



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312093-21

<b>Development</b>	Replace chimney flue with telecommunications structure and all associated site works
<b>Location</b>	Ballyroan Community & Youth Centre, Marian Road, Rathfarnham, Dublin 14
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21A/0155
<b>Applicant(s)</b>	Ontower Ireland Limited.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ontower Ireland Limited.
<b>Observer(s)</b>	Brian Furey Butterfield District Residents Association Ballyroan Community & Youth Centre CLG Fíonán Ó Cuireáin

Department of Defence

**Date of Site Inspection**

30<sup>th</sup> November 2022.

**Inspector**

Elaine Sullivan

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## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.01ha and is located in the suburban neighbourhood of Ballyroan, in South County Dublin. It is located within a public courtyard area to the rear of the Rosemount Shopping Centre, which forms part of a local neighbourhood centre. The site currently comprises a small single storey building / plant room and a 12m high decommissioned, concrete flue. The courtyard is part of a pedestrian throughway from Marian Road to Orchardstown Villas. It is flanked by Ballyroan Library to the north of the site, the shops and businesses of Rosemount Shopping Centre to the east and Ruah Parish Centre to the west. To the south of the site is the Ballyroan Parish Church, (Church of the Holy Spirit), which is listed on the Record of Protected Structures, RPS Ref. 264.
- 1.2. The neighbourhood centre is surrounded by low-rise residential development and is bounded by Orchardstown Avenue to the north, Orchardstown Villas to the west, Anne Devlin Park to the south and Marian Road to the east. There is a large area of surface parking to the front of the shops and adjacent to Marian Road.

## 2.0 Proposed Development

- 2.1. Planning permission is sought to replace a 12m decommissioned chimney flue with a 20m multi-user telecommunications support structure to include antennas and dishes. (The antennae would include 3 no. 0.56m antenna mounted directly to tower legs, 3 no. 2m antennae mounted to tower legs, 1 x 300mm and 1 x 600mm TX dishes mounted to tower legs, 1 x NSN module mounted directly to tower legs, 3 no. L1800 & 3 no. L800 RRU's stack mounted to tower legs).
- 2.2. The support structure would be enclosed with a shroud made out of glass-reinforced plastic, (GPR), which is described as a composite material made of polymer matrix reinforced with fibres which is strong, light and highly versatile. In the case of the subject development, the material will be colour-matched to that of the existing decommissioned chimney flue.
- 2.3. Additional works would include the provision of two ground-mounted cabinets of 2.3m high, and a proposed flue to replace an existing flue on the adjoining building,

accessed via the existing permitted access at Ballyroan Community and Youth Centre.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Planning permission was refused by the PA for the following reason,

*Given the height of the proposed chimney at this location, (to merely support telecommunications and within such close proximity to a Protected Structure, Ballyroan Parish Church (RPS Ref. 264)), the overall visual impact of the proposal results in a significant adverse visual impact. Such impact cannot be mitigated against in anyway, therefore the scale of the visual impact is considered to be high. The replacement chimney will be highly visible at this location and can be viewed from all directions from the Protected Structure site. The new 20m chimney will diminish the overall visual amenity of the area and will result in a direct significant adverse visual impact on the Protected Structure (Ballyroan Parish Church) and its setting. This would be contrary to the 'LC' zoning objective for the area which seeks 'to protect, improve and provide for the future development of Local Centres'. The proposal would also be contrary to HCL Policy 3 Protected Structures of the SDCC Development Plan 2016-2022 where the special character of a Protected Structure including its historic curtilage would be adversely impacted.*

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

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

Two reports were prepared by the Planning Officer, (PO), and informed the decision of the PA. The first report dated the 4<sup>th</sup> day of August 2021 recommended that further information be requested. The second report dated the 11<sup>th</sup> day of November 2021 reviewed the information submitted and recommended that planning permission be refused.

