



An  
Bord  
Pleanála

## Inspector's Report ABP-322071-25

<b>Development</b>	Licence to place 2 telecommunication cabinets and pole on the public footpath/roadway.
<b>Location</b>	Grass verge at bus stop number 3248, Sallynoggin Road, Woodpark, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	CTT.24.066-320717
<b>Applicant(s)</b>	Emerald Tower Ltd.
<b>Type of Application</b>	Section 254 Licence
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dorene Palmer & Brenda McSweeney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> April 2025
<b>Inspector</b>	Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site is located within a wedge shaped grass verge located on the northern side of Sallynoggin Road, approximately 40m east of the junction with Rochestown Avenue. Immediately to the north of the appeal site is a vehicular access road serving three no. single storey dwellings located at Wood Park. A construction site is located approximately 10m north of the location of the proposed telecommunications structures. There are two storey dwellings located on the opposite side of Sallynoggin Road. There is a large area of public open space located to the north and northeast beyond which the area is largely residential in character comprising two storey dwellings. The National Rehabilitation Hospital is located approximately 150m to the north on the opposite side of Rochestown Road.

## **2.0 Proposed Development**

- 2.1. A licence under section 254(1) of the Planning and Development Act 2000, as amended, was sought from Dun Laoghaire Rathdown County Council for the installation of a streetworks pole with a height of 18m, diameter of 406mm with antennas to be encased inside the top of the pole and 2 no. ground cabinets with a height of 1.9m and a length of 1.3m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 11<sup>th</sup> July 2024 Dun Laoghaire Rathdown County Council granted a licence subject to 22 conditions. Condition 2 limits the duration of the licence agreement to five years.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Report dated 02<sup>nd</sup> May 2024 can be summarised as follows:

- It is considered that the proposal would not adversely impact on the residential amenities of properties in the vicinity in terms of visual impact.

- The proposal would not impact on any identified rights of way in the area and there would be no impact from the proposed development on any recorded monument or protected structures.
- The proposal would not be contrary to any site specific policy or zoning objective in the development plan or any local area plan for the area.
- The justification for the proposal as outlined in the application is noted.
- The Planning Department have no objections under items A, B or C of subsection 254(5) of the Planning and Development Act, 2000, as amended, to issuing the required licence,

### 3.2.2. Other Technical Reports

Traffic Section: No objection

Transportation Planning: No objection

Planning Department: No objection

Parks and Landscaping Services: No objection subject to conditions

Conservation Officer: No objection

Water Services Department: No objection

Roads Maintenance: No objection

Public Lighting: No objection

Active Travel: No comments.

### 3.3. **Prescribed Bodies**

None received.

### 3.4. **Third Party Observations**

None on file.

## 4.0 **Planning History**

### 4.1. Appeal Site:

None

#### 4.2. Lands in the Vicinity of the Appeal Site:

##### 4.2.1. Wood Park (approx. 10m north of the appeal site):

Part 8 – Proposed Housing Development at Wood Park, Sallynoggin comprising demolition of 3 existing day houses, ancillary caravan bays and portacabins at Woodpark and the construction of three two-storey houses. This was agreed at a Council meeting on 13 June 2022.

##### 4.2.2. ESB's existing Pottery Road 110kV Substation, Pottery Road (approx. 250m west of the appeal site):

D23A/0396 / ABP-317900-23 Permission granted to ESB Telecoms Limited by the P.A. and ABP following a third-party appeal for the erection of a 30 metre high monopole telecommunications structure carrying antennae, dishes, and ancillary equipment, including a lightening finial, to share with other licensed operators.

##### 4.2.3. West side of Rochestown Avenue adjacent to bus stop (approx. 140m south of the appeal site)

CTT.23.054-280781 / ABP-317953-23: S. 254 licence granted to On Tower Ireland Limited by the P.A. and following a third party appeal granted by ABP on 16/05/2024 for 18 metre telecommunications Infrastructure and cabinet.

## 5.0 Policy Context

### 5.1. National and Regional Guidance

#### *Climate Action Plan (CAP) 2025*

- CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.

- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

*Harnessing Digital. The Digital Ireland Framework.*

- Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

*National Planning Framework 'Project Ireland 2040'*

- National Policy 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.
- National Policy Objective 48: Supports the development of a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

*National Development Plan 2021-2030*

- The government recognises that access to quality high speed broadband is essential for today's economy and society.

*National Broadband Plan 2020*

- The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

*Eastern & Midland Regional Spatial & Economic Strategy 2019-2031*

- Table 3.1: Enable infrastructure growth through collaboration with providers to deliver telecommunications infrastructure.

