



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320737-24

#### Development

Installation of 6 antennas and 2 transmission dishes on mounted poles with associated site works at the roof level and ground level of the Lidl Store.

#### Location

Lidl Store, Strand Road, Burrow, Portmarnock, Co. Dublin, D13 APK0

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

F24A0539E

#### Applicant(s)

On Tower Ireland Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant(s)

On Tower Ireland Limited.

#### Observer(s)

None.

#### Date of Site Inspection

6<sup>th</sup> November 2024.

#### Inspector

Lucy Roche

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
4.1. Planning Authority Reports .....	4
4.2. Prescribed Bodies .....	5
4.3. Third Party Observations .....	5
5.0 Planning History .....	5
6.0 Policy Context .....	6
6.1. Fingal Development Plan 2023-2029 .....	6
6.3. Natural Heritage Designations .....	11
6.4. EIA Screening .....	11
7.0 The Appeal .....	12
7.1. Grounds of Appeal .....	12
7.2. Planning Authority Response .....	14
7.3. Observations .....	14
8.0 Assessment .....	14
9.0 Appropriate Assessment Screening .....	20
10.0 Recommendation .....	21
11.0 Reasons and Considerations .....	21
12.0 Conditions .....	22
Appendix 1 – Form 1: EIA Pre-Screening	

## **1.0 Site Location and Description**

- 1.1. The appeal site is located towards the southern end of Portmarnock village, on the northern side of the junction of Strand Road (main street) and St. Lawrence O'Toole Avenue. It has a stated area of 0.22ha and currently comprises a large modern, two-storey building with mono-pitched roof. There is a café, barbers and laundrette premises located on the ground floor of the building fronting onto Strand Road. The main store, a discount supermarket (Lidl) is located on the upper floor of the building with parking contained both within the building at ground level and at surface level to the rear of the building.
- 1.2. The area surrounding the appeal site is characterised as a coastal urban settlement with a mix retail and local services on main streets and residential outside of that with a variety of house types and architecture styles laid out along access roads generally made up of terraced and detached houses, with front and back gardens.

## **2.0 Proposed Development**

- 2.1. The proposed installation comprises 6 no. antenna's and 2 no. transmission dishes on three ballast mounted supporting poles (3.3m in height) together with equipment cabinets, radio equipment, cabling and associated site works. The telecommunications installation will form part of Three Ireland Limited mobile broadband communications network.
- 2.2. The installation is configured into 3 sectors, which are located on the western, eastern and southern corners of the roof of the building fronting onto the Strand Road and St. Laurence O'Toole Road. Access to the rooftop is from MEWP (mobile elevating work platform) only.
- 2.3. Two single bay cabinets are to be mounted on a proposed concrete plinth at ground level in the northern corner of the site adjacent to the building and car park. The proposed cabinets are approximately 2m in height, 0.88m in width and 0.78m in depth. Traffic bollards are proposed around the cabinets.
- 2.4. As part of this first-party appeal the applicants have submitted a revised design proposal for consideration by the Board. The proposal is to install a glass reinforced plastic (GRP) radio frequency transparent shroud or enclosure to conceal the

telecommunications antenna equipment and also for the exposed material to be painted to match the façade of the building.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

4.0 On the 12<sup>th</sup> of August 2024, the Fingal County Council issued a notification of their intention to REFUSE permission for the following reason:

*It is considered that the proposed development would be unduly dominant having regard to the open nature of the site, the height of the building and its prominence on Strand Road. Objective IUO53 of the Fingal Development Plan 2023-2029 seeks to 'ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity and the protection of sensitive landscapes in the County.', and it is considered the proposal would give rise to a significant negative visual impact upon this highly sensitive coastal landscape of exceptional value. It is considered that the proposed telecommunication structures on three locations of the rooftop would also impact negatively on the residential amenity of the surrounding area and as such would contravene Objective IUO53 and Objective GINH058 and GINH059 of the Fingal Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.*

