



An  
Bord  
Pleanála

## Inspector's Report ABP-310658-21

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<b>Development</b>	S254 licence to install over ground electronic communication infrastructure
<b>Location</b>	Porterstown Road, Clonsilla, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	S254W/06/20
<b>Applicant(s)</b>	Signal Infrastructure.
<b>Type of Application</b>	Section 254 Licence.
<b>Planning Authority Decision</b>	Refuse Licence
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Signal Infrastructure.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	16 <sup>th</sup> November 2021.
<b>Inspector</b>	Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The subject site is located on a grass verge adjoining the public footpath on the north-western corner of the Luttrellstown Road and Porterstown Link Road junction. The junction is controlled by traffic lights and has a number of street signs and a pedestrian crossing in place. Telegraph and electricity poles are located along Luttrellstown Road and the Porterstown Link Road.
- 1.2. Directly to the west of the site is the boundary to the Luttrellstown Education Campus. This boundary comprises a rough-cut, stone wall of c. 1m in height with open vertical, metal railings on top. The area to the north-east of the junction is characterised by dense residential development, made up of the Annfield and Fernleigh housing estates, which contain a mix of duplex, apartment and terraced housing.
- 1.3. Directly opposite the site and to the east, is an area of green open space that originally formed part of the curtilage of the protected structure of Annfield House, (RPS Ref. 728), which is c. 89m to the north-east of the site. This area is bounded by a hedgerow adjoining the public footpath and a grass verge at the junction. Adjoining the site to the north-west, is an area of green open space which forms part of the Luttrellstown Education Campus. The buildings on the campus are located in the northern section of the site and include the Luttrellstown Community Centre, Community College and National School.
- 1.4. Lands to the south of the site and on the opposite side of Luttrellstown Road have a more rural character with a greater number of one-off houses in private gardens. Approximately 75m to the south-west of the site is Astogob House, which is a period dwelling within a large site. This house is not listed on the RPS but is included in the National Inventory of Architectural Heritage, (NIAH). The historic gates to this house are located on the southern side of the junction. Further to the south-west is the boundary wall to the Luttrellstown Castle Architectural Heritage Area, (ACA).

## 2.0 Proposed Development

- 2.1. The applicant is applying for a licence to the erection and operation of an infrastructure pole from November 2020 to November 2030. The development

proposal is for the installation of an 15m freestanding galvanised pole with a diameter of 324mm to 402mm and with internal cables.

- 2.2. An antenna would be fixed to the pole at a height above 12m and would be shrouded in a sheath to match the pole. A 300mm dish would be fixed to the pole at a height of 13m if no fibre infrastructure was available in the area.
- 2.3. A ground mounted cabinet with a footprint of 0.92m<sup>2</sup> and a height of 1.649m would be installed beside the pole, (c. 0.4m to the south), and would have a metal or light grey finish.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The PA decided to refuse permission for one reason.

1. Having regard to the nature and height of the proposed communication infrastructure, the Community Infrastructure, Open Space and High Amenity zonings of lands adjoining the site, its proximity to Protected Structures and to the Luttrellstown Castle Architectural Conservation Area, it is considered that the proposed mast will damage the visual amenity of the area, would be contrary to the objectives of the Fingal County Development Plan 2017-2023 in respect of telecommunications antennae, in particular with Objectives IT07 and DMS143-145, and would be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The report of the Planning Officer dated the 25<sup>th</sup> February 2021 informed the decision of the PA and includes the following:

- The area subject to this licence application is immediately adjacent to and area with the 'CI' – Community Infrastructure zoning objective.  
Telecommunications Infrastructure are not listed as a class of development

that are 'Permitted in Principle' or 'Not Permitted'. Therefore, the development will be assessed in terms of its contribution to the zoning objective.