The first report of the PA included the following,

- Telecommunications are listed as ‘Permitted in Principle’ under the LC – Local Centre zoning for the site.
- The proposed mast would be located directly beside a creche and in close proximity to residential development, which is not recommended in the Planning Guidelines for Telecommunications Antennae and Support Structures, (1996), (Telecommunications Guidelines).
- An RF Justification Report was submitted with the application but is two years old. Existing sites in a 2km radius are marked but are deemed to be unsuitable. No alternative sites are explored.
- Insufficient information has been submitted with regard to site selection and the feasibility of using existing facilities or structures in the area.
- There is a protected structure, (Ballyroan Parish Church, RPS Ref. 264), approximately 30m to the south of the site. No reference is made to the impact of the proposal on the protected structure.
- Additional information was requested with regard to the justification for the site selection, rationale as to why the structure can’t be provided in existing commercial centres and/or on building rooftops, impact on the protected structure, updated Visual Impact Assessment to include more views and the potential for co-location.

The second report of the PO included the following,

- The technical justification for the proposal is acceptable,
- A revised Visual Impact Assessment was submitted. However, the report of the Architectural Conservation Officer notes that the visual impact cannot be mitigated against and recommends that permission be refused.
- In consideration of the height of the proposal in close proximity to a Protected Structure and the impact on visual amenity, it is recommended that planning permission be refused.

### 3.2.2. Other Technical Reports

- Environmental Health Officer – The report dated the 14<sup>th</sup> July 2021 found the proposal to be acceptable subject to planning conditions.

- Roads – No report on file. The report of the PO states that there is no objection.
- Water Services – No report on file. The report of the PO states that there is no objection.
- Architectural Conservation Officer – The report dated the 4<sup>th</sup> November 2021 considers that the subject site lies within the grounds of the protected structure. The existing chimney is in keeping with the scale of the and height of the existing buildings and their origins. The overall visual impact of the proposal will be negative due to the scale and height of the proposal. It is recommended that planning permission be refused.

### 3.3. Prescribed Bodies

- Department of Defence – No objection. Technical specifications are recommended.
- Irish Water – No report on file. The report of the PO states that there is no objection.

### 3.4. Third Party Observations

A total of 14 submissions were received by the PA during the public consultation phase. They included representations from Cllr Pamela Kearns, Glendoher & Districts Residents Association, Ballyroan Community & Youth Centre, Ballyroan Men's Shed, Butterfield District Residents Association and local residents. The issues raised include the following,

- Health concerns re proximity to creche and community centre,
- Impact on Protected Structure,
- Technical issues re application details,
- Scale and visual impact,
- The consideration of alternative sites,
- The proposal is supported as the phone signal is poor in the area,

- Obstruction of public plaza.

## 4.0 Planning History

- No relevant planning history for the subject site.

## 5.0 Policy Context

### 5.1. Development Plan

The site is located within the administrative boundary of South Dublin County Council. The operative Development Plan for the area is the South Dublin County Development Plan, (SDCDP), 2022-2028, which came into effect on the 3<sup>rd</sup> day of August 2022.

- 5.1.1. The application was assessed by the PA in accordance with the policies and objectives of the South Dublin County Development Plan 2016-2022, which was the operative Development Plan at the time.
- 5.1.2. On review of the contents of both plans I note that there is no material change between the 2016 County Development Plan and the 2022 County Development Plan as they relate to the appeal site and the current proposal.
- 5.1.3. In the reason for refusal, the PA considered that the proposed development would be contrary to HCL Policy 3 – Protected Structures, which states that, *'It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly'*.
- 5.1.4. The following sections of the SDCDP 2022-2028 are relevant to the proposed development;
- 5.1.5. The subject site is zoned Objective LC – To protect, improve and provide for the future development of Local Centres. Within the LC zoning objective, 'Public Services' are listed as 'Permitted in Principle'.
- 5.1.6. In Appendix 6 of the SDCDP, Public Services is defined as, *'A building or part thereof or land used for the provision of public services. Public services include all*



