



An
Bord
Pleanála

Inspector's Report ABP315011-22

Development	Licence to install communications infrastructure.
Location	Shanganagh Road, Shankill, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown Co. Co.
Planning Authority Reg. Ref.	CTT.22.040-258807
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs Refusal
Appellant(s)	Signal Infrastructure Ltd.
Observer(s)	None
Date of Site Inspection	27 th August and 18 th September* 2023 (*photos)
Inspector	Leah Kenny

1.0 Site Location and Description

The subject site is located on a grassed area on the west side of Shanganagh Road, (R119) adjacent to the entrance to the Hazelwood housing estate in Shankill, County Wicklow. It is set back from the public path. Other nearby features within the grassed area include a sapling and a feature plant bed for the granite Hazelwood sign. The opposite (eastern) side of the road is characterised by mature hedges and trees defining the Rathsallagh Park housing estate and one road fronting residential property (Shanganagh Park Lodge).

There is a pedestrian crossing located adjacent to the southern edge of the access to Hazelwood and street lighting poles are interspersed along the road. The road opens out 100m beyond from the subject site with a petrol station to the north and access to other housing developments to the south.

2.0 Proposed Development

The proposed development consists of a 15 metre high operator wireless broadband and data communications galvanised pole with internal cables and an antenna encased inside the top of the pole. The StreetPole / Alpha has a diameter of 324mm - 406mm and includes two small 2no. link dishes part way up. The development includes a supporting ground-based equipment cabinet (1.65m (high), 1.16m (wide) and 0.8m (deep)). Eir is the intended operator.

The licence application was accompanied by a covering letter, planning statement and photomontages.

3.0 Planning Authority Decision

3.1. Decision

By letter dated 9th September 2022, Dun Laoghaire-Rathdown Co. Co decided to refuse the licence.

Reasons given for the refusal relate to negative impact on the surrounding residential and visual amenity and the fact that the proposal would be overtly

prominent with an undue visual obstructive impact. In addition, the Parks and Landscape Services Section were not in favour of the proposed location.

4.0 Planning Authority Reports

4.1.1. Planning Report

The Planning Report had regard to the matters listed under Section 254(5) of the Planning and Development Act, 2000 (as amended) including compliance with policy, and visual impact and residential amenity having regard to the number of existing appliances / apparatuses in the area.

The Case Planner was not in favour of granting the licence having regard to the proposal's significant negative impact on the surrounding residential and visual amenity (contrary to Item (a) of Section 254(5)) and it would therefore be contrary to the zoning objective of the Development Plan (contrary to Item (b) Section 254(5)) .

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. It was also concluded that given the nature and location of the proposal that there was no real likelihood of significant effects on the environment and the need for Environmental Impact Assessment could be excluded and a screening determination was not required.

4.1.2. Other Technical Reports

- Traffic Department – No objection to the location once it did not interfere with existing or proposed works to the road and footpath.
- Parks and Landscape – Objected to the proposal based on perceived negative visual amenity impacts and for being undesirable from a Parks maintenance regime perspective. An alternative location was proposed by the Parks and landscape section (on verge on the other side of the entrance to the Hazelwood estate).
- Road Maintenance Section – No objection to the proposal.
- Transportation Planning – No objection to the proposal.
- Public Lighting – No objection to the proposal.
- Water Services – No objection to the proposal.

- Infrastructure and Climate Change (Active Travel) – No comment given.

4.1.3. **Third Party Observations**

No Third-Party observations.

5.0 **Planning History**

There is no evidence of planning history for a telecommunication development on the site. The application refers to a previous licence application at the Texaco Station on Shanganagh Road to the north of the subject site (Ref CTT.21.014) which was refused planning permission.

6.0 **Policy and Context**

6.1. **National Guidelines**

The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 set the criteria for the assessment of telecommunications structures. 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. These are an essential feature of all modern telecommunications networks. The Guidelines also set out that in most cases an applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters. However, the sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

In Section 4.3, the visual impact of masts is acknowledged as being among the more important considerations which must be considered in arriving at a decision on a particular application and this will vary depending on the general context of the proposed development. The Guidelines also state that some masts will remain quite noticeable despite best precautions and the following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental.
- Similarly, along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect.
- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive 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 and lighting conditions, etc.