- Lands on the opposite side of the road and to the east of the site are zoned 'OS' – Open Space. Directly to the south of the site and on the opposite side of Luttrellstown Road the land is zoned 'HA' – High Amenity.
- The site is c. 80m to the north-east of the Luttrellstown Castle estate which contains a number of Protected Structures and is also an Architectural Conservation Area, (ACA).
- The site adjoins the Protected Structure of Home Villas, (RPS Ref. 727), and is in close proximity to the other Protected Structures of The Gables, (RPS Ref. 945) and Annfield, (RPS Ref. 728).
- The applicant has failed to demonstrate full compliance with the applicable objectives, DMS143, DMS144 and DMS145.
- It is accepted that the mast will provide a significant benefit to the area through improved mobile and wireless broadband service which will address the weak signal area / blackspot in the greater Blanchardstown area and specifically in Clonsilla. However, this must be balanced against the impact on the visual and residential amenity of the area.
- The mast would contribute to visual clutter in the area and would be visually obtrusive within the peri-rural area, adjacent to residential development.
- The PA is not satisfied that the proposed development would not adversely affect the character and setting of Protected Structures and the built heritage in the environs of the site.

### 3.2.2. Other Technical Reports

#### Conservation Officer –

- The site adjoins the Protected Structure of Home Villas, (RPS Ref. 727), and is in close proximity to the other Protected Structures of The Gables, (RPS Ref. 945) and Annfield, (RPS Ref. 728). On the opposite side of Luttrellstown Road is the boundary to Luttrellstown Castle, which is an ACA.

- The documentation has not included any assessment on its impact on the surrounding historic structures. In order to fully assess the impact an Architectural Heritage Impact Assessment is required.
- Planning permission was recently refused on under FW20A/0028 on lands adjoining the site for an all-weather pitch with flood lighting and security fencing for reasons including the detrimental impact on the protected architectural heritage.

Water Services Department – No objection.

### 3.3. Prescribed Bodies

No responses.

## 4.0 Planning History

On the adjoining site:

**FW20A/0028** - Planning permission refused by the PA for a synthetic grass football pitch (100mx64m), Eight floodlights (15m High, 400 Lux), Perimeter sports fencing (2.4m High) with ball-retention netting over (to 8m High) along with associated ancillary siteworks. The PA gave five reasons for refusal.

1. The proposed development consists of a Recreational Facility/Sport Club use on a Community Infrastructure land use zoning objective as provided for in the Fingal Development Plan 2017-2023. This would be prejudicial to the future expansion or provision of educational uses on the educational campus adjoining the site and taking account of zoned open space on adjoining LAP lands which seeks to facilitate this type of use. The development proposed would therefore contravene materially the Community Infrastructure development objective contained in the Fingal County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. The development, adjacent to protected structures RPS 727 Home Villa and RPS 723, Luttrellstown Castle, by virtue of its bulk, scale and mass is

unacceptable in the context of its impact on the special architectural, historical, cultural and social interest and setting of these protected structures. The proposed development if permitted would contravene materially Objective CH20, of the Fingal Development Plan 2017-2023, would set a poor precedent for other similar development and therefore would be contrary to the proper planning and development of the area.

3. The proposed development is situated in close proximity to the Rustic Gate lodge entrance to Luttrellstown Demesne and would adversely affect the Luttrellstown Demesne Architectural Conservation Area by detracting significantly from its setting. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. The proposed development, by virtue of its height, scale bulk and mass, would be visually intrusive, and physically imposing on both the Luttrellstown Road and the Porterstown Link Road to the south and east of the proposal. The proposed development if permitted would contravene materially policies PM31 and PM 33 of the Fingal County Development Plan 2017-2023.
5. The proposed development by virtue of its height, scale, lighting, bulk and mass, would, if permitted, seriously injure the amenities of property in the vicinity.

## **5.0 Policy Context**

### **5.1. Fingal County Development Plan 2017-2023**

The subject site is located on unzoned lands directly adjoining the public footpath at the Porterstown Link Road and Luttrellstown Road junction, (Map 13, Fingal Development Plan 2017-2023).