*service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers, it includes public lavatories, public telephone boxes, bus shelters, bring centres, green waste and composting facilities'. Within this context, a telecommunications mast can be considered to be 'public services'.*

### **Section 3.5.2 – Protected Structures**

- Policy NCBH19 – seeks to 'Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly'.
- NCBH19 Objective 1 - To ensure the protection of all structures (or parts of structures) and their immediate surroundings including the curtilage and attendant grounds of structures identified in the Record of Protected Structures.
- NCBH19 Objective 2 - To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011 or any superseding documents) including the principles of conservation.

### **Section 11.4 – Information and Communications Technology**

- Policy IE 5 – seeks to 'Promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve social and economic development, whilst protecting the amenities of urban and rural areas'.
- IE5 Objective 1 - To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.

- IE5 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.
- IE5 Objective 4 - To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.
- IE5 Objective 5 - To ensure that above ground utility boxes are sensitively located and finished to reduce their visual impact, designing out anti-social behaviour and promoting soft planting around existing and new ones where feasible.

## **Chapter 12 – Implementation & Monitoring**

12.3.7 – Protected Structures.

12.11.2 – Information and Communications Technology

### **5.2. National Guidance**

#### **5.2.1. 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.

Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages.

In the vicinity of larger towns and in city suburbs, operators should endeavour to locate in industrial estates or in industrially zoned land... In urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure

**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.

**5.2.2. 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**

- No designations apply to the site.

**5.4. EIA Screening**

- 5.4.1. Having regard to the nature and scale of the proposed development, comprising the removal of an existing, decommissioned 12m high concrete flue and its replacement with a 20m high telecommunications mast with antennae which could be clad in a fibreglass material along with associated plant and ground mounted cabinets, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal relate to the reason for refusal and include the following,

- The proposed mast will be wrapped in a glass-reinforced plastic, (GPR), shrouded support structure. GPR is a composite material made of polymer matrix reinforced with fibres which is strong, light and highly versatile. The material will be colour-matched to that of the existing decommissioned chimney flue and as such will blend into the environment.
- The existing 12m high concrete flue causes a visual impact on the Protected Structure and the wider area.
- In their report of the 4<sup>th</sup> November 2021, the Architectural Conservation Officer for the PA is of the opinion that the existing structure is acceptable in scale.
- As the 12m high structure is considered to be acceptable, the correct visual test to apply is to determine whether the additional 8m causes a significant adverse impact on the vital resource.
- In their consideration of the LC zoning for the site, the PA confers that any negative visual impact is (and must be) contrary to the objective to, *'protect, improve and provide for the future development of Local Centres'*.
- The purpose of the LC zoning relates to the future development of the local centres and to secure their protection and/or improvement. Visual impact, negative or not, has no bearing on the vitality of the local centre, which in this instance is the Rosemount Shopping Centre.
- The appellant asserts that the predicted effects of the mast would be moderate at worst for those most affected, which would be the areas in close proximity to the flue.
- As the proposed flue would rise above existing height lines such as roofs and treetops and be set against the sky backdrop which also contains the church spire, the magnitude of change would affect a sensitive element.

- The Board is directed to an updated Visual Impact Assessment submitted with the appeal, which provides a detailed assessment of how the proposal responds to the setting, character and appearance of the Protected Structure.

## 6.2. Planning Authority Response

- No response received from the PA.

## 6.3. Observations

Observations were received from Brian Furey, Butterfield District Residents Association, Paula Coughlan – Ballyroan Community & Youth Centre CLG and Fíonán Ó Cuireáin,

The issues raised in the observations include the following,

- The existing 12m flue does not blend into its surroundings and was constructed out of necessity to disperse fumes from a large oil burner for the church.
- A 20m structure would be more at odds with its surroundings.
- The structure does not look like a chimney as it resembles a 20m high modern fibreglass tower.
- The address used in the application is incorrect and misleading,
- The impact on the protected structure is not fully outlined.
- It would have a negative impact on the protected structure, which is contrary to Development Plan policy.
- There are health concerns regarding the location and proximity to the creche, community centre and local services,
- The technical justification does not consider alternative locations, only existing facilities,
- The proposed mast would have a negative and serious impact on visual amenity.

