Inspector's Report
ACP-323881-25

Development	S254 licence for telecommunications infrastructure
Location	Littlepace Shopping Centre, Clonee, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254W/01/24
Applicant(s)	Emerald Tower Ltd.
Type of Application	Section 254 Licence
Planning Authority Decision	Grant Licence
Type of Appeal	Third Party
Appellant(s)	Clonee Action Group
Observer(s)	None
Date of Site Inspection	9th day of September 2026
Inspector	Fergal Ó Bric

1.0 Site Location and Description

1.1 The site comprises a section of public footpath located immediately adjacent to the pedestrian and vehicular entrances to the Littlepace Shopping Centre in Clonee, Dublin 15. The site is located on the northern side of the Littlepace Road.

1.2 There is an existing supermarket ('Spar), pharmacy, hair salon, take-away and public house, creche and restaurant within the two-storey shopping centre building. Located immediately adjacent to the shopping centre is a public house and a local church and a car valet/wash business. There is a large surface car park to the front (south) of the shopping centre.

1.3 There is a footpath and dedicated cyclelane located along the northern side of the Littlepace Road. The footpath has a width of approximately four metres at this particular location. There is a bus stop and pedestrian crossing point with traffic signals on the Liitlepace Road immediately adjacent to the subject site.

1.4 There is also a low wall and railing on top of the wall back planted with some soft landscaping (shrubs and trees) on the roadside boundary between Littlepace Shopping Centre and the Littlepace Road. The pavement on which the site is located is said to be in the ownership of Fingal County Council.

1.5 The wider surrounding area is mainly characterised by detached, semi-detached and terraced housing.

2.0 Proposed Development

2.1 The applicant is seeking approval for a Section 254 Licence comprising an 18 metre high freestanding galvanised telecommunications monopole, together with an antenna, internal cabling, two dishes, and ancillary cabinet and operating works.

2.2 The monopole would be 0.4m at its widest point, which is at the top, where the antennae (enclosed within the pole sleeve) are housed. Two dishes 300mm in diameter would be affixed to the monopole at a height of approximately 12.5m.

2.3 The ground cabinets would have a height of 1.9 metres, a length of 1.3 metres and a depth of 0.8 metres.

2.4 The purpose of the proposed infrastructure is stated to be to address identified mobile and wireless broadband coverage blackspots.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted the Section 254 Licence subject to seven conditions. The pertinent conditions included the following:

Condition no 2-Permission shall be valid for a period of five years only.

Condition no 3-Withdrawel of licence in event that road/footpath/cyclepath widening is required.

Condition 4-All works to be agreed in writing with the Area Engineer in prior to the commencement of development. Any repair works or relocation of services, street furniture shall be carried out at the expense of the developer.

Condition no 5: In the event that the telecommunications infrastructure becomes obsolete and decommissioned, the developers shall remove the telecommunications infrastructure t their own expense.

Cpndition no 6: The developer shall prevent spillage of materials on the adjoining public road. In the event of a spillage the developer shall remove any such material at his own expense.

Condition no 7: Construction hours.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- The site in its entirety is located on the public footpath.
- The proposed development is located on unzoned lands but immediately adjoining lands zoned as ‘LC – Local Centre’ where telecommunication structures are permitted in principle.

- The applicant has indicated in their application form that they are applying for a licence to cover the period November 2023 to November 2027 (four years).
- The applicant has submitted a report that states the proposed development is in accordance with the various supporting policy objectives in the County Development Plan, including Objectives IU052, IU053, IU054, DMSO17, DMSO18, DMSO223 and DMSO224.
- Seventeen existing alternative telecommunications sites within a three kilometre radius of the subject site were considered as part of the site selection assessment. The existing telecommunication sites were not deemed suitable due to being located outside of the cell search ring, or where the signal was blocked by the existing built environment or vegetation.
- The development would be in accordance with Development Plan Objectives DMSO223, which encourages appropriately located telecommunications structures.
- The monopole has a slim, contemporary design. Its height at 18 metres would integrate appropriately within the local urban environment on the perimeter of a local centre that the local environment has capacity to absorb the proposals without resulting in an adverse visual impact. Ther are a number of public lighting columns along the Littlepace Road in proximity to the site and that the receiving environment is not particularly sensitive.
- The Planner recommended a grant of permission for the licence.

3.3 **Other Technical Reports**

Transportation Planning Section: No objections, subject to conditions.

Parks and Green Infrastructure Division: No report received.

Water Services Department: No objection.

3.4 **Prescribed Bodies**

None noted.

4.0 **Planning History**

I am not aware of any planning history pertaining to the subject site.

5.0 **Policy Context**

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

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. These are an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.

Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in a residential area. If such a location should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location. The proposed structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure.

