



An
Bord
Pleanála

Inspector's Report

ABP-318726-23

Development	Street pole solution to address identified mobile and mobile broadband coverage blackspots
Location	Public grass verge along the R128 Station Road, Lusk, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254/13/23
Applicant(s)	On Tower Ireland Limited
Type of Application	Issue of Licences (s. 254)
Planning Authority Decision	Refuse Licence
Type of Appeal	First Party (S. 254)
Appellant(s)	On Tower Ireland Limited
Observer(s)	None
Date of Site Inspection	3 rd February 2024
Inspector	Philip Maguire

1.0 Site Location and Description

- 1.1. The appeal site is located along and to the northern side of Station Road (R128) in Lusk, Co. Dublin, where a 50kph speed limit applies. The Remount roundabout on the R127 is to the west. The R127 forms a bypass around the eastern side of the town, from the Skerries Road roundabout in the north to the Dublin Road roundabout in the south. The town is generally contained within the bypass with Station Road leading towards the historic village core to the west and towards Rush to the east.
- 1.2. The appeal site is flat and consists of a small section of grass verge adjacent to the carriageway of the R128. There is a relatively narrow section of public footpath between the road and grass verge with timber fence and established hedgerow to the rear. A street lighting column lies to the west and a road safety sign to the east along with a utility pole. Other lighting columns, street trees and furniture are in close proximity to the appeal site. There is a housing development to the northwest, a pair of semi-detached bungalows to the south and agricultural land to the north and east.

2.0 Proposed Development

- 2.1. A Section 254 licence is sought for telecommunications infrastructure consisting of an 18m high freestanding galvanised and painted monopole structure including 1 no. 2.75m antenna, internal cabling, external dish, operator's cabinets and ancillary works.
- 2.2. The monopole would have a uniform thickness of 360mm. The 1 no. dish would be 300mm in diameter. The operator's cabinet would be 1.898m wide, 1.652m high and 0.798m deep, and green in colour. The stated purpose of the proposed structure is to address mobile and wireless broadband coverage blackspots. The duration of licence sought is 5 years, indicated as October 2023 to October 2028. In addition to the drawings, a suite of 9 no. visual reference points (VRPs) accompany the application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. A Section 254 licence was refused on 17th November 2023 for the following reason:

It is considered given the location of the subject infrastructure, that the proposed development would restrict potential design solutions in providing active travel connections within the county and would therefore, contravene materially Objective CSO50 of the Fingal Development Plan 2023-2029 which requires the investigation of all options in the delivery of active travel connections between Donabate-Rogerstown Park and Lusk-Rush. The proposal would therefore fail to assist in the delivery of a strategic objective of the Development Plan, the stated aim of which is the achievement of a reduction in car dependency and promotion and facilitation of sustainable modes of transport, including prioritisation of walking, cycling and public transport.

3.2. Planning Authority Reports

3.2.1. Planning Officer report dated 17th November 2023:

- Basis for the planning authority decision.
- In terms of principle, it states that the proposal is located at the intersection of zoned 'Rural' (RU) lands and un-zoned lands associated with the public footpath. In this regard, it notes that utility installations are permissible in the RU zoning whilst telecoms structures are open for consideration.
- In terms of visual amenity impacts, it notes that the design is a simple contemporary approach and having regard to the receiving environment, along with the slender nature of the structure and neutral colour, it considers such impacts as slight to moderate, noting that the pole would read as part of the typical street furniture.
- In terms of visual amenity impacts on the historic core of Lusk and built heritage generally, it states that there is sufficient distance so as not to detrimentally affect the settlement and there is sufficient separation from the nearest protected structures, Lusk House (RPS ref. 293) and Remount House (RPS ref. 294). It also notes that the Conservation Officer does not object to the proposed development.
- In terms of visual impacts, it states that the presence of street furniture in the area aids assimilation and the proposal complies with objectives DMSO223, DMSO227 and IUO53, and is therefore acceptable from a visual impact perspective.

- In terms of transportation, it states that the proposed location would restrict potential design solutions in providing active travel connections between Lusk and Rush and therefore conflicts with objective CSO50, suggesting that there is insufficient space for a future cycle way and footpath at the proposed location.
- No AA/EIA issues arise.
- It concludes that the proposal would restrict potential design solutions in the provision of active travel measures between Lusk and Rush, impacting on the achievement of objective CSO50 and therefore recommends refusal of the licence.

