



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315016-22

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<b>Development</b>	S254 licence for 15m freestanding streetpole solution, equipment cabinet and associated site works
<b>Location</b>	The Boulevard, Tyrrelstown, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	S254W/07/22
<b>Applicant(s)</b>	Cignal Infrastructure Ltd.
<b>Type of Application</b>	Section 257 Licence
<b>Planning Authority Decision</b>	Refuse Licence
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cignal Infrastructure Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> March 2023
<b>Inspector</b>	Ian Boyle

## **1.0 Site Location and Description**

- 1.1. The appeal site is part of a grass verge at the corner of Cruise Park Drive and The Boulevard, in Tyrrelstown, Dublin 15.
- 1.2. The site is east of a large public open space area serving the surrounding residential area. There is a pedestrian footpath and cycle path running in between the appeal site and area of open space. A small grove of mature trees is near the centre of the green and there is a network of pedestrian footpaths and local streets running through the wider residential area.
- 1.3. The character of the receiving environment is suburban residential. The predominant form of housing is two and three storey semi-detached and terrace dwellings. There are various types of infrastructure and street fixtures in the area, including streetlights, utility poles with overhead powerlines and road signage.
- 1.4. The site is on land owned by Fingal County Council.

## **2.0 Proposed Development**

- 2.1. The proposal is for a Section 254 Licence, comprising an 15m high freestanding telecommunications monopole together with antenna, internal cabling, dish and ancillary ground-level cabinet and operating works. [The dish is to be included only if there is no fibre infrastructure in the area.]
- 2.2. The monopole would be approximately 0.4m at its widest point and cables housed internally.
- 2.3. The proposed ground-level cabinet has a height of approximately 1.6m, width of 1.9m and depth of 0.8m. It is to be painted dark green.
- 2.4. The purpose of the proposed infrastructure is to provide improved, high quality network coverage for the surrounding area to address mobile and broadband blackspots.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority refused the Section 254 licence for one reason, which is that having regard to the nature and height of the proposed communication infrastructure and its site context, it is considered that the proposed development would be injurious to the visual amenities of the area, contrary to Objective IT07 of the Fingal Development Plan 2017-2023 and, therefore, would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- National, regional and local planning policy support the principle of modern telecommunications infrastructure.
- The proposed pole structure is streamlined. However, it is considered that the proposed development would have a negative impact upon the visual amenities of this suburban and relatively well landscaped part of Tyrrelstown. This is most evident from Visual Reference Point 5.
- The absence of any landscaping surrounding the site means there is no backdrop to the proposed development which could lessen its visual obtrusiveness.
- The proposed development would be contrary to Objective IT07 of the Fingal Development Plan 2017-2023, which requires best practice in the siting and design of telecommunications structures.
- It is considered that the proposed development would impact negatively on the visual amenities of the area.
- It is recommended that the licence be refused.

### 3.2.2. Other Technical Reports

Water Services Department: No objection.

### 3.3. Prescribed Bodies

Uisce Éireann (formerly Irish Water): No objection, subject to condition.

## 4.0 Policy Context

### 4.1. Fingal Development Plan 2023-2029

The Fingal Development Plan 2023-2029 was made on 22<sup>nd</sup> February 2023 and came into effect on 5<sup>th</sup> April 2023.

#### Zoning

The subject site is not zoned. It is within a grass verge area next to a residential green / area of public open space. This land, which is to the immediate west, is zoned Open Space. The surrounding lands are mainly zoned RS – Residential.

#### Employment and Economy (Chapter 7)

***EEO31***: Support the growth of business in the green and circular economy and the initiatives within the IDA strategy Driving Recovery and Sustainable Growth, or any superseding document, including through the accelerated roll-out of the National Broadband Plan.

#### Infrastructure and Utilities (Chapter 11)

***Policy IUP36***: Facilitate the coordinated provision of telecommunications / digital connectivity infrastructure at appropriate locations throughout the County and extension of telecommunications infrastructure including broadband connectivity as a means of improving economic competitiveness and enabling more flexible work practices.

***Policy IUP39***: Support the rollout of high-quality broadband throughout the County and facilitate the delivery of the National Broadband Plan and International fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland.

