



An
Coimisiún
Pleanála

Inspector's Report

ACP-323576-25

Development	Section 254 license for the installation of an 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	Glasmore Park Road, Swords, ITM: E: 717405.07 N 747247.2, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254/02/25
Applicant(s)	Emerald Tower Ltd.
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse Permission
Type of Appeal	First
Appellant(s)	Emerald Tower Ltd.
Observer(s)	None

Date of Site Inspection

15th of January 2026.

Inspector

Darragh Ryan

1.1. Site Location and Description

The proposed site is located in an area of open space along Glasmore Park, to the northwest of Swords Centre. The open space area is at a traffic light junction where Rathbeale Road meets Glasmore Park.

The open space area is at the entrance to Glasmore Park. The site is directly adjacent to a public footpath and across the road from single storey dwellings. There are a number of dense trees to the east of the open space area.

2.0 Proposed Development

- 2.1. The proposal is to install a new 18m Street Works pole with 3 no antennas to be positioned within the pole at the top of 2no 300mm link dishes, a cabinet for Eir mobile and provision for a second cabinet for any future operator to be co-located onto this installation in the future.

3.0 Planning Authority Decision

- 3.1. **Fingal County Council issued a Decision to refuse permission for a licence for three reasons as follows:**

1. Having regard to the nature and height of the proposed communication infrastructure and its proximity to existing residential properties, it is considered that the proposed mast would result in a negative visual impact which would be detrimental to the visual and residential amenities of the area, would be contrary to the objectives of the Fingal Development Plan 2023-2029, in particular to Objectives IU053 and DMS 0224.
2. Having regard to the location of the proposed communication infrastructure on "OS" Open Space zoned land, the proposed development contravenes Objective DMS027 of the Fingal Development Plan 2023 – 202, which would be contrary to the proper planning and sustainable development of the area.
3. With reference to the proposed communication infrastructure insufficient information is submitted to address and justify the inability to co-locate with existing infrastructure and to permit this development in the absence of such

information would contravene objectives IU053, DMS 0222 and DMS 0224 of the Fingal Development Plan 2023 - 2029 and the development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Report is representative of the reasons for refusal as set out above. The report can be summarised as follows:

- Visual amenity and impact on residential amenities- having regard to the height of the structure and location in close proximity to residential dwellings the proposal would have a negative visual impact on amenity of neighbouring residential properties.
- Open Space Zoning – Telecommunications structures are neither permitted in principle nor not permitted. Objective DMS017 and DMS0227 state that new utility structures should not be located on areas of open space.
- Justification- The applicant has failed to adequately justify why co-location is not possible upon existing infrastructure. In the absence of such information would contravene objectives IU053, DMS 0222 and DMS 0224 of the Fingal Development Plan 2023 - 2029

3.2.2. Other Technical Reports

- Air & Noise Unit no objection
- Transportation Planning Section – no objection subject to conditions.
- Parks and Green Infrastructure – no objection to the development

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

- None

5.0 Policy Context

5.1. Planning Authorities on Telecommunications Antennae and Support Structures issued (1996)

- 5.1.1. 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.
- 5.1.2. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort, and if there no viable alternatives, should free-standing masts be located in a residential area or beside schools. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.
- 5.1.3. 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.
- 5.1.4. 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.

5.1.5. 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.

5.2. **Circular Letter PL07/12**

5.2.1. Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. 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.

5.3. **Circular Letter PL11/2020**

5.3.1. Circular Letter PL11/2020 'Telecommunications Services – Planning Exemptions and Section 254 Licences' was issued in December 2020. It advises Planning Authorities that:

- Section 254 of the Act outlines the provisions in relation to the licensing of appliances and cables etc on public roads. Where development of a type specified in

section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of the obtaining of a section 254 licence.

- A Section 254 Licence is required for overground electronic communications infrastructure and its associated works, and that such works are exempt from planning permission.

- The exemptions for telecommunications infrastructure along public roads do not apply:

- (a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.

- (b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:

- a) the proper planning and sustainable development of the area,

- b) any relevant provisions of the development plan, or a local area plan,

- c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and

- d) the convenience and safety of road users including pedestrians.

5.4. Fingal Development Plan 2023-2029

11.8.4 Telecommunications The provision of telecommunications information is important in terms of the economic development of the County. To ensure appropriate telecommunications infrastructure is provided within the County, the Council will have regard to the Guidelines issued by the Department of the Environment, Heritage and Local Government, Planning Guidelines for Telecommunications Antennae and Support Structures 1996 and Circular Letter PL 07/12. The assessment of individual proposals will be governed by the Guidelines and the controls scheduled in Chapter 14 Development Management Standards of this Plan.

