



An
Bord
Pleanála

Inspector's Report

ABP-314969-22

Development

Erection of a new 30m. pine tree multi user telecommunications support structure carrying 9 no. antennas installed on support poles and associated diplexers and remote radio units, 4 no. communication dishes and 5 no. outdoor cabinets all enclosed within a security compound by a 2.4m. high palisade fence with a 2m. access gate and site works accessed via the existing permitted access driveway. Development within the curtilage of a protected structure. The development will provide mobile voice and data services in the area.

Location

Land at Cornerstown House, Ballybride Road, Shankill-Rathmichael, Dublin 18..

Planning Authority Ref.

Dun Laoighaire Rathdown County Council - D22A-0585.

Applicant(s)

Signal Infrastructure.

Type of Application

Permission **PA Decision** Refuse.

Type of Appeal

First Party **Appellant** Signal Infrastructure Ltd

Observer(s)

Frank Malone
Ken and Eileen Morris
Cllr Jim Gildea

Date of Site Inspection

17th January 2024

Inspector

Philip Green

1.0 Context

1. Site Location/ and Description. Site located on semi rural western outskirts of Shankill between the Ballybride Road and the M11 road within the curtilage of Cornerstown House, a protected structure. Cornerstown House is a large detached dwelling with ancillary annex located within its grounds. At my site inspection I noted a number of other features within the grounds including a large metal barn and adjacent hardstanding, metal storage containers located next to the access road leading to the appeal site and an existing tall lattice telecommunications tower sited immediately to the rear of the main house. The appeal site is accessed from the existing gated vehicular entrance on Ballybride Road via a gravel/concrete track and is located immediately to the south of the large metal barn with a line of trees to the west. There is further tree screening and wall bounding the M11 road to the east and planting within the garden and grounds. The site comprises part of the existing area of hardstanding to the south of the barn. A number of cars were parked on this hardstanding. Ballybride Road is characterised by detached dwellings set in spacious grounds giving the area a sylvan appearance. Beyond the M11 to the east are residential estates in Shankill.

2. At my site inspection I was able to consider the proposed development from within the grounds of Cornerstown House itself as well as from the residential estates to the east including Mountain View, from the road and pedestrian only bridges crossing the M11 road to the north and south of the appeal site and from other locations in the Shankill area.

2. Description of development. See description of development above.

- Drawings indicate a 30m. high (excluding lightning finial) telecommunications support structure designed with the appearance of a pine tree with the telecommunications apparatus located within its upper 'canopy branches'. This canopy commences at a height above ground level of approx. 15 metres. The structure at its base has a diameter of some one metre. The support structure, telecommunications antennae and associated ground level cabinets and compound is stated to be designed to accommodate three different users (Eir and two others) with a combination

of differently designed antennae (9 no.) and dishes (4 no.) at five levels on the radiating support mountings and poles within the 'canopy'.

- This support structure and apparatus is to be located within an 8.25m x 5m. security compound with 5 no. cabinets enclosed by a 2.4m high palisade fence and access gate.
- It is stated that an existing lattice telecommunications tower (Three Ireland) within the grounds of and immediately to the north of Cornerstown House will be removed as part of the proposed development.
- Accompanying the application were a letter of consent from Patrick Doherty of Cornerstown House giving consent to Signal Infrastructure to make the application on the lands, a Technical Coverage Justification, a Radio Emissions Statement from Eir, a supporting application statement, a Visual Impact Assessment and Report and an Architectural Heritage Impact Assessment.

3. Planning History. The following planning history has been brought to my attention:

- D20A/0446: Permission sought for the erection of a new 30.05m multi-user telecommunications support structure carrying 9No. antennas and associated remote radio units, 6No. communication dishes, 1No. Lighting Finial and 8No. outdoor cabinets all enclosed within a security compound by a 2.4m high palisade fence with a 2m access gate and site works and accessed via the existing permitted access driveway. The development is within the curtilage of a protected structure. The development will provide voice and mobile broadband services in the area. Application withdrawn. Applicant Signal Infrastructure.
- D10A/0149: Retention Planning permission granted by DLRD for a domestic garage / storage building used for car storage and home office use, ancillary to the residential use of Cornerstown House and incidental to the enjoyment of the dwelling. The development also includes tarmac driveway. (Cornerstown House is a protected structure). This is the structure immediately to the north of the current appeal site.

