



An
Bord
Pleanála

Inspector's Report

ABP-309693-21

Development	Installation of 18 antennas and 6 transmission dishes on ballast mounted support poles.
Location	Block B (under construction), Milner's Square, Shanowen Road, Santry, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3923/20
Applicant	Signal Infrastructure Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Signal Infrastructure Ltd.
Observer(s)	None
Date of Site Inspection	29 th July 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site (1128 sq.m) which is comprised of the roof area of Block B of Milner's Square apartment complex is located on the southern side of the Shanowen Road in the Santry area of north city Dublin, c. 4.5km north of Dublin city centre. The site is located within a large residential apartment complex made up of 6 no. buildings of 4-7 storeys in height. All blocks on site are currently under construction and nearing completion.
- 1.2. The site is located opposite (to the south) of Santry Garda Station and the Garda vehicle pound. Shanowen Business Centre, which is comprised of a large 2 to 3 storey commercial building, is located to the immediate west of the site and the remainder of the Milner's Square apartment complex development is located to the immediate east and south of the site. Lower density residential development is located in the vicinity in the form of terraced and semi-detached two storey properties at Shanowen Crescent to the north west and Crestfield Road and Park to the south and south east. Dublin City University (DCU) is located approximately 240m to the southwest of the site on Collins Avenue Extension (R103 Regional Road).
- 1.3. The proposed development is to be located on the roof of Block B, which is a 5-storey block, with an overall height of c. 17m, with its short end (c.16m) facing northwest onto Shanowen Road. Block B extends to the south for a length of c.63m and is bound by Block A to the south and blocks C and D to the east, all of which form part of the larger Milner's Square development.

2.0 Proposed Development

- 2.1. The proposed development is to comprise the installation of:
 - 9 no. 2m high antenna,
 - 9 no. 0.8m antenna,
 - 6 no. 0.6m transmission dishes,All to be positioned on ballast mounted supporting poles,
 - 6 no. cabinets of heights of varying heights - 1.65m, 1.45m and 2.03m, and

- A 300mm wide cable tray to be mounted on roof running north-south along the roof (not visible) and associated site works at the roof level.
- 2.2. The locations of the antennae and dishes are to be located in three different sector locations. For two of the sector locations the two different height antennae (2m and 0.8m) will be grouped together with a transmission dish on ballast mounted supporting poles on the flat roof of Block B at locations Sector A (on the northern section of the roof) and Sector C (on the south western section of the roof).
- 2.3. For Sector B (southern section of roof) the antennae will be grouped in twos with 0.8m antenna and 2m antennae located on ballast frames located on the southern section of the roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 16th February 2021 a notification of decision to refuse permission was issued by Dublin City Council for the following reason:

1. *Having regard to the provisions of the Ministerial Guidelines Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (1996) as supplemented by Circular letter PL07/12- Telecommunications Antennae and Support Structures Guidelines: the Dublin City Development Plan 2016 - 2022 and taking into consideration the residential zoning (Z1) of the site, the height, proliferation and appearance of the proposed telecommunications infrastructure and supporting equipment on the roof level of a prominent, recently constructed multi-storey residential block, the proposed development would be highly visible from all sides, would impinge on the skyline when viewed from the surrounding areas and would have an adverse impact on the visual and residential amenities of this area. The proposed development would seriously injure the residential and visual amenities of property in the vicinity, would set an undesirable precedent for similar developments on residential sites in the city and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner's Report reflects the decision of the Planning Authority. The main issues raised in the planner's report are as follows:

- Public service installations are a permissible use under Z1 zoning.
- The definition of a 'public service' includes telecommunications (Appendix 21 of Development Plan 2016-2022).
- The application does not include a map or visual geographical location of the existing providers in the area nor the geographical coverage of same; the 'blackspots' have not been identified geographically.
- The applicant does not identify the name or number of operators that are proposed to use the site – the planning authority is not satisfied that this is not a speculative proposal.
- The development plan and Ministerial Guidelines for telecommunications antennas and supporting structures state that preferably these structures should be located on industrial estates or on lands zoned for industrial/employment uses and the possibilities offered by some commercial or retail areas should be explored.
- Residential areas should be considered as a last resort. It is noted that on the opposite side of the carriageway there is a small landbank of Z6-zoned lands on which Santry Garda station is located.
- The planning authority does not have competence for health and safety matters in respect of telecommunications infrastructure.
- The issue of visual amenity on the area is paramount. In addition, it is noted that temporary permissions are not encouraged.
- No visual assessment e.g. CGIs, photomontages etc. have been submitted to support the applicant's contention that the visual impact would be appropriate.

- Serious concerns in relation to visual and amenity impacts for the future residents of the other Blocks A, C and D of Milner's Square and also for the visual and residential amenities of the wider area.
- The development would set an undesirable precedent for locating such equipment in other residential zones across the city which should only be considered as a last resort.
- No evidence has been submitted that they have made a reasonable effort to share with existing structures within the area.

3.2.2. Other Technical Reports

- **Dublin City Council - Drainage Department** – no objection subject to conditions.

3.3. Prescribed Bodies

- None received.

3.4. Third Party Observations

- None received.

4.0 Planning History

4.1. On site and surrounding area:

- **DCC ref. 2039/20** – March 2020 - Permission refused for Alterations to Block B; Alterations to Block C – 2 no. refusal reason related to:
 1. excessive height, incongruous design, inappropriate scale and massing, and its overbearing impact on the permitted communal amenity space in the scheme would seriously injure the residential and visual amenities of the permitted residential scheme on site and those in the area, by reason of overbearance and visual intrusion.
 2. constitute overdevelopment of the site and would provide for a poor standard of residential amenity for future occupiers of the scheme by reason of poor quality and quantity of communal amenity space, poor

quality of private amenity space and the incorporation of single-aspect north facing residential units.

- **DCC ref. 4066/19** – November 2019 - Permission refused for revisions to Phase 2 (Blocks A,B,C & D which are currently under construction) – refusal reason related to sub-standard residential amenity for future occupants of the residential units by reason of substandard floor areas of the first floor apartments, poor quality and poorly-considered location of private open space to serve the ground floor apartments.
- **DCC ref. 2891/19** – June 2019 – Permission refused for revisions to a previously permitted development at Blocks B and C, Milner's Square – refusal reason related to excessive height, monolithic design, inappropriate scale and massing, its relationship with the permitted communal open space in the scheme and location directly to the north of permitted residential units.
- **DCC ref. 4128/18** – Feb 2019 - Permission granted for the provision of an apartment block (Block B, approximately 4,938m² GFA) a 5-storey over basement building (with a set back at 5th storey) to provide 46 no. apartments.
- **DCC ref. 2587/18** – May 2018 – Permission refused for alterations to existing permission Register Reference 6058/04/x3 consisting of an 877 m² increase in gross floor area and redesign of proposed Building B. 4 no. refusal reason relating to 1. scale, massing and inappropriate design, 2. Non satisfactory level of residential amenity 3. poor quality private open space, poor quality design apartments, 4. Materially contravene condition no.2 of ABP ref. PL29N.211692 close proximity to basement car parking ramp.
- **DCC ref. 4608/17** – February 2018 - Permission granted for alterations to existing permission DCC ref. 6058/04/x2 consisting of an increase in gross floor area of Building A by 99m² and Building C by 164m².
- **DCC ref. 4360/17** – January 2018 - Permission granted for alterations to existing permission DCC ref. 6058/04/x2 consisting of an increase in gross floor area of Building D by 94 sq.m.

- **DCC ref. 6058/04/x3:** Extension of duration granted. Extension expiry date 31st December 2021
- **DCC ref. 6058/04/X2:** Extension of Duration granted. Extension Expiry Date 01/11/2018
- **DCC ref. 6058/04/X1:** Extension of Duration of Permission granted. Extension Expiry Date 18/09/2013
- **ABP Ref PL29N.211692 (DCC ref. 6058/04):** Permission granted for demolition of the existing engineering works buildings and the construction of 330 residential units in 6 no. apartment blocks varying in height from 3 storey to 7 storey parking, creche and all associated site works.

