



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322468-25

<b>Development</b>	Retention for telecommunications mast with associated works.
<b>Location</b>	Scouts Hall, Kinvara Road, Ashtown, Dublin 7 , D07PF54
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB1306/25
<b>Applicant(s)</b>	Eircom Ltd.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Navan Road Area Residents
<b>Observer(s)</b>	Colman Gilligan Breda Fagan Navan Road Community Council June McGuinness
<b>Date of Site Inspection</b>	15/08/2025
<b>Inspector</b>	Gillian Kane

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Relevant Planning History .....	5
5.0 Policy Context.....	6
5.1. National Planning Framework – Project Ireland 2040 .....	6
5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) .....	6
5.3. Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads, (Dept. of Communications, Energy and Natural Resources, 2015) .....	7
5.4. DoECLG Circular Letter PL07/12.....	7
5.5. Dublin City Council Development Plan 2022-2028 .....	8
5.6. Natural Heritage Designations .....	9
5.7. EIA Screening .....	9
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.2. Applicant Response .....	15
6.3. Planning Authority Response.....	19

6.4. Observations.....	19
7.0 Assessment.....	23
7.2. Principle of Development .....	23
7.3. Visual Impact .....	24
7.4. Site Suitability .....	25
7.5. Health Concerns .....	26
8.0 AA Screening.....	27
9.0 Water Framework Directive .....	27
10.0 Recommendation .....	27
11.0 Reasons and Considerations.....	28
12.0 Conditions .....	29
13.0 Form 1 - EIA Pre-Screening .....	31

## **1.0 Site Location and Description**

- 1.1.1. The subject site is an existing Scout Den, located to the rear of dwellings on Kinvara Road, Ashington Crescent and Ashington Avenue, in the north Dublin suburb of Cabra / Ashtown.
- 1.1.2. The existing den is accessed via a gated laneway between no.s 29 and 31 Kinvara Road. The length of the laneway and the level of screening in the adjoining dwellings is such that there is little visibility of the building.
- 1.1.3. The rectangular shaped, flat roof building has three telecoms installations at roof level in the north-west, south and eastern corners. The equipment comprises a cylinder extending above the ridge line, with other equipment attached to the elevational wall. The cylinders are finished in a sheet metal grey, similar to the colour of the building.

## **2.0 Proposed Development**

- 2.1.1. On the 17<sup>th</sup> February 2025, planning permission was sought to RETAIN a development comprising 3 no. pole mounted antenna, each enclosed within a shroud, together with a microwave dish, equipment cabinet and associated equipment.
- 2.1.2. In addition to the required plans and particulars, the application was accompanied by a letter of consent to the making of the application and a planning cover letter.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 10<sup>th</sup> April 2025, the Planning Authority issued a notification of their intention to grant permission to retain, subject to 7 no. conditions.
  - Condition no. 2 restricts the introduction of further equipment on to the subject equipment.
  - Condition no. 3 requires further details on screening / enclosures within three months of the final grant.
  - Condition no. 4 requires the removal of all equipment within one year of it becoming obsolete or when it is no longer required.

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

- 3.2.1. **Drainage Division:** No objection subject to developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- 3.2.2. **Planning Report:** Errors in the application are not significant as third parties are clearly aware of the development. Notes the applicant's submission regarding co-location. Visual impact is not long-range. Shrouds / screening should be extended by way of condition. Notes the circular advice re. health grounds and emissions. States that a condition can be attached to address noise concerns. Cyber security issues are not planning grounds. Recommendation to grant permission subject to 7 no. conditions.

### 3.3. **Prescribed Bodies**

- 3.3.1. None on file.

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

- 3.4.1. Submissions on file raise concerns about the planning history of the site, visual impact on the character of the neighbourhood, conflict with the use of the building, data privacy and security concerns, proximity to residential properties, design and material of the antennas being restricted / banned by the EC, lack of consultation with the community, impact on residential amenity, health risks, contravention of zoning objective for the area, incorrect location noted in planning application cover letter, incorrect distances used in justification test, impact on property values, inadequate site notice, proliferation of masts in the area.

## 4.0 **Relevant Planning History**

- 4.1.1. **E1038/24** Enforcement notice regarding antenna erected without planning permission.
- 4.1.2. Planning Authority reg. ref. **3520/22**: Planning permission granted for a small porch extension and wheelchair ramp to the front of the property.