#### **4.1. Planning Authority Reports**

##### **4.1.1. Planning Reports**

- The Local Authority Case Planner in their assessment of the application, considered that the applicant failed to present adequate technical justification for the proposed telecommunication structures at this location and failed to demonstrate sufficiently that co-location is not possible.
- It was considered that the provision of telecommunication antennas on the roof in a prominent location, would give rise to a negative impact on the visual amenities of this area and highly sensitive landscape, contrary to objectives

IUO53, GINHO58 and GINHO59 of the Fingal Development Plan 2023 to 2029 and as such would be contrary to the proper planning and sustainable development of the area. The report concludes with a recommendation to refuse permission on this basis.

#### 4.1.2. **Other Technical Reports**

- Water Services; - No objection subject to condition re surface water drainage
- Transportation: - No objection.

#### 4.2. **Prescribed Bodies**

- DAA: No comment

#### 4.3. **Third Party Observations**

None

### 5.0 **Planning History**

F22A/0376 Permission granted (2022) to erect 793.00m<sup>2</sup> or 150.30 kWp of photovoltaic panels on the roof of the existing Lidl Store.

ABP- PL 06F.245989 / FCC Ref: F15A/0265 - Permission granted (2016) for the construction of a two-storey building including supermarket, two retail units, one café unit, two office units, lobby areas, circulation and services spaces, with a maximum height of c. 11.1m and with a gross floor area measuring c. 2,740 sq.m.

Condition 12: no additional No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

REASON: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

## 6.0 Policy Context

### 6.1. Fingal Development Plan 2023-2029

#### 6.1.1. Zoning: TC - Town and District Centre

**Objective:** Protect and enhance the special physical and social character of town and district centres and provide and/ or improve urban facilities

**Vision:** Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic. In order to deliver this vision and to provide a framework for sustainable development.

#### 6.1.2. Chapter 9 Green Infrastructure and Natural Heritage:

The Landscape Character of the area is that of a Coastal Character Type which is categorised as having an exceptional landscape value

##### Objective GINHO58 – Sensitive Areas

Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks, and campsites, and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve

##### Objective GINHO59 – Development and Sensitive Areas

Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract

from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm.
- Introduces incongruous landscape elements.
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

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

Policy IUP36 - Provision of Telecommunications / Digital Connectivity Infrastructure

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.

Objective IUO48 - High-quality ICT Network and Appropriate Telecommunications Infrastructure:

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.

Objective IUO53– High-quality Design of Telecommunications Infrastructure

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.

Objective IUO54 – Sharing and Co-location Of Digital Connectivity Infrastructure

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

6.1.4. **Chapter 14 Development Management Standards** includes the following objectives:

Objective DMSO18 – High Quality Design of New Utility Structures

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.

Objective DMSO222 – Co-Location of Antennae

Require the co-location of antennae on existing support structures and where this is not feasible require documentary evidence as to the non-availability of this option in proposals for new structures.

Objective DMSO223 – Location of Telecommunications Based Services

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.

Objective DMSO224 – Applications for Telecommunications Structures

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.

#### Objective DMSO227 – Location of New Utility Structures

Locate, where possible, new utility structures such as electricity substations and telecommunication equipment cabinets, not adjacent to or forward of the front building line of buildings or on areas of open space

#### Objective DMSO228 – Design of New Utility Structures - As per DMSO17

## **6.2. National - Policy Guidance / Circulars**

### **6.2.1. National Planning Framework – Project Ireland 2040**

This document sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040. Of note is National Strategic Outcome 5 ‘*A Strong Economy Supported by Enterprise, Innovation and Skills*’ and specifically ‘*Digital and Data Innovation*’ and 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.*’

### **6.2.2. Telecommunications Antennae and Support Structures – Guidelines for Planning**

### Authorities (1996)

The 1996 Guidelines set out government policy for the assessment of proposed new telecommunications structures. The guidance promotes the sharing and clustering of telecommunications facilities. Visual impact is stated to be among the more important considerations which have to be taken into account in arriving at a decision on a particular application. The applicant will have limited flexibility as regards location. Care will have to be taken when dealing with fragile sensitive landscapes or other designated areas. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

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.

