



An
Coimisiún
Pleanála

Inspector's Report

ABP-322103-25

Development	Section 254 license for the installation of a 18m dual operator pole, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services.
Location	Cheeverstown, Fettercairn Crescent, Dublin 24.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	S25424/12
Applicant(s)	Emerald Tower Limited.
Type of Application	Section 254 Licence.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Emerald Tower Limited.
Observer(s)	No Observers.

Date of Site Inspection

25th of June 2025.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site is in a grassed area in the residential area of Fettercairn in Tallaght, South County Dublin. It is adjacent to a public footpath on the eastern side of Fettercairn Crescent, approximately 65m to the north of the junction with Drumcairn Avenue and approximately 110m to the north of the Fettercairn Crescent and Cheeverstown Road junction. The green space is bounded to the east by the rear garden walls of houses facing onto Drumcairn Gardens. A fenced-off public park adjoins the green area to the north. A public footpath, grass mound and verge run along the public footpath on the western side of Fettercairn Crescent with the houses on Kilmartin Avenue facing onto this space. The grass verge is approximately 10m in width at the point where the development is proposed.

2.0 Proposed Development

- 2.1. The applicant is applying for a licence for a period of 5 years for the installation of an 18m freestanding monopole with a diameter of 406mm with internal cables. Two 300mm link dishes would be fixed to the pole at a height of 12.8m above ground level. Two ground mounted cabinets with a footprint of 1.16 sqm (1.255 x 0.925m) and a height of 1.69m would also be installed on either side of the pole. Underground fibre ducting would connect the pole to the network at a point close to the junction with Drumcairn Avenue.
- 2.2. The pole and infrastructure / associated equipment is for wireless data and broadband services to be provided by Eir.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a decision to refuse the Section 254 licence for the following reason,

- 1. The application is located outside of lands taken in charge by Council (road authority) for the purposes of a public road. The site is therefore not classified as a 'public road' and falls out of the scope of Section 254 of the Planning and*

Development Act 2000 (as amended) to provide such infrastructure over or along a public road. The Planning Authority cannot grant a licence for the proposed development under these circumstances.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (PO) dated the 6th of February 2025 informed the decision of the planning authority (PA) and included the following,

- The site is zoned 'RES – *To protect and/or improve residential amenity*' and Public Services are listed as 'permitted in principle' in this zoning.
- The 2022-2028 Development Plan states that applications for Section 254 licences must demonstrate compliance with the '*Guidelines on the Potential Location of Overground Telecommunications Infrastructure on Public Roads, (2015)*'.
- The applicant addressed most of the elements in Section 12.11.2 of the Development Plan but has not addressed the previously granted permissions S25421/20 and S25423/09 which are in close proximity to the site.
- To ensure compliance with Section 12.11.2 of the Development Plan the applicant must adequately address the site selection process and provide a strong narrative as to why the previously granted infrastructure cannot service the surrounding area.
- The PO notes that the licencing provisions set out in Section 254 of the Planning and Development Act 2000 (as amended) requires the infrastructure to be 'on, under, over or along a public road'. In their view the proposed location does not come within the definition of a 'public road and margin' as per Section 2 of the Roads Act 1993. On this basis the PO recommends a refusal.
- Section 5.2.1 of the Development Plan requires a 'Plan Approach' based on eight key principles for the assessment of all new development in the county. The PO notes that the applicant did not submit a statement outlining

compliance with Section 5.2.1. They carried out their own assessment and found the proposal to comply with Section 5.2.1.

- The PO found that the proposal would not significantly alter the cumulative impact of structures in the area and/or the visual and residential amenity of the receiving environment.

3.2.2. Other Technical Reports

- No report roads
- No report drainage
- No report public realm

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- None received.

4.0 Planning History

No planning history for the subject site.

On nearby sites –

S25423/09 – Section 254 licence granted by the PA on the 7th of May 2024 for an 18-metre-high telecommunications street-works structure together with two ground-based cabinets on a site at the junction of Fettercairn Crescent and Cheeverstown Road.