- D09A/0133: Retention of shed used for car storage and home office including new tarmac driveway to same, the property is within the curtilage of a protected structure. Permission refused by DLRD
- I also note a number of further history applications referred to in the DLRD planning reports and in the history documents provided to the Board. These include extensions to the main house and conversion of coach house in the grounds to a granny annexe. Having reviewed these application documents there does not appear to be a reference to the existing telecommunications mast within the curtilage of Cornerstown House.

4. National/Regional/Local Planning Policy

DOELG Telecommunications Antennae and Support Structures

Guidelines for Planning Authorities (1996).

- The Government's telecommunications policy aims to place Ireland in the top quartile of OECD economies as regards the availability, price and quality of telecommunications services in order to promote industrial and commercial development, to improve personal and household security and to enhance social exchange and mobility...
- Areas legally designated for environmental conservation must be given the required protection when considering planning applications for mobile telephony infrastructure. Accordingly, fragile landscapes have to be treated sensitively, scenic views preserved, archaeological/geological sites and monuments and buildings of historical and architectural interest protected and sacred areas respected...
- These considerations demand that the fullest attention is paid to the location of masts by operators and planning authorities. In addition, in order to avoid an unnecessary proliferation of masts, owners (i.e. those controlling access to support structures and masts) would be expected to facilitate colocation of antennae with other operators. Owners and operators will be expected to respond to requests for sharing in a timely, fair and reasonable manner. Accordingly, where the existing site operator/owner considers it is technically possible and where sharing would not preclude the parties from foreseeable

future development on the shared facility, planning authorities should encourage co-location of antennae on existing support structures and masts.

- In urban areas (centre city) these antennae can generally be mounted on buildings or other structures. In rural areas, and in many suburban situations, because of the low rise nature of most of our suburban buildings and structures a supporting mast or tower is needed. As technology develops, the number and size of antennae may change, becoming more efficient and less obtrusive.
- Each planning authority's development plan should include in relation to those telecommunications installations which form part of the requirements for public mobile telephony....an authority should also indicate any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply. Such locations might include, for example, lands whose high amenity value is already recognised in the development plan or sites beside schools which might give rise to local concerns,.... Whatever the general visual context, great care will have to be taken when dealing withother areas designated or scheduled under planning and other legislation Proximity to listed buildings, archaeological sites and other monuments should be avoided.
- In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land. The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating "disguised" masts. It should also be noted that substations operated by the ESB may be suitable for the location of antennae support structures. This possibility should also be investigated. In urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. In urban areas the need for increased numbers of cells to cater for customer growth will lead more and more to the subdivision of existing cells and, in some instances to the introduction of "microcell" technology..... Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae

should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

- Sharing of installations (antennae support structures) will normally reduce the visual impact on the landscape. The potential for concluding sharing agreements is greatest in the case of new structures when foreseeable technical requirements can be included at the design stage. All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Where the sharing of masts or towers occurs each operator may want separate buildings/cabinets.

Circular PL07/12 Telecommunications Antennae and Support Structures Guidelines.

- This Circular was issued in October 2012 and updated/revised a number of issues set out in the 1996 Guidelines. These related to use of temporary permissions, omission of separation distances from Development Plans, removing requirement for bonds for removal of obsolescent apparatus, provision for a database of permitted structures by each planning authority, clarifying that planning authorities do not have competence to consider health and safety issues which are regulated by other codes and providing a waiver for broadband infrastructure under development contribution schemes.

Architectural Heritage Protection Guidelines for Planning Authorities (2011)

- Chapter 13 states that proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority, as inappropriate development will be detrimental to the character of the structure. Further it states that even new development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a variety of ways. The proposed development may directly abut the protected structure, as with buildings in a terrace. Alternatively, it may take the form of a new structure within the attendant grounds of the protected structure. A new development could also have an impact even when it is

detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure.

