



An
Bord
Pleanála

Inspector's Report

ABP-319019-24

Development	Application for telecommunications structure licence
Location	Public grass verge along the Castleknock Road (R806), Castleknock, (E: 309990, N: 236767), Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254W/06/23
Applicant(s)	Emerald Tower Limited
Type of Application	Telecoms structure Licence
Planning Authority Decision	Refuse to Grant a Licence
Type of Appeal	First Party
Appellant(s)	Emerald Tower Limited
Observer(s)	Cllr. Ted Leddy Emer Currie Kevin Baxter H. Marron

John Dillion (Deerpark Area Residents Association)

Date of Site Inspection

4th July 2024

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The application site is located on the public grass verge along the northern side of the Castleknock Road, near the junction to the Castleknock Gate – Chesterfield Avenue/Castleknock Road junction of the Phoenix Park. The site is bound by open space and residential development to the north, Castleknock Road to the east, the Phoenix Park to the south and residential development to the west.

2.0 Proposed Development

- 2.1. On the 10th November 2023, a licence under section 254(1) of the Planning and Development Act 2000, as amended, was sought for the installation of an 18m dual operator pole, associated equipment and ground-based cabinets. The application was accompanied by a Planning Statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th January 2023, the Planning Authority issued a notification of their intention to REFUSE permission for the following reasons:

“1. Having regard to the nature and height of the proposed communication infrastructure and ancillary cabinetry on the public grass verge, the proximity to the Phoenix Park, which is a highly sensitive landscape, and of national importance and international significance, the proposed mast would damage the visual amenity of this sensitive area, would be contrary to the objectives of the Fingal County Development Plan 2023 – 2029 in respect of telecommunications antenna, Protected Structures and the perimeter of the Phoenix Park, including objectives IUO53 and HACO34 and Policy HCAP12 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the subject site adjacent to the Castleknock Road, the proposal is premature in the context of the rollout of the Greater Dublin Area Cycle Network Plan, and may impact upon planned upgrade works, which would be

contrary to Policies CMP7 and CMP30 of the Fingal County Development Plan 2023 – 2029 and to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. A Planning Reports dated 15th January 2024 has been provided.

3.2.2. This planning application was assessed under the Fingal County Development Plan 2023 – 2029.

3.2.3. The planners report considered that:

“Having regard to Section 254 of the Planning and the Planning and Development Act, 2000, as amended, and national, regional and local policy objectives, it is considered that the proposed development would present significant issues in terms of conservation and architectural heritage, visual impact, and green infrastructure, and would therefore not be acceptable. The proposed development would also not contribute to the ‘OS’ zoning objective of the site, would be contrary to Policy HCAP12 and Objective HCA034 of the Fingal Development Plan and would be premature in the context of the rollout of the cycle network in the Greater Dublin Area, and would prejudice road improvement works, which would form part of this”.

3.2.4. As such the local authority refused the licence under Section 254 for the reasons noted in 3.1.1 above.

3.2.5. Other Technical Reports

- Water Services: Report received stating no objection.
- Transportation: Report received recommending refusal/amendment of development, recommending a condition in the event of a grant of permission.
- Parks and Green Infrastructure: Report received recommending further information.
- Conservation: Report received recommending further information.

3.3. **Prescribed Bodies**

3.3.1. The Planning Authority report indicated that the following prescribed bodies were consulted.

- Department of Arts, Heritage, and Local Government: No response received.
- The Heritage Council: No response received.
- Failte Ireland: No response received.
- An Taisce: No response received.
- An Comhairle Ealaíon: No response received.
- Dublin City Council: No response received.
- Uisce Éireann: Report received stating no objection.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

None on file.

5.0 **Policy Context**

5.1. **National Planning Framework – Project Ireland 2040**

5.1.1. Objective 24 – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

5.2. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

5.2.1. The ‘Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures’ (1996) set out government policy for the assessment of proposed new telecommunications structures (‘the 1996 Guidelines’). The Guidelines state that the rapid expansion of mobile telephone services in Ireland has

required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.

- 5.2.2. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. 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.
- 5.2.3. The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.
- 5.2.4. The Guidelines state that the approach will vary depending on whether a proposed development is in:
- a rural/agricultural area;
 - an upland/hilly, mountainous area;
 - a smaller settlement/village;
 - an industrial area/industrially zoned land; or
 - a suburban area of a larger town or city.
- 5.2.5. The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

5.3. Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads, (Dept. of Communications, Energy and Natural Resources, 2015)

5.3.1. This report provides advice to telecommunications operators as to how telecommunications infrastructure could be accommodated along all road types. Table A – Stand-alone poles are the preferred option in urban areas.

5.4. DoECLG Circular Letter PL07/12

5.4.1. This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and 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'.

5.4.2. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

5.5. DoHELG Circular Letter PL 11/2020

5.5.1. This circular provided clarification in relation to the planning exemptions applicable to telecommunications works undertaken by statutory undertakers authorised to provide telecommunications services.

5.5.2. It advises Planning Authorities that:

- Section 254 of the Act outlines the provisions in relation to the licensing of appliances and cables etc on public roads. Where development of a type specified in section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of the obtaining of a section 254 licence.
- A Section 254 Licence is required for overground electronic communications infrastructure and its associated works, and that such works are exempt from planning permission.
- The exemptions for telecommunications infrastructure along public roads do not apply:
 - (a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.
 - (b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

5.5.3. Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:

- a) the proper planning and sustainable development of the area,
- b) any relevant provisions of the development plan, or a 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.

5.6. Fingal County Development Plan 2023 – 2029

5.6.1. The subject site is zoned “OS – Open Space” with an objective to “*Preserve and provide for open space and recreation amenities*”.

5.6.2. The site adjoins the jurisdiction of Dublin City Council, whereby the adjoining sites are zoned 'RS' residential and 'Z9' Amenity/Open Space Lands/Green Network, in the applicable Dublin City Development Plan 2022 – 2028.

5.6.3. Relevant Fingal County Development Plan Policies and Objectives

- Policy CMP7 – “Pedestrian and Cycling Network Secure the development of a high-quality, connected and inclusive pedestrian and cycling network and provision of supporting facilities / infrastructure across the County, including the upgrade of the existing network and support the integration of walking, cycling and physical activity with placemaking including public realm improvements, in collaboration with the NTA, other relevant stakeholders, local communities and adjoining Local Authorities in the context of the impact of development schemes with cross boundary impacts and opportunities where appropriate. Routes within the network shall have regard to NTA and TII national standards and policies”.
- Objective CMO24 – “NTA Strategy Support NTA and other stakeholders in implementing the NTA Strategy including MetroLink, BusConnects, DART +, LUAS and the GDA Cycle Network”.
- Policy HCAP12 – “Interventions to Protected Structures Ensure that direct or indirect interventions to Protected Structures or adjoining development affecting them are guided by architectural conservation principles so that they are sympathetic, sensitive and appropriate to the special interest, appearance, character, and setting of the Protected Structure and are sensitively scaled and designed”.
- Objective HCAO34 – “Perimeter of Phoenix Park Ensure that development within Fingal along the perimeter of the Phoenix Park adheres to the Office of Public Works’ (OPW), Phoenix Park Conservation Management Plan, does not have a detrimental impact on the Park, does not damage any of the built elements along its boundary, or interrupt any important vistas into or out of it”.
- Chapter 11 Infrastructure and Utilities
- Strategic Objective no. 10: Protect, enhance and ensure the sustainable use of Fingal’s key infrastructure, including water supplies and wastewater

treatment facilities, energy supply including renewables, broadband and transportation.

- IUP36: Facilitate the coordinated provision of telecommunications / digital connectivity infrastructure at appropriate locations throughout the County and extension of telecommunications infrastructure including broadband connectivity as a means of improving economic competitiveness and enabling more flexible work practices.
- IUP38: Promote and facilitate the provision of a high-quality ICT network and appropriate telecommunications infrastructure in accordance with the Fingal Digital Strategy 2020–23 (and any subsequent plan), and to support broadband connectivity and other innovative and advancing technologies within the County, whilst protecting the amenities of urban and rural areas.
- IUO53: Ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity and the protection of sensitive landscapes in the County.
- IUO54: Support the appropriate use of existing assets (i.e. lighting, street furniture etc) for the deployment of telecoms equipment and to encourage the sharing and co-location of digital connectivity infrastructure in the interests of visual amenity and protection of the built heritage.
- DMSO17: Where possible, new utility structures such as electricity substations and telecommunication equipment cabinets should not be located adjacent or forward of the front building line of buildings or on areas of open space.
- DMSO18: Require new utility structures such as electricity substations and telecommunication equipment cabinets to be of a high-quality design and to be maintained to a high standard by the relevant service provider.
- DMSO223: Encourage the location of telecommunications-based services at appropriate locations within the County, subject to environmental considerations and avoid the location of structures in fragile landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved.

- DMSO224: Require the following information with respect to telecommunications structures at application stage:
 - Demonstrate compliance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment 1996 and Circular Letter PL 07/12 issued by the Department of the Environment and Local Government (as may be amended), and to other publications and material as may be relevant in the circumstances.
 - Demonstrate the significance of the proposed development as part of a national telecommunications network.
 - Indicate on a map, the location of all existing telecommunications structures within a 2 km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulations.
 - The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc.) and the potential for mitigating visual impacts including low and mid-level landscape screening, tree-type masts being provided where appropriate, colouring or painting of masts and antennae, and considered access arrangements.
 - Ensure that when such licences are sought nearby property owners and occupiers are made aware of the application prior to Fingal County Council or An Bord Pleanála agreeing the licence.
- EEO31: Support the growth of business in the green and circular economy and the initiatives within the IDA strategy Driving Recovery and Sustainable Growth, or any superseding document, including through the accelerated roll-out of the National Broadband Plan.

5.7. Natural Heritage Designations

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

5.8. EIA Screening

- 5.8.1. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening of this report.
- 5.8.2. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal has submitted against the decision of the Planning Authority. The grounds of the appeal can be summarised as follows:

Technical Justification

- In order to continue the rollout of 3G, 4G and 5G networks EIR requires a site in the Castleknock area.
- The current sites in the area for EIR do not provide adequate indoor service capacity, as such a mobile base station development at the proposed location would greatly support EIR customers and would improve overall network capacity.

Site Selection

- Eir will always co-locate on an existing telecommunications structure as a first choice and if a suitable structure exists.
- There are no suitable existing structures in the search area to locate Eir's equipment and the local community in this densely populated area currently suffer from a severe lack of high-speed wireless broadband and data service and Eir cannot meet its wireless broadband and data objectives at this location without having a new structure which is proposed as a last resort in accordance with the sequencing approach to finding a site in accordance with the 1996 Government Guidelines.

- The two existing structures located within the Phoenix Park are 1.2km and 1.8km southeast of the subject site and thus too far to provide the needed coverage.
- This location has been selected on the basis that it is the optimum location in the search area and is the only option which is a last resort.
- The height is the lowest height possible to 'see' over the surrounding high trees and built form in the area for two operators to share the same pole.
- The nearest existing sites are too far away for the newer technologies to work including 4G and 5G and to a large extent 3G, due to the required data speeds for applications. It is respectfully requested that the Council show flexibility regarding the new technologies in relation to siting, whilst protecting amenity.
- The siting of the proposed development was decided upon after analysing the requirements to provide new and improved broadband coverage and using a sequential approach.
- There is a total absence of existing telecommunications sites in the area of Castleknock, hence why Eir requires a site here.
- The appellant considers, given the precedence of similar telecoms structures being permitted within the park and in proximity to buildings listed on the National Inventory of Architectural Heritage and within close proximity to existing trees, that the assessment of the subject location on the public road outside the park has been grossly exaggerated in relation to the harm on the Phoenix Park.

Design

- Care and attention have been given to the design of the proposed development the structure will be galvanised steel. The applicant is open to the structure being painted any colour as requested by way of condition.
- It is slimline, slender to minimise any negative visual impacts and will blend with the existing infrastructure.

- The proposed development is located on the grass verge and therefore will not impact pedestrians or cyclists.
- The proposed development is located in close proximity to existing trees for maximum screening and sensitivity sites to minimise impacts on residential amenity.

Height, Scale and Visual Impacts – Reason for Refusal 1

- The proposal is consistent with typical urban street infrastructure.
- The potential impacts of the development have been overstated and have not given due consideration to the actual reality at this location.
- The trees that screen the proposed development will black the proposed street works pole year-round, and thus a season-dependent survey is deemed unnecessary.
- Additional viewpoints in the proximity of Castleknock Gate have been submitted to demonstrate that the proposal will not be clearly visible due to vegetation, trees and topography.
- A visual impact assessment has been prepared including a viewpoint analysis of 4 no. short-medium range viewpoints and photomontage.
- It concludes that no significant visual effects are predicted due to the relatively small-scale nature of the development in terms of footprint, height (to support two operators equipment) and existing built form and natural vegetation.
- There would be no significant visual impact on nearby sensitive receptors, such as neighbouring properties, cultural heritage assets such as Protected Structures.

Ecological Impacts

- The planners report refers to the impact of the proposed development on the root systems of mature trees located in the public grass verge. The applicant is committed to the protection of trees through a Construction Environmental Management Plan.

Landscape Sensitivity

- Due to the distance between the proposed development and the protected structures i.e. White's Gate Lodge (RPS 759) and White Gate (RPS 760) no impact will be caused.
- The position of the development on Castleknock Road is not located within the vista of the Gate and no Lodge Building.
- With reference to previous planning applications within close proximity of the Phoenix Park permitted by An Bord Pleanála i.e. ABP-30045- and ABP-311000 (for apartment developments), it is the opinion of the appellant that Council has been overly critical of the impact of the proposed development on the perimeter of the Phoenix Park.

Greater Dublin Area Cycle Network Plan – Reason for Refusal 2

- The proposed development is situated adjacent to a road identified as a feeder route to the Primary Route 5 Castleknock to Blanchardstown.
- A feeder route is the lowest in the hierarchy and while the feeder route adjacent to the proposed development is going to be a key contributor to the primary route from the city centre to Blanchardstown, it has been planned with the intention of being the lowest level on the hierarchy.
- The appellant references DMURS standards in relation to carriageway and pedestrian widths and states that the existing streetscape at Castleknock Road is incapable of accommodating the cycling infrastructure that the Greater Dublin Area Cycle Network Plan expects to be constructed at this location regardless of the development of the proposed 18m street pole and associated cabinets.
- The proposed pole and cabinets would not no impact on the minimum requirements of the proposed 'feeder route' based on the minimum requirements, and references another 'feeder route' has been constructed on 'Auburn Avenue'.
- I note that the appellant incorrectly references the site as 'Auburn Avenue' within sections of the appeal response – these references are not included in the appeal summary above.

6.2. Planning Authority Response

- 6.2.1. A response was received from the planning authority dated 14th February 2024, in relation to the first party appeal.
- 6.2.2. The planning authority states that *“developments of the type proposed have the potential for significant cumulative impacts. The planning assessment for this licence was made having regard to national, regional, and local policy and objectives, including, significantly, the zoning objective of the site for open space uses and the highly sensitive context of the area. It is considered that the appeal documentation does not contain any significant new information, or additional technical documentation, such as that requested by the internal Council Departments, to displace the view of the planning authority”*.
- 6.2.3. The planning authority requests that An Bord Pleanála upholds the decision of Fingal County Council. However, in the event that decision is not upheld, it is requested that An Bord Pleanála applies the Council’s Section 48 Development Contribution Scheme as appropriate.

6.3. Observations

- 6.3.1. Five observations were received in response to the first party appeal. The issues raised can be summarised as follows:
- Impact on the Phoenix Park and protected structures due to its proximity to the park and the obtrusive visual impact on the sensitive area.
 - Impact on green space and residential amenity - will be injurious to the residential and recreational amenity of the area.
 - It will interfere with the root systems of two semi-mature trees.
 - Proximity to other telecommunications masts in the vicinity, guidance outlines the importance of sharing sites to avoid the proliferation of similar masts.
 - Other telecommunication masts have been refused by An Bord Pleanála in recent years.
 - Impact on planned transport links – the proposal is premature in the context of the rollout of the Greater Dublin Area Cycle Network Plan.

- According to the National Cycling Manual, any poles or cabinets should be 4.5 metres from the kerb line so as to not cause a constraint.
- Impact on road safety and traffic users – the site in questions is beside a bus stop and adjacent to the Castleknock Gate entrance/exit to the Phoenix Park.
- The proposal would be contrary to the proper planning and sustainable development of this sensitive and historic area, to its character and heritage.
- Proximity to adjoining residential homes.
- Health concerns – numerous studies have suggested potential health risks associated with prolonged exposure to electromagnetic radiation emitted by telecommunications infrastructure.
- The proposal significantly disrupts the visual aesthetics of the area and the adjoining homes, detracting from its view.
- Given the proximity of the mast to Fawn Lodge Apartment Complex it will have a detrimental impact on property values.
- The proposal may have an adverse impact on the local environment, including disturbance to wildlife, habitats, and ecosystems.
- The construction and maintenance of the mast could lead to increased noise, traffic, and pollution in the area.
- Impact on public amenity – the adjacent open space/parkland is used for recreation and the visual impact of the proposal.
- Impact on trees specifically damage to the root structure of existing trees.

6.4. Further Responses

None received.

7.0 Assessment

- 7.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended). In their consideration of the development, under section 254(5) of the Act, the Board is required to have regard to:

- a. the proper planning and sustainable development of the area,*
- b. any relevant provisions of the development plan, or a 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.*

7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Principle of development
- Residential Amenity and Visual Impact - including impact on Phoenix Park
- Site Selection/Co-Location
- Appropriate Assessment
- Other Matters

7.3. **Principle of Development/Zoning**

- 7.3.1. The subject site is zoned 'OS' Open Space with a stated objective 'Preserve and provide for open space and recreational amenities" in the Fingal Development Plan, 2023-2029.
- 7.3.2. Telecoms Structures are not listed as a primary use or uses that are acceptable in principle on lands zoned 'OS'. As such 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 which is discussed in the following assessment.
- 7.3.3. 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.

7.4. Residential Amenity and Visual Impact – including impact on Phoenix Park

- 7.4.1. Concerns have been raised in the observations in respect to the impact of the proposed development on the residential and visual amenities of the area, including the impact on the adjoining green space.
- 7.4.2. The Development Plan (Objective DMSO223) requires appropriate location in relation to erecting communication antennae. Objective DMSO224 is also relevant in that it seeks to keep visual impact to a minimum and requires that detailed consideration be given to the siting and external appearance of proposed equipment.
- 7.4.3. I have visited the appeal site and acknowledge that the proposed telecommunications facility may result in some potential visual impact being incurred on the local environment. This is largely due to the height of the proposed monopole, which is 18m. Section 4.3 in the 1996 Guidelines states that sites close to existing residential areas are particularly sensitive from a visual and residential amenity perspective and I note that there is an apartment scheme and a residential housing estate in the vicinity of the site, the closest of these being Fawn Lodge to the west, where the side of the apartment building faces towards the appeal site and the open space area immediately to the north of the appeal site.
- 7.4.4. The Applicant has submitted a Visual Impact Assessment to aid in the visual assessment of the development proposal. The assessment comprises 4 no. viewpoints in total which are from various nearby locations. The viewpoints are from mainly along Castleknock Road. There is a viewpoint from the east of Castleknock Road, from the west of Castleknock Road, from the northeast as viewed from the adjoining residential development, 'Park View' and from Chesterfield Avenue within the Phoenix Park.
- 7.4.5. Whilst I acknowledge the proposed monopole would be more visible than some of the existing structures in the area, including overhead powerlines, lamp standards and road signage, I consider that it would not be so visually impactful that it would seriously injure the visual and residential amenity of the receiving environment. This is evident from viewing the Visual Impact Assessment and during my physical inspection of the site.

- 7.4.6. The proposed development would take up a relatively small footprint and many views towards it would be blocked and / or significantly reduced by the presence by several large trees in the area. This is particularly the case for longer distance viewpoints from both the west and south, including Viewpoints 1 and 2, where only partial views are likely.
- 7.4.7. In other locations, closer to the appeal site, such as Viewpoints 3 and 4, and as viewed from the adjoining apartment development and the open space to the north, full visibility of the proposed development would be likely. However, I note that the 1996 Guidelines state that some masts will remain quite noticeable despite best precautions. The proposed monopole adopts a slender appearance and, in my opinion, the applicant has sought to minimise its potential for visual impact by selecting a monopole of low to medium height. The 1996 Guidelines state that the height of telecoms support structures, when the requirements of the backbone network are taken into account, can range from 12m to 60m, although most typically will be between 20m and 40m. The proposed monopole is 18m.
- 7.4.8. I note that the development is not located on the open space area which is to the north of the proposed development on the other side of a boundary fence. As such, I do not consider that the development would negatively impact on the adjoining area of open space.

Impact on Phoenix Park

- 7.4.9. Reason for refusal 1 states that the proposed development given its proximity to the Phoenix Park, which is a highly sensitive landscape, would damage the visual amenity of this sensitive area and would contravene associated objectives of the Development Plan. This has also been raised as a concern in the observations received.
- 7.4.10. In response the appellant notes the distance between the proposed development and the protected structures i.e. White's Gate Lodge (RPS 759) and White Gate (RPS 760) and as a result no impact will be caused. The appellant also references apartment developments which have been permitted within close proximity of the Phoenix Park.
- 7.4.11. The proposed development is situated on Castleknock Road and is located on the opposite side of the road to the north of the boundary wall in a grass verge along a

public road. While I acknowledge that the structure will be visible from certain vantage points within the park itself, having regard to the visual impact assessment submitted and following my site inspection, I do not consider that the proposed development would damage the visual amenity of the Phoenix Park having regard to its nature and small scale, and as such would not conflict with objectives IUO53, HCAO34 and HCAP12 of the Development Plan.

7.4.12. In summary, I do not consider that the proposed development would present as overly dominant, or be an overbearing feature, in this setting and that the applicant has employed appropriate mitigation measures to reduce any such impact from arising. Therefore, I consider the proposal to be acceptable from a visual impact and residential amenity perspective and that it is in accordance with the provisions of the County Development Plan.

7.5. Site Selection/Co-Location

7.5.1. The Development Plan seeks to promote and facilitate the provision of a high-quality ICT infrastructure network throughout the County, taking account of the need to protect the amenities of urban and rural areas (Objective IUO48). Objective IUO54 of the Development Plan requires the Sharing and Co-location Of Digital Connectivity Infrastructure.

7.5.2. The Applicant states that Eir as part of their rollout of 3G, 4G and 5G networks they require a site in this area of Castleknock, Dublin to provide adequate indoor service and capacity for high-speed mobile broadband and to improve network capacity and broadband speed.

7.5.3. I have viewed the ComReg Outdoor Coverage Map for 3G and 4G coverage for the site and its surrounding vicinity. Eir's 3G coverage for the area is 'good', which means that there is a mix of strong signal with maximum and good data speeds. The quality of network coverage is weaker in some spots to the northeast, but generally the quality of signal is strong. The 4G Outdoor Coverage Map shows that Eir's coverage for the area varies between, 'fair', 'fringe' and 'no coverage' that the network is least effective in this general area. This means that large parts of the immediate vicinity, including both in and around the appeal site, has sporadic access only to fast and reliable data speeds and that marginal data transfer speeds and drop-outs are possible. It also means that for the 'fringe' areas, disconnections are

likely to occur. Therefore, having had regard to the ComReg online mapping system, it is apparent that network coverage is lacking and that network blackspots exist in this part of Castleknock.

- 7.5.4. The Telecommunication Guidelines and Planning Circular PL07/12 encourages co-locating antennae on existing support structures and requires documentary evidence of the non-availability of this option for proposals for new structures. It also requires the shared use of existing structures for telecoms infrastructure where there is an excessive concentration of masts in a single area. I note that there is a general absence of suitable tall structures or buildings within the general area, which likely has curtailed the range of options available to the Applicant from which to base the proposed telecoms infrastructure. Telecommunication facilities are also encouraged to primarily locate within existing industrial estates, or industrially zoned land, in the vicinity of larger suburban areas or towns, insofar as this is possible. However, there are no industrial estates in the vicinity of the appeal site, or surrounding area.
- 7.5.5. I note that the Applicant also discounted the existing telecoms structures located within the Phoenix Park to the southeast of the site due to the distance to both at 1.2km and 1.8km, respectively.
- 7.5.6. Having assessed the information on file, and the existing coverage information that is available on the ComReg website, I am satisfied that alternative sites had been considered by the Applicant, the proposal is justified, and that it would help to improve the existing service network coverage for the surrounding area.
- 7.5.7. In my opinion, the Applicant has provided adequate technical justification that demonstrates there are service deficiencies in the area, which would be addressed by the proposed development, and as such is consistent with the Development Plan, and the 1996 Guidelines.

7.6. Greater Dublin Area Cycle Network

- 7.6.1. Reason for refusal 2 considers that the proposal is premature in the context of the rollout of the Greater Dublin Area Cycle Network Plan and may impact upon planned upgrade works and would be contrary to associated objectives of the Development Plan. This has also been raised in the observations in relation to the impact of the proposal in planned transport links.

- 7.6.2. The appellant states that proposed pole and cabinets are situated adjacent to a road identified as a feeder route to the Primary Route 5 Castleknock to Blanchardstown and would not impact on the proposed 'feeder route' based on the minimum requirements.
- 7.6.3. The Greater Dublin Area Cycle Network Plan, 2013 sets out a strategy for the provision of an integrated cycle network within the Greater Dublin Area and has been incorporated into the Greater Dublin Area Transport Strategy 2016-2035. Castleknock Road is identified as a proposed Radial Routes to Dublin City Centre as "*Route 5: Docklands to the North West Sector along the Liffey Quays to Heuston Station, and then through the Phoenix Park to Castleknock and Blanchardstown*".
- 7.6.4. However, the portion of Castleknock Road where the proposed development is located is a 'feeder route', identified on map titled 'Proposed Cycle Network Dublin City Centre Sheet N1', and feeder routes are defined in the Greater Dublin Area Cycle Network Plan, as cycle routes within local zones and/or connections from zones to the primary and secondary networks.
- 7.6.5. Having regard to the scale, nature and location of the proposed development on a grass verge along the inner side of the footpath that forms part of the public road, which is not a primary or secondary route identified in the Greater Dublin Area Cycle Network Plan, I am satisfied that the development would negatively impact or impede the planned upgrade works to allow this section of Castleknock Road to operate as a feeder route identified in the Greater Dublin Area Cycle Network Plan or be contrary to the associated objectives as outlined in Development Plan.

7.7. **Appropriate Assessment**

- 7.7.1. Given the nature and scale of the development proposed, which is for a telecommunications support structure and ancillary works, and separation distance from the nearest Natura 2000 site, it is considered that the proposal would not be likely to have a significant effect individually or in combination with other plans and projects on a European site and there is no requirement for a Stage 2 Appropriate Assessment.

7.8. **Other Matters**

- 7.8.1. Concerns have been raised in relation to the impact on existing traffic given the location of the site, however the proposed monopole and associated cabinets are set back from the public road and are also set back from the junction with the Castleknock gate park entrance. While visible, I do not consider that the proposed development, due to its scale and design would result in a traffic hazard.
- 7.8.2. I note the concerns raised in the observations in respect of the devaluation of neighbouring properties. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.8.3. Impact on health is raised in the observations, however as per the guidance in Circular Letter PL07/12, applications are not to be determined on health grounds.
- 7.8.4. The issues raised in the observations in respect of construction and maintenance of the mast and the impact on trees will be agreed and managed in accordance with a Construction Management Plan. I recommend that a condition be attached in this regard.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted, subject to conditions as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, which is a 18 metre high monopole telecommunications structure, associated equipment and two cabinets, the provisions of section 254 of the Planning and Development Act, 2000 (as amended), the Fingal County Development Plan 2023 – 2029, and the 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively); it is considered that the proposed development would not cause adverse impacts on visual or residential amenities, would not impact on the character or setting of the Phoenix Park, would not inconvenience the safety of road

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

4.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public safety.</p>
5.	<p>The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application 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 planning permission.</p> <p>Reason: 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>
6.	<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>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including tree protection measures, traffic and pedestrian safety measures, hours of working, noise management measures and off-site disposal of construction waste.</p> <p>Reason: In the interests of public safety and residential amenity.</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.



Emma Nevin
Planning Inspector

27th August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319019		
Proposed Development Summary	Telestructure		
Development Address	Public grass verge along the Castleknock Road (R806), Castleknock, (E: 309990, N: 236767), Dublin 15		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		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		N/A - Not a Class	EIA Mandatory EIAR required
No	X	N/A - Not a Class	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 - Not a Class	No EIAR or Preliminary Examination required
Yes		N/A - Not a Class	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required