## 5.0 Policy Context

### 5.1. National Planning Framework – Project Ireland 2040

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

### 5.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

- 5.2.1. The ‘*Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures*’ (1996) set out government policy for the assessment of proposed new telecommunications structures (‘the 1996 Guidelines’). The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. This is an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.
- 5.2.2. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.
- 5.2.3. The support structure should be kept to the minimum height consistent with effective operation. The Guidelines also state that visual impact is among the more important considerations that should be considered assessing a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.
- 5.2.4. The Guidelines state that the approach will vary depending on whether a proposed development is in:
- a rural/agricultural area;
  - an upland/hilly, mountainous area;
  - a smaller settlement/village;
  - an industrial area/industrially zoned land; or

- a suburban area of a larger town or city.

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

### 5.3. **Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads, (Dept. of Communications, Energy and Natural Resources, 2015)**

5.3.1. This report provides advice to telecommunications operators as to how telecommunications infrastructure could be accommodated along all road types. Table A – Stand-alone poles are the preferred option in urban areas.

### 5.4. **DoECLG Circular Letter PL07/12**

5.4.1. 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'.

5.4.2. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.

- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

## 5.5. Dublin City Council Development Plan 2022-2028

- 5.5.1. The subject site is on lands zoned Z1 'Sustainable Residential Neighbourhoods', which has the stated objective 'To protect, provide and improve residential amenities'.

**Policy SI45:** Support for Digital Connectivity To support and facilitate the sustainable development of high-quality digital connectivity infrastructure throughout the City in order to provide for enhanced and balanced digital connectivity that future-proofs Dublin City and protects its economic competitiveness

- 5.5.2. **Policy SI48:** Sharing and Co-Location of Digital Connectivity Infrastructure To support the appropriate use of existing assets such as lighting, traffic poles and street furniture for the deployment of telecoms equipment and to encourage the sharing and co-location of digital connectivity infrastructure (including small cells, access points, communications masts and antennae) in order to avoid spatially uncoordinated and duplicitous provision that makes inefficient use of city space and negatively impacts on visual amenity and built heritage.

- 5.5.3. **Objective SIO27:** National Broadband Plan To support and facilitate the delivery of the National Broadband Plan and international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland.

- 5.5.4. **Section 15.18.5** of the development plan refers to Telecommunications and Digital Connectivity. It states that the provision and siting of telecommunications antennae shall take account of the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, (Department of Environment and Local Government, 1996), as revised by DECLG Circular Letter PL 07/12, and any successor guidance. Telecommunications antennae and supporting structures



should preferably be located on industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings, may also be acceptable, subject to visual amenity considerations. In terms of the design of free-standing masts, masts and antennae should be designed for the specific location.

- 5.5.5. In assessing proposals for telecommunication antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined. These factors will be carefully considered when assessing proposals in a designated conservation area, open space amenity area, historic park, or in the vicinity of protected buildings, special views or prospects, monuments or sites of archaeological importance. The location of antennae or support structures within any of these areas or in proximity to protected structures, archaeological sites and other monuments should be avoided. Where existing support structures are not unduly obtrusive, the City Council will encourage co-location or sharing of digital connectivity infrastructure such as antennae on existing support structures, masts and tall buildings (see Policy SI48). Applicants must satisfy the City Council that they have made every reasonable effort to share with other operators.

## **5.6. Natural Heritage Designations**

- 5.6.1. None on or adjoining the subject site.

## **5.7. EIA Screening**

- 5.7.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

6.1.1. Declan Gilligan on behalf of the Navan Road Area Residents has submitted a third party appeal of the decision of the Planning Authority to grant retention permission.

The appeal is signed on behalf of 24 no. named residents.

6.1.2. The grounds of the appeal can be summarised as follows:

- Appellants recognise the importance of infrastructure but subject application has significant errors, development is fundamentally flawed and must be refused.
- Appellants have zero confidence condition no. 2 will be enforced, given history on site.
- Section 2.0 of the appeal lists EU legislation, Irish national policy and local planning policy that is relevant to the proposed development.
- Section 3.0 of the appeal provides detail of the planning history of the site: Planning Authority reg ref.s WA1961, 3161/82 and 603/83
- Section 3.2 of the appeal provides details and photos of the existing building and subject infrastructure to be retained.
- Section 4.0 of the appeal refers to unauthorised development on site, lack of consultation with local residents and lack of control over development on the site.
- Condition no. 4 of Planning Authority reg. ref. 3161/82 required adequate screening around the site. Appellant states that vegetation and trees screening the site were cut down in 2025.
- Condition no. 6 of the 1982 application required the use of the building as a Scout Den only. In an observation on an application for development at 29 Kinvara Road (reg. ref. 1482/16), the scout leader noted the use of the hall by taekwondo, fitness class, SVdP, children's summer camps, and other guests and societies.

