



An
Bord
Pleanála

Inspector's Report

ABP-311529-21

Development	Section 254 Licence to install free-standing street pole with shrouded antenna.
Location	Grass verge along Ballycullen Road, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	S25421/03
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Section 254 Licence.
Planning Authority Decision	Grant
Type of Appeal	First / Third Party
Appellant(s)	Ciara Rushchitzko (on behalf of Rathlyon Residents)
Observer(s)	None
Date of Site Inspection	23 rd March 2022
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Ballycullen Road, in Ballycullen, Dublin 24. This section of the road is a tree lined avenue and within an existing residential area. It travels in a north - south direction and connects to the R113 Regional Road (Killinniny Road / Saint Colmcille's Way) roughly 200m north.
- 1.2. There is a pedestrian footpath and grass verge running alongside Ballycullen Road on its western side and the appeal site is within the grassed strip. There are tall lamp standards and road / directional signage present in both the immediate and wider surrounding vicinity, including around the Ballycullen Road / Daletree Drive Roundabout, which is roughly 30m north of the site.
- 1.3. The character of the area is mainly residential and commercial. Woodstown Shopping Centre is approximately 100m to the north.
- 1.4. The site is owned by South Dublin County Council.

2.0 Proposed Development

- 2.1. The Applicant is seeking approval for a Section 254 Licence, comprising an 15m high freestanding telecommunications monopole together with shrouded antenna, internal cabling, dish, equipment cabinet, and associated operating works.
- 2.2. The monopole would be approximately 0.4m at its widest point and cables housed internally.
- 2.3. The purpose of the proposed infrastructure is to provide improved, high quality network coverage for the surrounding area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted the Section 254 Licence on 6th August 2021, subject to 20 no. conditions in September 2020, which are generally standard in nature. Notable conditions include:

- Condition No. 5 specifies that the duration of the licence is for three years only.
- Condition No. 6 states that the Planning Authority reserves the right to withdraw the licence in accordance with section 254(4) of the Planning and Development Act, 2000, as amended.
- Condition No. 8 requires that in the event of obsolescence, or withdrawal or expiry of the license without renewal, the telecommunications streetpole, antenna, and associated operator cabinet shall be removed from the site.
- Condition No. 9 states that no additional dishes, antennae, or other equipment other than that demonstrated on the plans, particulars and specifications lodged with this Section 254 licence application, shall be attached to the telecommunications street pole and antenna without first obtaining written approval from the Planning Authority

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The street has been taken in charge by South Dublin County Council and is unzoned.
- Adjoining lands are zoned 'RES' – 'to protect and/or improve residential amenity'.
- Council policy is generally supportive of sustainable development of ICT infrastructure in the County subject to protecting the amenities of urban and rural areas. Section 11.6.2 of the County Development Plan sets out requirements for such proposals.
- Residential properties are located to the west and east of the site. The Applicant has provided a series of 20 no. views and CGIs within a 250m radius as well as elevations of the proposal. The report concludes that the 15m monopole would be visible from closeup but would be absorbed into the streetscape (currently featuring lampposts of similar height) and would not be detrimental to the visual amenities of the area. These conclusions are

accepted. It is considered that visually the structure would have an equivalent or only slightly greater impact than nearby lampposts.

- As per the South Dublin County Development Plan 2016 - 2022, the Applicant has submitted an assessment of other installations within a 2km radius. The Applicant has discounted each of these sites because they are not within the required 250m 'search ring'.
- Considering the proper planning and sustainable development of the area, in terms of visual impact, council policy on broadband and other relevant policies, the existing street furniture and services, and the convenience and safety of road users, the proposed development would be acceptable subject to the conditions attached herewith.

3.2.2. Other Technical Reports

Public Realm Department: Requested further information, including an Arboricultural Impact Assessment and consideration of visual mitigation measures, such as low or medium level planting, tree-like masts and painting the mast and antennae. The Planner's Report noted that such arrangements can be agreed with the public realm department via a condition. Any trees to be removed shall be replanted by South Dublin County Council and the Applicant shall reimburse the council for these works. This can also be guaranteed by condition.

Roads Department: No objection. However, the Applicant should confirm the layout of all underground services and submit revised proposals if the proposed development might interfere with any services. Can be dealt with by condition.

Broadband Officer: Recommends permission be granted.

EHO: No objection, subject to standard condition.

3.3. Prescribed Bodies

Irish Water: No report received.

3.4. Third Party Observations

None.