3.2.2. **Other Technical Reports**

- Conservation (31/08/23): No objection subject to condition.
- Roads (09/11/23): Refusal.
- Parks (22/09/23): No objection subject to condition.
- Water (21/08/23): No objection subject to condition.

3.3. **Prescribed Bodies**

None.

4.0 **Planning History**

4.1. None relevant to appeal site.

4.2. Relevant licence applications in Lusk:

Station Road – c. 0.4km west, northwest of site

4.2.1. PA ref. S254/07/23 – in July 2023 the planning authority refused a licence for a 15m telecoms street pole etc. The planning authority considered that the proposal would lead to visual clutter, damage the visual and residential amenity of the area and fail to protect the historic centre of Lusk, including vistas to protected structures having regard to the height of the mast, its proximity to existing residential properties and its location on an important approach road to Lusk, and its historic centre.

Rathmore Road – c. 0.7km northwest of site

4.2.2. PA ref. S254/12/22 – in January 2024 the Board upheld the planning authority's decision and directed a refusal of licence for an 18m high telecoms street pole etc.

(case ref. ABP-315428-22). The Board considered that the proposal by virtue of its siting on a grass verge between a narrow footpath and the road edge in an area zoned 'Open Space' and noting the existing street furniture on the site, would be prominent onto the public domain, would have an adverse impact on the visual amenities of the area, and on the approach into Lusk town, and detract from the landscaping along the road because of the visual clutter presented by the positioning of the cabinets.

Dublin Road – c. 0.8km west, southwest of site

- 4.2.3. PA ref. S254/11/22 – in January 2024 the Board overturned the planning authority's decision and directed a grant of licence for an 18m high telecoms street pole etc. (case ref. ABP-315429-22). The Board considered that the proposal would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. Condition 2 limited the licence to a 5-year period following which the site is to be reinstated unless a further licence has been granted for retention.

Dublin Road Roundabout – c. 0.8km southwest of site

- 4.2.4. PA ref. S254/01/22 – in May 2022 the planning authority licenced a 15m high telecoms street pole etc. Condition 2 limited the licence to a 5-year period following which the site is to be reinstated unless a further licence has been granted for retention. Telecoms equipment is currently *in situ*. There is no time-limit on appeals and a third-party appeal was lodged with the Board in October 2023 (case ref. ABP-318343-23).

Skerries Road – c. 1km northwest of site

- 4.2.5. PA ref. S254/03/23 – in June 2023 the planning authority licenced an 18m high telecoms street pole etc. The licenced equipment is currently *in situ*. A third-party appeal was lodged with the Board in October 2023 (case ref. ABP-318344-23).

4.3. Other:

Station Road (R128)

- 4.3.1. PA ref. FS5/014/22 – in September 2023 the Board upheld the decision of the planning authority and declared the installation of marker posts along the route of an east-west interconnection, including along Station Road adjacent to the appeal site, as development and not exempted development (case ref. ABP-313625-22).

5.0 Policy Context

5.1. Fingal County Development Plan 2023-2029

- 5.1.1. The appeal site lies just outside the settlement development boundary on un-zoned lands and immediately south of zoned 'Rural' (RU) lands with a zoning objective to *'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.'*
- 5.1.2. A residual strip of zoned 'Residential' (RS) lands lie immediately west, and to the eastern side of the Rathmore Road (R127). It has a zoning objective to *'provide for residential development and protect and improve residential amenity.'*
- 5.1.3. 'Utility Installations' are amongst the development types listed as 'permitted in principle' in both the RS and RU zonings. 'Telecommunications Structures' are not listed as 'permitted in principle' or 'not permitted' in either. Section 13.1 notes 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.
- 5.1.4. A section of the GDA Cycle Network Plan is illustrated to the south of the appeal site.
- 5.1.5. The main policies and objectives relevant to the proposal are set out under chapters 2 (Planning for Growth), 6 (Connectivity and Movement), 11 (Infrastructure and Utilities) and 14 (Development Management Standards) of the Written Statement.
- 5.1.6. The following sections are relevant to the proposal:
- 2.7.2 – Role of Each Settlement (Rush)
 - 6.5.10.2 – Regional/Local Roads
 - 6.5.10.3 – Roads and Streets Design
 - 11.8.1 – National Broadband Plan
 - 11.8.4 – Telecommunications
 - 11.8.5 – Ducting and Access to Fingal County Council Assets
 - 14.20.9 – Information and Communications Technology
 - 14.20.11.1 – Utility Facilities
 - 14.20.10 – Section 254 Licences

