



An  
Bord  
Pleanála

## Inspector's Report ABP318344-23

<b>Development</b>	Street pole solution to address identified mobile and mobile broadband coverage blackspots.
<b>Location</b>	Public grass verge along Skerries Road, Lusk, County Dublin, (ITM E= 721577.3N=754934.0).
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	S254/03/23.
<b>Applicant(s)</b>	On Tower Ireland Limited (a Cellnex company).
<b>Type of Application</b>	Section 254 licence
<b>Planning Authority Decision</b>	Fingal County Council.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Lynne Barker on behalf of Lusk Action Group.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	17/12/23.



**Inspector**

Anthony Abbott King.



## **1.0 Site Location and Description**

- 1.1. The applicant site comprises a grass verge on the Skerries Road in a suburban location to the north of Lusk town centre and to the south-west of the Skerries Road and Rathmore Road bypass roundabout (R127);
- 1.2. Rathmore Road is the bypass to the east of Lusk town centre and suburbs that links the Dublin Road with the Skerries Road. Rathmore Road generally defines the compact built area of Lusk to the south and east of the town centre with suburban development to the north of the town on both sides of Rathmore Road;
- 1.3. There are open fields to the west of the site (Great Common) where the site is partly screened from the west by medium sized trees and a hedgerow. There are houses to the east across the Skerries Road at 'Bakers Close';
- 1.4. The street pole and cabinet were in situ. on the day of my site visit. The street pole and cabinet are erected back from the carriageway edge and between the carriageway and a footpath to the west of the street pole.

## **2.0 Proposed Development**

- 2.1. 18m street pole solution, associated cabinet and satellite dish to address identified mobile and mobile broadband coverage blackspots.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant licence subject to conditions.

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

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

The decision of the CEO of Fingal County Council reflects the recommendation of the planning case officer.

#### **3.2.2. Other Technical Reports**

No objection subject to condition.



## 4.0 Planning History

None relevant

## 5.0 Policy and Context

### 5.1. Development Plan

The relevant local planning policy document is the Fingal County Development Plan 2023-2029.

- Zoning

The site comprises a grass verge, which is zoned 'OS' - Open Space (Sheet 6A – Lusk): *Preserve and provide for open space and recreational amenities.*

*Vision: Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority.*

Telecommunications infrastructure is neither 'Permitted in Principle' nor 'Not Permitted'. It is noted that uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. A comprehensive set of policy objectives in the county development plan supporting telecommunications infrastructure, its regulation and application for same are set out below.

The site is within the development boundary of Lusk.

- Settlement Strategy

Lusk has grown in recent years from a village to a small town and is identified as a Self-Sustaining Town in Chapter 2 (Planning & Growth). Policy CSP34 is relevant and seeks to consolidate the growth of Lusk and the other Self-Sustaining towns as set out in the Settlement Strategy for the RSES encouraging infill development and compact growth.



- Policy CSO59 (Historic Core of Lusk) is relevant, and
- Policy CSO60 (Monastic Site and St. MacCullin's Church) is relevant and states:

*Maintain the valued distinctive views of the monastic site and St. MacCullin's Church from all approach roads into Lusk, from significant areas of open space and from surrounding areas.*

- Home-Based Economic Activity

Chapter 7 ( Employment & Economy) Policy EE023 (Home Based Economic Activity) is relevant and states:

*Support the Making Remote work-National Remote Work strategy and the provision of appropriate IT infrastructure and facilities that enable a better life-work balance enabling people to live near their place of work.*

- Infrastructure & Utilities

Chapter 11 (Infrastructure & Utilities) the following policy objectives are relevant:

- Policy IUP37 (Fingal Digital Strategy)
- Policy IUP38 (Open access Connectivity Arrangements)
- Policy IUP39 (National Broadband Plan)
- Policy IUO48 (High-quality ICT Network and Appropriate Telecommunications Infrastructure), which states:

*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 support broadband connectivity and other innovative and advancing technologies within the County, whilst protecting the amenities of urban and rural areas.*

- Policy IUO53 (High-quality Design of Telecommunications Infrastructure), which states:



*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.*

- Policy IUO54 (Sharing & Co-location of Digital Connectivity Infrastructure)
- Development Management Standards

