



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321391-24

<b>Development</b>	S.254 Licence for telecommunications mast and associated works.
<b>Location</b>	Castaheany Lane, Roselawn Road, Castaheany, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	S254W/04/24
<b>Applicant(s)</b>	Shared Access Limited
<b>Type of Application</b>	Licensing of appliances etc. (s. 254)
<b>Planning Authority Decision</b>	Refuse licence
<b>Type of Appeal</b>	First Party (s.254)
<b>Appellant(s)</b>	Shared Access Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1/4/25.
<b>Inspector</b>	Ronan Murphy

## **1.0 Site Location and Description**

- 1.1. The appeal site is on a grass verge area adjoining a footpath on the southern side of the Rosedale Road, which is in Castaheany which is located c. 2km to the west of the Blanchardstown Shopping Centre in Dublin 15.
- 1.2. Rosedale Road is a two-way urban street with semi mature street trees planted and light stands and street trees at regular intervals on its northern side. The southern side of the street (which includes the appeal site) is characterised by semi mature trees planted at regular intervals within the grass verge to the side of the footpath and sporadic trees and bushes, some of which partially screen the appeal site along the inside of the footpath.
- 1.3. The appeal site is bound by footpaths to the north and to the west. The footpath to the west of the site links to an open space area. Castlegrange Drive bounds the site to the southeast, while Hazelbury Park is located on the opposite side of Rosedale Road.

## **2.0 Proposed Development**

- 2.1. A Section 254 licence is sought for telecommunications infrastructure consisting of a 18m high freestanding galvanised and painted monopole which has a diameter of 0.406m. The monopole would include 1 no. canister antenna, 1 no. 0.3m dish and 1 no. gps antenna.
- 2.2. The proposal includes an operator's cabinet would be 1.996m wide, 0.8m deep, and 1.65m high.
- 2.3. The stated purpose of the proposed structure is to address mobile and mobile broadband coverage blackspots. The duration of licence sought is 3 years.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1 The Planning Authority decided to refuse to licence the proposed development on 10<sup>th</sup> October 2024 for the following reason:

1. Having regard to the nature and height of the proposed communication infrastructure and the location of the site on this busy road in proximity to existing residential properties, the proposed mast would have a negative impact upon the visual and residential amenity of the area, and would be contrary to the policies and objectives of the Fingal County Development Plan 2023 – 2029 applying both immediately to the subject site, i.e. ‘OS’ Open Space – ‘preserve and provide for open space and recreational amenities’, Objective DMSO17 and Section 14.20.10 and specifically, in respect of telecommunications antennae, i.e. Policies IUP36 - Provision of Telecommunications/Digital Connectivity Infrastructure, and Objectives IUO53 - High-quality Design of Telecommunications Infrastructure and Objective DMSO223 – Location of Telecommunications-Based Services and would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.1.1 The initial area planners report dated 10/10/24 assessed the application in terms of the principle of development, visual and residential impact, water and drainage, roads, and traffic EIAR and Appropriate Assessment. The report concludes that the proposed development is unacceptable at this location and would be contrary to the objective of the *Fingal Development Plan 2023-2029*.

#### Other Technical Reports

- **Transportation Planning Section:** Report dated 24/7/24 outlining no objection, subject to conditions.
- **Water Services Department:** Report dated 8/8/24, no objection, subject to conditions.
- **Parks and Green Infrastructure Division:** Report dated 15/8/24 stating that the proposal is located in proximity to an existing pedestrian access into open space. This location is not considered appropriate in terms of pedestrian safety and visual amenity. The report concludes if permission is granted then the applicant should agree an alternate location in the immediate location with the local authority.

### 3.3. Third Party Observations

3.3.1 There are no third-party objections on file.

## 4.0 Planning History

### *Subject site*

4.1 There is no planning history associated with the appeal site.

4.2 The area planners report refers to a number of S.254 licence applications in the Dublin 15 area.

I note that the following license applications referred to in the area planners report were refused permission in 2020 for a similar reason relating to the impact of the structure on the residential amenity of the area:

- S254W/01/20
- S254W/02/20
- S254W/03/20
- S254W04/20

**Reg. Ref. S254W/05/20 ABP-308369-20.** Application for a street pole solution. The licence was refused for one reason relating to, *inter alia* the height of the proposal in proximity to residential development would damage the visual and residential amenity of the area. This decision was appealed to An Bord Pleanála where the decision of the planning authority was upheld. The reason for refusal stated that having regard to government guidelines, the nature and height of the proposed street pole and its

location in a residential area, it was considered that insufficient evidence was provided in respect of alternative sites to support the location of the proposed development.

