



An
Bord
Pleanála

Inspector's Report

ABP-317900-23

Development

Permission for the erection of a 30 metre high monopole telecommunications structure carrying antennae, dishes, and ancillary equipment.

Location

ESB's existing Pottery Road 110 Kv Substation, Pottery Road, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D23A/0396

Applicant

ESB Telecoms (ESBT) Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Amgen Technology (Ireland) UC
National Rehabilitation Hospital (NRH)

Observer(s)

None

Date of Site Inspection

6th November 2023

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The appeal site is located to the east of Pottery Road, within an existing ESB compound which accommodates a 110KV substation and ancillary items, approximately 2.3km south-west of Dun Laoghaire town centre and circa 1.3 kms north-east of Cabinteely village.
- 1.2. Adjoining the ESB site to the south-east is the Amgen bio-pharmaceutical manufacturing facility comprising industrial buildings with ancillary car parking. The adjoining lands to the north and north-east of the appeal site accommodate the National Rehabilitation Hospital.
- 1.3. The applicant has a right of way across Amgen lands to access the substation compound as indicated on the submitted site plan. There is an existing vehicular access to both the Amgen site and the substation site at the eastern side of Pottery Road; this roadside boundary comprises white metal railing fencing.
- 1.4. The ESB substation and its associated grounds, including the appeal site, is enclosed by palisade fencing. A high wooden wall and associated wooden vehicular gates enclose the fenced compound along a section of the western boundary which is visible from the boundary gates and fencing adjoining Pottery Road.
- 1.5. The closest residential development to the proposed development are the dwellings located at McIntosh Park c 120m west of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - The construction/erection of a 30 metre high telecommunications structure (monopole structure). A 0.7 metre high lightning finial is attached to the top of the monopole. The proposal also includes;
 - Antennas, dishes, ancillary equipment;
 - Ground cabinets;
 - 2.4 metre high palisade fencing (green colour) enclosing the telecommunication structure and cabinets.

2.2. The planning application is accompanied by a Planning Statement, a Health and Safety Statement (Appendix 1), supporting documentation from Three Ireland Ltd., Vodafone Ireland Ltd. (Appendix 2), an Information Note from the Commission for Communications Regulation (ComReg) titled 'Multi Band Spectrum Award' (Appendix 3) and a visual impact with photomontages of the proposed development (Appendix 4).

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to grant permission on the 3rd August 2023 subject to 4 no. conditions. The conditions are generally standard in nature, as follows:

- Condition 2 relates to the dismantling and removal of the structure and associated infrastructure from the site and reinstatement of the site when structure is no longer required.
- Condition 3 relates to measures to be taken to avoid conflict between construction traffic/activities and road users/pedestrians during construction works.
- Condition 4 requires the prevention of construction debris on the public road and repair any damage to the public road arising from the works.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officer in the report dated 3rd August 2023 outlined the relevant development plan policy, the internal consultations, the third party submissions, the nature of the site and impact on the amenities of occupiers of nearby properties. The report recommends permission be granted, consistent with the Notification of Decision which issued.

The report noted that Appropriate Assessment Screening was carried out and it was concluded that the proposed development would not impact upon a Natura 2000 site.

Transportation Planning: No objection subject to conditions relating to avoidance of conflict between construction traffic and road users/pedestrians and also repair of any damage to public road arising from works.

Drainage Planning: No objection.

3.3. Prescribed Bodies

None referenced in report of the Planning Officer.

3.4. Third Party Observations

The Planning Officer's report refers to 2 no. submissions/ having been received in relation to the planning application. A summary of the main issues raised in the third-party submissions is as follows;

- Clarity required of impact proposal may have in terms of risk to Amgen site operations and/or risks, impacts or restrictions on any potential future developments on the Amgen site arising from proposal.
- Concern expressed regarding potential impacts of the proposed development on NRH operations, hospital electronic systems and medical equipment.
- Information / assurance requested on any potential restrictions which might arise on the future development of the NRH campus on account of the proposed development.