S25421/20 – Section 254 licence granted by the PA on the 14th of November 2022 for a 15m high telecommunications structure with ground mounted cabinets on a site at Cheeverstown Road, approximately 70m to the north of the Fettercairn Crescent junction.

5.0 Policy Context

5.1. Development Plan

South Dublin County Development Plan 2022-2028

Zoning – The subject site is zoned objective ‘RES – *To protect and/or improve residential amenity*’, (Map 9). ‘Public Services’ are listed as ‘Permitted in Principle’ in the RES zoning objective.

Chapter 11 – Infrastructure and Environmental Services

Policy IE5: Information and Communications Technology (ICT) - Promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve social and economic development, whilst protecting the amenities of urban and rural areas.

IE5 Objective 1: To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.

IE5 Objective 3: To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.

IE5 Objective 4: To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.

IE5 Objective 7: Ensure that applications made in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, take into consideration and demonstrate compliance with the ‘Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads’ (2015).

Chapter 12 – Implementation and Monitoring

12.11.2 Information and Communications Technology – This section sets out the requirements of the Council when considering proposals for telecommunications antennae. They include the following,

- Compliance with the document Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter PL 07 / 12 issued by the Department of the Environment and Local Government (as may be amended), and to other publications and material as may be relevant in the circumstances;
- The location of all existing telecommunications structures within a 2km radius and reasons as to why it is not feasible to share existing infrastructure.
- The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area and how these will be mitigated.
- The significance of the proposed development as part of the telecommunications network.

Section 12.11.2 also states that, *‘In assessing applications under Section 254 of the Planning and Development Acts, the Planning Authority, must have regard to the relevant provisions of the Development Plan and any local area plan in place. Careful consideration should be given especially to Chapter 5 of this Plan ‘Quality Design and Healthy Placemaking’, in particular the sections dealing with ‘The Delivery of Sustainable Neighbourhoods’, and that ‘...Section 254 licence applications, must take into consideration and demonstrate compliance with the ‘Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads’ (2015).’*

5.2. National Guidance

5.2.1. Planning and Development Act 2000 (as amended)

Section 254 - An applicant can apply for a s.254 licence from a planning authority to place on, under or along a public road, the following items or equipment:

- over ground electronic communications infrastructure and any associated physical infrastructure-

Section 254(5) states that, in considering an application for a licence, the planning authority, or the Commission on appeal, shall 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.

5.2.2. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

The guidelines aim to provide a modern mobile telephone system as part of national development infrastructure, whilst minimising environmental impact. Amongst other things, the Guidelines advocate sharing of installations to reduce visual impact on the landscape.

4.3 – Visual Impact - The guidelines note that visual impact is one of the more important considerations which have to be taken into account and also that some masts will remain quite noticeable in spite of the best precautions.

4.5 – Sharing Facilities and Clustering – Applicants will be encouraged to share facilities and to allow clustering of services and will have to satisfy the Planning Authority that they have made a reasonable effort to share.

5.2.3. **Climate Action Plan (CAP) 2025**

- 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 Commission to make all decisions in a manner that is consistent with the current CAP.

5.2.4. **DoECLG Circular Letter PL07/12**

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition.

It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, *'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'*.

5.2.5. Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads (2015)

This report is referenced in the County Development Plan. It was published by the Department of Communications, Energy and Natural Resources to address the engineering appropriateness of siting telecommunications equipment on the roads network.

5.2.6. Roads Act 1993

The Roads Act 1993 is referenced by the appellant regarding the definition of a 'public road'.

