



An  
Bord  
Pleanála

## Inspector's Report ABP-320323-24

### Development

Installation of rooftop mounted telecommunications support structure carrying shrouded no. 12 antennae (for two operators), dishes, remote radio units (RRU's), cable trays, rooftop-based equipment cabinets and all associated site development works to provide for high- speed wireless data and broadband services.

### Location

Hamilton Gardens, Block D,  
Carnlough Road, Cabra West, Dublin  
7.

### Planning Authority

Dublin City Council North

### Planning Authority Reg. Ref.

3404/24

### Applicant(s)

Entrust Services Limited

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Anthony Whelan

**Observer(s)**

None

**Date of Site Inspection**

6<sup>th</sup> December 2024

**Inspector**

Frank O'Donnell

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Appendix 1 – Form 1: EIA Pre-Screening

## 1.0 Site Location and Description

- 1.1. The subject appeal site is located on the roof space of an existing apartment building within Hamilton Gardens (Block D). The site has a stated area of 804 sqm (0.0804 hectares). The subject six storey apartment building measures 24 metres in height, 27.5 metres in length and 24 metres in width. There is an existing children's playground located to the immediate south of the subject building and an Aldi Supermarket further to the south. The site is also located to the immediate west of an existing rail line and is accessed to the southwest from Carnlough Road. The wider area is predominantly residential in character.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- The installation of rooftop mounted telecommunications support structure carrying (cylindrically shrouded) 12 no. antennae (c. 2.66 metres in height) on ballast mount poles, 2 no. dishes (300 mm diameter), 12 no. remote radio units (RRU's), cable trays, rooftop-based equipment cabinets. The existing building has a maximum height of 24 metres (above ground level). The maximum height of the proposed antennas is shown to be 26.6 metres (above ground level).
  - The antennas are proposed to be shrouded and colour coded in a black finish.
  - The equipment is proposed to cater for 2 no. operators.
  - All associated site development works to provide for high-speed wireless data and broadband services.
  - The proposals also include provision for a third operator to co-locate on the rooftop.
  - **A Request for Further Information** was issued on 13<sup>th</sup> May 2024, as follows:
    - *There are concerns regarding impacts on stormwater interception storage and management of surface water, as the proposed development has potential to impact negatively on the green roof permitted as part of the building. The applicant is requested to confirm*

*that previously agreed upon SuDS (Sustainable Drainage Systems) have been incorporated into the development, and that the proposed support structures will not reduce the proposed Stormwater interception storage available on the site. The applicant should consult with The Drainage Planning, Policy and Development Control Section (DPPDC) prior to the submission of revised plans to ensure all issues related to surface water management are addressed.*

### 3.0 Planning Authority Decision

#### 3.1. Decision

- The Local Authority issued a Notification of Decision to GRANT permission on 12<sup>th</sup> July 2024 subject to 8 no. conditions which include the following:

‘5. a) *During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'*

*Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.*

6. *The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section.*

*Reason: To ensure a satisfactory standard of development.'*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

- The **Local Authority Planner** recommended that a Request for Further Information be issued as per the recommendation of the Drainage Division.
- Following receipt of the Response to the Request for Further Information, the **Local Authority Planner** noted that the Applicant has confirmed that the

previously agreed SuDS have been incorporated into the development. The Local Authority Planner notes that the Applicant has submitted a SuDS Masterplan, associated roof plan and engineer's report and notes the Drainage Department have no object to the proposed development.

### 3.2.2. Other Technical Reports

- The **Drainage Division** recommended that a Request for Further Information be issued in relation to management of surface water for the proposed development.
- Following receipt of the Response to Further Information, the **Drainage Division**, as per the Report dated 28<sup>th</sup> June 2024, raise no objection to the proposed development subject to 2 no. conditions.

### 3.2.3. Conditions

- The Local Authority issued a Notification of Decision to GRANT permission on 12th July 2024 subject to 8 no. conditions which include the following:

*'5. a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.*

*Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.*

*6. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section.*

*Reason: To ensure a satisfactory standard of development.'*

### 3.3. Prescribed Bodies

- **Transport Infrastructure Ireland (TII):** No objection raised. If the application is successful and is not exempt, a condition in relation of the Section 49 Luas Line Levy should be applied.
- **Irish Water:** No Report received.