4.0 Planning History

Appeal Site

PA Ref. D05A/0581 refers to a July 2005 grant of permission for 110kV to medium voltage electrical transformer station, 110kV building and MV switch room, site development works consisting of site grading, landscaping fencing and 4.5 metre wide entrance road connected to existing public roadway with set back entrance gates.

NRH lands to the north / north east

Planning Authority Ref. D20A/0630 – Permission granted for a new glazed external lift shaft and associated ancillary works and services.

Planning Authority Ref. D18A/0960 – Permission granted for new maintenance road incorporating a delivery set-down area, six maintenance car parking spaces.

Planning Authority Ref. D17A/0922 – Permission granted for temporary security office extension to the front of the main hospital block and retention of relocation of existing single storey system office building to a site at the rear of the hospital.

Planning Authority Ref. D16A/0643 – Permission granted for new single storey extension of approx. 260sq.m. in the centre of the hospital campus, internal refurbishment works, demolition of existing building to facilitate a link to the proposed new building and relocation of existing potting shed, all to provide new treatment and administration rooms to allow existing clinical services to be implemented in an improved way.

ABP Ref. PL06D.PA0039 (Strategic Infrastructure Development) – Permission granted in 2015 for construction of a new purpose built 120-bed National Rehabilitation Hospital facility and associated facilities at the National Rehabilitation Hospital.

Amgen lands to the east and south-east

Planning Authority Ref. D23A/0401 – Permission recently granted (5th October 2023) for an extension to the existing canteen, a new Environmental Management Centre, and amendments to the main site entrance layout and internal bicycle and motorcycle parking locations as previously permitted under planning ref. No. D19A/0904.

Planning Authority Ref. D19A/0904 – Permission granted for expansion of existing pharmaceutical facility with two no. manufacturing extensions to existing facility. A 10 year permission is being sought for this proposed development. by the Protection of the Environment Act, 2003) is required. An Environmental Impact Assessment Report ("EIAR") accompanies this application.

Planning Authority Ref. D19A/0032 – Permission for: single storey extension to the existing Security Building, an extension To the existing PM2 building, signage, new feature wall clad in stone.

ABP Ref.300107-17, PA Ref. D17A/0580 – Permission granted following receipt of third party appeal for development at existing manufacturing facility comprising extension to provide new single storey main entrance at ground floor of Production Module 1 building; two storey staircase from ground to first floor together with link corridor to rear of existing Personnel Support Facility building, staff changing 1 area extension at first floor of Production Module 2 building; alteration and extension (1,330m²) of existing internal mezzanine of Production Module 1 building to provide for office/laboratory and other ancillary use; alterations to elevations including new cladding, glazing, visual and solar screening and roof lights; demolition of existing projecting staircase on south elevation together with associated alterations to existing hard and soft landscape areas.

5.0 Policy Context

5.1 Development Plan

5.1.1 The Dun Laoghaire Rathdown County Development Plan 2022-2028 is the operative Development Plan for the area. The appeal site is zoned 'E' - 'To provide for economic development and employment.' The 'Permitted in Principle' category of the 'E' zoning objective includes the use class 'Public Services.' This use class is defined under section 13.2 of the Development Plan as follows:

A building or part thereof, a roadway or land used for the provision of 'Public Services'. 'Public Services' include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, data transmission, water, drainage and other statutory undertakers; it includes public lavatories, public telephone boxes, bus shelters, bring centres, green waste composting facilities, etc. 'Public Services' do not include commercial data centres.

Having regard to the above definition, the proposed development is permitted in principle on the appeal site.

5.1.2 The adjoining Amgen site to the south is also subject to the 'E' zoning objective, while the NRH lands to the north are subject to the 'SNI' zoning objective which seeks 'To protect, improve and encourage the provision of sustainable neighbourhood infrastructure.'

5.1.3 The following Specific Local Objectives (SLOs) are relevant and are indicated proximate to the appeal site on the Development Plan interactive map:

SLO 71: Any future development proposals contained within lands zoned objective 'E', and which immediately abut residentially-zoned land shall clearly demonstrate that the residential amenities of the neighbouring properties will be respected and protected through sensitive design with reference to height, scale and setback and will include the provision of appropriate high-quality landscaping and boundary treatments. Vehicular or pedestrian access through Oakdale Drive to lands zoned objective 'E' will not be permitted and this road will remain as a cul-de-sac. Consideration should be given to the use of the 'Former Workmans Club' for staff recreational facilities.

