



An
Bord
Pleanála

Inspector's Report

ABP-309654-21

Development	Construction of radar and support mast, a single storey plant room/open plant compound and a single storey support building.
Location	Hollywood Great, Naul, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0391
Applicant(s)	Irish Aviation Authority.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellant(s)	Hollywood and District Conservation Group, Integrated Materials Solutions.
Observer(s)	None.
Date of Site Inspection	7 th May 2021.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.43ha, is located in the townland of Hollywood Great, south-east of Naul in North County Dublin. The site is greenfield and was laid to pasture at the time of my inspection. It is bounded to the south, north and west by hedgerows of varying height and maturity. There is no defined east boundary, where the site forms part of a larger field.
- 1.2. The site is located in an elevated and undulating landscape and is just below a local ridge line, which provides panoramic views of the wider landscape. The site is 14km from Dublin Airport and benefits from a line of sight connection to the airport. The site itself is partly contained from view by the hedgerow along the roadside boundary, which also impedes views through the site, to the north.
- 1.3. The surrounding area is of a rural character, characterised by pasture and arable farmlands and with one-off housing interspersed. There is a former quarry site to the immediate north, which now operates as a licensed landfill. A one-off house adjoins to the west. There are also a number of telecommunications masts in the area, to the west of the site, along the ridgeline.

2.0 Proposed Development

- 2.1. The application was lodged with the Planning Authority on 11th August 2020, with further information submitted on 4th December 2020, following a request for further information dated 5th October 2020. Revised public notices were submitted on 15th December 2020.
- 2.2. The proposed development described in the public notices entailed: -
 - Construction of a radar and support mast with a total height of 34.4m.
 - Construction of a single storey plant room / open plant compound,
 - Construction of a single storey support building with a gross floor area of 153.2sqm,
 - 3 car parking spaces,
 - new vehicular entrance off the L1080,

- on site wastewater treatment system, and
- boundary treatments.

2.3. As part of the further information response the applicant clarified the following discrepancies within the public notices: -

- The total height of the radar and support mast structure including the lightning conductor is 35.55m.
- The radome has a height of 34.25m.
- The single storey building has an area of 142.41sqm.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission on 11th February 2021, subject to 18 No. conditions.

3.2. Planning Authority Reports

3.2.1. Two Planning Reports were drafted, dated 1st October 2020 and 8th February 2021, which together reflect the Planning Authority's decision to grant permission. The first report stated that the proposed development was considered to be neither permitted in principle or not permitted under the zoning and therefore fell to be assessed in terms of its contribution to the achievement of the zoning objective and vision and consistency with the policies and objectives of the development plan. Having assessed the development, the report stated that the development would not have a significant impact on the visual amenity of the wider area, but that supporting justification as to the need for the development and suitability of the location were required. Concerns were expressed regarding potential impacts on the closest adjoining residential property and on local views. The report recommended that Additional Information should be sought in relation to the following aspects of the development: -

- The applicant was requested to clarify discrepancies within the application documents.

- A landscape plan was requested, including details of boundary treatments and the proposed replacement hedge.
- A paladin type security fence was requested, in place of the proposed palisade fence.
- A construction management plan was requested.
- A noise/acoustic assessment was requested.
- Further information on the site selection process and need for development was requested.
- Additional assessment of LVIA viewpoints 5 and 6 was requested, in the context of protected view status within the development plan.

3.2.2. The second report followed receipt of the additional information response and followed a further period of public consultation, following the submission of significant further information. The report summarised and responded to the additional information response and outlined that the responses to each of the AI issues was considered acceptable. The Report recommended that permission for the development should be granted, subject to 18 no. recommended conditions, which were generally in accordance with the Planning Authority's decision.

3.2.3. Other Technical Reports

Transportation Planning reports dated 14th September 2020 and undated, which outlined no objection to the development subject to a number of recommended conditions.

Water Services reports dated 15th September 2020 and 4th January 2021, which both outlined no objection to the development subject to a number of recommended conditions.

Environmental Health Air and Noise Unit reports dated 2nd September 2020 and 11th January 2021, which outlined no objection to the development and recommended a number of conditions, should permission be granted.

The Planner's Report indicated that the **Environment** department was consulted but that no response was received.

The Planning Report also referred to a verbal consultation with the **Biodiversity Officer**, where no objection was outlined.