The Guidelines also state that visual impact is among the more important considerations which should be considered in arriving at a decision for a particular application. In most cases, the Applicant will only have limited flexibility as regards selecting a location given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

The Guidelines 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.

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

5.2 Circular Letter PL07/12

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

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.

5.4 Other National Policy

- Project Ireland 2040 – The National Planning Framework (NPF)
- The East and Midlands Regional Spatial Economic Strategy (RSES)

5.5 Fingal County Development Plan 2023-2029

Zoning

The appeal site is located on unzoned lands. Lands immediately to the north and adjoining the subject site are located as Local Centre and lands on the opposite side of the Littlepace Road and form part of the Castteheany residential development are zoned residential.

Chapter 11-Infrastructure and Utilities

Section 11.8- Information and Communications Technology

Section 11.8.4-Telecommunications

The following are considered to be the relevant policies and objectives within the Development Plan.

Objective IU048

Promote and facilitate the sustainable delivery of a high-quality ICT network and appropriate telecommunications infrastructure in accordance with the Fingal Digital strategy 2020-2023 (and any subsequent plan) and to support broadband connectivity and other innovative and advancing technologies within the County, whilst promoting the amenity of urban and rural areas.

Objective IU053

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

Objective IU054

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.

Chapter 14-Development Management Standards

DMS017

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.

DMSO18

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.

DMS0222

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.

DMS0223

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.

DMS0224

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 in July 1996 and / or to any subsequent amendments, Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation and to such other publications and material as maybe 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 (whether operated by the applicant or a competing company) within a 2km radius of the proposed site. stating the reasons why (if not proposed) it is not feasible to share existing facilities bearing in mind the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation.
- The degree to which the proposals will impact upon the amenities of occupiers of nearby properties, of 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 to Fingal County Council or An Bord (Coimisiún) Pleanála. Agreeing the licence. there is an impact on public safety, landscape, vistas and ecology.

Section 14.20-10-Section 254 licences

Items and equipment placed on, under, over or along a public road such as street furniture and overground telecommunications infrastructure, have the potential to significantly impact on the quality of the environment within a given area. This includes development works regulated through Section 254 licencing requirements. In assessing applications under Section 254 of the Planning and Development Act 2000, (as amended), the Planning Authority must have regard to the relevant provisions of the Development Plan, any LAP in place and must give careful consideration to the impacts on public realm and visual amenity.

5.6 Natural Heritage Designations

There are no designated European sites within the vicinity of the site.

The nearest European Sites are the Rye Water Valley/Carton SAC (Site Code: 001398) which is located approximately 7.3 kilometres to the southwest of the subject site.

6.0 The Appeal

6.1 Grounds of Appeal

A third party appeal against the decision of the Planning Authority to grant the Section 254 licence in relation to the installation of the telecommunications pole structure and associated cabinet infrastructure has been submitted to the Coimisiún by a local group resident in the Littlepace area. The main grounds of the third appeal can be summarised as follows:

- The nearest dwelling is located only forty metres from the telecommunications infrastructure with many more housing developments within fifty metres from the local retail shops, within twenty-five metres from a large recreational park, less than one hundred metres from a local school, community centre and sports facility.
- The local community only became aware of the telecommunications infrastructure when it was erected on site in June 2025.
- The infrastructure consists of an 18 metre tall pole structure. There were two ancillary cabinets to be installed however, only one cabinet is in place at present.
- The telecommunications infrastructure is located within seventy metres of a creche facility, one hundred metres from school grounds and one hundred and fifty metres from the nearest school building. The 1996 Telecommunications Guidelines state that sites beside schools should not be favoured and that such locations should only be considered as a last resort. The proposals are contrary to Development Plan objectives IU048 in terms of protecting amenity and DMSO224 in terms of notifying nearby property owners/occupiers.
- The last resort test is a mandatory requirement within the Development Plan. Only one alternative was considered at pre-planning stage and that location was not considered suitable and deemed to be ‘overbearing’.
- The Coimisiún has previously refused permission for telecommunications infrastructure due to proximity to residential properties including reference number 308369-20.
- The development would be in conflict with objectives IU054 and DMSO222 which require sharing of telecommunications sites and co-location of telecommunications infrastructure or documentary evidence as to why co-location is not possible. No such evidence has been submitted by the applicants.
- The failure to comply with objectives DMSO223 and DMSO224 is a material contravention of the current Fingal County Development Plan and the

Coimisiún has no jurisdiction to grant a Section 254 licence in material contravention of the Development Plan.

