



An
Bord
Pleanála

Inspector's Report ABP 312622-22

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| Development | Licence to install communications infrastructure. |
| Location | Glenageary COI, Glenageary. Dalkey, Co. Dublin. |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | CTT/21/028 |
| Applicant | On Tower Ireland Ltd. |
| Type of Application | Section 254 Licence |
| Planning Authority Decision | Refuse |
| Type of Appeal | 1 st Party v. refusal |
| Appellant | On Tower Ireland Ltd. |
| Observer(s) | None |
| Date of Site Inspection | 09/05/22 |
| Inspector | Pauline Fitzpatrick |

1.0 Site Location and Description

The site is located on the west side of a 5-arm roundabout junction in Glenageary. The site is on a grass verge separating the road carriageway and footpath on which there is a lighting column. The roundabout is relatively well trafficked with raised crossings across each arm. The area is largely residential in character with the nearest dwelling c. 35 metres to the south accessed from Avondale Road. The roadside boundary of the said dwelling is delineated by a low wall backed with planting.

2.0 Proposed Development

15 metre high galvanised and painted pole with antenna (shrouded), GPS domes and dish to be served by a small cabinet. The dish is to be included only if no fibre infrastructure in the area.

The licence application is accompanied by a covering letter, planning statement and photomontages.

3.0 Planning Authority Decision

3.1. Decision

Refuse licence.

The planning authority has an objection under Section 254(5)(c). Another telecommunications poles has a licence 130 metres from the subject site. The proposal could lead to a proliferation of such infrastructure in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It is considered that the infrastructure proposed would be broadly in keeping with the existing roadside infrastructure in the area. It would not have a significant impact on the surrounding residential and visual amenity. A licence has been granted for comparable infrastructure on a site 130 metres away on Glenageary Road Upper. It

does not appear to have been taken into account and could lead to a proliferation of same in the area. A refusal of the licence application recommended.

3.2.2. Other Technical Reports

Water Services has no objection.

Traffic Section has no objection.

2 internal emails (Departments unclear). The 1st states that the proposal does not interfere with the road scheme on Glenageary Road Upper. No objection. The 2nd states that the roundabout could be altered as part of active travel improvements. It would be better if the cabinet was not on the roundabout side of the path but tight to the wall.

3.3. Prescribed Bodies

None

4.0 Planning History

I am not aware of any previous applications on the site. Reference is made in the Area Planner's report to a licence granted under file ref. CTT.19.0002 and which has been constructed. The said site is c. 130 metres to the west of the site subject of this appeal on Glenageary Road Upper.

5.0 Policy Context

5.1. Development Plan

Since the lodgement of the application with the planning authority and its decision to refuse the licence the Dun Laoghaire Rathdown County Development Plan 2022 was adopted. It came into force on the 21st April 2022.

Policy Objective EI20: Telecommunications Infrastructure

To promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband, fibre optic connectivity and other technologies, within the County.

Chapter 12 sets out the Development Management Requirements

Section 12.9.8 Telecommunications

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 08/12 issued by the Department of the Environment and Local Government (as may be amended from time to time), 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 1km 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.
- To what degree 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. M Any impacts on rights-of-way and walking routes.
- That the proposal shall not have a significant negative visual impact.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by David Mulcahy Planning Consultants Ltd. on behalf of the applicant can be summarised as follows:

- The need for the mast has been justified. Alternative sites were assessed and discounted.
- There is no reference in the decision to visual impact, just proliferation. The normal understanding of proliferation of structures usually relates to concerns about visual clutter as a result of the close proximity of two or more similar structures particularly in the public realm. It is unreasonable to refuse on proliferation alone particularly when this is not accompanied by any planning reason such as visual impact.
- The proposed street works solution accords with the pattern and character of the public realm in this area of Glenageary. It will appear as normal utility infrastructure.
- The proposed pole will be 130 metres from the existing EIR streetpole at Glenageary Road Upper. This is considered substantial and avoids any visual concerns in respect of clutter.
- Due to technology limitations a high capacity, multi-operator streetpole solution is not available at this time. Therefore the EIR and Three communications infrastructure cannot be co-located on the one streetpole. In order for both operators to serve their respective blackspots in the area the infrastructure must be located at the 2 no. locations identified. [Note: examples given in Belfast where infrastructure is located closer together].
- Only the upper portion of the proposed streetpole will be visible in the background when approaching the roundabout junction along the Glenageary Road. CGI images provided to demonstrate this.
- The visual impact of the upper part of the streetpole will not be injurious to the amenity of the area when viewed in conjunction with the existing streetpole.

- In the event that the Board has concerns a temporary licence permission for 3 years could be considered. This would allow for a co-location arrangement on this streetpole or the other streetpole at Glenageary Road Upper should the technology become available in the meantime.

6.2. **Planning Authority Response**

It is satisfied with its decision to refuse the licence.