- **Irish Rail:** Observations raised in respect of i) the obligations of any 3<sup>rd</sup> Party working near the railway to ensure no danger or hazard is posed to railway operations and ii) notification that the site location map inaccurately represents the boundary within the railway. A map extract is provided which shows a recommended alteration to the site location map in terms of the proposed red line boundary. It is advised that the highlighted observations be brought to the attention of the Applicant and that these considerations should be incorporated as a condition of planning approval if the application is successful.
- **National Transport Authority (NTA):** No Report received.

### 3.4. Third Party Observations

- 1 no. Third Party Observation was received.
- The main issues raised in the above Third-Party Observation are covered in the Appeal submission.

## 4.0 Planning History

- **3884/06 (ABP-221512):** Demolition of 2 and 4 Carnlough Rd and construction of 394 apartments, 8 houses, creche, 2 retail units, civic centre and all associated site development works. Former C.I.E. lands at Carnlough Rd, off. Permission was GRANTED on 18<sup>th</sup> September 2007 subject to 36 no. conditions.
- **2569/08 (ABP-231352):** Permission for alterations to previous permission reg. ref: 3884/06 and An Bord Pleanála PL29N.221512. Permission was REFUSED on 23<sup>rd</sup> April 2009 for 1 no. reason relating to impacts on residential amenity.
- **2387/16 (ABP-247658):** Permission for Demolition of 2 houses, construction of mixed development comprising 320 no. apartments, supermarket, office/commercial unit, creche and all ancillary works. Permission was GRANTED on 29<sup>th</sup> March 2017 subject to 25 no. conditions.



- **300492-17:** Strategic Housing Development (SHD): 419 apartments, 1 house and a neighbourhood centre. Permission was GRANTED on 20<sup>th</sup> March 2018 subject to 25 no. conditions.
- **SHD0027/19 (ABP-305979-19):** Strategic Housing Development (SHD): Permission for 485 no. residential units. Permission was GRANTED on 18<sup>th</sup> March 2020 subject to 25 no. conditions.
- **SHD0027/19A (ABP-312144-21):** Permission for Alterations to ABP-305979-19 to include the re-configuration of the ground floor of Block A to allow for the subdivision of a commercial unit into a retail unit and commercial unit. On 9<sup>th</sup> May 2022 the Board decided, as per the provisions of Section 146B(2)(a) of the Planning and Development Act, 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission.
- **4011/23 (ABP-318551-23):** Retention: Pedestrian access gate, alterations to boundary treatment and provision of fence. Retention GRANTED on 30<sup>th</sup> August 2024 subject to amendment of condition 3 a) restricting pedestrian access at certain times of the day and year.

## 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. Development Plan

Dublin City Development Plan, 2022 to 2028

- 5.2.1. The Appeal site is zoned Z1 - Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is: 'To

*protect, provide and improve residential amenities.'* Public Service Installation<sup>1</sup> (which includes telecommunications installations) is listed as a use which is Permitted in Principle on lands zoned Z1 - Sustainable Residential Neighbourhoods.

5.2.2. Section 9.5.11 of the Plan relates to Digital Connectivity Infrastructure and includes the following policies:

#### Policies

- **SI45: Support for Digital Connectivity:**

*To support and facilitate the sustainable development of high-quality digital connectivity infrastructure throughout the City in order to provide for enhanced and balanced digital connectivity that future-proofs Dublin City and protects its economic competitiveness (for further guidance see Section 15.18.5).*

- **SI46: Open Access/ Operator Neutral Host Connectivity:**

*To require all new developments to provide open access connectivity arrangements directly to the individual premises to enable service provider competition and consumer choice.*

- **SI47: Future-Proofing for Digital Connectivity Requirements:**

*To require the consideration and provision of telecoms / digital connectivity infrastructure as part of the design of all Council capital projects and public projects, including public realm improvements (where appropriate), to ensure the future-proofing of capital investment in digital connectivity infrastructure in line with the EU Broadband Cost Reduction Directive Regulations (2020).*

- **SI48: Sharing and Co-Location of Digital Connectivity Infrastructure:**

*To support the appropriate use of existing assets such as lighting, traffic poles and street furniture for the deployment of telecoms equipment and to encourage the sharing and co-location of digital connectivity infrastructure*

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<sup>1</sup> **Public Service Installation:** A building, or part thereof, a roadway or land used for the provision of public services including those provided by statutory undertakers. Public services include all service installations necessary for electricity, gas, telephone, radio, telecommunications, television, data transmission, drainage, including wastewater treatment plants. It also includes bring centres, green waste composting centres, public libraries, public lavatories, public telephone boxes, bus shelters, water fountains, moorings, jetties etc. It does not include incinerators/waste to energy plants. The offices of such undertakers and companies involved in service installations are not included in this definition. (Source: Land Use Definitions, Appendix 15 of Volume 2 of the Dublin City Development Plan, 2022 to 2028).

