



An
Bord
Pleanála

Inspector's Report

ABP-314825-22

Development	S254 licence for a 18m freestanding streetpole solution, equipment cabinet and associated site works
Location	Grass verge along Huntstown Way, Blakestown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254W/03/22
Applicant(s)	Signal infrastructure Ltd.
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse Licence
Type of Appeal	First Party
Appellant(s)	Signal infrastructure Ltd.
Observer(s)	None
Date of Site Inspection	18 th January 2023
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The appeal site is on the northern side of Huntstown Way, Mulhuddart, Dublin 15. It is directly at the front (south) of an existing neighbourhood centre, Pinewood House, and comprises a small section of grass verge. A public footpath and off-road cycle lane run east to west just north of the site.
- 1.2. There are tall lamp standards, ground-level utilities and road signage in both the immediate and wider surrounding vicinity. This includes along Huntstown Way and at a roundabout roughly 35m to the east. A recently permitted streetpole, for telecoms purposes, has been erected approximately 10m east of the appeal site. The streetpole is 15m in height and has an ancillary ground-level equipment cabinet.
- 1.3. The character of the area is mainly residential and commercial. Huntstown Community Centre is approximately 60m to the north, behind the neighbourhood centre, and Sacred Heart National School is approximately 50m to the west.
- 1.4. The site is owned by Fingal County Council.

2.0 Proposed Development

- 2.1. The Applicant is seeking approval for a Section 254 Licence, comprising an 15m high freestanding telecommunications monopole together with internal cabling, dish (only to be included if no fibre broadband is available in the area), equipment cabinet and associated operating works. The purpose of the proposed infrastructure is to provide improved, high-quality network coverage for the surrounding area.
- 2.2. The monopole would be approximately 0.5m at its widest point and cables are housed internally.
- 2.3. The ground-level cabinet would be approximately 1.2m wide, 1.7m high and 0.8m deep.
- 2.4. The proposed licence duration is for 5 years. However, the Applicant is also willing to accept a 3-year permission to allow for new technology to be developed which would enable co-location of multi-operational infrastructure on the street pole.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused the Section 254 licence for one reason, which was that having regard to the nature and height of the proposed communication infrastructure, and of a concurrent application (Reg. Ref. Ref. S254W/02/22) for a further streetpole in close proximity to the current proposal, it was considered that the proposed development would be injurious to the visual amenities of the area and contrary to the objectives of the Fingal Development Plan 2017-2023 in respect of telecommunications antennae.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed development would provide a benefit to the area through improved mobile and wireless broadband. However, this must be balanced against potential impacts on the amenities of the area.
- The new site is intended to be a replacement for the existing meteor site on top of the neighbourhood centre. The Applicant states that the building is not suitable for a mounted solution given its low height and pitched roof.
- Other alternative sites within the search ring were examined by the Applicant. However, none were viable options for various reasons.
- A recent licence application for a similar streetpole solution, 90m east of the appeal site, was refused by the Board due to reasons relating to insufficient evidence provided in respect of alternative sites, and the residential zoning of the site, meaning the proposed development would conflict with government policy and detract from the residential amenity of the area.
- The submitted visual impact assessment provides no viewpoints on the northern side of Huntstown Way or any to illustrate the combined visual impact of both streetpole structures [existing and proposed].

- It is unclear if sufficient clearance from the edge of footpath and edge of the road can be achieved. Concerns raised regarding visibility and sightlines from a traffic and access perspective.
- The proposal would be visually obtrusive and lead to visual clutter in the streetscape. There are no trees within the grass verge at this location (north of Huntstown Way) to reduce the potential for visual impacts caused by the development. There is also no landscaping proposed to screen either of the streetpoles, existing and proposed, or any of the associated equipment.

3.2.2. Other Technical Reports

Transportation Planning Section, report dated 29th March 2022

Requested further information, including details showing that:

- the telecommunication infrastructure can be erected a minimum of 600mm from both the edge of the footpath and edge of road as it is not currently clear if this can be achieved from the drawings provided, and
- the combination of two such structures (Reg. Refs. S254W/02/22 and S254W/03/22) in the grass verge would not compromise the sightlines required for access to the shop / neighbourhood centre or obscure the required forward visibility on the approach to the roundabout.