Section 2 of the Roads Act states that. *"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;'. A *"road"* also includes –

(a) any street, lane, footpath, square, court, alley or passage,

(b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple and whether or not designated for a particular class of vehicle), pavement or footway,

(c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone,

first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, verge, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and

(d) any other structure or thing forming part of the road -

(i) used, or the use of which is reasonably required, for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or

(ii) prescribed by the Minister;

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not designated as a Natural Heritage Area (NHA) and is not a proposed Natural Heritage Area (pNHA).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following,

- The applicant submitted a lengthy submission detailing the justification for the development and how it accords with national and local policy. Reference is made to policies supporting the delivery of telecommunications infrastructure in the *National Planning Framework (NPF)*, the *Department of Telecommunications, Antennas and Support Structures (Guidelines for Planning Authorities – 1996)* and *Circular OL07/12, Regional Spatial & Economic Strategy for Eastern and Midlands Regional Assembly (RSES) 2019 – 2031*, the *National Broadband Plan*, the *South Dublin County Development Plan 2022-2028*, the *Planning and Development Act 2000* (as amended) and the *Roads Act 1993*.
- The operator is Eircom Limited, trading as Eir. The subject proposal is for Eir's, GoMo brand. The development is required as part of Eir Mobile's

continued network improvement programme to provide new and improved high-speed data and broadband services and to improve network coverage. The 18m height is the minimum required to support equipment from additional operators whilst allowing the criteria to be met and to achieve a 'line of sight' above the existing buildings and topography. The installation will also be capable of accommodating new technologies for two separate operators within the surrounding area.

- The applicant considers the location to be suitable as it is on public land owned by South Dublin County Council and is c. 23m from any houses. The infrastructure has also been designed to have minimal visual impact through its height, slimline design and colour.
- There is a lack of very good 4G and 5G broadband coverage for Eir in the Fettercairn area and surrounds, which is shown on the ComReg maps for the area. Due to the existing built form and vegetation, increasing demand and lack of network capacity, Eir cannot meet its wireless and broadband objectives without a new structure.
- The applicant states that the proposed location is a 'last resort' proposal for a new structure as there is an absence of existing telecommunications structures on which to co-locate in the area as well as an absence of suitable commercial or industrial areas.
- In response to the reason for refusal, the appellant argues that the location of the site is in accordance with the definition of a 'public road' as provided in Section 2 of the 1993 Roads Act as it is, located along a public footpath parallel to Fettercairn Road, on lands under which the Council has responsibility – thus falling within the definitions of a public road as clearly defined in the Roads Act, and is situated on a public road subject to a public right of way for those living in the residential development.
- The three main providers, Eir, Three and Vodafone have an obligation to provide 100% coverage throughout the country. Due to the required data speeds for social media applications, internet browsing and downloading, the range for technology which supports a number of users at any one time, can only be a few hundred metres. The existing sites are too far away for 4G, 5G,

and to a lesser extent 3G, technologies to work. For this reason, the applicant requests that the Commission shows flexibility with regard to location.

- The applicant carried out an alternative sites assessment using the ComReg Site-Finder mast register and provided a list of 24 sites which are within a 2km radius. None of the existing sites were found to be suitable for providing the required coverage in this instance.
- The proposed location is suitably distanced from any heritage, landscape and ecologically sensitive designated areas that could be impacted. A visual assessment was carried out for the application and the results were submitted with the appeal. Four viewpoints were identified as being the most sensitive and were assessed on that basis. Of the four viewpoints, none were predicted to result in a significant visual impact on the landscape.
- The proposal will result in significant benefits for the community in terms of access to the most up to date wireless broadband and data services. The structure would also allow for another provider to co-locate on the monopole, which would reduce the number of structures required.
- The development is in accordance with national and local planning policy and the applicant notes that broadband is now considered to be an essential public service like water and electricity. The appellant also refers to previous licences granted by the Council for similar developments on sites adjoining public roads, (S25423/09, S25422/05, S25421/22), which they claim raises inconsistencies in decision-making.

6.2. Planning Authority Response

- The PA confirmed their decision and state that the issues raised in the appeal have been covered in the Chief Executive Order.

