



An
Bord
Pleanála

Inspector's Report ABP-321297-24

Development

Section 254 Licence:
Telecommunication Structure.

Location

Vernon Avenue, R808, Greenlanes,
Clontarf, Dublin 3.

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

TIL023-22

Applicant(s)

Emerald Tower Limited.

Type of Application

Section 254 Licence

Planning Authority Decision

Refuse to Grant Licence

Type of Appeal

First Party

Appellant(s)

Emerald Tower Limited.

Observer(s)

None.

Date of Site Inspection

13th March 2025.

Inspector

Susan McHugh

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1.0 Site Location and Description

- 1.1. The subject site is approx. 75m south of the crossroads junction between Seafield Road East and Vernon Avenue R808, in Clontarf, Dublin 3.
- 1.2. The surrounding area is primarily residential in nature characterised by traditional two storey houses, townhouses and apartments.
- 1.3. The site is situated along a linear area of open space, along the eastern side of Vernon Avenue R808. It is located at (ITM E:720113, N:736322) within a grass verge which is c. 4.1m in width. The grass verge is defined by a mature hedge along the eastern boundary with the adjoining Merchamp apartment development. A footpath extends along the sites' western boundary, which is approx. 1.8m wide.
- 1.4. The Merchamp apartment development has a staggered footprint/building line. The two storey apartment units closest to the appeal site are set back approx. 18m from the western boundary with the grass verge and approx. 21m from the proposed streetworks pole and cabinets.
- 1.5. Houses no 78 and 78A are located directly opposite on the western side of Vernon Avenue, with a separation distance of c25m from the front building line of these houses and the proposed telecommunications structure.
- 1.6. There is an existing streetworks type pole located approx. 30m north of the site along the same road towards the crossroads junction. The immediate area has a significant number of existing vertical infrastructure items some of which are similar in height and colour to the proposal, including streetlights, traffic lights, road signage.

2.0 Proposed Development

- 2.1. On the 12th of June 2022, a licence under section 254(1) of the Planning and Development Act 2000, as amended, was sought for the installation of a new 'Streetworks pole' telecommunications structure with associated equipment and ground-based cabinets.
- 2.2. The cover letter submitted with the application states that the proposed development will provide for the co-location of two separate operators equipment on the same

pole. The application was accompanied by a Planning Statement and Photomontage Report.

- 2.3. The proposal consists of an 18m high 'Streetworks' pole with Eir antenna encased inside the pole, with space for a second operators' antennas below; a cabinet for Eir Mobile and provision for a second cabinet for a subsequent operator; 2 no. dishes each measuring 300 mm in diameter and all associated works for wireless data and broadband services. The equipment dimensions are as follows:

Street Pole		Cabinets 1 and 2	
Height	18m	Dimensions	Cab. 1 - 1.65m(h) x 1.3m(l) x 0.8m(d)
Diameter	406mm		Cab. 2 - 1.65m(h) x 1.9m(l) x 0.8m(d)
Area	0.13m ³	Area	Cab. 1 - 1.04m ² Cab. 2 - 1.52m ²
Volume	2.33m ³	Volume	Cab. 1 - 1.768m ³ Cab. 2 - 2.584m ³
Colour	Galvanised	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

On the 30th of September 2024, Dublin City Council issued a notification of their intention to REFUSE permission for the following reason:

- This was unfavourable due to the existence of a similar signal pole and cabinet in close proximity on Vernon Avenue.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

None on file.

3.2.2. Other Technical Reports

- **Environment and Transportation:** Report dated 30/09/2024 notes Road Maintenance Services - no objection. Refers to pre-planning meeting on 9th May 2022 where Dublin City Council advised that proposal on Vernon Avenue was unfavourable due to the existence of a similar signal pole and cabinet in close proximity to Vernon Avenue. Application was on hold pending further information from the applicant following the above advice from both the Transport Department Planning and the Planning Department. The applicant advised Dublin City Council on the 25th September 2024 that no further information would be provided and requested refusal of the application. Report recommends refusal.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

None on file.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040

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

5.2. Dublin City Development Plan 2022 – 2028

- 5.2.1. The Dublin City Development Plan 2022-2028 is of relevance. The site is not zoned. Section 15.18.5 of the Plan deals with telecommunications and digital connectivity, and for reference, is quoted here in its entirety.