Parks and Green Infrastructure Division, report dated 16th February 2022

- No objection, subject to conditions requiring landscape repair works post completion of construction works and that the works are be paved.

4.0 Planning History

Subject Site

None.

Surrounding Area (10m to the east of subject site)

Reg. Ref. 254W/02/22

The Planning Authority **granted** a licence for a 15m high streetpole solution and operator cabinet in July 2022 for a five-year period.

The subject site is roughly 10m to the west of this streetpole, which has since been constructed and is now operational.

Surrounding Area (90m to the east of subject site)

ABP Ref. 308369-21 (Reg. Ref. S254W/05/20):

The Board **refused** permission in February 2021 for a proposed Section 254 Licence for the installation of telecommunications infrastructure comprising a 15m streetpole, antennae, internal cabling and an associated equipment cabinet.

The reasons for refusal were due to the nature and height of the proposed development, its location in a residential area and that insufficient evidence had been provided in respect of alternative sites to support the location of the development. It was therefore considered that the proposed development would be contrary to the government guidelines and the residential zoning for the site as per the Fingal Development Plan (2017-2023).

The Planning Authority **refused** the proposal for similar reasons in December 2020.

Reg. Ref. S254W/03/20

The Planning Authority **refused** permission in February 2020 for a proposed Section 254 Licence for the installation of telecommunications infrastructure comprising a 15m streetpole, antennae, internal cabling and an associated equipment cabinet.

The reasons for refusal were due to the nature and height of the proposed development, the residential zoning of the site, proximity to residential properties, such that the proposed development would be contrary to the objectives of the Fingal County Development Plan 2017-2023 in respect of telecommunications infrastructure.

5.0 Policy Context

5.1. Planning Authorities on Telecommunications Antennae and Support Structures issued (1996)

- 5.1.1. The *'Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures'* (1996) set out government policy for the assessment of proposed new telecommunications structures ('the 1996 Guidelines'). The

Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low rise nature of buildings and structures, a supporting mast or tower is needed.

5.1.2. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort, and if there no viable alternatives, should free-standing masts be located in a residential area or beside schools. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.

5.1.3. The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

5.1.4. The Guidelines state that the approach will vary depending on whether a proposed development is in:

- a rural/agricultural area;
- an upland/hilly, mountainous area;
- a smaller settlement/village;
- an industrial area/industrially zoned land; or
- a suburban area of a larger town or city.

5.1.5. The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

5.2. **Circular Letter PL07/12**

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

5.3. **Circular Letter PL11/2020**

5.3.1. Circular Letter PL11/2020 'Telecommunications Services – Planning Exemptions and Section 254 Licences' was issued in December 2020. It advises Planning Authorities that:

- Section 254 of the Act outlines the provisions in relation to the licensing of appliances and cables etc on public roads. Where development of a type specified in section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of the obtaining of a section 254 licence.
- A Section 254 Licence is required for overground electronic communications infrastructure and its associated works, and that such works are exempt from planning permission.
- The exemptions for telecommunications infrastructure along public roads do not apply:
 - (a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.

- (b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:

- a) the proper planning and sustainable development of the area,
- b) any relevant provisions of the development plan, or a local area plan,
- c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d) the convenience and safety of road users including pedestrians.

5.4. **Fingal Development Plan 2017-2023**

[Note: At the time of writing, the Draft Fingal Development Plan 2023 - 2029 was due to take effect from April 2023. The relevant provisions of the Draft Plan, including the zoning of the subject site and its immediate surrounds, are effectively the equivalent of the 2017-2023 Development Plan for the purposes of assessing the subject appeal case.]

Zoning

The subject site is unzoned. It is within a grass verge that runs parallel to a public road and pedestrian footpath.

Chapter 7 - Movement and Infrastructure

'Telecommunications Antennae and Support Structures' (Section 7.4): -

Objective IT01

Promote and facilitate the sustainable delivery of a high-quality ICT infrastructure network throughout the County taking account of the need to protect the countryside and the urban environment together with seeking to achieve balanced social and economic development.

