



An  
Bord  
Pleanála

## Inspector's Report ABP-312421-22.

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|---------------------------------------|---|
| <b>Development</b>                    | 21m monopole to support telecommunications antennae and ancillary equipment, cabinets, fencing and all associated site works for use by three (Hutchinson) Ltd and other operators. |
| <b>Location</b>                       | Goldenbridge Industrial Estate,<br>Goldenbridge North, Inchicore, Dublin 8.   |
| <b>Planning Authority</b>             | Dublin City Council.  |
| <b>Planning Authority Reg. Ref. a</b> | 3508/21.  |
| <b>Applicant</b>                      | Shared Access Limited.  |
| <b>Type of Application</b>            | Permission.   |
| <b>Planning Authority Decision</b>    | Refuse.   |
| <b>Type of Appeal</b>                 | First Party   |
| <b>Appellant</b>                      | Shared Access Limited.  |
| <b>Observer</b>                       | None.   |
| <b>Date of Site Inspection</b>        | 5 March 2022.   |
| <b>Inspector</b>                      | Mairead Kenny.  |

## Contents

|  |    |
|--|----|
| 1.0 Site Location and Description .....  | 3  |
| 2.0 Proposed Development .....   | 3  |
| 3.0 Planning Authority Decision .....  | 3  |
| 3.1. Decision .....  | 3  |
| 3.2. Planning Authority Reports .....  | 4  |
| 3.3. Prescribed Bodies .....   | 5  |
| 3.4. Third Party Observations .....  | 5  |
| 4.0 Planning History.....  | 5  |
| 5.0 Policy Context.....  | 5  |
| 5.1. Telecommunications Antennae and Support Structures: Guidelines for<br>Planning Authorities..... | 5  |
| 5.2. Dublin City Development Plan 2016-2022 .....  | 6  |
| 5.3. Natural Heritage Designations .....   | 6  |
| 6.0 The Appeal .....   | 7  |
| 6.1. Grounds of Appeal .....   | 7  |
| 6.2. Planning Authority Response .....   | 8  |
| 6.3. Observations .....  | 8  |
| 7.0 Assessment.....  | 8  |
| 7.2. National policy and development plan policy .....   | 8  |
| 7.10. Consideration of alternative sites and designs.....  | 10 |
| 7.15. Impact of the proposed development.....  | 11 |
| 8.0 Recommendation.....  | 12 |
| 9.0 Reasons and Considerations.....  | 12 |

## 1.0 Site Location and Description

- 1.1. The site comprises a small plot of land located within Goldenbridge Industrial Estate, which is also adjacent the Grand Canal. The site has the appearance of being unused but apparently it functions for waste storage.
- 1.2. The stated site area is 103 m<sup>2</sup>. It is an isolated pocket of land, but it is generally bounded to the south by the Grand Canal, to the east by a cemetery, to the west by residential development and to the north by industrial units and the industrial estate road network.
- 1.3. This Grand Canal is a popular walking and cycling route which at this section is known as Goldenbridge Walk. The canal at this location is fringed by reeds which add a welcome rustic character. The site and the canal walkway are separated by boundary features associated with the industrial estate.

## 2.0 Proposed Development

- 2.1. Permission is sought for a 21 m monopole to support telecommunications antennae and ancillary equipment, cabinets and fencing and all associated site works for use by three (Ireland) and other operators.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for the reason summarised below:

- The overall design and height is inappropriate and an overly dominant response to the existing Conservation Area and would have an overbearing impact on adjoining properties, would therefore contravene policy CHC4, which seeks to protect the special interest and character of all conservation areas and states that development within or affecting the Conservation Area shall contribute positively to its character and distinctiveness. The proposed development would be highly visible and have an adverse impact on the visual and residential amenities of the Conservation Area and would seriously

injure the amenities of properties in the area and appreciate the value of property in the vicinity.