3.3. **Prescribed Bodies**

- 3.3.1. Irish Water submission dated 11th August 2020, which outlined no objection to the development subject to a requirement that the applicant shall enter into a connection agreement prior to the commencement of development.
- 3.3.2. Dublin Airport Authority submission dated 9th September 2020, which advised that the Authority had no comments on the application.
- 3.3.3. Irish Aviation Authority submission dated 10th September 2020, which advised that the Authority had no comments on the application.
- 3.3.4. Commission for Communications Regulation submission dated 17th August 2020, which supported the proposed development.
- 3.3.5. The Planning report indicates that An Comhairle Ealain, Failte Ireland and An Taisce were consulted on the application and that no submissions were received.

3.4. **Third Party Observations**

- 3.4.1. A number of third party submissions were received, the issues raised in which can be summarised as follows: -
 - The area is zoned High Amenity and it was considered that it should be protected from inappropriate development. It was considered that wider benefits accruing from the development should not override impacts on the local community.
 - The development was considered non-compliant with the zoning objective and other development plan objectives. The development was also considered likely to set a precedent for other non-compliant developments.
 - The subject site is visually exposed and the proposed development would be an eyesore.
 - Permission has been refused in the area previously, for housing, on the basis of concerns over building heights. The proposed development should be similarly refused.

- The development was considered likely to impact on quality of life and enjoyment of the area, for both residents and visitors.
- The development was considered likely to give rise to health issues.
- The applicant did not engage with the local community regarding the development and no community fund had been proposed.
- The implications of the proposed development for future development in the area was questioned. The development was also considered to impact on local cottage industries.
- The need for the development was questioned.
- The adequacy of the LVA and photomontage images was questioned.
- The application was considered invalid, with reference to inadequate site notices and conflicting information.
- An adjacent cottage, identified on the application drawings as derelict, is not derelict and it is likely to experience overshadowing, overbearing and loss of light. The impact was considered such that the cottage would be rendered uninhabitable.
- It was highlighted that the area has high archaeological potential and no assessment was provided as part of the application.
- The proposed site layout and access layout were considered inadequate.
- Road infrastructure in the area is inadequate and the development was considered likely to give rise to road safety issues.
- In addition to peregrine falcons, it was stated that there are red kites seen regularly in the area.
- It was suggested that there are alternative locations for the development. It was also questioned why the proposed development could not be sited on lands within or adjacent to the airport.

3.4.2. A number of additional observation letters were received, as part of the further period of public consultation, the issues raised within which can be summarised as follows:

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- The development was considered contrary to the zoning objective and other development plan objectives. The development was also considered likely to set a precedent for other non-compliant developments.
- The height of the development was considered to remain overpowering and oppressive.
- Ongoing concerns were expressed regarding the site selection process. The site was considered inappropriate.
- Ongoing concerns were expressed regarding human health impacts.
- The development was considered to not be of a strategic nature.
- Ongoing concerns were expressed regarding landscape and visual impacts, including through the loss of the existing hedgerow.
- It was questioned whether the technology incorporated into the development is obsolete.
- The adjacent cottage would be rendered uninhabitable by the development.
- It was again highlighted that the area has high archaeological potential.
- The development was considered likely to impact on built heritage in the area.
- The further information responses were considered inadequate.
- The proposed palisade security fence was considered inappropriate in the high amenity landscape setting.
- The noise survey was considered inadequate.
- The proposed construction management plan was considered inadequate, where it was outline in nature.
- The adequacy of the significant further information site notice was questioned.
- It was suggested that there are alternative locations for the development.
- The development was considered likely to impact on biodiversity.
- The applicant did not engage with the local community regarding the development.

4.0 Planning History

4.1. I did not encounter any previous planning records pertaining to the subject site.

Nearby Planning History

4.2. The adjacent former quarry site has an extensive planning history, related to its former use and its current use as a licensed landfill. The most recent grant of permission at the site, Reg. Ref. F19A.0077, related to continuation of infilling of the former quarry for a further 15 years.

5.0 Policy Context

5.1. National Policy

A National Aviation Policy for Ireland

5.1.1. Action 3.5.1 states that *'Ireland will continue to encourage investments in modern, technologically advanced, cost-efficient aviation infrastructure, including those that underpin Ireland's interest in the North Atlantic and the future traffic growth at our airports.'*

5.2. Development Plan

5.2.1. The subject site is located in rural Fingal, in an area zoned 'HA -High Amenity' under the Fingal County Development Plan 2017-2023, with an Objective to *'Protect and enhance high amenity areas.'*

5.2.2. Relevant development plans include: -

'Objective NH35 Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.'

Objective NH36 Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the

area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm.*
- Introduces incongruous landscape elements.*
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.*

Objective NH51 Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

Objective NH52 Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquility.'