Chapter 14 (Development Standards) Section 14.20.9 (Information & Communications Technology) and Section 14.20.10 (254 Licences) are relevant including *inter alia* the following policy objectives:

- Policy Objective DMSO222 (Co-Location of Antennae)
- Policy Objective DMSO223 (Location of Telecommunications Based Services), which states:

*Encourage the location of telecommunications-based services at appropriate locations within the County, subject to environmental considerations and avoid the locations of structures in fragile landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved.*

- Policy DMSO224 (Applications for Telecommunications Structures), which provide a number of criteria for the applicant to comply with in the application process in order to facilitate a full and complete planning assessment.
- Policy DMSO226 (Removal of Masts & Antennae)

#### Other Local Documents

- 'Lusk Vision 2030'

Lusk Vision 2030 provides a community led vision of what Lusk should look like and how it should develop in the decade to 2030. The Vision is prepared by consultants engaged by the Community Council assisted by the Fingal Leadership Partnership.

#### Other Relevant National Planning Policy Documents

The Guidelines for Planning Authorities, (Department of Environment and Local Government, 1996), as revised by DECLG Circular Letter PL 07/12.



## **5.2. EIA Screening**

5.3. The proposed development is not within a class where EIA would apply.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The appeal statement is illustrated with photographs. The grounds of appeal are summarised below:

- The erection of the mobile mast, located at Sherries Road, is in part to the facilitate the proposed removal of the existing mast that is currently located behind the 'Top Shop' public house on Main Street, Lusk. The existing mast supports a proliferation of satellites. The new mast holds a lesser number of satellite dishes. However, it is completely out of character and unsuitable for such a public location on a key entry / exit route to the town;
- Fingal County Council has chosen Lusk as the town in Fingal to be included in the 'Town Centre First Initiative', which will regenerate the town centre. The 'Initiative' will deliver the elements of the town plan 'Lusk Vision 2030' document, which is cited within the Fingal County Development Plan. In light of these plan and the historical significance of Lusk, it seems detrimental to grant permission for something that will have a significant negative impact on the public realm at this prominent location and is completely counter intuitive to local policy objectives;
- Digital connectivity is a key enabler of the 'Town Centre First Initiative' / 'Lusk Vision 2030', in particular in relation to business in the town, and the appellant supports plans that improve connectivity. However, it should be possible to deliver connectivity for the people of Lusk in a manner that is sensitive to the historical and cultural significance of the area;
- The decision of the planning authority warrants reconsideration so that the mast is located in a far less prominent location. The appellant advocates that



future applications should not be assessed in isolation but with reference to 'Town Centre First Initiative' / 'Lusk Vision 2030' plans;

- Lusk is a heritage town with a rich history dating back to 450AD. The telecommunications mast is inconsistent with policy objective C5059 of the Fingal County Development Plan 2023-2029, which seeks *inter alia* to maintain the distinctive views of the monastic site of 'St. McCullins' Church from all approach roads into Lusk. The mast is positioned in a very open and prominent position at the entrance to the town and is in the line of sight to the medieval round tower at 'St. McCullin's' Church. The mast will compromise the visual and historical integrity of the area deterring tourists and devaluing its cultural heritage;
- The appellant notes that section 6 of the 'Consultant Planning Report' submitted with the application states that the visual impact of the mast is between 'not significant to slight' or 'slight to moderate' across 8 visual reference points within 135m of the subject site. The applicant claims the mast could be 'easily assimilated into the existing street furniture'. However, the assessment is only based solely on the mast structure and did not consider any additional satellite dishes. Had the potential additional satellites been considered in the assessment the visual impact would almost certainly be at the upper end of the scale – 'very significant';
- It is crucial to explore alternative locations for the mobile mast that would have less of a visual impact on the town, its heritage and residents' quality of life. There are more appropriate locations on the periphery of the town, which are better covered by trees and away from historical areas and away from residential areas. It is noted that the Guidelines state that only in a last resort should free standing masts be located in towns or villages. It is noted that only three alternative sites are contained in the 'Consultant Planning Report', would suggest that alternative options were not fully explored;



- The community feel that strict mitigation measures should be put in place to address the concerns above. These measures should include an alternative location and camouflage solutions to blend the mast with the surroundings;
- The community fear a proliferation of masts given that a permission is granted for a second mast on the other side of the town. The correct positioning of the mast is extremely important as another mobile operator can seek to 'co-locate', as suggested in section 3.1 of the 'Consultant Planning Report';
- The community see Section 254 as a controversial provision of the planning code. The appellant cites examples of local opposition and appeal and judicial review of mobile mast infrastructure elsewhere nationally. The appellant urges the Board to engage in an open dialogue with the community regarding securing of more viable alternative locations.