- Permission was never sought for these non-compliances. Other scout groups in Beaumont and Artane have sought permission to add extra uses (reg. ref. 2122/13, 2976/14 refer).
- Eir did not seek permission for the material change of use that the unauthorised telecommunications creates.
- Condition no 8 of the 1982 application required public lighting on the access laneway to the scout den. This has not been done.
- An unauthorised storeroom extension was constructed on the north-west façade during the period May 2009 – August 2018. When permission was sought for a small porch extension and wheelchair ramp (reg. ref. 3520/22) the storeroom was shown on the drawings. This was not addressed by the Planning Authority.
- Permission was sought by other scout groups in Finglas (1428/93), in Santry (2067/96, 2347/01 and 3174/13) and in Walkinstown (115/01 and 3703/09).
- The appellants question if a Fire Safety Cert or Regularisation Cert was issued in the absence of planning permission.
- The unauthorised development of 3x antenna, concrete plinth, cabinets and cabling is an alteration to the exterior of the building and a material change of use of the building. Enforcement file E1038/24 resulted in an enforcement warning in March 2025. This was not referenced in the planning report.
- Unauthorised backland / backyard burning, in contravention of the 1987 Air Pollution Act and Waste Management regulations 2009 has occurred on site. Photos submitted.
- Site notices erected on site (photos submitted) are misleading, obscured and concealed. This was ignored by Dublin City Council.
- The errors and typos in the application were overlooked by the Planning Authority. The distance between the site and the nearest monopole is shown as 645m when it is actually 325m.
- Dublin City Council doxed the personal data of three third-party observers. COM-2025-46 complaint to the Data Protection Commission refers.

- Notification of the Dublin City Council decision did not arrive until one week into the four week appeal window. Photo submitted.
- Dublin City Council has lost the data integrity of 19 no. third-party observers between April and May 2025, contrary to section 38 of the Planning and Development Act 2000, as amended. Photos & images submitted.
- The applicant states EIR is the applicant, the site notice states Vodafone as the applicant. This was dismissed by Dublin City Council.
- Vodafone Ireland are linked to Vantage Towers who are referenced in the application letter by Charterhouse. The Dublin City Council planning report states that Vantage are presumed to be the constructors and that reference to Eir is a typo.
- The appellants question the due diligence of Dublin City Council in ascertaining who carried out the unauthorised development, what lease agreement is on site, who is involved and over what term. The site notice is misleading.
- The appellants query why their concerns about ownership of the land were not addressed, as required by sub-article 22(2)(g)(i) and 33(1(a) of the regulations and section 5.13 of the development management guidelines. Unauthorised development occurred on the land and the building and valid legal consent was required for both.
- Searches indicate that legal ownership lies with The Scout Foundation CLG (co. no. 36820, charity no. 20084202).
- Dublin Scout Province Tolka Scout County 4<sup>th</sup> /5<sup>th</sup>/ 129<sup>th</sup> / 190<sup>th</sup> Dublin Navan Road is not a registered charitable organisation. The Scout Group constitution requires property to be legally owned and controlled by a trust. Only these can give consent to the making of an application. The Coimisiún is required to seek proof of legal ownership of the land and building.
- The Dublin City Council planning report failed to consider all the provisions of section 34(2)(a) and 34(3)(b) of the Planning and Development Act 2000, as amended.