SLO 72: That a green buffer zone will be provided on the inside of the new boundary along Pottery Road on lands zoned 'SNI'. This green buffer zone will be extensively landscaped with trees and shrubs and will be 5 metres wide opposite 'E' zoned lands and 9 metres wide opposite 'A' zoned lands.

5.1.4 The following SLOs apply to the adjoining NRH site to the north and north-east:

SLO 66: As part of the redevelopment of the National Rehabilitation Hospital a dedicated open space/ recreational area shall be provided. The location and size of the area shall be agreed with the Planning Authority, to include details of the level of public accessibility, which will be appropriate to, and consistent with, the specialist rehabilitation services provided through the hospital. Any future redevelopment of the site shall also retain the pedestrian and cycle link that connects Rochestown Avenue to Pottery Road through the subject site.

SLO 142: It is the objective of Dún Laoghaire-Rathdown County Council to actively support and facilitate the redevelopment and expansion of strategic medical-hospital uses, services and ancillary facilities at the National Rehabilitation Hospital lands.

5.1.5 Table 8.1 of the Development Plan identifies views and prospects to be preserved.

5.1.6 Section 12.7.3. of the Development Plan relates to Sensitive Landscapes and Site Features, while Section 12.7.4 relates to High Amenity Landscapes, Views and Prospects.

5.1.7 *Policy Objective E15– Securing Employment Growth: It is a Policy Objective to ensure that employment zoned land facilitates its primary objective which is to provide for*

economic development and employment. The Council will apply a restrictive approach to residential development on employment zoned lands.

5.2 National Policy

5.2.1 National Planning Framework 'Project Ireland 2040':

National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.

5.2.2 National Broadband Plan 2020:

The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

5.2.4 Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (Department of the Environment and Local Government):

The Guidelines provide relevant technical information in relation to installations and offer guidance on planning issues so that environmental impact is minimised and a consistent approach is adopted by Planning Authorities. Visual impact is noted as among the most important considerations in assessing applications for telecommunications structures but the Guidelines also note that generally, applicants have limited locational flexibility, given the constraints arising from radio planning parameters. The Guidelines place an emphasis on the principle of co-location.

Section 4.3 notes that some masts will remain quite noticeable in spite of the best precautions and that the following considerations may need to be taken into account, specifically, whether a mast terminates a view; whether views of the mast are intermittent and incidental, and the presence of intermediate objects in the wider panorama (buildings, trees etc).

Section 4.5 'Sharing Facilities and Clustering' – Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

5.2.5 Circular Letter PL 03/2018

Circular Letter PL 03/2018 dated 3rd July 2018 provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013, and specifically states that the waiver provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

5.2.6 Circular Letter PL 07/12

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the 1996 Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It advises Planning Authorities to:

- Cease attaching time limiting conditions to telecommunications masts except in exceptional circumstances.
- Avoid inclusion in development plans of minimum separation distance between masts and schools and houses.
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit.
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Future development contribution schemes to include waivers for broadband infrastructure provision.

5.3. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary located c 2.5 km north, and Dalkey Islands SPA and Rockabill to Dalkey Island SAC located c 3.8 km and c 4 km east respectively.

5.4. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two third party appeals have been received in relation to the proposed development.

The grounds for appeal submitted by PM Group on behalf of Amgen Technology (Ireland) UC can be summarised under the following headings;

Risk to Amgen operations

- Concern whether the presence of the mast and its future functioning would limit the development of Amgen lands. Such a constraint could for instance relate to future development consent for large buildings on lands adjacent to the mast. The degree to which the proposed development may constrain potential development of lands proximate to the site is unclear.
- Reference made to Objective E15 and concern expressed that the operator of the mast could object to potential future employment generating development on the Amgen site.

Visual Impact

- While the drawings indicate extensive screening, the majority of the screening relied upon including the near-by fallow wooded areas is provided by Amgen. This area may be required to support future Amgen operations.