In larger towns and city suburbs operators should endeavour to locate in industrial estates or in industrially zoned lands and the options of rooftop locations or disguised masts should be explored. The use of tall buildings or existing structures is preferable to the construction of an independent antennae support structure.

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.

### 6.2.3. DoECLG Circular Letter PL07/12

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above 1996 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'.

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.

### **6.3. Natural Heritage Designations**

The site is not within a designated site. The Baldoyle Bay pNHA and SAC (Site Code: 000199) is c80m to the southeast of the project site while the Baldoyle Bay SPA (Site code: 04016) is c190m to the southeast. There is no connection to any European (Natura 2000) sites and no pathways.

### **6.4. EIA Screening**

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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

This is a first party appeal lodged on behalf of the applicant, On Tower Ireland Limited, against the decision of Fingal County Council to refuse permission for the installation of telecommunications infrastructure on the rooftop and ground level of the Lidl Store on Strand Road in Portmarnock. The grounds of appeal can be summarised as follows:

- There is currently no telecommunications base station operated by Three within Portmarnock Town Centre nor is there an antenna support structure in which to position co-located telecommunications equipment. The coverage deficit with the centre of Portmarnock has been demonstrated in the applicants Technical Justification document submitted with the application. The current proposal would resolve this deficit.
- The only existing site in the centre of Portmarnock is a roof top site under ComReg No. Eir\_DN\_3574, this is the site of a three-storey mixed-use building with residential on the top floor. The rooftop is prominent from the golf links road where preserved views are identified in the FDP. The antenna equipment on this rooftop, which is currently considered to result in a minor impact, may when combined with an additional operator equipment result in cumulative negative impact that is collectively significant and so less favoured by planning policy.
- The proposed development is in accordance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)
- Antennas that are positioned on rooftops of commercial buildings in urban areas are generally considered to be acceptable and are normally exempted development.

- The installation has been designed a low impact development, sitting 3m above the roof level – the minimum height consistent with effective operation. There is a requirement to position telecommunication transmission and receiving equipment on roof top edges and above obstructions to remove signal clipping and ensure maximum coverage. 4G and 5G equipment being less tolerant to obstruction.
- While the equipment will be visible from public and private views in the local area, it will not be dominant or overly obtrusive.
- The equipment is proposed on the rooftop of a modern commercial building on Strand Road. the area is zoned Town and District Centre, telecommunications structures are listing as being permitted in principle within this zoning.
- Infrastructure in the form of street lighting, road signage, traffic lights etc occupy the streetscape. The proposed telecommunications structure will form part of the infrastructure of the area and is necessary for it to function as a technologically modern urban centre.
- The proposed rooftop location will avoid the need to erect independent support structures (monopole or lattice mast) in the wider Portmarnock area which would have greater impact. This would align with FCP Objectives GINHO58 and GINHO59 which seek to resist mast that would interfere with the character of the landscape.
- The applicant has requested the Board to consider an alternative design solution where it is proposed to install a Glass Reinforced Plastic (GRP) radio frequency transparent shroud / enclosure to conceal the antenna equipment and allow for the exposed equipment (GRP) to be painted to match the façade of the building. A revised set of drawings and photomontage images have been provided in the appeal documents.
- The proposed development is in line with national, regional and local planning policy, actively assisting in achieving the aims and objectives of the Development Plan by delivering improved telecommunications infrastructure services to the area.