- It would be located in a public plaza and would obstruct the use of the area for public events.

#### 6.4. **Prescribed Bodies**

- Department of Defence – Following consultations with the Air Corps at Casement Aerodrome it is recommended that the obstruction lights should be used with specific technical requirements.

### 7.0 **Assessment**

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

- Principle of Development
- Justification for the Development
- Visual Impact
- Impact on Protected Structure
- Appropriate Assessment

#### 7.2. **Principle of Development**

7.2.1. The subject site is located within a local neighbourhood centre in Rathfarnham, on lands that are zoned 'LC', the objective of which is *'To protect, improve and provide for the future development of Local Centres'*.

7.2.2. Within the LC zoning objective, 'Public Services' are listed as 'Permitted in Principle'. Appendix 6 of the SDCDP, defines 'Public Services' as, *'A building or part thereof or land used for the provision of public services. Public services include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers, it includes public lavatories, public telephone boxes, bus shelters, bring centres, green waste and composting facilities'*. Within this context, I consider that telecommunications

masts qualify as 'public services' and that the proposed development can be assessed under the policies and objectives of the SDCDP.

- 7.2.3. Concerns were raised by third parties regarding the impact of telecommunications infrastructure and equipment on public health with particular reference to the proximity of the creche and community centre. The issue of health and safety is not within the remit of the Board and as such will not form part of this appeal. The Commission for Communications Regulations (ComReg) is the statutory body responsible for the regulation of the electronic communications sector and are the relevant body to contact regarding health and safety concerns. Furthermore, Government guidance contained in the Telecommunications and Support Structures guidelines 1996 and Circular Letter PL07/12, state that Planning Authorities and An Bord Pleanála should be primarily concerned with the appropriate location and design of telecommunications structures and do not have the competence for health and safety matters in this regard.

### **7.3. Justification for the Development**

- 7.3.1. The proposed development is for a radio base station, which is required to provide 2G voice, 3G and 4G data service provision in the area. The site is proposed to provide mobile voice and data coverage to the Ballyroan / Ballyboden area and to improve voice and broadband access to residents and business users in the area. The installation forms part of an integrated network system which has been planned to meet increased demand in the use of technology.
- 7.3.2. A Technical Justification Report was submitted with the application and was updated as a response to further information. The report states that the specific target area for the site is at Ballyroan / Ballyboden / Rathfarnham as the coverage around this area is weak. This location will provide the operator, Three, with sufficient overlap of the coverage footprint to adequately serve the area and its surroundings. In particular, the overlap will counteract the reduced cell shrinkage that occurs during high demand periods as the bandwidth reduces. Section 4 of the Report illustrates the Existing 3G Indoor Coverage and the Proposed 3G Indoor Coverage with the addition of the new site.