## 6.2. Applicant Response

The applicant response is prepared by David Mulcahy Planning Consultants LTD on behalf of the applicant 'On Tower Ireland Limited'.

- Ms. Lynne Barker purports to represent 'the community of Lusk' under the guise of 'Lusk Action Group' but she does not provide any evidence in the appeal that she has any mandate to act on behalf of residents. Normally an appeal of this nature would be supported by signatures of residents;
- The appeal should be assessed as being from a sole individual;
- The removal of the existing mast in Main Street will be a significant positive benefit for the town from a heritage and visual perspective given its central and prominent location;
- The applicant examined all options in terms of street pole locations informed by the built heritage within the town. An Bord Pleanála inspectors have previously noted these slim line street poles do not have a material long term impact on visual amenity in the area. Examples are cited by the applicant to support the licence application. Whilst these street poles are 15m in height it



is submitted that an additional height of 18m is largely immaterial in real terms notwithstanding the location at entry point to the town;

- The description of the street pole as towering in nature and industrial in appearance is not accepted. In the matter of the potential impact on St. MacCullin's, there is no view of St. MacCullin's Church from the subject site;
- There will be a dish on this site as fibre is not commercially viable for the operator. There is no current plan to add additional features to the street pole in addition to the approved dish. Any additional features to facilitate co-location, which will be limited to a second dish will require a new licence;
- The appellant refers to more suitable locations on the periphery of the town but does not specify these locations. It is submitted that applicant is restricted to the search ring;
- The alternative locations referred to by the appellant are not viable because they are over-subscribed or outside the search ring;
- In previous An Bord Pleanála approvals for masts camouflage measures have not been required;
- The appellant does not specify why environmental monitoring would be required and the applicant is not aware of a monitoring condition being attached to a licence.

### **6.3. Planning Authority Response**

It is considered that the proposed development aligns with national, regional and local policy in the support of ICT infrastructure and the National Broadband Plan.

The development would integrate appropriately at this location given the site context including landscaping and planting, as well as extant street furniture and fixtures in the immediate environment.

In the event the planning authority's decision is upheld, the Planning Authority requests that a condition requiring a financial contribution in accordance with Section 48 Development Contribution Scheme is included in the Boards determination.



## 7.0 Assessment

7.1. The application is made under the provisions of Section 254 of the Planning and Development Act, 2000, which relates to licensing of appliances, cables etc. located on public roads. Section 254 (5) states that in consideration of an application for licence under Section 254 a planning authority, or An Board Pleanála on appeal, shall have regard to the following:

- (a) The proper planning and sustainable development of the area;
- (b) Any relevant provisions of the development plan, or 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.

This appeal relates to the installation of a 18m Alpha 3.0 free-standing street pole, associated equipment cabinet (0.900m wide x 1.652m high x 0.600m deep) and satellite dish (1 no. 300mm). The service operator is 'Three Ireland', which requires a site to the north of Lusk in order to roll out 3G and 4G networks.

It is noted that the street pole and cabinet were in place on the day of my site visit.

The main planning considerations relevant to the appeal case are:

- Zoning
- Visual impacts on entry / exit to the town, historic setting and implication for local policy objectives;
- Alternative locations;
- Proximity of residential areas;
- Other community concerns
- Appropriate assessment

### *Zoning*

7.2. The subject site is zoned open space' OS' in the Fingal County development Plan 2023-2029, which seeks to *Preserve and provide for open space and recreational amenities*. The vision for the open space zoning objective is to provide recreational



and amenity resources for urban and rural populations subject to strict development controls and only community facilities and other recreational uses will be considered and encouraged by the planning authority. Telecommunications infrastructure is neither 'Permitted in Principle' nor 'Not Permitted'. It is noted that uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the zoning objective and vision and their compliance and consistency with the policies and objectives of the development plan.