Circular Letter PL 07/12 updated and revised certain sections of the 1996 Guidelines under Section 2.2 to 2.7.

Circular Letter PL 11/2020 clarifies telecommunications infrastructure along public roads carried out in accordance with a section 254 licence is exempt from planning. Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such licence 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.

6.2. Development Plan

This application is considered under the Dun Laoghaire Rathdown County Development Plan 2022-2028 which came into force on the 21st of April 2022.

The subject site is zoned Objective A, with the objective '*To provide for residential development and improve residential amenity while protecting the existing residential amenities*'. Public services are Permitted in Principle.

There is also a Six-Year Road Objective for Shanganagh Road (6 Year Road Objectives / Traffic Management / Active Travel Upgrades).

Section 10.6 (Telecommunications) acknowledges that widespread availability of a high-quality telecommunications network throughout the county is critical to the development of a knowledge economy, and will help attract inward investment; however, this must be balanced against the need to safeguard the rural and urban environment, particularly in sensitive areas where the impacts on residential amenity and visual amenity of areas needs to be adequately assessed.

Relevant telecommunications policy is as follows:

- **Policy Objective EI20:** (Telecommunications Infrastructure): To promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband, fibre optic connectivity and other technologies, within the County.

Section 12.9.8 of the Development Plan sets out the specific requirements relating to telecommunications antennae and support structures, applicants will be required to demonstrate compliance with, as follows:

- 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.

6.3. Natural Heritage Designations

The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

6.4. EIA Screening

Having regard to the modest scale and nature of the proposed development and the absence of any foreseeable emissions therefrom, the location of the site within a built-up urban area, I conclude that the necessity for submission of an EIAR and carrying out of EIA may be set aside at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

In setting out the grounds of appeal, the appellant reiterated the justification and need for the proposal, the site selection and options discounted and detailed the design of the proposed 'Streetworks pole' and associated cabinets.

In relation to the grounds for refusal the appellant responded that:

- It was acknowledged that the pole will be visible however there was predicted to be no significant visual impacts as concluded in the visual analysis undertaken and supported by the submission of photomontages. The structure was designed to be visually unobtrusive, narrow, similar to other street furniture and grey.
- There was nothing unusual in the design of this type of infrastructure and Section 254 licences have been obtained from both local authorities and An Bord Pleanála throughout the country.

- While the Council had a concern regarding two views at the estate entrance/exit, it was submitted that these were close up views where the visual impact is more acute which is to be expected but not of such severity that it would have a material impact on the amenity of the area.
- The suggestion from the Parks Department to relocate the streetpole is unworkable as it would be directly visible from the rear elevation of an existing dwelling.
- The cabinet is a modest structure similar to other roadside cabinets and would not have a material visual impact on the amenity of the area.

7.2. Planning Authority Response

The Planning Authority did not respond to the applicants grounds of appeal.

7.3. Third Party Observations

There were no observations.

7.4. Further Responses

Not applicable.

8.0 Assessment

Principle

- 8.1.1. Both National policy and the Development Plan support appropriate telecommunications infrastructure telecommunications, including broadband. From the details accompanying the application and the appeal, the proposed 15 metre telecommunications pole and associated cabinet is required to support the roll out of 3G and 4G networks and address high speed mobile broadband coverage and capacity issues in the Shankill area. This is supported by the online ComReg mapping system, where a drop in the quality of 3G and 4G coverage relative to other areas is noticeable (especially including Hazelwood, Rathsallagh and towards the DART line).

- 8.1.2. The *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996* (the Guidelines) set the criteria for the assessment of telecommunications structures. They actively encourage co-location of antennae on existing support structures and for new antenna to locate within existing industrial estates, or industrially zoned land, in the vicinity of larger suburban areas or towns, insofar as this is possible. I note the applicant confirmed that no existing sites or structures are suitable to facilitate the co-location of the proposed development and that options, including alternative locations, have been exhausted.
- 8.1.3. I consider that the applicant has provided sufficient information to justify the need for the proposal. Taking into consideration the emphasis placed in national and regional policy documents on the provision of adequate telecommunications including broadband and the fact that the policies and objectives of the current Development Plan reflect this priority, I consider that the principle of the development is acceptable.
- 8.1.4. I further note that the location of the proposed development has regard to the general layout of the Shanganagh Road Improvement Scheme (a 6-year objective of the development Plan) and the Transportation section had no objections to the proposed development in the context of this.