5.1.7. Summary of the relevant policies and objectives:

- CSO50 Seeks to investigate all options in looking at the delivery of active travel connections between Donabate-Rogerstown Park and Lusk-Rush.
- IUP36 Seeks to facilitate the coordinated provision of telecoms / digital connectivity infrastructure at appropriate locations etc.
- IUP39 Seeks to support the rollout of high-quality broadband throughout Fingal and facilitate the delivery of the National Broadband Plan etc.
- IUO52 Seeks to ensure that applications made in relation to the provision of overground telecoms infrastructure, including Section 254 licences, demonstrate compliance with the *Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads 2015*.
- IUO53 Seeks to ensure a high-quality design of masts, towers, antennae and other such telecoms infrastructure in the interests of visual amenity and the protection of sensitive landscapes.
- IUO54 Seeks to 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 infrastructure etc.

5.1.8. The following development management objectives are also relevant:

- DMSO222 relating to the co-location of antenna.
- DMSO223 relating to the location of telecoms-based services.
- DMSO224 relating to information required for applications for telecoms structures.
- DMSO227 relating to the location of new utility structures.
- DMSO228 relating to the design of new utility structures.

5.2. Guidance on the Potential Location of Overground Telecoms Infrastructure

- 5.2.1. The Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads (DCENR, 2015) addresses the engineering appropriateness of siting telecoms equipment on the road network and considers specific locations from a high-level viewpoint. Section 5.1 notes that the safety of road users is paramount when considering site suitability. It states that the key determinant

in any decision would be to ascertain that no adverse impact on road user safety would arise or restrictions on driver visibility or obstruction of footpaths would be caused etc.

- 5.2.2. Section 5.1 also notes that any telecoms infrastructure should be erected at a safe location outside of the 'clear zone' which it describes as 'the total width of traversable land on either side of the road/carriageway, within the road boundary, which is to be kept clear of unprotected hazards'. This area is available for use by errant vehicles.
- 5.2.3. Section 5.3 notes that DMURS applies in areas with a speed limit of 60kph or less.
- 5.2.4. A consideration of opportunities to facilitate telecoms infrastructure on the road network is set out in Table A. In terms of urban roads, it states that opportunities are generally limited to locations where a wide verge or footpath allows the accommodation of small cabinets/antennae and/or the erection of stand-alone poles.

5.3. Design Manual for Urban Roads and Streets (DMURS)

- 5.3.1. Guidance relating to the design of urban roads and streets is set out in DMURS (DTTS and DHPLG, 2013, updated May 2019). Section 4.3.1 illustrates the space needed for pedestrians to comfortably pass each other with reference to the anticipated levels of activity. The minimum space for two people to pass comfortably in areas of low pedestrian activity is 1.8m. The desirable space for two people to pass comfortably in areas of low to moderate pedestrian activity is 2.5m. The minimum space for small groups to pass comfortably in areas of moderate to high pedestrian activity is 3.0m.

5.4. Telecommunications Guidelines

- 5.4.1. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (DELG, July 1996) aims to provide technical information in relation to the installation of base stations and other telecoms equipment and offer general guidance so that the environmental impact is minimised, and a consistent approach adopted.
- 5.4.2. Section 4.3 of the Guidelines refers to visual impact and notes that only as a last resort, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in residential areas or beside schools. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location. It also notes that

the proposed structure should be kept to the minimum height consistent with effective operation and should be monopole rather than a latticed structure.

- 5.4.3. Section 4.5 of the Guidelines states the sharing of antennae support structures will normally reduce the visual impact on the landscape and places an onus on the operators to demonstrate that they have made a reasonable effort to share. It notes that where it is not possible to share a support structure, the sharing of sites or adjacent sites should be encouraged so that masts and antennae may be clustered. It states that the use of the same structure or building by competing operators in urban or suburban areas will almost always improve the situation.
- 5.4.4. Section 4.6 of the Guidelines notes that ground-mounted single poles do not generally require fencing off the site or anti-climbing devices etc. It also states that it is unlikely that accessing the site will give rise to traffic hazards as maintenance visits should not be more than quarterly. During the construction period, depending on the location of the site, special precautions may have to be taken in relation to traffic.