**IUO48:** *Promote and facilitate the provision of a high-quality ICT network and appropriate telecommunications infrastructure in accordance with the Fingal Digital Strategy 2020–23 (and any subsequent plan), and to support broadband connectivity and other innovative and advancing technologies within the County, whilst protecting the amenities of urban and rural areas*

**IUO53:** *Ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity and the protection of sensitive landscapes in the County.*

**IUO54:** *Support the appropriate use of existing assets (i.e. lighting, street furniture etc) for the deployment of telecoms equipment and to encourage the sharing and co-location of digital connectivity infrastructure in the interests of visual amenity and protection of the built heritage.*

#### Development Management Standards (Chapter 14)

**DMSO17:** *Where possible, new utility structures such as electricity substations and telecommunication equipment cabinets should not be located adjacent or forward of the front building line of buildings or on areas of open space.*

**DMSO18:** *Require new utility structures such as electricity substations and telecommunication equipment cabinets to be of a high-quality design and to be maintained to a high standard by the relevant service provider.*

**DMSO223:** *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.*

**DMSO224:** *Requires certain information with respect to telecommunications structures at application stage.*

## 4.2. Natural Heritage Designations

There are no designated European Sites affecting the site or within its vicinity.

## 5.0 The Appeal

### 5.1. Grounds of Appeal

- The Visual Impact Assessment (VIA) submitted with the licence application should be read in conjunction with the CGI images. The VIA demonstrates that there would be no material negative impact on the visual amenities of the area with only slight to moderate visual impacts for 'middle' to 'near' distance views.
- Whilst the structure will naturally be visible up close, the visibility of such a structure alone would not amount to a detrimental impact on the surrounding area. This type of structure is crucial infrastructure and has been granted many times in other residential areas.
- There is no disagreement that the proposed development would be visible from Viewpoint No. 5. However, it is submitted that the monopole is not much different from a standard streetlamp and would assimilate into the established streetscape in a manner which would not be conspicuous or incongruous.
- The surrounding area of Tyrrelstown experiences a significant blackspot. The nearest existing facility (DU1079) is 0.9km away and not able to provide mobile coverage to this area.
- The proposed development had been carefully located so that it would not be in the direct 'eyeline' of any dwelling in the vicinity.
- The Board is requested to grant the licence application.

### 5.2. Planning Authority Response

- The proposed development is considered to impact unduly on the visual and residential amenities of the area by its positioning within an area of open space, where there is no adjoining planting to provide screening, and having regard to the height of the structure which exceeds that of a conventional lamp standard.
- The Board is requested to uphold the decision of the Planning Authority.

## 6.0 Assessment

6.1.1. The main planning considerations relevant to this appeal case are:

- Visual Impact
- Appropriate Assessment

### Visual Impact

6.1.2. The Planning Authority's reason for refusal is that having regard to the nature and height of the proposed communication infrastructure and its site context, it is considered that the proposed development would be injurious to the visual amenities of the area, and contrary to Objective IT07 of the previous Fingal Development Plan (2017-2023). [Objective IT07 required best practice in siting and design in relation to erecting communication antennae. The current version of relevant statutory plan for the area is now the Fingal Development Plan 2023-2029.]

6.1.3. I have reviewed the plans and particulars on file, including the Visual Impact Assessment (VIA), and have undertaken a physical inspection of the appeal site and its surrounding area. The site is immediately east of a large public open space area serving the surrounding residential area of Tyrrelstown. The character of the surrounding vicinity is suburban residential. The predominant form of housing is two and three storey semi-detached and terrace type units. In this regard, I accept that the site is relatively open and visually apparent from several settings in its vicinity.

6.1.4. There are limited opportunities to directly screen the proposed development, including at ground-level, by way of utilising existing vegetation or other features associated with the built environment (walls, fences, adjacent structures, etc.). However, I note that the wider receiving environment comprises various types of infrastructure and street fixtures, including streetlights, utility poles with overhead powerlines and several types of road signage. Furthermore, I note that the appeal site is not situated directly in front of any existing dwelling and that the closest residential building, which is 54 The Boulevard, Cruise Park, is positioned side-on and would have limited views towards the proposed development. The nearest dwelling which directly faces the site is No. 171 The Boulevard, Mount Eustace where the separation distance between it and the appeal site is relatively significant at c. 21m.