Dun Laoighaire Rathdown County Development Plan 2022-2028

- On the relevant land use zoning map the site is located within an area allocated Objective A1 'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans'. The site is also shown as on the 'Boundary of lands for which a Local Area Plan will be prepared'. Within an A1 Zoning 'public services' which includes all service installations necessarily required fortelecommunication, television and data transmission... are deemed permissible in principle. Uses deemed permissible in principle are, subject to compliance with the relevant policies, standards and requirements set out in the Plan, generally acceptable:
- Cornerstone House is a designated protected structure (RPS Number 1844 Type Building Description House)
- The site is in a location wherein it is policy to 'protect and preserve Trees and Woodlands';
- Policy Objective EI20: Telecommunications Infrastructure states 'It is a Policy Objective to promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband, fibre optic connectivity and other technologies, within the County'.
- Development Management Section 12.9.8 (Telecommunications) requires applicants for telecommunications apparatus 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, any impacts on rights-of-way and walking routes and that the proposal shall not have a significant negative visual impact

- Amongst other related issues Architectural Heritage section 11.4.1.2 Policy Objective HER8 states it is a Policy Objective to protect structures included on the RPS from any works that would negatively impact their special character and appearance and ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the ‘Architectural Heritage Protection Guidelines for Planning Authorities’ published by the Department of the Arts, Heritage and the Gaeltacht.. ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials, ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected. protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure. protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features, ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).
- Development Management Section 12.11.2.3 Development within the Grounds of a Protected Structure states that the overall guiding principle will be an insistence on high quality in both materials, and design, which both respects and complement the Protected Structure, and its setting. Any development

must be consistent with conservation policies and the proper planning and sustainable development of the area.

- Any proposal for development within the grounds of a Protected Structure will be assessed in terms of the following, The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments. Any development should be sensitive of the relationship between the principal residence and its adjoining lands and should not sever thisDevelopment proposals within historic landscapes and gardens shall include an appraisal of the existing landscape character to include identification and description of the structures, features, planting, and boundaries. This appraisal should be undertaken prior to the initial design of any development, as it will provide an understanding of the essential character of the site and help to inform the appropriate location for any development and shall indicate how the proposed development responds to its overall natural and built environment, the retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development, impact of associated works including street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palette of materials, and finishes, and use of screen planting.

5. Natural Heritage Designations

- None relevant to case

Development Decision and Grounds of Appeal

6. PA Decision. The Planners report noted 10 no. third party submissions, set out policy context , made reference to departmental reports including the submission of the Conservation Division which recommended refusal and carried out appropriate assessment and environmental impact assessment screening

concluding that the development would not significantly impact on a Natura 2000 site and that the need for an EIA can be excluded at preliminary stage and therefore a screening determination was not required. Following the Planners Assessment the proposed development was refused permission for the single reason that the form and location of development proposed within the curtilage of a protected structure would be visually obtrusive and overbearing, adversely impacting on its special character and be contrary to Development Plan Policy Objective HER8 and Section 12.11.2.3.

7. First Party Appeal:

- Site designed to support 2G voice, 3G and high speed 4G broadband/data services including future 5G rollout for Eir and two other mobile operators. It will extend reach to areas currently with poor to non-existent mobile voice and data services;
- Will provide services to Shankill-Rathmichael area, and townlands of Shankill, Rathmichael, Shanganagh, Aske and Cork Little and to M1 and number of local third class roads;
- Existing mast Site ID3 DU0210 Three 0.1km away will be decommissioned and removed if proposed development granted;
- Site actively required by Eir who are looking to expand services in area and will accommodate all operators as well as local and national broadband providers. If Board permit development site will be marketed to other Broadband providers;
- Existing mobile network sites located between 0.1km and 1.48km away from target area. As a result of distance, intervening terrain and topography and given this is city/urban location with significant volume of users and data usage where higher number of base stations are required this area is a service blackspot for Eir in particular. Greater choice will therefore be provided by proposed development;
- Compound is smaller than industry standard of 20m. x 20m.;
- In operation site will be accessed twice per year;