- An 18 metre tall telecommunications pole structure is highly intrusive in this area. No justification has been submitted by the applicants for this highly imposing structure.
- The applicant's viewpoint analysis, particularly viewpoint no 3 underestimates and misrepresents the prominence of the structure and fails to acknowledge its impact on residential and community amenity.
- The pole structure contravenes objective IU053 in relation to providing a high-quality design and protecting visual amenity.
- Section 4.3 of the Telecommunications Guidelines visual impact must be assessed including its relationship to surrounding buildings.
- The photomontages submitted omit key viewpoints which would illustrate the masts true scale and prominence.
- The height of the pole structure is significantly taller than the street lighting columns, the mature roadside trees and two storey houses. The height disparity results in the mast being visually dominant and out of scale with the surrounding environment.
- The pole structure forms a highly conspicuous vertical element, breaks the skyline, is not screened by existing tree cover, undermines local visual amenity and character and fails to respect the scale of adjacent residential development.
- The subject site is not zoned and, therefore, can be considered as a 'transitional zone area' located between zonings. In transitional zone areas the Development Plan states 'that it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential areas or abutting residential development within predominantly mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of residential property'. Erecting an 18 metre tall telecommunications mast abutting residential zoning and open space

zoning would materially contravene the objectives for transitional zone areas.

- While health concerns are not determinative as per the provisions of Planning Circular PL 07/12, given the proximity of the telecommunications infrastructure to children's facilities, issues regarding public health cannot be ignored
- The applicants have provided no technical demonstration of need including 'dropped call' registers from providers. The applicants should have provided independent evidence that this area is a network coverage blackspot.
- The Motorway lighting columns, located approximately 440 metres north of the subject site provide a realistic co-location alternative in compliance with objectives IU054, DMSO222 and DMSO224. No technical nor structural justification was offered by the applicants for excluding these lighting columns as an alternative location.
- Other alternative locations including the lighting columns on the motorway overpass (R156) or at the Clonee Data Centre were not examined as possible alternative locations. These locations are within the applicants search area and considerably closer to the subject site than the alternative locations discounted by the applicants.
- There have been a number of precedents in terms of decisions issued by the Coimisiún for the development of telecommunications pole structures and associated infrastructure in Dublin 15 and Dublin 18.
- Section 14.3.1 of the current Fingal Development Plan sets out that an Environmental Impact Assessment Screening Statement should be submitted with all applications. No such screening statement was submitted by the applicants as part of their planning documentation and the Section 254 licence should have been refused on the basis of non-compliance with this EIA screening requirement.

6.2 Planning Authority Response

The Planning Authority (PA) issued a response to the Coimisiún where the set out the following:

- The PA has no further comments to make in relations to the telecommunications proposals.
- It is requested that the Board uphold the Decision of the Planning Authority to grant permission for the Section 254 licence.

6.3 Applicants response to third party appeal submission

The applicants issued a response to the issues raised within the third party appeal submission as follows:

- The proposed development is located on a wide section of public footpath that is owned by Fingal County Council.
- There is no relevant planning history pertaining to the subject site.
- Within the pre-planning consultation process, the PA supported the development of the site that is the subject of the current appeal.
- A technical justification for the proposed telecommunications infrastructure was set out within Section 4 and paragraph 5.7 of the Planning Statement submitted as part of the planning documentations submitted to the PA
- Existing telecommunications structures were assessed and discounted as they were either too far removed from the cell search area to provide the required coverage, the structures are already at capacity or that coverage is blocked by intervening built environment and/or vegetation. Therefore, the development would not contravene objective DMSO222.
- Existing (non-telecoms) structures were assessed and discounted as existing structures (commercial premises, school and GAA pitch floodlights) were not tall enough to cater for an 18 metre telecommunications structure.

- Another greenfield location approximately one hundred metres east of the subject site was considered however, this was not deemed acceptable by the PA as the pavement width was narrower and due to impact upon sightlines from the Littlepace Shopping Centre. Therefore, the proposed development would not be contrary to objective IU054.
- The alternative sites as suggested by the appellants are located outside of the search ring to generate the required uplift in mobile and broadband network coverage. The development is required to address identified mobile and wireless broadband coverage blackspots.
- Circular PL07/12 sets out that avoiding sites beside schools is a reasonable policy. The subject site is not beside a school or creche facility, rather the subject site is somewhat removed from both. The creche is located in proximity to a busy commercial area including a public house, restaurant and supermarket and surface car park. There is minimal fenestration on the front of the crèche facility. Intervisibility between the subject site and the creche is limited in this instance by virtue of an architectural awning and associated support columns across the front of the commercial building and the existence of car parking between the subject site and the crèche.
- The nearest school building is located circa 151 metres to the east of the subject site, and the nearest part of the school ground is approximately 70 metres east of the subject site. Therefore, no part of the school is beside or next to the subject site.
- The attention of those using the car park is drawn by the existing local built environment.
- The commercial development is located between the local school and the subject site. These structures obscure views of the subject site from the school building
- In relation to health concerns, guidance in this regard is set out within circular PL07/12 where they set out that PA's do not have competence in relation to health and safety matters in respect of telecommunications infrastructure, that these are regulated by other codes and such matters

should not be additionally regulated by the planning process. Health matters are not a consideration for the Coimisiún.