4.0 Policy Context

4.1. Planning Authorities on Telecommunications Antennae and Support Structures issued (1996)

- 4.1.1. The *'Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures'* (1996) set out government policy for the assessment of proposed new telecommunications structures ('the 1996 Guidelines').
- 4.1.2. The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.
- 4.1.3. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in a residential area. 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 proposed 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.
- 4.1.4. The Guidelines also state that visual impact is among the more important considerations which should be considered in arriving at a decision for a particular application. In most cases, the Applicant will only have limited flexibility as regards selecting a location given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.
- 4.1.5. The Guidelines state that the approach will vary depending on whether a proposed development is in:
- a rural/agricultural area;
 - an upland/hilly, mountainous area;
 - a smaller settlement/village;

- an industrial area/industrially zoned land; or
- a suburban area of a larger town or city.

4.1.6. The Guidelines also state that some masts will remain quite noticeable despite best precautions. For example, local factors must be taken into account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc. as a screen or backdrop.

4.2. **Circular Letter PL07/12**

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

4.3. **Circular Letter PL11/2020**

Circular Letter PL11/2020 'Telecommunications Services – Planning Exemptions and Section 254 Licences' was issued in December 2020.

It advises Planning Authorities that:

- Section 254 of the Act outlines the provisions in relation to the licensing of appliances and cables etc on public roads. Where development of a type specified in section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of the obtaining of a section 254 licence.
- A Section 254 Licence is required for overground electronic communications infrastructure, and its associated works, and that such works are exempt from planning permission.
- The exemptions for telecommunications infrastructure along public roads do not apply:
 - (a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.
 - (b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:

- 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.

4.4. **South Dublin County Development Plan 2016-2022**

Zoning

The site is unzoned.

Adjoining land is zoned 'RES' – 'to protect and/or improve residential amenity'.

Section 7.4.0 'Information and Communications Technology'

Policy IE4 Information and Communications Technology (ICT)

It is the policy of the Council to promote and facilitate the sustainable development of a high quality ICT network throughout the County in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.

IE4 Objective 1

To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County.

IE4 Objective 3

To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.

IE4 Objective 4

To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.

IE4 Objective 5

To actively discourage the proliferation of above ground utility boxes throughout the County and to promote soft planting around existing ones and any new ones that cannot be installed below the surface to mitigate the impact on the area.

Section 11.6.2

In the consideration of proposals for telecommunications antennae and support structures, applicants will be required to demonstrate:

- Compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (as may be amended), and to other publications and material as may be relevant in the circumstances,
- On a map, the location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation (2003),

- Degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc) and the potential for mitigating visual impacts including low and mid-level landscape screening, tree-type masts being provided where appropriate, colouring or painting of masts and antennae, and considered access arrangements, and
- The significance of the proposed development as part of the telecommunications network.

4.5. Natural Heritage Designations

There are no designated European sites within the vicinity of the site.

5.0 The Appeal

5.1. Grounds of Appeal

A Third Party Appeal was received from a resident in the area on behalf of Rathlyon residents on 30th September 2021. The appeal is signed by various households from nearby housing estates.

The main grounds of appeal can be summarised as follows:

- The address used by the Applicant is misleading. The subject site is not at Woodstown Shopping Centre. It is in a residential area separated by only a boundary wall.
- The subject site is within a residential zone.
- Fingal County Council refused a proposed section 254 licence for the installation of a similar communications infrastructure proposal at Huntstown Way, Huntstown, Dublin 15 (Reg. Ref. S254W/05/20, ABP Ref. ABP-308369-20). The Planning Authority refused the licence having regard to the nature and height of the proposed development, the residential zoning of the site, its proximity to existing residential properties, and that it would damage the visual and residential amenity of the area.

- A Visual Impact Assessment has not been completed looking at the effect/impact on the residents of Rathlyon and its surrounds. The images include views from the public road but not from the physical point of view of residents or their houses.
- The proposed structure would have a chaotic effect on cyclists, general traffic, and pedestrians. The road is not a suitable, safe, or viable location. Refer to photographs taken during normal morning commute times. It is evident that the proposed development is untenable.
- There is inadequate information available regarding services, drainage, trees, safety during works, timescales, maintenance, ownership, restrictions regarding telephone providers, 'adding to masts', costs, reinstatement of the area, construction noise and hours, and operating details regarding hours and noise.
- The proposed utility box would obscure visibility to oncoming traffic and cyclists.
- Not objecting to upgrading telecommunications infrastructure. However, the proposed location is not appropriate and alternative sites must be considered.
- The proposal is not in accordance with the 1996 Guidelines.