- 7.3.3. The report states that alternative sites were considered for co-location of services. Four sites were identified within a 1km radius of the subject site. All of these sites have existing communications equipment. The proposed operator, Three, already operates from one of the sites approximately 385m from the proposed development. The sites assessed for co-location within the 1km radius are located at Orchardstown Park, Rosemount Shopping Centre, Tempelogue Tennis Club and the Morgue Pub. All sites were discounted as they would not adequately serve the target area due to distance, clutter in the built environment, inadequate height and lack of space for new providers. An additional eight sites were identified within a 2km radius of the site. These sites also had existing masts and were discounted for similar reasons which would result in lack of signal to the target area.
- 7.3.4. I have reviewed the ComReg Outdoor Coverage map for the area around Ballyroan / Ballyboden. The ComReg website does not have a publicly accessible map that shows Indoor Coverage. At the time of writing the Outdoor Coverage map showed that the 4G service from Three was categorised as 'Good' in the areas to the north and west of the subject site with large pockets of 'Fair' service to the south and west. A 'Fair' service is described as *'fast and reliable data speeds may be attained, but marginal data with drop-outs is possible at weaker signal levels'*. Service for 2G, 3G and 5G was better, with the majority of the surrounding area categorised as having 'Good' or 'Very Good' service. I also reviewed the existing service from other two main providers in the area. Of these, one (Eir), could provide a 'Good' and 'Very Good' service for 4G in the area, whilst the other, (Vodafone), had a similar level of service to Three.
- 7.3.5. Having reviewed the information at hand, I am satisfied that the existing service from Three could be improved in the surrounding area and that the subject site was selected due to its technical capability to provide this service. It is noted that the area with the reduced level of service comprises low rise suburban development, which is mainly residential with some schools and commercial uses.

## 7.4. Visual Impact

- 7.4.1. The subject site is located in an urban area, which is categorised as 'Suburban South Dublin' in the Landscape Character Assessment for the SDCDP. There are



no Scenic Views or Prospects within the study area, and it is not designated as a visually sensitive landscape. It is not located within an Architectural Conservation Area but is located in close proximity to a Protected Structure, Ballyroan Parish Church, (Church of the Holy Spirit), RPS Ref. 264. The impact of the proposal on the Protected Structure is assessed in full in Section 7.5 below.

- 7.4.2. A Visual Impact Assessment Report, (VIA), was prepared for the application and submitted as part of the appeal. The report notes that the existing terrain is generally flat and comprises residential development, public and commercial buildings and recreational spaces. The most prominent building, in terms of scale and height, is the Church of the Holy Spirit, which is approximately 30m to the south of the site. The Church's spire was found to be most visually dominant from longer-range views with limited views from close range. It is observed that views from the surrounding area are limited in range and expanse due to the terrain, tree canopy and buildings.
- 7.4.3. The zone of visibility for the visual assessment was set at 0.5 – 1km. Beyond this, it is unlikely that the proposed development would be visible. Five areas around the site were selected for assessment and referenced as R1 – R5. The view towards the site was evaluated from a number of different locations in each of the five areas. In all areas, the visual impact of the proposal was found to be neutral to negative with the significance of the impact ranging from imperceptible to moderate.
- 7.4.4. Having visited the area and inspected the site, I agree with the findings of the VIA. Views of the existing chimney from the surrounding areas to the north, south and west, (areas R1 and R3 in the VIA and parts of R2 and R4), are either blocked by buildings or trees or are intermittent. An increase in the height of the existing structure would not result in a significant negative visual impact when viewed from these areas. The existing structure is most visible when viewed from the east and south-east, along Marian Road. The low-rise, open nature of the bank of shops allows for direct views of the existing flue when looking west or north-west from Marian Road. An increase in the height of the structure would be significant when viewed from this location and would dominate the skyline above the shopping centre.
- 7.4.5. The existing flue is also prominent within the public courtyard area that connects the Church, Community Centre, Parish Centre and the Library. It is proposed to

increase the height of the flue and to move the location slightly west, which would position it further into the courtyard area. The buildings around the courtyard, Ballyroan Library and the Ruah Pastoral Centre are architecturally designed and of high quality. The existing concrete chimney is utilitarian in appearance and does not contribute to the buildings or the public open space. However, I would have some concern regarding an increase in the scale of the existing structure to 20m and the impact it would have on the public space and the public buildings surrounding it. Providing a much larger structure in a more central position in the courtyard would impact on the functionality of the space and would also visually dominate the area when viewed from the immediate surroundings, including the Church, which is a protected structure.

