



An
Coimisiún
Pleanála

Inspector's Report

ABP-320833-24

Development	Section 254 licence for installation of an 15m dual operator pole, associated equipment and all associated works for wireless data and broadband.
Location	Public grass verge along Ongar Road, Clonsilla, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254W/02/24
Applicant(s)	Emerald Tower Limited
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Emerald Tower Limited
Observer(s)	None
Date of Site Inspection	10 th December 2025
Inspector	Emma Gosnell

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 Natural Heritage Designations	12
7.0 EIA Screening.....	12
8.0 The Appeal	12
9.0 Assessment.....	15
10.0 AA Screening.....	21
11.0 Recommendation	21
12.0 Reasons and Considerations.....	22
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The subject site is situated along the Ongar Distributor Road in Clonsilla, Dublin 15 which connects to Blanchardstown c. 2km to the west. The surrounding area is primarily residential in nature, characterised by traditional two-storey housing
- 1.2. The site is adjoined to the south by a c. 2m high boundary wall and fencing to the Mount Symon Dale residential estate, with the housing and a street lighting pole within this cul-de-sac being partially visible from the public road. A c. 2.7m wide public footpath extends along the site's northern boundary with an off-road cycle lane and east bound bus lane located beyond this. The house closest to the appeal site is the 2-storey dwelling at No. 20 Mount Symon Dale (to south-east), whose side gable would be setback c. 6m from the proposed telecommunications structure. The Stonebridge housing estate is located on the opposite side of the road to the north.
- 1.3. The site forms part of a c. 1m wide grass verge which runs along the interior of the public footpath and cycle path which border the road to the north. It comprises of low-level shrubbery. There is no other street furniture at this location.

2.0 Proposed Development

- 2.1. On the 25th April 2024, a licence under section 254(1) of the Planning and Development Act 2000, as amended, was sought for the installation of a "15m dual operator pole, associated equipment and all associated works for wireless data and broadband". The licence was sought for a period of four years from November 2023 to November 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.
- 2.3. The application documentation included a Planning Statement and Photomontage Report.
- 2.4. The proposal consists of an 15m high 'Streetworks' pole with Eir antenna encased inside the top of the pole, with space for a second operators' antennas below same; a cabinet for Eir Mobile and provision for a second cabinet for a subsequent future operator. The equipment dimensions are as follows:

Streetworks Pole		Cabinets 1 and 2	
Height	15m	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	7.77m 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

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 13/08/2024 for the following reason:

“1. Having regard to the nature, height, scale and prominent location of the proposed development on this busy arterial route in close proximity to a residential house and with lack of vertical infrastructure to allow the development merge into its surroundings, the proposed development if permitted, would be highly visible from the public domain at street level, and would have an adverse impact on the visual and residential amenities of the area. The proposed development is inconsistent with Section 14.20.10, Section 254 Licences of the Fingal Development Plan 2023-2029 and with the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. planning report (dated 09/08/2024) formed the basis of the planning authority’s (PA) assessment. The PA raised issues with the visibility of the structure by reason of the lack of existing screening and vertical infrastructure (i.e. such as streetlamps and road signage) at the chosen site and outlined serious concerns about the proposal’s visual impact and ability to successfully assimilate into the existing environment on

account of these factors. The PA were also not satisfied that due consideration had been given to alternative sites. **Refusal recommended on this basis.**

3.2.2. Other Technical Reports

- *Water Services (24/06/2024)* - seeks attachment of standard surface water drainage conditions.
- *Parks and Green Infrastructure Division (14/06/2024)* – seeks condition attached to require applicant to agree with PA the exact positioning of the cabinets and nature of works and replanting within the planted area/ public grass verge.
- *Transportation (14/06/2024)* - seeks condition attached to agree nature of required works to public footpath and/or roadway with PA.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

None on file.

4.0 Planning History

None.

5.0 Policy Context

5.1. National Policy

National Planning Framework – Project Ireland 2040 (first revision 2025): NPO 31: Support and facilitate delivery of the National Broadband Plan, NPO 62: Support and facilitate delivery of the National Broadband Plan, and Section 2.2 – improving local connectivity to principal communications networks [cited by appellant].