- The development will ensure high speed and reliable communications networks to the surrounding area including the school, creche and their users.
- Reference is made to a precedent for similar type telecommunications infrastructure at Porrterstown, Dublin 15, which related to a Section 254 licence being permitted in a predominantly residential area.
- The precedents quoted by the appellants related to telecommunications infrastructure on residential zoned lands and the second one was within thirty metres of the nearest dwelling. The subject site is not located within residential zoned lands nor in very close proximity to dwellings and the examples referenced by the appellants are materially different from the subject site.
- The Coimisiún have permitted the erection of telecommunications pole structures in proximity to schools and dwellings under reference numbers 307220 and 314937, both in predominantly residential areas.
- The development is part of a nationally significant roll out of vital telecommunications infrastructure, by its scale and nature can be integrated successfully within the streetscape and successfully absorbed into its local environment without resulting in undue visual or residential amenity impacts.
- The subject site abutts and is located immediately adjacent to an area zoned as ‘Local Centre’ where the predominant use is commercial and thus the proposed use is compatible with the abutting use. The site does not abutt any residential areas however, there are residential areas to the south, south-east and further to the west and east.
- The proposed development would only have a minor impact on the amenities of residents in these areas due to separation distances of between 50 metres and 85 metres from nearest dwellings, due to the existence of intervening buildings, mature trees and hedgerow, the intervening

thoroughfare of the Littlepace Road and the orientation of dwellings away from the telecommunications infrastructure.

- Neither does the subject site abutt an open space/park area.
- The appellants contention that the mast will be highly obtrusive is a subjective opinion that fails to have regard to the balance that is struck between the visual impacts and the technical complexities and statutory and social requirement of delivering improved telecommunications infrastructure.
- A key provision within Section 4.3 of the Telecommunications Guidelines is that in urban areas it will not always be possible to secure the perfect unobtrusive site and that in such circumstances the support structure should be kept to a minimum height.
- The subject structure has been kept to a minimum height and that it is a monopole design as required by the Guidelines.
- Sections 6.7 to 6.17 within the Planning Statement set out the detailed, competent and professional approach adopted to the preparation of the photomontages.
- Given the mast is in situ, the Planning Inspector will be in a position to see the actual impact of the structure in its real context.
- The Section 254 licence application was submitted to the Planning Authority in accordance with the provisions of the legislation as set out within the Planning and Development Act 2000 (as amended).
- In terms of EIA, the subject site is significantly below any thresholds as set out within Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended). This stance has been upheld by the Coimisiún when it carried out an assessment for a similar type development under reference number 314492.
- The development is supported by national policy within the NPF including National Strategic Outcome 6 in terms of delivering digital connectivity, within Section 8.6 of the EMRA RSES, RPO 8.25 where the objective is to

promote and facillate the sustainable development of a high-quality ICT network throughout the region….'.

- The proposal strikes an appropriate balance between environmental impact and operational considerations. The height, colour and design represent the best compromise between the visual impact of the proposals on the surrounding area and meeting the technical requirements for the site. The proposals provide for new and improved high speed broadband and data services would not be contrary to the objectives as set out within the current Fingal County Development Plan 2023-2029.

7.0 **Assessment**

I consider the main issues relevant to the assessment include:

- Compliance with Section 254 Criteria
- Appropriate Assessment

8.0 **Compliance with Section 254 Criteria**

8.1 **Introduction**

8.1.1 The subject site comprises a section of public footpath at the entrance to the Littlepace Shopping Centre at its junction with the adjoining Littlepace Distributor Road (LDR). The subject side is located along the northern side of the LDR. The Littlepace shopping centre comprising a supermarket ('Spar), a take-away, a hair salon, a creche facility and a restaurant. There is also a public house and a church in this area and a large area of surface car parking to the front of the commercial and church facilities. There is a bus stop and pedestrian crossing point with traffic signals on the LDR immediately adjacent and east of the telecommunications infrastructure. There is some soft landscaping in the form of trees and shrubbery along the front perimeter of the car park area fronting onto the LDR and immediately adjacent to the telecommunications infrastructure. There is a low wall with railing on top which divides the surface car park from the LDR and there are footpaths and cyclelanes along the length of the LDR. The telecommunications infrastructure is located within the public footpath fronting onto the LDR at the main vehicular and pedestrian

entrance to the Littlepace shopping centre. The pavement area is at its widest point (approximately 4 metres) at this location.

8.1.2 Section 254 (5) of the Planning and Development Act 2000, (as amended) sets out the following: In considering an application for a licence under this section a planning authority, or the Board (Coimisiún) on appeal, shall have regard to the items listed under subsection 254 (5).

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

b) Any relevant provisions of the development plan, or local area plan,

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

d) The convenience and safety of road users, including pedestrians.