*(including small cells, access points, communications masts and antennae) in order to avoid spatially uncoordinated and duplicitous provision that makes inefficient use of city space and negatively impacts on visual amenity and built heritage.*

5.2.3. Section 15.18.5 of the Plan relates to Telecommunications and Digital Connectivity and reads as follows:

- *All new developments will be required to provide for open access connectivity arrangements directly to individual premises to enable service provider competition and consumer choice in line with Policy SI46 of the development plan.*
- *The provision and siting of telecommunications antennae shall take account of the Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities, (Department of Environment and Local Government, 1996), as revised by DECLG Circular Letter PL 07/12, and any successor guidance.*
- *Telecommunications antennae and supporting structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings, may also be acceptable, subject to visual amenity considerations. In terms of the design of free-standing masts, masts and antennae should be designed for the specific location.*
- *In assessing proposals for telecommunication antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined. These factors will be carefully considered when assessing proposals in a designated conservation area, open space amenity area, historic park, or in the vicinity of protected buildings, special views or prospects, monuments or sites of archaeological importance. The location of antennae or support structures within any of these areas or in proximity to protected structures, archaeological sites and other monuments should be avoided.*

- *Where existing support structures are not unduly obtrusive, the City Council will encourage co-location or sharing of digital connectivity infrastructure such as antennae on existing support structures, masts and tall buildings (see Policy SI48). Applicants must satisfy the City Council that they have made every reasonable effort to share with other operators.*

### **5.3. Guidelines/ Circulars**

#### **5.3.1. DOECLG Circular Letter PL11/2020**

This circular relates to planning exemptions applicable to telecommunications works undertaken by statutory undertakers authorised to provide telecommunications services.

The Circular advises that:

- Section 254 of the Act outlines the provisions in relation to the licencing 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.
- 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.

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

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.

**5.3.3. DoECLG Circular Letter PL07/2012**

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 the following in Section 2.6:

*'2.6 Health and Safety Aspects*

*The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds.*

*This Circular Letter reiterates that advice to local planning authorities. 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'.*

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.*

#### 5.3.4. **Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996**

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.

Section 1.2 relates to National Policy Issues wherein it is stated that *'fragile landscapes have to be treated sensitively, scenic views preserved, archaeological/geological sites and monuments and buildings of historical and architectural interest protected and sacred areas respected.'*

Section 4.3 of the Guidelines refers to visual impact and considers that this is one of the more important considerations which have to be taken into account in arriving at a decision on 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.

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.

The Guidelines states that 'Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.'

The Guidelines state that some masts will remain quite noticeable despite best precautions. It is further stated that 'local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive 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 and lighting conditions, etc.'

In the vicinity of larger towns and in City suburbs the Guidance recommends that operators should endeavour to locate in industrial estates or in industrially zoned land. The Guidance also recommends that some commercial and retail areas should be explored whether as rooftop locations or by way of locating 'disguised' masts. ESB substations are also identified as potentially suitable locations for antennae support structures. The use of tall buildings or other structures in urban and suburban areas are stated to be always preferable to the construction of an independent antennae support structure. Only as a last resort and if the suggested alternatives are either unavailable or unsuitable should free-standing masts be located in a residential area 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. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

## **5.4. Natural Heritage Designations**

5.4.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 4.2 km to the east;
- South Dublin Bay SAC (Site Code 000210), c. 6.2 km to the southeast;
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 6.2 km to the southeast.

## **5.5. EIA Screening**

5.5.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

6.1.1. 1 no. Third Party Appeal was received from the following:

- Anthony Whelan

6.1.2. The Grounds of Appeal can be summarised as follows:

- Health Impacts:
  - The World Health Organisation International Agency for Research on cancer (I.A.R.G) says that radiation from cell phone handsets and towers is 'possibly' cariogenic to humans and may cause glioma, a form of brain cancer.
  - Telecommunication Towers are more dangerous than handsets as they emit a greater intensity of radiation. Base stations and their associated



antennae are the area of concern as they emit greater continuous radiation at close quarters.