Climate Action Plan (CAP) 2024 and 2025 – Sections 11.2.4 and 10.1.8 (Digital Transformation).

National Development Plan 2021-2030 - Government recognises that access to quality high speed broadband is essential for today's economy and society.

5.2. Guidelines/ Circulars

DoHELG Circular Letter PL 11/2020

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

5.2.2. 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.

5.2.3. 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)

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

5.2.4. 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'.

5.2.5. 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)

5.2.6. 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 4.3 of the Guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.

5.2.7. The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

5.2.8. The Guidelines state that the approach will vary depending on whether a proposed development is in:

- a rural/agricultural area.
- an upland/hilly, mountainous area.
- a smaller settlement/village.
- an industrial area/industrially zoned land; or
- a suburban area of a larger town or city.

5.2.9. The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive. This may include intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

5.3. **Other**

National Broadband Plan – Section 6.2.3: national targets [cited by appellant].

Harnessing Digital. The Digital Ireland Framework – Section 2.1.

5.4. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES): RPO 4.2 – necessary infrastructure in residential and employment areas incl. broadband services [cited by appellant] and Communications Networks, Table 3.1 and Digital Infrastructure - RPO 8.25 - Local authorities shall:

- Support and facilitate delivery of the National Broadband Plan.
- Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland.
- Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.
- Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.
- Promote Dublin as a demonstrator of 5G information and communication technology.

5.5. Development Plan

The Fingal Development Plan 2023-2029 applies.

Zoning

Site is unzoned and forms part of a section of the Ongar Distributor Road which is a secondary route in the GDA Cycle Network Plan.

Mount Symon Dale is zoned 'RS – residential' with objective to 'Provide for residential development and protect and improve residential amenity'.

Telecommunications Infrastructure

Section 11.8.4 (Telecommunications): The provision of telecommunications information is important in terms of the economic development of the County. To ensure appropriate telecommunications infrastructure is provided within the County, the Council will have regard to the Guidelines issued by the Department of the Environment, Heritage and Local Government, Planning Guidelines for Telecommunications Antennae and Support Structures 1996 and Circular Letter PL 07/12. The assessment of individual proposals will be governed by the Guidelines and

the controls scheduled in Chapter 14 Development Management Standards of this Plan.

Section 14.4.9 (Utility Facilities) - The quality and finish of the public realm, and the achievement of successful spaces may be eroded by the inappropriate siting of utility facilities such as electricity substations and telecommunications equipment, especially those located to the front and side of buildings. While recognising that utility facilities are necessary, their siting should be incorporated at an early stage of the design process with collaboration between utility providers in sensitively locating such facilities.

Section 14.20.10 (Section 254 Licenses): A Section 254 licence is required from Fingal County Council to place on, under, over or along a public road for the following items or equipment: ...a cable, wire or pipeline, overground electronic communications infrastructure and any associated physical infrastructure...In assessing applications under Section 254 of the Planning and Development Act 2000, (as amended), the Planning Authority must have regard to the relevant provisions of the Development Plan, any LAP in place and must give careful consideration to the impacts on public realm and visual amenity. Applications made under the Planning and Development Act 2000, (as amended) in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, must take into consideration and demonstrate compliance with the Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads 2015.

Objectives IUP36 – Provision of Telecommunications/ IUP39 – National Digital Connectivity Infrastructure, IUP39 – National Broadband Plan, and IUO52 – Telecommunications Infrastructure.

Objective IUO48 - High-quality ICT Network and Appropriate Telecommunications Infrastructure and IUO53 – High-quality Design of Telecommunications Infrastructure.

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

Objective DMSO222 – Co-Location of Antennae.

Objective DMSO17 - Location of New Utility Structures.

Objective DMSO18 - High Quality Design of New Utility Structures.

Objective DMSO223 - Location of Telecommunications Based Services.

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.

Objective DMSO28 - Design of New Utility Structures.

Objective DMSO26 - Removal of Masts and Antennae.