- Landscaping / screening proposals for the substation site were conditioned in the parent permission (Reg. Ref. D05A/0581) however they do not appear to have been undertaken in accordance with submitted drawings.
- Any potential visual impact of Amgen's developments would be exacerbated by the presence of the monopole and would be a constraint to future enhancement of operations.
- The submitted visual assessment does not accord with normal methodologies and does not provide specific information as set out in the Guidelines for Landscape and Visual Impact Assessment prepared by the Landscape Institute and the Institute of Environmental Management and Assessment. As such the appellant could not evaluate the visual impact of the proposed development.
- Questions the chosen view points for the visual assessment and the absence of a view point from the entrance to the ESB substation.
- The proposed mast will break the skyline above the NRH building and this has not been considered.
- No reference made to how future development activity in the area may affect the visual impact of the mast.
- Possible diminution of visual amenity to the NRH.

Site Suitability / Location

- Queries whether the location of the proposed monopole very close to the Amgen site is necessary and the only possible location for this infrastructure.

Rationale and Justification

- The technical report (Appendix 2) provided does not clarify how the operator has sought to share existing telecommunications infrastructure.
- While Section 3.2 of the technical report provides a list of sites analysed to host the mast, only one of these sites (Vodafone site at Dun Laoghaire Art College) has an existing telecommunications mast. No detail is given on the dates or nature of the engagement made with the owners of the candidate sites.

- There are an additional 10 no. masts within 1 km of the proposed site however no information is provided on consideration of this existing infrastructure, which is required by the Development Plan.
- Review of ComReg coverage maps indicates coverage at/around the Amgen site as either 'Good' or 'Very Good' for both 4G and 5G technologies for all operators which does not accord with Section 5-1 of the Planning Statement.
- Section 3 of the technical report suggests a coverage blackspot in/around the proposed mast. This does not appear to be the case when ComReg mapping is examined. ComReg mapping does not appear to accord with the map provided in section 4.0 of the technical report and no explanation of differences is provided.

The grounds for appeal submitted by O'Connell Mahon Architects on behalf of the NRH can be summarised under the following headings.

NRH Masterplan

- Concern that the proposed development may hinder the future development of the NRH campus, which may in turn impact future development plans for healthcare. In this regard a plan titled 'Overall Site Strategy 2018' and a site location map are included with the appeal.

Health and Safety

- There are health and safety concerns due to the mast's close proximity to the NRH boundary and the impact this may have on patient rehabilitation.
- Concern expressed regarding potential effects of the proposed development on hospital operations, particularly electronic systems and medical equipment vital for patient care and safety. No assurances forthcoming from the applicant in relation to the potential impact of the proposed mast on such equipment.

Other

- Arguable that the proposed 30m high mast breaches the general height guidance outlined in the Development Plan.
- It is necessary to assess/consider how the proposed development might impact both current and future provision of public healthcare services at NRH.

6.2. Planning Authority Response

6.2.1. The Planning Authority considers the grounds of appeal do not raise any new matters, as such no additional comment is made by it.

6.3. Applicant Response

A response to the third party appeals has been submitted by the applicant. A Technical Justification Report prepared by Three Ireland dated 11th May 2023 is appended to the response, which is also included with the applicant's planning statement as submitted with the planning application. The applicant's response may be summarised as follows:

- The proposal would allow existing mobile and broadband operators to upgrade their operations in the locality thereby providing a continued service with better coverage. It would also allow multiple operators to co-locate on a single dedicated site. The subject site is appropriate for the proposed development given it is an existing utility site.
- The proposed development is in accordance with both national and local planning policy.
- Government guidance is that health and safety issues are not matters for consideration by planning authorities; the relevant authority for such matters is the Commission for Communications Regulation (ComReg).
- ESBT regularly undertakes radio emissions/frequency tests at all its telecommunication sites, using certified contractors. ESBT sites operate well within the safety standards set out by ComReg. As such there is no reason to suggest that the development and subsequent operations from the site would not comply and operate within prescribed standards.
- There are no specific clearance distances related to telecommunication structures and site boundaries.
- While the submissions raise concerns regarding the operation of telecommunications equipment to processes undertaken within both facilities, no information has been provided detailing such concerns.
- The submitted visual assessment provides a reasonable assessment of the visual impact of the proposed development in the local and wider area. It does

not purport to be a full visual impact assessment. The area is not an overtly visually sensitive location.