5.4.1. Objective IU048 – High Quality ICT Network and Appropriate Telecommunications Infrastructure

Promote and facilitate the provision of a high-quality ICT network and appropriate telecommunications infrastructure in accordance with the Fingal Digital Strategy 2020–23 (and any subsequent plan), and to support broadband connectivity and other innovative and advancing technologies within the County, whilst protecting the amenities of urban and rural areas.

5.4.2. Objective IU052 – Telecommunications Infrastructure

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

5.4.3. Objective IU053 – High-quality Design of Telecommunications Infrastructure

Ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity and the protection of sensitive landscapes in the County

5.4.4. Objective IU054 – Sharing and Co-location Of Digital Connectivity Infrastructure

Support the appropriate use of existing assets (i.e. lighting, street furniture etc) for the deployment of telecoms equipment and to encourage the sharing and co-location of digital connectivity infrastructure in the interests of visual amenity and protection of the built heritage.

5.4.5. Chapter 14 Development Management Standards

Objective DMSO17 – Location of New Utility Structures Where possible, new utility structures such as electricity substations and telecommunication equipment cabinets should not be located adjacent or forward of the front building line of buildings or on areas of open space.

Objective DMSO18 – High Quality Design of New Utility Structures Require new utility structures such as electricity substations and telecommunication equipment cabinets to be of a high-quality design and to be maintained to a high standard by the relevant service provider.

Objective DMS 0222 – Co-Location of Antennae

Require the co-location of antennae on existing support structures and where this is not feasible require documentary evidence as to the non-availability of this option in proposals for new structures.

Objective DMSO223 – Location of Telecommunications Based Services

Encourage the location of telecommunications-based services at appropriate locations within the County, subject to environmental considerations and avoid the location of structures in fragile landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved

Objective DMSO224 – Applications for Telecommunications Structures Require the following information with respect to telecommunications structures at application stage: "

- Demonstrate compliance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment 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.
- Demonstrate the significance of the proposed development as part of a national telecommunications network.
- Indicate on a map, the location of all existing telecommunications structures within a 2 km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulations.
- The degree to which 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.

- Ensure that when such licences are sought nearby property owners and occupiers are made aware of the application prior to Fingal County Council or An Bord Pleanála agreeing the licence.

5.5 Natural Heritage Designations

Malahide Estuary SAC (000205) 2.5km east of the site

Malahide Estuary SPA (004025) 2.5km east of the site

6.0 EIA Screening

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 (or Part V of the 1994 Roads Regulations). 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.

7.0 The Appeal

7.1. This is a first party appeal against the decision of Fingal County Council to refuse a Section 254 licence for an 18m Alpha streetpole to address identified mobile and mobile broadband coverage blackspots.

- Refusal Reason 1 - The proposed design and height of the proposed structure (18m) is not unusual for this type of infrastructure and is common throughout the country. It is submitted that given the fact that the street pole will read as a typical element of street furniture and given the findings of the Visual Impact Assessment submitted with the application it is refuted that the proposed development will not be visually obtrusive at this location. The open space area is already heavily modified and the addition of the proposed structure will not impact negatively on the visual amenities of the area. Furthermore the Glassmore Park junction already has significant levels of street signage and street poles in addition to utility cabinets, the addition of another is not going to negatively impact the visual amenities of the area.

- Refusal Reason 2 – The Open Space at this location is an incidental area of open space and is not designed or maintained to be actively used by the community. The open space area is already compromised by the installation of various items of vertical infrastructure. The objectives stated in the refusal reason reference the term “where possible”. The applicant sets out that this location is the only justifiable location for the proposed development in this instance. It is set out that the provision of telecommunications infrastructure is a critical “community facility” and therefore should be considered favourably. It is set out that this rationale is supported by Chapter 13: Land Use Zoning Chapter of the Development Plan. It is set out that as Telecommunications structures are neither permitted in principle nor not permitted within the land use zoning it should be assessed in terms of contribution to towards the zoning objective and vision with the policies and objectives within the development plan.
- Refusal Reason 3 - The proposed streetpole and antennae is for a dual operator solution. It is submitted to the Coimisiun that the proposed development is to address a blackspot which they are trying to resolve by providing a solution within the search ring provided by their own radio engineers. The current sites in the area do not provide adequate indoor service and capacity for high speed mobile broadband in and around the area. Details of why other locations have been discounted have also been provided.

7.2. Planning Authority Response

A response to the appeal was submitted by Fingal County Council dated 25th of September 2025

- The planning authority remain of the opinion that the licence should be refused

7.3. Observations

- None

7.4. Further Responses

- None

8.0 Assessment

8.1.1. Having examined the licence application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this licence appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Principle of Development/ Open Space Zoning
- Visual Impact
- Appropriate Assessment

8.2. Principle of Development

8.2.1. The proposal comprises the installation of an 18-metre street works pole accommodating three antennas housed internally at the top of the structure, together with two 300mm link dishes. The development also includes the installation of an equipment cabinet to serve Eir Mobile, with provision for a second cabinet to facilitate future co-location by an additional operator. The site is located on lands zoned OS – Open Space under the Fingal Development Plan 2023–2029. Chapter 13, Land Use Zoning, of the Development Plan states that where a proposed use is neither “Permitted in Principle” nor “Not Permitted”, such development should be assessed having regard to its contribution to the achievement of the zoning objective and the overall vision and policies of the Development Plan.