## **7.2. Planning Authority Response**

The planning authority's response to the grounds of appeal is set out in correspondence received by the Board on the 1<sup>st</sup> of October 2024 and can be summarised as follows:

- The application was assessed against the policies and objectives of the FDP 2023 - 2029 and existing government policy and guidelines. The development was assessed having regard to the development plan zoning objective as well as the impact on adjoining neighbors and the character of the area.
- The amended plans are noted. The planning authority acknowledges the applicants attempt to address the reason for refusal however concerns would remain regarding the height of the structures and the potential for the shrouding to compound their visual impact. It is noted that shrouding has been accepted on alternative sites for similar developments however the structures were of a different design and had a reduced height that overall lessened their impact.
- The development is not considered to be consistent with the proper planning and sustainable development of the area and the planning authority requests that An Bord Pleanála upholds the decision to refuse planning permission
- In the event that the appeal is successful provisions should be made in the in the determination for the application of financial contributions and security bond.

## **7.3. Observations**

- None

## **8.0 Assessment**

- 8.1. 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 this appeal can be assessed under the following headings:

- Zoning
- Justification and Co-Location
- Design, Siting and Visual Impact
- Appropriate Assessment

## 8.2. **Zoning:**

- 8.2.1. The subject site is zoned '*TC Town and District Centre*' in the Fingal Development Plan, 2023 to 2029 (FDP) where Telecommunications Structures are listed as a use that is permitted in principle subject to relevant planning and environmental considerations.

## 8.3. **Justification and Co-Location**

- 8.3.1. The applicant's technical justification for the proposed telecommunications infrastructure is set out in a report submitted with the application. The report states that proposed installation is required to provide 2G/3G/4G/5G data service provision in Portmarnock and to enhance coverage in the surrounding area. As per the details provided, the proposed installation is intended to form part of an integrated telecommunications network system that has been meticulously planned out to provide the best possible network performance in this area. It is contended that the current uptake of devices has put additional pressures on the network meaning existing base stations are undergoing significant upgrades in technology to meet this demand and so are critical in maintaining current and future service provision. It is further contended that the addition of this base station will have an immediate and positive impact on Three's network provision in the wider area and bring next generation services, such as IOT services, to customers within Portmarnock and the surrounding area. To illustrate this the report includes eight map-based images which detail existing and proposed 3G and 4G indoor coverage levels in and around the target area. The coverage maps provided illustrate optimal coverage when all other sites in the vicinity are operating at maximum efficiency.

- 8.3.2. Regarding the option of co-location, the report states that Three Ireland has a policy to co-locate into existing telecom structures, where possible. However, in this instance the case is made that there are no existing base station options that could be shared or upgraded to provide the necessary coverage required and that the only way to cover this area with suitable radio coverage is by building a new site at the proposed location. The subject site is stated as the best possible solution to meet both existing and future demands of its customers in this area.
- 8.3.3. Having considered the information provided, 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 / permitted telecommunications structures in the area and that they have demonstrated that no suitable structures are available to address the identified service deficiencies. On this basis, I am satisfied that a new telecommunication mast in this area is justified subject to appropriate site selection.

#### **8.4. Design, Siting and Visual Impact**

- 8.4.1. The proposal is for the installation of 6no. antenna's and 2 no. transmission dishes on three ballast mounted supporting poles (3.3m in height) on the western, eastern and southern corners of the roof of a two-storey retail/commercial building (Lidl store) at the junction of Strand Road and St. Lawrence O'Toole Avenue. As previously determined, I am satisfied that the applicants have demonstrated a need for additional telecommunications infrastructure in this area.
- 8.4.2. Fingal County Council recommend that the application be refused on the grounds that it would have a negative impact on the visual and residential amenities of this area. In reaching this conclusion the planning authority had regard to the open nature of the site, the height of the building and its prominence on Strand Road and to the location of the site within a highly sensitive coastal landscape of exceptional value.