6.3. Observations

- No observations received.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Justification for the Development
- Siting and Location
- Visual Impact

7.2. **Principle of Development**

- 7.2.1. The subject site is zoned objective 'RES - *To protect and/or improve residential amenity*'. 'Public Services' are listed as 'permitted in principle' within the RES zoning. The County Development Plan (CDP) does not contain a definition of 'public services', however, given the nature of the telecommunications infrastructure, I am satisfied that it is a public service. Therefore, the principle of the development is acceptable.
- 7.2.2. Chapter 11 of the Development Plan relates to Infrastructure and Environmental Services and contains specific policies that support the provision of information and communications technology (ICT) throughout the county. Chapter 12 details the information to be provided by any applicant seeking to provide such infrastructure. I am satisfied that the subject proposal is acceptable in principle and can be assessed against the policies and objectives of the CDP and any other relevant planning framework.

7.3. **Justification for the Development**

- 7.3.1. The proposed development is justified by the applicant on the basis that the operator of the mast, (Eir), is obliged to provide 100% coverage for their customers throughout the country for 4G, 5G and 3G services. Due to the required data speeds the technology range can be limited to several hundred metres. On this basis the

applicant requests that the Commission show some flexibility for the location of newer technologies where residential amenity is not impacted.

- 7.3.2. Figure 1 in the appeal illustrates the search ring for the infrastructure. A search ring is the general area which a mobile service structure should be located to meet engineering requirements. The specific search ring shown in Figure 1 identifies a location within the spatial parameters for the structure and equipment to deliver the necessary telecoms services. Figures 2 and 3 of the appeal shows the existing 4G and 5G outdoor mobile coverage that Eir provide in the area and contain information taken from the ComReg website. The applicant states that an extensive sequential approach was taken to identify a suitable site within the parameters of the search ring, but no alternative site was identified. An exercise to identify a site for co-location of infrastructure was also carried out and is detailed in Table 1 in the appeal. The ComReg Site-Finder mast register was used to identify existing masts in the area. However, none of the sites were found to be suitable as they were either too far away and unable to cover the specific area, or the existing structure was fully occupied. On this basis, the applicant states that the proposed location represents a 'last resort' proposal in accordance with the 1996 Guidelines.
- 7.3.3. The applicant contends that the proposed location is suitable as it is set back from any dwellings by approximately 23m, is in a sizeable area of green space with an agglomeration of mature trees to the south of the site, along with several street- light poles which soften the impact.
- 7.3.4. I have reviewed the ComReg maps and there are variations in the level of service in the area currently supplied by Eir. Within the defined search ring, the outdoor coverage for 5G service currently provided by Eir/GoMo ranges from 'Good', which is defined as a *'strong signal with good connections / data signals'*, and 'Very Good', which is defined as a *'strong signal with very good connections/maximum data speeds'*. 4G service in the search ring is mostly 'Good' with some areas of 'Fair' service which is defined as *'Fair signal and reliable data speeds may be attained, but disconnections and data drop-outs may occur at weaker signal levels'*. 3G coverage is shown as 'Good' or 'Very Good' in the search ring. The ComReg map lists a total of 11 providers, including Eir and GoMo, providing service in the search ring area.

- 7.3.5. Although the 5G service provided by Eir is either 'Good' or 'Very Good', it is clear from the ComReg maps that the 4G service could be improved. This was also true for several providers in the area. On this basis I am satisfied that the requirement for the mast to improve service in the area has been justified.