5.2.3. Section 6.7 relates to the Aviation Sector and Objectives ED30 and ED31 are relevant to this appeal, where they state: -

'Objective ED30 Engage and collaborate with key stakeholders, relevant agencies and sectoral representatives to ensure that Dublin Airport is developed and promoted as a secondary hub to capitalise on the associated wider economic benefits for Fingal and the wider region.

Objective ED31 Ensure that the required infrastructure and facilities are provided at Dublin Airport so that the aviation sector can develop further and operate to its maximum sustainable potential, whilst taking into account the impact on local residential areas, and any negative impact such proposed developments may have on the sustainability of similar existing developments in the surrounding area, and the impact on the environment, including the climate.'

5.3. Natural Heritage Designations

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

5.4. EIA Screening

5.4.1. The proposed development falls within the category '*Infrastructure Projects*' under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10.(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.4.2. The subject site has a stated area of 0.43ha, below the applicable 20ha threshold for 'elsewhere' locations.

5.4.3. 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. Separate grounds of appeal have been lodged by Hollywood and District Conservation Group and Integrated Materials Solutions. The individual grounds of appeal can be summarised as follows: -

Appeal by Hollywood and District Conservation Group

- Landscape and Visual Impact
 - The county development plan seeks to protect against unacceptable and inappropriate disturbance of landscape character. The subject site is in an identified High Amenity area and is visible from a wide area. Views attract large numbers of walkers, cyclists, runners and tourists. The proposed

development would be an eye sore and would blight the area. The development will negatively impact on the quality of life and enjoyment of the local area for all people who enjoy the area.

- The development will have a significant impact on the character of the landscape and may jeopardise the redesignation of the Bog of the Ring as a Natural Heritage Area. The landscape is unique and should be protected, not sacrificed.
 - The stated urgency for the development is questioned. At a time when we are experiencing the lowest traffic levels expected at Dublin Airport, it is suggested that the applicant should relocate the development to a site which is correctly zoned.
 - The applicant has not adequately addressed issues identified as part of the assessment of the application.
 - The site selection process is questioned. It is not accepted that the subject site is the only suitable site in all of Dublin, Wicklow or Meath.
 - The proposed development contravenes the High Amenity land use zoning. It is in line with the 'not permitted' uses. The Planning Authority's statement that because the development is not listed on the 'not permitted' category under the zoning matrix, it falls to be considered based on its contribution to the achievement of the zoning objective, is questioned. The development has no relationship to any of the 'permitted in principle' uses under the zoning matrix.
 - The development is also contrary to other development plan objectives, which seek to protect high quality landscapes.
 - The development will encourage similarly non-conforming developments in the area and in other designated settings. The development will also contribute to industrialisation of the area.
 - The development plan identifies a protected view along this stretch of road. The visual impact of the development will be significant and damaging.
 - The photomontages provided as part of the application show the overbearing nature of the development and that it is incongruous.
- Noise

- In order to get a representative and accurate survey, the noise survey should have been carried out over a number of days.
- At the time of the survey the area was in lockdown, so the report would be unrepresentative of normal times.
- Specific details of noise generating equipment are not stated within the report.
- Economic Impact
 - A 'farm to fork' initiative has been developed in the area and the development will have a serious impact on this initiative and will destroy the rural ambience which attracts people to the area.
 - There is concern that land surrounding the site will be sterilised as a result of the development.
- Radar and Infrastructure
 - It is questioned whether the technology proposed is up to date. There are alternative, less obtrusive technologies available. Reference is made to Automatic Dependent Surveillance Broadcast (ADS-B) and Multistatic SAR technology, which it is suggested could be used.
 - It is suggested that alternative technologies could allow for consideration of alternative sites.
 - The site selection process is questioned. Reference is made to sites at Ballystruan and Forest Little.
 - It is acknowledged that this infrastructure is important but this should not be at the expense of a high quality, high amenity landscape.
- Heritage
 - The area is of archaeological importance. No archaeological study was carried out.
- Residential Amenity
 - The vacant house adjacent to the site has been identified to be brought back into use. There are other houses and structures in the vicinity. The

development will be oppressive in relation to the adjacent house and will impact on other homes nearby.