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

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

The following comments are included in the planner's report :

- Industrial estates are desirable locations for the provision of telecommunications infrastructure.
- However, the site is also within a Conservation Area. Nearby residential properties are zoned Z2. There are a number of recreation amenities. The receiving environment is particularly sensitive from a visual perspective.
- It is considered that the screening effect of trees is overstated.
- The mast would be within a small clearing and the full extent of the scale and height would be visually apparent.
- The mast is significantly higher than the surrounding rail line infrastructure.
- The need for additional telecommunications equipment to improve service in the area is understood.
- There are serious concerns relating to the visual impact of the proposed development on the Conservation Area.
- Further information was recommended inviting the applicant to relocate the mass to the northern part of the industrial estate away from the Grand Canal and third-party dwellings.
- The 21 m monopole tower would be particularly exposed to views from the south and would intrude on the character of the area and significantly extend above the other buildings within the industrial estate and nearby residential properties providing a visually obtrusive and incongruent new landmark.
- The proposal would be unacceptable in the context of the impact on the Conservation Area, and it would set an undesirable precedent.

- The planning authority is not satisfied that an appropriate balance has been struck between the necessity of servicing the area telecommunication services and the protection of local amenities.

### 3.2.2. Other Technical Reports

Drainage Division – no objection subject to conditions.

### 3.3. Prescribed Bodies

TII states that it has no observations to make it.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

There is no relevant planning history.

## 5.0 Policy Context

### 5.1. Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities

Published in 1996 this document was clarified by Circular Letter PL07/12 in October 2012. The guidance promotes the sharing and clustering of telecommunications facilities. Visual impact is stated to be among the more important considerations which have to be taken into account in arriving at a decision on a particular application. The applicant will have limited flexibility as regards location. Care will have to be taken when dealing with fragile sensitive landscapes or other designated areas. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

Assessment criteria are set out relating to tourist routes in rural areas. There is no comparable assessment presented for urban areas. In larger towns and city suburbs operators should endeavour to locate in industrial estates or in industrially zoned lands and the options of rooftop locations or disguised masts should be explored.

The use of tall buildings or existing structures is preferable to the construction of an independent antennae support structure. Only as a last resort and if the alternatives suggested in the previous paragraph are unavailable or unsuitable should freestanding masts be located in a residential area or beside schools and if such locations become necessary sites already developed for utilities should be considered and masts antennae designed and adapted for the specific location.

## 5.2. **Dublin City Development Plan 2016-2022**

The development plan acknowledges the key infrastructural importance of telecommunications in the city. SI29 refers. SI30 is to **support and facilitate the delivery of ICT** and related infrastructure having regard to national guidelines and where it can be demonstrated that development will not have significant adverse effects on the environment.

**Section 16.33 sets out criteria with respect to the siting, design and visual amenity** of telecommunications antennae and supporting structures. Siting should preferably be on industrial estates and locations in commercial areas such as rooftops may be acceptable. The design of free-standing masts should be specific for the location. In assessing proposals for telecommunications antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined. These factors will be carefully considered when assessing proposals in a designated conservation area, open space and amenity, historic part or in the vicinity of protected buildings, special views or prospects and monuments of archaeological importance.

**Policy CHC4** seeks to protect the special interest and character of all Conservation Areas and states that development within or affecting the Conservation Area shall contribute positively to its character and distinctiveness.

## 5.3. **Natural Heritage Designations**

The Grand Canal is a proposed Natural Heritage Area. Amongst the different habitats described in the site code is reed fringe. The ecological value of the canal lies in the diversity of species it supports along with linear habitats.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main points of the grounds of the appeal are as follows:

- A copy of the further information response is enclosed.
- The significant benefits of providing modern up-to-date communications equipment should weigh heavily in favour of allowing the appeal. This would be in accordance with the 1996 national guidance that recommended a balanced approach to the development of mobile communications apparatus and the protection of environmental resources.
- The appeal site forms one of a patchwork of sites which, when combined, result in the roll-out of planned telecommunications coverage across Dublin. The demand for network coverage in this area is high and the demand for next generation services is also high.
- All other options have been carefully considered. The site and design is considered to be the best solution in terms of providing the maximum level of coverage while resulting in the minimal impact to the surrounding area.
- The design and height of the mast is the minimum for the apparatus proposed at the lowest height to realise the planned efficient and effective roll-out of the mobile communications network in this part of Dublin.
- The proposal is not overly dominant in the Grand Canal Conservation Area which is already characterised by numerous existing steel vertical structures.
- The site is zoned for industrial and employment uses for public service installations are permissible.
- The proposal will be screened from long and medium distance views along Goldenbridge Walk by a line of mature trees. The walkway experiences high footfall but there are no public benches or areas for people to congregate.
- The proposal will not seriously injure the amenities of surrounding residential properties. The claim of depreciation of property value is unsubstantiated.

- The need for the electronic communications equipment in terms of coverage and capacity is not questioned by the planning authority and does not form part of the reason for refusal. Also, there is no specific objection raised with regard to the perceived proliferation of masts in the area or health matters.
- The appeal submission includes some computer-generated images of the proposed development field from the industrial estate.

## 6.2. **Planning Authority Response**

No substantive response has been received.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

7.1. I propose to assess this case under the following headings:

- compliance with national and development plan policy
- consideration of alternative sites and designs
- impact of the proposed development.

### 7.2. **National policy and development plan policy**

7.3. In terms of the policy provisions, I consider it relevant at the outset to consider the location of this site.

7.4. The site zoning is industrial and as such the proposed development would be deemed to be a permissible use and located in the area which is promoted in the development plan.

7.5. The site is also within a Conservation Area. The areas designated as 'Conservation Areas' under the Dublin City Development Plan predate the legislation governing the designation of Architectural Conservation Areas. They highlighted some of the more significant Georgian squares and the canals. As such, although there is no hierarchy of conservation areas under the development plan, there may be an argument for



stating that the areas designated as Conservation Areas are of foremost importance in terms of the heritage of the city. I note the submission of the applicant in response to the further information request which notes that the site is not within a designated ACA that the development plan policy mechanism used to conserve and protect Conservation Areas are land-use zoning and the designation of ACAs. It is relevant to note that the absence of a designated ACA means that the historic and architectural appraisal for the canal is lacking. Nevertheless, I do not accept the interpretation presented by the applicant which emphasises the site zoning in the absence of an adopted ACA. In the assessment of this case the site zoning and the Conservation Area designation both have to be considered. I do not agree as is inferred that the importance of the Conservation Area designation is diminished by the failure to adopt an ACA as the development plan contains a range of policies which are relevant to Conservation Areas as well as ACAs.

- 7.6. In addition to its architectural heritage the Grand Canal it is a proposed Natural Heritage Area. Furthermore, it is highlighted in the development plan as part of the strategic Green Network and designated as one of the few existing Green Routes in the city. Goldenbridge cemetery to the east together with the Grand Canal are highlighted as important heritage features.
- 7.7. In this context I agree with the planning authority comment that receiving the environment is particularly sensitive from a visual perspective and I would emphasise in addition the recreational and natural heritage amenities of the area.
- 7.8. The appellant acknowledges that the walkway adjacent the site has a high footfall but notes the lack of stopping areas such as benches. As such the implication is that views would be transitory. The planning authority on the other hand references the matter of precedent.
- 7.9. Having regard to the location of this site within an area of recreational, historic and natural heritage importance, I consider that the guidance at national and city level both require very careful assessment of the merits of this proposal notwithstanding the fact that the site is also zoned industrial.