Objective IT05

Provide the necessary telecommunications infrastructure throughout the County in accordance with the requirements of the Telecommunications Antennae and Support

Structures Guidelines for Planning Authorities July 1996 except where they conflict with Circular Letter PL07/12 which shall take precedence, and any subsequent revisions or additional guidelines in this area.

Objective IT07

Require best practice in siting and design in relation to the erection of communication antennae.

Objective IT08

Secure a high quality of design of masts, towers and antennae and other such infrastructure in the interests of visual amenity and the protection of sensitive landscapes, subject to radio and engineering parameters.

Chapter 12 - Development Management Standards

DMS143

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.

DMS144

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.

DMS145

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 in July 1996 and / or to any subsequent amendments, Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation and to such other publications and material as maybe 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 (whether operated by the applicant or a competing company) within a 1km radius of the proposed site.*
- *Where sharing is not proposed, submit documentary evidence clearly stating the reasons why it is not feasible to share existing facilities bearing in mind the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation.*
- *Demonstrate to what degree there is an impact on public safety, landscape, vistas and ecology.*
- *Identify any mitigation measure.*

5.5. Natural Heritage Designations

There are no designated European Sites directly affecting or in the vicinity of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The proposed design and height of the proposed structure (15m) is not unusual for this type of infrastructure and is common throughout the country.
- A license was granted for a second streetpole roughly 10m east of the subject site. The reason for requiring 2 no. streetpoles in such proximity to each other is because the technology does not yet exist to accommodate multiple providers on a single streetpole.
- The Applicant is a 'neutral host' and has sought to create a multi-operator streetpole option as part of the current application (i.e., the appeal before the

Board for consideration). This would allow for accommodating more than one operator on the one streetpole.

- The issues raised by the Council's Transportation Section regarding clearance from the roadside and adjacent footpath and sightlines are addressed by a specific drawing. There is sufficient space for pedestrians to use the footpath. Similarly, the proposed development would not interfere with sightlines, visibility splays, or stopping distances required for vehicles approaching the neighbourhood centre or nearby roundabout.
- The updated Visual Impact Assessment (VIA) in Appendix D of the Appeal includes viewpoints of both the permitted (existing) monopole which is 10m east of the proposed development. The VIA also shows the dual operator pole, should this option be preferred by the Board.
- The vast majority of streetpoles do not have nor require landscaping / vegetative screening. It is unreasonable of the Planning Authority to raise this as an issue.
- The Applicant refers to a previous appeal case involving Galway City Council in 2020 where the Board's Inspector referenced the proposed mast as having a 'nondescript character and design that is not dissimilar to a lamp standard or traffic light pole'. The proposed development was recommended to be granted by the Inspector and ultimately permitted by the Board (ABP Ref. PL.61.306440).
- A similar reference is made to another 15m monopole permitted by the Board at St. John's Hill, The Folly, Waterford (ABP Ref. LC93.309598).

6.2. Planning Authority Response

- Having regard to national and local planning policy, and in particular the concurrent application (Reg. Ref. S254W/02/22), in close proximity to the subject site, it is considered that the proposed street pole would be injurious to the visual amenities of the area.

- The proposed development would be contrary to both the Fingal Development Plan 2017-2023 in respect of telecommunications antennae and the proper planning and sustainable development of the area.
- The Board is requested to refuse permission.

7.0 **Assessment**

7.1. **Revised Proposal**

The Applicant has submitted a revised proposal, as part of their Appeal, as an option for the Board to consider. This amended version allows for more than one operator to be accommodated (i.e., a dual operator solution) and is 18m in height. It is therefore 3m taller than the original proposed monopole submitted at application stage. The Applicant is also willing to accept a condition requiring the proposed development to be capable of accommodating multiple operators.