7.4. Siting and Location

- 7.4.1. The 1996 Technical Guidelines for *Telecommunications Antennae and Support Structures* state that operator should endeavour to locate telecommunications masts in industrial estates, on industrially zoned land or in commercial areas. Only as a last resort should free-standing masts be located in a residential area or beside schools.
- 7.4.2. The PA had no objection to the applicant's justification for the mast. However, the suitability of the location was queried and why co-location was not considered for the masts which were permitted under Reg. Ref. S25423/09 and S25421/20. I note to the Commission that a 15m telecommunications mast permitted under Reg. Ref. S25421/20 was not installed as the site was found to have the potential to interfere with underground services. An alternative location was identified at a site adjacent to the public footpath on the northern side of the junction of Cheeverstown Road and Fettercairn Crescent. A licence was granted by the PA in May 2024 under Reg. Ref. S25423/09 for an 18m telecommunications mast and two ground-based cabinets. The application stated that the mast would be operated by Vodafone and was in place on the occasion of my site inspection. It is approximately 110m to the south-west of the subject site.
- 7.4.3. In the grounds of appeal, the applicant did not respond directly to the query of the PA and did not give any reason as to why consideration was not given to the co-locating on the Vodafone mast permitted under S25423/09. However, they did reference the mast when citing examples of similar development permitted by the PA in the area. The applicant used the ComReg Site Viewer Mast Finder tool, (siteviewer.comreg.ie) to identify masts within a 2km radius of the proposed development. I have also reviewed this tool and, on the day I accessed the maps, (16th of July 2025), the existing mast at the Cheeverstown Road / Fettercairn Crescent junction was not listed. Although the mast did not appear on the ComReg reference maps, the

applicant was aware of its existence and used it in their appeal. However, they did not offer any reason as to why this site was not included in their assessment of alternative sites. As this mast is within the search ring for the proposed mast, consideration should have been given to co-locate on this structure. On this basis, I do not consider that all co-location possibilities have been exhausted and as such the proposed site location does not represent a 'last resort' option.

7.5. Visual Impact

- 7.5.1. The proposed development would be coloured in a grey finish, which the applicant states will blend in with the surrounding area. The infrastructure can also be painted in any colour including green or black. A visual impact assessment (VIA) was submitted with the application. The results of the VIA were also submitted in the grounds of appeal.
- 7.5.2. The VIA identified four sensitive receptors in the study area. The most important viewpoints (VPs) were determined to be the points where the development would be most visible or impact on the greatest number of users. The VPs were identified as VP1 - Fettercairn Crescent, VP2 – Kilmartin Green, VP3 – Cheeverstown Road and VP4 – Drumcairn Gardens. Photomontages were prepared for these viewpoints. The level of effect for VPs 1, 2 and 3 were found to be Moderate / Low and for VP4 it was Negligible. No significant effects were found for any of the sensitive receptors identified. The map accompanying the photomontages for the VIA shows the location of Viewpoint 3 as a point very close to the 18m mast at the junction of Fettercairn Crescent and Cheeverstown Road. However, the photomontage does not include the mast. The mast is also not included in the photomontage from VP1 which looks southwards towards Cheeverstown Road and towards the location of the mast.
- 7.5.3. In general, I would concur with the conclusion of the VIA. The site is located within an urban area with streetlights, railings and traffic management infrastructure in place along the public realm. Nonetheless, the proximity of the existing 18m mast is noted and I consider the lack of reference to its cumulative visual impact to be an omission in the VIA. For this reason, I recommend that the proposal is refused.

7.5.4. I note that the PA had no objection to the mast in terms of visual impact but refused it based on the proposed location which they deemed to be outside of a 'public road'. It is proposed to locate the mast within an area of green space which is adjacent to the public footpath along Fettercairn Crescent, and which bounds the rear garden walls of the houses facing onto Drumcairn Gardens. The PA considered that the site location was not relevant for a Section 254 licence as it does not come within the terms of a public road and margin, as set out in Section 2 of the Planning and Development Act 2000 (as amended). They also consider the site to be on the edge of a public park and outside of the taken-in-charge public road. Therefore, the location is outside of lands for which the responsibility of maintenance lies with a road authority. Under these circumstances the PA concluded that they could not grant a licence.

7.5.5. In response to the reason for refusal, the appellant argues that the location of the site is in accordance with the definition of a 'public road' as provided in Section 2 of the 1993 Roads Act as it is,

- located along a public footpath parallel to Fettercairn Road,
- on lands under which the Council has responsibility – thus falling within the definitions of a public road as clearly defined in the Roads Act, and,
- is situated on a public road subject to a public right of way for those living in the residential development.