- The unauthorised development is digital infrastructure.
- The EC, 11 no. EU member states, the UK, the USA and Australia have either banned or restricted Huawei equipment from their telecoms networks on the grounds of unacceptable / unmitigable cybersecurity risks. Dublin City Council have pursued a high-risk grating permission for a development that uses Huawei technology.
- The applicant has presented no evidence the subject development is the most energy-efficient solution for the site. In reg. ref. 3404/24, ABP-320323-24, WEB1987/24 and ABP-321141-24, small Ericsson antenna-integrated radio (AIR) were used.
- The application should have been scrutinised against the development standards of chapter 15 of the plan, especially section 15.13.4.
- The removal of screening and the 8m height constitute over bearing development.
- The appellants disagree that the shrouds conceal the development, considering that they exacerbate the visual impact and generate wind noise.
- The matter of digital connectivity cannot be separated from cyber security, as per national policy on Harnessing Digital Ireland Framework. The Planning Authority failed to address cyber security concerns and failed to implement section 34 of the Act. Cyber security is not just data privacy.
- The applicant did not engage with local residents. There was no community or social audit and a lack of openness, fairness, transparency and due process.
- The appellants reject the Planning Authority conclusion that the development is an acceptable form of development and that there would be no injury to amenities of adjoining properties.
- There is a 360<sup>0</sup> zone of visibility. The scouts occupy the site periodically but the highly conspicuous antennae are constant. There was no photographic or shadow analysis study of the site.
- Several gardens on Kinvara Avenue, Kinvara Road and Ashington Crescent are 10-20m from the antennae. Prospects from rear bedrooms have been

degraded with an obstructing view. No regard was had to the visual sensitivity of the area.

- The development is incongruous with the small backland location. The development will have a deleterious impact on existing and future residential amenity.
- The application has failed to assess all possible candidate sites in the Ashtown, Navan Road and Ashington area.
- The applicant has failed to provide supporting evidence for the scale of the proposed development or coverage evidence to support additional need at the subject site.
- Wicklow County Council refused permission (reg. ref. 211339 and ABP-312583-22) because the applicant provided supporting data from only one service provider.
- Why did Dublin City Council grant a section 254 licence for a single operator monopole at Belvedere Navan Road and not a dual operator as per policy SI48 and development plan standard 15.8.5 which encourage co-location?
- Planning Authority reg. ref. TIL023-22 and ABP-321297-24 presented a co-location argument in a s254 licence application.
- The applicant has failed to provide a justification report for the preferential use of Huawei technology over others. 2024 and 2023 reports on cyber security require detailed information from mobile operators, likelihood of third-party influence, restrictions on high-risk suppliers, mitigation of risks and removal of equipment of high-risk suppliers.
- No ICNIRP Radio Frequency Electro-Magnetic Field emission limit compliance statement submitted with the application. The applicants letter refers to compliance with INIRC standards, a committee that was superseded 30 no. years ago. Local residents remain concerned about health effects of long term exposure to electro magnetic smog.
- The conditions of the Planning Authority are meaningless due to the deficit in Planning Authority development controls on site.

- Given that the Planning Authority has dismissed cyber security concerns, the appellant questions whether the development is future-proofed according to the EU European Internal Security Strategy. Comments from security experts and a copy of EC Security Strategy included.
- In conclusion, the appellant requests the Coimisiún to refuse permission.

## 6.2. **Applicant Response**

- Submits that the key concern of the appellants is visual impact.
- The target coverage area comprises housing estates around the scout den.
- Two of the three poles are attached to the southwest corners, to the front of the main Scouts building, one is attached to the rear south east corner with an L shaped stand-off link for a 300mm dish. Each pole includes a cylinder shaped shroud housing a 2m long antenna. Equipment cabinet is located at ground level beside the north-west and lean-to extension.
- 3G services are being phased out. Demand for 5G services will increase.
- The Scout den provides 3G, 4G and 5G services.
- To achieve line of sight propagation, the link dishes need to be located above the surroundings. The development at the Scouts Den has one dish linking the site to the network.
- Telecoms are regarded as critical infrastructure and utility. The provision of services is vital to the economy.
- The slightly elevated nature of the site means it is ideal location to secure coverage, avoiding the need for a mast.
- Coverage maps were submitted with the application. ComReg offer a public viewer for a range of wireless broadband operators.
- Without the Scout Den installation there would be large gaps in coverage in the target area.
- Eir installations in the area are shown on submitted ComReg viewer maps.
  - West, Pelletstown, all three operators,