- It is questioned whether the site selection process assumed that the adjacent house was derelict. The applicant did not address the Planning Authority's concerns on this issue.
- Health and Safety
 - Health impacts for the local community are a serious concern for the community. The lack of site selection data means that it has not been possible to ascertain health impacts.
- Biodiversity
 - The proposal to remove the roadside hedgerow is inappropriate. The hedge is part of the amenity area and protected view and is important for biodiversity.
 - Peregrine falcons are present in the area. The applicant's ecological study should have been carried out over a number of days, at different times and at different times of the year.
- Road Infrastructure
 - The road network in the area is poor.
 - There has been no community consultation or offer of community gain, for example the provision of a footpath. Residents in the area are impacted by traffic.
- Other Issues
 - The adjacent quarry is to be restored to its original topographical level. Allowing the construction of a 35m mast is illogical in the context of attempts to protect the setting and amenity of the area.
 - Reference is made to a refusal of permission, Reg. Ref. F19A/0290, for a domestic extension, which was refused as it was considered incongruous, unsympathetic and inappropriate.
 - The site notice erected as part of the application was inadequate.

- Reference is made to the pre-planning process, in particular an email provided by one of the third party observers, IMS, which indicates that the site location was agreed at that stage.
- An Oral Hearing is requested.
- The Board is requested to refuse permission.

Appeal by Integrated Materials Solutions

- The appellant is supportive of the applicant's requirement for a new radar facility but, has concerns regarding potential human health impacts. It is suggested that the facility should be moved further away from the adjacent house, which the appellant owns.
- Reference is made to concerns outlined in the appellant's submission to the Planning Authority, dated 11th September 2020.
 - The development contravenes the High Amenity zoning objective.
 - The public notices are considered to be inaccurate and inadequate.
 - The house adjacent to the site, identified as derelict on the application drawings, is not. It is a viable family house. The development will have overshadowing and overbearing impacts and will impact on light and views. The development will make the house uninhabitable.
 - The LVA submitted with the application does not address the impact of the development on views from the adjacent house site. The impact of the development from this location would be 'high'.
 - The photomontages provided are selectively chosen. The one medium range shot from Nevitt Road shows the high visual impact of the development.
 - The development plan requires that a balance must be struck between the provision of such infrastructure and safeguarding urban and rural environments.
 - Existing uses in the area do not provide a precedent for the proposed development.
 - No information has been provided as to the impact of the development on human health.

- The Engineering drawings submitted with the application use a private car to determine turning circles and sightlines. This is inappropriate as the site will be accessed by larger vehicles.
- The applicant has not provided an adequate site selection assessment and has presented to the subject site as a fait accompli. There are alternative less impactful locations within the site, which can accommodate the development. Pre-planning discussions relating to the development are questioned, where agreement over the location of the development prejudiced the planning application.
- Copies of email correspondence have been provided.
- Reference is made to submissions on the application, from Cllr Tony Murphy and Brendan Regan.
- The Board is requested to modify the Planning Authority's grant of permission, by suitable condition.

6.2. Applicant Response

- 6.2.1. A first party appeal response was received on 7th April 2021, which responds separately to both appeals. The contents of the response can be summarised as follows: -

Response to Integrated Materials Solutions Appeal

- The development has no impact on human health. There are other IAA radars in the vicinity of housing without any human health impacts. The issue was considered within the EIA Screening Report submitted with the application.
- A single site notice was deemed adequate and the Planning Authority validated the application on this basis.
- At the time of lodgement of the application, the house in the appellant's ownership was vacant, boarded up, presented as derelict and did not appear to have been occupied for some time. The assessment of impacts included consideration of the house and impacts will be minimal.

- The zoning objective is acknowledged by the Landscape and Visual Assessment, which assesses impacts with reference to planning policies and established uses. The development is infrastructure of national importance for the safe operation and future development of Dublin Airport.
- Photomontages were not provided from the adjacent house as it is not normal practice to consider views from private properties. Two views were provided, east and west of the property along the road.
- Access to the site has been designed in accordance with relevant standards and guidance. A swept path analysis for larger vehicles has been provided as part of the appeal.
- The issue of site selection was addressed within the further information response and is again repeated. The subject site is the most appropriate.

Response to Hollywood and District Conservation Group Appeal

- Dublin Airport is a major terminal area, which requires the IAA to have redundant and resilient radar surveillance coverage. The IAA has worked for over 4 years to secure an operationally acceptable site for a new radar. The proposed radar is required regardless of the number of flights to/from Dublin Airport.
- There are a number of issues which allow favourable consideration of the development, including the importance of the facility to Dublin Airport, the extent of existing non-conforming uses in the area, the fact that the site is at the edge of the High Amenity zone and its overall low visual impact.
- The zoning objective and other development plan policies are acknowledged by the Landscape and Visual Assessment, which assesses impacts with reference to planning policies and established uses.
- The proposed palisade fence is required for security purposes.
- Regarding photomontage viewpoints 5 and 6, the sensitivity of the landscape is acknowledged and while the development will impact on local views, if such views do not generally include the wider landscape setting, the potential impact is reduced. Nevitt Road east and west of the site is less sensitive than other areas.

