



An
Bord
Pleanála

Inspector's Report ABP-314165-22

Development	Section 254 Licence for a telecommunications cabinet and associated 15m street pole.
Location	Elmfield Way, Clarehall, Dublin 13
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	TIL015-22
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Section 254 Licence
Planning Authority Decision	Grant licence w. Conditions
Type of Appeal	Third Party
Appellant(s)	Cllr Tom Brabazon obo Residents of Clare Hall
Observer(s)	None
Date of Site Inspection	19 th January 2024
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site is located along the public road between the R139 and the Clare Hall residential development (Elmfield and Temple View), Clarehall, Dublin 13. The proposed development has been constructed since the appeal was lodged.
- 1.2. The site is within the grass verge, between the public footpath and vehicular carriageway. The verge is c.1.6m wide. The site is c.6sqm in area. There is a pillar post box c.2m to the north. There are lighting columns c.17m to the north and south.
- 1.3. The vehicle carriageway abuts the site to the east. The footpath (c.1.2m wide) abuts to the west. There is a dwarf wall and railing on the opposite side of the path. There is also an electricity box within the footpath on the opposite side of the path.
- 1.4. The closest dwellings are c.49m to both the east (Elmfield Way) and west (Temple View Avenue). There are large grassed public amenity spaces to the west and south.

2.0 Proposed Development

- 2.1. The development comprises a telecommunications cabinet and pole. The cabinet is c.1.7m high by c.1.9m wide by c.0.8m deep. The pole is c.15m high (which includes a c.2.75sqm antenna) by c.0.36m diameter at maximum. A c.0.3m diameter dish is attached to the pole. The cabinet is dark green. The pole is light grey. The cabinet and pole are on an area of concrete hardstanding. The completed development is generally as per that proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 The City Council issued a licence (Ref. TIL015-22) on 28th February 2023 subject to 26 no. conditions. I note in particular the provisions of the following conditions:
 19. Public lighting equipment shall not be used with the cabinet and pole;
 22. The cabinet to incorporate a sloped metal roof at 45 degrees minimum angle to discourage its use to gain unauthorised access to neighbouring property;
- 3.1.2 Condition No. 23 requires the pole and cabinet to be removed after 5 years.

3.2. Dublin City Council Reports

3.1. Planning & Development Department

3.1.1 The Planning & Development Department report, dated 29th June 2022, states:

- Report states no objection and recommends approval subject to conditions;
- Site is zoned Z9, in which public service installations are permissible;
- National, regional & local policy supports broadband and related infrastructure;
- The nature of modern mobile phone masts and broadband technology is that more such structures will be located in the urban environment;
- Mobile telecommunication is a public utility. Such structures are required and are expected in a suburban location to provide a comprehensive network;
- There is a coverage blackspot in the area, and no alternative suitable locations;
- Perceived impacts on public health are outside the scope of the assessment;
- The cabinet is typical of its type and used extensively in the city;
- The pole would be taller and wider than streetlamps but can be integrated into the streetscape and after a period will become part of the street backdrop;
- The pole would be prominent, and in the middle of a green space, with little tree coverage, however does not negatively impact visual or residential amenity;
- Servicing the development will impact prams / buggies / wheelchairs panel. Transportation Planning should consider whether this will impact the public;
- The principle concern raised by objections is the pole's prominence / appearance. Report concludes there may be merit in locating the pole where it is screened by trees but that this is not considered to be critical;
- Construction of the development would not be an issue for traffic.

3.2. Transportation Planning Division

3.2.1 Report dated 24th June 2022 states the proposed cabinet does not reduce the footpath width and would not interfere with pedestrian flow. The report considers this acceptable and the division has no objection.

3.3. Third Party Observations

3.3.1 None received.

4.0 Planning History

4.1. There is no recent relevant planning or licensing history pertaining to this site.

5.0 Policy Context

5.1. Harnessing Digital: The Digital Ireland Framework 2022

5.1.1 The Government's National Digital Strategy has four dimensions, one of which relates to digital infrastructure. The stated targets in this regard include for all populated areas to be covered by 5G by 2023 and all households and businesses to be covered by the gigabit network by 2028. The strategy states this requires investment by commercial operators in quality, secure and resilient gigabit network services to the vast majority of premises in primarily urban and suburban areas.