5.0 Policy Context

5.1. National Policy and Guidance

5.1.1. National Planning Framework (NPF)

National Policy Objective 48 states-

'In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.'

5.1.2. Eastern & Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019-2031

Relevant sections and objectives include:

Section 8.6 Communications Network and Digital Infrastructure

RPO 8.25:

- Support and facilitate delivery of the National Broadband Plan.
- Promote Dublin as a demonstrator of 5G information and communication technology.

5.1.3. **Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities, 1996**

These Guidelines set out the criteria for the assessment of telecommunications structures. Relevant sections and points to this application and appeal are summarised below:

- Section 2.3.1 Antennae
- Section 3.2 - An authority should indicate any locations where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools.
- Section 4.2 Design and Siting
- Section 4.3 Visual Impact
 - In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land. The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts.
 - 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.
 - Only as a last resort and if the alternatives suggested above are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.
- Section 4.5 Sharing Facilities and Clustering
 - The sharing of installations and clustering of such facilities are encouraged as co-location will reduce the visual impact on the landscape (Section 4.5). Developers will have to demonstrate that they have made a reasonable

effort to share the use of the same structure or building with competing operators.

5.1.4. **Circular Letter: PL07/12**

This circular was issued by the Minister under section 28 of the Planning and Development Acts 2000-2012 to update certain sections of the Telecommunications Antennae and Support Structures Guidelines (1996) and revises certain elements including that:

- attaching a condition to a permission for a telecommunication mast and antennae which limit their life to a set temporary period should cease, except in exceptional circumstances.
- planning authorities should also cease specifying separation distance for such developments when making Development Plans as they can inadvertently have a major impact on the roll-out of viable and effective telecommunications network.
- planning authorities should be primarily concerned with the appropriate location and design of telecommunication structures and do not have the competence for health and safety matters in respect of telecommunication infrastructure. These are regulated by other codes and such matters should not be additionally regulated in the planning process.
- Development Contribution Schemes must include waivers for broadband infrastructure and these waivers are intended to be applied consistently across all local authority areas.

5.2. **Development Plan**

5.2.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 to 2022 and has a landuse zoning Sustainable Residential Neighbourhoods – **Zone Z1** with objective “To protect, provide and improve residential amenities”.

5.2.2. **Appendix 21:** Definition of Public Service Installation. A public service includes telecommunications”. Public Service Installations are ‘permissible uses in Z1 zoned areas.

5.2.3. **Section 9.5.11** – Telecommunications states that ‘telecommunications infrastructure is a key requirement within the city of Dublin. The availability of services such as high-speed broadband is essential to the national economy but also to local communities in everyday life. Dublin City Council is mindful that the provision of telecommunications infrastructure, most notably antennae, can impact on residential amenity and visual amenity’.

5.2.4. The following policies and objectives are relevant:

- **Policy SI29:** To encourage and facilitate telecommunications infrastructure in appropriate locations throughout the city.
- **Policy SI30:** To support and facilitate the delivery of a high-capacity ICT infrastructure, broadband networks, and digital broadcasting in the city.
- **Objective SIO30:** To avoid a proliferation of communications masts and antennae and facilitate the potential for future mast sharing and co-location.

5.2.5. **Section 16.33** of the Development Plan sets out guidance relating to Telecommunications Apparatus in terms of siting, design, visual amenity and health and safety and in relation to the sharing of installations.

5.2.6. **Section 16.33.1** Siting, Design and Visual Amenity

- Telecommunications antennae and supporting structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings, may also be acceptable, subject to visual amenity considerations.
- In terms of the design of free-standing masts, masts and antennae should be designed for the specific location. In assessing proposals for telecommunication antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined. These factors will be carefully considered when assessing proposals in a designated conservation area, open space amenity area, historic park, or in the vicinity of protected buildings, special views or prospects, monuments or sites of archaeological importance. The location of antennae or support structures within any of these areas or in

proximity to protected structures, archaeological sites and other monuments should be avoided.

