



An  
Bord  
Pleanála

## Inspector's Report

**ABP-313475-22**

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<b>Development</b>	Replacement of existing telecommunications mast (12m) with a new lattice tower (21.5m)
<b>Location</b>	Eir Exchange, Drogheda Street, Balbriggan, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F21A/0216
<b>Applicant(s)</b>	Eir (Eircom Limited)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Cora McDonagh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> June 2023
<b>Inspector</b>	Bernard Dee

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the town centre of Balbriggan to the west of Drogheda Street. Access to the Eircom Telecom Exchange Compound from Drogheda Street is via Oakleigh Road which also serves a housing estate, Oakleigh, further west. There is residential development to the north of the site and retail and educational uses to the south.
- 1.2. The appeal site is comprised of a comms exchange building and equipment including an existing lattice mast 12m in height that appear not to be in use.
- 1.3. During the site visit on 26<sup>th</sup> June 2023 it was noted that access was unrestricted to the Telecoms compound.

## 2.0 Proposed Development

- 2.1. The development will consist of the removal of the existing mast and the construction of a lattice tower 21.5m including finials in height. Operators equipment would be mounted at the top of the mast.
- 2.2. It is also proposed to provide ground equipment cabinets, a 2.4m high palisade fence and landscaping on the north, west and south boundaries. Within the larger compound a smaller secure compound is proposed around the base of the mast surrounded by a 2.4m palisade fence.
- 2.3. The site area is stated to be 0.027ha.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission for the proposed development was granted on 5<sup>th</sup> April 2022 subject to 10 no. standard conditions for the type of development proposed.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The initial Planner's Report dated 9<sup>th</sup> June 2021 notes the MC 'Major Town Centre zoning of the site where the objective is to 'protect, provide and/or improve major town centre facilities. The Planner's Report notes that 'Telecommunications Structures' are 'Permitted in Principle' within areas zoned MC and that therefore the acceptability in principle for the proposed mast is established. The Planner then cites the relevant Development Plan provisions (see Paragraph 5.0 of this Inspector's Report).

The Planner's Report notes Circular Letter PL 07/12 issued by the Minister for the Environment, Community and Local Government on 19<sup>th</sup> October 2012 in relation to telecommunications masts and the prohibition on limiting the life span of planning permissions granted for said masts. The publication titled 'Environment and Local Government Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures' (1996) is also noted in the Planner's Report with reference to attempting to minimise visual impact of masts and to limit their location in proximity to residential areas or schools to cases where no alternative locations are available.

The Planner recommended that Further Information be sought from the applicant in relation to: the justification for the proposed mast at this location; address the design and height of the proposed mast; provide a visual impact assessment of the proposed mast on vistas and landscape; provide a landscaping plan for the compound where the mast is proposed to be sited; and to clarify the planning history of the existing but unused 12m high mast currently on the application site.

The final Planner's Report dated 5<sup>th</sup> April 2022 notes the content of the Further Information response received by the Planning Authority on 28<sup>th</sup> February 2022 which included: photomontages. In the assessment of same finds that the items contained in the Further Information request have been satisfactorily addressed by the applicant that a grant of permission is recommended subject to conditions.

The final Planner's Report did not deem that either AA or EIA was required in relation to the proposed telecommunications mast.

### 3.2.2. Other Technical Reports

The Parks and Green Infrastructure Division and the Transportation Planning Section replied that there was no objection to the proposed mast subject to appropriate conditions being applied.

### 3.2.3. Prescribed Bodies

No responses received.

### 3.2.4. Observations

Observations were received from five parties during the determination of this application. Collectively and in summary the following issues were raised in these submissions:

- The existing 12m mast at the application site does not appear to have planning permission and is currently unused.
- There are more appropriate locations within Balbriggan to site the proposed mast.
- There is a negative visual and residential impact associated with the proposed mast due to its 21.5m height.
- The proposed mast is located too near residential areas and a school with potential health risks occurring.
- The location of the proposed mast near a petrol station represents a fire risk.

## 4.0 Planning History

### 4.1. On the Appeal Site

- Ref. F09A/0529: permission granted for security measures to existing boundary incorporating decorative fencing and gates 2.4m in height at the Eircom Telecoms Exchange compound.
- There is no reference on file to any permission for the 12m high mast currently on site although this may have been erected as exempted development under the provisions of Class 29 of the Local Government (Planning and Development) Regulations 1994 (S.I. 86/1994) which allowed

statutory telecommunications undertakers to erect antennae support structures under 15m in height with the need for planning permission.

#### 4.2. In the Vicinity of the Site

- References are made by the applicant and the observers to the location of multiple telecommunication masts in the Balbriggan.

## 5.0 Policy and Context

### 5.1. Development Plan

Fingal Development Plan 2023-2029 has come into effect since the Planning Authority assessment of this application and the issuing of a grant of permission. The 2023-2029 Development Plan is the statutory plan for the area and any references in the appeal documentation to the 2017-2023 Development Plan may be disregarded.

The appeal site is located within zoning objective MC – Major Town Centre Objective - Protect, provide for and/or improve major town centre facilities.

