



An
Bord
Pleanála

Inspector's Report

ABP-311787-21

Development	S.254 licence application for telecommunications infrastructure
Location	Laurel Lodge Shopping Centre, Blanchardstown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254W/02/21
Applicant(s)	Signal Infrastructure (Cellnex Telecoms)
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse Licence
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure (Cellnex Telecoms)
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 on the northwestern side of Laurel Lodge Road, adjacent the Laurel Lodge Shopping Centre, in Blanchardstown, Dublin 15. It is situated within a grass verge amongst a line of semi-mature planted trees. A pedestrian footpath runs in between the appeal site and the shopping centre, which is to the northwest.
- 1.2. The character of the area mainly comprises residential and commercial retail uses. However, there is also a church and community centre to the west of the site, a crèche further to the northwest, and a primary school to the north/northwest. The shopping centre and its associated car park are situated between the appeal site and crèche and school.
- 1.3. There are tall lamp standards and signage present in both the immediate and wider surrounding vicinity, including in and around the shopping centre and shopping car park, the entrance / exit to the shopping centre, and along Laurel Lodge Road.
- 1.4. The site is owned by Fingal 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 cabinet would be approximately 1.9m wide, 1.7m high and 0.8 deep.
- 2.4. 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

The Planning Authority refused the Section 254 Licence for one reason, which was, having regard to the nature and height and prominent location of the proposed communication infrastructure, the extant permission for a similar structure (Reg. Ref.

FW18A/0007), the location of the site in proximity to existing residential properties, it was considered that the proposed mast would have a cumulatively negative impact upon the visual and residential amenity of the area, be contrary to Objectives IT07 and IT08 of the Fingal County Development Plan 2017-2023 and, therefore, would be against the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The following main comments were made in the assessment section of the Report:

- The proposed development is similar to another telecommunications mast, previously granted by the Board under ABP Ref. PL301354-18. In this case, the Board considered that the structure while noticeable, it would not be intrusive or seriously impact the visual amenities or character of the area.
- The Applicant has submitted details of four sites within the weak signal area / 'blackspot', which the proposed mast is intended to serve, and which were considered to accommodate the subject development, including co-location upon existing telecoms infrastructure and various reasons for rejecting these locations.
- It is accepted the proposed mast would benefit the area through improved mobile and wireless broadband services. However, this benefit would also be achieved through the delivery of the mast permitted under Reg. Ref. FW18A/0007 (ABP Ref. PL301354-18). The permission does not expire until February 2024. Thereby, a situation could exist whereby two 15m high masts are proximate to each other.
- The Visual Impact Assessment does not show the other permitted mast.
- The surrounding area includes a residential area to the east, a local centre to the west, and a church and community centre to the south.
- The proposed mast would be considerably higher than nearby public lighting standards and when considered in conjunction with the previously permitted structure it would be unduly visually obtrusive and would negatively impact the visual amenities of the area.

3.2.2. Other Technical Reports

Water Services: No objection.

Transportation Planning Section: No objection, subject to standard conditions, including that the proposed equipment should not be located within the visibility splay of the adjacent road and access to the shopping centre.

Parks and Green Infrastructure: No objection. Requests conditions regarding the potential removal and planting of new street trees to accommodate the proposed development, if permitted.

4.0 Planning History

ABP Ref. PL301354-18 (Reg. Ref. FW18A/0007)

Permission granted in November 2018 for the erection of a 15m shrouded monopole structure carrying telecommunications equipment, together with associated exchange cabinets (2 no.) and fencing.

5.0 Policy Context

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

- 5.1.1. 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').
- 5.1.2. 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.
- 5.1.3. 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.

5.1.4. 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.

5.1.5. 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.

5.1.6. 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.

5.2. **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.

5.3. 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:

- c) the proper planning and sustainable development of the area,

- d) any relevant provisions of the development plan, or a local area plan,
- e) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- f) the convenience and safety of road users including pedestrians.

5.4. Fingal County Development Plan 2017-2023

Zoning

The appeal site is not zoned and is located on the edge of a public road.

The closest zoned land is that associated with the shopping centre, which is 'LC – Local Centre', under which telecommunications structures are permitted in principle.

Indicative Cycle / Pedestrian Route

There is an objective for an Indicative Cycle / Pedestrian Route along the Laurel Lodge Road.

Movement and Infrastructure – Chapter 7

'Telecommunications Antennae and Support Structures' (Section 7.4)

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.

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.*

5.5. Natural Heritage Designations

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

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The nature and height of the proposed monopole (15m) is commonplace through the country.
- The development is required to improve network coverage in the area.
- The development would blend in with the existing environment, including the residential area to the east. The closest dwelling is approximately 35m to the east.
- The established backdrop of the shopping centre development and street lighting would help absorb any potential visual impact caused by the proposed structure.
- The previously permitted 15m monopole structure would be located in the car park of the Laurel Lodge Shopping Centre (ABP Ref. PL301354-18). The development did not proceed for commercial reasons, however. Having gained permission, the landlord for the shopping centre decided to not proceed with the development due to local pressure and the potential impact on business in the shopping centre for his tenants. This option is not available and the only way in which to address the blackspot is via the current proposed development which is on local authority owned lands. Appendix B includes website details about the local opposition.