Lands adjoining the site to the north and west are zoned objective 'CI' – Community Infrastructure, to 'Provide for and protect civic, religious, community, education, health care and social infrastructure'.

On the opposite side of the junction and to the east, the land adjoining the public road is zoned 'OS' – Open Space. The same zoning applies to lands to the south of Luttrellstown Road with a portion of this land also zoned 'HA' – High Amenity.

There are a number of Protected Structures in proximity to the site. The closest Protected Structures are;

- Home Villa - RPS Ref. 727 - a four-bay, two storey 19<sup>th</sup> century former presbytery located c. 110m to the north of the subject site.
- Annfield – RPS Ref. 728 – a five-bay, two-storey over basement 18<sup>th</sup> century house located c. 98m to the north-east of the subject site.
- St. Mochta's Church – RPS Ref. 729 – a late 19th century Gothic style Roman Catholic Church located c. 197m to the south-east of the site on the southern side of Luttrellstown Road.
- The Gables – RPS Ref. 945 – a detached three-bay, single-storey house mid-19<sup>th</sup> century house with distinctive advanced gabled-fronted bays added in the late 19<sup>th</sup> century. The house is located c. 250m to the north-west of the site.
- The Luttrellstown Demense ACA is located c. 80m to the west of the site.

#### **Map Based Objectives;**

- A number of Local Objectives are shown in proximity to the subject site;
  - Local objective 147 relates to the lands adjoining the site to the north and west and seeks to *'Provide integrated school and community/recreational facilities which may be developed in advance of the LAP'*.
  - Local objective 150 relates to lands to the south of the site and along Rugged Lane and seeks to *'Develop a pedestrian access route from the Luttrellstown Road via Porterstown Park to the Lower Road and Anna Liffey Mills'*.
  - Local objective 151 seeks to provide a public car park to the south east of the site.
- A reservation for a Light Rail Corridor is shown on the Dev Plan Maps – travelling north up Porterstown Road and across the lands zoned Open Space to the south.

- An indicative Cycle/ Pedestrian Route is also shown to the front of the site, along Porterstown Road and Luttrellstown Road.

## **Section 7.4 – Information and Communications Technologies**

- **Objective IT01** - Promote and facilitate the sustainable delivery of a high-quality ICT infrastructure network throughout the County taking account of the need to protect the countryside and the urban environment together with seeking to achieve balanced social and economic development.
- **Objective IT05** - Provide the necessary telecommunications infrastructure throughout the County in accordance with the requirements of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities July 1996 except where they conflict with Circular Letter PL07/12 which shall take precedence, and any subsequent revisions or additional guidelines in this area.
- **Objective IT07** - Require best practice in siting and design in relation to the erection of communication antennae.
- **Objective IT08** - Secure a high quality of design of masts, towers and antennae and other such infrastructure in the interests of visual amenity and the protection of sensitive landscapes, subject to radio and engineering parameters.

## **Chapter 12 – Development Management Standards**

**DMS143** - Require the co-location of antennae on existing support structures and where this is not feasible require documentary evidence as to the non-availability of this option in proposals for new structures.

**DMS144** - Encourage the location of telecommunications based services at appropriate locations within the County, subject to environmental considerations and avoid the location of structures in fragile landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved.

**DMS145** - Require the following information with respect to telecommunications structures at application stage:



- Demonstrate compliance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment in July 1996 and / or to any subsequent amendments, Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation and to such other publications and material as maybe relevant in the circumstances.
- Demonstrate the significance of the proposed development as part of a national telecommunications network.
- Indicate on a map the location of all existing telecommunications structures (whether operated by the applicant or a competing company) within a 1km radius of the proposed site.
- Where sharing is not proposed, submit documentary evidence clearly stating the reasons why it is not feasible to share existing facilities bearing in mind the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation.
- Demonstrate to what degree there is an impact on public safety, landscape, vistas and ecology.
- Identify any mitigation measure.