- Layout designed using best practice and structure height and compound size is minimum necessary for functionality. Equipment located at 20-28m AGL also minimum necessary for functionality;
- Fake pine tree design will disguise apparatus and minimise visual impact and is located in area of 16m. high mature trees;
- Use of small compound, existing access and existing enclosure of application site will wholly screen ground equipment and lower part of structure;
- Cornerstown House (protected structure) and other dwelling 93m to south are owned by same family;
- Site not within any designated areas;
- Assessment and due diligence carried out to consider suitability of site and availability of alternative existing installations given operator coverage requirements (details of ComReg map included with initial application). Concluded that existing sites do not provide required coverage/service delivery;
- Visual Impact Assessment and Visual Impact Assessment Report lodged with application attached to appeal;
- Signal were mindful of proximity to protected structure and thus commissioned in addition a report from an Architectural Conservation professional to assess any impacts that may arise on available views and wider visual resource. The assessments carried out in terms of impact on Cornerstown House conclude that although having some affect the changes introduced would blend in to the existing tree screen and help break the link between the house and proposed structure and noted the removal of the existing mast;
- No mention of mitigation measures in planner or conservation officers reports;
- Conservation Officer refers incorrectly to VP13 however there is no VP13 in the Indigo Visual Impact Assessment and whilst concerns are expressed in regard to VP3 and VP4 it is clear from these that the development is not obtrusive. Existing tower is visible in proximity to house and will be removed. It is also the impact across the totality of frontage of Cornerstown House that must be considered not isolated views and when objectively assessed the development would not be visually obtrusive nor have an adverse effect on its special character;

- Visual Impact Assessments and Reports clearly confirm development is not visually obtrusive and overbearing and does not adversely impact on the special character of the protected structure;
- Council therefore incorrect to refuse permission.

8. Observers and PA Response to Appeal:

Observations of Frank Malone

- Application form incorrect as does not mention previous withdrawn application;
- There are also further buildings within the curtilage of the property which is a private residence and within the curtilage of a protected structure which have received planning permission;
- Whilst many photographs of site provided none show structure inside the front gate. Questions whether there is planning permission for this;
- Radio Emissions Report from Eir is six years old and its current validity is questioned. Considered that extraordinary radiation will emit from the proposed development ;
- Within 1km there are 4 national Schools at least one creche and after school facilities and recreational facilities nearby all of which would receive heavy doses of radiation and which is known to be detrimental to childrens health;
- The masking of the apparatus by a pine tree design does not prevent harmful radiation and seems more like a commercial plea from Eir for justification for such a large structure which would carry a huge recurring income for those involved;
- Application mentions future unknown users does this mean they can erect further apparatus as they wish?
- This is a commercial business project within the curtilage of a private dwelling and protected structure which should not be allowed to interfere with the natural aspect and beauty of the area and creates significant health concerns.

Observations of Ken and Eileen Morris

- Height of structure an assault on aesthetic appeal of this sylvan landscape in a residential area despite efforts to camouflage tower;
- Health risk arising to existing and propose new residents from apparatus;

- Aberration on landscape setting an unacceptable precedent;
- Negative impact on Cornerstown House a protected structure;
- Number of sensitive locations in area but in close proximity include schools, residences, hospitals, care residences in wider Rathmichael-Shankill area;
- Have alternative more sustainable industrial sites been explored.

Observations of Cllr Jim Gildea

- Development out of keeping with sylvan area and its height would create an eyesore;
- Adverse impact on the character and setting of a protected structure;
- No need for an additional mast with an existing half a kilometre away with no adverse terrain or tall buildings between. Understand there is sufficient capacity on the existing mast to meet needs of greater Shankill area including M50/M11 which lie midway between existing and proposed structure. There may be a need in the future for further telecommunications apparatus should further large scale development take place or be proposed however this cannot happen until a LAP has been prepared and no timescale for this has been agreed;
- National guidance indicates a preference for mast sharing rather than new infrastructure. This is the incorrect location due to the presence of a protected structure;
- Development contrary to Development plan Policy Objective HER8 and Section 12.11.2.3;
- Can find no record of permission for existing infrastructure referred to and it is understood another party has requested Council investigate this.