- A noise survey was submitted with the application. The fact that baseline noise levels were lower at the time, due to lockdown circumstances, demonstrates the worst case scenario approach taken by the assessment.
- Regarding economic impacts, there will be limited and minor impacts on the surrounding area. It will not cause a sterilisation area adjacent.
- The radar technology proposed is the only method that can meet the IAA's safety objectives. A primary radar can detect aircraft independently of cooperation from an aircraft. This is a vital requirement for air traffic control. Other methods are being trialled but the technology is dependent on aircraft being equipped with suitable technology, which most do not. It would be unsafe to operate 3-mile aircraft separation, with commercial and general aviation aircraft not visible. The proposed radar can also be upgraded in situ.
- The EIA Screening process concluded that there are no impacts on elements of archaeological and architectural heritage as there are no known sites within the site or vicinity. The applicant will accept a condition requiring archaeological monitoring.
- The application considered all potential impacts on surrounding land use and impacts will be minimal.
- The issue of site selection was addressed within the further information response.
- The development has no impact on human health.
- Biodiversity impacts will be mitigated by replacement landscape planting and there will be no impact on peregrine falcons. The Planning Authority's biodiversity officer did not object to the development.
- Access to the site has been designed in accordance with relevant standards and guidance. The Planning Authority did not object to the development on this issue. During operation, a maximum of 2 vehicles will visit the site once every 6 weeks for maintenance purposes.
- References to the adjacent quarry are irrelevant.

- Regarding concerns over the creation of a precedent for other developments, planning applications should be considered on their own merits. The issue of precedent should not form part of the assessment of the application.
- There is no requirement or need for a community fund.
- Regarding procedural concerns, the site notice erected was adequate and details of pre-planning consultations have been provided.

6.3. **Planning Authority Response**

6.3.1. A submission was received from the Planning Authority, dated 7th April 2021, the contents of which can be summarised as follows: -

- The issues raised within the appeal have been addressed in the Planner's report. The Board is requested to uphold the Planning Authority's decision to grant permission.
- Should permission be granted, the Board is requested to attach condition No. 18 to its Order.

6.4. **Observations**

6.4.1. None received.

6.5. **Further Responses**

6.5.1. None received.

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;
- Need for the development;
- Visual impact;
- Impact on adjacent residential property;

- Drainage;
- Access;
- Other issues; and
- Appropriate assessment.

7.2. Principle of Development

- 7.2.1. The proposed development entails a radar and support mast, together with associated infrastructure including support buildings. In my opinion the use is analogous to ‘air navigation installations’, which is defined in Appendix 4 of the development plan as ‘*A structure and/or equipment used for the purpose of aiding in the navigation of aircraft.*’
- 7.2.2. Air Navigation Installations are not listed in the ‘permitted in principle’ or ‘not permitted’ categories of the development plan, for the High Amenity zoning. In such circumstances, the development plan outlines that the development will be assessed in terms of its contribution towards the achievement of the zoning objective and vision and consistency with other policies and objectives of the development plan. I note, in this regard that development plan objective ED31 and Strategic Policy 9 together seek to support and safeguard operations at Dublin Airport, including the provision of required infrastructure, subject to consideration of potential and likely impacts.
- 7.2.3. *A National Aviation Policy for Ireland* (August, 2015) also outlines that Ireland will continue to encourage investments in modern, technologically advanced, cost-efficient aviation infrastructure, including those that underpin Ireland’s interest in the North Atlantic and the future traffic growth at our airports.
- 7.2.4. I consider the proposed development is consistent with such policy supports and is therefore acceptable in principle, subject to consideration of its visual impact and impacts on nearby sensitive receptor locations in particular.

7.3. Need for the Development

- 7.3.1. One of the appellants has questioned the need for the development of a new radar and the site selection process.

- 7.3.2. The applicant states that they have an immediate need for a new radar facility to service Dublin Airport, to maintain satisfactory operational air traffic control services. Existing radar equipment that is nearing the end of its life is in need of upgrade and issues with reliability will impact on ongoing air traffic control at the Airport.
- 7.3.3. At the further information stage, the applicant provided a summary of other sites considered and also outlined the site suitability criteria used in the site selection process. The applicant states that over 60 sites have been considered but, many were deemed unsuitable for reasons including technical issues, lack of elevation, absence of line of sight to the Airport and proximity to other radar. The submission states that, in general, high, rural, remote and lowly developed sites have greater potential to be feasible for a radar installation but that such sites present issues, for example related to the availability of power and communications infrastructure and such locations are also likely to have significant environmental considerations. The subject site is considered to be the optimum site, with the required elevation, clear line of sight to the Airport, excellent radar coverage and excellent local data communications/power infrastructure.
- 7.3.4. I accept that a balance needs to be struck between remoteness and the availability of the necessary infrastructure. I am satisfied that the applicant has adequately outlined the need for the development and has justified the site selection process used to identify the subject site.

