



An
Bord
Pleanála

Inspector's Report ABP315201-22

Development	Replacement of 32.8m mast structure by 38.8m lattice tower, carrying existing and additional telecoms equipment
Location	Whitestown Road, Beau, Rush, Co.Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/ 0640
Applicant(s)	Eir (Eircom Ltd)
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v Decision
Appellant(s)	Martin Jones
Observer(s)	
Date of Site Inspection	30 th . May 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

The site is an Eircom compound in a low lying, rural, predominantly agricultural area with a scattering of settlement. The site is beside a busy regional road and comprises a compound bounded by railings and containing a substantial building and existing telecoms mast.

2.0 Proposed Development

The proposal is to replace an existing monopole by a higher, lattice structure on which would be mounted the equipment from the existing mast and additional equipment. The new structure would be closer to the road and in front of the building, rather than beside it. The existing structure is 32.8m high. The new structure would be 38.8m high.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 7 conditions of a standard nature

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report forms the basis of the council's decision. A recommendation was made following a receipt of further information dealing principally with visual impact and potential impact on two nearby conservation sites, the Rogerstown SAC (site code 000208) and Rogerstown SPA (site code 004015).

On the basis of the photomontages received, the fact that the proposal relates to an existing telecoms site and the nature of the receiving landscape the report concludes that the visual impact would be acceptable. On the basis of the AA screening report

provided by the applicant as further information it concludes that there are no hydrological pathways connecting the site and the nearby European site and there would not be any significant impact.

The report states that the proposal has been screened for Environmental Impact assessment and it has been decided that an EIA is not required.

4.0 Planning History

ABP-300500-17 (F17A/0611) Retention permission for 32.8m monopole, the Board decision (as a result of first party appeal) amending condition 2 to enable additional antennae to be attached to the monopole

F12A/0263 Retention permission for 32.8m monopole in 2012

F07A/0985 5-year temporary permission for 32.8m monopole in 2007

5.0 Policy and Context

5.1. Development Plan

The relevant development plan is the Fingal Development Plan 2023-2029. The site is zoned RU 'Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'. It is a development plan objective (IUO48):- 'to promote and facilitate the provision of a high-quality ICT network and appropriate infrastructure network in accordance with the Fingal Digital Strategy 2020-2023 (and any subsequent plans) and to support broadband connectivity and other innovative and advancing technologies within the county, whilst protecting the amenities of urban and rural areas.' Relevant policy is Telecommunications Antennae and Support Structures Guidelines (1996) and Circular letters PL07/12 and PL03/2018)

5.2. Natural Heritage Designations

The Rogerstown Estuary SAC (000208) and SPA (004015) are located 0.6km to the south of the site.

5.3. EIA Screening

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is lodged on behalf of a nearby resident

The grounds of appeal can be summarised as follows:-

- The proposed upgrading of telecoms infrastructure has not been justified,
- There is already good telecommunications coverage in the locality,
- There is no statement of compliance with international standards,
- Visual impact has not be properly assessed, particularly in regard to the coastal landscape,
- There is a serious health impact and no supporting documentation from the HSE

6.2. Applicant Response

- The site has a longstanding telecoms use, the new facility will improve service in the locality and the proposed lattice-tower structure can accommodate additional operators as provided for by condition 4 of the council grant of permission

- ComReg regulates the telecom industry in Ireland and licensing by ComReg requires compliance with international standards set by the International Commission for Non-Ionising Radiation Protection (ICNIRP)
- In respect of visual impact the existing mast is a long established feature of the local landscape. A set of photomontages were submitted as further information which illustrate limited visual impact

6.3. **Planning Authority Response**

The planning authority has stated that it has no further comment to make.

6.4. **Observations**

There are no observations

7.0 **Assessment**

- 7.1. The appellant raises health matters as a ground of appeal. Such matters are regulated by the terms and conditions of the licensing arrangements issued to the operators of such facilities by the telecommunications regulator (ComReg). It is a requirement of any such licensing that operators ensure that the level of non-ionising radiation emitted from any facility does not exceed the limits set by the International Commission on Non-Ionising Radiation Protection (ICNIRP). The proposed development has to operate within these limits. The 'Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996' advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor should they determine planning applications on health grounds. This advice is reiterated in Section 2.6: 'Health and Safety Aspects' of Circular Letter PL07/12 which asserts that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures given that they do not have the competence for health and safety matters in respect of telecommunications infrastructure. For these reasons I have not considered impacts on health as a ground of appeal. The grounds I have assessed are:-

- the need for additional telecommunications infrastructure, having regard to guidance recommending mast sharing,
- visual impact and
- impact on protected habitats

7.2. This is an established telecoms site and I accept that the proposal will facilitate the supply of, and demand for telecom services in the locality, and will reduce the prospect of a greater proliferation of mast sites.

7.3. Having regard to the low lying character of the landscape, the fact that this is an existing mast site and assessment of the photomontages submitted as further information to the local planning authority, I do not believe the proposal will cause a significant adverse visual impact

7.4. **Appropriate Assessment Screening**

Having regard to the nature and scale of the development, the absence of emissions from, the nature of receiving environment and the absence of a pathway between the application site and any European site, it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 **Recommendation**

8.1. I recommend that permission is granted subject to conditions

9.0 **Reasons and Considerations**

9.1. Having regard to the nature, extent and design of the proposed development, the provisions of the current Fingal Development Plan, and relevant National Guidance, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The applicant has provided sufficient information to demonstrate that the site is appropriate for a telecommunication installation and that there is a need for this structure in this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.2. 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.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 11th day of October 2022. 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The operator shall provide, and make available, on reasonable terms the lattice tower for the provision of mobile telecommunications antennae of third party mobile phone and telecommunications operators</p> <p>Reason: To avoid a multiplicity of masts in the locality in the interests of the proper planning and sustainable development of the area</p>

Brendan McGrath
Planning Inspector

22nd June 2023