Telecommunications infrastructure is not explicitly listed as either permitted or prohibited within the OS zoning category. However, the Planning Authority did not accept the principle of development at this location, concluding that the proposal contravenes Objective DMS027 of the Development Plan.

8.2.2. The following objectives within the Fingal Development Plan 2023 to 2029 are of particular relevance:

- Objective DMS017– Location of New Utility Structures:

“Where possible, new utility structures such as electricity substations and telecommunications equipment cabinets should not be located adjacent to or forward of the front building line of buildings or on areas of open space.”

- Objective DMS027– Utility Infrastructure and Open Space:

“Locate, where possible, new utility structures such as electricity substations and telecommunications equipment cabinets not adjacent to or forward of the front building line of buildings or on areas of open space.”

The applicant submits that the wording “where possible” does not constitute an absolute prohibition on the provision of telecommunications infrastructure on open space lands. It is further argued that the subject lands represent an incidental area of open space which is not designated or actively maintained for community use.

8.2.3. I do not concur with the applicant’s characterisation of the site. In my view, the subject lands constitute an important public amenity serving the residents of Glasmore Park and the surrounding area. The open space is landscaped, well maintained, and contributes positively to the residential and visual amenity of the area, whether through formal local authority maintenance or informal maintenance by local residents.

8.2.4. The Development Plan places significant emphasis on the protection and enhancement of open spaces. Chapter 13 sets out the vision for OS-zoned lands as follows:

“Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority.”

In addition, Objective GI35 seeks to:

“Facilitate the development of open spaces and civic spaces at suitable locations within the area and protect existing open spaces from inappropriate development, so as to maintain their attractiveness and role in enhancing the residential and ecological amenities of the area.”

The proposed development, consisting of a tall street works pole and two equipment cabinets positioned to the front of the open space along the public grass verge, would in my view materially interfere with the primary function of the lands as open space. Notwithstanding the technical rationale advanced by the applicant, I consider that the introduction of such infrastructure at this location would detract from the recreational and amenity value of the open space and would conflict with the stated objectives of the Development Plan.

8.2.5. Refusal Reason No. 3 issued by the Planning Authority relates to the applicant's failure to adequately demonstrate that co-location with existing telecommunications infrastructure in the vicinity has been fully explored, with specific reference to Objectives DMS0222 and DMS0224 of the Development Plan.

8.2.6. The applicant states that, having regard to the defined search ring, there are no alternative sites available that would adequately address the identified coverage deficit. The following alternatives were assessed:

Existing Structures: A structure on Rathbeale Road lies within the search ring; however, it is single-operator only and is stated to have no remaining capacity for additional operators.

Other Existing Masts: A structure at the corner of Church Road and Bridge Street is significantly outside the defined search ring.

Tall Buildings: There are no buildings of sufficient height within the search ring to accommodate the required equipment.

Industrial Zoned Lands No such lands exist within the search ring.

Commercial or Retail Buildings: The applicant states that efforts were made to engage with building management within the search ring, but no responses were received.

On this basis, the applicant concludes that the provision of a new standalone structure is necessary to meet its obligations in relation to wireless broadband and mobile data coverage within the area.

While I acknowledge the applicant's submission regarding the lack of alternative sites and the technical justification for a new structure, I consider that the existing commercial facility on Rathbeale Road represents a more appropriate and preferable location for telecommunications infrastructure of this nature. By contrast, the proposed location within and immediately adjoining a valued area of open space is, in my view, unsuitable.

- 8.2.7. The importance of protecting existing open spaces is clearly articulated within the Development Plan. The proposed development, by virtue of its scale, form, and siting, would erode the amenity and recreational value of this open space and would undermine its role as a public amenity for local residents. Having regard to the "OS" zoning of the site and the objectives of the Fingal Development Plan 2023–2029, I consider that the proposal constitutes an inappropriate form of development at this location. The development would contravene Objectives DMS017 DMS027 and GI35, and would detract from the established open space provision. Accordingly, I consider that the Planning Authority's refusal of permission on the grounds of principle of development is justified.

8.3. Visual Impact

- 8.3.1. The first reason for refusal issued by the Planning Authority relates to the visual impact of the proposed development, concluding that the location of the structure would result in a negative visual impact within a predominantly residential area and would adversely affect the residential amenity of local residents.