A comprehensive set of development plan policy objectives in support of telecommunications infrastructure, its regulation and application for same are set out in Section 5.1 (Development Plan) of this report. I would concur with the planning case officer that given the proposed design, medium / small sized scale, the localised nature of the works and the proposed location adjoining the public road (located between the carriageway and the footpath), it is considered that the development would not be contrary to the 'OS' zoning objective of the Fingal County Development Plan 2023-2029. I consider the development is a permissible use.

*Visual impacts on entry / exit to the town, historic setting and implication for local policy objectives*

- 7.3. The appellant claims that the street pole, by reason of its location on a key entry / exist route to the town at Skerries Road and by reason of its towering presence and industrial appearance, would have a negative visual impact on Lusk including on important historic views in particular the view to 'St. McCullin's' Church / round tower from approach roads. It is further claimed the development would be inconsistent with the designation of Lusk for the 'Town Centre First Initiative', providing for the regeneration of the town centre, and with the historical and cultural significance of Lusk including the objectives of the community led 'Lusk Vision 2030'.

I do not consider following my site visit that the street pole would have an impact on the view to 'St. McCullin's' Church / round tower from the approach road into Lusk from the north. St. McCullin's' Church / round tower is located at a significant distance to the south of the subject site, which is located close to the urban edge of Lusk adjacent to the Skerries Road and Rathmore Road bypass junction (R127). St.



McCullin's' Church / round tower is partially visible from the access road but at a significant distance on the horizon.

The physicality of the street pole and cabinet can now be fully assessed including its visual impacts given that the street pole and cabinet are in place comprising a slim telecommunications galvanised and grey painted street pole with a diameter of 406 mm and associated compact cabinet measuring (0.900m wide x 1.652m high x 0.600m deep). I would concur with the planning case office in the assessment of visual impact that the street pole is similar in design to the existing street lamps in the area.

It is acknowledged that the street pole at 18m is taller than the adjacent lamp stands located on the Skerries Road. However, on balance while it is considered that the development creates a noticeable change in the receiving environment, it does not result in a significant adverse visual impact given the site location close to the urban edge of the town, screened to the west of the carriageway by a hedgerow and trees and, co-located with the existing street lamp stands along the route of the Skerries Road carriageway.

In the matter of the 'Town Centre First initiative' and regeneration objectives, the development is at the edge of the built area of the town and suburbs located at the approach to the roundabout at the Skerries Road / Rathmore Road junction (R127), is medium / small in scale and would not have a significant visual impact on views and the receiving environment. Finally, in the matter of visual impact, the appellant states the existing mast in the town centre at Main Street Lusk, which it is claimed the subject mast will in part replace, supports a proliferation of satellites. The matter of additional dishes / antennae attached to the subject street pole can be dealt with by way of condition.

#### *Alternative location*

- 7.4. The appellant claims that there are more appropriate locations on the periphery of the town centre where the telecommunications mast would have less visual impact on the town, its heritage and residents' quality of life. The appellant notes that Lusk is a heritage town. It is claimed that the more appropriate locations are better covered by trees and away from historical areas and away from residential areas. The appellant notes that the applicant has only interrogated three alternative



locations and that the relevant Guidelines state that only in a last resort should free standing masts be located in towns or villages.

The applicants response *inter alia* states that the applicant examined all options in terms of street pole location informed by the built heritage within the town. I consider given the location of the development to the south of the Skerries Road / Rathmore Road bypass (R127), separated from the historic core by suburban development north of the town centre and, the slim line profile of the telecommunications street pole with a diameter of 406mm and compact nature of the associated low level cabinet, would not have an adverse visual impact on the heritage town of Lusk. The matter of proximity to residential areas is assessed below.

In the matter of alternative sites interrogated by the applicant, the letter of application provides coverage maps of where service is deficient in 'indoor / in car coverage' in addition to out-door mobile and wireless cover over a significant section of the town including to the north of the town centre. The applicant documents alternative telecommunication sites within a 2km radius of the subject site. The nearest site is 364m away. However, it is to be decommissioned and the other identified sites are 855m and 1.12km distant outside the search ring of 250m. Therefore, the locations identified (site A-C) are evaluated by the applicant as not viable.