8.2 **The proper planning and sustainable development of the area**

8.2.1 The Planning Authority granted the Section 254 licence for the development of the telecommunications pole structure and associated cabinet infrastructure subject to seven conditions as set out within Section 3 of this report above. The PA considered the supporting technical justification as submitted by the applicants justified the necessity to upgrade the level of mobile and broadband network coverage in this locality, the design and layout of the telecommunications infrastructure to be appropriate in this instance given its location in proximity to existing commercial development, its separation distance from the adjacent residential properties and the absence of an adverse visual impact due to the existence of the existing built environment and landscaping that exists in this locality. The PA considered that the development would not have an adverse impact on the visual or residential amenities of the area and would be compliance with objectives IU048, IU054, IU053, DMSO222 and DMSO224 within the current Fingal County Development Plan 2023-2029.

8.2.2 A Planning Statement, comprising a site assessment, including a technical justification, consideration of alternatives sites, a visual impact assessment including photographic images from three selected viewpoints, policy considerations,

operation and environmental considerations including, design considerations and health and safety considerations were submitted as part of the planning documentation. The impact on the residential and visual amenity has been assessed by the Planning Authority (PA). The PA considered the proposal would not have a significant adverse visual impact upon the area, having regard to the existence of landscaping in proximity to the telecoms site in the form of mature tress and shrubbery, this existence of vertical features including public lighting columns along the Littlepace Distributor Road, the existence of the two storey commercial bult fabric to the north and east of the site and the separation distance from the nearest residential units be, the nearest being fifty metres south-west of the subject site on the opposite site of the Distributor road..

8.2.3 The PA acknowledged that the subject site is unzoned within the current Fingal Development Plan. However, given the proximity of the site to Local centre zoned lands which immediately abutt the subject site to the north where there are any established commercial uses including a supermarket, hair salon, take-way, restaurant, public house and also a local church where an uplift in mobile and broadband coverage is required and would be welcomed. The PA also noted that the principle of the telecommunications infrastructure is permitted in principle within Local Centre zoned lands and that adjacent residents would also benefit from an uplift in mobile and broadband network coverage. The PA in their assessment recognised the strategic need for the development of telecommunications infrastructure in this area in terms of providing the necessary uplift in telecommunications network services in an area where there was previously a deficit in such services. However, these matters need to be balanced against the height, design and layout of the proposals, the visual impact of the proposals and that adjacent residential amenities are respected and protected in accordance with the Development Plan objectives.

8.2.4 Given the open context of the subject site in an area where there is already significant commercial development in the form of the Littlepace shopping centre and the adjoining public house and the separation distance from the adjacent residential properties, the nearest being approximately forty five metres from the telecommunications infrastructure on the opposite side of the Littlepace Distributor Road, I consider that the applicants have presented a sound planning justification for

the proposals in terms of the existing mobile network coverage in the areas as classified as being very good at present due to the presence of the existing telecommunications infrastructure within the subject site. The Planning statement submitted by the applicants (dated January 2024) classified the indoor mobile and broadband coverage in the area as being as being ‘fair’ to ‘poor’ at that particular time.

8.2.5 The visual assessment submitted by the applicants as part of their planning documentation deemed that the telecommunications infrastructure would be visible from many of the adjacent residential areas but that existing vertical structures such as streetlights in the foreground assist in absorbing and assimilating the development within the streetscape, and that the proposals would not represent a ‘dominant’ feature within the streetscape. The existing mature trees in the vicinity of the site assist in screening the development from a number of the said viewpoints.

I consider that viewpoints 1, 2 and 4 taken from the west and east of the subject site from further along the Littlepace Distributor Road demonstrate that the telecoms infrastructure assimilates well within the local streetscape particularly when one traverses east or west along the distributor road within the Littlepace area.

8.2.6 Whilst I acknowledge the proposed structure would be more visible than some of the existing structures in the area, including overhead powerlines, public lighting columns and signage, I consider that it would not be so visually disruptive to the degree that it would seriously injure the visual and residential amenity of the receiving environment. The proposed development would take up a relatively small footprint and many of the views towards it would be impeded by existing, mature trees and the adjacent commercial buildings, including the local shopping centre building. This is particularly the case for longer views from the east and west along Littllepace Road. In most other cases, I note that only the top of the telecommunications pole would be visually prominent.

8.2.7 The full extent of the proposed development, including both the mast and cabinet, would be mainly only visible for closeup views approaching the vehicular and pedestrian entrance to Littllepace Shopping centre from the south which would not be unexpected and I note that the 1996 Guidelines state that some masts will remain quite noticeable despite best precautions. The proposed monopole design adopts a

slender appearance, and, in my opinion, the applicants have sought to minimise its potential for visual impact by selecting a monopole of medium height. The proposed monopole is 18 metres tall.