- 8.4.3. The Coastal Character Type extends along the eastern boundary of Fingal, incorporating (inter alia) the settlements of Balbriggan, Skerries, Rush, Malahide, Portmarnock and Howth. As set out in the FDP, the value of this area derives from a combination of visual, ecological, recreational and historical attributes. The area contains several important beaches, islands and headlands, it benefits from views out to sea, and to the Mourne and Wicklow mountains, it is rich in archaeological, architectural and natural heritage and is of high ecological value.
- 8.4.4. While acknowledging the value of the wider landscape, regard is had to the specific context of the site and its location. The site comprises a large modern retail/ commercial building, in an established urban area that is characterised by a mix of commercial / retail and residential uses and where objects such as overhead powerlines, street lighting, road signage etc. are accepted features within the streetscape. The site is not in an architecturally or historically sensitive location, with no applicable conservation or built heritage designations on or close to the site. In my opinion, the proposed development site and its immediate environs does not constitute a landscape which could be described as exceptional value or high sensitivity.
- 8.4.5. The *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)* provides guidance on minimising the visual impact of telecommunications structures. The Guidelines advise that flexibility, in terms of the location and design of antenna support structures etc, is often limited given the constraints arising from radio and engineering parameters and they acknowledge that despite best precautions, some masts may remain quite noticeable. In terms of site selection, the Guidelines advise in Section 4.3 that in urban areas the possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts and that the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. The proposed development site, comprising a standalone commercial / retail building within the district centre of Portmarnock and capable of facilitating roof mounted antenna was identified by the applicants as the preferred location.

- 8.4.6. The only other building identified as a possible alternative, is the three-storey mixed use building to the south-east of the proposed development site, on the opposite side of Strand Road. This building already accommodates roof mounted telecommunication equipment that are visible in views from Strand Road and from the Golf Links Road to the southeast, where preserved views are identified in the FDP. The option of providing additional antenna equipment on the top of this building was ruled out on the basis that it would result in a cumulative negative impact that is collectively significant.
- 8.4.7. In terms of design, the proposed installation is described as a low impact development that will sit 3m above the roof level of the building, the minimum height consistent with effective operation. In response to the concerns raised by the planning authority in their assessment of the planning application, the applicant has included as part of the first party appeal an alternative design solution for consideration by the Board. The proposal is to install glass reinforced plastic (GRP) radio frequency transparent shrouds / enclosures to conceal the antenna equipment and allow for the exposed equipment (GRP) to be painted to match the façade of the building and appear more like flues or vents.
- 8.4.8. The application documentation includes a Visual Impact Appraisal (VIA) which assesses the visual impact of the development on available views in the area. The VIA includes 12no. photomontage visualisations taken from points within a c. 300m radius of the site. Revised photomontages with images depicting the applicants alternative design solution (the use of GRP shrouds to conceal the antenna), were included as part of the appeal documentation.
- 8.4.9. As per the information provided with the application, the VIA considers baseline information about the local landscape characteristics of the area including topography, built forms, settlement patterns, land-use, scenic views, local streetscape as well as screening provided from trees and vegetation in the environment. The impact considers factors, such as scale, setting and the nature of the viewing experience from public viewpoints as well as an anticipated impact from private viewpoints from residences in the area. The result or impact is then assessed

against the sensitivity of the area against the magnitude or degree of change which would result from the proposed development if constructed.

- 8.4.10. The VIA determines the area to have a medium sensitivity to change particularly in respect of telecommunications installations which is I consider reasonable given the urban context of the site (as previously discussed). The VIA asserts that the proposed equipment when viewed within the immediate local area is expected to create a moderate negative additional visual impact on the local area. Wider and more distant public and private views from the surrounding area are restricted by the buildings and vegetation in the area and so negative impacts are localised. Overall impacts are considered acceptable given account the nature and purpose of the installation which is to provide wireless telecommunications services for the area.
- 8.4.11. Having visited the site and the surrounding area, I am satisfied that the views presented, with the application and appeal, offer an adequate representation of the proposed development from the selected viewpoints. I am also satisfied that while the proposed telecommunication structures would be visible on top of the roof of the building (breaking the skyline), this visibility would not have a significant negative impact upon on visual or residential amenity and would in my view be in keeping with the urban and mixed-use character of the area. Nevertheless, I would favour the applicants alternative design solution, as I consider that the installation of GRP shrouds, painted to match the façade of the building, would allow the proposed antenna structures to read more effectively as part of the main building and thus better assimilate into the urban landscape.
- 8.4.12. Further to the above I would agree with the contention set out in the grounds of appeal that the provision of additional antenna equipment on top of three storey building to the southeast would have a greater visual impact than the proposed location. This building due to its height, design and location is prominent in views from the surrounding area, particularly views from the Golf Links Road which it is an objective of the FDP to protect (Objective GINHO60). The provision of additional antenna equipment atop this building has I consider the potential to result in an unacceptable degree of visual clutter that would detract from the visual amenities of the area.