- 7.4.6. It is stated in the application that the mast would be wrapped in a glass-reinforced plastic, (GPR), shrouded support structure. GPR is a composite material made of polymer matrix reinforced with fibres which is strong, light and highly versatile. In the case of the subject development, the material will be colour-matched to that of the existing decommissioned chimney flue. The applicant has not provided any images or details of what this material would look like or exactly what the finish would be. These details are important, given the prominence of the proposal within a public space and its proximity to public buildings, including a protected structure. Furthermore, as the existing flue seems to have been provided through necessity, I see no reason to perpetuate and expand on its utilitarian design. An opportunity may exist to provide a more considered design that could contribute to the space.
- 7.4.7. Whilst the additional height may be acceptable when viewed from a distance, I am not satisfied that the 20m high structure can be absorbed into the existing urban environment without a significant and negative impact on the visual amenity of the immediate area when viewed from the public courtyard and from Marian Road to the east and south-east. Should the Board be minded to grant permission for the development, it may be considered that the external finishes and materials could be agreed by condition with the PA.

## **7.5. Impact on Protected Structure**

- 7.5.1. The PA considered that the subject site is located within the curtilage of the protected structure as the site is located within church lands and the boundary of these lands is not defined. The subject site is located within church lands and this may be considered to be within its curtilage. However, the original setting of the church would have significantly altered due to the incremental urban development in the adjoining block to the north. As such, I consider the main issue to be whether the proposed development would have a significant, negative impact on the character and setting of the protected structure rather than whether or not, it is within the curtilage of the protected structure.
- 7.5.2. Having visited the site, I am satisfied that the location of the proposal is at a sufficient remove from the protected structure so as not to impact on its immediate setting on the ground. However, the additional height of the structure has the capacity to detract from the character of the church by visually competing with the spire. The applicant has not provided a contiguous elevation to demonstrate the scale of the proposal against the existing spire and has not provided any specific analysis or assessment on the impact of the proposal on the protected structure. Drawing No. DU1548-P-07, Site Elevation Plan, indicates that the height of the proposed mast would be lower than the spire, but no context is given.
- 7.5.3. Given the proposed height of the mast, it would be visible from the immediate area and would be viewed in unison with the spire from the wider area. Whether or not the proposal would dominate the vista and detract from the character of the spire would depend very much on the external finishes and cladding proposed for the mast. In the absence of this information and any drawings or details outlining the scale of the proposal in comparison to the protected spire, I am not satisfied that the proposal would not detract from the character and setting of the protected structure.

## **7.6. Appropriate Assessment**

- 7.6.1. 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.

- 7.6.2. The proposed development is for the replacement of a 12m high decommissioned, concrete flue with a 20m mast with antennae and dishes along with ground mounted cabinets and replacement flue on an adjoining building. The development site is within an urban development and does not require any ground works, new access roads or water connections.
- 7.6.3. 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.
- 7.6.4. The closest European sites are the Glenasmole Valley SAC, (Site Code 001209), which is approximately 6km to the south-west, the Wicklow Mountains SPA, (Site Code 004040), which is approximately 5.8km to the south, and the South Dublin Bay and River Tolka Estuary SPA & SAC (Site Codes 004024 & 000210), which are approximately 7.2km to the north-east. There is no direct or in-direct hydrological connection between the appeal site and any of the designated sites in closest proximity.
- 7.6.5. 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 an urban area 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 planning permission be refused.

## 9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development for the replacement of an existing 12m structure with a 20m telecommunications mast in a suburban area and on land zoned objective 'LC' – Local Centre in the South County Dublin Development Plan 2022-2028, it is considered that the proposed development would result in a significant and negative visual impact on the immediate area which includes public buildings and areas and the wider area. It would also be contrary to national guidance as set out in section 4.3 of the Department of the Environment and Local Government Planning Guidelines 'Telecommunications Antennae and Support Structures' (1996), which seeks to restrict such development from residential areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Elaine Sullivan  
Planning Inspector

2<sup>nd</sup> December 2022