Vision - Consolidate the existing Major Towns in the County, (Blanchardstown, Swords and Balbriggan). The aim is to further develop these centres by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic and enhance and develop the existing urban fabric.

‘Telecommunications Structures’ are deemed ‘Permitted in Principle’ with the MC zoning areas.

Objective IUO53 – High-quality Design of Telecommunications Infrastructure Ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity and the protection of sensitive landscapes in the County.

11.8.4 Telecommunications The provision of telecommunications information is important in terms of the economic development of the County. To ensure appropriate telecommunications infrastructure is provided within the County, the Council will have regard to the Guidelines issued by the Department of the Environment, Heritage and Local Government, Planning Guidelines for Telecommunications Antennae and Support Structures 1996 and Circular Letter PL 07/12. The assessment of individual proposals will be governed by the Guidelines and the controls scheduled in Chapter 14 Development Management Standards of this Plan.

Policy IUP36 – Provision of Telecommunications / Digital Connectivity Infrastructure Facilitate the coordinated provision of telecommunications / digital connectivity infrastructure at appropriate locations throughout the County and extension of telecommunications infrastructure including broadband connectivity as a means of improving economic competitiveness and enabling more flexible work practices.

Objective IUO48 – High-quality ICT Network and Appropriate Telecommunications Infrastructure Promote and facilitate the provision of a high-quality ICT network and appropriate telecommunications infrastructure in accordance with the Fingal Digital Strategy 2020–23 (and any subsequent plan), and to support broadband connectivity and other innovative and advancing technologies within the County, whilst protecting the amenities of urban and rural areas.

Objective IUO52 – Telecommunications Infrastructure Ensure that applications made in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, take into consideration and demonstrate compliance with the Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads 2015.

Objective IUO53 – High-quality Design of Telecommunications Infrastructure Ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity and the protection of sensitive landscapes in the County.

#### 14.4.9 Utility Facilities

The quality and finish of the public realm, and the achievement of successful spaces may be eroded by the inappropriate siting of utility facilities such as electricity substations and telecommunications equipment, especially those located to the front and side of buildings. While recognising that utility facilities are necessary, their siting should be incorporated at an early stage of the design process with collaboration between utility providers in sensitively locating such facilities.

Objective DMSO17 – Location of New Utility Structures Where possible, new utility structures such as electricity substations and telecommunication equipment cabinets should not be located adjacent or forward of the front building line of buildings or on areas of open space.

Objective DMSO18 – High Quality Design of New Utility Structures Require new utility structures such as electricity substations and telecommunication equipment cabinets to be of a high-quality design and to be maintained to a high standard by the relevant service provider.

#### 14.20.9 Information and Communications Technology

The Council recognises the importance of the need for high quality communications and information technology networks in assuring the competitiveness of the County's economy and its role in supporting regional and national development. The advantages of a high-quality ICT infrastructure must however be balanced against the need to safeguard the rural and urban environment. The following objectives are of particular relevance:

Objective DMSO222 – Co-Location of Antennae 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.

Objective DMSO223 – Location of Telecommunications Based Services 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.



## Objective DMSO224 – Applications for Telecommunications Structures

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 1996 and Circular Letter PL 07/12 issued by the Department of the Environment and Local Government (as may be amended), and to other publications and material as may be 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 within a 2 km 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 Regulations.
- The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc.) and the potential for mitigating visual impacts including low and mid-level landscape screening, tree-type masts being provided where appropriate, colouring or painting of masts and antennae, and considered access arrangements.
- Ensure that when such licences are sought nearby property owners and occupiers are made aware of the application prior to Fingal County Council or An Bord Pleanála agreeing the licence.

Objective DMSO225 – Open Access Connectivity Arrangements All new developments will be required to provide for open access connectivity arrangements directly to individual premises to enable service provider competition and consumer choice.

Objective DMSO226 – Removal of Masts and Antennae All operators shall remove masts and associated antennae when no longer required.

## 5.2. Natural Heritage Designations

The following natural heritage designations are located <15km from the appeal site:

- Skerries Islands SPA – 004122 – approximately 7km from appeal site.
- River Nanny Estuary SPA – 004158 – approximately 4.5km from appeal site.

## 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

6.1. The relevant planning grounds of the Third Party appeal are, in summary, as follows:

- The proposed mast is not required in Balbriggan as existing wifi and broadband provide a good internet and phone service in the area.
- There are already 27 no. masts in Balbriggan and the proposed mast is surplus to requirements.
- The mast is in close proximity to a school which the Guidelines state should be an option of last resort.
- The proposed mast will have an adverse impact on human health on nearby residents and schoolchildren.
- There is no evidence of alternative sites away from the proposed site being explored.
- The recently granted 30m mast at the ESB site in Stephenstown is a viable alternative for co-location of telecommunications operators.
- The Drogheda Street site is unsuitable from an aesthetic and cultural viewpoint at this town centre site in a developing and thriving urban area.