7.2. **Planning Considerations**

The main planning considerations relevant to this appeal are:

- Visual Impact
- Site Selection (Alternatives Considered)
- Appropriate Assessment

7.3. **Visual Impact**

- 7.3.1. The Planning Authority's reason for refusal is due to the nature and height of the proposed telecommunications infrastructure, that there was a concurrent application for another 15m tall streetpole in close proximity to the appeal site (Reg. Ref. S254W/02/22) under consideration and that the proposed development would be injurious to the visual amenities of the area. The Planner's Report also noted that the proposal would lead to increased visual clutter in the streetscape.
- 7.3.2. I note that the S.254 Licence proposed under (Reg. Ref. S254W/02/22) was permitted by the Planning Authority in July 2022 for a duration of five years. The

streetpole has since been erected and appears to be operational. It is within approximately 10m where the new streetpole would be situated, if permitted.

- 7.3.3. The Fingal Development Plan 2017-2023 (Objective IT07) requires best practice in siting and design in relation to erecting communication antennae. Objective IT08 is also relevant in that it seeks to keep visual impact to a minimum and requires that detailed consideration be given to the siting and external appearance of proposed equipment.
- 7.3.4. I have visited the appeal site and consider that the proposed telecommunications facility would result in visual impact being incurred on the local environment. This is partly due to the height of the proposed monopole, which is 15m, but also its prominent location along a busy road in proximity to residential housing and next to a further recently installed streetpole fixture. Section 4.3 of the Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures' (1996) ('the 1996 Guidelines') states that sites close to existing residential areas are particularly sensitive from a visual and residential amenity perspective and I note that there are several housing estates in the vicinity of the site; the closest of these being Ashfield Way to the east, Pinewood Court to the north, and Huntstown Park and Huntstown Drive to the south, across Huntstown Way.
- 7.3.5. The Applicant submitted a Visual Impact Assessment (VIA) as part of the original application to aid in the visual assessment of the development proposal. A further VIA has been submitted to the Board to visually describe the multi-operator monopole mast, which is 18m, and set out in the Applicant's appeal submission as a potential option. Each assessment comprises 10 no. viewpoints in total which are from various nearby and further afield locations. The viewpoints are from mainly along Huntstown Way. There is 1 no. viewpoint from the north (Ashfield Way) and 2 no. from Huntstown Park (south). Viewpoints 9 and 10 are from near the Sacred Heart National School, which is roughly 50m to the west.
- 7.3.6. I accept that the presence of established and mature trees along the southern side of Huntstown from the west would assist in reducing the potential for visual impact from certain long-distance views, as shown in Viewpoint Nos. 2 and 3. However, other views, and particularly those from the Nos. 5, 6 and 6 demonstrate that the addition of the proposed monopole would be visually apparent and a clear intervention into

the streetscape. The proposed development would unnecessarily add to the existing amount of visual clutter in this urban environment, in my opinion, particularly against the backdrop of a second monopole in such proximity.

- 7.3.7. I note that the prevailing building height in the vicinity is low and mainly two storey residential housing. Taller buildings in the area include the neighbourhood centre (directly north of the site), the Sacred Heart National School (approximately 50m to the west) and a Church (approximately 150m west). In this regard, Section 4.3 of the 1996 Guidelines refers to visual impact stating that only as a last resort should free-standing masts be in a residential area or beside schools. If such locations should become necessary, sites already developed for utilities should be examined, and masts and antennae should be designed and adapted for the specific location. In this regard, I again reference the presence of the recently permitted and erected streetpole which is in proximity to the appeal site.
- 7.3.8. It is clear to me that the 1996 Guidelines strongly favour the co-location of telecommunications antennae in such circumstances. This is to avoid a proliferation of masts and other such supporting structures which, the Guidelines state, can lead to inappropriate visual amenity impacts arising and excessive clutter. The Guidelines also state that in urban and suburban areas the use of existing structures is always preferable to the construction of an independent antennae support structure.
- 7.3.9. Having reviewed this information, and inspected the subject site and its surrounding area, I am not satisfied that the location of a 18m mast – or a 15m one – would be appropriate in this context. The existing monopole, which is alongside the appeal site (10m east), features prominently in the Applicant’s visual assessment. It was also very apparent and noticeable during my physical inspection of the site and of its receiving environment.
- 7.3.10. In conclusion, I consider that the siting of the mast in this prominent setting, next to an existing similar and recently permitted mast, would seriously injure the visual amenities of the area and be contrary to the relevant Development Plan policies and objectives that apply, including Objective IT07, which requires best practice in siting and design regarding the erection of communication antennae.