Planning Authority Response

- Board's attention is brought to the planners report previously forwarded and comments that the appeal does not raise any new matters which would justify a change of attitude to the proposed development.

Environmental Screening

9. EIA Screening –

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. AA Screening

Having regard to the modest nature and scale of development, connection to existing services and absence of connectivity to European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Having inspected the site and surroundings and having regard to the submissions lodged with the application and appeal, the national and local policy context and documentation on file I consider the main issues to be considered in this case to be:

- Principle of development
- Appropriateness of location Technical justification for location chosen
- Wider visual impact
- Impact on protected structure;
- Health and safety;
- Other development within grounds.

2.2. **Principle of development:** In the Development Plan the site is located within an area with Zoning Objective A1 'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area

plans. Within an A1 Zoning 'public services' which includes all service installations necessarily required for telecommunication and data transmission are deemed permissible in principle. Uses deemed permissible in principle are generally acceptable, subject to compliance with the relevant policies, standards and requirements set out in the Plan.

- 2.3. The Board will also be aware of national policy in relation to telecommunications apparatus including in the National Planning Framework, Regional Planning Guidelines, DOEHLG Guidelines on Telecommunications Antennae and Support Structures (1996) and to the Development Plan. Clearly there is a general overall recognition of the social and economic importance and indeed support for the implementation of such infrastructure. Recognition of its importance in modern society is reflected in this support. This is a significant material consideration for the Board in the determination of this appeal.
- 2.4. Notwithstanding this there are a number of other planning factors and constraints determining the suitability of the chosen location for this telecommunications infrastructure. Such constraints are also recognised in the policy guidance and are as such further material considerations for the Board to consider. This would include the justification for the development at this location and information available in regard to availability of other sites/locations given policies seeking to encourage co-location and mast sharing to prevent proliferation of such apparatus, the development's proximity to and within the curtilage of a protected structure and impact on visual amenities of the wider area. As such they are also significant material considerations in this case.
- 2.5. **Appropriateness of Location. Technical justification:** The Appellants have cited a deficit in network coverage in the immediate area for which this infrastructure is required. The cell search area is described as Shankill-Rathmichael area, and townlands of Shankill, Rathmichael, Shanganagh, Aske and Cork Little and to M1 and number of local third class roads;
- 2.6. The appellants have submitted a Technical Coverage Justification which concludes that the proposed site provides the best possible solution in which to provide a significant improvement in indoor coverage to the area and the best possible solution available ensuring Eir will be able to meet its regulatory requirements. I would point

out that although referred to in the Appellants Technical Justification the existing Three mast in the grounds of Cornerstown House does not appear on the ComReg Viewer site when I viewed it as part of the consideration of this appeal. I would also point out that there are discrepancies in the locations given in the table of existing masts provided in the Technical Justification giving addresses in Letterkenny however the Site ID's provided appear to correlate. Having reviewed the ComReg site there are also two other identified existing apparatus facilities to the east in Shankill such as DU1595 Three and DX238 Vodafone not included in the technical Justification although this map viewer may not be entirely up to date and I cannot confirm its accuracy at this point.