- Inappropriate Location:
  - The site is located adjacent to a children's playground which is frequently in use by local children and residents.
  - The site is close to the Local School and Sports Club (St. Finbarr's GAA).
  - It is recommended that the proposed development be relocated to a more industrial or factory area.

## 6.2. Applicant Response

6.2.1. The Applicant's Response to the Third-Party Appeal can be summarised as follows:

- The Proposed Development (Requirement, Site Location and Existing Screening, Design, Technical Justification, site Selection Process and discounted Options):
- Health Issues:
  - Emission limits are regulated by the Commission for Communications Regulation. The proposal will be subject to a license with strict control measures. The International Commission for Non-Ionising Radiation Protection (ICNIRP) specify the required limits. An ICNIRP Declaration is attached as Enclosure 3 of the Appeal Response submission. This accords with the 19996 Government Guidelines. It is predicted there are No Impacts and that this is Not Significant.
  - Circular Letter PL07/12 states that:
    - *The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds.*
    - *This Circular Letter reiterates that advice to local planning authorities. 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.*

- An Bord Pleanála has consistently ruled over the years that in the determination of telecommunications planning applications or appeals that health effects are not a material planning consideration. Such matters are not planning matters but are instead a matter for ComReg.
- Alternative Locations:
  - Section 1.5 of the original planning submission included a site selection process. The subject appeal site was selected after careful consideration and discounting other options to co-locate. The site selection process is consistent with the recommended sequential approach set out in the 1996 Government Guidelines which has been adopted by the Planning Authority.
  - The following hierarchy of suitable locations is set out in the 1996 Guidelines and Circular Letter PL07/12:
    - *Co-location on an Existing Mast;*
    - *Tall Buildings or other existing structures are preferable to constructing an independent antennae support structure (subject to site location);*
    - *Commercial or retail areas;*
    - *ESB Substations;*
    - *Only as a last resort, provided the above locations are unsuitable should free standing structures in a residential area or beside schools;*
  - Section 15.18.5 (Telecommunications and Digital Connectivity) of the Dublin City Development Plan, 2022 to 2028
    - The Guidance and recommendations set out in Section 15.18.5 of the Plan states:
      - *The provision and siting of telecommunications antennae shall take account of the Telecommunications Antennae and Support*

*Structures – Guidelines for Planning Authorities, (Department of Environment and Local Government, 1996), as revised by DECLG Circular Letter PL 07/12, and any successor guidance.*

- The rooftop location of the site is ideal, as per recommendations contained in the Guidelines and is preferable to an independent antenna support.
- Visual impacts will be minimised as the antennas are proposed to be shrouded and colour coded in a black finish. Cylindrical shrouding has been designed to mimic chimneys or vents.
- If the building was commercial the proposed development would be exempt from planning permission.
- Planning Reg. Ref. no's 4376/23 & 3915/23 are relevant planning precedents as they are for similar rooftop proposals in residential areas. Sufficient health information was submitted in both cases which demonstrates that the providers are in compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan 1998) or the standard equivalent European Pre-standard 50166-2.
- The Board is requested to have regard to the above and, in doing so, reject the second point of the appellant's appeal.
- It has been demonstrated there is a technical need for the proposed development.
- The proposal is in full accordance with the 1996 Guidelines as set out in the Local Authority's own policy objectives in terms of siting for telecoms and is therefore appropriately located in this part of Dublin. The proposal also aligns with regional and national planning guidelines.

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

- The Observations of the Local Authority Planner Officer have been sought and these will be forwarded as quickly as possible. (Letter dated 1<sup>st</sup> August 2024).

#### 6.4. Observations

- None

#### 6.5. Further Responses

- None

### 7.0 Assessment

7.1. 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:

- Zoning
- Site Location
- Health Impacts
- Other Matters
  - *Precedent Cases*
  - *Conditions*

#### 7.2. Zoning

7.2.1. The subject site is zoned Z1 Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028 where a Public Service Installation is identified as a use which is permitted in principle subject to normal planning and environmental considerations which are discussed further below.