## 7.10. **Consideration of alternative sites and designs**

- 7.11. The planning authority requested further information relating to the consideration of alternative sites and in particular recommended that the applicant consider relocating of the mast to the northern part of the industrial estate away from the Grand Canal and residential property. It was recommended that the submission of the applicant should include an updated visual impact assessment.
- 7.12. With respect to the height of the 21 m mast the applicant noted that equipment will be at the lowest level of 13.5 m and a reduction in the height would render the mast unviable and not capable of providing adequate coverage and would lead to a requirement for another mast resulting in a proliferation of masts in the surrounding area. In responding this issue however while the applicant notes a lack of control over land outside of the application site there is no assessment undertaken of the availability of other possible sites in the area and no assessment of alternative designs. The applicant notes an initial assessment suggests that there are four-storey properties in the area which could raise potential ICNIRP compliance issues but acknowledges that no assessment has been run in this respect. It is further stated that there is no available parcel of land of the requisite sized to accommodate the proposed installation. I do not accept the latter point in the context of the apparently low intensity use of the industrial estate and the pattern of development.
- 7.13. The applicant was requested by the planning authority to provide an alternative visual assessment of the proposed development in addition and in response references the fact that the canal is lined with rows of trees some of which are 15 m or over and which screen medium or longer distance views from the east or west. There is reference also to the catenary system associated with the Luas. While a few photomontages have been provided of the proposed development as viewed from the industrial estate there has been no assessment provided by the applicant of the Conservation Area.
- 7.14. My conclusion is that the applicant has failed to demonstrate a need for this site, has not presented any visual or detailed written submissions to support a case that the proposed development would not adversely impact on the Conservation Area and has failed to assess alternative designs.

### 7.15. **Impact of the proposed development**

- 7.16. The Grand Canal Conservation Area and pNHA is an area of special interest and character. The canal at this location is fringed with a reed bed which provides a rustic charm to this recreational amenity and enhances the views from the Luas. The 21 m high mast would be fitted with antennae and other infrastructure from a height of 13.5 m to 21 m and in my opinion, it would constitute a discordant feature which would be out of character with the area and undermine its existing amenities.
- 7.17. I note the assessment by the applicant with respect to the appeal site and the proposal with respect to the presence of mature deciduous trees which are of 8 m to 12 m height. These would have no effective in screening views from the south and would have limited impact on screening near views along the canal.
- 7.18. I acknowledge that the potential of the Conservation Area has not been realised and that aspects of the existing built environment detract from its visual amenities including the dilapidated site boundary features. However, within the Conservation Area the long term objectives and prevention of further deterioration is warranted to ensure that the goal of protection of the special character of the area is achieved.
- 7.19. With respect to the presence of the Luas catenary system I consider that this comprises relatively lightweight and low scale infrastructure and that it is not comparable to the proposed development in terms of height and bulk, visibility or visual intrusion. I note the appeal references to other rooftop infrastructure, but these are also not comparable in my opinion.
- 7.20. I acknowledge the need for a balanced approach between the benefits arising and need for a modern telecommunications network, the increasing need for telecommunication structures to facilitate this demand but also consider that the policy provisions require that the structures be guided away from areas designated for architectural heritage and amenity purposes. In the absence of proper consideration of alternatives and the limited assessment of alternative sites, the substance of which has not been supplemented in the appeal submission, I consider that a grant of permission would be contrary to national guidance and to the development plan.

## 8.0 Recommendation

- 8.1. I recommend that the Board uphold the decision of the planning authority to refuse permission for the reasons and considerations below.

## 9.0 Reasons and Considerations

The site of the proposed development is prominently located adjacent the Grand Canal Conservation Area the objective of which under policy CHC4 of the Dublin City Development Plan 2016-2022 is to protect the special interest and character of the Conservation Area and ensure that development must contribute to its character and distinctiveness. It is considered that due to its nature and height the proposed mast would constitute a discordant structure in a visually sensitive and prominent location and that in the absence of demonstrated need for a mast at this site the proposed development would be contrary to national guidance and to the objectives of the development plan and would set an undesirable precedent for other Conservation Areas and would not be in accordance with the proper planning and sustainable development of the area.

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Mairead Kenny  
Senior Planning Inspector

7 March 2022