## 5.2. National Guidance

### 5.2.1. National Planning Framework – Project Ireland 2040

**Objective 24** – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

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

The guidelines aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.

**4.3 – Visual Impact** - The guidelines note that visual impact is one of the more important considerations which have to be taken into account and also that some masts will remain quite noticeable in spite of the best precautions.

**4.5 – Sharing Facilities and Clustering** – Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

#### 5.2.3. **DoECLG Circular Letter PL07/12**

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition.

It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, *‘Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process’*.

#### 5.3. **Natural Heritage Designations**

5.3.1. No designations apply to the subject site.

#### 5.4. **EIA Screening**

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development is not listed in either Part 1 or Part 2 of Schedule 5, Planning and Development Regulations 2001 (as amended), which sets out the types and thresholds of development that requires a mandatory EIA. The proposal has also been assessed against the criteria outlined in Schedule 7 of the Planning and Development Regulations 2001 (as amended). and the provisions of Article 109, (3) of the Regulations. do not apply to the site and it has and does not warrant an EIA based on the criteria listed.

- 5.4.2. Under the provisions of Article 109, (3) of the Regulations, it is noted that the site is not located within a European site, is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below.
- 5.4.3. The proposed development is minor in nature and scale and not require any ground works or significant construction. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case. (See Preliminary Examination EIAR Screening Form).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal include the following;

- Post- Covid there has been a significant increase in the requirement for seamless indoor coverage to facilitate home workers and small businesses.
- The planning process needs to be cognisant of the demands placed on the existing network infrastructure, particularly in areas of residential development such as Porterstown, which is also earmarked for more development.
- Localised slimline poles are considered to be less visually intrusive on suburban landscapes than largescale masts and monopoles and in certain cases, less visually intrusive than exposed rooftop antennas.
- Visual impact assessments indicate that, while the pole may be visible to varying extents, it is not predicted to have more than a slight impact and will not dominate its receiving environment.
- An Architectural Heritage Impact Assessment was prepared by Southgate Associates, Heritage Conservation Specialists, and was submitted with the appeal. The findings can assure the Board that there will be no perceptible

impact on the nearby protected structures and the ACA that will leave a lasting scar on the historic neighbourhood.

- The design of the pole is in keeping with its proposed setting, along a roadside in proximity to contemporary infrastructure.

## 6.2. **Planning Authority Response**

- A response was received from the PA on the 26<sup>th</sup> July 2021 and stated that the PA had no further comment to make.

## 6.3. **Observations**

- No observers.

## 7.0 **Assessment**

7.1.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Legislative Context
- Principle of development
- Justification for development
- Visual Impact
- Impact on Architectural Heritage
- Appropriate Assessment

## 7.2. **Legislative Context**

7.2.1. Legislative Context 7.2.1. Section 254(1)(ee) of the Planning & Development Act, 2000 (as amended), states that a person shall not erect, construct, place or maintain overground electronic communications infrastructure and any associated physical

infrastructure on, under, over or along a public road save in accordance with a licence.

- 7.2.2. Section 254(6)(a) states that a person may appeal to the Board in relation to the refusal of a licence.
- 7.2.3. Section 254(5) states that, in considering an application for a licence, the planning authority, or the Board on appeal, shall have regard to:
- (a) The proper planning and sustainable development of the area,
  - (b) Any relevant provisions of the development plan, or a local area plan,
  - (c) The number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
  - (d) The convenience and safety of road users including pedestrians.
- 7.2.4. In this instance the applicant is applying for a licence for a duration of 10 years.