## 6.2. Applicant Response

The relevant planning grounds of the First Party response prepared by Towercom are, in summary, as follows:

- The proposed mast is located in an existing utilities exchange and this site will provide the location, height and structural capacity to enable improved coverage in the Balbriggan area.
- The 'Radio Engineering Site Justification' report (Appendix A of the First Party response) prepared by Vodafone demonstrates that the increased height to 20m gives better line of sight to other masts in the area allowing a significant upgrade to phone and broadband services in the area.
- Condition 5 of the grant of permission requires the mast to be shared by other operators so the mast will increase coverage provided by other operators other than Vodafone.
- The replacement of the existing 12m by a slimmer mast only 8m higher is an appropriate design solution in an urban area. The Planning Authority concur that by reason of its height and design the mast would be visible but would not have an undue impact on the visual amenity of the area.
- The MC zoning states that telecommunication masts are 'Permitted in Principle' and given the surrounding residential, open space and community infrastructure zoned lands the MC zoned appeal site is the most appropriate location for the mast.
- The mast is in compliance with the policies and objectives of the Fingal County Development Plan 2017-2023 with regard to its stated position on telecommunications masts.
- The proposed mast is replacing an existing obsolete mast within a telecoms centre in line with the 1996 Guidelines.

### 6.3. Planning Authority Response

The Planning Authority response is as follows:

- The application was assessed against relevant Development Plan zoning and standards and existing government policy and guidelines as well as the potential impact on neighbours and the character of the area.
- The proposed development was considered to be consistent with the proper planning and sustainable development of the area subject to the imposition of appropriate conditions.
- Should the Board grant permission it is requested that the Section 48 condition be reapplied to the Board's Order.

### 6.4. Observations

None received.

### 6.5. Further Responses

Not applicable.

## 7.0 **Assessment**

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues to consider therefore are as follows:

- Principle and justification of development.
- Human health.
- Visual impact.
- AA Screening.

### 7.1. Principle and Justification of Development

- 7.1.1. The proposed telecommunications mast is 'Permitted in Principle' on MC zoned lands and therefore the proposed mast is permitted in principle at this location.

7.1.2. In terms of justification for the location of the mast at this location I note that the 'Radio Engineering Site Justification' report (Appendix A of the First Party response) prepared by Vodafone provides a technical justification for the location of the mast and demonstrates the improved coverage that will result. I see no reason to dispute the findings of this report.

7.1.3. From a planning perspective, I note that the mast is to replace an existing mast in a Telecoms compound and not to establish a new mast at a greenfield location which I believe is the correct approach to take.

## 7.2. Human Health

7.2.1. The appeal made to the Board makes the point that the proposed development will negatively impact on human health by virtue of its location near homes and a school.

7.2.2. 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' (1996) is the current guidance in relation to the emissions from telecommunications infrastructure in Ireland. They recognise that there is concern amongst the public in relation to the potential health impacts of these structures but makes the point that International Commission on Non-Ionising Radiation Protection reported that radiation from telecommunication infrastructure is substantially below the guideline set by the International Radiation Protection Association. Additionally, telecoms operators must satisfy ComReg, the statutory authority in these matters, that their equipment and processes meet the approved international standard to protect public health.

7.2.3. The Telecoms Guidelines make the point that the WHO has carried out studies of the effects of radiation emitted by telecoms masts on human and animal biology and concluded that no effects were attributable to this source (see Appendix II 'Health and Safety Aspects' of the National Guidelines).

7.2.4. Having regard to the foregoing I conclude the proposed development should not be refused for reasons related to emissions associated with the proposed telecommunications mast affecting human health

### 7.3. Visual Impact

- 7.3.1. The context within which it is proposed to construct this mast is within a telecoms compound with an existing mast in situ. It is not relevant whether this mast is active or dormant from a visual impact perspective. What is relevant is whether or not the proposed mast would have an adverse impact on the visual amenity of the area.
- 7.3.2. I note that the increase in height from the existing 12m mast is 8m (excluding the 1.5m finials) which in my view is not excessive at this location.
- 7.3.3. I also note that the replacement mast is slimmer in design and less bulky than the existing mast which should assist its absorption into the townscape at this location in due course.
- 7.3.4. From the photomontages submitted on foot of a Further Information request, the proposed mast is certainly visible but is not overbearing or over prominent at this location.
- 7.3.5. I conclude therefore that the proposed development would not seriously injure the visual amenity of the area and that the mast by virtue of its design and height is acceptable at this location.

### 7.4. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site being approximately 200m uphill to the east of the appeal site (Howth Head SAC – 000202), no Appropriate Assessment issues arise and it is not considered that the proposed 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

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, including the zoning objective for the site ('MC – Major Town Centre), which seeks to protect, provide for and/ or improve major town centre facilities; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of the health of persons in the vicinity of the proposed telecommunications mast. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 20<sup>th</sup> April 2021, as amended by plans and particulars received on 28<sup>th</sup> February 2022 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements</p>

	<p>of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>The developer/operator of the telecommunications mast shall facilitate the co-location of other third party telecommunications antennae and associated equipment.</p> <p>Reason: To encourage the co-location of telecommunications facilities and reduce the need for new telecommunications structures.</p>
7.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal.</p> <p>The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory reinstatement of the site.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of</p>



	<p>the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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**Bernard Dee**  
**Planning Inspector**

**3<sup>rd</sup> August 2023**