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 SI45 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 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 SI47). Applicants must satisfy the City Council that they have made every reasonable effort to share with other operators.

Policy SI45: ‘Support for Digital Connectivity’ states:

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).

Policy SI46: ‘Open Access / Operator Neutral Host Connectivity’ states:

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

Policy 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).

Policy SI48: ‘Sharing and Co-Location of Digital Connectivity Infrastructure’ states:

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 (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.

Section 14.3.2 of the Plan relates to Unzoned Lands and states:

Certain small areas of land within the city are unzoned or not covered by a specific zoning objective. These lands are illustrated in white on the zoning maps accompanying the plan and usually correspond with the location of the city’s roads, bridges, train lines, or other key infrastructure installations. Development proposals in respect of these unzoned lands will be considered in accordance with the policies and objectives of the plan. Regard will also be had to their compatibility with adjacent land-uses and zonings.’

5.2.2. The immediately adjacent lands to the east and the predominant land use zoning in the area is Zone Z1 Sustainable Residential Neighbourhoods

5.2.3. **Chapter 14** of the Plan relates to Land Use Zoning. Section 14.3 of the Plan relates to Permissible, Non-Permissible Uses and Unzoned Lands. Permissible uses on Z1 zoned lands include public service installation.

5.2.4. **Section 15.17.4** of the Plan relates to Outdoor Seating and Street Furniture and reads as follows:

- *Certain uses in the public realm, including elements of street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities. These elements include newspaper stands, telephone kiosks, traffic and bus signs etc. It is an objective of Dublin City Council to control the location and quality of these structures in the interests of creating a high-quality public domain.*
- *All street furniture provided by private operators including retailers, publicans and restaurateurs, etc., and utility companies should be to the highest quality, preferably of good contemporary design avoiding poor historic imitation and respect the overall character of the area and quality of the public realm and be so located to prevent any obstruction or clutter of all footpaths and paved areas including landings.*
- *In this regard, street furniture requires either a licence under Section 254 of the Planning and Development Act, 2000 (as amended) or planning permission (including street furniture erected on private lands). In both instances, the applicant is required to submit details of the location, design, specification and quality of the proposed elements of street furniture. Details of maintenance and cleansing schedules, together with a certificate of structural stability, may also be required. Street furniture should be designed to be accessible to disabled persons where possible.*
- *In considering applications for outdoor furniture, the planning authority shall have regard to the following:*
 - *Size and location of the facility.*
 - *Concentration of existing street furniture in the area.*

- *The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens.*
- *Impact on the character of the streetscape.*
- *The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance.*
- *Impact on access and visibility.*

5.2.5. **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. DoHELG Circular Letter PL 11/2020

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. 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 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 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.

5.3.4. 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 that, 'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.

5.3.5. 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

5.4. Natural Heritage Designations

- 5.4.1. There are no Natural Heritage Designations either within or immediately adjoining the site. There will be no connection to the public sewerage network. There are no watercourses linking the site with any such designated areas. Significant effects are not likely to arise, either alone or in combination with other plans or projects.

5.5. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The Grounds of Appeal can be summarised as follows:

Technical Justification

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

Site Selection

- There are no suitable existing structures in the search area. A new structure is needed in this densely populated area owing to the extent of surrounding vegetation, the surrounding built form and increasing network capacity issues.
- Eir cannot meet its wireless broadband and data objectives at this location without having a new structure. Said structure is proposed as a last resort in accordance with the sequencing approach to finding a site in accordance with the 1996 Government Guidelines.
- This location has been selected on the basis that it is the optimum location in the search area and is the only option which is a last resort.
- The height is the lowest height possible to 'see' over the surrounding high trees and built form in the area for two operators to share the same pole.
- Mobile operators have an obligation to provide 100% coverage throughout the Country. Existing sites are too far away for newer technologies to work – the technology range which depends on the number of users at any one time can be only several hundred meters. It is respectfully requested that the Board show flexibility regarding the new technologies in relation to siting, whilst protecting amenity.
- The siting of the proposed development was decided upon after analysing the requirements to provide new and improved broadband coverage and using a sequential approach.
- A number of existing telecommunications sites were then investigated (Table 1). No suitable existing telecommunications sites were identified. As per the map in figure 1, there is an absence of existing telecommunications sites in this area.