- South, Phoenix Park, eircom and Vodafone,
  - Southeast, Cabra Garda Station, all three operators,
  - Northeast, Royal Canal, all three operators,
  - North Northeast, Tolka Valley Park, Eircom and Three.
- Other sites in area:
  - South, corner of Navan Road / Baggot Road, Three, section 254 monopole operator specific
  - South, Phoenix Park, Civil Defence School, Vodafone,
  - Tolka Valley Park, Three installation south of the park, Eir has installation north of the park.
- Closet site to Den is operated by Three. Coverage from this site does not secure the target coverage required by Eir.
- ComReg Vodafone 4G coverage map shows the target area is weak compared to the Vodafone sites.
- The subject site is zoned Z1 Sustainable Residential Neighbourhood. Eir installation is permissible.
- Development Plan policy (section 9.5.11 and section 15.18.5) supports the provision of necessary infrastructure.
- The DoECLG guidelines are 28 years old. Latest technology bands and coverage demands including data services, require sites closer to the source of demand. This means sites and locations not considered under the 1996 guidelines.
- The Guidelines recognise that there is limited flexibility to secure the necessary capacity and coverage for the target area.
- There are no protected buildings, monuments or heritage areas within the vicinity of the site, as required by the Guidelines.
- References to 'mast' in the Guidelines applies to rooftop installations, such as the subject site. By the nature of any installation, it needs to be above the



general landscape. The subject site provides coverage and minimal intrusion. It complies with the last resort test.

- The proposed structure meets the policy objectives of the Dublin City Council development plan, the planning Guidelines for Telecommunications Antennae and Support Structures and the Department Circular PSSp07/12.
- Other aspects of the Guidelines are:
  - Access road: using existing,
  - Site sharing and clustering: proposal designed to accommodate Eir 3G, 4G and 5G services with a necessary link dish
- Permanent permission is sought, in accordance with section 2.2 of Circular PL07/12.
- Stringent health and safety policies and codes, set by the International Non-Ionising Radiation Committee are adhered to.
- Circular 07/12 states that Planning Authority must primarily concern themselves with appropriate location and design and not health and safety matters.
- No development contribution is payable as per Circular PL03/2018.
- Any errors made in the application were genuine mistakes and not attempts to mislead or confuse. The meaning and intentions are clear.
- Many of the appellants documents and legislation support the installation of telecoms.
- The relevance of the appellants submission regarding the site history is unclear. The building provides an important community service.
- Eir installed the structures thinking they were exempted development. The warning letter is rectified by the retention application.
- Planning Authority reg. ref. 3520/22 granted permission for the porch extension and wheelchair ramp.
- The different names on the site notices would have been identified by the area engineer inspecting the site. There may be some confusion with the invalidated application WEB1081/25.

- The distance from the Scout Den to the section 254 Three installation was stated incorrectly. Nevertheless the explanation why it is not acceptable still stands.
- The reference to data breaches is not understood. The delay in notification of decision is not relevant as an appeal was made within the required time limit.
- It has been acknowledged that there were errors in the application letter. Eir will not be sharing the antennae with either Vodafone or Three.
- The site is officially unregistered. Eir identified the owner and got a letter of consent. No party has raised an ownership issue.
- The planning office gave due diligence to all matters in its assessment.
- Eir has a range of sustainability initiatives, with a net-zero target by 2050.
- Dublin City Council removed the trees on site.
- The issue of cyber security is not relevant to the planning process.
- It is not a requirement for telecom operators to engage with the community regarding installations.
- Only a few of the photographs submitted with the appeal are taken from the rear of houses. There is a tall wall between the houses along Ashington Crescent and the scouts den. Many of the houses also have greenery and a shed to the rear.
- The houses along Kinvara Avenue have longer gardens and are divided from the Den by a private gated lane and a tall wall with a palisade steel fence.
- The applicant notes that the houses adjoining the den along Kinvara Road are not party to the appeal.
- The visual impact is lessened at ground level by walls, gardens, sheds and garages. The greatest impact is at first floor. The impact is acknowledged but it is submitted that this does not adversely affect the enjoyment of the residential amenity.
- Condition 3 of the Planning Authority decision requires the applicant to provide details of screening and / or enclosures to visually contain the uncovered equipment and supporting structures.