8.4.13. In conclusion, I am satisfied that the application site can accommodate the proposed roof mounted telecommunication structures with an acceptable degree of visual impact. The proposed development would not, in my opinion., contravene *Objectives IUO53, GINH058 and GINH059 of the Fingal Development Plan 2023-2029*. I therefore do not recommend that the decision of Fingal County Council to refuse permission be upheld.

## 9.0 **Appropriate Assessment Screening**

- 9.1. I have considered the proposed telecommunications project in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed project comprises the installation of telecommunication structures (6 no. antenna's and 2 no. transmission dishes on three ballast mounted supporting poles together with equipment cabinets, radio equipment, cabling) at roof and ground level at the site of an existing commercial building on Strand Road in Portmarnock.
- 9.3. The Baldoyle Bay SAC (Site Code: 000199) is c80m to the southeast of the project site while the Baldoyle Bay SPA (Site code: 04016) is c190m to the southeast. The project site is not connected with any designated site and there is no realistic pathway between the project site and these or any other European sites
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature and scale of the development
  - The urban location of the development, its distance from nearest European site and the lack of connections.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

Having regard to the above, I recommend that permission be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to:

- a. The national strategy regarding telecommunications infrastructure,
- b. The Telecommunications Antennae and Support Structures -Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
- c. The Telecommunications Antennae and Support Structures and Department and Environment, Community and Local Government Circular Letter PL07/12,
- d. The location of the development within a zoned 'TC' site, wherein telecommunications masts are permitted in principle,
- e. Planning policies and objectives under the Fingal County Development Plan 2023-2029,
- f. The nature, scale and location of the proposed telecommunications structure,

It is considered that the proposed development would be in accordance with National Policy and guidance on telecommunications infrastructure and with the objectives of the Fingal Development Plan 2023-2029. It is also considered that subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 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 plans and particulars received by the Board on the 4<sup>th</sup> day of September 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 antennae type and mounting configuration shall be in accordance with the details submitted with the appeal, 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 permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

3. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The Glass Reinforced Plastic (GRP) radio frequency transparent shrouds / enclosures shall be painted to match the façade of the building.

**Reason:** In the interests of visual amenity

4. In the event of the proposed structures becoming obsolete and being decommissioned, the developers shall, at their own expense remove the telecommunications structures and associated equipment.

**Reason:** In the interest of orderly development.

5. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

6. The developer shall provide and make available of reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

**Reason:** In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.

7. No advertisement or advertisement structure shall be erected or displayed on the proposed telecommunications structures or associated equipment without a prior grant of planning permission.

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

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contributions Scheme made under section 48 of the Planning and Development Act 2000 as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

*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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Lucy Roche  
Planning Inspector

10 March 2025



# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	Installation of 6 antennas and 2 transmission dishes on mounted poles with associated site works at the roof level and ground level of the Lidl Store.		
<b>Proposed Development</b> <b>Summary</b>	Lidl Store, Strand Road, Burrow, Portmarnock, Co. Dublin, D13 APK0		
<b>Development Address</b>			
<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>		State the Class here.	Proceed to Q3.
<b>No</b>	<b>X</b>		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</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>			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

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