Location / Design

- The structure is to be positioned on a grass verge close to existing vertical infrastructure and mature trees that will help to absorb and assimilate the proposal into the streetscape.

- Best efforts have been made to site the proposed structure along the road network and away from residential dwellings with minimal impact on existing open amenity spaces.
- Care and attention have been given to the design of the proposed development.
- The pole structure will be galvanised steel but may be painted any colour as requested by way of condition. Its' simple slimline design will minimise any negative visual impacts and blend in with the existing infrastructure.

Heritage, Ecology and Landscape

- Proposal is suitably distanced away from any heritage, landscape and ecologically sensitive designated area, c. 390m away from a Zone of Archaeological Interest and RPS.

Health

- Submit that proposal is in compliance with emission limits regulated by ComReg. An International Commission for Non-Ionising Radiation Protection (ICNIRP) Declaration is attached as evidence of this compliance.

Site Selection and Existing Cellnex/Three Streetpole along Vernon Avenue

- This location has been selected on the basis that it is the optimum location in the search area based on site availability, technical necessity and environmental considerations.
- The existing Cellnex Streetpole located 30m from the subject site was considered as a potential co-location opportunity. It houses Three Ireland equipment. Submit that it is not structurally or technically possible to attach Eir's equipment onto or within same, as all the equipment is designed to be encased inside the pole structure, so it is not possible to co-locate the Eir equipment on this pole.
- Contend that the only way to reduce the number of poles along this road would be to remove the existing pole and replace with a dual operator, which the applicant does not have the legal right to do so and therefore is not a material consideration for the Board.
- Proposed pole has been designed as a two operator pole capable of accommodating initially Eir and then a subsequent operator. Suggest applicant

willing to co-locate with Three and should the Board grant permission a condition requiring same could be attached.

- Given the limitations of the target area and the lack of alternative locations available within the vicinity the proposed location represents the optimum solution to improve services.
- A grant of permission would support continued investment in this essential service and thus economic growth as more people avail of remote working and facilitate modern living.

Visual Impact

- Submit that the addition of another pole along this suburban road corridor would not unduly impact on the visual or amenity value at this location.
- The street is characterised as a typical urban street corridor, with an array of vertical site infrastructure including streetlights, signage as well as mature trees lining both sides of the road provides a streetscape capable of absorbing the proposed development.
- Contend that every effort for co-sharing was investigated including the existing street pole on Vernon Avenue which was ruled out due to its technical design restrictions.
- Consider the two street poles within 30m of each other are clustered in accordance with the national guidelines rather than resulting in cumulative visual impact to a degree implied in the reason for refusal.
- The proposed street pole is of a similar slimline design and sky grey colour and together will not have significant visual impact along the treelined roadside context.
- The applicants have submitted photomontages from four different viewpoints. One was found to be Negligible, Moderate/Low in another and Low in the remaining two photomontages with the overall result showing that there is no significant visual impact predicted.
- The design rationale has been carefully considered to achieve the best design solution to minimise visual impact on the surrounding environment. The proposed height colour and design represent the best compromise between the visual impact

of the proposal on the surrounding area and meeting the technical requirements for the site.

- It is sited in front of mature trees to maximise screening from the apartments to the rear of the site. The location has avoided any direct view from any window in the apartment complex and the antennas at the top of the pole will 'see above' the apartment building so that no equipment will be in direct view of any of the residents of the apartment block.
- The street pole and its supporting cabinets has been intentionally sited in wide grass verge where it would not impede any pedestrian flow including a wheelchair user and pram/buggy.
- Examples of Board decisions are referenced where 2 no. street poles have been permitted within 20 metres of each other, ABP-314637 and ABP-314492 refer, and others where the Board overturned local authority decisions to refuse permission for telecom street poles, ABP-318895 and ABP-315012 refer.
- Request that the Board consider the proposed development, similarly, recognising that it is part of a nationally significant roll out of vital telecommunications infrastructure but also that this proposed streetpole, by the scale and nature of their design can be integrated successfully within its streetscape and absorbed into its local environment successfully without causing undue visual or amenity impacts.
- Considering the technical requirement for the proposed location, the need to support the improvement to wireless broadband, and that the installation will not undermine the character of the street but rather will improve the quality of residential living, ask the Board to grant permission.