5.2. Applicant Response

The Applicant submitted an appeal response on 28th October 2022. The main issues can be summarised as follows:

- The licence is for a temporary duration and comprises a minimal utility development at a roadside location. It is subject to 20 no. conditions imposed by the Local Authority.
- Notable conditions include nos. 1, 2, 3, 7, 9, 10, and 11, which address issues such as location of the proposed development, visual impact, potential effect on traffic, pedestrians and cyclists, implications for trees, services, and operating times.

- It is accepted that the proposed location referenced as ‘Woodstown Shopping Centre, Ballycullen, Dublin 16’ was poorly described. However, this was not intended to be deliberately misleading or to distract the Planning Authority from the adjacent residential zoning. The site location is fully and accurately described by the Planning Statement and on the plans and drawings submitted with the original application. It was also accurately referenced on the Council’s website.
- The reference to the shopping centre was of no consequence to the Planner’s assessment and the public can be in no doubt as to the location of the subject site.
- The initial application showed the proposed monopole from 20 no. vantage points from within a 250m zone of visual influence surrounding the site. The close-up views show that the pole would be partially or fully visible from certain vantage points, but none would be unduly impactful. There are no direct views from surrounding residences.
- The Planner rightly considered the potential impact to be equivalent to that of the existing lamp posts in the area.
- The anticipated impact should be considered as slight to moderate. Overall, it is evident there would be no overly detrimental impact and that over time the street pole would become inconsequential to the general amenity of the area.
- The case cited by the Appellant, Reg. Ref. S254W/05/20, ABP Ref. ABP-308369-20, involved a different set of circumstances and is not reflective of the general approach to street poles in residential areas, or indicative of any prohibition on siting poles in proximity to residential development. For example, ABP Ref. 306033 was permitted by the Board and involved a s.254 licence for a similar type streetpole closer to residential development than the subject proposal and in an area of high scenic amenity. In any event, each s.254 proposal should be determined on its own merits.
- The proposed street pole would be located off the roadway, present no additional risk to the safety of movement of traffic in the area. There is no evidence that existing cabinets in the area have any negative effects on

visibility or present as a traffic hazard. The Council's Roads Department did not have any concerns from a road safety perspective.

- There are several safeguards applied under condition that would ensure the proposal would not present as a hazard either during construction or when the pole has been established.
- The adjacent cabinet has been kept to a minimum size and would not be a trip hazard. Its location within a grass verge alongside a footpath on unzoned land was specifically chosen so as to not interfere with traffic.
- The Applicant submitted a compliance document including all required information ensuring that the proposal would adhere to best practice.
- The 1996 Guidelines do not exclude siting telecommunications development in proximity to residential areas. When alternative sites are not available, the Guidelines recommend the use of streetpole solutions, such as that proposed.
- Section 3 of the Planning Statement submitted as part of the initial application lists the alternative locations examined within a 2km radius of the site and provides reasons as to why each site was discounted. Therefore, the suitability of alternative locations was considered, examined, and ruled out by the Applicant. The Appellant's request for a further examination of alternative sites is not required.
- The proposed development is consistent with the requirements of the network and there is a deficit in the provision of services in the immediate area.

5.3. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Planner's Report.

5.4. Observations

- None.

6.0 Assessment

- Residential Amenity
- Traffic
- Site Selection (Alternatives Considered)
- Other Issues
- Appropriate Assessment

6.1. Residential Amenity

- 6.1.1. The Appellant's main concern is the potential for visual and residential amenity impacts, arising due to the proposed development and that the Visual Impact Assessment completed by the Applicant is insufficient.
- 6.1.2. I acknowledge that the proposed monopole and ancillary equipment may have some potential impact on the local environment due to potential visual intrusion on the surrounding area, which is mainly a residential area. I also acknowledge that sites such as this, which are close to existing houses within a residential area, are particularly sensitive from both a visual and residential amenity perspective, as referenced in the 1996 Guidelines (Section 4.3). I note that the Appellant resides in Rathlyon Park, which is the housing estate directly west of the appeal site, and that several signatories to the appeal also live in the area, which is characterised mainly by two-storey, semi-detached dwellings.
- 6.1.3. In terms of the surrounding context, the proposed development would be situated along a busy public road near the roundabout connecting Old Ballycullen Road, Daletree Drive and Woodstown Avenue. During my site inspection, I noted that there are number of tall light poles in the area, some of which are roughly the same height as the proposed monopole and have a similar slender and modern appearance. There is also a tall boundary wall (2.5m approx.) running in a general north - south direction, west of the appeal site, along the rear gardens of Nos. 13 to 22 Rathlyon Park. The wall would impede views of the proposed equipment cabinet and lower / mid sections of the monopole.