### **7.3. Principle of development**

- 7.3.1. Map 13 of the Fingal Development Plan 2017-2023 is the relevant land use zoning map for the area. On this map the subject site is located on unzoned land directly adjoining the public footpath along the Porterstown Link Road. Although the site is technically unzoned land, given its context and proximity to adjoining land, it is reasonable to consider the impact of the proposal on the adjoining land in terms of its zoning objective.
- 7.3.2. Lands adjoining the site to the north and west are zoned objective 'CI' – Community Infrastructure, to 'Provide for and protect civic, religious, community, education, health care and social infrastructure'. A Utility Installation is listed as permitted in principle in the CI zoning.
- 7.3.3. Land adjoining the public road on the eastern side of the road is zoned 'OS' – Open Space. The same zoning applies to lands to the south of Luttrellstown Road with a portion of this land also zoned 'HA' – High Amenity.
- 7.3.4. I am satisfied that the principle of the development is acceptable and that it can be considered on its own merits and against the policies and objectives of the Development Plan and national guidance.

#### **7.4. Justification for development**

- 7.4.1. The applicant is a European Telecommunications infrastructure provider, which specifically facilitates co-location to the communications sector in Ireland and Europe. It is planned to add new developments to support the ongoing infrastructural requirements of the telecommunications industry and to facilitate the provision of broadband in 'black spot' areas and to facilitate higher data transmission speeds in urban areas.
- 7.4.2. As part of Eir's continuing rollout of their 3G and 4 G network they require a site in the Luttrellstown area to improve service to the surrounding area. Eir's current coverage in this area, specifically around Luttrellstown Road, Diswellstown Road, Annfield, Woodbrook and Fernleigh, currently experience a reduced quality of service and capacity. A mobile base station would greatly improve service in the area.
- 7.4.3. The application states that four other locations in the area were considered. These sites were discounted as commercial agreements and leases could not be agreed and a previous application was refused by Fingal County Council under Ref. S254/02/20. The subject site was chosen for the following reasons;
- It is close to the centre of the search ring, (i.e. the area within which a telecommunications service support structure should be located to meet engineering requirements to improve service, taking into account factors including topography and the demographics of the service area).
  - There is sufficient space for the pole and the cabinet,
  - The pole will blend in with the other street poles,
  - There is a fibre connection at the site,
  - This location would allow for improved services,
  - The location would not interfere with existing services.
- 7.4.4. I have reviewed the ComReg coverage maps for the subject site and the surrounding area. It is clear from these maps that the Eir service for 3G and 4G in the areas to the north and north-east of the site could be improved. Within the area immediately

adjoining the subject site, Eir's 4G coverage is categorised as 'Fair', which is defined as, *'Fast and reliable data speeds may be attained, but marginal data with drop-outs is possible at weaker signal levels'*.

- 7.4.5. As noted by the applicant, there are gaps in the service around Luttrellstown Community College and Community National School, Annfield and to the north of Diswellstown Road. These areas have 4G coverage that is shown as 'Fringe', which is defined as, *'Disconnections likely to occur'*. Some of the other providers currently provide a better 4G service to these areas. However, the maps also show gaps in 4G services at different locations within the area.
- 7.4.6. Having reviewed the information contained within the application and the existing coverage information available on the ComReg website, I am satisfied that the proposed development is justified and would help to improve the existing 3G and 4G service to the surrounding area. I note that consideration was also given to alternative sites in the location, all of which were discounted for various reasons and one of which was refused a licence by the PA. I am satisfied that in the absence of suitable alternative sites, the subject site can be considered and assessed based on its merits.

## 7.5. Visual Impact

- 7.5.1. The applicant has prepared two visual impact assessments. These include photomontage images from a total of 21 vantage points in the area surrounding the site. The first visual assessment was submitted to the PA and included photomontages from 11 points within a 100m, 200m and 300m radius of the proposed development. Findings showed that the proposed pole would be clearly visible from 3 of the 11 locations, all of which were within the 100m radius. The proposed pole was partially visible from an additional 5 locations, most of which were located within the 200m radius with one location within the 300m radius. The pole was not visible from the remaining three locations surveyed.
- 7.5.2. It is evident from the photomontages and from the site inspection that the visual impact of the proposal would be most pronounced from areas in close proximity to the subject site. Lands to the north and east of the site are developed with a mix of

residential and educational / community uses. Within the context of the site, the most sensitive receptor would be the residential development.