6.2. Planning Authority Response

None on file.

6.3. Observations

None received.

7.0 Assessment

7.1. Introduction

- 7.1.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended).
- 7.1.2. The licensing provisions set out in section 254 of the Planning and Development Act 2000 (as amended), require persons seeking to erect overground telecommunications infrastructure to obtain a licence from a planning authority where it is intended to erect such infrastructure on, under, over or along a public road. Section 2 of the Act states that “public road” has the same meaning as in the Roads Act, 1993 and Section 2 of the Roads Act 1993 states that a “public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority. In addition, the Roads Act states that ‘road’ includes (inter alia) any *street, lane, footpath, square, court, alley or passage*.
- 7.1.3. In this instance, the telecommunication structures are proposed on public lands contiguous to a public footpath. As such, I am satisfied that the works can be considered as being ‘*along a public road*’ and that the provisions of Section 254 of the Planning and Development Act as it relates to an application for a licence is the appropriate consent mechanism for the subject development.
- 7.1.4. In their consideration of the development, under section 254(5) of the Act, the Board is required to have regard to:
- a. the proper planning and sustainable development of the area,
 - b. any relevant provisions of the development plan, or a local area plan,
 - c. the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
 - d. the convenience and safety of road users including pedestrians.
- 7.1.5. Having undertaken a site visit and having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and the reports of the local authority, and having regard to relevant local/regional and national policies and guidance, that the substantive issues pertaining to the proposed Section 254 licencing application can be assessed under the following headings:

- Justification and Co-Location
- Zoning and Policy Compliance
- Visual Impact
- Other Matters

7.2. Justification and Co-Location

- 7.2.1. The Planning Authority's reason for refusal considers that the proposed telecommunications infrastructure was unfavourable due to the existence of a similar signal pole and cabinet in close proximity on Vernon Avenue.
- 7.2.2. The Applicants technical justification for the proposed telecommunication structure is set out in section 2.4 of the grounds of appeal. Here it is contended that Eir as part of their licensing requirement and the continuing rollout of 3G, 4G and 5G networks, require a new site in this area of Clontarf to address identified deficiencies in indoor service and to improve capacity for high-speed mobile broadband in the area. To illustrate this, the applicants have provided four map-based images which detail Eir's search ring, the existing indoor coverage in and around the search area and the predicted new indoor coverage that would be provided with the aid of the proposed telecommunications structure. The images indicate that the proposed telecommunication structure would result in an improvement to indoor coverage in the area.
- 7.2.3. In terms of co-location, the case is made that there are no suitable existing structures in the search area or beyond that would be capable of providing the coverage required. The applicant outlines how the existing Cellnex/Three streetpole which is in close proximity is not capable of sharing the proposed equipment by virtue of its design as a single operator.
- 7.2.4. Having considered the information provided in the grounds of appeal, I am satisfied that the Applicants have demonstrated a need for improved telecommunication infrastructure in the area. I am further satisfied that the Applicants have adequately addressed the issue of potential co-location of equipment on other existing telecommunications structures in the area and that they have demonstrated that no structures are available within the defined search ring or beyond to address the identified service deficiencies. On this basis and having regard to the fact that the

proposed structure will facilitate the future co-location of a separate operator at the site, I am satisfied that a new telecommunication mast in this area is justified subject to appropriate site selection.