Appendix 7 – Technical Guidance defines ‘Utility Installations’ as a structure composed of one or more pieces of equipment connected to or part of a structure and/ or a facility designed to provide a public utility service such as the provision of heat, electricity, telecommunications, water or sewage disposal and/or treatment.

Chapter 5 – Climate Action.

Other – Cited By Appellant

Objective EEO31 – Green Economy Initiatives.

Policy CSP19 – Compact, Sequential and Sustainable Urban Growth.

6.0 Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site. The nearest European sites are the Rye Water Valley/Carlton SAC (Site Code 001398) located c. 5km to the south-west and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) which is located c. 13.5km to the south-east. The Royal Canal pNHA (Site Code 002103) is also located c. 600m to the south.

7.0 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.

8.0 The Appeal

8.1. Grounds of Appeal

A first party appeal submission was received (17/09/2024) and seeks to address the PA's reason for refusal. The grounds of appeal (GOA) can be summarised as follows:

Technical Justification

- Eir require a site in the Ongar area in connection with the continued improvement/roll out of their 3G, 4G and 5G networks of high-speed mobile broadband coverage.
- Current sites do not provide adequate service, indoor coverage is patchy and there is an urgent need for improved network coverage in the locality.
- A mobile base station deployment will greatly support Eir customers and the surrounding area.
- A number of images are provided in support of this argument – search area and existing and predicted new indoor coverage with and without DN_3666.

Site Selection

- First choice is co-location. Already done at the nearest 7 out of 13 telecoms structures – Table 1 (existing sites considered).

- No suitable existing structures/ telecommunications sites in the ‘search area’/ a 2km radius. The increasing capacity issues, amount of intervening vegetation and built form – all require a new structure.
- All mobile operators have an obligation to provide 100% coverage and nearest sites are too far away to work as required for 3G, 4G and 5G technology data speeds.
- A balance must be struck between planning/ amenity requirements and public entitlement to modern communication methods – flexible siting approach needed.
- Sequential approach taken to site selection in accordance with FDP & guidance.
- Sites must be high enough to ensure the antennas can transmit and receive and they must also be environmentally suitable; within the search ring; be capable of being developed with sufficient space for required infrastructure; avoid overhead utilities, far enough from residential properties; have power and fibre connections nearby; and, leave sufficient footpath space.
- Site land is owned by Fingal County Council (letter of consent on file).
- Site context is mixed use and features vertical infrastructure and semi-mature trees which would visually screen the proposal.
- In response to PA comments, appellant clarifies that Existing Site No. 1 (Church of Ciaran, Hartstown) is not suitable on basis that existing Vodaphone street pole at this location is a single operator streetpole and not a shareable facility.

Design

- Proposal has been carefully designed (i.e. colour, diameter, height, cabinet size and siting which was informed by pre-application consultation with the PA) to minimise its visual impact and will provide space for a 2nd operator’s infrastructure.
- Due consideration has been given to technical, engineering, environmental, health and safety, and land use planning viability in the siting and design of the proposal.

Visual Impact

- Dimensions of the pole and cabinet cannot be reduced further as to do so would no allow the structure to accommodate all required technical equipment.
- Visual intrusion is minimal and not out of character with the existing urban street furniture along Ongar Distributor Road (i.e. streetlights/ signage and ESB units).
- GOA disputes PA’s view that there is an absence of vegetative cover and vertical infrastructure on basis of existence of an adjacent streetlight, high continuous boundary and semi-mature trees which will provide for overall screening and visual incorporation.

- PA have overstated potential visual impact of proposal. Appellant's photomontages/ visual assessment from 4 no. different viewpoints (VP1: Stonebridge Road to north, VPs 2 & 3: Ongar Road (from east/west) and VP4: Mount Symon Dale to south) provided as part of the GOA determine that the proposal will not give rise to significant visual effects.

Residential Amenity

- Neighbouring estates are physically enclosed by existing high boundary walls which mitigate nuisance and visual intrusion from the adjoining road.
- Orientation of No. 20 Mount Symon Dale is east-west which would mitigate/diminish the visual impact of the proposal on this dwelling.
- PA's proposal that streetpole be relocate to north of Ongar Road adjoining the Stonebridge residential estate would give rise to potential for a greater visual impact on basis of north-south orientation of these dwellings toward the road.