The applicant disputes this assessment, contending that the visual impact of the proposal would be limited given the existing level of development and street infrastructure in the vicinity of the site. Reference is made to the presence of telecommunications poles, overhead lines, elevated traffic signals, street lighting, and signage, particularly along Rathbeale Road. It is further stated that the Glasmore Park side of the Rathbeale Road junction is already characterised by a concentration of street furniture and traffic-related infrastructure.

- 8.3.2. Having regard to the wider streetscape along Rathbeale Road, I acknowledge that elements such as street poles, lighting columns, and directional signage are a necessary and standard component of an urban road network and are required to facilitate safe and efficient traffic movement. However, I note that the immediate

location of the proposed telecommunications structure, on the Glasmore Park side of the junction, is characterised by a noticeably lower level of street furniture and derives much of its visual quality from its function as landscaped open space. I do not therefore agree with the applicant's assertion that this area is already visually compromised. In my view, the introduction of a tall telecommunications pole and associated cabinets on a small and visually sensitive area of open space would significantly alter the established character of the area and would represent a visually intrusive addition to the streetscape.

8.3.3. The applicant has submitted a Visual Impact Assessment (VIA) in support of the proposal. The VIA identifies four short- to medium-range viewpoints, which are described as representing a worst-case scenario. The applicant concludes that, due to the relatively modest footprint of the development, its proposed colouring and design, and the presence of mature trees in the vicinity, the proposal would result in no significant adverse visual impacts on nearby sensitive receptors.

8.3.4. The viewpoints assessed are as follows:

- Glasmore Park Road, southwest of the site (63 metres)
- Rathbeale Road, northwest of the site (77 metres)
- Mooretown Avenue, north of the site (87 metres)
- Rathbeale Road, east of the site (80 metres)

While I accept that the visual impact from three of the four viewpoints would be limited, I consider that the impact from Viewpoint 1, along Glasmore Park Road, would be significant. This viewpoint directly engages with the open space and reflects its role as a local amenity area. From this perspective, the introduction of a tall pole structure and associated cabinets would detract from the visual quality and openness of the space and would undermine its amenity value.

8.3.5. Although I accept that the visual impact on adjoining residential properties may not, in isolation, be severe, I consider that the primary issue relates to the erosion of the visual amenity and character of the open space itself. As outlined Section 8.2 of this report, the protection of existing open space is a key objective of the Fingal Development Plan, and this area represents a small but distinctive landscaped space with a particular local character.

8.3.6. In this context, the proposal conflicts with the following Development Plan objectives:

- Objective IU053 seeks to ensure that utility and infrastructure development, including telecommunications infrastructure, is designed and sited in a manner that minimises adverse visual impacts and protects the amenities and character of residential areas and public spaces. The objective emphasises the need for careful consideration of scale, height, and siting to ensure compatibility with the surrounding environment.
- Objective DMS0224 promotes the appropriate siting and design of telecommunications infrastructure, with an emphasis on minimising visual intrusion, protecting residential amenity, and ensuring that such infrastructure does not detract from the character of the surrounding area or public realm. The objective also seeks to ensure that proposals are sensitively integrated into their surroundings.

8.3.7. Having regard to the nature, scale, and height of the proposed telecommunications structure, its siting on a visually sensitive area of open space, and its proximity to existing residential development, I consider that the proposal would result in an adverse visual impact that would be detrimental to both the visual and residential amenities of the area.

Accordingly, I find that the proposal would be contrary to the objectives of the Fingal Development Plan 2023–2029, in particular Objectives IU053 and DMS0224, and that the Planning Authority’s refusal of permission on the grounds of visual impact is justified.

9.0 AA Screening

9.1. Having regard to the nature and scale of the proposed development, which is for telecoms infrastructure consisting of a 18m high street pole and operator cabinets in an established and serviced urban area, the distance from the nearest European site, no appropriate assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

10.0 Recommendation

I recommend that a Section 254 licence be refused for the following reasons:

11.0 Reasons and Considerations

1. Having regard to the location of the proposed communication infrastructure on “OS” Open Space zoned land, the proposed development is contravenes Objective DMS017 and Objective DMS027 of the Fingal Development Plan 2023 – 2029, with respect to locating of utility structures on lands zoned for “Open Space” which would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature and height of the proposed communication infrastructure and its location to the front of existing open space provsion, it is considered that the proposed mast would result in a negative visual impact which would be detrimental to the visual and residential amenities of the area, would be contrary to the objectives of the Fingal Development Plan 2023-2029, in particular to Objectives IU053 and DMS 0224.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Darragh Ryan
Planning Inspector

29th of January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	323576-25		
Proposed Development Summary	S254 – License for 18m Streetpole		
Development Address	Glasmore Park Road, Swords, ITM: E: 717405.07 N 747247.2, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes		
	No	X	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?

No	X	
Yes		

Inspector: _____

Date: _____