8.2.8 From inspecting the drawings submitted as part of the planning documentation, it would appear the monopole structure would be painted in a grey muted colour, which is typical of telecommunications infrastructure seeking to assimilate with the typical sky colour in Ireland. However, to ensure that the proposed colour scheme is appropriate, I would recommend that a suitable condition be included on any grant of permission that may issue.

8.2.9 The applicants set out that the appeal site is not particularly prominent, on the edge of a carriageway and footpath, in proximity to existing vertical infrastructure including streetlight columns, and mature trees with a height of up to approximately seven or eight metres located north-west of the telecommunications infrastructure. They also state that the proposals would by virtue of the slimline design of the telecoms supporting pole structure and the relatively modest scale of the associated telecoms cabinets, antennae and dish infrastructure, that the proposals would not adversely impact upon the visual or residential amenities of the area. The applicants set out that the nearest dwellings are located within the Littlepace Park residential development located the nearest dwelling being located 45 metres south-east of the telecommunications infrastructure on the opposite side of the Littlepace Distributor Road. Given the separation distance between the dwellings and the telecommunications infrastructure, I am satisfied that no adverse impact upon the adjacent residential amenities arise in this instance.

8.2.10 I consider that the proposals would not adversely impact the residential amenity of the neighbouring residential properties nor the visual amenities of the area. I note the photomontages submitted which include viewpoints of the proposed telecommunications infrastructure from four nearby locations, two from locations to the west of the subject site, one to the south and another to the east where the sensitivity of the receptors (residential units) was classified as being ‘high’, the magnitude of impact varied from low to medium to moderate and the level of effect was classified as being low/moderate to medium.

8.2.11 I note the technical justification put forward by the applicants that the proposals would result in additional benefits to the area in terms of providing greater certainty and reliability in terms of broadband connectivity and mobile calls for local residents which they state at present is patchy and not reliable and would afford local users greater levels of mobile data and call service, which they state are poor in this cell area at present. Therefore, based on the information submitted, I am satisfied that the applicants have demonstrated that the proposals would assist in supporting the implementation of National guidance and local planning policy. This will be addressed in detail within Section 8.3 of this report below.

8.2.12 In summary, I do not consider that the development presents as an overly dominant, or overbearing feature in this urban setting. Therefore, I consider the proposal to be acceptable from a visual impact and residential amenity perspective and that is it in accordance with the provisions of the County Development Plan, including Objectives IU048, IU053, IU054 and DMSO222 which will be addressed in detail below within Section 8.3 of this assessment.

8.2.13 In conclusion, having regard to the context of the telecommunications infrastructure immediately adjoining existing commercial development and located along a widened section of public pavement that no adverse se visual impact or adverse impact upon adjacent residential amenities would arise from the development, the separation distance from the adjacent residential properties, school and community infrastructure which would not be adversely impacted by the proposals. I consider that the benefit of that accrue to the local commercial businesses, school and residents in terms of the uplift in mobile and broadband coverage arising from the development outweigh any adverse visual or residential amenity impacts, which are both considered to be of minor magnitude. I, therefore, consider that the proposals would accord with the proper planning and sustainable development of the area.

8.3 Any relevant provisions of the development plan, or local area plan,

8.3.1 Section 11.8.4 within the current Fingal County Development Plan 2023-2029 provides guidance for the appropriate location of telecommunications infrastructure. In this regard any proposal is required to:

- Facilitate co-location of antennae with other operators.

- Ensure that telecommunications installations take cognisance of the Planning Guidelines Planning Guidelines for Telecommunications Antennae and Support (DECLG, Circular Letter PL07/12) and in relation specifically to new free standing masts and antennae, locations in the immediate proximity to residential areas, schools and other community facilities will only be considered where all other more suitable options, including opportunities to locate on tall buildings, rooftops and co–location with existing masts, have been exhausted following an evidenced based evaluation of potential sites. comply with national guidelines.

8.3.2 The site is located along the edge of a public pavement immediately adjoining lands which are zoned Local Centre in the current Fingal County Development Plan 2023-2029 where the zoning objective is 'To protect, provide for and/or improve local centre facilities'. Telecommunication structures are permitted in principle under the zoning'. The subject lands are unzoned and are adjacent to residential zoned lands further to the west, east and south of the telecommunications development. Therefore, I consider that the principle of the telecommunicationss development is acceptable in principle subject to other development management criteria being adhered to, as will be detailed within the assessment below. The development includes the erection of a telecommunications pole structure (18 metres in height) and associated cabinets and the erection of telecoms antennae and dishes. It is stated that the pole structure can only facilitate a single telecommunications operator.