It is considered that the development is substantially in compliance with Policy DMSO224 (Applications for Telecommunications Structures) of the Fingal County Development Plan 2023-2029, which *inter alia* seeks to provide appropriate documentation to comprehensively assess a telecommunications application. Furthermore, I consider the applicant has demonstrated the requirement for new telecommunications infrastructure at the subject location. I would concur with the planning case officer that the development is located in an appropriate location following my site visit viewing the street pole and associated cabinet in situation.

It is considered on balance that the development would be consistent *inter alia* with Policy IUO53 (High-quality Design of Telecommunications Infrastructure) of the Fingal County Development Plan 2023-2029, which seeks 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*. And would be substantially in compliance with Policy Objective DMSO223



(Location of Telecommunications Based services), which seeks to encourage the appropriate location of telecommunications

*Proximity of residential areas*

- 7.5. The appellant claims the subject site is inappropriate *inter alia* by reason of the presence of residential areas. The letter of application to the planning authority states the nearest dwelling is approximately 32m from the site of the street pole. I note on the day of my site visit that the nearest dwellings are located to the east at 'Bakers Close' accessed via Scholars Walk off the Skerries Road. There is no residential development to the west. I do not consider that the street pole and associated cabinet would have a negative visual impact on the amenities of residents in the vicinity given the slim line profile of the galvanised and grey painted street pole (406mm above base) and compact nature of the low level cabinet in situ on the day of my site visit. Furthermore, there is a reasonable separation distance from existing dwellings, which are located on the other side of the carriageway and are set back from the Skerries Road behind a well-defined property boundary.

*Other community concerns*

- 7.6. The appellant has expressed a number of other community concerns *inter alia* including the Section 254 licencing process citing appeal and judicial review nationally of mobile mast infrastructure decisions, a lack of community engagement, the proliferation of similar structures given permission for a mast on the other side of the town and the requirement for mitigation of the potential negative consequences of the development on Lusk in terms of visual and environmental impacts. All of these matters are noted.
- 7.7. In conclusion, it is considered, subject to compliance with conditions, that the location of the development at the urban edge of Lusk, immediately south of the Skerries Road / Rathmore Road bypass (R127), separated from the historic core by suburban development north of the town centre, positioned on a grass verge to the west of the Skerries Road carriageway, and the slim line profile of the galvanised and grey painted street pole (406mm above base) and compact nature of the low level cabinet, would not have adverse visual impacts on the receiving environment, is in compliance *inter alia* with, Policy IUO53 (High-quality Design of Telecommunications Infrastructure), Policy Objective DMSO223 (Location of



Telecommunications Based services) and Policy DMSO224 (Applications for Telecommunications Structures) of the Fingal County Development Plan 2023-2029 and, as such, would be consistent with the proper planning and sustainable development of the

#### **7.8. Appropriate Assessment Screening**

The proposed development comprises a telecommunications street pole and cabinet within an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

#### **8.0 Recommendation**

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

#### **9.0 Reasons and Considerations**

Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended), the grounds of appeal, the applicant response and, the design and scale of the development, which comprises the installation of a 18m Alpha 3.0 free-standing street pole, associated equipment cabinet (0.900m wide x 1.652m high x 0.600m deep) and satellite dish (1 no. 300mm), it is considered, subject to compliance with the conditions set out below, given the location of the development immediately south of the Skerries Road / Rathmore Road bypass (R127), separated from the historic core by suburban development north of the town centre, and the slim line profile of the galvanised and grey painted street pole (406mm above base) and compact nature of the low level cabinet, would not result in adverse visual impacts, would be consistent with the relevant policy framework of the Fingal County Development Plan 2022-2028, including Policy IUO53 (High-quality Design of Telecommunications Infrastructure), Policy Objective DMSO223 (Location of Telecommunications Based services) and Policy DMSO224 (Applications for Telecommunications Structures), and as such, would be consistent 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><b>Reason:</b> 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><b>Reason:</b> In the interest of public health.</p>
3.	<p>The antenna type and mounting configuration shall be in accordance with the details submitted with this application for a licence, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of permission.</p> <p><b>Reason:</b> To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.</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".



A. Abbott LJ

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Anthony Abbott King  
Planning Inspector

21 December 2023