7.5.6. Section 2 of the Planning and Development Act states that the definition of a 'public road' is the same as that given in the Roads Act 1993, which 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;'. A "**road**" also includes –

(a) any street, lane, footpath, square, court, alley or passage,

(b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple and whether or not designated for a particular class of vehicle), pavement or footway,

(c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail,

margin, verge, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and

(d) any other structure or thing forming part of the road,

(i) used, or the use of which is reasonably required, for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or

(ii) prescribed by the Minister;

7.5.7. The proposed development would be located within an area of green space, approximately 1.2m from the edge of the public footpath. Although the PA contends that the location is on the edge of a public park, it appears to be space left over after planning which functions as passive open space beside the road. I would query the PA's assertion that it is on the edge of a public park as the public park to the north of the site is clearly bounded by a fence.

7.5.8. I accept the argument of the PA that the location of the site does not technically accord with the definition of a 'road' as per the Planning and Roads Acts. The area of green space is not a street, lane, footpath, square, court, alley or passage, carriageway, pavement or footway, and it is not any other structure or thing forming part of the road. However, it is adjacent to a footpath and a public right of way exists over the green space, the responsibility for the maintenance of which lies on a road authority, which is defined as a Local Authority in the Roads Act. On this basis I accept the argument of the applicant that some flexibility could be available to the PA with regard to location. For example, it is common practice to place cabinets and masts in green verges alongside footpaths to avoid obstructions to pedestrians, (i.e. the 18m mast provided at the junction at Cheeverstown Road and permitted under S25423/09 is positioned in such a manner). This approach is in accordance with the provisions of Section 254(5)(d) of the Planning Act which requires consideration of the convenience and safety of road users, including pedestrians.

7.5.9. Whilst it may be open to the PA or the Board to consider the site location, the 18m mast would be prominent in the public realm and I have a concern regarding the proliferation of such infrastructure given the location of a similar mast approximately

100m to the south of the site, which has not been considered in the application. For this reason, I do not consider the proposed site location to be suitable.

- 7.5.10. The PA assessed the proposal against the provisions of Section 5.2.1 of the Development Plan, 'The Delivery of Sustainable Neighbourhoods', and found it to adequately meet all of the 8 key principles outlined.

8.0 AA Screening

- 8.1. I have considered the proposed development for telecommunications infrastructure in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject site is located in the residential suburb of Fettercairn and is approximately 4km overland from the nearest European Site which is Glenasmole Valley Special Area of Conservation (Site Code 000209).
- 8.2. The proposed development comprises the installation of an 18m telecommunications mast with two ground mounted cabinets and underground ducting. No nature conservation concerns were raised by the PA or in the planning appeal.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The small-scale nature of the development and the nature of the works proposed.
 - The location of the site and its distance from nearest European site and lack of connections.
- 8.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that a Section 254 licence is refused for the proposal.

10.0 Reasons and Considerations

Section 12.11.2 of the South County Dublin Development Plan 2022-2028 requires that applicant to explain why co-location of infrastructure is not possible on existing structures within a 2km radius. Policy IE5 Objective 4 of the South County Development Plan 2022-2028 seeks to discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities. Submitted coverage maps confirm that the town and the surrounding area currently benefit from good-very good ICT coverage, and it is considered that's co-location has not been adequately addressed with all existing structures in the area. Accordingly, to permit the development as proposed would be contrary to Policy IE5 Objective 4 of the South County Dublin Development Plan 2022-2028 and the proper planning and sustainable development of the area.

Having regard to the government's guidelines on Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DoE, 1996 and the guidance set out there in that free standing masts should only be located within or in the immediate surrounds of smaller towns and villages as a last resort, it is considered that insufficient technical justification and evidence has been provided in respect of all alternative sites, to support the location of the development. In the absence of sufficient information to demonstrate all potential options for co-location, it is considered, that the proposed development would be contrary to government guidelines, to County Development Plan Policy IE5 Objective 4 and 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.

Elaine Sullivan
Senior Planning Inspector

17th of July 2025