The following S.254 licence applications were granted:

**Reg. Ref. S254W/06/21.** Application for a street pole solution to address identified mobile and mobile broadband coverage blackspots. Licence granted, subject to conditions.

**Reg. Ref. S254W/06/20. / ABP -310658-21** Application to erect a 15-metre-high slim line Alpha 2 pole as part of 'street works' along with associated cabinet within the carriage way of the public road. Licence granted, subject to condition. This decision was appeal to An Bord Pleanála where the decision to grant a licence was upheld.

## **5.0 Policy Context**

### **5.1 Development Plan**

5.1.1 The Fingal County Development Plan 2023-2029 is the operational plan for the area. The appeal site is zoned 'OS' 'Open Space' with the associated land use objective '*to preserve and provide for open space and recreational amenities.*' The vision for lands zoned open space is to provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority.

5.1.2 The following policies and objectives are pertinent:

**IUP36** which seeks to facilitate the coordinated provision of telecommunications / digital connectivity infrastructure.

**IUO48** which seeks to promote and facilitate the provision of high-quality ICT network and appropriate telecommunication infrastructure.

**IUO52** which seeks to ensure that applications comply with the Guidance on the Potential Location of Overground Telecommunications on Public Roads 2015.

**IUO53:** which seeks to ensure a high-quality design of masts, towers, antennae, and other such telecommunications infrastructure.

**IUO54:** which seeks to support the appropriate use of existing assets for the deployment of telecoms equipment.

**DMSO17:** where possible new utility structures should not be forward of the front building line of buildings or open space.

**DMSO18:** Requires new utility structures to be of a high quality.

**DMSO222:** Requires co-location of antennae on existing support structures, where this is not possible documentary evidence of non-availability is required.

**DMSO223:** Encourages the location of telecommunications services at appropriate locations.

**DMSO224:** Requires the following information with respect to telecommunications structures at application stage:

- Compliance with the *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities*.
- 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.
- The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area 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.

**Section 14.20.10: relates to** Section 254 Licences and states that the planning authority will have regard to the impacts on public realm and visual amenity and Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads 2015.

## National Guidance

- The *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities* (DELG, July 1996)

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, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in a residential area. If such a location 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 proposed 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.

The Guidelines also state that visual impact is among the more important considerations which should be considered in arriving at a decision for a particular application. In most cases, the Applicant will only have limited flexibility as regards selecting a 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 also state that some masts will remain quite noticeable despite best precautions. For example, local factors must 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.

- Circular Letter PL 07/12 (DECLG, October 2012) revised elements of the Telecommunications Guidelines. It provides guidance to planning authorities on time limits, minimum separation distances, bonds, monitoring arrangements on health and safety and future development contributions.
- Circular Letter PL11/2020 ‘Telecommunications Services – Planning Exemptions and Section 254 Licences’ was issued in December 2020. It provides Planning Authorities advice on what works require approval under a section 254 licence, what overground works require a Section 254 Licence and exemptions for telecommunications infrastructure.

#### **4.1. Natural Heritage Designations**

4.2.1 There are no designated sites in the immediate vicinity of the appeal site. The closest sites are Rye Water Valley/Carlton SAC and 16km to the south-west of the Malahide Estuary SPA. There is no connection to any European (Natura 2000) sites and no pathways.

#### **4.2. EIA Screening**

4.3.1 The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001 (as amended) and therefore no preliminary examination is required.

### **5.0 The Appeal**

#### **5.1. Grounds of Appeal**

6.1.1 A first party appeal has been lodged by Pegasus Group on behalf of Shared Access Limited. The main grounds of appeal can be summarised as follows:

- The design of the mast is conventional. The siting of masts on land designated as open space is acceptable due to the scale of the proposal. The proposal would be similar to existing streetlights in the area. The slimline, uniform design would integrate with the existing landscape.