6.3. **Observations**

None.

7.0 **Assessment**

From the details accompanying the application and the appeal the proposed 15 metre telecommunications pole and associated cabinet is required to address coverage and capacity issues in terms of mobile voice and data coverage in the Glenageary area with supporting details accompanying the application and this appeal. It is also confirmed that no existing sites or structures are suitable to facilitate the co-location of the proposed development and that options, including alternative locations, have been exhausted. With specific regard to the EIR mast which has been erected c. 130 metres to the west on foot of a section 254 licence, the agent for the applicant notes that due to technology limitations a high capacity, multi-operator streetpole solution is currently not available and, therefore, the EIR and Three Communication infrastructure cannot be co-located

I consider that the applicant has provided sufficient information to justify the need for the proposal. Taking into consideration the emphasis placed in national and regional policy documents on the provision of adequate telecommunications including broadband and the fact that the policies and objectives of the current Dun Laoghaire Rathdown County Development Plan reflect this priority, I consider that the principle of the development is acceptable.

The location of the structure does not impinge on or overlap the public road which is within the 50 kph speed limit. Its proximity to road crossings does not impede the safe use of same by pedestrians or impact the visibility of vehicles on approach.

The substantive issue arising is whether the proposal would result in a proliferation of such type infrastructure which would detract from the amenities of the area. I note that the site is on a grass verge adjacent to a large and relatively busy roundabout with residential the predominant use in the vicinity. The nearest dwelling is that to the south-west c. 35 metres distant with a low wall backed with planting delineating its boundary. Public utilities, namely street lighting and signage synonymous with such an urban location influence the street views available. I note that the area is not designated to be of particular sensitivity and is not in or in proximity to any views or prospects listed for protection in the current county development plan.

The application is accompanied by photomontages to aid the visual assessment of the development proposal. The assessment comprises 11 no. viewpoints from various locations that are nearby and further afield, including a number of viewpoints from the nearest residential properties. These were supplemented by a further two viewpoints taken along Glenageary Road Upper taking account of the EIR mast erected thereon so as to show the cumulative impact. I consider that the images are a useful aid in the assessment of the impact of the proposal.

The design of the proposed development comprises a single, monopole structure with a diameter of 0.36 metres and overall height of 15 metres supporting shrouded antennae. Whilst I acknowledge the proposed structure would be more visible than some of the existing utilities in the area, I consider that it would not be so visually disruptive to the degree that it would seriously injure the visual and residential amenity of the receiving environment. The proposed development would take up a relatively small footprint and many of the views towards it would be impeded by existing trees and buildings. The full extent of the proposed development, including both the mast and cabinet, would be mainly only visible in close up views. As evidenced from the supplementary photomontages provided with the appeal, I do not consider that the proposal, coupled with the existing EIR mast to the west, would give rise to concerns in terms of visual clutter. The 130 metre separation distance results in little intervisibility.

I submit that in the context of the existing visual environment the proposal would not be unduly intrusive in terms of its impact on the character and setting of the neighbouring residential lands.

In summary, I do not consider that the proposed development would present as overly dominant, or be an overbearing feature, in this setting . Therefore, I consider the proposal to be acceptable from a visual impact and residential amenity perspective and that is it in accordance with the provisions of the County Development Plan including Policy Objective EI20 and the development management requirements as set out in Section 12.9.8.

Licence Duration

I note that Circular PL 07/12 states that the attachment of conditions to permissions for telecommunication masts and antennae which limit their life to a set temporary period should cease. However, given that this appeal relates to a Section 254 licence application for development on public land, it is considered reasonable that the licence be granted for a specified duration as provided for under Section 254 (4) of the Planning and Development Act, 2000 (as amended). This will enable the Planning Authority to re-assess the suitability of proposed development at the end of the appropriate period in light of any changed circumstances pertaining at that time. The agent for the applicant has no objection to such an inclusion and recommends a specified period of three years. I note that the Board specified a period of 3 years in comparable appeal cases (e.g. ABP-307354-20, ABP 307196-20 ABP 308857-20, ABP 312095-21). I consider such a condition to be appropriate.

Appropriate assessment

Having regard to the nature and scale of the proposed development, its location within Glenageary and separation distance from any Natura 2000 site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

In view of the foregoing I recommend that the Board disallows the appeal for the following reasons and considerations subject to conditions

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, which is a 15m high freestanding monopole carrying telecommunications equipment with ancillary ground-mounted infrastructure, the provisions of section 254 of the Planning & Development Act, 2000 (as amended), the Dun Laoghaire Rathdown County Development Plan, 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 the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. 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. This licence shall be valid for three years from the date of this Order. The telecommunications structure and related ancillary structures shall then be

removed and the lands reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. 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.

Reason: In the interest of public safety.

Pauline Fitzpatrick
Senior Planning Inspector

May, 2022