Other

- Proposal will not affect functioning of pedestrian footpath.
- PA's technical departments raised no issues with proposal.

In conclusion, the Board is requested to grant permission.

The GOA are accompanied by an Eir Radio Emissions Statement, a copy of the PA's Decision Notification and Planning Report, Section 254 License Drawing, a Photomontage Report, and by a USB containing a soft copy of the planning application and GOA documentation.

8.2. Planning Authority Response

Response received 21/10/2024 sets out the basis for the PA's assessment of the proposal and seeks to draw the Commission's attention to the location of the site on the main arterial route in Blanchardstown in a highly visible location with notably low vegetative cover particularly having regard to the comparatively greater level of vegetative cover and street infrastructure present on the north side of this road. Attention is also drawn to the proximity of the proposed infrastructure to the nearest residential dwelling (c. 6m) and the PA reiterate their view that they are not satisfied that the applicant had explored alternative locations for the proposed infrastructure. Whilst the PA seek that the Commission uphold their decision to refuse permission, in the event that their decision is overturned by the Commission, the PA seek that, where

relevant, conditions be applied relating to the payment of a financial contribution; the payment of a special development contribution (in respect of a shortfall in the provision of public open space and/ or play facilities) under FCC's Section 48 Development Contribution Scheme (where relevant); a tree bond; and, a bond/ cash security.

8.3. **Observations**

None received.

8.4. **Further Responses**

None received.

9.0 **Assessment**

Having regard to the above and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Compliance with Section 254 Criteria
- Other

9.1. **Compliance with Section 254 Criteria**

Introduction

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

- a. the proper planning and sustainable development of the area,
- b. any relevant provisions of the development plan, or a local area plan,
- c. the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d. the convenience and safety of road users including pedestrians.

I have addressed each of these requirements separately below.

The proper planning and sustainable development of the area

- 9.1.1. The site is located within a grass verge along the edge of the Ongar Distributor Road and on lands which are unzoned under the Fingal County Development Plan 2023-2029. The lands subject to the appeal are incidental in nature with a limited visual amenity value and do not function as active public open space.
- 9.1.2. Given that the appeal site is not governed by a specific zoning objective, I consider it appropriate that the development proposal subject to appeal before the Commission be considered in accordance with the policies and objectives of the development plan and also with regard to its compatibility with adjacent land uses and zoning.
- 9.1.3. The Mount Symon Dale estate, which adjoins the appeal site to the immediate south, is zoned 'RS – Residential' with the objective to 'Provide for residential development and protect and improve residential amenity'. I note that utility installations, whose definition under FDP Appendix 7 includes telecommunications structures, are uses which are permitted in principle under RS zoned lands. On this basis, I consider that the proposal is generally compatible in principle with the adjoining land use zoning.
- 9.1.4. I consider the matters of the proposal's compatibility with the adjoining housing and compliance with relevant FDP policy and objectives relating to the siting and design of telecoms infrastructure further below.

Any relevant provisions of the development plan, or local area plan

- 9.1.5. The applicant's submission refers to national, regional and local policy which supports the roll out of telecommunications infrastructure as the country implements the digital transformation network.
- 9.1.6. In general terms, the FDP seeks to facilitate the provision of telecommunications/digital connectivity infrastructure at appropriate locations, subject to environmental considerations. Section 14.20.10 and Objective DMSO224 of the FDP specifically require that, in assessing Section 254 license applications, careful consideration is given to the impacts on the public realm and visual amenity. Section 11.8.4 (Telecommunications) of the FDP and requires the Council to have regard to the Telecommunications Antennae and Support Structures; Guidelines for Planning Authorities (DEHLG 1996).
- 9.1.7. These guidelines place high quality telecommunications services at the forefront of support for the economy, personal connection and protection of the environment and

requires that in larger towns, cities and smaller towns and villages, the location should be necessary, and masts and antennae should be designed and adapted for the specific location. Section 4.3 of the Guidelines states: "*In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land*". Other possibilities should also be explored, including some commercial or retail areas (e.g. rooftop locations, locating "disguised" masts), existing ESB substations and preference is given to the use tall buildings or other existing structures over a new independent support structure. It also includes that only as a last resort and if the suggested alternatives (possibilities) are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. In that event, existing utility sites should be considered, and specific design solutions should be employed including that the support structure should be kept to a minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