7.4. Visual Impact

- 7.4.1. The development plan identifies that the site is in a 'high lying' landscape that has a high value and that it is very scenic, with panoramic views and strong hedgerows. The high landscape value is reflected in the High Amenity zoning which covers a large part of the landscape character type. There are also a series of protected views in the area.
- 7.4.2. A landscape and visual assessment (LVA) was submitted as part of the application, which included 9 photomontage images, depicting a variety of views within a c.5km radius. The LVA characterises the local landscape thus: -

'the north Dublin landscape, and continuing northwards into the southern Meath landscape, is one of undulating upland hills that afford often panoramic views of the low-lying agricultural lands and the Dublin and Wicklow mountains to the south; the Mourne mountains to the north; and the coastal landscape and including the

settlements of Balbriggan, Skerries and Rush to the east. Equally, from the surrounding lower landscape, the profile of the upland hills are distinctive and present a range of layered visual ridges...'

- 7.4.3. The LVA states that landscape mitigation has been incorporated, in order to screen the overall compound facility within the immediate setting but that the radome and mast cannot be screened from all views and will represent a new built element in the landscape. The LVA concludes that the development would have a 'slight' impact on 3 of the views, a 'slight/moderate' impact on 3 of the views and a 'moderate' impact on 3 of the views.
- 7.4.4. By virtue of its design and performance characteristics, the proposed radar will be a visible addition to a number of views within the wider landscape. I would generally concur with the LVA conclusions in respect of viewpoints 1-4 and 7-9, that the development would have a 'slight', 'slight/moderate' or 'moderate' impact.
- 7.4.5. In the case of viewpoints 5 and 6, I consider the impact would be 'significant', in accordance with the significance terminology outlined in the EPA Draft EIAR Guidelines (2017)¹. Both of the affected views are identified by the development plan as part of a protected view along the road and the development will be a substantial addition to both views. I accept the applicant's assertion that the affected views are localised and that more remote locations along the protected view are not affected to the same degree but, the removal of the existing hedgerow along the south boundary of the site will open up more expansive views of the landscape, in which the development will be a substantial addition. In order to contain the extent of the significantly affected view, I consider it is important that, where possible, the existing hedge along the south site boundary should be retained. The applicant has proposed its removal in order to provide sightlines, rather than for reasons related to operation of the radar. The issue of removal of the hedgerow is discussed in greater detail at Section 7.7 'Access'.

7.5. Impact on Adjacent Residential Property

- 7.5.1. There are two houses in the immediate vicinity of the subject site; to the south, on the other side of the road, and adjacent to the western boundary of the subject site.

¹ A significant impact is an effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment.

- 7.5.2. The house to the south is approx. 150m from the proposed radar. It is likely to be an imposing feature in views from the front of the house but, it is evident from available aerial photography that the primary amenity space for this house is to the rear, facing away from the radar. Taking a balanced view, I do not consider the development would have an unacceptable impact on the residential amenity of this house.
- 7.5.3. The house to the south-west, which is owned by one of the appellants, is approx. 50-60m from the proposed radar. In response to statements within the application documents that the house is derelict, the appellant has clarified that the house is habitable and is in the process of being returned to use. The house did not appear to be derelict when I visited the site.
- 7.5.4. I am aware that the appellant has indicated that a requirement to relocate the radar further east would address their concerns. This option has not been addressed by the applicant so it is unclear whether this is feasible. It would certainly alleviate the impact of the development in relation to the adjacent property if it were feasible. In any case, the red line application site boundary is wrapped tightly around the area to be developed and, as such, there is no opportunity to consider the suggested relocation as part of this appeal.
- 7.5.5. The development will be a very substantial feature in views from the house and from the rear garden. Development plan objective ED31 outlines support for the provision of required infrastructure at the Airport, but it also acknowledges the need to take account of impacts on residential areas. Given the relationship of the radar to the adjoining site, it will not overshadow, but I consider it will have a significant overbearing impact. The contextual elevation contained on drawing No. 0107 Rev P1 depicts the overbearing relationship of the development to this property. Given its scale and proximity to the adjacent property, there is no realistic opportunity to screen the radar from views from this property. I consider the impact to be of such scale that a refusal of permission is warranted.