7.4. Site Selection (Alternatives Considered)

- 7.4.1. The Development Plan supports the widespread availability of a high quality Information and Communications Technology (ICT) network within the County. Objective IT01 is relevant and seeks to promote and facilitate the sustainable delivery of a high-quality ICT infrastructure network throughout the County, taking account of the need to protect the countryside and the urban environment together with seeking to achieve balanced social and economic development.
- 7.4.2. I have examined the Comreg Outdoor Coverage Mapping for 4G network coverage for the area. Eir's coverage for the appeal site and its surrounding area varies between 'good' and 'fair', which means that there is a mix of strong signals with good data speeds but that marginal data with drop-outs is possible at weaker signal levels. It is clear that other parts of the surrounding area, including towards Mulhuddart, Damastown and Ongar, have comparatively better service coverage ranging mainly between 'very good' and 'good'.
- 7.4.3. Notwithstanding this, both the 1996 Guidelines and Planning Circular PL07/12 encourage mast sharing and the co-location of antennae on existing support structures. It also requires documentary evidence of the non-availability of this option for proposals for new structures and states that the shared use of existing structures 'will be required' where there is an excessive concentration of masts located in a single area.
- 7.4.4. The Planning Statement accompanying the application under Section 3.2.5 shows that 5 no. alternative sites were examined within a 200m diameter of the subject site. The Report notes that four of the candidate sites are outside the search ring¹ and the current site ('Site A') for the telecommunications equipment, which is on top of the neighbourhood centre just north of the subject site, is considered inappropriate. The Applicant states this is because the centre has a building height of only 8m and the pitched roof is unsuited to support a 15m tall monopole. It is therefore asserted that the only realistic option that remains is the appeal site.

¹ The area within which a telecommunications service support structure should be located to meet engineering requirements to improve service, taking into account factors including topography and the demographics of the service area.

- 7.4.5. Notwithstanding this, I do not accept that all alternatives have been fully considered as part of the application. Generally, there are many similar types of telecommunications on the periphery of urban and suburban areas, around the country, which are more discreetly located than that proposed, be it to the rear of taller buildings, on rooftops, or in locations which are more suited to absorbing such forms of development. I further consider that the potential option of utilising the existing monopole 10m to the east, and which is has a similar purpose (i.e., streetpole for telecoms purposes) has not been fully investigated and that specific documentary evidence of this has not been provided, which is a requirement under Objective 143 of the Development Plan.
- 7.4.6. The Applicant has put forward the option of a mast capable of accommodating multiple operators as part of their Appeal. However, they have not sufficiently explored, nor explained, why this could not be done for the existing mast which is situated right next to the appeal site. I acknowledge that the Applicant submits that the reason for requiring 2 no. streetpoles in such proximity is because the technology does not yet exist to accommodate multiple providers on a single streetpole. However, there are various ways of how a streetpole can accommodate multiple telecom provers through the inclusion of additional dishes, cabling, etc., as a need arises, and it has not been adequately covered within the application as to why this would not be a viable option.
- 7.4.7. Having reviewed the information contained within the original application and appeal, I am not satisfied that alternative sites have been fully explored and consider that the proposal is not justified having regard to the sensitive nature of the site, within a residential setting, and that the option of potentially using the nearby existing streetpole solution has not been sufficiently considered.

7.5. **Appropriate Assessment**

- 7.5.1. Given the nature and scale of the development proposed, which is for a telecommunications support structure with ancillary works, and separation distance from the nearest Natura 2000 site, it is considered that the proposal would not be likely to have a significant effect individually or in combination with other plans and

projects on a European site and there is no requirement for a Stage 2 Appropriate Assessment.

8.0 Recommendation

I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12), the Fingal Development Plan 2017-2023, including Objectives IT07 and DMS 143, the height, scale and location of the proposed development in an area that is predominately residential in character and in proximity to an existing, similar freestanding streetpole, it is considered that the proposed development would be visually obtrusive and seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Ian Boyle
Planning Inspector

22nd February 2023