- 6.1.5. I acknowledge that the proposed telecommunications facility would have some level of visual impact on the local receiving environment. This is largely due to the height of the proposed monopole, which is 15m, but also that the ground-level cabinet would be visible from several surrounding locations within the residential estate. I note that Section 4.3 in the 1996 Guidelines states that sites close to existing residential areas are particularly sensitive from a visual and residential amenity perspective.
- 6.1.6. The Applicant has prepared a Visual Impact Assessment as part of the licence application documentation submitted. The assessment comprises 6 no. viewpoints in total which are from various nearby and further afield locations along The Boulevard and Cruise Park Drive. There are two viewpoints from the north, two from the east, one from the southwest and one from the west, generally. I note that the Planning Authority raises a particular issue regarding Viewpoint No. 5, which is approximately 55m to the southwest on Cruise Park Drive.
- 6.1.7. The concern cited is that the proposed development would have a negative impact upon the visual amenities of this suburban area, which is relatively well-landscaped, and that there is absence of any landscaping which could provide a more appropriate setting for the proposed development and therefore lessen its visual obtrusiveness. However, I consider that the proposed infrastructure would not be so visually jarring or discordant with that it would seriously injure the visual and residential amenity of its receiving environment. This is evident from viewing the schematic elevation in Drawing No. DU1679-104 and other plans and particulars on file.
- 6.1.8. The proposed development would take up a small footprint at the edge of a green space. Many views towards the proposed development would be blocked and / or impeded by the presence by several large trees in the area, many of which line the Boulevard on its eastern side. The curved nature of this street also means that many viewpoints from both the north and east – including Viewpoints 1, 2, 3 and 4 – would have only a partial view of the top of the monopole, or none at all.
- 6.1.9. For other locations and settings, closer to the appeal site, such as Viewpoints 5 and 6, full visibility of the proposed development is likely. However, I note that the 1996 Guidelines state that some masts will remain quite noticeable, despite best



precautions. The proposed monopole adopts a slim and modern appearance and has been designed with a view to minimising its bulk and mass through design. The cabinet is also of a modest size and scale and of a typical appearance for a standard unit serving this purpose. It is proposed to be painted dark green, which is appropriate, in my view, given the backdrop against the public open space to the west. There is a pedestrian footpath and cycle path situated between the subject site and the open space; however, it would not be impeded by the monopole or any of its associated equipment.

- 6.1.10. The Development Plan requires under Objective IUO53 to ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity and the protection of sensitive landscapes in the County. Also relevant, is Objective DMSO18, which requires new utility structures, such as electricity substations and telecommunication equipment cabinets, to be of a high-quality design and to be maintained to a high standard by the relevant service provider. I consider that the proposed monopole and associated works are consistent with these objectives.
- 6.1.11. The 1996 Guidelines also point out that in most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. In this regard, I note that a clear and demonstrable requirement for the delivery of network improvements in this area has been put forward by the Applicant. This is shown to be the case in the documentation submitted with the application and supported by the online ComReg mapping system. It is apparent that there is a significant drop-off in the quality of network signal for this part of Tyrrelstown, and I note that national and local planning policy seeks to support and encourage new telecommunications infrastructure under such circumstances.
- 6.1.12. The Guidelines also state that the height of telecoms support structures, when the requirements of the backbone network are considered, can range from 12m to 60m, although most typically will be between 20m and 40m. The proposed monopole is 15m in height, which is on the lower scale and appropriate, in my opinion, given the sensitive residential context, in this instance.
- 6.1.13. I note the concerns raised within the Planner's Report in that there is no landscaping immediately surrounding the site, and which could otherwise provide a softer

backdrop to the lessen the visible obtrusiveness of the proposed development. In this regard, the Board may wish to consider attaching a condition requiring a small amount of landscaping be carried out in accordance with a landscaping scheme to be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

- 6.1.14. In summary, I conclude that the proposed telecommunications infrastructure would be an acceptable form of development from a visual impact perspective. I consider that would be in accordance with the provisions of the Fingal Development Plan 2023-2029, including Objectives IUO53 and DMSO18, as noted above.

### **Appropriate Assessment**

- 6.1.15. Given the nature and scale of the development proposed, which is for a telecommunications monopole, equipment cabinet and 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.

## **7.0 Recommendation**

- 7.1. I recommend that a licence be granted subject to conditions, for the reasons and considerations as set out below.

## **8.0 Reasons and Considerations**

- 8.1. Having regard to the nature, scale and design of the proposed development, which is a freestanding monopole carrying telecommunications equipment with ancillary ground-mounted infrastructure, the provisions of section 254 of the Planning & Development Act, 2000 (as amended), the Fingal County Development Plan 2023-2029, and the 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively), it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in a significant negative visual impact on the surrounding vicinity or seriously injure the residential

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

## 9.0 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) This licence shall apply for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.</p> <p>b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.</p> <p><b>Reason:</b> To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.</p>
3.	<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><b>Reason:</b> In the interest of the visual amenities of the area.</p>

4.	<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><b>Reason:</b> In the interest of public safety.</p>
5.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to, and agreed in writing with planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</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.]

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Ian Boyle  
Senior Planning Inspector

6<sup>th</sup> July 2023