- Acknowledged that the existing trees/vegetation are not within the applicant's control and could be removed. Notwithstanding, within the wider area the trees and landscaping along Pottery Road would soften the more distant views from the road and residential areas beyond.
- ESBT would accept a condition to have the site compound painted dark green or black and any cabinets in a similar colour if deemed necessary by the Board.
- ESBT only consider developing sites where there is a proven demand and need. Reference is made to the attached Technical Justification Report which notes that failure to progress the proposed development would negatively impact Three's network by leaving customers in the Deansgrange, Cabinteely and Sallynoggin areas with limited services.
- Having regard to the nature of the proposal and the nature of adjoining land uses the proposal would not stymie development potential on those lands.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. I consider the main issues in the assessment of this appeal are as follows:

- Impact on the operations of adjoining sites
- Technical Justification/Site Suitability
- Impact on Visual Amenity
- Other Issues
- Appropriate Assessment

7.2. **Impact on the operations of adjoining sites**

7.2.1 Both appellants raise concern that the proposed development would potentially adversely affect current / potential future operations on their lands. Some of these

concerns relate to health and safety matters which are mainly dealt with under section 7.5 of this report.

The NRH expresses concerns regarding potential effects arising from the mast on its electronic systems and medical equipment. The Commission for Communications Regulation (ComReg) is the statutory body responsible for the regulation of the electronic communications sector in Ireland. This matter is not an issue for consideration in this appeal.

Enclosed with the appeal from the NRH is a site plan entitled 'Phase 3 - Overall Site Strategy' which indicates potential future development on the NRH lands. Concern is expressed that the erection of the proposed development proximate to the NRH's boundary may hinder the future development of the campus. Having reviewed the submitted plan received with the NRH appeal and having regard to the proposed location of the telecommunications structure on the ESB's utility site, I am satisfied that the NRH site would not be compromised by the proposed development.

Amgen has raised a similar concern in respect of its site, noting that the proposed mast may constrain potential/possible future operations. It is not appropriate to restrict proposed development on the appeal site based on possible/potential future development on the Amgen site and as such I am of the opinion that this particular ground of appeal should be dismissed.

I consider that the location of the proposed development on 'E' zoned lands within the ESB's existing 110KV substation site is appropriate. I do not consider that the proposed mast would compromise the development potential of the adjoining NRH and Amgen lands.

7.3. Technical Justification/Site Suitability

- 7.3.1. A Radio Frequency Justification Report for the proposed development prepared by Three Ireland was submitted with the planning application. The stated purpose of the proposed mast is to improve service to residential and commercial customers in the wider area and provide voice and high speed data services to the Deansgrange, Sallynoggin and Cabinteely areas. The submitted documentation notes that there is a coverage blackspot in the area and that the site will provide Three Ireland with sufficient overlap of coverage to adequately serve the area. The Justification Report

also includes a ComReg coverage map indicating existing 'fair' to 'poor' 4G indoor coverage reflecting poor voice and data experience. A second map of proposed 4G indoor coverage with the addition of the proposed site/monopole indicates 'very good' and 'good' coverage. The appeal made on behalf of Amgen indicates the ComReg map accessed by them shows the area around the Amgen site as being 'very good' or 'good' for both 4G and 5G technologies for all operators.