## **5.2. Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996**

- 5.2.1. These guidelines were published in 1996 and provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.
- 5.2.2. Section 4.3 relates to visual impact and states ‘In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land. The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts. It should also be noted that substations operated by the ESB may be suitable for the location of antennae support structures. This possibility should also be investigated. In urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure’ ..... ‘Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. 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 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.’
- 5.2.3. Section 4.5 refers to sharing facilities and clustering and states ‘All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share... Where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered.’

### **Circular Letter PL 03/2018**

- 5.2.4. This circular provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013 and specifically states that the waiver provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

### **Circular Letter PL07/12**

5.2.5. Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised with the following of note:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds;

### 5.3. **Development Plan**

5.3.1. The Dun Laoghaire Rathdown County Development Plan 2022-2028 is the operative Development Plan for the area. The appeal site is zoned 'Objective F' - 'To preserve and provide for open space with ancillary active recreational amenities.' The 'Open for Consideration' uses in the 'F' zoning objective includes the use class 'Public Services.' This use class is defined in section 13.2 of the Development Plan as: 'A building or part thereof, a roadway or land used for the provision of 'Public Services'. 'Public Services' include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, data transmission, water, drainage and other statutory undertakers ....'.

5.3.2. Chapter 10 sets out policies relating to Environmental Infrastructure and includes the following of relevance:

10.6.1 Policy Objective EI20:Telecommunications Infrastructure - It is a Policy Objective to promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband, fibre optic connectivity and other technologies, within the County.

5.3.3. Chapter 12 sets out Development Management criteria and includes the following of relevance:

Section 12.9.8: Telecommunications - In the consideration of proposals for telecommunications antennae and support structures, applicants will be required to demonstrate:

- Compliance with the Planning Guidelines for 'Telecommunications Antennae and Support Structures' (1996), and Circular Letter PL 08/12 issued by the Department of the Environment and Local Government (as may be amended from time to time), and to other publications and material as may be relevant in the circumstances.
- On a map the location of all existing telecommunications structures within a 1km 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 Regulation.
- To what degree 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.
- Any impacts on rights-of-way and walking routes.
- That the proposal shall not have a significant negative visual impact.

5.3.4. The Development Plan maps include a number of objectives in the vicinity of the appeal site as follows:

- 'TA: To provide accommodation for the Travelling Community' located immediately west of the appeal site.
- RPS number 1541 'Somerton House' and RPS number 1543 'Somerton Lodge' are located approximately 70 southeast of the appeal site.
- The site is located within the boundary of the Sallynoggin Local Area Plan. Specific Local Objective 65 states 'To prepare a Local Area Plan for Sallynoggin'.

#### **5.4. Natural Heritage Designations**

There are no designated sites in the vicinity.

### **6.0 The Appeal**

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

One no. third party appeal was received from Dorene Palmer & Brenda McSweeney. The grounds of appeal can be summarised as follows:

- There is no justification for this mast as a 30m high multi operator mast was granted permission at the ESB substation on Pottery Road approximately 260m from the appeal site. The applicant's licence application was made eight months after DLR granted permission for the 30m mast and the applicant fails to mention this site which would provide the site and structure that Eir require and Eir should share that mast.
- The documents submitted with the licence application state there is an absence of existing telecommunications sites in the area of Rochestown. ComReg site viewer shows more than 4 existing telecommunications sites within a 1km radius of the appeal site.
- Neither the applicants nor DLR complied with policies outlined in the Telecommunications Antennae and Support Structures 1996 Guidelines.
- National Policy seeks to ensure co-location of antennae and sharing of installations.
- Descriptions of existing telecommunications sites are inaccurate
- It is standard for 30m masts to carry equipment for all three main telecommunications network providers, in addition to equipment for other wireless broadband companies. Documents submitted with ESB's application show there is room for all 3 telecommunications operators, as well as other equipment.
- The third party appellants requested Cellnex withdraw a granted licence for an 18m monopole on Rochestown Ave located 140m from the appeal site as it

was not necessary due to the granting of the ESB 30m mast and as a result it was agreed that Cellnex would not implement their licence, correspondence in this regard is attached to the appeal. The same should apply to the appeal site and the Council should not have approved the licence.