- 5.2.7. **Section 16.33.2** Possible Sharing of Installations - Where existing support structures are not unduly obtrusive, the City Council will encourage co-location or sharing of antennae on existing support structures, masts and tall buildings. Applicants must satisfy the City Council that they have made every reasonable effort to share with other operators.

5.3. **Natural Heritage Designations**

- 5.3.1. None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. Cignal Infrastructure Ltd. have submitted a First Party Appeal relative to the Council's refusal of permission for the proposed development. Their grounds of appeal include the following:

Justification for the Site:

- The local area and immediate environs have been identified as an area that requires additional telecommunications infrastructure to provide for current and future wireless coverage to the area.
- The development will allow operators to bring a significant improvement in voice and broadband services to the local area.

Compliance with Guidelines:

- The proposed development is in accordance with the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996 which states that in urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae structure.
- The residential development at Milner's Square will increase the demand on the local wireless broadband network and so the demand needs to be met.

- Antennae on commercial rooftops are generally considered acceptable and normally fall under the exemptions outlined in the Planning and Development Regulations, 2001, as amended.
- A degree of visual impact is inevitable with the type of telecommunications structures proposed given their height requirements and need to be positioned in areas without obstruction.
- These structures are required in populated areas to meet demand, it is not always possible to find locations outside of residential areas and there are occasions where the guidelines state that development within residential areas may be permissible.

Visual Impact

- The proposed equipment is expected to be visible from the apartments on the upper storeys of Blocks A, C and D of Milner's Square, as well as views from Shanowen Road and houses located to the north and west of the site. The equipment is not expected to be visible from Collins Avenue.
- The site is not located in an area with any landscape sensitivities, nor are there any special protections or designation statutes from a planning policy point of view. Zoning for the area is Z1 residential and public service installations are listed as permissible uses in these areas.
- Taking account of the development plan policy, the sensitivity of the building and the wider residential area, it is considered to have a low sensitivity to change.
- The equipment being ballast mounted will be readily incorporated into the apartment complex without significant visual intrusion.

Impacts on Residential Amenity

- Proposed development is expected to be visible from adjoining apartment blocks and residential lower density housing on Shanowen Road to the north west and Crestfield Drive to the south.
- There are no suitable commercial buildings available in the area that would meet the requirements of the applicant, therefore the residential site is proposed.

- It is considered the rooftop of Block B can be successfully utilised and that the installation will improve wireless mobile services for residents in the local area.
- The installation will directly benefit the occupants of the building.

Examples of recent decisions

- The applicant lists 6 examples of applications, including one of which (within Dun Laoghaire Rathdown Council area) was appealed to the Board (ABP ref. PL06D.244141) which have been granted permission on both student accommodation and residential developments with ground floor commercial.
- The availability of a reliable communications service in this area is an amenity in itself which should be given sufficient weight in the decision process.

Development in relation to National Policy on Telecommunications Infrastructure

- Both local and government policy supports continued investment in telecommunications networks and infrastructure.
- The NPF recognises the importance of telecommunication networks which play a crucial role in enabling social and economic activity.
- The advent of the next generation wireless technology is accelerating the need for investment in infrastructure, as is the increased demand for home working and efficient wireless networks.

6.2. Planning Authority Response

- None received.

6.3. Observations

- None received.

7.0 Assessment

7.1. Having inspected the site and examined the application and appeal details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Appropriateness of Location - Technical Justification
- Visual Impact and Impact on Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The proposed development is to be located on the rooftop of Block B Milner's Court on lands which are zoned Sustainable Residential Neighbourhoods – Zone Z1 with an objective under the current Dublin City Development Plan 2016-2022 "*To protect, provide and improve residential amenities*". Telecommunications installations are defined as public service installation in the Land Use Definitions in Appendix 21 of the Plan. A public service installation is a permissible use within this zoning.