5.5. Circular Letters

- 5.5.1. Circular Letter PL 07/12 (DECLG, October 2012) revised elements of the Telecoms Guidelines. Section 2.2 advises that only in exceptional circumstances, where particular site or environmental conditions apply, should a permission issue with conditions limiting its life. Section 2.3 advises that planning authorities should avoid including minimum separation distances between masts or schools and houses in their Development Plans. Section 2.4 advises that future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense, as opposed to conditioning a security bond in respect of removal. Section 2.6 reiterates the advice in the Guidelines in that the planning authorities should not include monitoring measures as part of planning conditions nor determine applications on health grounds.
- 5.5.2. Circular Letter PL 11/2020 (DHLGH, December 2020) reminds planning authorities that whilst a Section 254 licence is required for works specified in Section 254(1) of the Planning and Development Act 2000, as amended, including overground electronic communications infrastructure, any development carried out in accordance with a licence shall be exempted development for the purposes of Section 254(7) of

the Planning Act. The Circular also notes that exemptions for telecoms infrastructure along public roads do not apply where the proposed development is in a sensitive area where there is a requirement for appropriate assessment; or where the proposal would endanger public safety by reason of traffic hazard or obstruction of road users.

5.6. Natural Heritage Designations

5.6.1. None relevant.

5.7. EIA Screening

5.7.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged by David Mulcahy Planning Consultants Ltd. on behalf of the applicant, On Tower Ireland Ltd. (a Cellnex Company).

6.1.2. The main grounds of appeal can be summarised as follows:

- It is submitted that the planning authority refused the licence on the basis of restricting potential design solutions for an active travel scheme which does not yet exist at design stage, and it is stated that this is highly unusual.
- It is noted that licences are generally granted on a temporary 3- or 5-year basis, and there is no reason why an active travel scheme cannot be designed to cater for the temporary street pole *in situ*, re-located or removed completely.
- It is noted that there are existing streetlamps, traffic signs and ESB poles in the same grass verge and it is submitted that the future active travel scheme will have to account for these existing features in the proposed alignment.
- The footpath is estimated to be a minimum of 1.4m wide and it is submitted that this may not be an issue at all if there is a segregated on-street solution for the

active travel scheme. It is also stated that concerns about footpath width could be addressed through condition by way of slight relocation closer to the roundabout.

- It is further submitted that active travel schemes involve a long design stage followed by a Part 8 planning process and the lifetime of the street pole will be well advanced or completed by the time the active travel scheme is constructed.
- In this regard, it is suggested that a licence for 3 years would be appropriate and allow for the situation to be reviewed in a relatively short period of time.
- It is highlighted that the planning authority have the power under Section 254(4) of the Planning Act to request the applicant to remove any licenced development due to road widening or improvement.

6.2. Planning Authority Response

6.2.1. The planning authority's response can be summarised as follows:

- The Board is referred to the report of the planning authority in respect of the application under Section 254 of the Planning Act.
- Provision should be made for a financial contribution in the event that the appeal is successful.

7.0 Assessment

7.1. Preliminary Points

7.1.1. Having examined the licence application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this licence appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Principle of Development
- Road Safety
- Visual Amenity – *New Issue*
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The planning authority's sole refusal reason relates to a restriction on potential active travel design solutions. This, the planning authority suggests, would materially contravene objective CSO50 of the Development Plan 2023-2029 which seeks to investigate all options in the delivery of active travel from Lusk to Rush, and therefore fails to assist in the delivery of a strategic objective relating to the reduction in car dependency and promotion of sustainable modes of transport including walking etc.
- 7.2.2. At the centre of this alleged material contravention is an issue of siting along the R128, between Rush and Lusk, which is an identified route in the GDA Cycle Network Plan 2022. The planning authority's approach would appear to sterilise the R128 from similar development until an active travel scheme between Lusk and Rush has been designed. Although, I accept that it was not a reason to refuse a licence for a 15m street pole some 400m west of the site along Station Road, under PA ref. S254/07/23.
- 7.2.3. In this regard, I note that there are a number of specific Development Plan objectives relating to the siting of telecoms infrastructure including IUP36, DMSO223 and DMSO227 in addition to Section 28 Guidelines and more general guidance, such as the 2015 guidance on the potential location of telecoms infrastructure on public roads.