- Visual impact is considered under the DoEHLG Guidelines 1996, as updated by PL07/12. Section 4.3 of the guidelines acknowledge that installations will remain visible despite mitigation.
- The proposed development will not have a deleterious impact on existing and future residential amenity. The services provided are essential for modern day living and enjoyment for the households in the catchment area.
- Section 254 monopoles are target specific and very localised. A monopole on the subject site would be far more visually obtrusive.
- The suggestion that Huawei is a high-risk supplier is outside the remit of the appeal.
- The question of health impacts is not within the remit of the appeal and should be addressed by the Department of Environment, Climate and Communications, EPA, Local Authorities and the HSA as per Circular 07/12 and ComReg.
- Any breach of condition no. 2 of the Planning Authority decision will be dealt with by the enforcement section of Dublin City Council.
- The applicants request to future-proof the development is outside the remit of appeal process.
- Condition no. 3 of the Planning Authority decision refers to screening of the equipment to be retained. This can be resolved with the Planning Authority following a grant of permission.
- In conclusion the Coimisiún is requested to grant permission for retention.

### **6.3. Planning Authority Response**

6.3.1. None on file.

### **6.4. Observations**

6.4.1. **Colman Gilligan:**

- Lives in area, former Scout and Venturer Scout.
- 3G/4G could be served from already established Belvedere monopole. No evidence of co-location proposition, in accordance with development plan policy.

- Dublin City Council should not have granted a single operator monopole at Belvedere.
- No evidence that site is the sole remaining option. Coverage map shows complete coverage will not be achieved. Building is too low.
- Site has no history as telecoms base, but does have history of unauthorised development.
- Address is incorrect. It is not Ashtown, it is Cabra.
- Applicants name on the site notice is incorrect but Dublin City Council did not invalidate the application, as they did with WEB1842/24, WEB1866/24 and WEB/1853/24.
- Map shows laneway in Scout ownership but it is not.
- Illegible submissions on the Dublin City Council website is in breach of 2022 European Digital Rights & Principles, chapters 1,2 and 4.
- Submissions uploaded on the Dublin City Council website were illegible / inaccessible.
- Dublin City Council planning report is anonymous. The qualifications of the author are questioned. Why was expert opinion not sought?
- Questions whether Eir carried out a secure risk assessment or considered other designs. Notes the reference to Regulation (EU) 2020/911 of 30 June 2020 pursuant to Article 57(2) Directive (EU) 2018/1972, which established the European Electronic Communication Code and Regulation 2016 - SI No 391 of 2016 - Broadband Cost Reduction Directive pursuant to Directive (EU) 2014/61/EU in section 9.5.11 of the development plan.
- Notes that the EC has stated that Huawei equipment is high risk and should not be part of a future 5G network design for security reasons. Questions how this aligns with sections 9.5.11, 15.4.3 and 15.18.5 of the development plan.
- Why was a ICNIRP statement of compliance not included with the application. Some back gardens are 9m from the antennae.

#### 6.4.2. **Breda Fagan:**

- Installation of equipment occurred without consultation with local community, undermining the planning process.
- Development may pose health risks and detract from the suitability of use of the building.
- Antennas are close to residential properties, adversely affecting well being and comfort of residents. Health risks from prolonged exposure to electromagnetic fields, visual impact and decline in amenity and property values.
- Antennas are visually intrusive, at odds with the building in a residential area and negatively affect community perception.
- Public notices state Ashtown but area is Cabra. WEB2085/22 was invalidated for stating Ashtown when it was not.
- No assessment of cyber security concerns. Chapter V of the European Digital Rights ensures residents have a right to a cyber secure digital environment.
- One week after Dublin City Council enforcement notice, retention permission was granted.
- Dublin City Council was advised that submissions on their website were illegible. This raises concerns about transparency.
- The Observers objection is not on the website, undermining transparency. Copy of acknowledgment letter included.
- These failures are a breach of Digital Rights & Principles for a Digital Decade.
- No evidence that EIR sought alternative sites or co-location options.
- EIR contravened ECHR regarding protection of property and peaceful enjoyment of possessions with the installation of high-risk Huawei equipment.
- Coimisiún requested to refuse permission. Photos submitted.

#### 6.4.3. **Navan Road Community Council**

- Supports the third party appeal against the decision to grant permission.
- Building is surrounded by long established residential areas. Photos submitted.
- Questions how Dublin City Council granted permission.
- Notes that initially there was no site notice, then a site notice with two different names, on a busy roadway endangering the public. Then site notice erected but with Ashtown and not Cabra.
- Ashtown is a large geographical area.
- The granting of retention permission encourages irregular activities.
- Policies such as SI47 and SI48 and policies encouraging the sharing of digital infra were ignored.
- Did the applicant identify an appropriate site or structure elsewhere or identify a co-location site?