- The ESB 30m mast will be clearly visible from Woodpark, in direct line of sight with no screening from buildings or trees.
- The proposed mast is located beside traveller community family homes, with the closest existing house 16m from the proposed mast and cabinets. The proposal fails to consider a proposal to redevelop this site to build 3 two storey houses which would be located closer to the proposed telecommunications equipment.
- Existing broadband in the area is adequate without the need for the proposed mast and there is a choice of cabled/fiber optic broadband.
- Existing coverage for Vodafone, Three and Eir is very good and the permitted 30m mast will provide extra coverage thereby indicating no justification for more antennae and masts. The maps submitted with the licence application are ambiguous and cannot be verified and differ from the coverage shown on Eir's website and ComReg.
- No consultation was held in relation to the proposal which is against the Aarhus Convention.
- The proposal will result in unnecessary visual clutter and introduce a prominent, obtrusive and incongruous feature beside a green space and two protected structures and would be close to homes and highly visible.
- Protected structures Somerton House and Somerton Lodge are approx. 70m from the proposed site. Policy Objective 10.6 of the DLR Development Plan has been ignored.
- There are concerns in relation to health impacts on local residents and patients at the National Rehabilitation Hospital. The siting of the proposed monopole would mean some residents would be exposed to radiation levels higher than guideline levels.

- It is requested that the licence application is refused by the Board.

## **6.2. Applicant Response**

None received.

## **6.3. Planning Authority Response**

None received.

## **6.4. Observations**

None received.

## **7.0 Assessment**

7.1. The proposed development is brought forward under Section 254(1) of the Planning and Development Act, 2000 (as amended). In their consideration of the application for a licence 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 provision 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.

7.2. I have examined the file and the planning history, considered national, regional and local policies and guidance, the submission of the appellant and inspected the site. I have assessed the proposed development and I consider that the main issues in this appeal are as follows:

- Principle of Development
- Visual Impact
- Built Heritage
- Convenience and Safety of Road Users
- Other Matters

### **7.3. Principe of Development**

- 7.3.1. Under Section 254(5)(a) of the 2000 Act the Board is required to have regard to the proper planning and sustainable development of the area and to have regard to any relevant provisions of the development plan, or a local area plan.
- 7.3.2. The Dun Laoghaire Rathdown Development Plan 2022-2028 sets out the overall strategy and vision for the proper planning and sustainable development of the county. Policy Objective EI20 relates to telecommunications infrastructure and aims to promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband, fibre optic connectivity and other technologies, within the County. The site is located within the boundary of the Sallynoggin Local Area Plan and objective SSLO No. 65 states that it is an objective of the Council to prepare a Local Area Plan for Sallynoggin. No LAP has been prepared to date. The site is zoned 'Objective F' - 'To preserve and provide for open space with ancillary active recreational amenities.' 'Public Services' are open for consideration on lands zoned 'Objective F'.
- 7.3.3. Section 12.9.8 of the development plan requires applicants to demonstrate compliance with the Planning Guidelines for 'Telecommunications Antennae and Support Structures' and to show the location of all existing telecommunications structures within 1km of the site and include reasons relating to feasibility of sharing such facilities.
- 7.3.4. A Planning Statement submitted with the licence application to the planning authority on 09<sup>th</sup> April 2024 includes the following information:
- There are no suitable existing structures in this search area to locate Eir's equipment and the local community in this densely populated residential area currently suffer from a lack of high-speed wireless broadband and data services.
  - Due to intervening vegetation and built form as well as increasing capacity issues on its network as a result of increasing demand in this densely populated area for data services, Eir cannot meet its wireless broadband and data objectives here without having a new structure which is proposed as a last resort in accordance with the sequencing approach to finding a site in accordance with the 1996 guidelines.

- In accordance with the sequential approach a number of existing telecommunications sites were investigated within the identified cell search area. Existing sites considered include those located 800m east at Musgraves, 750m south at Rochestown Lodge Hotel, Carraig Bui located 500m away and the Physique Consultants located 630m away. These sites were considered too far outside the search ring to reach the target coverage area or the signal is blocked by built form and therefore they do not meet Eir's coverage objective.
- ComReg maps outline existing and predicted indoor coverage for the area following installation of the mast.

7.3.5. As noted by the third party and set out in section 4.2 above, planning permission was granted by DLR on 03/08/2023 and upheld on 09/05/2024 by ABP (reference ABP-317900-23) following a third party appeal for a 30 metre high monopole telecommunications structure at a site operated by ESB approximately 250m west of the appeal site on Pottery Road. I note that the planning application documents submitted in relation to that permission state that the proposed 30m high monopole provides the necessary strength to capably hold 3 separate operators potentially reducing the need for operators in the vicinity. Drawings submitted with that application provide for a tower accommodating 3 operators at 3m intervals. Condition no. 2 attached to that permission requires the structure be made available for the provision of mobile telecommunications antenna of third-party telecommunications operators in the area. I note that at the time of my site inspection this permission had not been implemented.