7.3. Zoning and Policy Compliance

- 7.3.1. The site is not zoned in the current development plan for the area - being white land associated with the adjacent roads. Therefore, there are no specific zoning objectives applying to it. The surrounding lands are zoned for residential development. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) confirm that free standing masts should only be located in residential areas as a last resort. In such cases, the support structure should be kept to a minimum height and should be monopole rather than a latticed tripod or square structure.
- 7.3.2. The nearest residential properties to the subject site are the apartments within Merchamp apartment complex. The apartments have a staggered footprint/building line with mature trees within the grounds. The two storey apartment units closest to the appeal site are set back approx. 18m from the western boundary with the grass verge and approx. 21m from the proposed streetworks pole and cabinets.
- 7.3.3. The dwellings on the opposite side of Vernon Avenue R808 to the subject site, are well setback from the road and have mature trees along their boundaries that would largely screen the proposed development from their view. I consider that the design of the proposed development, comprising a single monopole structure with an overall diameter of less than 0.406 metres, would not be unduly intrusive in terms of its impact on the character and setting of the neighbouring suburban area.
- 7.3.4. The erection of a mast and cabinet would not have any impact on the safety of road users. The adjoining footpath which is 1.8m wide will not be reduced in width and as such I do not consider that it would not obstruct pedestrian movement or interfere with pedestrian flows. Furthermore, I do not consider that it would lead to a proliferation of street furniture that would adversely impact on the area's amenity.
- 7.3.5. Having regard to the foregoing, and the aims and objectives of the Development Plan to facilitate the development of a sustainable telecommunications network throughout the City, it is considered that the proposed development is acceptable in principle at this location.

7.4. Visual Impact

- 7.4.1. The Planning Authority raised concern in relation to the proximity of the proposed development to existing telecommunications infrastructure. The existing signal pole and cabinet are located approx. 30m north of the proposed site on Vernon Avenue.
- 7.4.2. In terms of visual impact, I note that the appeal site is not within a visually sensitive or high value landscape; however, it is located within an established residential area, on a site that is open to and visible in views from the northern and southern end of Vernon Avenue R808 and the surrounding area.
- 7.4.3. The applicants as part of the application and appeal have included a viewpoint analysis supported by photomontage visualisations to aid in the assessment of the proposed works. The analysis comprises 4 no. viewpoints that can be described briefly as follows:
- Viewpoint 1: - Seafield Road West to the north west of the site
 - Viewpoint 2: - Vernon Avenue to the north of the site
 - Viewpoint 3: - Seafield Road East to the north east of the site
 - Viewpoint 4: - Vernon Avenue to the south of the site
- 7.4.4. In each case the level of visual effect is found to be either Moderate-Low or Negligible. The grounds of appeal contend that the results of the analysis show that the proposed height, colour and design represent the best compromise between the visual impact of the proposal on the surrounding area and meeting the technical requirements for the site. The subject site is in front of mature trees to maximise screening from the apartment complex to the rear and the location has avoided any direct view from any window in the apartment complex and no equipment will be in direct view of any residents of the apartment block.
- 7.4.5. Having visited the site and the surrounding area I am satisfied that the proposed telecommunications structure would not be visible to any great extent in long distance views. Even in early March at the start of Spring the bare trees provided screening. I also noted on my site visit that the view looking directly south along Vernon Avenue frames a view of the Dublin Mountains and draws your eye to this distant view.

- 7.4.6. The applicant's viewpoint analysis suggests that the proposed structures would be visible on both the northern and southern approach to the site from Vernon Avenue but that they would be effectively absorbed into the streetscape with the aid of existing semi-mature trees and vertical street furniture (streetlamps and road signage).
- 7.4.7. In my opinion, the proposed development would be most visible in views from short-medium range viewpoints i.e. Merchamp apartment development to the east and from House No's. 78 and 78A located directly opposite on the western side of Vernon Avenue. Further to the above, I consider that the greatest impact in terms of visual amenity would be felt by residents of nearby properties particularly those on Vernon Avenue to the west.
- 7.4.8. At present, existing residential properties within Merchamp which are staggered in height and building line, face onto an area of open space which is defined by a boundary hedge. The adjoining area of open space that acts as an amenity buffer between the apartments and the public road, Vernon Avenue is 4.1m in width.
- 7.4.9. The proposed telecommunication infrastructure would alter the character of the open space at this location and consequently the outlook from nearby residential properties, in particular House No's 78 and 78A to the west of Vernon Avenue which have a direct view of the proposed development site.
- 7.4.10. The subject site is located in a suburban area which is characterised by a mixture of architectural styles. The site is not located in an architectural conservation area or conservation area. The proposal is a significant distance c. 390m away from a Zone of Archaeological Interest and Record of Protected Structure.
- 7.4.11. There are a number of infrastructure elements such as streetlights, signage and traffic lights along the roadsides. I also accept that the existing streetworks pole will help absorb and assimilate the proposal into the streetscape here, without it appearing as an isolated or visually obtrusive structure.
- 7.4.12. Having regard to separation distances with existing residential units, mature trees and existing street furniture located along Vernon Avenue R808, in my opinion the proposed development will not be unduly obtrusive. In addition, due to the built-up nature of the area, the proposed development will not dominate the area when viewed from Vernon Avenue. While it is acknowledged that the proposed

development will be visible in short distance views of the site, in my opinion, the visual impact assessment which accompanies the application demonstrates that the monopole and antennae structure will read as a normal part of the urban environment, with no significant negative visual impact arising.