#### 7.3. Site Location

7.3.1. The subject appeal site is located at roof level within an established residential block and within a predominantly residential development. The Appellant considers the location to be inappropriate having regard to its proximity to a Local School, GAA Club and adjacent to a children's playground. I note the planning application is accompanied by a comprehensive site selection justification as set out in the supporting planning statement.

- 7.3.2. The Applicant has considered and discounted a total of 7 no. alternative sites within a 1 km radius search ring of the subject site. This includes existing infrastructure at St. Finbar's GAA club, stated to be located c. 223 metres to the northeast. I have searched the ComReg Site Viewer, and I note a further 2 no. sites within the identified 1 km radius search ring which have not been considered as part of the Applicant's Assessment, as follows:
- Site A: Rooftop level of an existing 7 storey Office Building at Park House, Grangegorman, located c. 717 metres to the southeast, see site IDs: EIR\_DN\_1001, VOD\_DN618 and THR\_DU1044 (See Eircode Ref. D07EWV4);
  - Site B: An existing Mobile Mast (Monopole) to the rear (east) of Prussia Street Shopping Centre, located c. 966 metres to the southeast of the subject appeal site, see site ID VOD\_DN050;
- 7.3.3. I also note the Applicant states that *'during the alternative sites assessment, there were no suitable structures or existing masts identified which would be capable of providing both the required transmission links and the level of 3G and 4G coverage required in this instance.'*
- 7.3.4. Having regard to the configuration and distant location of the above 2 no. additional sites relative to the subject site, I am satisfied that the Applicant has suitably demonstrated that there are no other suitable existing telecommunications installations within the 1 km radius search ring which can facilitate the co-location of the proposed development.
- 7.3.5. The Appellant refers to the proximity of the site to a 'local school' but does not reference a specific location. I estimate there are a total of 8 no. existing schools located within a 1 km radius of the subject appeal site. I note the nearest school site is c. 346 metres to the east. I do not therefore consider the proposed development to be proximate to any local school. Similarly, I do not consider the subject appeal site to be proximate to the nearest GAA Club (St. Finbar's) located c. 223 metres to the northeast.
- 7.3.6. Section 4.3 of the 1996 Telecommunications Guidelines is concerned with Visual Impact and recommends in the first instance that

- *in the vicinity of larger towns and city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land*

- 7.3.7. I note there are extensive lands zoned Z6 (Enterprise and Employment) located within c. 802 metres to the north of the subject appeal site and partly within the 1 km wide study area, namely Dublin Industrial Estate, Cabra. I further note that the existing buildings within this said Industrial Estate are all low rise in comparison to the rooftop location of the subject appeal site. A separate site, located within c. 717 metres to the southeast of the subject appeal site, and also zoned Z6, is not in industrial use (See Eircode Ref. D07EWV4) and I note there are no lands zoned Z7 (Employment Heavy) located within the 1 km search ring.
- 7.3.8. The Guidance states that *‘in urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.’* Having regard to same, I consider the proposed rooftop location to be preferable to other potential low rise roof top locations within Dublin Industrial Estate and/ or the construction of an independent antennae support structure, such as a mast. I am therefore satisfied that the location of the subject appeal site is preferable to that of the above stated Industrial Estate.
- 7.3.9. Further Guidance in Section 4.3 refers to residential areas and states *‘only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools.’* The Board will note that although the subject proposal is not for a free-standing mast, it is located within a residential area. The Guidance does not, in my view, prohibit the installation of rooftop telecommunications equipment within a residential area but is instead concerned with the visual impact of a free-standing mast within such an area.
- 7.3.10. I note the Visual Assessment set out in Sections 6.2 to 6.13 of the supporting Planning Statement and the conclusions reached therein. I would agree with the findings of the Applicant that there are predicted to be no significant visual impacts arising as a result of the proposed development.

7.3.11. There is an existing playground located to the immediate south of the subject appeal site/ apartment building. As discussed further above, in terms of installations within residential areas, the Guidelines are concerned with the visual impact of free-standing masts and stress the preference of utilising tall buildings or other existing structures in favour of independent support structures. A playground typically forms part of a residential area.

7.3.12. Having regard to the location of the subject appeal site and to further guidance set out in Circular Letter PL 07/12, Section 2.6 wherein it is stated that *'planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures...'*, I consider the installation of the proposed telecommunications infrastructure and supporting equipment, at the rooftop level of the subject 6 storey apartment building to be acceptable.

