street lights and poles), and natural tree screening.

7.4.8. Due to the height of the existing tower and the character of the skyline at this location, I consider that the proposed extension will not materially alter the character of the present outlook, or adversely impact on the visual amenity of properties in St. Mary's Close. In my opinion, the proposed development is fundamentally an extension to an existing structure that currently exerts a high visual impact in the area. The extended tower would continue to be visually-read and perceived as a lattice tower, would continue to characterise the skyline, and would continue to exert the same degree of visual impact on the northerly outlook at this location when viewed from properties in St. Mary's Close.

7.4.9. In summary, I consider that the proposed development complies with national planning policy in Section 4.3 of the planning guidelines, and the relevant CDP policy and objectives in Policy IE4 (Policy IE4 and IE4 Objective 3) and Section 11.6.2 (third bullet point). I do not consider that the proposed extension, in and of itself, would have a detrimental visual impact and exacerbate overbearing of properties at St. Mary's Close, or seriously injure the amenities of property in the vicinity.

7.5. Appropriate Assessment Screening

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the physical separation distances to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

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

9.1. Having regard to the provisions of the South Dublin County Development Plan 2016-2022, the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 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 in accordance with the relevant provisions of the South Dublin County Development Plan 2016-2022 and would not seriously injure the amenities of the area. 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>Reason: In the interest of orderly development</p>
2.	<p>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 developer.</p> <p>Reason: In the interest of orderly development.</p>
3.	<p>Prior to the commencement of development, (a) plan(s) indicating the location of the nearest watermain, wastewater sewer and surface water sewer to the proposed fence shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</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>Reason: In the interest of the visual amenities of the area.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public safety and residential amenity</p>

Phillippa Joyce

Senior Planning Inspector

10th May 2021