Siting of Development

- 7.2.4. The supporting Planning Statement suggests that the appeal site, in addition to the site licenced under PA ref. S254/03/23, will provide the same level of replacement coverage when 'The Top Shop' telecoms site along Main Street (ID DU0356) is decommissioned. I note this site is in Lusk's historic core, c. 110m northeast of Lusk Round Tower, 330m southeast of Lusk National School and beside residential areas.
- 7.2.5. In terms of siting, ComReg's interactive mapping system indicates that 4G coverage in the area is 'very good' for the proposed service provider ('Three'), although I note that the appeal site is located towards the periphery where coverage drops to 'good' for the majority of houses in Orlynn Park estate to the west. Notwithstanding, I have reviewed the 4G and 5G coverage for other providers where coverage is 'fair' and drop-outs are possible, and on balance, I accept that there is a need for improved mobile and wireless broadband coverage in this area. This is also suggested in the existing and predicted indoor coverage maps in the supporting Planning Statement, but I am unable to verify their modelling and do not afford them any material weight.

- 7.2.6. On balance, I accept that local and national policy and guidance seeks to support and encourage new telecoms infrastructure in such circumstances and at such locations. I therefore find the proposition that such a sound planning rationale could be thwarted by a future active travel scheme difficult to reconcile with, particularly one which appears to be in its infancy. In this regard, I fully agree with the applicant that this is highly unusual and particularly where the planning authority has other mechanisms at its disposal including limiting the duration and withdrawal of licences under s. 254(4).
- 7.2.7. In this regard, the applicant has suggested that a 3-year licence would be appropriate and allow for the situation to be reviewed in a relatively short period of time. However, I do not consider the present circumstances to be exceptional in the context of section 2.2 of Circular Letter PL 07/12, and the 5-year licence, as applied for, is appropriate.

Material Contravention

- 7.2.8. Moreover, objective CSO50 outlines a general approach to investigating options for the delivery of active travel connections between Lusk and Rush and is not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. Indeed, the Board is not constrained by Section 37(2) of the Planning and Development Act 2000, as amended, in any event, as the proposal does not relate to permission for development under Section 34 of the Act.

Conclusion on Principle

- 7.2.9. I do not consider there to be a material contravention of the Fingal Development Plan 2023-2029 insofar as objective CSO50 is concerned. Whilst the proposal may conflict with possible design solutions relating to a future active travel scheme between Lusk and Rush, it would not prohibit an investigation into all design options which could account for the relocation of the street pole, no different than the adjacent streetlamp.
- 7.2.10. As noted, to accept such an approach would effectively sterilise the full extent of the R128 from the Remount roundabout to the village of Rush, some 4km away, from similar licensable development. This, to my mind, would itself be contrary to policy IUP39 which seeks to *inter alia* support the delivery of the National Broadband Plan.
- 7.2.11. Moreover, this proposal will assist in removing existing infrastructure away from Rusk National School and residential properties in the village core, an area which should only be considered as a last resort as noted in Section 4.3 of the Telecoms Guidelines.

7.2.12. I am therefore satisfied that the proposed development is acceptable in principle.

7.3. Road Safety

- 7.3.1. I note that the proposal would be sited immediately adjacent to a c. 8.5m high streetlamp. I also note that the posted speed limit along this stretch of the R128 is 50kph, and the verge and footpath widths are illustrated as 1.7m and 1.4m, respectively on the revised layout drawing submitted with the appeal documentation.
- 7.3.2. Whilst the planning authority has not raised any concerns regarding road safety, I note that the Roads Section have raised concerns regarding the distance between the road edge and the proposed operator's cabinet, albeit in the context of the provision of a future cycleway and footpath in accordance with a, yet to be designed, active travel scheme. As noted, the applicant estimates the footpath to be a minimum of 1.4m wide and submits that it may not be an issue if there is a segregated on-street solution.
- 7.3.3. The appeal site is located at the settlement edge, c. 600m from the village core. The anticipated level of pedestrian activity is low, and whilst I accept that the minimum space for two people to pass comfortably in this area is 1.8m as per section 4.3.1 of DMURS, I note that the distance from the road edge to the cabinet is c. 2.2m, and c. 1.8m when the operator cabinet doors open. I am satisfied that the proposal will not reduce the public footpath to an unacceptable width or impact on pedestrian safety.

7.4. Visual Amenity – *New Issue*

- 7.4.1. Whilst not raised by the planning authority or applicant, I note that the Board have recently directed a licence refusal in respect of telecoms infrastructure including an 18m high street pole along Rathmore Road, some 700m northwest of the appeal site (case ref. ABP-315428-22). The Board considered that the proposal would be prominent onto the public domain, would have an adverse impact on the visual amenities of the area, and on the approach into Lusk, and detract from the landscaping along the road because of the visual clutter presented by the positioning of the cabinets. However, I note that proposal materially differs in terms of siting on a grass verge between a narrow footpath and the road edge in an area zoned 'Open Space'.
- 7.4.2. Conversely, the Board recently directed the planning authority to grant a licence for telecoms infrastructure including an 18m high street pole along the Dublin Road, some 800m southwest of the appeal site, at a main entry point to the town (case ref. ABP-

315429-22). In this case, the Board considered that the proposal would not seriously injure the visual amenities of the area. I note that this street pole is c. 95m northeast of existing telecoms infrastructure including a street pole licenced under PA ref. S254/01/22, albeit now subject of an appeal under case ref. ABP-318343-23.

- 7.4.3. In terms of design, the applicant justifies the height on the basis of obstacle clearance that would otherwise cause network interference. In this regard, I note that the grassed margin to the rear of the public footpath along Rathmore Road contains a strong belt of semi-mature trees and a crescent-type terrace of housing (Rathmore Row) lies to the opposite side of the Remount roundabout where the prevailing height is two-storey.
- 7.4.4. Whilst I accept that the proposed street pole would be more visible than adjacent trees and lamp standards, I consider that critical views would be generally limited and absorbed within this receiving environment having particular regard to the landform to the north of the site and existing trees and hedging. The operator's cabinet would be assimilated by the adjacent fence and hedgerow. I also note that the alignment of both roads would impede the majority of views travelling along approach directions.
- 7.4.5. On balance, I do not consider that the proposal would be prominent in the public domain, represent visual clutter, or detract from the landscaping along Station Road or Rathmore Road, adversely impacting on the visual amenities of the area. This context can be distinguished from the directed refusal under case ref ABP-315428-22.

Co-location

- 7.4.6. In terms of co-location, I note that alternative sites were examined and discounted due to being either unavailable or already utilised. I specifically note that the street poles licenced at the Dublin Road roundabout (PA ref. S254/01/22) and along the Skerries Road (PA ref. S254/03/23) are occupied by the proposed operator and outside the required coverage area, and both are currently subject to third-party appeals (case refs. ABP-318343-23 and ABP-318344-23). This proposal is required to replace a telecoms site that is to be decommissioned, and this is determinative, in my opinion.

Conclusion on Visual Amenity

- 7.4.7. Having reviewed the licence application, appeal submission, and given the deficit of network coverage across operators, and future deficit following the decommissioning of site ID DU0356, I am satisfied that the proposal is justified from a visual perspective.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, which is for telecoms infrastructure consisting of a 18m high street pole and operator cabinets in an established and serviced urban area, the distance from the nearest European site, no appropriate assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that the Board directs the planning authority **to grant** a section 254 licence, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of Section 254 of the Planning and Development Act 2000, as amended, the Fingal Development Plan 2023-2029, and the Telecommunications Antennae and Support Structures Guidelines (1996), as amended/updated by Circular Letters PL 07/12 and PL11/2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact on the delivery of any future active travel scheme between Lusk and Rush, conflict with pedestrian movements or detract from the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	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.
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	Reason: In the interest of clarity.
2.	<p>(a) The licence shall be valid for a period of five years only 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, a further Section 254 licence has 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>Reason: To enable the impact and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.</p>
3.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.</p> <p>Reason: In the interests 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.

Philip Maguire
Planning Inspector
3rd February 2024

Appendix 1

Form 1 – EIA Pre-Screening

Case Reference	ABP-318726-23		
Proposed Development Summary	Telecoms infrastructure consisting of a 18m high freestanding galvanised and painted monopole structure with antenna, internal cabling, external dish, operator's cabinets and ancillary works.		
Development Address	Public grass verge along R128 Station Road, Lusk, 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	No further action required
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			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)
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: _____