#### 7.4. Health Impacts

7.4.1. I note the concerns of the Appellant in relation to Health Impacts of the proposed development. The Board will note the provisions of Circular Letter PL 07/12, Section 2.6, in particular, where it is stated that *'planning authorities .... 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.'*

7.4.2. I note Section 6.14 of the Applicants' Planning Statement relates to the issues of Health and Safety. As noted, the Commission for Communications Regulation (ComReg) are responsible, at a National level, for compliance with emission limits and a licence to provide services is subject to compliance with strict emission controls. This issue is appraised in the Local Authority Planners Report, as follows: *'the relevant limits are specified by the International Commission for Non-Ionising Radiation Protection (ICNIRP), with regular measurements of emission levels from the subject infrastructure required in order to comply with the International Radiation Association Guidelines. The applicant notes a separate ICNIRP Compliance Certificate has been issued.'*

7.4.3. The issue of compliance with emission limits will be evaluated under a separate legal code and thus need not concern the Board for the purpose of this appeal.

## 7.5. Other Matters

- *Precedent Cases*

- 7.5.1. While the cases referenced by the Applicant in the appeal are noted, all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.
- 7.5.2. Planning reg. ref. no. 4376/23, relates to a 4-storey Hotel/ Commercial building on an inner urban site where the surrounding urban grain is much tighter. In addition, surrounding uses comprise a mix of commercial and residential development. This case is therefore not, in my view, directly comparable to the subject case.
- 7.5.3. Planning reg. ref. no. 3915/23, relates to a five-storey apartment block located within an existing residential development. While the context is not directly comparable there are nonetheless some similarities to the subject case.
- 7.5.4. I consider the subject proposal to be consistent with development in the wider locality.

## 8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. 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 South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), located c 4.2 km (east) kms from the proposed development.
- 8.1.2. The proposed development comprises the installation of rooftop mounted telecommunications support structure carrying 12 no. shrouded antennae (for two operators), dishes, remote radio units (RRU's), cable trays, rooftop-based equipment cabinets and all associated site development works to provide for high- speed wireless data and broadband services.
- 8.1.3. 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.



8.1.4. The reason for this conclusion is as follows:

- The small-scale nature of the development.
- The location of the development in a serviced urban area, distance from European Sites, the urban nature of intervening habitats and the absence of ecological pathways to any European Site.

8.1.5. 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 permission be GRANTED.

## **10.0 Reasons and Considerations**

10.1. Having regard to

- a) Policy SI45 and SI48 of the Dublin City Development Plan, 2022 to 2028,
- b) the National Strategy regarding the provision of mobile communication services,
- c) the Guidelines relating to Telecommunications Antennae and Support Structures which were issued by the Department of the Environment and Local Government to Planning Authorities in July 1996, as updated by Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government on the 19<sup>th</sup> day of October, 2012,
- d) the nature and scale of the proposed telecommunications support structure, and
- e) the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Z15 zoning for the site, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be in accordance with the policies set out in the development plan in relation to telecommunications infrastructure. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17<sup>th</sup> day of June 2024, 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.

Reason: In the interest of clarity.

2. 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.

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.

3. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The proposed telecommunications infrastructure and all associated equipment shall be removed from the site when it is no longer required or

within one year of it becoming obsolete, and the site shall be reinstated to its pre-development condition.

Reason: In the interest of orderly development.

5. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

Reason: In the interest of the visual amenities of the area.

6. Site development and building works shall be carried out only between the hours of [0700] to [1900] Mondays to Friday inclusive, between [0800] to [1400] hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or with the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenities of the area.

9. The developer shall provide and make available at reasonable terms the proposed communications structure for the provision of mobile telecommunications antenna of third-party licensed mobile telecommunications operators.

Reason: In the interest of visual amenity and 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.

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Frank O'Donnell  
Planning Inspector

20<sup>th</sup> December 2024

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	320323-24		
<b>Proposed Development Summary</b>	Installation of rooftop mounted telecommunications support structure carrying shrouded no. 12 antennae (for two operators), dishes, remote radio units (RRU's), cable trays, rooftop-based equipment cabinets and all associated site development works to provide for high- speed wireless data and broadband services.		
<b>Development Address</b>	Hamilton Gardens, Block D, Carnlough Road, Cabra West, Dublin 7.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	<b>X</b>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>	<b>X</b>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		N/a	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_