- 6.1.4. The Applicant has submitted a Visual Impact Assessment (VIA) to aid in the visual assessment of the development proposal. The schematic elevation (3D aerial view) submitted as part of the original application also provides a graphic illustration of the proposed monopole in terms of its height and appearance against the backdrop of its receiving environment.
- 6.1.5. I note Appellant's concerns that the VIA includes no views from within the adjacent residential properties themselves. However, I consider that the viewpoints used in the assessment are sufficient to gauge the potential for visual impact on the surrounding environment. The VIA includes 20 no. viewpoints within a 250m radius of the site. The viewpoints are mainly from along Old Ballycullen Road to the north and south of the appeal site but are also to the east and west from locations within adjacent residential areas. Viewpoint Nos. 2, 3, 4, and 5 are from the west either within, or close to, Rathlyon Park. Views of the proposed monopole from these locations would mainly be of the top of the monopole only, or be impeded entirely.
- 6.1.6. I acknowledge the proposed monopole would be slightly more prominent than some of the existing structures in the vicinity, including overhead powerlines, street lighting poles, and road signage, I consider that it would not be so visually disruptive that it would seriously injure the visual and residential amenities of the receiving area. The development would take up a relatively small footprint and many views towards it would either be blocked and / or significantly reduced by the presence by trees, houses, boundary walls, or other features of the urban landscape that are typical in such an environment. This is particularly the case for longer distance perspectives, including Viewpoints 1, 5, 12, 13, 15 and 16, where only very a limited view, or no view at all, would be likely.
- 6.1.7. In other locations, closer to the appeal site, such as Viewpoints 11, 19, and 20, full visibility of the proposed development would be possible. However, I note that the 1996 Guidelines state that some masts will remain quite noticeable, even despite best precautions. In this regard, the proposed monopole adopts a slender appearance and, in my opinion, the Applicant has sought to minimise its potential for visual impact by selecting a streetpole of low to medium height. The Guidelines state that the height of telecoms support structures can range from 12m to 60m, although most typically will be between 20m and 40m. The proposed monopole is 15m and, therefore, lower by typical standards.

6.1.8. In summary, I do not consider that the proposed development would present as unacceptably overbearing or visually domineering in this setting and that the Applicant has employed appropriate design measures to reduce any such impacts from arising. I note that the Planning Authority included a condition in relation to the potential removal of trees to accommodate the proposal, which, if necessary, could be replanted by the Council at the Applicant's expense. The inclusion of such a condition would be appropriate, in my view.

6.1.9. Therefore, I consider the proposal to be acceptable from a visual impact and residential amenity perspective and that it is in accordance with the provisions of the County Development Plan, including Policy IE4 (Objectives 1, 3, and 4) and Section 11.6.2.

6.2. Traffic Hazard

6.2.1. The Appellant states that the proposed development would have a significant negative impact on cyclists, general traffic, and pedestrians. It is asserted by them that the adjacent public road is not a suitable, safe, or viable location for the proposed development. A series of photographs have been submitted as part of the appeal to assist this argument.

6.2.2. Having inspected the site, and assessed the information on file, I do not consider that the proposed development would create an obstruction to road users, or that it would endanger public safety by reason of being a traffic hazard. I note that the proposed monopole and cabinet would be situated off the roadway and adjacent footpath. There is no evidence before me to suggest that either component would present any additional risk to the safe movement of traffic in the area.

6.2.3. I do not consider that the proposed development – which is relatively typical and commonplace in an urban environment such as this, in my opinion – would negatively affect visibility, block sightlines, or present as a traffic hazard, by way of distracting motorists, cyclists, or other road users. Furthermore, there is no potential for the proposed structures to force vulnerable road users out onto the public road as the footpath and grass verge at this location is relatively wide.

6.2.4. I note also that the Council's Roads Department did not have any concerns from a road safety perspective. It is stated in their interdepartmental report that 'the location

is the grass verge on the Ballycullen Road. The footpath is 2.8m wide at the site of the pole' and that they had had no objection to the proposed development.

- 6.2.5. In summary, I consider that given the proposed location, nature, size, and appearance of the proposed development, that it would not endanger public safety by reason of being a traffic hazard.