#### 6.4.4. **June McGuinness:**

- Objects to 5G masts at back of houses.
- Objections were dismissed by Planning Authority, even though development was placed without permission or consultation on a building used by children.
- Site is surrounded by houses, development is an eyesore.
- Should have been placed in a more industrial or open space area.
- Requests the Coimisiún to side with the people over business.

## 7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of Development
- Visual Impact
- Site Suitability
- Health Concerns

### 7.2. Principle of Development

7.2.1. The subject mast and associated equipment are located on lands zoned Z1, Sustainable Residential Neighbourhoods. 'Public service installation' is listed as a permissible use in appendix 15 of the plan, such a use being defined as "a building, or part thereof, a roadway or land used for the provision of public services including those provided by statutory undertakers. Public services include all service installations necessary for electricity, gas, telephone, radio, telecommunications...etc". I am satisfied that that the development to be retained is a permissible use in a Z1 zone.

7.2.2. Submissions regarding the validation process (address, applicant name, site notice) undertaken by Dublin City Council are not a matter for the Coimisiún. The level of engagement by third parties at Planning Authority and at An Coimisiún Pleanála level is such that I am satisfied that the intent of public notification was achieved. The applicant undertook the level of consultation required by legislation. Some of the Observers noted that their submissions to the City Council were illegible on the Planning Authority website. The matter appears to have been resolved in that it did not restrict or preclude any of the observers from being involved at appeal stage.

7.2.3. Many of the Observers raised the issue of cyber security and security / data risk. As above, this is not a matter for the Coimisiún. The Coimisiún is responsible for adjudicating on the planning merits of a development. The manufacturer of the equipment used by the operator or the digital safety of that equipment is not a

matter the Coimisiún can dictate and is not a reason the Coimisiún could refuse permission.

- 7.2.4. Questions regarding the qualifications / expertise of the Dublin City Council planner are not appropriate, nor are they a matter for the Coimisiún.
- 7.2.5. The history of the subject site, alleged changes of use of the building, alleged breaches of previous planning permissions, are not relevant to the subject appeal. With regard to legal interest, a letter of consent to the making of the application was submitted to and accepted by the Planning Authority.
- 7.2.6. The energy efficiency of the equipment installed is not a planning matter.
- 7.2.7. The applicant has accepted that a number of typographical errors were made in the application. I do not consider these to be significant, given that the appellant and the Observers clearly understand the nature and extent of development proposed and by whom.

### **7.3. Visual Impact**

- 7.3.1. The appellant submits that the structure to be retained is visually overbearing, out of proportion with the residential area and highly visible from multiple gardens.
- 7.3.2. I note section 15.18.5 of the development plan which states that telecommunications antennae and supporting structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings, may also be acceptable, subject to visual amenity considerations.
- 7.3.3. The appellant submits that the baseline character of this backland site is such that the antennae are highly obtrusive. I do not consider the telecoms equipment at roof level or the ground level cabinet to be markedly out of character with a building that is clearly a non-residential structure. I do not agree with the appellant that they are highly conspicuous. I consider that they read as an acceptable feature on a clearly non-residential building, something that is commonplace in urban areas. There are a number of electricity and other utility poles in the immediate vicinity of the site, lending credence to the overall read that this is a building that is distinct and separate from the surrounding residential dwellings. I do not agree that injury to residential amenity, property values or privacy will arise.



- 7.3.4. I do not accept that a shadow analysis or a visual impact assessment ought to have been carried out, given the relatively small scale of development to be retained.
- 7.3.5. I note the Planning Authority recommended condition that further screening of the equipment should occur post decision. I see no need for further screening of the equipment, the structures stand proud of and extend over the front and side elevations of the building but are relatively limited in scale. They are clearly legible as telecoms structure, further screening would not reduce visual impact, only introduce an additional element.