Visual Impact and Impact on Residential Amenity

- 8.1.5. The Planning Section of Dun Laoghaire Rathdown considers the proposed development would result in significant negative impact on the surrounding residential and visual amenity.
- 8.1.6. In the first instance, I note that the area is not designated to reflect a particular sensitivity and is also not in, or in proximity to any views or prospects or structures listed for protection in the development plan.
- 8.1.7. I also note the visual character of the area is synonymous with a suburban location; albeit the hedgerow and tree cover which screens the rear of houses in both Hazelwood and Rathsallagh presents a somewhat sylvian vista both north and south along Shanganagh Road. This vista opens up significantly at the entrance to Hazelwood, as the road widens towards the junction, and the junction itself is wide enough for both a left and right exit lane from the estate. This vista includes the rear

of houses in Hazelwood, a boundary wall, road signage, light standards, and traffic lights. I further note that additional infrastructure (such as cycle lanes) will be introduced with the implementation of the Shanganagh Road Improvement Scheme (in line with the general layout information submitted with the application) and will change the visual character of the immediate area.

- 8.1.8. While not all of the photomontages Visual Reference Point (VRP) images are included in the application documentation; from my site visit I consider those VRP images included in both the application and appeal, accurately capture the existing character of the area and I do not consider that the proposed development would present as overly dominant, or be an overbearing feature, in its context.
- 8.1.9. From my site visit the structure will be evident where the road opens up for the entrance to Hazelwood, however I consider it will be absorbed into the background in the more distant views with only the top portion of the structure being seen over the treetops aligning the road, from further up Shanganagh Road (to the north), further down Shanganagh Road (to the south) and from within Rathsallagh Park housing estate to the east. I also do not consider it would detract from the visual amenities of the area.
- 8.1.10. In terms of the more immediate visual context, the proposed development comprises a single, monopole structure with a diameter of 0.4 metres and overall height of 15 metres supporting shrouded antennae. Whilst I acknowledge the full extent of the proposed development, including both the mast and cabinet, would mainly only be visible in close-up views at the entrance to Hazelwood, I note the wide nature of the grassed area and the orientation of houses within Hazelwood and consider it would not have a direct negative visual impact. While it will be partially evident above the roofs within the estate, this will be mitigated by intervening trees, including a new sapling planted within the landscaped area adjacent to the proposed development.
- 8.1.11. Given the proposed location, and low nature of the boundary wall along the side of No. 76 Hazelwood, I note a new vertical element (especially at 15m high) at the proposed location will be clearly evident from the rear of some of the properties in Hazelwood (in particular Nos. 69 – 76); however, it is not in their direct line of sight, and having regard to the design of the Streetworks Pole with the encased antennae

and its sky grey colour, I do not consider it would be so visually disruptive that it would seriously injure their visual and residential amenities.

- 8.1.12. The ground-based cabinets will introduce a new structure to the public realm, potentially more evident to pedestrians, cyclists and slow-moving motorists; however, these structures are commonplace in the verge locations such as this and in urban / suburban environments such as this.
- 8.1.13. Therefore, I consider the proposal to be acceptable from a visual impact and residential amenity perspective and that is it in accordance with the provisions of the County Development Plan including Policy Objective EI20 and the development management requirements as set out in Section 12.9.8.

Appropriate Assessment Screening

- 8.1.14. Having regard to the nature and scale of the proposed development and the 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 that the licence be granted for the reasons and considerations set out below and subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, which is a 15m high freestanding monopole carrying telecommunications equipment with ancillary ground-mounted infrastructure, the provisions of section 254 of the Planning & Development Act, 2000 (as amended), the Dun Laoghaire Rathdown County Development Plan, 2022 - 2028, and the 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996), and Circular Letter PL 07/2012 and PL11/2020; it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of

property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public safety.</p>

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.



Leah Kenny
Planning Inspector

20th September 2023