7.2.2. I consider the development as proposed to be acceptable in principle within this zoning objective, however I acknowledge that the suitability of the site for this use depends on several other factors. The primary issues for assessment are examined further under the sections that follow.

7.3. Appropriateness of Location - Technical Justification

7.3.1. The local area and its immediate environs have been identified as an area that requires additional telecommunications infrastructure to provide for current and future wireless coverage to the area. As part of the documentation submitted with the application a 'Technical Justification' report has been included. The site selection justification is outlined in this document and the area in which the subject site is located is identified as a 'service blackspot' by the applicant. This 'blackspot' area includes Collins Avenue Extension, Glendun Road, Shanowen Road, Shanard road, Shanlis Road, part of the DCU campus, Crestfield Estate, Shanowen Estate, Larkhill Estate, Shanowen Square Student accommodation and Milner's Square, as well as

the immediate environs of the subject site which includes commercial premises and housing within the area.

7.3.2. A list of other sites in the area which have existing masts/antennae/towers in place has been presented in the report. Four sites have been identified, with the nearest site located 250m to the north west at Santry Garda Station, this location was ruled out as an option as the required mount height on this existing tower would not be sufficient to cover the 'service blackspot' area. Similarly, the other three sites, which are located 0.5km to the south west at the DCU campus, 0.74km north west at Ballymun ESB and 1.1km to the south east at Whitehall Bingo site, were all identified as unsuitable due to a combination of height restrictions, tree clutter and existing capacity constraints.

7.3.3. I acknowledge the planning authority's concerns in relation to the lack of detail in relation to the proposed operators on site, however I note that the applicant states that the proposed multi operator installation will accommodate mobile network operators, as well as local and national broadband providers and will allow all operators to deploy 3G and high speed 4G and 5G broadband services. The appellant states that the proposed installation will allow for significant improvements to voice and broadband services, both indoor and outdoor to the surrounding area. I acknowledge that the telecommunications sector is rapidly evolving, and technological advances occur on a frequent basis and therefore the need for multi-operational use of this site is to be expected. The vital services provided by telecommunication infrastructure is often overlooked and there is a growing demand on services such as 4G and 5G networks and I recognise that their location in certain areas could vastly improve the commercial aspects of that area and services to users. Given the circumstances of the past 18 months and the surge in demand for home wireless services as a result of the Covid 19 pandemic and the increased numbers of people working from home, the demand and requirement for efficient telecommunication services has only increased. Policy SI29 and Policy SI30 of the City Development Plan support the development of and improvement to telecommunications infrastructure at appropriate locations as a means of improving economic competitiveness and also enabling e-working, e-commerce and distance learning which in turn reduces the need to travel. In addition, at a national policy level the NPF (National Policy Objective 48) and regionally the RSES (Regional

Policy objective 8.25) support stable, innovative and secure digital communications and services infrastructure and promote Dublin as a demonstrator of 5G information and communication technology.

- 7.3.4. As part of my assessment, I have reviewed ComReg's online Outside Coverage Map¹ for the subject area and note that for Ireland's three main service providers coverage generally ranges from 'Good' to 'Fringe' for 4G, from 'Very Good' to 'Fringe' for 3G and from 'Very Good' to 'Fair' for 2G mobile services. I note that there are pockets of coverage within the area where there are higher instances of 'Fringe' coverage. In this regard, given the urban location and the significant demand on mobile network and broadband services in the area, I am satisfied that there is a clear need for improved services in this general area.
- 7.3.5. I am satisfied that the appellant has been proactive in assessing suitable, existing alternative support structures / base stations and sites locally. I therefore note and accept as reasonable the applicant's motivation that whilst other base stations exist in the general area, these locations already serve specific areas within the established cellular network and cannot be easily adapted to cover the black spot of coverage located locally around the subject site.