- 7.4.13. In my opinion, the degree of change resulting from the proposed development would not negatively impact the residential and visual amenities of nearby properties, and I am satisfied that the separation distances and existing mature trees would be sufficient to mitigate this impact. On this basis I recommend that planning permission be granted.

7.5. Other Matters

Precedent

- 7.5.1. The appellant has referenced a number of Board decisions where similar developments in similar circumstances i.e. close to existing poles have been permitted on appeal. Other examples of decisions to refuse permission which were subsequently overturned on appeal by the Board are cited.
- 7.5.2. I draw the Boards attention to previous Board Decisions under ABP-314637 and ABP-314492, the context, locations and issues raised. I also have also had regard to ABP-318895 and ABP-315012 which are similar in nature to the subject appeal, and I suggest to the Board that there is constructive precedent for overturning the PA decision. Notwithstanding each application is considered on its own merits.

Duration of Permission

- 7.5.3. The subject site is located on land owned by Dublin City Council. I note that Circular PL 07/12 states that the attachment of conditions to permissions for telecommunication masts and antennae which limit their life to a set temporary period should cease. However, given that this appeal relates to a Section 254 licence application for development on public land, it is considered reasonable that the licence be granted for a specified duration as provided for under Section 254 (4) of the Planning and Development Act, 2000 (as amended). This will enable the planning authority to re-assess the suitability of proposed development at the end of the appropriate period, in light of any changed circumstances pertaining at that time. While it is not indicated in the application for what period the Licence is required in my opinion a period of 5 years appears reasonable. In allowing the granting of the

licence, the Board should attach a condition relating to a five-year period. It would be appropriate to attach a condition to the licence restricting its use for advertising purposes – in the interest of visual amenity.

8.0 Appropriate Assessment

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. The proposed development is located within a residential area and comprises an 18m high 'Streetworks' pole with Eir antenna encased inside the top of the pole, with space for a second operators' antennas below; a cabinet for Eir Mobile and provision for a second cabinet for a subsequent operator.
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows: the nature and scale of the development proposed; its location in a serviced urban area, its distance from European Sites and urban nature of intervening habitats and the absence of ecological pathways to any European Site.
- 8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required

9.0 Recommendation

- 9.1. I recommend that a licence be **granted** for the proposed development subject to the conditions set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of section 254 of the Planning and Development Act 2000, as amended, to national, regional and local policy objectives, as represented in the Dublin City Development Plan 2022-2028, to support the development of a sustainable telecommunications network throughout the city, to the Department of

Environment, Heritage and Local Government section 28 Statutory Guidelines, “Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996,” as updated by circular letter PL 07/12 in 2012, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. This licence is for one 18 m freestanding pole and antennae and associated operator cabinet only in accordance with the details submitted to the planning authority on the 12th day of June, 2022.

Reason: To clarify the nature and extent of the permitted development to which this licence relates and to facilitate a full assessment of any future alterations.

2. (a) The licence shall be valid for a period of five years only from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, a further Section 254 licence has been granted for their retention for a further period.
(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this licence.

Reason: To enable the impact and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.

3. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.

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

4. The structures hereby permitted shall not interfere with existing services, existing drainage systems and shall not obstruct pedestrian access.

Reason: In the interests of orderly development and pedestrian safety.

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.

Susan McHugh
Senior Planning Inspector

26th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321297-24		
Proposed Development Summary	Section 254 Licence: The installation of an 18m dual operator pole, associated equipment, together with ground-based equipment cabinets and all associated site works for wireless data and broadband services.		
Development Address	Vernon Avenue, R808, Greenlanes, Clontarf, Dublin 3		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		N/A – Not a Class	
No	X	N/A – Not a Class	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A – Not a Class	EIA Mandatory EIAR required
No	X	N/A – Not a Class	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
No	X	N/A – Not a Class	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: _____