- The proposed development is a modern streamlined version of the required equipment and has a neutral sky grey colour, which means visual impact would be slight to moderate. It would read as part of typical street furniture and would not be incongruous in the streetscape.
- A number of alternative locations were examined by the Applicant. However, these were not suitable or acceptable for various reasons.
- The proposed development is consistent with the various policy objectives outlined in the County Development Plan, including Objectives IT07, IT08, DMS143, DMS144, DMS145, and those of relevant national and regional policy documents.
- The Applicant refers to a previous appeal case involving Waterford City and County Council (Reg. Ref. LC93.309598) and a proposed streetpole at the junction of St. John's Hill and The Folly, Waterford. The Planning Authority refused permission as the site was considered to be on an elevated and exposed suburban site, in close proximity to a scout den, a hospital /care home, a number of protected structures and numerous residential properties. The Board, however, granted a conditional 10-year licence noting that 'it would not have any undue adverse impact on the surrounding land uses or the protected structures'.

6.2. Planning Authority Response

The proposed development is considered to negatively impact on the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area by reason of:

- The proposed height of the structure at 15m,
- The location of the site and proposed development in proximity to existing residential properties and an established shopping centre,
- Proposal would conflict with existing street furniture,

- There is an extant permission for a similar structure in the area (ABP Ref. PL301354-18). Therefore, granting permission for the subject application could potentially result in two similar such structures in the area.

6.3. Further Responses

- Response lodged by the Applicant.
- Reviewed the Planning Authority's response and confirmed that all four issues were comprehensively addressed in the Applicant's appeal.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Visual Impact and Residential Amenity
- Site Selection
- Extant Permission
- Appropriate Assessment

7.1. Visual Impact and Residential Amenity

- 7.1.1. The Planning Authority's reason for refusal is due to the nature, height, and prominent location of the proposed development, and given the extant permission for a similar monopole structure in the area, next to existing residential properties, that this may have a cumulative negative impact upon the visual and residential amenity of the area.
- 7.1.2. Objective IT07 requires best practice in siting and design in relation to erecting communication antennae. Objective IT08 seeks to keep visual impact to a minimum and requires that detailed consideration be given to the siting and external appearance of the proposed equipment. Both objectives are cited in the Planning Authority's reason for refusal.
- 7.1.3. I note that the appeal site is situated in an urban setting where the character of the area is mainly residential and commercial retail uses. There is also a church and community centre to the west of the site. I acknowledge that the proposed

development would, therefore, likely have some level of visual impact on the local environment by virtue of its height and potential for visual intrusion. As referenced in the 1996 Guidelines, sites such as these, and particularly those close to existing residential housing, are accepted as being particularly sensitive from a visual and residential amenity perspective. In order to address this concern, the Applicant prepared a Visual Impact Assessment (VIA) to aid in the visual assessment of the proposed development.

- 7.1.4. The VIA comprises 12 no. viewpoints ('Visual Reference Points') from various locations that are both nearby and further afield, including along Castleknock Avenue, Oaktree Drive and Laurel Lodge Road. The distance of the viewpoints taken range from between roughly 40m to 200m and I consider that they provide an accurate visual description of how the proposed development would appear as if it were constructed and in situ.
- 7.1.5. I accept that the proposed monopole would potentially be more prominent from certain viewpoints than some other structures in the vicinity, including street lighting columns, road directional signage and advertising signage associated with the shopping centre. However, 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 would be typical in an urban environment such as this. I note also that there are tall lighting poles within the shopping centre car park, which would likely be more visually apparent and impactful than the proposal, particularly during dim evening conditions and winter-time when the lights would be switched on for long periods.
- 7.1.6. Many of the longer distance visual reference points of the proposed monopole, including Nos. 1, 2, 9, 11, and 12, would have a very limited view, or no view, of the proposed monopole. Whilst it would have been beneficial if the Applicant had included some further views in their assessment from the west, and northwest of the site, I consider that the presence of the shopping centre building would likely impede most views from these locations, so that potentially only the top of the monopole would be visible from these locations, or not at all. I note also that the lighting columns situated in the shopping centre car park are situated closer to the school and crèche than the appeal site. These structures would present in the foreground

of any views towards the proposed monopole from these locations, and which would lessen the potential for visual impact as a result.

- 7.1.7. I acknowledge the proposed development would be visually apparent from along Laurel Lodge Road and Castleknock Avenue and from the residential housing estates to the east. However, potential for visual and residential impact would be reduced by the presence of the various street fixtures and signage in the vicinity, and particularly by numerous large and mature tree stands that run parallel to roads in the area.
- 7.1.8. I note that the appeal site is situated within the grass verge and existing line of trees on the northwestern side of Laurel Lodge Road. Therefore, in the event permission is granted, I would recommend including a condition in relation to the potential removal of trees which may be required to accommodate the proposed development, and which could be replanted by the Council, at the Applicant's expense, if necessary.