6.3. Site Selection (Alternative Locations)

- 6.3.1. The Applicant states that they are upgrading their network in Dublin to provide customers with better quality mobile and wireless broadband services. I have viewed the ComReg Outdoor Coverage Map for 3G and 4G coverage for the site and its surrounding vicinity.
- 6.3.2. There is a clear and demonstrable need for the delivery of network improvements in both mobile and broadband coverage in this area. This is shown to be the case in the documentation submitted with the planning application, and supported by the online ComReg mapping system, where it is shown there is a drop off in the quality of network signal. I note that national and local planning policy seeks to support and encourage new telecommunications infrastructure in such circumstances.
- 6.3.3. The Telecommunication Guidelines and Planning Circular PL07/12 encourages co-locating antennae on existing support structures and requires documentary evidence of the non-availability of this option for proposals for new structures. It also states that the shared use of existing structures will be required where there is an excessive concentration of masts located in a single area.
- 6.3.4. Telecommunication facilities are encouraged to primarily locate within existing industrial estates, or industrially zoned land, in the vicinity of larger suburban areas or towns, insofar as this is possible. However, there are no industrial estates in the vicinity of the appeal site or its surrounds.
- 6.3.5. A total of 6 no. alternative sites were identified as part of the Applicant site selection study within the 250m search ring, including Firhouse Carmel Football Club (Site A), near Ballycullen Medical Centre (Site B), and Connolly's Pub, Ballycullen Avenue (Site C), and others. It is clearly demonstrated within the application, however, that whilst such locations were duly considered by the Applicant, none were suitable as they were too far removed from the required search area to offer a viable solution.

- 6.3.6. Having reviewed the material contained within the application, appeal submission, and the existing coverage information that is available on the ComReg website, I am satisfied that alternative sites had been duly considered by the Applicant, the proposal is justified, and that it would help to improve the existing 3G and 4G service coverage for the region.
- 6.3.7. In summary, I consider that the Applicant has provided adequate technical justification showing that there are service deficiencies in the area, which would be resolved by the proposed development. The proposal is consistent with IE4 Objective 4 and Section 11.6.2 of the Development Plan, and the 1996 Guidelines, which require co-location of antennae on existing support structures, but that where this is not feasible to submit evidence of the non-availability of this option.

6.4. **Other Issues**

Description of Subject Site

- 6.4.1. The Appellant states that the reference to the site's location being at Woodstown Shopping Centre is misleading. In my opinion, whilst this may have been a poor description for the subject site, I do not believe the Applicant intentionally set out to misrepresent the proposed development.
- 6.4.2. I note that the Applicant included a clear and unambiguous description of the site and proposed development in the plans and particulars accompanying the licence application. The Planning Statement submitted with the original planning application included various maps, images, and diagrams to describe the site and its receiving environment in a visual and physical sense, and I note that the VIA referenced the site correctly as well. I note that the that note that the Planning Authority also considered the information acceptable.
- 6.4.3. Furthermore, having physically visited the site, and completed a visual inspection up close and from the surrounding vicinity, I consider the visualisations to be an accurate portrayal of the subject site's location and how the proposed development would appear as if constructed.
- 6.4.4. Therefore, having regard to the above, I do not consider that the proposed development has been misrepresented and I am satisfied that the Applicant's reference to Woodstown Shopping Centre, whilst erroneous, has not prevented the

concerned party from making representations and that it should have no material bearing on the assessment of the proposal.

6.5. Appropriate Assessment

- 6.5.1. Given the nature and scale of the development proposed, which is for a telecommunications support structure, equipment cabinet, and ancillary works, and the separation distance from the nearest Natura 2000 site, it is considered that the proposal would not be likely to have a significant effect individually or in combination with other plans and projects on a European site and there is no requirement for a Stage 2 Appropriate Assessment.

7.0 Recommendation

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

8.0 Reasons and Considerations

Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended), the South Dublin County Development Plan 2016-2022, and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively); it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the visual or residential amenity of the area, or of properties in the vicinity, would not endanger public safety by reason of traffic hazard, and would be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with
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	<p>the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The license shall be valid for five 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>Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.</p>
3.	<p>a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>b) If the applicant intends to omit the existing tree an arborist report shall clearly demonstrate and outline the reasons for omitting or pruning the tree. The applicant shall reimbursement the Planning Authority for the loss and replanting of the tree. SDCC will then replant tree in the locality to ensure the tree population in SDCC is maintained to a high standard.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.</p>

4.	<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>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
6.	<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>Reason: In the interest of public safety.</p>

Ian Boyle
 Planning Inspector

29th March 2022