- 2.7. I would note the Appellants comments in regard to the need for the proposed infrastructure in the area defined. This is due to the stated requirement to provide a significantly improved indoor coverage to homes and businesses and to improve and close a large coverage gap on the M11 and its immediate environs and for coverage of a number of third class roads in the vicinity. The Technical Justification includes coloured maps of existing and proposed indoor coverage. I would note and accept the appellants technical submission and expertise on this issue. For the Board's information however I have also viewed as part of my consideration of this case the ComReg online Outside Coverage Map for Eir for their 2G, 3G and 4G network coverage in the area. Whilst it would appear for 4G in particular there are locations where service is fair rather than good or very good there appear to be limited locations where services fall into the fringe or no coverage categories. The disclaimers on that website states that its data is for illustrative purposes only and the actual user experience may, depending upon the particular circumstances of the user, differ considerably from the results shown on the Outdoor Coverage Map. I would stress therefore that I do not consider it should be used in any way definitively or conclusively by the Board in this case and I also have not done so.
- 2.8. The proposed location needs to be considered in light of policies set out in National Guidance and the Development Plan for preferred locations for telecommunications apparatus. Whilst on the periphery of Shankill this site in my opinion is located in a semi rural but suburban location albeit of low density comprised of detached houses in spacious grounds and within the grounds of a residential property. I would note the requirements of National Guidance on such matters that freestanding masts in

residential areas should only be considered as a last resort and if the alternatives suggested are either unavailable or unsuitable. Albeit of a low density this is a residential location also within the curtilage of a protected structure which as further stated in the Guidance are locations that should be avoided. Whilst I accept that the Appellant has sought to reduce the impact of the structures by way of its fake tree design and its impact is mitigated somewhat by existing screening, smaller than normal compound and removal of existing mast (see further commentary on these matters in my Assessment below) the guidance and policies as referred to above are clear. I do not wish to dispute that the proposed development would lead to an enhancement of telecommunications services as stated in the Appellants submissions however I am not satisfied from the extent of the alternative site search carried out and the site's location adjacent to a residential property (designated as a protected structure) within a low density residential area that sufficient justification has been made to support the need to utilise this specific site for the proposed development. In addition the site's location and consequent impact in the wider landscape and on the setting of the protected structure must be considered. I address these matters below.

- 2.9. **Wider visual impact:** At my site inspection I was able to inspect the site from within the curtilage of Cornerstown House and from locations beyond including the local road network, foot and road bridges, local residential estates and from other locations within Shankill. I have also considered the visual appraisal and assessment and photomontages provided with the application and I draw the Board's attention to those images and analysis. I would tend to support the opinion expressed in the Applicant's submissions that in its wider landscape setting the proposed development would not be so obtrusive, dominating or damaging as to constitute a substantial loss of amenity to the wider landscape character and amenities of the area which is already significantly affected by the M11 road. I accept that the artificial tree design and existing landscaping along the road networks surrounding the site and adjacent to existing property and residential estates and the distances to those estates particularly to the east would ameliorate its visual impact. Whilst I am not convinced that the separate antennae and apparatus proposed in its upper 'branches' would be entirely hidden rising as the

proposed structure does above existing screening it would not, in my opinion, so damage the wider landscape character of the area to warrant a reason for refusal.

- 2.10. **Impact on protected structure:** In addition to the visual impact assessment and appraisal accompanying the application the Applicant also provided an Architectural Heritage Impact Assessment Report examining the effects of the proposed development and setting out the historical background of the property, its designated status and assessing the proposed development under core conservation principles. The report concludes that the proposed development would have no physical impact on the protected structure within the vicinity of the site and refers to the visual impact assessment for consideration of any visual impacts that may arise.
- 2.11. At my site inspection I was able to consider the proposed development's relationship to the main house a protected structure and to other buildings and structures within its curtilage. The house takes an irregular shape but at its various points is located some 30 to 70 metres from the proposed compound. The house has what appears to be a large ancillary residential annex to the south west and a large barn structure to the east. The proposed development is to be located immediately south of this large barn on an existing hardstanding which is located at a lower level to the main house. The house is located at the northern end of its curtilage with main frontage facing south overlooking mature landscaped garden and grounds and is accessed for vehicles by a gated entrance in its south western corner on to Ballybride Road and from which an existing drive leads to the main house and separately to the barn.
- 2.12. I note the submissions of the Applicants in terms of their assessments of limited impact on the setting of the protected structure and that the proposed development would not be visually obtrusive or overbearing and thus not adversely impacting on its special character. I do not however accept this conclusion. I consider that this 30m. high mast notwithstanding its fake tree like design and adjacent existing tree screening will appear as an obtrusive artificial structure within the ground of the protected structure and that its fake branches at upper levels will not entirely screen the various apparatus and other elements proposed (ultimately stated for three operators). I consider that given its location and height the development would be viewed in conjunction with the protected structure and from within its grounds in proximity to the house to an extent that would detract from the character and appearance of its existing setting. Whilst also located at a lower level to the main