9.1.8. Therefore, the guidelines do not preclude the location of masts in urban areas and designated settlements, rather they require a certain amount of justification for their location. In terms of assessing the proposal, and following the scheme of the guidelines, the first step is to consider if any alternative locations, outside the locality, are available. The appellant's technical justification for the proposed telecommunication structure is set out in Section 8.1 of this report and concludes that the proposed telecommunication structure would result in an improvement to mobile broadband network coverage in the area. The applicant's documentation includes details of coverage requirements for the immediate area and indicates that existing alternative sites within a search area are not suitable. In terms of co-location, the case is made that there are no suitable existing structures in the search area 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.

9.1.9. Having considered the information provided in the GOA, I am satisfied that the appellant has demonstrated a need for improved telecommunication infrastructure in the area. I am further satisfied that they have adequately addressed the issue of the 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.

9.1.10. On this latter issue, I note that the PA in their assessment of the application recognised the strategic need for a mast within the subject area but raised significant concerns about the nature, height, scale and visual impact of the proposal given its siting in a prominent location on the Ongar Road, with these matters giving rise to their refusal reasoning. For these same reasons, the PA sought that the proposal be relocated to the opposite (north) side of the Ongar Distributor Road.

9.1.11. The appellant considers that the alternative site location proposed by the PA would give rise to a comparatively greater impact on visual and residential amenities. The GOA also dispute the PA's concerns about the proposal's design and siting and states that the "*site includes a variety of vertical infrastructure such as the adjacent streetlight a few metres east...and the semi-mature trees which line the boundary along Ongar Distributor Road*".

9.1.12. I have had regard to the design of the proposed development and to its location on the Ongar Road, and I note the wider area is reflective of a normal suburban setting with street lighting etc. I acknowledge that, on account of its function as a distributor road and lack of a specific amenity or heritage designations, the immediate area adjoining the site is not particularly visually sensitive or in an area of high landscape value. However, the site is located directly adjoining a number of houses within an established residential estate. Having regard to the photomontage viewpoints submitted with the application and GOA, which show a series of semi-mature trees lining the grass verge on the south side of the Ongar Road, I am not satisfied that these accurately reflect the baseline context that I observed during my site inspection (where no trees were evident) and, as such, that they do not fully illustrate the true visual impact of the proposal. For this reason, I do not agree with the appellant's view that the existing presence of vertical infrastructure and vegetation at the site location provides for suitable screening in and around the site.

9.1.13. Notwithstanding the colour and slimline nature of the streetpole, I consider that the proposed structure alone given its significant c. 13m height disparity with the estate boundary to its rear and lack of any high level trees or other vegetation to soften/

screen or visually absorb it into the surrounding area, would be highly visible given the flat topography of the area and exposed nature of the site, and would give rise to visual intrusion and a negative visual impact on the public realm at this location. This is particularly evident in viewpoints 2 and 3 submitted with the GOA, which show the relative height, scale and visibility of the proposal relative to the existing c. 2m high estate boundary and 2-storey housing in Mount Symon Dale. In light of the foregoing, I recommend to the Commission that permission be refused.