7.3.6. I also note that a Section 254 licence for a telecommunications structure located approx. 140m south of the appeal site was permitted by DLR in 2023, reference CTT.23.054-280781, and that following a third party appeal in relation to that licence the decision of DLR was upheld and the licence permitted by ABP (reference ABP-317953-23) on 16/05/2024. The third party appeal includes correspondence on behalf of the operator of this licence, Cellnex Telecom, dated 08th July 2024 indicating that it is not proposed to implement the licence issued on foot of permission ABP-317953-23 based on the specific circumstances of the site, namely the grant to ESB reference ABP-317900-23. The correspondence states that Cellnex reserve the right to implement the licence in the event that the ESB grant is quashed.

7.3.7. I consider that in carrying out an assessment of suitable sites to address a need for new telecommunications structures, it is reasonable to include an examination of permitted masts as potential sites as well as existing masts in the search area. I note the above mentioned masts were permitted by DLR prior to the subject licence application being made and that the applicant has not included any information in relation to the permitted masts to address their feasibility to meet the need for coverage in the area. I also note that Section 4.5 of the 1996 Guidelines state that all applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Based on the above I am not satisfied that the proposed site has been selected based on a full technical assessment of alternative sites which may be available, in particular in relation to the permitted masts on Pottery Road located within 250m of the site and on Rochestown Ave. located 140m south of the appeal site. I note that the 1996 Guidelines state that only as a last resort and if alternative locations are either unavailable or unsuitable should free-standing masts be located in a residential area. The Development Plan in Section 12.9.8 requires compliance with the 1996 Guidelines and requires consideration of all existing telecommunications structures in the vicinity. Whilst I note that the two permitted masts have not been constructed and that there is no certainty at this point in relation to their construction, having regard to the existing permissions relating to these sites I consider it reasonable that a technical examination of alternative sites should demonstrate consideration of these sites. I note that no response has been received from the first party addressing these matters which were raised by the third party in their appeal.

7.3.8. The area in the vicinity of the appeal site is characterised by open space and residential use. Section 4.3 of the Planning Guidelines for 'Telecommunications Antennae and Support Structures' (1996) states that only as a last resort where no alternatives are available should free standing masts be considered in residential areas. I consider that the applicant has not adequately considered the potential suitability of alternative sites to serve the area and that the applicant has failed to demonstrate compliance with section 12.9.8 of the Development Plan in relation to compliance with Planning Guidelines for 'Telecommunications Antennae or with Section 4.3 of the Planning Guidelines for 'Telecommunications Antennae and

Support Structures' (1996) and the proposal would therefore fail to accord with the proper planning and sustainable development of the area.

#### **7.4. Visual Impact**

- 7.4.1. The appeal raises concerns that the proposal will result in unnecessary visual clutter and introduce a prominent, obtrusive and incongruous feature that would be highly visible. Concerns are raised in relation to the proximity to residential properties at Wood Park and that the proposal to redevelop the Wood Park site has not been considered.
- 7.4.2. Section 4.3 of the 1996 Guidelines states that sites close to existing residential areas are particularly sensitive from a visual and residential amenity perspective and I note the residential properties in the vicinity of the site with the closest properties located approximately 10m to the north and 15m to the south on the opposite side of Sallynoggin Road. The site is located on a grass verge located between Sallynoggin Road and an access road serving Wood Park to the north. The immediate vicinity of the site contains existing streetlights and a bus stop and there are a number of mature trees in the vicinity of the site.
- 7.4.3. The subject site is not located within an area designated in the development plan as a visually sensitive area or a high value landscape and there are no objectives relating to protection of views or prospects in the vicinity. The appeal site is however located within an area characterised by open space and residential development. The appellant has submitted a viewpoint analysis which finds no significant visual impact arising from the proposed development.
- 7.4.4. I note that construction has commenced on a site immediately to the north where a Part 8 has been approved for three residential properties. I note that an existing high wall located between the existing and proposed dwellings at Wood Park and the site of the proposed mast is proposed to be retained and having regard to the layout of the proposed dwellings, I am satisfied that the proposed pole will not give rise to unacceptable visual impacts on existing or proposed dwellings at Wood Park.
- 7.4.5. Whilst I acknowledge that the proposed monopole at 18m in height would be higher and more visible than existing structures in the area, I note the location of the site is generally flat, the design of the pole, which is slimline and which has a relatively limited footprint, and the limited scale of the associated equipment, along with the

presence of existing street furniture and trees. Having visited the site and reviewed the documents on file I consider the proposal is likely to result in a potential visual impact, however I do not consider that the proposal would be so visually impactful as to injure the visual amenities and character of the area. In my opinion the proposal would not be visually prominent, will read as a normal element of the suburban environment, and would not seriously detract from the visual amenities of the area.