5.2. National Broadband Plan 2012

5.2.1 This is a Government initiative to deliver high quality infrastructure and high speed broadband that reaches every citizen and business in Ireland, through accelerated commercial investment by telecom operators and State intervention

5.3. Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads 2015

5.3.1 The guidance addresses the engineering appropriateness of siting telecommunications equipment on the road network. It states that standalone poles are the preferred option in urban areas as there are ongoing operational and maintenance issues related to accommodating electronic equipment on lighting columns. It states that lighting columns typically are frangible and thin-walled to minimise risk of injury to passengers of an errant vehicle impacting the pole. It states that to accommodate a telecoms antenna, a lighting column would have to be replaced with a stronger support.

5.4. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996

- 5.4.1 The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required construction of base station towers in urban and rural areas, and that these base stations are an essential feature of all modern telecommunications networks. It states that in many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed. Sections 1.2, 2.3.2, 4.2 and 4.3 of the Guidelines are particularly relevant to the development.
- 5.4.2 Section 4.3 states that in the vicinity of city suburbs only as a last resort and if alternatives are not available or unsuitable (ie. industrial estates, industrially zoned land, some commercial or retail areas, ESB substations) should free-standing masts be located in a residential area. It states that if such a location becomes necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. It states the support structure should be kept to the minimum height consistent with effective operation and should be monopole rather than a latticed tripod or square structure.
- 5.4.3 Section 4.3 also states that in suburban areas the use of tall buildings or other existing structures is preferable to construction of independent antennae support structures, and that the support structure should be kept to the minimum height consistent with effective operation. It also states that:
- *In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc., already referred to.*
- 5.4.4 Section 4.2 states:
- *The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design.*
 - *Similarly, location will be substantially influenced by radio engineering factors.*
 - *Some masts will remain quite noticeable in spite of the best precautions.*

5.5. Circular Letter PL11/2020

5.5.1 Circular PL11/2020 relates to planning exemptions and Section 254 licences.

5.6. Circular Letter PL07/12

5.6.1 Circular PL07/12 updates the 1996 Guidelines in relation to a number of matters, including clarifying that attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease, and that only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.

5.7. Eastern & Midland Regional Spatial & Economic Strategy 2019-2031

5.7.1 I note the provisions of Section 8.6 'Communications Network and Digital Infrastructure', and Regional Policy Objective RPO 8.25 which seeks to facilitate the National Broadband Plan and the sustainable development of a high-quality ICT network throughout the region whilst protecting the amenities of urban areas.

5.8. City Development Plan

5.8.1 I note the following provisions of the Dublin City City Development Plan 2022-2028:

- Sections 9.4 'Strategic Approach' and 9.5.11 'Digital Connectivity Infrastructure'
- Policy SI45 'Support for Digital Connectivity'
- Policy SI48 'Sharing and Co-Location of Digital Connectivity Infrastructure'
- Objective SIO27 'National Broadband Plan'.
- Section 14.3.2 'Unzoned Lands' states that *"Development proposals in respect of these unzoned lands will be considered in accordance with the policies and objectives of the plan. Regard will also be had to their compatibility with adjacent land-uses and zoning."*
- Section 15.18 'Environmental Management', including Section 15.18.5 'Telecommunications and Digital Connectivity'.

5.8.2 In the development plan zoning maps the site is located on unzoned lands.

5.9. Natural Heritage Designations

- 5.9.1 There are no natural heritage designations within or immediately adjoining the site. There is no connection to the public sewerage network. Significant effects are not likely to arise, either alone or in combination with other plans or projects.

5.10. EIA Screening

- 5.10.1 The development is not of a class for the purposes of EIA and therefore does not give rise to a need for screening of EIA (See Form 1 Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1 An appeal was received on 15th July 2022 from Cllr. Tom Brabazon on behalf of residents of Elmfield Way, Clarehall, and residents generally in Clare Hall Estate:
- Residents are vehemently opposed to the siting of a 15m alpha 3.0 street pole, antennae and ground equipment cabinet on their road;
 - The overwhelming majority of residents do not want this and if it is to serve local residents they ask why proceed with it when no one wants it;
 - It does not serve the local community in Clare Hall in any beneficial way;
 - There will be a loss of open public green space in the middle of the estate;
 - It is unacceptable that this type of mast would be sited so close to and opposite housing. The operators should source an alternative site away from housing;
 - The mast and cabinet would be imposing and an eyesore. The mast is ugly / unsuitable at the estate entrance and detracts from the estate;
 - The mast size and design are out of proportion and harmful to resident amenity;
 - It will be a nuisance when constructed and during construction with wheelchair and buggy users having to go around a construction site.