- 7.5.3. Astogob House is the closest residential development to the site and is located c. 58m to the south-west and on the opposite side of Luttrellstown Road. The house does not directly face onto the site and as such would not have direct views of the pole. The development would be visible from the open space to the front of the site and adjacent to Luttrellstown Road but views would be partially obscured by the boundary planting and trees.
- 7.5.4. The Annfield housing development is located to the north-east of the site, on the opposite side of the Porterstown Link Road. The closest house in this development is c. 70m away from the subject site and does not directly face towards the site. The proposed development would be partially visible from the open areas within the Annfield development. However, views would be intermittent, and the lower section of the pole would be partially obscured by existing trees and planting.
- 7.5.5. I am satisfied that the proposed development would not have a significant and negative visual impact on existing residential development given the orientation of the developments and the separation distances between them and the site.
- 7.5.6. The educational and community buildings to the north-west of the site would have direct views of the pole from the open areas to the front and rear. However, given the nature of the development it is not deemed to be a sensitive receptor. Furthermore, the proposal would not have a negative visual impact on the development given the nature of the junction and the existing street furniture, which includes traffic light, street lights and utility poles along the boundary to the educational campus.
- 7.5.7. In response to comments from the PA, a second visual impact assessment was prepared and submitted with the appeal. This assessment focused on the impact of the proposal on the protected structures which are in close proximity to the site. An additional ten locations were included in this assessment and relate directly to views of the proposal from the protected structures. The results of the assessment show that the proposed pole would be visible and partially visible from the three locations within the open space adjoining Annfield House, (RPS Ref. 728), to the east of the site. It would also be partially visible from St. Mochta's Church, (RPS Ref. 729), on



Luttrellstown Road, from the entrance to the Gables, (RPS Ref. 945), to the west of the site and also from the curtilage of the Luttrellstown Castle estate ACA. The pole would not be visible from the entrance to Home Villa, (RPS Ref. 727), to the north of the site and from the entrance to the car park at Luttrellstown Castle estate.

- 7.5.8. The impact of the proposed development on the character and setting of the protected structures and the nearby ACA will be assessed in full in Section 7.6 below. Having reviewed all of the information submitted with the appeal and visited the site and the surrounding area, I am satisfied that the photomontages prepared from each of the viewpoints clearly show that the pole would not result in a negative visual impact when viewed from the protected structures by virtue of the separation distances between the protected structures and the site, the existing planting and trees and the context of the existing street furniture and poles when viewed from afar.
- 7.5.9. The subject site is located at a busy junction on the edge of a peri-urban area. Existing street furniture around the site include traffic lights, a pedestrian crossing, directional signage and some low-level utility cabinets. Views from the wider area would be intermittent or partially obscured by trees and planting. Whilst the pole would be clearly visible from the approach roads in close proximity to the junction, it would not be out of character with the existing utility infrastructure in place in the junction. The width of the junction would allow for a pole of a larger scale and would also accommodate the additional infrastructure without becoming too cluttered. Furthermore, the proposed grey finish of the pole would help it to blend into the skyline.
- 7.5.10. On balance, the visual impact of the proposal on the immediate area, which would be partial and intermittent, should be considered with the context of the busy road junction and the improvement in 4G services to the surrounding residential and community development to the north of the site.

## **7.6. Impact on Architectural Heritage**

- 7.6.1. The subject site is not located within an ACA, or in the curtilage of a protected structure or any building listed on the National Inventory of Architectural Heritage, (NIAH). As such there will not be a physical impact on any structure or location

conferred with protection status. However, the site is in close proximity to four protected structures and to the north-eastern section of the Luttrellstown Castle ACA. In order to respond to concerns raised by the PA, an Architectural Heritage Assessment, (AHA), was prepared by Southgate Associates, Heritage Conservation Specialists and was submitted with the appeal. A Line of Sight, (LoS), assessment was also prepared for each of the protected structures to fully understand the impact of the proposal on their aspect and setting.

