



An
Bord
Pleanála

Inspector's Report

ABP-315008-22

Development	Section 254 for overground communications infrastructure.
Location	Junction of Hyde Road and Ulverton Road, Dalkey, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	CTT.22.037-254360
Applicant(s)	Signal Infrastructure Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure Ltd
Date of Site Inspection	08 th September 2023

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Hyde Road and Ulverton Road to the north west of Dalkey Village. The site is located within the footpath area to the south of Circle K Petrol Station fronting Ulverton Road.

2.0 Proposed Development

- 2.1 Permission is sought under section 254 for a license for overground communications infrastructure consisting of a free-standing telecommunication pole with a height of 15m and a 'neutral sky grey' colour, above 12.25m height and antenna will be mounted and will be shrouded by a 360mm sheath to match the pole. The proposal also includes installation of an operator cabinet (1.8m wide, 1.6m high and 0.79m deep).

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on the following reasons.

The Conservation Division cannot support the issuing of a license for a telecommunication pole and associated infrastructure at proposed location at Hyde Road in Dalkey as they consider that it would have a significant negative visual impact in the streetscape of Dalkey Village which is a designated Architectural Conservation Area and therefore is considered contrary to County Development Plan 2022-2028, Policy Objective HER13: Architectural Conservation Areas where it is council policy to "protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA)".

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (02/06/22): It was considered that the proposal would have no significant impact on the surrounding residential amenity in terms of visual impact. Regarding impact on the ACA such is a matter for the Conservation Section. The Planning report raises no objection to the issuing of the required license under Section 254.

3.2.2 Other Technical reports

Transportation Department (03/06/22): No comment to make.

Water Services (07/06/22): No objection.

Road Maintenance Department (12/06/22): No objection subject to reinstatement of the full width of the footpath including existing public lighting pole.

Public Lighting Department (05/05/22): Proximity of the mast to existing street light would suggest co-locating the lantern and bracket on the mast would be a good idea and requires further investigation into feasibility.

Conservation Officer (08/09/22): The proposal is on a prominent site at the entrance to Dalkey Village within a designated Architectural Conservation Area (ACA). The exposed siting would render the development visually obtrusive and have a significant negative visual impact and be contrary policy Objective HER13 of the CDP.

3.3. Prescribed Bodies

Uisce Eireann (21/07/22) No objection.

3.4. Third Party Observations

3.4.1 None.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

The location is not zoned as it is within the public road/footpath.

The location is within a designated Architectural Conservation Area (ACA).

11.4.2.1

Policy Objective HER13: Architectural Conservation Areas

It is a Policy Objective to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.

v. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.

vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

12.9.8 Telecommunications

In the consideration of proposals for telecommunications antennae and support structures, applicants will be required to demonstrate:

- Compliance with the Planning Guidelines for ‘Telecommunications Antennae and Support Structures’ (1996), and Circular Letter PL 08/12 issued by the Department of the Environment and Local Government (as may be amended from time to time), and to other publications and material as may be relevant in the circumstances.
- On a map the location of all existing telecommunications structures within a 1km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the ‘Code of Practice on Sharing of Radio Sites’, issued by the Commission for Communications Regulation.
- To what degree the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area - e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc. – and the potential for mitigating visual impacts including low and mid – level landscape screening, tree-type masts being provided where appropriate, colouring, or painting of masts and antennae, and considered access arrangements.
- Any impacts on rights-of-way and walking routes.
- That the proposal shall not have a significant negative visual impact.

5.2 National Policy

The aim of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996” is to offer general guidance on planning issues so

that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities. Circular Letter PL 07/12, issued in October 2012 by the Minister for the Environment, Community and Local Government under section 28 of the Planning and Development Acts 2000-2012, updated certain sections of the Guidelines and states in Section 2.2, inter alia,

“Planning authorities are therefore advised that from the date of this Circular Letter, attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease. Where a renewal of a previously temporary permission is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission. Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.”

5.3 Natural Heritage Designations

None within the zone of influence of the project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Signal Infrastructure Ltd. The grounds of appeal are follows...

- The appeal submission outlines the reason for choosing the location and technical justification for the infrastructure with the development required to improve indoor/car coverage in addition to outdoor mobile and wireless broadband coverage. The appeal submission outlines that alternative sites

were examined with no existing telecommunication sites/infrastructure close enough to the demand area.

- The site is not zoned as the development plan maps do not zone public road or footpaths. It is acknowledged that the site is within an ACA however the site was chosen due to the existing lamp standard with it proposed that the existing lamp standard be removed and a lamp outreach arm to be fitted to the proposed street pole in effect replacing like with like (new structure would be taller) to minimise the impact on the streetscape.
- The appellant refers to the CGI images submitted with the application and that overall visual impact of the proposal is not significant in the surrounding area. The appellant refers to an appeal concerning a similar structure in Galway (ABP-306440-20, refusal overturned by the Board) and notes that as in that's case the structure would not be visually obtrusive in its urban context.

6.2. Planning Authority Response

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- No response.

7.0 Assessment

7.1 The review of the application for the license and the first-party appeal can be considered below under the following headings:

Visual Impact/location within an Archaeological Conservation Area:

7.2 Visual Impact/location within an Archaeological Conservation Area:

7.2.1 The sole reason for refusal of the license relate to visual impact and the location of the site within a designated ACA with the development considered to be contrary Objective HER 13 of the County Development Plan. The proposal is for a 15m high monopole structure and equipment cabinet located along the road at the junction of Ulverton Road and Hyde Road and adjacent the southern boundary of the Circle K

Petrol Station fronting Ulverton Road. The structure is not a support structure as it is a self-contained unit but does include a small 300mm diameter dish to be attached only if no fibre infrastructure in the area. I would consider that the structure itself is nondescript in character and design and is not dissimilar in scale or design of a lamp standard or traffic light pole. I would consider that the structure is of a design and scale that would not be out of character or be a visually obtrusive or an incongruous element in an urban area such as this. The applicant submitted a visual impact assessment including photomontages illustrating the visual impact and such demonstrate that the visual impact would be satisfactory.

7.2.2 I would acknowledge that the location of the development is within a designated ACA, however I am of the view that the overall visual impact of the development is not significant or detrimental to the character of the ACA and would be acceptable in the context of Development Plan policy including Objective HER 13. The applicants are proposing if amendable to the Council removal of the existing lamp standard at this location and attaching the existing lamp arm to the proposed structure in this case. I would consider this to be an acceptable arrangement and would mean less structures at this location. Notwithstanding such the proposal in itself regardless of the suggested removal of the lamp standard is acceptable in the context of overall visual impact.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of section 254 of the Planning and Development Act, 2000, as amended, national, regional and local policy objectives, as represented in the Dun Laoghaire-Rathdown County Development Plan, 2022-2028 and the DOEHLG Section 28 Statutory Guidelines; "Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive, injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area..

11.0 Conditions

1. The license shall be valid for three years from the date of this order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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

2. Prior to the commencement of development, a road opening license shall be obtained by the applicant and its costs shall be paid to the planning authority, full details of which shall be subject to the written agreement of the planning authority .

Reason. In the interest of pedestrian and vehicular safety, clarity and orderly development.

3. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application for the License.

Notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health and to prevent flooding.

5. Details of the proposed colour scheme for the pole, antennas equipment containers and shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Reason: In the interest of the visual amenities 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.

Colin McBride
Senior Planning Inspector

11th September 2023