6.2. Applicant Response

6.2.1 The applicant response was received 16th September 2022, summarised as follows:

- That the overwhelming majority of residents do not want the development is not supported by evidence. The Board cannot rely on hearsay;
- Regarding open space loss, the footprint is minor in the context of overall open space provision. It is on a grass verge with existing street furniture and has no zoning designation. Adjacent open space is not interfered with;
- Site was carefully chosen to be c.50m away from any dwelling facing the site. This is more than sufficient to ensure no material impacts on resident amenity;
- The proposal is not close to housing. There is a significant separation distance;
- Fundamentally disagree that the development does not serve the local community in any beneficial way. There is a telecommunications blackspot in the area and the pole is needed to provide the level of telecommunications service expected in an urban area;
- The mast and cabinet are standard sizes and have been granted on multiple occasions around the City by the Council and the Board;
- Firmly disagree there will be any impact on residents in the area due to the slimline nature of the structure and the substantial distance from any dwelling;
- The pole will be located on grass verge so to not interfere with wheelchair and buggy users. The construction site will be minor in terms of size.

6.3. Planning Authority Response

6.3.1 Letter received 27th September 2022 states no additional comments.

6.4. Observations

6.4.1 None received.

7.0 Assessment

7.1. The development is considered under Section 254(1)(e)(e) of the Planning and Development Act 2000 as amended. Having regard to relevant statutory requirements, national guidelines, regional policy, local planning policy, the licence application details, the appeal submitted, the documentation on file, and my inspection of the site, I consider the main issues for this appeal relating to the proper planning and sustainable development of the area are as follows:

- Development rationale;
- Land use policy;
- Residential and visual amenities;
- Road safety and convenience.

7.1. Development rationale

7.1.1 The applicant includes information (Figures 5 & 6 of the submitted planning statement) on the poor telecommunications signal in the area without the development and the signal improvements the development would bring. This generally shows the signal in the area improving from 'fair' to 'excellent' or 'very good'. I am satisfied the infrastructure is required and that its provision will benefit the area in line with national policy and Policy SI45, Section 9.5.11 and Section 15.18 of the development plan.

7.1.2 In relation to the site location, the applicant sets out network requirements and details of the site selection process, including examination of alternative sites. To improve telecommunication services in the area and meet network requirements, a cabinet and mast are needed within a c.125m radius of the subject site. The location must also not interfere with existing services / infrastructure; have access to fibre cables for network connectivity; have adequate space for the cabinet and mast; and be within the c.125m radius search area. Based on the technical information provided I am satisfied the rationale is reasonable.

7.2. Land use policy

7.2.1 The site is not covered by a specific land use zoning objective and is illustrated as white on the development plan zoning maps, which corresponds in this location with the public road. I note the lands to the south, east, and west are zoned Z9 Amenity /

Open Space Lands / Green Network. Public service installations are permitted in principle on Z9 lands. In line with development plan Section 14.3.2 I consider the development is acceptable in principle in this location, subject to assessment against other relevant provisions of the development plan, as set out below.

7.2.2 In relation to the location of telecommunications infrastructure, I note the following:

- Development plan Section 15.18.5 states a preference for telecommunications antennae and supporting structures to be located in industrial estates or lands zoned for industrial/employment uses. There are no such lands within the required c.125m radius search area.
- Section 4.2 of the telecommunications guidelines states that the possibilities of some commercial or retail areas should be explored. I note there is a neighbourhood centre to the south of the site which is partially within the c.125m radius search area. I note its restricted size and layout which I consider inhibits the provision of the required cabinet at ground level. I also note there is already a telecommunications dish on the building in this location.
- In line with Sections 1.2 and 4.3 of the telecommunications guidelines, the development is not near a conservation area, amenity area, historic park, protected building, special view or prospect, archaeological site, protected structure, or monument.
- Section 4.3 of the telecommunications guidelines states that the use of tall buildings or other existing structures is preferable to the construction of an independent antennae support structure. In this regard I note there are no tall buildings in the required area.