- The proposed design can incorporate multiple operators who may wish to deploy antennae in the future.
- There would be a significant uplift in coverage in 2G,3G,4G and 5G connectivity to homes and businesses within the surrounding area.
- The mast and cabinets would not impede pedestrian access. The cabinet would appear to be similar to other infrastructure cabinets often found in urban areas.
- The mast will be visible from short distance views but would not be detrimental. Due to the trees and streetlights the mast will not appear as an isolated structure and will effectively assimilate with the street scape. The light grey colour allows the mast to blend with the sky, particularly in the winter months.
- The provision of modern, up to date communication networks realises several key benefits that contribute to the overall sustainability of the area.

## **5.2. Planning Authority Response**

6.2.1 Letter dated 13/1/25 stating that the proposed development, *given its location combined with metallic external finish is considered to be an undue and excessive incremental element in a local suburban environment*. The proposed development is considered not to accord with either stated policies and objectives of the *Fingal Development Plan 2023 to 2029* or with the residential and visual amenities of the surrounding area. If the appeal is successful provision should be made for a condition requiring a contribution under Section 48.

## **5.3. Observations**

6.3.1 No observations on file.

## **5.4. Further Responses**

6.4.1 No further responses on file.

## 6.0 Assessment

7.1 Having examined the appeal details and all other documentation on file, including submissions and responses, the report of the local authority and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Visual Impact
- Pedestrian Safety
- Site Selection (Alternatives Considered)
- Appropriate Assessment

### 7.2 Principle of development

7.2.1 The appeal site is zoned OS 'Open Space' with the associated land use objective to *'Preserve and provide for open space and recreational amenities.'* The vision for the OS Zone is to provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority.

7.2.2 Telecommunication structures are neither 'permitted in principle' nor 'not permitted.' Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. I am satisfied that the proposed development can be considered under the 'OS' zoning having regard to Section 254 of the Planning and Development Act (as amended) and National guidance in respect of Telecommunications facilities.

### 7.3 Visual Impact

7.3.1 The Planning Authority's reason for refusal is due to the nature and height of the proposed telecommunications infrastructure and its impact on the visual and residential amenities of the area.

- 7.3.2 The first party appeal states that the design of the mast is conventional and that the siting of masts on land designated as open space is acceptable due to the scale of the proposal. In addition to this, the first party appellants state that the proposal would be like existing streetlights in the area and that the slimline, uniform design would integrate with the existing landscape.
- 7.3.3 In broad terms, the *Fingal County Development Plan 2023-2029* supports high quality telecommunications and digital connectivity infrastructure at appropriate locations. The appeal site is in area which has an urban residential character. I acknowledge that the proposed development would, therefore, likely have some level of visual impact on the local environment by virtue of its height and potential for visual intrusion. As referenced in the 1996 Guidelines, sites such as these, and particularly those close to existing residential housing, are accepted as being particularly sensitive from a visual and residential amenity perspective.
- 7.3.4 The *Fingal County Development Plan 2023-2029* (Objective IU053) seeks to ensure a high-quality design of masts, towers, antennae, and other such telecommunications infrastructure in the interests of visual amenity. Objective **DMS018** is also relevant in that it seeks to require new utility structures such as electricity substations and telecommunication equipment cabinets to be of a high-quality design and to be maintained to a high standard.
- 7.3.5 Overall, I consider that the development would not be so visually impactful that it would seriously injure the visual and residential amenity of the receiving environment. The design of the monopole is a simple, slender design and is broadly acceptable.
- 7.3.6 The file includes three images to aid in the visual assessment of the development proposal. The viewpoints are from the front of the proposed development, from the west of the proposed development (from the roundabout at Phibblestown Road) and from the east of the site (from the centre line of Roselawn Road). It would have been beneficial if the applicant had included some further views in their assessment from the residential development to the southeast.
- 7.3.7 I have considered the visual assessment and have visited the site, and I accept that the proposed monopole would be more prominent from certain viewpoints than other structures in the vicinity, such as street lighting columns and road directional signage.