- 7.6.2. It is noted in the AHA that, whilst the number of protected structures in proximity to the site is relatively high, their original settings have been altered over time. The closest protected structures to the site are Annfield House and Home Villa. Neither of these historic houses retain their original setting and associated curtilage.
- 7.6.3. Home Villa is located c. 111m to the north of the site and its historic curtilage has been separated from the house by a 20<sup>th</sup> century stone wall. Annfield House is c. 90m to the north-east of the site and its historic setting has been much impacted over the years through the development of the Annfield and Fernleigh housing estates. The area of Luttrellstown Castle ACA closest to the subject site has also been impacted as a club house and car park have been constructed behind the tall historic walls along the northern boundary.
- 7.6.4. As noted in Section 7.5, the proposed development will be visible from some of the surrounding protected structures. A Line of Sight, (LoS), survey was also prepared for each of the closest protected structures, including Astogob House, which is no longer listed on the RPS but is listed on the NIAH. The section of the Luttrellstown Castle ACA closest to the subject site was included in the LoS survey.
- 7.6.5. The results of the survey show that within the ACA there would be no impact anticipated from Golf Club Tee's 1 and 2 and the driving range, as the line of sight from these locations would be directed away from the site. The same is true of Annfield House, which is orientated to face south onto Luttrellstown Road. The side of the house does not directly oppose the site and the boundary around the house and along the roadside contains mature trees which provide good screening from the surrounding housing estate and roads. Home Villa is orientated to face onto the Porterstown Link Road but also has some windows on the side elevation that look towards the subject site. However, the existing boundary planting would shield direct

views of the lower structure of the pole and this direction is the secondary aspect from the house.

7.6.6. The Gables is located c. 240m to the to the west of the site and would have the most direct line of sight as the house is orientated to face towards the subject site. The boundary treatment to the front of the house is open in nature and does not include continuous large-scale planting or trees. However, the front of the house is c. 240m from the subject site and views towards the site currently include existing street poles at the junction. The AHA concludes that *‘the visual impact of the proposed roadside streetpole will not negatively impact on a proper understanding of the historic setting of the ACA and the protected structures and associated views from them’*.

7.6.7. Having visited the area and reviewed the information at hand, I am satisfied that the proposed development will not have a negative impact on the character and setting of the nearby protected structures or the ACA, by virtue of the separation distances between the sites and the existing landscape character of the subject site and the adjoining area. It is also noted that the primary aspect from all but one of the protected structures is not directed towards the proposed development and as such the development will not form part of the primary focus when viewed from the protected structures.

## 7.7. **Appropriate Assessment**

7.7.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

7.7.2. The proposed development is for an 15m monopole with pole mounted telecommunications infrastructure and supporting ground mounted infrastructure. The development site is adjacent to a public road on the outskirts of an urban village and does not require any ground works, new access roads or water connections.

- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.7.4. Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development and the location of the site in a developed utility compound with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that a licence be granted subject to conditions, for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended), national, regional and local policy objectives as set out in the Fingal County Development Plan 2017-2023, Objectives IT01 and IT07, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the Fingal County Development Plan 2017-2023, would not be seriously injurious to the amenities of the area, architectural heritage or residential amenity in the vicinity, would not interfere with the convenience and safety of road users including pedestrians and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The licence shall be valid for a period of 10 years from the date of this Order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.</p> <p><b>Reason:</b> To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.</p>
2.	<p>The antenna type and mounting configuration shall be in accordance with the details submitted with this application for a licence, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p><b>Reason:</b> 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</p>
3.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of public health and to prevent flooding.</p>
4.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public safety</p>

5.	<p>Details of the proposed colour scheme for the pole, antennas, equipment containers and any perimeter fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
6.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme, details of which shall be submitted to and agreed in writing with planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
7.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>

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Elaine Sullivan  
 Planning Inspector

29<sup>th</sup> November 2021