7.6. **Drainage**

Foul Drainage

- 7.6.1. The development includes the provision of a wastewater treatment unit and percolation area. The unit would be located 13.2m from the front of the support

building, within the landscaped area, with the percolation area further south and measuring 54m long x 0.5m wide and 0.5m deep.

- 7.6.2. A site characterisation form and site suitability assessment have been provided, prepared by Traynor Environmental Ltd. The category of aquifer is identified as 'locally important', with a vulnerability classification of 'extreme'. A new EPA Code of Practice for wastewater treatment systems was recently published, however; for applications submitted prior to 7th June 2021, the 2009 Code of Practice continues to be applicable. Table B.2 (Response Matrix for On-Site Treatment Systems) of the 2009 Code of Practice identifies an 'R2¹' response category i.e., acceptable subject to normal good practice.
- 7.6.3. A trial hole with a depth of 2.1m recorded 300mm silt/clay, 900mm of clay intermixed with stone, 300mm clay and 500mm of stone intermixed with clay. The water table was not encountered. In relation to the percolation characteristics of the soil, a T-test value of 43.89 min / 25mm was returned. A P-Test value of 29.36 min / 25mm was returned, indicating good percolation characteristics of both subsoil and topsoil. The Report concluded that the site is suitable for the installation of a septic tank system and purpose-built percolation area.
- 7.6.4. Having regard to the site percolation test results, I consider it has been demonstrated that the site can accommodate a wastewater treatment system. Should the Board be minded to grant permission, I recommend a condition be attached requiring the detailed design of the system be agreed with the Planning Authority.

Surface Water Drainage

- 7.6.5. Surface water is proposed to drain to a soakaway within the landscaped area, to the south of the percolation area. The soakaway has dimensions of 9m (L) X 5M (W) X 1.4M (D) and it stated as sized to accommodate runoff from the additional 886sqm of impermeable surface area which the development would create. A soakaway test was carried out, in accordance with BRE Digest 365 and it was calculated that a soakaway of these dimensions is required. The layout of the soakaway accords with the BRE Digest 365 guidance.
- 7.6.6. The Planning Authority's Water Services department did not object to foul water or surface water drainage proposals.

7.7. Access

- 7.7.1. Access is proposed to be taken from a new entrance off Sallowood View Road, located south-east of the main part of the site and with a 3m access road running parallel to the main road, leading up to the main part of the site. As part of the new access, a large amount of the roadside hedgerow would be removed, in order to provide visibility sightlines of 150m in both directions.
- 7.7.2. As I have stated previously, I have concerns regarding the proposed loss of such a large amount of the roadside hedgerow, which would open up more expansive views of the landscape to the north and increase the level of exposure of the radar structure in such views. The Planning Authority required that sightlines of 2.4m x 145m are required in both directions, the provision of which would require the removal of the majority of the hedgerow. I have previously expressed the opinion that the existing hedge along the south site boundary should be retained where possible, in order to mitigate the visual impact of the development. In this regard, I consider access being taken from the east end of the site would be more appropriate, as it would allow more of the hedge to be retained. In saying this, I note that the extent of the red line application site boundary follows the extent of the visibility splay, at the east end of the site, so there does not appear to be an option to reconsider the proposed access. The Board may wish to clarify this aspect of the development.

7.8. Other Issues

- 7.8.1. A noise assessment was submitted with the application, which modelled predicted noise levels at the west-adjointing house based on surveyed noise levels from an existing similar facility near Dublin Airport. One of the appellants expressed concerns regarding the adequacy of the noise assessment, in particular that specific details of noise generating equipment from the proposed development were not incorporated. The assessment predicted that the development would have a 'low' daytime impact, with noise levels differences of 3-4.5dB(A) and 'low' night-time impact, with noise level differences of 2-3.5dB(A). The Board's standard operational noise condition cites daytime and night-time noise limits of 55 dB LAeq and 45 dB LAeq, respectively. The predictive model indicates that noise levels would remain below

these limits. Should the Board be minded to grant permission, I would recommend a condition be attached to control daytime and night-time noise levels.