7.2. **Site Selection**

- 7.2.1. The stated purpose of the proposed telecoms infrastructure is to upgrade the Applicant's mobile and broadband network in this part of Dublin to provide customers with better quality service. I have viewed the ComReg Outdoor Coverage Map for 3G and 4G coverage for the site and its surrounding vicinity.
- 7.2.2. 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.
- 7.2.3. The subject provider (Three) sees their 3G coverage for the appeal site vary between 'good' and 'fair', which means that there is a mix of strong signals and marginal data transfer with drop-outs at weaker signal levels.
- 7.2.4. The 4G Outdoor Coverage Map shows that there is a larger prevalence of 'fair' and 'fringe' coverage only. This means that most of the immediate vicinity around the appeal site, and towards the west of the site particularly, has sporadic access only to fast and reliable data speeds and that drop-outs are possible. It is also clear that

other parts of Blanchardstown and Castleknock have better service coverage, which ranges between 'very good' and 'good'.

- 7.2.5. Furthermore, having reviewed the information 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 considered by the Applicant and that the proposal is justified from this perspective.
- 7.2.6. The Applicant submitted 5 no. options for potential co-location. However, none of these were suitable to accommodate the proposed development as the sites are too far removed and would not be able to provide the required level of service as identified by the subject search ring. The alternative sites vary between 671m and 1.6km away and the search ring is restricted to 250m in diameter.
- 7.2.7. In summary, detailed technical justification has been provided by the Applicant demonstrating that there are service deficiencies in the area, which would be resolved by the proposed development. The proposal is consistent with Objectives DMS143 and DMS145 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 non-availability. I consider that the Applicant has submitted adequate justification detailing the non-availability of alternative site options, and that this is consistent with the requirements of national guidance.

7.3. Extant Permission

- 7.3.1. The Planning Authority references in their reason for refusal an extant permission for a similar telecommunications mast and cabinet, which was permitted by the Board in November 2018. The location for this proposal was within the grounds of Laurel Lodge Shopping Centre, in the southeast corner of the shopping centre car park, approximately 15m west of the appeal site.
- 7.3.2. However, the permission was never implemented. According to the Applicant, this is due to strong local opposition and the reluctance of shopping centre management to proceed with the development as a result. Furthermore, the Applicant submits that the permission is due to expire in February 2024 they have no intention of constructing it. It is stated, however, that the need to service the area remains three years later and the current proposal would be able to address this issue.

- 7.3.3. The Planning Authority states if the proposed development is permitted a situation could emerge whereby two 15m high masts are built within close quarters to each other. This could result in a cumulative negative impact on the area.
- 7.3.4. Having regard to this, I note that the current proposal is for a Section 254 licence spanning a duration of 10 years. The licence would therefore be temporary. However, in my view, it would be more appropriate to permit a shorter-term licence in order to avoid any potential lengthy overlap between the proposed development and the development that was permitted in November 2018. I consider that an appropriate licence period in this case would be three years from the date of the Board Order, should the proposal be permitted, and which the Applicant could decide to revisit at a later stage, should they wish to do so.
- 7.3.5. I would also recommend that in the event permission is granted by the Board, that a condition be attached requiring the Applicant to remove the telecommunications structure and related ancillary structures at the end of the licence period and that the land be reinstated, unless the development is permitted for a further period or granted planning permission.
- 7.3.6. I further note that given it is same network operator responsible for both developments – i.e. the previously permitted version and current proposal – and that there is only 15m approx. separating the two sites, I consider that there would be no real benefit accruing from implementing both developments. As shopping centre management do not appear inclined to accommodate the development permitted in November 2018, it is likely that only the current proposal would proceed.
- 7.3.7. I note that the monopole permitted in November 2018, its equipment cabinets, and other ancillary works, would be encircled by a 1.9m high security fence and be housed within a gated compound that would be very visible from Laurel Lodge Road and its surrounds. The mast would be wider and bulkier at its top section, compared with the current proposal, and there are several bollards / mini pillars on the ground, which would add to the amount of visual clutter at eye level.

7.4. **Appropriate Assessment**

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.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended); the Fingal County Development Plan 2017-2023, including Objectives IT01, IT07, IT08, DMS145; 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 seriously injure the amenities of the area or result in a significant negative residential or visual impact on the surrounding vicinity. 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 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.	a) This licence shall apply for a period of three years from the date of this Order. The telecommunications structure and related ancillary structures

	<p>shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.</p> <p>b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.</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, remove or fell any trees 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. The Planning Authority will then replant tree in the locality to ensure the tree population in the area 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>Prior to commencement of development, the developer shall agree details of the location of the proposed monopole, equipment cabinet, and associated concrete base/surround with the Planning Authority prior to any works being carried out to avoid interfering with the pedestrian footpath and/or the visibility envelope of the adjacent road into the access to the shopping centre.</p> <p>Reason: In the interest of public safety and traffic safety.</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>
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Ian Boyle
Planning Inspector

25th April 2022