8.3.3 There are a number of specific policies and objectives within the Development Plan which are relevant to the proposals, namely IUPOL 36, and IUOBJ 48, IUOBJ53, IU)BJ54, DMSO222 and DMSO224 which relate to the promotion of orderly development of telecommunications infrastructure in accordance with the 1996 Telecommunications Guidelines and the Circular PL07/12, promoting best practice in siting and design of overground telecommunications infrastructure and to secure a high quality of design for telecoms infrastructure in the interest of visual amenity and that co-location and sharing of telecommunications infrastructure be encouraged dn supported. I consider that the applicants have demonstrated compliance with these Development Plan objectives in relation to the telecommunications development.

8.3.4 The Development Plan seeks to facilitate the provision of telecommunication masts, antennae, underground infrastructure and ancillary equipment, subject to normal planning considerations having regard to the DoEHLG publication *'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities' (1996)'.*

8.3.5 In addition, a visual impact assessment was submitted as part of the planning documentation. It includes 4 viewpoints of the development, two from the west and one from the east and one from the south have been submitted. The images were taken in Winter where there are no leaves on the trees and represents a worst-case scenario in terms of visual impact assessment. The photomontages illustrate that the 18 metre tall telecommunications pole structure would be visible from these viewpoints, and the proposed structure would be more visible than some of the existing structures in the area, including overhead powerlines, public lighting columns and signage. I consider that it would not be so visually disruptive to the degree that it would seriously injure the visual and residential amenity of the receiving environment**.**

8.3.6 On balance, I am satisfied that the development complies with the guidance in Section 11.8.4 of the current Fingal County Development Plan 2023-2029, in relation to quality design, residential and visual amenity considerations being taken into consideration, demonstrating compliance with objectives IU048, IU053, IU054, DMSO222 and DMSO224 in relation to the promotion of orderly development and best practice in siting and design of telecommunications infrastructure and protecting visual amenity and supporting the development and expansion of telecommunications infrastructure, facilitating co-location and that the proposals would be in compliance with the provisions of the Telecommunications Guidelines, 1996 and the Planning Circular PL07.12.

8.4 <u>The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road.</u>

8.4.1 The vehicular and pedestrian entrance to the Littlepace Shopping Centre, a local public house and church facility is the location of the existing telecommunications pole structure and its associate cabinet infrastructure. The telecommunications infrastructure is located immediately adjacent to the eastern pedestrian entrance

which is two metres wide. The footpath widens at this location to approximately four metres at the location of the telecom's infrastructure. There are public lighting columns with a height of approximately ten metres located adjacent to the subject site providing illumination along the Littlepace Distributor Road. Along the boundary of the Littlepace shopping centre surface car park with the Littlepace Distributor Road there is a walled and railing boundary which is backplanted with shrubs and trees with a height of approximately six to seven metres. I acknowledge that none of the existing vertical utilities/features would screen an eighteen metre tall telecommunications pole structure nor the associated cabinet infrastructure however, I consider that they assist in assimilating the telecoms infrastructure within the local streetscape.

8.4.2 The applicant submitted a detailed assessment of seventeen existing alternative telecommunication sites (within Table 1 of their Planning Statement) within a three kilometre distance of the subject site. The applicants set out that they are already co-located with other providers at nine of these seventeen sites and in terms of the other eight sites that they are located too far removed and located outside of the search ring of 'several hundred metres' in order to achieve the 3G, 4G and 5G high speed data and voice call requirements that customers expect or that signal is blocked by bult form and/or vegetation which would negate the impact of the telecommunications infrastructure.

8.4.3 The PA were satisfied that the development does not adversely impact the residential and visual character of the area and would be consistent with the proper planning and sustainable development of the area. I consider these are acceptable reasons to discount those existing sites. In terms of the potential of using the existing rooftop of the adjacent commercial premises, in this instance I would not consider the rooftop an appropriate location given the existence of the creche facility within the shopping centre building and this location would also be closer to the local school and, therefore, I consider that the commercial rooftop location would not be suitable in this instance.

8.4.4 Having reviewed the information contained within the application, appeal submission and the existing coverage information that is available on the ComReg website, I am satisfied that alternative sites had been considered by the applicant, that the

proposal is justified, and that it would help to improve the existing 3G, 4G and 5G service for mobile broadband coverage in the Littlepace area.

8.4.5 I consider that the applicant has provided a detailed technical justification showing that there were service deficiencies in the area (prior to the erection of the telecommunications infrastructure on site), which are resolved by the existing telecommunications development. The proposal is consistent with Objectives IU054 and DMSO222 within the Development Plan, and the 1996 Guidelines, which require co-location of antennae on existing support structures, but that where this is not feasible to submit evidence of the non-availability of this option. The Applicant has submitted sufficient justification detailing the non-availability of alternative site options, in my view, and is consistent with the requirements of national guidance.