- 7.4.6. I note that the planning authority considered that the proposal would not adversely impact on the residential amenities of properties in the vicinity in terms of visual impact and having considered the number and location of existing appliances, apparatuses or structures on, under, over or along the public road I am satisfied that the proposal would not give rise to an unacceptable visual impact.

#### **7.5. Built Heritage**

- 7.5.1. The appeal raises concerns that the proposal is located proximate to protected structures which were not considered in the licence application, and that the development plan requirement that 'the impacts on residential amenity and visual amenity of areas needs to be adequately assessed' has been ignored. RPS number 1541 'Somerton House' and RPS number 1543 'Somerton Lodge' are located approximately 70 southeast of the appeal site. The appeal site is separated from the protected structures by terraces of two storey residential properties at Somerton estate, mature trees and Sallynoggin Road. The local authority Conservation Officer raised no objection to the proposal. Having regard to the slimline design of the proposed pole and to the scale of the associated cabinets, to the suburban pattern of development in the vicinity of the appeal site, and to the separation distance from protected structures, I do not consider the proposal would give rise to unacceptable impacts on Somerton House and Somerton Lodge and I am satisfied that the proposal is acceptable with regard to potential impacts on built heritage in the area.

#### **7.6. Convenience and Safety of Road Users**

- 7.6.1. I note that the local authority transport section reports raise no objection in relation to the impacts on pedestrians and road users. Having inspected the site and reviewed the drawings I am satisfied that the proposal, located on a grass verge, would not impact on the convenience and safety of road users.

#### **7.7. Other Matters**

- 7.7.1. In terms of health concerns raised, Circular Letter PL07/12, DoELG, specifically clarifies that health and safety matters in relation to telecommunications infrastructure are regulated by other codes and are not matters for the planning process.
- 7.7.2. In relation to concerns that no consultation was held in relation to the proposal I note that there is no requirement for the applicant to notify the public under Section 254 of the Planning and Development Act 2000, as amended.

## **8.0 AA Screening**

- 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 grass verge and comprises an 18m streetworks pole, ground cabinets and associated site works.
- 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.
- 8.4. 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 the urban nature of intervening habitats, and the absence of ecological pathways to any European Site.
- 8.5. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## **9.0 Water Framework Directive Assessment**

- 9.1. The subject site is located to Sallynoggin Road, close to its junction with the eastern side of Rochestown Ave. The Kill of the Grange Stream is located approx. 580m west of the site.

- 9.2. The proposed development comprises an 18m high telecommunications mono pole streetwork structure with two ground cabinet at a grass verge along Sallynoggin Road.
- 9.3. No water deterioration concerns were raised in the appeal of the section 254 licence application.
- 9.4. I have assessed the section 254 licence application for the construction of an 18m high telecommunications monopole and 2 no. ground cabinets and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.5. The reason for this conclusion is as follows:
- The small scale and nature of the development
  - The location-distance from nearest Water bodies and lack of hydrological connections.
- 9.6. Conclusion: I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **10.0 Recommendation**

- 10.1. I recommend that the Board directs the planning authority to refuse a licence for the proposed streetworks pole and 2 no. ground cabinets.

## 11.0 Reasons and Considerations

Having regard to the Guidelines on Telecommunications Antennae and Support Structures, issued by the Department of the Environment and Local Government in July 1996 (as revised by Circular PL07/12) which state that in city suburbs only as a last resort should free-standing masts be located in a residential area, and to Section 12.9.8 of the Dun Laoghaire Rathdown County Development Plan 2022-2028, it is considered that the applicant has not submitted adequate justification for the proposed site, having particular regard to the absence of full details of investigations of alternative sites and a robust assessment of the feasibility of same. The proposed development would therefore be contrary to the Guidelines relating to Telecommunications Antennae and Support Structures issued to planning authorities under Section 28 of the Planning and Development Act, 2000 (as amended) and to Section 12.9.8 of the Dun Laoghaire Rathdown County Development Plan 2022-2028, and 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.

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Bernadette Quinn  
Planning Inspector

17<sup>th</sup> June 2025