7.2.3 As set out above, national guidelines and the development plan provide for the provision of masts in residential areas in certain circumstances. Based on the forgoing, and having regard to the residential nature of the area and to the stated network requirements, I am satisfied the subject location is consistent with relevant policies and guidelines. I am also satisfied there are no other locations within the required c.125m radius area which meet the stated network requirements and also have a lesser planning impact, and would be further away from or less conspicuous to residential development. In this regard I consider that all other potential locations within the search area are as close to residential development as the subject site.

7.2.4 In relation to the potential for co-locating the mast with other infrastructure, I note the applicant references the possibility to remove an adjacent lighting column and locate that streetlight on the subject mast. This would require relocation of the streetlight column which would negatively impact public lighting coverage in the area. Also, there are no other telecommunications posts or poles in the c.125m search area on which to co-locate the subject development. As such, in line with development plan Policy SI48 I do not consider that existing street furniture would be appropriate for the deployment of the subject telecommunications infrastructure. In this regard I note Condition 19 of the licence issued by the City Council which specifically prohibits the use of public lighting equipment with the cabinet and pole.

7.2.5 In relation to design, whilst the mast is taller and wider than other more common street furniture including streetlights in the area, the colour of both it and the cabinet is similar to other such street furniture and infrastructure. The development is located within the grass verge along the road as per the streetlights to the north and south of the site and elsewhere along the local road network. The general character of the area is that of a low-density suburban development adjacent a distributor road, and as a result the required height of the mast makes it relatively prominent when viewed at short to medium distances, particular where it breaks the skyline. I consider its design, particularly on account of its colouring and relatively slender nature, is similar to other comparable infrastructure in the vicinity, and I do not consider it to be significantly out of place, nor do I consider that the proposal is out of character with the surrounding area in terms of its design. Overall I consider the design to be acceptable.

7.2.6 Related to this, Section 4.3 of the telecommunications guidelines requires that where masts are located in residential areas, the support structure should be kept to a minimum height and should be monopole rather than a latticed tripod or square structure. I consider that the subject mast meets these requirements.

7.2.7 Overall I am satisfied the site and proposed development are acceptable and consistent with relevant policy and guidelines in these regards.

7.3. Residential and visual amenities

7.3.1 In relation to the appellant point that the development gives rise to a loss of public open space, I do not consider that such a loss arises. The site is within the grass verge between the public carriageway and footpath and is on incidental rather and

usable open space. The site is not zoned for open space. The site is separated from an area of zoned public open space by a footpath and wall.

- 7.3.2 In relation to the appellant point that the development would not serve the local community in any beneficial way, I note the development is to improve telecommunications services in the local area.
- 7.3.3 In relation to the proximity of the mast to housing, I acknowledge that a number of dwellings are orientated toward the site. However, no minimum distances between dwellings and telecommunications masts are stated in policy or guidelines. I consider that the mast is located a reasonable distance from the nearest houses. In addition there are trees and walls/railings between the houses to both to the west and east, and these features provide some screening of the development. This screening is more effective for the dwellings to the east on account of the stronger tree planting, and in the summer months I would expect these trees to almost fully screen the mast height. Overall I do not consider the mast and cabinet have an undue negative impact on the residential amenity of the area, including from nearby dwellings.
- 7.3.4 In relation to visual impact, a visual impact assessment and photomontages were submitted with the application. I consider related points to this further below:
- I acknowledge the appellant commentary in relation to visual impact. The mast is approximately 50% taller and approximately twice as wide as more common service poles such as the lighting columns including those along the subject road. I also acknowledge that it is in a relatively open and highly trafficked location at the main entrance to a large residential estate. I note the mast is relatively simple in terms of its form, with few antennae or dishes, and would be coloured light grey akin to similar lighting poles to minimise its visibility.
 - I note again the development is screened somewhat from the dwellings to the east and west;
 - I note again there are a number of streetlamps and other similar street furniture in the area, and from some perspectives the mast sits amongst these and is less noticeable. I consider the development does not give rise to visual clutter or proliferation of telecommunications structures at this location.
- 7.3.5 Overall in this regard I consider the development is more noticeable and has a greater visual impact than comparable infrastructure in the public realm, such as

lighting columns, especially as one observes the structure in the near to middle distance. However, I am satisfied it is not unacceptably visually intrusive or that it has an undue negative impact on the visual amenities of the area, particularly in the context of other existing street furniture, and is not unacceptably visually prominent and obtrusive at this location.