- 7.3.8 I acknowledge that the green area to the southwest of the appeal site is open and would allow for long views from this perspective, particularly of the monopole. However, I note that the appeal site would be partially screened by existing vegetation from this viewpoint.
- 7.3.9 The proposal would be located c. 23m from the closest dwelling to the southeast (No.7 Grangecastle Drive). I note this set back and the fact that the proposed telecommunications facility would be partially screened by existing vegetation. In addition to this, the proposal would be set back c. 25m from the side elevation of the closest dwelling to the northwest (No. 51Hazelbury Park). In light of this, I consider that the proposal would not impact significantly on the residential and visual amenity of the area.
- 7.3.10 There are no other monopoles in the immediate area and the proposal would not lead to a proliferation of such structures.

#### **7.4 Pedestrian Safety**

- 7.4.1 The report of the Parks and Green Infrastructure Division of Fingal County Council has outlined concern relating to the potential for the proposed development to have a detrimental impact on pedestrian safety.
- 7.4.2 In response to this, the first party appellant has stated that the monopole and associated cabinet would not impede footpaths.
- 7.4.3 I refer the Board to drawing No. 04 which shows that the monopole and cabinet would be set within a concrete plinth which is set back from the edge of both the footpath on Rosedale Road and the footpath entering the public open space. The drawing also shows that the doors of the cabinet can be fully opened without impinging onto the footpath on Rosedale Road.
- 7.4.4 In my opinion the proposal would not cause any pedestrian safety issues and there is no reason to alter the location of the proposed structures as suggested by the Parks and Green Infrastructure Division of Fingal County Council.

#### **7.5 Site Selection (Alternatives Considered)**

- 7.5.1 The stated purpose of the proposed telecoms infrastructure is to enhance 2G/3G/4G and 5G data service provision and enhance coverage in this area of Dublin.

- 7.5.2 There is a clear and demonstrable requirement for telecommunications' network improvements in the vicinity of the appeal site. This is evidenced in the documentation submitted with the initial application and supported by the online ComReg mapping system. I have reviewed the ComReg coverage mapping and see that there is a drop-off in the quality of signal at in spots at 3G level and a more pronounced drop off at 4G level for the envisaged service provider who intends the use the facility ('Three').
- 7.5.3 In terms of potential co-location, the first party appeal shows that there are 7 existing telecommunications facilities in the 1.6km of the subject site but that none of these would be able to cover the specific area. In addition to this, two alternative sites were considered, neither were suitable.
- 7.5.4 In summary, detailed technical justification has been provided by the Applicant demonstrating that there are service deficiencies in the area, which would be resolved by the proposed development.
- 7.5.5 The proposal is consistent with Objectives **IUO48, IUO52 and IUO53** of the *Fingal County Development Plan 2023-2029*. In addition to this, the proposal would be supported by the 1996 Guidelines, which require co-location of antennae on existing support structures, but that where this is not feasible to submit evidence of non-availability. I consider that the Applicant has submitted adequate justification detailing the non-availability of alternative site options, and that this is consistent with the requirements of national guidance.

## **8.0 AA Screening**

- 8.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an existing residential area in Castaheany Dublin 15. The proposal comprises of a telecommunications mast and associated works.
- 8.2 The subject site is located over 5km to the northeast of Rye Water Valley/Carton SAC and 16km to the south-west of the Malahide Estuary SPA. There is no connection to any European (Natura 2000) sites and no pathways.
- 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 small scale of the proposal; and
- The absence of connectivity to any European site and the existing nature of the building within an industrial area.

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 subject to conditions, for the reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

10.1 Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended); the *Fingal County Development Plan 2023-2029* and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively); it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or result in a significant negative residential or visual impact on the surrounding vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement

of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. a) This licence shall apply for a period of three years 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, continuance shall have 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 of the development to be re-assessed, having regard to changes in technology and design during the specified period.

- 3) In the event of the licence for the telecommunications structure and ancillary structures expiring, the structures shall be removed, and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within one months of the structures ceasing to operate, and the site shall be reinstated in accordance with details submitted to the planning authority at the expense of the operator.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ronan Murphy  
Planning Inspector

7 April 2025



# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>ABP-321391-24</b>		
<b>Proposed Development Summary</b>	S.254 Licence for telecommunications mast and associated works.		
<b>Development Address</b>	Castaheany Lane, Roselawn Road, Castaheany, Dublin 15		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	<b>X</b>
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	<b>X</b>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		N/A Not a class	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>	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]?			
Yes		N/A Not a class	

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

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