#### **7.4. Site Suitability**

- 7.4.1. The appellant submits that the applicant has not satisfied the 'last resort' test, stating that the site is inappropriate and that there was a lack of consideration of alternative sites.
- 7.4.2. The appellant has submitted details of the required coverage for 4G and 5G in the immediate vicinity of the site. A one-square kilometre area from the site comprises 350-400 homes. Coverage maps indicate poor cover / capacity gap in the immediate area and that the slightly elevated nature of the site compared to the dwellings surrounding is such that a rooftop installation provides the optimum coverage. I note the appellants submission that the building allows rooftop installation rather than a stand alone mast.
- 7.4.3. The appellant submits that supporting statements or technical data to justify the scale of development proposed has not been sought from other mobile operators. The appellant also submits that a technical justification for the use of Huawei equipment has not been submitted. The Coimisiún will note that the applicant is not required to provide such information, only to demonstrate that every effort has been made to co-locate and / or mast share. The appellant refers to An Bord Pleanála decision under ABP-312583-22 and states that permission was refused on the grounds of date evidence from only one service provider. The Coimisiún will note that permission was refused on the grounds of visual impact within a protected view and lack of evidence of how the proposed development would improve mobile phone coverage. The submission of data from more than one operator was not a reason the development was refused.

- 7.4.4. The appellant submits that the monopole on the Belvedere Road is a more suitable location for the subject development. The appellant states that the pole is a single operator and not available for co-location. The monopole on the Belvedere Road is highly visible and it is considered that the addition of more equipment would be more visually damaging than the subject site.
- 7.4.5. The applicant provided details of masts and other sites in the area and why each was discounted as being suitable for co-location / mast sharing. All sites within 1600mm of the site are included for assessment, with a reason provided why the site was not suitable as an alternative to the proposed development. I am satisfied that the applicant has demonstrated that the subject development is required and that the subject site is the appropriate location for the structure.
- 7.4.6. I consider that the proposed location and siting of the telecommunications structures are acceptable and comply with the 1996 guidelines as existing buildings are being utilised in this urban and residential location, where there is no suitable industrial estate or zoned land within the area of poorer coverage, and which negates the need for a standalone support structure.

#### **7.5. Health Concerns**

- 7.5.1. The appellant states that no certificate of compliance with IRPA Guidelines has been submitted.
- 7.5.2. Section 4.6 of the Guidelines requires that as part of the planning application operators 'should be' required to furnish a statement of compliance with the International Commission on Non-ionising Radiation Protection (ICNIRP) Guidelines (1998), or the equivalent European Pre-standard 50166-2. In relation to health considerations, Circular Letter 07/12, issued by the then DoECLG, reiterates the advice contained in the Telecommunication Guidelines, specifically that planning authorities should not determine planning applications on health grounds, 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 matters are regulated by other codes and such matters should not be additionally regulated by the planning process.

## **8.0 AA Screening**

- 8.1.1. Having regard to the nature and scale of the proposed temporary development, to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

## **9.0 Water Framework Directive**

- 9.1.1. No water deterioration concerns were raised in the planning application or appeal. I have assessed the proposed development, in an existing established urban area, 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 and 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.
- 9.1.2. 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**

- 10.1.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

## 11.0 Reasons and Considerations

Having regard to:

- (a) the national strategy regarding the improvement of mobile communications services,
- (b) the guidelines relating to telecommunications antennas and support structures issued by the Department of the Environment and Local Government to planning authorities in July 1996,
- (c) the Dublin City Development Plan 2022-2028, including the Z1 zoning, Policy 8145 (Support for Digital Connectivity) and Section 15.18.5 (Telecommunications and Digital Connectivity),
- (d) Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government (October 2012),
- (e) the nature and scale of the telecommunications support structure proposed to be retained, and the specific case characteristics, including the ongoing development at the subject site and the timing for removal of the structure as set out in the conditions.

It is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of the area, would not be contrary to the overall provisions of the development plan for the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and, therefore, no preliminary examination, screening for Environmental Impact Assessment, or environmental impact assessment is required.

## 12.0 Conditions

- 1 The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars .

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

- 2 . The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with the planning application and, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

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

- 3 The proposed telecommunications infrastructure and all associated equipment shall be removed from the site when it is no longer required or within one year of it becoming obsolete, and the site shall be reinstated to its pre-development condition.

**Reason:** In the interest of orderly development

- 4 The developer shall provide and make available at reasonable terms the proposed communications structure for the provision of mobile telecommunications antenna of third-party licensed mobile telecommunications operators.

**Reason:** In the interest of visual amenity and 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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Gillian Kane  
Senior Planning Inspector

22 October 2025

### 13.0 Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322468-25
<b>Proposed Development Summary</b>	Retain telecommunications development comprising 3 no. pole mounted antenna, each enclosed within a shroud, together with a microwave dish, equipment cabinet and associated equipment
<b>Development Address</b>	Scouts Hall, Kinvara Road, Ashtown, Dublin 7
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: 22 October 2025