7.3.2. I have consulted ComReg's coverage maps and note that the general area in the vicinity of the site is identified as having 'fair' coverage to 'good' coverage for Virgin Media's, Three Ireland's and Tesco's 4G services and 'good' to 'very good' coverage for Vodafone's 4G services. According to Com Reg's website, areas with 'very good' coverage experience 'strong signal with very good connections / maximum data speeds,' areas with 'good' coverage experience 'strong signal with good data speeds,' and areas with 'fair' coverage states 'fair signal and reliable data speeds may be attained, but disconnections and data drop-outs may occur at weaker signal levels.' Notwithstanding the discrepancy between the reference to 'fair to poor' versus 'very good to fair' 4G coverage within this area, noting that the proposal is also intended to provide 5G coverage, which I note is indicated on ComReg's coverage maps as being available in the area at present to Vodafone, Three and Eir only, I am satisfied that the proposal will improve service provision in the area and its environs and on this basis I consider that the proposal is justifiable. I consider it relevant that the applicant's response to the appeal also notes that the freestanding mast at the former Garda station on Rochestown Avenue that was utilised by Three Ireland has been decommissioned and therefore that site is no longer available to mobile operators.

7.3.3. A base map from ComReg indicating existing telecoms structures in the vicinity of the site is included in the Justification Report submitted with the application. In terms of the consideration of alternative sites, section 3.1 of the report notes that no existing base station options were identified within the target area that could be shared or upgraded to provide the necessary required coverage. Section 3.2 of the report lists the five locations in the area which were identified as having potential to accommodate telecoms equipment along with reasons for discounting these sites, except for the preferred site located off Pottery Road which already accommodates an ESB

substation. Based on the information submitted and set out above I consider that the applicant has adequately considered alternative sites for the proposed development.

7.3.4. In terms of the suitability of the appeal site for the proposed development, the site is an existing ESB 110KV compound and in my opinion has the capacity to absorb the proposal. Furthermore, I note that the design of the support structure is a monopole structure, which has a lesser impact than potential alternative structures e.g., a lattice structure. I also note that the height of the proposed structure would facilitate other operators to co-locate onto the structure and the applicant has confirmed this is its intention. If the Board is minded to grant permission, I would recommend inclusion of a condition requiring the developer to make the monopole available to third party operators.

7.3.5. I consider that the proposed development would not impact on the delivery of Strategic Local Objectives 66, 71, 72 and 142 relating to adjoining lands. In conclusion and having regard to the above, I consider the appeal site to be suitable for the proposed development.

7.3.6. Based on the information submitted, I consider that there is a satisfactory technical justification for the proposal at this location. I am also satisfied that the appeal site is appropriate for such a development and that the proposed development accords with the provisions of the Dun Laoghaire County Development Plan 2022 – 2028, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in relation to the location of installations.

7.4. Impact on Visual Amenity

7.4.1. The appeal submitted on behalf of Amgen raises a concern that any potential visual impact of its potential future developments would be exacerbated by the presence of the proposed mast and it also suggested the proposed development would result in possible diminution of visual amenity to the NRH.

7.4.2. The appeal site is not located in a rural area of the County and therefore it is not within any of the 14 Landscape Character Areas set out in Appendix 8 of the Development Plan. Furthermore, the site is not situated adjacent to a High Amenity

area, nor does it contain or adjoin a site which contains significant natural features. Neither the appeal site nor the adjoining area is listed as a 'Prospect to be preserved' in Table 8.1 of the Development Plan. The proposed development will not impact on any rights of way or walking routes. Having regard to the foregoing it is apparent that the subject site and the adjoining area are not located within a particularly sensitive landscape area.

- 7.4.3. Given that the appeal site comprises an existing utility compound, located more than 93 metres east of the public road, some 120 metres from the nearest dwelling at Mackintosh Park and having regard to the nature of development in the immediate area including the nature and scale of existing industrial development on the adjoining Amgen site, I do not consider that a telecommunications mast would be unacceptable at the proposed location from a visual perspective.
- 7.4.4. I note the appeal submitted on behalf of Amgen considers that the visual assessment submitted as part of the application documentation is deficient. My opinion is that overall, having inspected the site and its surroundings, the photomontages constitute a satisfactory appraisal of the visual impact the proposed mast would have in the locality and the wider area. I consider that the proposed telecommunications mast will be intermittently visible in the surrounding landscape from several locations as indicated in the visual assessment, however the proposed structure does not terminate any view and will be perceived within a wider context which includes large industrial buildings and telephone/electricity poles. As such, I do not consider that the proposed structure would dominate or be intrusive within the landscape at this location. Noting the established utility use of the compound on the appeal site, my view is that the proposed structure would not represent a discordant feature at this location. In my opinion the visual impact of the proposal would be acceptable in the context of the visual amenities of the area.
- 7.4.5. It is the case that the proposed development would be screened to a certain extent by woodland and other vegetation located on lands controlled by Amgen. However, in my assessment I have not relied on the woodland/vegetation located on lands outside of the applicant's control to provide screening for the proposed development. Having regard to the proposed location of the telecommunications mast on the far side of the