7.4. Visual Impact and Impact on Residential Amenities

- 7.4.1. The Telecommunication Antennae and Support Structures guidelines under Section 4.3 Visual Impact acknowledges that "*the visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a certain application*". I note the planning authority's reason for refusal specifically relates to the impact that the proposed development will have on the visual amenities of property in the vicinity and that of the future residents in the surrounding apartment blocks at Milner's Square. In addition, the planning authority states that the proposed development if permitted would set an undesirable precedent for similar developments on residential sites in the city. In response to this second point I would note that decisions on planning applications and appeals do not form binding precedents. A grant or refusal in this case would not require the Board or the Council

¹ <https://coveragemap.comreg.ie/map>

to make a similar decision in any future case if they had reasons to come to a different conclusion.

- 7.4.2. Section 4.3 of the guidelines states *'In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land. The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating "disguised" masts'*. As stated in Section 7.3 above I consider that the applicant has explored all alternative options in the area and justified the current proposed location. The guidelines further state that *'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'*, the current development is proposed at roof level (c.17 metres) on Block B of Milner's Court, therefore eliminating the requirement for a separate independent support structure. The Guidelines then go on to state *'Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools'*. The current proposal does not involve a free-standing mast, and instead seeks the installation of 18 no. antennae ranging in height from 0.8m to 2 m and 6 no. 0.6m transmission dishes on the roof of Block B, therefore this stipulation of the guidelines is not directly applicable to the current appeal.
- 7.4.3. Section 9.5.11 of the current development plan states that telecommunications infrastructure is a key requirement within the city of Dublin but acknowledges the provision of telecommunications infrastructure, most notably antennae, can impact on residential amenity and visual amenity. Policy SI29 seeks to encourage and facilitate telecommunications infrastructure in appropriate locations and Policy SI30 states that it should be demonstrated that these developments will not have significant adverse effects on the environment. The development plan also encourages mast sharing where possible. The applicant states that a visual impact appraisal was carried out as part of the design process which included an assessment of viewing experience from several public viewpoints, as well as an anticipated impact from private viewpoints from residences in the area.
- 7.4.4. Section 16.33.1 of the development plan outlines siting, design and visual amenity considerations that should be taken into account when assessing these type of developments and installations. This section states *'In assessing proposals for*

telecommunication antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined. The plan also states that there should be added consideration of factors such as designated conservation areas, open space amenity areas, historic parks, protected buildings, special views or prospects, monuments or sites of archaeological importance. The proposed site is not located in an area with any landscape sensitivities, nor are there any special protections or designations noted within the development plan located in the vicinity, therefore the main consideration to be examined is the impact of the development on the skyline and the visual impact on the wider area and possible impacts on residential amenity.

- 7.4.5. The application includes an assessment of the 'Zone of Visual Influence' and states that the proposed equipment is to be positioned at roof level on the 6 storey residential apartment building (Block B). I note that Block B is in fact a 5 storey over basement building, as per P.A. ref. 4128/18. The proposed antennae and transmission dishes are to be clustered in 3 different sectors on the roof. Sector A, located on the northern portion of the roof has 3 separate structures proposed which will each accommodate a 2m high hexaband antenna, a 0.8m 5G antenna and a 0.6m dish, all to be based over a fixed ballast frame. These three grouped arrangements will provide future operating potential for three separate operators in the area. The proposed structures will be set back c. 2m from the front (northern) façade of Block B given the setback of the building at 5th storey level. This set back in my opinion will mitigate to a certain degree the visual impacts from street level on the Shanowen Road to the front (north) of the building. The remainder of the structures in Sector B and C are to be located to the rear (southern) end of the building approximately a distance of 60m south of the Shanowen Road. The structures proposed in Sector C will have the same visual appearance as those located in Sector A, however they will be located along the western side of the roof top and will be less visible from the Shanowen Road. The structures proposed for Sector B include 3no. 2m high hexaband antenna, and 3 no. 0.8m high 5G antennae, but no 0.6m dishes. The antennae in all sectors will extend c. 3m above the parapet of the roof of Block B, with the dishes to extend approx. 1.9m above same parapet level.