house and stated to be of a smaller size than standard the new industrial type compound, ancillary cabinets and fencing and substantial lower 'trunk' of the mast will add a significant industrial like feature to the domestic curtilage of the protected structure. I would accept that this would be located adjacent to the existing barn but nonetheless this would still incrementally introduce an inappropriate and harsh industrial like feature in to the grounds and curtilage of this domestic protected structure.

- 2.13. Although I would accept and support the general requirement for such apparatus in principle it is my opinion that there would be a detrimental impact from the siting of the proposed development in this location on the setting of this protected structure . Contrary to the Appellants conclusions I consider that negative impacts could therefore result. Such negative impacts have not been justified in my opinion having regard to National Guidelines and policy in regard to location of such infrastructure and for avoidance of sites within the curtilage of a protected structure..
- 2.14. **Health and safety:** I draw the Boards attention to Circular PL07/12 which reiterates that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.
- 2.15. **Other development within grounds:** There is an existing Three mast immediately to the rear of the main house. The submissions indicate that this will be removed should permission be granted for the proposed appeal development. The two separate locations would appear to be under the same overall land ownership. However there are two separate operators involved stated to be Three in respect of the existing mast and Eir in regard to the current appeal proposal although it is intended that two further operators are provided for in the design of this current appeal scheme. Whilst I note the role of the applicants in coordination of the various operators providing telecommunications services and in facilitating the provision of such infrastructure it is unclear to me whether there is any formal arrangement in place for this.

- 2.16. Although there are references and allegations in the submissions to development within the grounds of Cornerstown House and questioning of whether planning permission has been granted for them this would be a matter for the planning authority to pursue via enforcement or other proceedings should they consider it to be expedient.
- 2.17. I have considered all the other matters raised but it seems to me that they are not so material to the consideration of the planning merits of this case to warrant reaching a different recommendation to that set out above and below.

3.0 Recommendation

- 3.1. In conclusion I recommend that permission for the proposed development be refused for the following reasons and considerations.

4.0 Reasons & Considerations

Having regard to

- the policies and objectives of the DOELG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) and Circular PL07/12 Telecommunications Antennae and Support Structures Guidelines, the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Dun Laoghaire Rathdown County Development Plan 2022-2028) :
- The location of the proposed telecommunications apparatus within the curtilage and affecting the setting of Cornerstown House a protected structure (RPS Number 1844 Type Building Description House) and the established character and appearance of this property and its curtilage:
- The proposed siting, height and design of the proposed telecommunications development

It is considered that that the proposed development would introduce an incongruous and obtrusive artificial structure with associated telecommunications equipment and apparatus, industrial type compound with ancillary cabinets and fencing in to the curtilage of this domestic protected structure that would detract from its setting and seriously injure its special character and appearance. The proposed development would, therefore, conflict with the policies and objectives of the DOELG Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996), the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Dun Laoighaire Rathdown County Development Plan 2022-2028) and would as such be contrary to the proper planning and sustainable development of the area.

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.

Philip Green
Planning Inspector
30th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314969-22		
Proposed Development Summary	New 30m. . Pine tree telecom. Mast, antennae and compound		
Development Address	Cornerstown House, Ballybride Road, Shankill Rathmichael, Dublin 18		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <i>(that is involving construction works, demolition, or interventions in the natural surroundings)</i>		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)	Conclusion
No	N/A		No EIAR or Preliminary

				<i>Examination required</i>
Yes		<i>10(b)(iv) Infrastructure project/t Urban development</i>		<i>Proceed to Q.4</i>

4. Has Schedule 7A information been submitted?				
No	X			<i>Preliminary Examination required</i>
Yes				<i>Screening Determination required</i>

Inspector: _____

Date:
