



An
Bord
Pleanála

Inspector's Report ABP-319488-24

Development	Section 254 Licence: Telecommunications structure
Location	Carpenterstown Avenue, Carpenterstown, Castleknock, Dublin 15 (E:707594 N: 737428 ITM)
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254W/08/23
Applicant(s)	Emerald Tower Limited.
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse to grant Licence
Type of Appeal	First Party
Appellant(s)	Emerald Tower Limited.
Observer(s)	Stephen and Sandra Cummins Raymond McGinley Architects
Date of Site Inspection	11 th September 2024.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The subject site is in Carpenterstown on the western side of the M50, approx. 1.4km southwest of Junction 6.
- 1.2. The site is situated in area of open space, in the form of a grassed mound, c9.5m in width, between Carpenterstown Avenue and the internal estate road, Sycamore Park. It comprises c8.5sqm of land on the western side of mound, addressing Carpenterstown Avenue. A footpath extends along the site's western boundary, this footpath is separated from Carpenters Avenue by a narrow grass verge which, in the vicinity of the site accommodates a variety of street furniture including a bus stop/road signage, lighting stand and refuse bin. Mature trees are planted at intervals along the verge.
- 1.3. The surrounding area is primarily residential in nature, characterised by traditional two-storey housing. The houses closest to the appeal site are those on Sycamore Park to the north and east, and No.1 Oaktree Green to the west. The site is positioned directly to the front of No's 9 and 10 Sycamore Park, with a separation distance of c25m from the front building line of these units and the proposed telecommunications structure.

2.0 Proposed Development

- 2.1. On the 21st of December 2023, a licence under section 254(1) of the Planning and Development Act 2000, as amended, was sought for the installation of a new 'Streetpole' telecommunications structure with associated equipment and ground-based cabinets. The licence was sought for a period of four years from December 2023 to December 2027.
- 2.2. The cover letter submitted with the application states that the proposed development will provide for the co-location of two separate operators equipment on the same pole. The application was accompanied by a Planning Statement and Photomontage Report.
- 2.3. The proposal consists of an 18m high 'Streetworks' pole with Eir antenna encased inside the top of the pole, with space for a second operators' antennas below; a cabinet for Eir Mobile and provision for a second cabinet for a subsequent operator;

2 no. link dishes each measuring 300 mm in diameter and placed c. 12.65 metres above ground level and 2no. GPS beacons and all associated works for wireless data and broadband services. The equipment dimensions are as follows:

Street Pole		Cabinets 1 and 2	
Height	18m	Dimensions	1.9m(h) x 1.3m (l) x 0.8m (d)
Diameter	406mm		
Area	0.13m ³	Area	Cab.1 – 1.04m ³ Cab.2 – 1.52m ³
Volume	2.33m ³	Volume	Cab.1 – 1.768m ³ Cab.2 – 2.584m ³
Colour	Grey	Colour	Dark Fir Green
Total Streetworks Pole and Cabinets			
Area	2.69m ³	Volume	6.682m ³

- 2.4. The applicants have confirmed in their grounds of appeal (section 3.21) that they would be willing to agree to a reduced height for the pole of 15m should the Board deem in appropriate.

3.0 Planning Authority Decision

3.1. Decision

On the 14th of March 2024, the Fingal County Council issued a notification of their intention to REFUSE permission for the following reasons:

- The applicant proposes to locate the structures on Dedicated Public Open Space. Lands which are Dedicated Public Open Space are held on behalf of or in trust for the public. The Council is not in a position nor in favour of disposing of these lands or using them for purposes other than recreational open space. The proposed works are considered to be contrary to the Open Space zoning objective which seeks to preserve and provide for open space*

and thereby would be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the nature and height of the proposed communication infrastructure and its siting within OS- Open Space zoned lands it is considered that the proposed mast would result in an unacceptable cumulative visual impact which would be detrimental to the visual amenities of the area and would be contrary to objectives of the Fingal Development Plan 2023-2029.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Local Authority Case Planner, while recognising the strategic need for a mast within the subject area considers that the proposal would result in an unacceptable cumulative visual impact which would be detrimental to the visual amenities of the area. The proposed development would be contrary to the Objectives of the FDP and to the proper planning and sustainable development of the area. The proposed development would be contrary to the Open Space zoning objective pertaining to the site which seeks to preserve and provide for open space.

3.2.2. Other Technical Reports

- Water Services; - No objection
- Transportation: - No objection subject to condition.
- Parks and Green Infrastructure: - Recommends refusal. The report notes that the subject structures are proposed on lands which are dedicated for public open space and that such lands are held on behalf of or in trust for the public. The Council is legally prevented from disposing of these lands or using them for purposes other than recreational open space. While title for this land passes to the Council, there can be no disposal of the land by the Council.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

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. Fingal Development Plan 2023-2029

5.2.1. Zoning: ‘OS’ Open Space

Objective: 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.

- 5.2.2. Chapter 11 Infrastructure and Utilities is of relevance, the following policies and objectives are noted:

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.

IUO48: 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.

5.2.3. Chapter 14 Development Management Standards includes the following objectives:

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.

DMSO227 As per DMSO17

5.3. Guidelines / Circulars

DoHELG Circular Letter PL 11/2020 5.5.1.

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

5.3.2. 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.

5.3.3. 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.

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

- 5.3.4. 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.

DoECLG Circular Letter PL07/12

- 5.3.5. 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'.
- 5.3.6. 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.

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

- 5.3.7. 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.
- 5.3.8. 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.
- 5.3.9. 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.
- 5.3.10. 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.
- 5.3.11. 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.

5.4. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site.

5.5. EIA Screening

I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening of this report. The proposed development is not of a type that constitutes an EIA project and environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal can be summarised as follows:

Technical Justification:

- Eir (Operator) require a site in the area as current sites do not provide adequate indoor service or capacity for high-speed mobile broadband.
- Four map-based images have been submitted to illustrate how the proposed telecommunication structures will improve indoor coverage in the area.

Site Selection:

- First choice for Eir is always co-location as evidenced on 7 out of 9 telecoms structures nearest the appeal site.
- There are no suitable existing structures in the search area. A new structure is needed in this densely populated area owing to the extent of surrounding vegetation, the surrounding built form and increasing network capacity issues.

- Eir cannot meet its wireless broadband and data objectives at this location without having a new structure. Said structure is proposed as a last resort in accordance with the sequencing approach to finding a site in accordance with the 1996 Government Guidelines.
- 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.
- Mobile operators have an obligation to provide 100% coverage throughout the Country. Existing sites are too far away for newer technologies to work – the technology range which depends on the number of users at any one time can be only several hundred meters. 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.
- A number of existing telecommunications sites were then investigated (Table 1). No suitable existing telecommunications sites were identified. As per the map in figure 1, there is an absence of existing telecommunications sites in this area.

Location / Design

- The structure is to be positioned on a sloping grass verge close to existing vertical infrastructure and mature trees that will aid its assimilation into the landscape.
- Best efforts have been made to site the proposed structure along the road network and away from residential dwellings with minimal impact on existing open amenity spaces.
- Care and attention have been given to the design of the proposed development.

- The pole structure will be galvanised steel but may be painted any colour as requested by way of condition. Its' simple slimline design will minimise any negative visual impacts and blend with the existing infrastructure.
- The proposed development is located on the grass verge and therefore will not impact pedestrians or cyclists.

Reason no.1 – Location on Open Space Zoned Lands:

- The specifics of the proposed site are considered relevant:
 - The subject site sits upon Carpenters Avenue a busy two lane through road for many residential estates
 - The site sits beside, and forms part of the road network being positioned between the through road of Carpenters Avenue and the internal estate road for Sycamore Park.
 - The site comprises a narrow strip of land, c9m wide and
 - Includes a notable slope downwards towards Carpenters Avenue.
- Considering the above attributes of the site it is not reasonable to consider that it serves any use as a recreational open space in accordance with the provisions of the FDP. Objective DMSO64 safeguards against the provision of similar designed spaces from being included in new residential schemes.
- The proposal will not result in any adverse impacts that would undermine the existing function of the land.
- Neither telecom or utilities are listed as 'not permitted' under the Open Space zoning and as such are 'open for consideration'.
- The first reason for refusal is overly punitive, largely ignores the many benefits of the project, neglects the many ways in which it is compliant with proper planning and disregards the existing street furniture installed there.
- The Planning Authority has the power to allow certain utility uses on open space lands where such development does not adversely impact the quality of the open space. Examples are cited of where Fingal County Council and ABP have permitted s254 licences for similar developments (Reg. Ref. S254/06/22;

Reg. Ref. S254/11/23; Reg. Ref. S254/13/22 (ABP- 317372-23); Reg. Ref. S254/05/22 (ABP-314937-22).

- S254 is a specific planning process which relates to licences for development works on and along public roads as defined in the Roads Act 1993. The subject site, being located on a sloped grass verge between the footpath and Carpenters Avenue and the internal estate road of Sycamore Park, clearly falls within this definition. It is asked that the Board takes this under review in their assessment and that they satisfy themselves that the proposed development location, albeit zoned open space, functions as part of the road network and is not meaningfully used as recreational space nor would the installation of the proposed development have any undue harm to its current function or use.

Reason no.2 – Height, Scale and Visual Impacts

- The applicants have submitted a Photomontage Report the results of which show that the proposed development could not reasonably be considered overbearing nor a dominant feature that would drastically change the baseline character of the streetscape.
- The structure can accommodate up to two separate operators thus negating the need for a second structure in the area – reducing street clutter
- The dimension of the structure is the minimum required to house the operator's equipment however the height can be reduced to 15m should the Board seek a reduction in the overall height.
- The development will be mostly screened by the foliage of existing trees adjacent to the subject location. As the foliage period in Ireland extends from March to October, the proposal will be screened for the majority of the year.

6.2. Planning Authority Response

- The application was assessed against the policies and objectives of the FDP 2023-2029 and existing government policy and guidelines and with regard to the zoning objective and impact on adjoining neighbours and the character of the area.

- It is considered that the proposed development located on dedicated open space is contrary to OS zoning objective.
- On this specific site, the proposed development would be considered visually unacceptable.
- In the event of successful appeal provision should be made in the determination for applying a financial contribution and / or bond in accordance with FCC's Section 48 Development contribution scheme.

6.3. **Observations**

6.3.1. Two observations were received in response to the first party appeal, from:

- Steven and Sandra Cummins
- Raymond McGinley Architects

6.3.2. The issues raised can be grouped and summarised as follows:

- Inappropriate location on lands zoned as public open space. This space provides a valuable function for residents of a densely populated area where such space is at a premium.
- FCC have refused permission for the development. They have confirmed that they own the subject site and are not in favour of disposing of these lands.
- The development of an 18m high steel mast with a diameter of min,400mm is both overbearing and out of scale with surrounding houses / mature trees. It will be an eyesore.
- Proximity to existing houses (c25m)

6.4. A representation from Cllr John Walsh on behalf of the residents of Oaktree Green and Sycamore Estates was also received.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended). The licensing provisions set out in section 254 of the Planning and Development Act 2000 (as amended), require persons seeking to erect overground telecommunications infrastructure to obtain a licence from a planning authority where it is intended to erect such infrastructure on, under, over or along a public road. Section 2 of the Act states that “public road” has the same meaning as in the Roads Act, 1993 and Section 2 of the Roads Act 1993 states that a “public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority. In addition, the Roads Act states that ‘road’ includes (inter alia) any *street, lane, footpath, square, court, alley or passage*. In this instance, the telecommunication structures are proposed on public lands between two public roads and contiguous to a public footpath. As such, I am satisfied that the works can be considered as being ‘*along a public road*’ and that the provisions of Section 254 of the Planning and Development Act as it relates to an application for a licence is the appropriate consent mechanism for the subject development.

7.1.2. 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.

7.1.3. Having undertaken a site visit and having examined the application details and all other documentation on file, including the submissions received in relation to the appeal and the reports of the local authority, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues pertaining to the proposed Section 254 licencing application can be assessed under the following headings:

- Justification and Co-Location
- Zoning and Policy Compliance

- Visual Amenity

7.2. Justification and Co-Location

- 7.2.1. The Applicants technical justification for the proposed telecommunication structure is set out in section 2.4 of the grounds of appeal. Here it is contended that Eir as part of their licensing requirement and the continuing rollout of 3G, 4G and 5G networks, require a new site in this area of Carpenterstown to address identified deficiencies in indoor service and to improve capacity for high-speed mobile broadband in the area. To illustrate this, the applicants have provided four map-based images which detail Eir's search ring, the existing indoor coverage in and around the search area and the predicted new indoor coverage that would be provided with the aid of the proposed telecommunications structure. The images indicate that the proposed telecommunication structure would result in an improvement to indoor coverage in the area.
- 7.2.2. In terms of co-location, the case is made that there are no suitable existing structures in the search area or beyond that would be capable of providing the coverage required. Essentially, existing structures in the area are too far away to deliver the required data speed in this heavily populated area.
- 7.2.3. Having considered the information provided in the grounds of appeal, I am satisfied that the Applicants have demonstrated a need for improved telecommunication infrastructure in the area. I am further satisfied that the Applicants have adequately addressed the issue of potential co-location of equipment on other existing telecommunications structures in the area and that they have demonstrated that no structures are available within the defined search ring or beyond to address the identified service deficiencies. On this basis and having regard to the fact that the proposed structure will facilitate the future co-location of a separate operator at the site, I am satisfied that a new telecommunication mast in this area is justified subject to appropriate site selection. On this issue, I note that the planning authority in their assessment of the application recognised the strategic need for a mast within the subject area but raised concerns regarding the siting of the structure due to its

location on lands zoned and dedicated for open space and its impact on visual amenity. These issues are considered in more detail below.

7.3. Zoning and Policy Compliance

- 7.3.1. The subject site is zoned 'OS' Open Space' with a stated objective to '*Preserve and provide for open space and recreational amenities*' in the Fingal Development Plan, 2023-2029. The vision for this zone is to '*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*'. It is of relevance to note that the lands immediately to the east of the appeal site, are not zoned as they form part of the road network.
- 7.3.2. Telecommunication Structures are not listed as a use that is '*Permitted in Principle*' within the "OS" zoning, nor are they listed as '*Not Permitted*'. The plan states that land 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.
- 7.3.3. In terms of the proposed telecommunication structure and its contribution towards the achievement of the zoning objective and vision, telecommunication structures are not a community facility or recreational use and therefore are not encouraged on Open Space lands. While I accept the applicant's contention that the lands in question due to their nature and proximity to the public road, offer little in terms of recreational amenity, they do in my opinion act as an amenity buffer between the main public road (Carpenterstown Avenue) and the residential units on Sycamore Park. Furthermore, I note from the Local Authority reports on file and the decision of the Planning Authority (Refusal Reason no.1) that the lands in question are 'dedicated open space'. In this regard, I refer the Board to the comments of the Parks and Green Infrastructure Division in their report to the Planning Authority, dated 26/02/2024, in which they state that the Council is *legally prevented from disposing of these lands or using them for the purposes other than recreational open space*. For information purposes I have consulted the Land Registry via Land Direct and it would appear from cursory inspection of publicly available information that the

lands in question, along with other areas of public open space in the vicinity, are registered under a single folio, Folio No. DN2349F. having regard to the foregoing, I would be of the opinion that the lands in question form part of the open space network in the area rather than part of the road network as contended by the applicants. The construction of telecommunications infrastructure on these lands would in my opinion lead to the erosion of public open space contrary to the zoning objective and the residential amenities of the area.

7.3.4. The Fingal Development Plan 2023-2029 includes a number of policies and objectives relating to the siting of telecoms infrastructure. In general terms, the FDP seeks to facilitate the provision of telecommunications/ digital connectivity infrastructure at appropriate locations, subject to environmental considerations. The FDP notes in section 14.4.9 that the inappropriate siting of utility facilities (including telecommunications equipment) may erode the quality and finish of public realm, especially when located to the front and side of buildings. Consequently, it is an objective of the plan (Objectives DMSO17 and DMSO227) that, where possible, new utility structures should not be located adjacent or forward of the front building line of buildings or on areas of open space. The telecommunication structures, the subject of this Section 254 licence as proposed on an area of open space to the front of houses on Sycamore Park, and I am not satisfied on the basis of the information available that there are no other more suitable sites within the search area to accommodate the proposed work.

7.3.5. I conclude that the proposed telecommunication structure due to its location on lands zoned and dedicated for use as public open space would be contrary to the Zoning Objective for the area and to Objectives DMSO17 and DMSO227 of the FDP, I would recommend that permission be refused on this basis.

7.4. Visual Impact

7.4.1. The Planning Authority's second reason for refusal considers that the proposed telecommunications infrastructure due to its nature, height and location on OS- Open Space zoned lands would result in an unacceptable cumulative visual impact which would be detrimental to the visual amenities of the area.

7.4.2. In terms of visual impact, I note that the appeal site is not within a visually sensitive or high value landscape; however, it is located within an established residential area, on a site that is open to and visible in views from the southern end Carpenterstown Avenue and the surrounding area.

7.4.3. The applicants as part of the application and appeal have included a viewpoint analysis supported by photomontage visualisations to aid in the assessment of the proposed works. The analysis comprises 4 no. viewpoints that can be described briefly as follows:

- Viewpoint 1: - Carpenterstown Avenue to the north of the site
- Viewpoint 2: - Oaktree Green to the southeast
- Viewpoint 3: - Carpenterstown Avenue to the south
- Viewpoint 4: - Sycamore Lawn to the northwest

In each case the level of visual effect is found to be either Moderate-Low or Negligible. The grounds of appeal contend that the results of the analysis show that the proposed development could not reasonably be considered overbearing nor a dominant feature that would drastically change the baseline character of the streetscape. Notwithstanding, the applicants have indicated that they would be willing to reduce the height of the of the pole to 15m, if deemed necessary.

7.4.4. Having visited the site and the surrounding area I am satisfied that the proposed telecommunications structure would not be visible to any great extent in long distance views. The applicant's viewpoint analysis suggests that the proposed structures would be partially visible on both the northern and southern approach to the site from Carpenterstown Avenue but that they would be effectively absorbed into the streetscape with the aid of existing semi-mature trees and vertical street furniture (streetlamps and road signage). In my opinion, the proposed development would be most visible in views from Sycamore Park to the west and from the junction of Carpenterstown Avenue and Oaktree Green (residential cul-de-sac) to the southeast and I note that neither of these viewpoints have been considered in applicant's assessment. Further to the above, I consider that the greatest impact in

terms of visual amenity would be felt by residents of nearby properties particularly those on Sycamore Park to the west.

- 7.4.5. At present, existing residential properties on Sycamore Park face onto an area of open space that acts as an amenity buffer between the houses and the public road, Carpenterstown Avenue. The proposed telecommunication infrastructure would alter the character of the open space at this location and consequently the outlook from nearby residential properties, in particular House No's 8a to 11 Sycamore Park (inclusive), which have a direct view of the proposed development site. In my opinion, the degree of change resulting from the proposed development would be sufficient to negatively impact the residential and visual amenities of nearby properties, and I am not satisfied that the limited change in topography offered by the grassed mound would be sufficient to mitigate this impact. On this basis I recommend that planning permission be refused.

8.0 Appropriate Assessment

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Rye Water Valley/Cartron SAC, c8km to the east. The proposed development is located within a residential area and comprises an 18m high 'Streetworks' pole with Eir antenna encased inside the top of the pole, with space for a second operators' antennas below; a cabinet for Eir Mobile and provision for a second cabinet for a subsequent operator; 2 no. link dishes each measuring 300 mm in diameter and placed c. 12.65 metres above ground level and 2no. GPS beacons and all associated works for wireless data and broadband services.
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows: the nature and scale of the development proposed; its location in a serviced

urban area, its distance from European Sites and urban nature of intervening habitats and the absence of ecological pathways to any European Site.

- 8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that this Section 254-licence application be refused.

10.0 Reasons and Considerations

- 1 Having regard to the nature of the proposed telecommunication structure, its location in an established residential area on lands zoned and dedicated for use as open space, it is considered that the proposed development would, if permitted, lead to the erosion public open space lands, would alter the character of the area and the outlook from residential properties in the vicinity. The proposed development would seriously injure the visual and residential amenities of the area and would be contrary to the zoning objective for the lands as set out in the Fingal Development Plan 2023-2029 which seeks to '*Preserve and provide for open space and recreational amenities*' The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Lucy Roche
Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319488-24		
Proposed Development Summary	Telecommunications structure (Streetpole Solution)		
Development Address	Public grass verge along Carpenterstown Avenue, Carpenterstown, Castleknock, Dublin 15 (E:707594 N: 737428 ITM)		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A - Not a Class	
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	

Inspector: _____ Date: _____