- 9.1.14. Objective DMSO224 requires that consideration is given to the degree to which the proposal will impact on the amenities of occupiers of nearby properties. The PA's refusal reason had regard to the proposal's close proximity to a residential house and to its adverse impact on the residential amenities of the area. The appellant notes that the orientation of said house (No. 20 Mount Symon Dale) is east-west and argues that this would mitigate or diminish the visual impact of the proposal on this dwelling.
- 9.1.15. Proposed viewpoint no. 4 submitted with GOA seeks to illustrate the visibility of the proposal from a location at the far end of Mount Symon Dale c. 100m to the south of the appeal site adjoining No. 1 Symon Mount Crescent, and that it would be partially visible/ not visible to any great extent in long-range views within the estate. No closer short-range views are provided to illustrate the likely visual impact of the proposal on the dwellings immediately adjoining the appeal site to the north of Mount Symon Dale (incl. No. 20) i.e. which I consider would be the properties most likely to be impacted.
- 9.1.16. The information on file, such as the site location map, shows that the proposal would be located between the estate's turning circle and No. 20 and, as such, would be directly visible not only from the first-floor windows on the side gable of that property but also indirectly from its front elevation and from those of neighbouring properties. In light of the foregoing, and having regard to the siting of the proposal to the immediate north of the estate and to its significant scale and to the disparity in height between it (15m) and the c. 2m high estate boundary to same (which I am not satisfied would be sufficient to mitigate the visibility of same), I consider that the proposal would give rise to an unacceptable level of visual intrusion on the skyline and streetscape and therefore to a detrimental impact on the existing residential amenities of the properties in Mount Symon Dale. I recommend to the Commission that permission is refused on this basis.

The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road

9.1.17. The report of the PA, whilst noting visual impacts, did not raise concern with regard the overconcentration of current infrastructure.

9.1.18. Whilst noting the existence of a partially visible public streetlight in the adjoining estate, I am satisfied that there are no other existing utility appliances, apparatuses or structures along the public road in the immediate vicinity of the site which would give rise to a cumulative negative visual impact.

The convenience and safety of road users, including pedestrians

9.1.19. I note that neither the PA's Case Planner nor Transportation Department raised an objection to the proposal on the grounds of road or pedestrian safety. Having visited the site and having reviewed the design and siting of the proposal, I am satisfied that it would not inconvenience or negatively impact on traffic or affect the safety of footpath on the basis of its location, within a grass verge setback from the public footpath, which would not obstruct the directly adjoining c. 2.7m wide public footpath.

Conclusion

Regarding the visual impact of the proposal on the Ongar Distributor Road and Mount Symon Dale estate, I am not satisfied that the applicant's photomontage documentation adequately illustrates the impact of the telecommunication mast within its setting and I am concerned that the proposal would have a significant negative visual impact on the surrounding area and would not therefore be in compliance with the Telecommunications Antennae & Support Structures Guidelines for Planning Authorities (1996) or with the policy and objectives of the Fingal Development Plan 2023-2029, in particular Section 14.20.10 and Objective DMSO224.

9.2. Other

Conditions

9.2.1. In the event of a grant of permission, the PA's response to the appeal sought the attachment of a number of planning conditions which included the payment of a special development contribution to compensate for a shortfall in the provision of public open space and/ or play facilities and the application of a tree bond.

9.2.2. The requirement to provide for public open space and play facilities relate to proposals for residential development and would not apply to the subject proposal. Given that there are no trees on the appeal site, such a condition is also not warranted in this instance.

10.0 AA Screening

10.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

10.2. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are the Rye Water Valley/Carton SAC (Site Code 001398) c. 5km to south-west and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 13.5km to the south-east. The proposed development is located within a predominantly residential area and comprises of an 15m dual operator pole, associated equipment and all associated works for wireless data and broadband.

10.3. 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.

10.4. 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.

11.0 Recommendation

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

12.0 Reasons and Considerations

1. Having regard to the provisions of section 254 of the Planning and Development Act, 2000, as amended, the government's guidelines on Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities (1996), to the principles of siting and design of telecommunications structures set out in Section 14.20.10 and Objective DMSO224 of the Fingal Development Plan 2023 - 2029, and to the relative height and exposed location of the proposed development within the grass verge along the south side of the Ongar Distributor Road and in very close proximity to the adjoining the Mount Symon Dale residential estate, it is considered that the proposed development would give rise to serious injury to the visual and residential amenities of the housing to the immediate south. 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.

Emma Gosnell
Planning Inspector
12th January 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ABP-320833-24
Proposed Development Summary	Telecommunications structure (Streetpole Solution)
Development Address	Public grass verge along Ongar Road, Clonsilla, Dublin 15.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____