- 7.4.6. The appellant states that given the building's prominence and roof height (17m) it is expected that the antennae will be visible from the completed apartments at the upper floor levels of Block A, C and D, as well as views from the Shanowen Road and houses located to the north and west of the site. Antennae are not expected to be visible from Collins Avenue however views from houses on Crestfield Drive to the south west would be expected. While I acknowledge that the majority of the surrounding area is comprised of two storey residential dwelling houses, the uses to the immediate north and west of Block B are comprised of commercial and community (garda station) uses. Therefore, the direct visual impact of the telecommunication structures from the north and west is somewhat mitigated by the location of these buildings. In addition, having visited the area of open space to the south east at Crestfield Road and Crestfield Park, I can confirm that the majority of the site area is screened from the south west by existing screening in the form of a mature treeline to the south of the Milner's Square complex. The antennae and dishes are expected to be visible from the upper floors of the apartments located in the adjoining Blocks A, C and D, however the applicant in my opinion has sought to mitigate these impacts by locating the majority of the structures on the southern portion of the building and on the western side of the building where possible.
- 7.4.7. The applicant states that the proposed radio cabinet equipment, which is also to be positioned at roof level will be unseen from external views towards the building, I would agree with this assertion. The cables proposed, which will run in a north south direction along the flat roof will not be visible from external views.
- 7.4.8. The guidelines state that in urban areas the need for increased numbers of cells to cater for customer growth will lead more and more to the subdivision of existing cells and, in some instances to the introduction of "microcell" technology. The applicant in their original report submitted as part of the application, highlights that while there has been significant improvement in the technologies to provide advanced broadband services, the advances in the design of antennae support structures is limited. The requirement to place telecommunication transmission and receiving equipment above obstructions remains unchanged and I note that 4G and 5G equipment is in fact less tolerable of obstructions e.g., tree foliage than other forms of antennae. The location of these antennae at a height of 17m on an unobstructed rooftop is therefore justified in my opinion.

- 7.4.9. In my view, having regard to the scale of the proposed development and the positioning of the equipment on the building, in the context of the other existing apartment buildings (under construction) at Milner's Square and the surrounding streets and residential land uses, I do not consider the proposed development will unduly impact on the skyline or the streetscape when viewed from various vantage points. However, should the Board be minded to grant permission, I am of the view that a condition limiting exempt development provisions should be included in any grant of permission. This in my view is warranted considering the location of the infrastructure on a flat roof building in a residential area as opposed to an entirely industrial/employment area, where the intensification of antennae on the existing support structure above what is hereby permitted could have the potential to negatively impact on the visual amenity of the area.
- 7.4.10. In summary, I have considered the height, design and siting of the proposed development and its proximity to surrounding sensitivities. While I acknowledge that the antennae and dishes proposed will be visible from certain views in the surrounding area, I would not consider the visual impacts adversely negative. In addition, I note circular letter PL07/12 states planning considerations in the assessment of telecommunications infrastructure should be related to location and design and not health and safety matters. Thus, in my view the location of the telecommunications infrastructure on top of a residential building does not give rise to any issues in terms of residential amenity.
- 7.4.11. The proposed structures while noticeable would in my opinion not seriously injure the visual amenities of the area, would not substantially impact on the character of the area and would provide essential telecommunications coverage to the area.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature of the proposed development, its location in an existing built up urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission is granted subject to the following conditions-

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the national and regional policy, the Dublin City Development Plan 2016-2022, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 and associated Circular Letter PL07/12 and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities and character of the area or of property in the vicinity and would assist in the provision of essential telecommunications coverage to the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and with the appeal, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the proposed colour scheme for the telecommunications structures and ancillary structures shall be submitted to, and agreed in writing with, the planning authority.

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

3. Notwithstanding the provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the telecommunication structures shall not be altered and no additional apparatus shall be attached, without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

4. 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.

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

5. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

6. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated upon the removal of the telecommunication structures and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

7. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity, and proper planning and sustainable development.

Máire Daly
Planning Inspector

19th August 2021