8.5 The convenience and safety of road users, including pedestrians.

8.5.1 The proposed telecommunications pole and associated cabinet infrastructure would be located within the pavement area along the northern side of the Littlepace Distributor Road. I acknowledge that the development would take up some space within the pavement area at the vehicular and pedestrian entrance to the Littlepace Shopping Centre however, I noted the pavement is particularly wide at this location (approximately 4 metres). Therefore, in this instance I consider that the proposed telecommunications infrastructure would not inconvenience the safety of the road users of the Littlepace Shopping Centre or Distributor Road nor pedestrians in the area in this instance.

8.6 Other Issues

8.6.1 I note that the appellants and the applicants have referenced a number of planning precedents and specifically referenced a number of decisions issued by the Coimisiún in relation to the erection of telecommunications infrastructure development. However, no two sites would demonstrate the same characteristics. each proposal must be considered on its individual planning merits.

8.6.2 I note that the appeal submission makes a number of references to the development being a material contravention of objectives IU048, IU053, IU054 and DMSO223 and DMS0224 within the Development Plan. These objectives relate to the promotion of orderly development of telecommunications infrastructure in accordance with the

1996 Telecommunications Guidelines and the Circular PL07/12, promoting best practice in siting and design of overground telecommunications infrastructure and to secure a high quality of design for telecoms infrastructure in the interest of visual amenity and that co-location and sharing of telecommunications infrastructure be encouraged dn supported. I consider that the applicants have demonstrated compliance with these Development Plan objectives in relation to the telecommunications development**.** I do not consider that the development would justify the use of the term “materially contravene” in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

8.7 Conclusion

Therefore, having regard to the policies and objectives set out within the current Fingal County Development Plan, specifically Section 11.8.4 regarding telecommunications infrastructure and having regard to the policy provisions set out within the NPF, the Telecommunications Guidelines 1997 and planning Circular PL07.12, and the siting of the proposed telecommunications development in an area that has seen significant commercial development in the form of the Littlepace Shopping Centre and the adjoining public house, would be located in an area where there are a number of vertical features in the form of the streetlight columns along the LDR, is separated from the nearest residential properties by reason of the LDR, and the intervening built environment and landscaping existing adjacent telecommunications infrastructure. I consider that the applicants have submitted a detailed technical justification showing that there are service deficiencies in the area, which would be resolved by the proposed development. The proposal is consistent with Objectives IU048, IU053 and DMSO222 within the current Fingal County Development Plan 2023-2029, and the 1996 Guidelines, which require co-location of antennae on existing support structures, but that where this is not feasible to submit evidence of the non-availability of this option. The applicants have submitted sufficient justification detailing the non-availability of alternative site options, in my view, and is consistent with the requirements of national guidance. Therefore, on balance, I consider the telecommunications development to be acceptable in this instance.

9.0 **Appropriate Assessment**

9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended**.** The subject site is located approximately 7.3 kilometres north-east of the nearest European site, namely the Rye Water Valley/Carton SAC (Site Code: 001398). The development description was set out within Section 2 of the report above. No nature conservation concerns were raised in the planning appeal.

9.2 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 European Site. The reason for this conclusion is as follows:

- The modest scale of the works proposed.
- The separation distance from the nearest European sites and the lack of hydrological or ecological connectivity to any Natura 2000 site.

9.3 I conclude, that on the basis of objective information, the proposed development would not have a 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 (Stage 2) under Section 177V of thew Planning and Development Act 2000 (as amended) is not required.

10.0 **Recommendation**

I recommend that a licence be granted subject to conditions, for the reasons and considerations as set out below.

11.0 **Reasons and Considerations**

Having regard to the provisions of the Section 254 of the Planning & Development Act, 2000 (as amended), the Fingal County Development Plan 2023-2029, particularly Objectives IU048, IU053, DMS0222; and the ‘Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively); it is considered

that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or result in a significant negative residential or visual impact on the surrounding vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 **Conditions**

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

Reason: In the interest of clarity.

2 (a) This licence shall apply for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3 Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4 An intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to and agreed in writing within one month of this grant of permission.

Reason: In the interest of public safety.

5 The developer shall provide and make available at reasonable terms the proposed support structure for the provisos of telecommunications infrastructure of third part licensed telecommunications providers.

Reason: To avoid a multiplicity of telecommunications structures in the area, 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.

Fergal Ó Bric
Planning Inspectorate

28th day of September 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference		ACP-323881-25	
Proposed Development Summary		Permission for erection of an 18 metre telecommunications pole structure and ancillary ground cabinet infrastructure.	
Development Address		Littlepace Shopping Centre Clonee, Dublin 15.	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			**Yes** x **No**
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	Tick/or leave blank		
No	Tick or leave blank	The development of telecommunications infrastructure does not fall within a class of development as per Schedule 5 of the current Planning & Development Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		X

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the development of a telecommunications pole structure and associated ground cabinet infrastructure.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____