7.3.6 In relation to the location rationale and the potential for alternative sites, as set out above, I am satisfied there are no preferable sites within the required search area which would also be further from residential development and have a lesser impact on residential and visual amenities in the area.

7.3.7 Overall I do not consider that the development seriously injures the visual and residential amenities of the area, and as such is acceptable in these regards.

7.4. Road safety and convenience

7.4.1 The site is along a public road. The cabinet and mast are within the grass verge and do not obstruct the vehicle carriageway or footpath, or visibility of same.

7.4.2 I note a small electricity box within the public footpath adjacent the site. This has the effect of reducing the useable footpath width at this point, however I do not consider this is significant and in any event is not worsened by the development. The planning authority Transportation Division states no objection in this regard.

7.4.3 In relation to appellant concern the development would be a nuisance for wheelchair and buggy users, having regard to the above I am satisfied the development does not inhibit the movement of such users to a significant degree.

7.4.4 I acknowledge the cabinet requires servicing and that this would be done from the public footpath with a service vehicle parked adjacent on the public road. I consider this will be infrequent and will not have a significant impact on users.

7.5. Related matters

Conditions

7.5.1 A total of 26 no. conditions were attached by the City Council. I note Condition No. 22 regarding unauthorised access to neighbouring properties is not required. Similarly I note Condition 23 requires removal of the pole and cabinet on the expiration of five years; this is not consistent with national guidance as per Circular PL07/12. I set out recommended conditions below.

7.6. Conclusion

- 7.6.1 The development, particularly the mast, is visually prominent compared to comparable street furniture in the area such as the streetlights, however having regard to the scale and design of the development and the nature of the surrounding area, I am satisfied the development is not unacceptably visually intrusive or that it would have an undue negative impact on the visual or residential amenities of the area. I acknowledge the appellant's concerns as to the impact of the development on the amenities of the area, however in the context of the benefits to local telecommunications services consistent with national, regional and local planning policy, including development plan Policy SI45 and the Telecommunications Antennae and Support Structures Guidelines, I consider that on balance the proposal is acceptable and consistent with the proper planning and sustainable development of the area, subject to conditions.

7.1. Appropriate Assessment

- 7.1.1 Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, I consider no Appropriate Assessment issues arise and that the proposed development would not likely have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend a licence be granted for the development subject to conditions.

9.0 Reasons and Considerations

Having regard to the provisions of Section 254 of the Planning and Development Act 2000 as amended; to national, regional and local policy objectives and guidelines including the Dublin City Development Plan 2022-2028; to the nature and scale of the development and the existing pattern of development in the area; it is considered that subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This licence is for one 15m freestanding pole and antennae, telecommunications dish, and associated operator cabinet only in accordance with the details submitted to the planning authority on the 30th May 2022.</p> <p>Reason: To clarify the nature and extent of the permitted development to which this licence relates and to facilitate a full assessment of any future alterations.</p>
3.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the telecommunication structures shall not be altered and no additional apparatus shall be attached, without a prior grant of permission.</p> <p>Reason: To clarify the nature and extend of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.</p>
4.	<p>The maximum height of the telecommunications pole inclusive of antennae shall not exceed 15m and the maximum width shall not exceed 0.36m.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>The cabinet and pole shall be maintained regularly and shall be kept graffiti free.</p> <p>Reason: In the interests of the visual amenity of the area.</p>
6.	<p>The structures shall not interfere with existing services, existing drainage systems and shall not obstruct pedestrian access.</p> <p>Reason: In the interests of orderly development and pedestrian safety.</p>

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| 7. | <p>The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this licence.</p> <p>Reason: To enable the impact and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.</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.-

Dan Aspell
Planning Inspector
24th January 2024

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	314165-22		
Proposed Development Summary	Telecommunications cabinet and associated pole		
Development Address	Elmfield Way, Clarehall, Dublin 13		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: __13th January 2024__