- 7.8.2. Regarding concerns over the impact of the development on the local economy, I do not consider the development would have any material impact on local industries, including cottage farm industries. I note in this regard that the applicant states there will be no requirement for a sterilisation zone.
- 7.8.3. Regarding concerns over the impact of the development on archaeological potential in the area, I note that there are a number of archaeological sites in the area. The planning application does not appear to have been referred to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. I am recommending that permission should be refused on other substantive grounds, so have not pursued the issue further. Should the Board be minded to grant permission, they may wish to seek the Department's view or, alternatively, include a condition to require archaeological testing and monitoring as part of the construction and demolition phase.
- 7.8.4. One of the appellants states that there are peregrine falcons in the area. Peregrine Falcon is an Annex I species under the Birds Directive (2009/147/EEC) and its habitat is protected. A Peregrine Falcon Impact Assessment was submitted with the application, which states that there was no evidence of Peregrine Falcon during separate 3-hour surveys undertaken on 30th April 2020. There are two records of the species within 2km of the site and a further 2 records within 10km. The Assessment also advises that records for the adjacent quarry site indicate that there were breeding Peregrine within that site at the time of a waste licence application, in 2008. It is stated that the subject site does not contain suitable terrain for nesting (i.e. ledges) and that the proposed radar tower does not contain a suitable ledge, where the species can nest. The radome structure itself is a non-moving structure, so collision effects are not expected. Having regard to the absence of suitable terrain for nesting and the non-moving nature of the radome, I am satisfied that the development does not present any significant or unacceptable risk to Peregrine Falcons in the area.
- 7.8.5. Regarding concerns over potential impacts to human health, the applicant states that the radar transmits in the UHF band and that electromagnetic radiation in the UHF

band is non-ionising radiation, which means it has insufficient energy to cause harmful health effects. Reference is also made to independent Commission for Communication Regulation (COMREG) surveys of non-ionising radiation exposure limits and that IAA radars have never exceeded recommended transmission levels. The appellant has not submitted any information to contradict this and I therefore have no reason to question the applicant's statements.

7.9. Conclusion

7.9.1. The proposed development is consistent with development plan and National policy supports, which support the facilitation the provision of required infrastructure as part of the operation of Dublin Airport, and the applicant has adequately outlined operational requirements and the site selection process employed which identified the subject site. The development will be a visible addition to a number of views, having a slight or moderate impact on views within the wider landscape but, having a significant impact on local views along Sallowood View Road. The removal of a significant portion of the roadside hedgerow will further expose the development within these views and will magnify its visual impact. The development will have a significant overbearing impact on the residential property to the west, which given its close proximity to the development, cannot realistically incorporate screening in order to reduce this impact. The overbearing impact is such that a refusal of permission is recommended.

7.10. Appropriate Assessment

7.10.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site and accordingly screening for Appropriate Assessment was carried out.

7.11. The subject site is not located within or adjacent to any designated European Site. The nearest Natura 2000 site is the Rogerstown Estuary Special Area of Conservation (Site Code 000208), approx. 7km south-east. The Rogerstown Estuary Special Protection Area (Site Code 004015) is slightly further away, 7.6km south-

east, and occupies a broadly similar area to the SAC designation. The Malahide Estuary SAC (Site Code 000205) is further south, approx. 10km away.

- 7.12. The Bog of the Ring proposed Natural Heritage Area (pNHA) is located approx. 3km north-east and the Knock Lake pNHA is further north-east, approx. 4.2km away.
- 7.13. The application included an Appropriate Assessment Screening Report, which concluded that there is no potential for the development to have significant effects on any of the European sites considered.
 - 7.13.1. There is no hydrological connection between the application site and the Natura 2000 sites. In the absence of a hydrological connection and given the level of separation and the character and scale of the proposed development, I agree with conclusions of the Appropriate Assessment Screening Report, that the development is not likely to have a significant effect on any Natura 2000 site.
- 7.14. Regarding in-combination effects, there is an existing former landfill site to the north-west, which is currently being filled as an inert landfill. This site is hydrologically connected to the Rogerstown Estuary SAC/SPA sites, via the Ballough River, which routes to the north of that site. The subject site is over 600m from the Ballough River. Given the distance from the site to the river and the absence of functional connections between sites, I am satisfied that no in-combination effects are likely to arise.
- 7.15. I therefore conclude that the proposed development is not 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 for the proposed development be refused, for the following reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development, by reason of its height and design, would result in a visually overbearing form of development which would be seriously injurious to the residential amenity of the west-adjoining residential property and would impact on designated preserved views and the wider High Amenity landscape by

reason of the removal of a substantial portion of the roadside hedgerow in order to provide visibility sightlines The proposed development would therefore be contrary to the 'HA' High Amenity zoning objective applying to the lands and Objective ED31 of the Fingal County Development Plan 2017-2023, and would also be contrary to the proper planning and sustainable development of the area.

Barry O'Donnell
Planning Inspector

15th June 2021