existing ESB compound, set back over 93 metres from the public road on an appropriately zoned site, I am satisfied that the existing trees and landscaping along Pottery Road would assist in softening the visual impact of the proposed development. Furthermore, from my site inspection I consider that the raised bank located to the east and north of the proposed mast coupled with the higher ground levels of the adjoining National Rehabilitation Hospital and associated buildings will ameliorate the visual impact of the proposed development from the NRH lands.

- 7.4.6. Given the location of the existing compound which is set back c 65m from the public road and enclosed on its western side by a high wooden wall and associated gates, set well back from Pottery Road, I do not consider it necessary to include a condition requiring the existing compound comprising green palisade fencing to be painted a particular colour. If the Board is minded to grant permission, I recommend including a condition requiring details of the proposed colour scheme for the telecommunications structure and ancillary structures to be agreed with the planning authority prior to commencement of development.

7.5. Other Issues

Health and Safety

- 7.5.1. The issue of the health impacts of the proposed development was raised in the appeal from the NRH. In respect of issues concerning health and telecommunications structures, Circular Letter: PL 07/12 states 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'. As such, I consider that this issue is outside the scope of this appeal.

Landscaping proposals – Substation site

- 7.5.2. The appeal submitted on behalf of Amgen indicates that landscaping proposals for the substation site granted permission under Planning Authority Reg. Ref. D05A/0581 do not appear to have been implemented in accordance with the

submitted drawings. This matter is an enforcement issue and as such is not an issue for consideration in this appeal; it is a matter for the planning authority to address in accordance with the Planning and Development Act 2000 as amended.

Height of Mast

- 7.5.3. The NRH appeal contends the height of the proposed mast at 30 metres may breach the general height guidance outlined in the Development Plan. Having reviewed the Development Plan as it relates to telecommunications structures, I note that no particular guidance is provided on the heights of such structures in the Plan and therefore I do not concur with the appellant on this issue. I note that Appendix 5 of the Dun Laoghaire Rathdown Development Plan 2022-2028 relates to Building Height Strategy rather than heights of telecommunication installations.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, the developed nature of the landscape between the site and European sites and the absence of any hydrological or other pathway between the appeal site and any European site, and the separation distances 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 either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) 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;
- (b) The Dun Laoghaire Rathdown County Development Plan 2022 – 2028;
- (c) The zoning objective of the site;
- (d) The low landscape sensitivity of the area;
- (e) The nature and scale of the proposed telecommunication structure;
- (f) The demonstrated need for the telecommunications infrastructure at this location,

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or of properties in the vicinity. The proposed development would therefore accord with the proper planning and sustainable development of the area.

10.0 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>The developer shall provide and make available at reasonable terms, the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.</p> <p>Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, and in the interests of visual amenity and proper planning and sustainable development.</p>

3.	<p>Within six months of the cessation of the use of the telecommunications structure, all structures permitted under this permission shall be removed from the site, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the Planning Authority as soon as practicable.</p> <p>Reason: In the interest of protecting the landscape.</p>
4.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<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>

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.

John Duffy
 Planning Inspector

16th November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317900-23		
Proposed Development Summary	The erection of a 30 metre high monopole telecommunications structure carrying antennae, dishes, and ancillary equipment, including a lightning finial, to share with other licensed operators. To include associated ground mounted equipment within a 2.4 metre high palisade fenced compound, and all associated groundworks.		
Development Address	ESB's existing Pottery Road 110 KV Substation, Pottery Road, Dun Laoghaire, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or 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	X	N/A	No EIAR or Preliminary

				Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?				
No				Preliminary Examination required
Yes				Screening Determination required