



An  
Coimisiún  
Pleanála

# Inspector's Report

## ACP-324070-26

<b>Development</b>	Section 254 license for telecommunications streetworks solution and ground cabinet.
<b>Location</b>	St. Aonghus Park at Aonghus Road, Tymon North, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	S25425/03
<b>Applicant(s)</b>	Signal Infrastructure Limited
<b>Type of Application</b>	Section 254 License
<b>Planning Authority Decision</b>	Refuse license
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Signal Infrastructure Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23/04/2026.
<b>Inspector</b>	Anthony Abbott King

## 1.0 Site Location and Description

- 1.1. The appeal site is located within a grass verge defined by a concrete pad at the edge of a large communal green open space at St. Aonghus Park / Tymon Road North.
- 1.2. The communal green is an amenity space for the residents of the surrounding network of streets and cul-de-sacs.
- 1.3. The site accommodates a telecommunications monopole, antenna and an associated ground cabinet, which are the subject of this appeal.

## 2.0 Proposed Development

- 2.1. Section 254 license renewal for telecommunications street works solution and ground cabinet.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refusal of license for the following reason:

*Visual Amenity and Co-Location.*

*Having regard to the visually prominent location of the application site within the public realm, the proposed development would be visually obtrusive and constitute an incongruous feature, detracting from the visual amenity and character of St. Aonghus Park. The proposal would therefore be contrary to a number of policies and objectives of the South Dublin County Development Plan 2022-2028, including: IE5 Objective 3, which aims: To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity, and Policy IE5 Objective 4, which seeks: To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities. It is considered that the subject structure, if retained, would represent an inharmonious element within the streetscape that would undermine the visual character and amenity of the area. If permitted, the development would set an undesirable precedent for similar installations, which would, both individually and cumulatively, be detrimental to the public realm and the surrounding environment. Accordingly, the proposed development would*

*be contrary to the proper planning and sustainable development of the area and cannot be favourably considered by the Planning Authority.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The decision of the CEO of South Dublin County Council to refuse the Section 254 license reflects the recommendation of the planning case officer.

The planning case officer refused the license following a further information request on the (13/06/2025) and subsequent response (27/08/2025).

The further information request comprised 2 principal items of clarification.

(1) Section 12.11.2 of the South Dublin County Development Plan 2022-2028 (a) The particulars submitted lack sufficient detail to enable a full assessment of the proposed development under Section 12.11.2 of the South Dublin County Development Plan 2022-2028. In order to facilitate a comprehensive evaluation of the proposal within the context of the wider telecommunications network, the applicant, owner, or developer is requested to provide the following information:

(i) A suitably scaled and formatted map indicating the location of all existing authorised telecommunications infrastructure within a 2km radius of the proposed site, accompanied by a cover letter explaining why, if applicable, the sharing of existing infrastructure is not feasible. This justification should reference the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation (ComReg).

The planning authority assessment highlighted that 5 of the identified sites are located less than 900m from the appeal site. There are identified sites at 441m, 310m and 287m from the appeal site. The applicant response was not acceptable to the planning authority, as the applicant is required to provide a more detailed, technically substantiated justification for discounting the proximate identified sites.

(ii) *Confirmation of the degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (for example, visual impacts of masts and associated equipment cabinets, security fencing treatment) 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.*

The applicant response confirmed that no alterations were proposed to the height, design, equipment or siting of the telecommunications infrastructure, as it is asserted that the pole is already integrated onto the established streetscape. The response was not acceptable to the planning authority.

*(iii) A clear demonstration of the significance of the proposed development within the broader telecommunications network, outlining its strategic importance and intended function.*

The response was acceptable to the planning authority.

*(2) Clarity on permitted development under ref. ABP-312095-21. A condition imposed by An Bord Pleanála under ref. ABP-312095-21 appears to require that provision for co-location be facilitated, subject to the agreement of the Planning Authority. In this regard, the Planning Authority requires clear and definitive clarification on the distinction between the permitted infrastructure and the existing infrastructure currently on site. Any deviation from the permitted development must be fully detailed, clearly justified, and accompanied by revised plans and supporting documentation to demonstrate full compliance with the requirements of the above condition. This information is required in order to allow the Planning Authority to adequately assess the proposal and determine its consistency with the terms of the development permitted on site.*

The applicant response noted that a condition requiring co-location with an adjacent lampstand (condition 3) attached by An Bord Pleanála to the original license had not been discharged.

### 3.2.2. Other Technical Reports

- Roads Department Report would appear to relate to a site Firhouse Road / Ballyroan Road where installation rather than renewal of license is proposed.

### 3.3. Third Party Observations

No third party submissions recorded.

## 4.0 Planning History

4.1. The following planning history is relevant.

- Under register reference S25419/08 An Bord Pleanála granted a Section 254 license for telecommunications street works solution at Tymon North, Dublin 24 (30/03/2022) subject to a 3 year license.

The following conditions of the license are relevant:

### Condition 2

*The licence shall be valid for three years from the date of this Order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.*

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

### Condition 3

*Provision shall be made for a lamp standard to be accommodated on the proposed monopole structure, and the existing adjacent lamp standard which is located to the east of the proposed development shall be removed, to the satisfaction of the planning authority. Details of this shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.*

**Reason:** *In the interest of the visual amenity of the area.*

## 5.0 Policy Context

### 5.1. Development Plan

The relevant policies and objectives of the South Dublin County Council (SDCC) Development Plan 2022-2028 are detailed below:

- Zoning

The relevant land-use zoning objective is “OS”(Map 9): *‘To preserve and provide for open space and recreational amenities’*.

Chapter 12 (Implementation & Monitoring) Table 12.15 (Zoning Objective ‘OS’) *‘Public Services’* are listed as an open for consideration use.

- Chapter 11 (Infrastructure & Environmental Services), Section 11.4 (information & Communications Technology) is relevant including the following:

*The continued widespread availability of high-quality Information and Communications Technology (ICT) networks within the County is critical to the development of the County’s economy and to social progress. ...*

Policy IE5: Information and Communications Technology (ICT) *inter alia* states:

*Promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve social and economic development, whilst protecting the amenities of urban and rural areas.*

Objective IE5 Objective 3 is relevant and states:

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

Objective IE5 Objective 4 is relevant and states:

*To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.*

- Chapter 12 (Implementation & Monitoring) Section 12.11.2 (Information & Communications Technology) is relevant and *inter alia* states:

*In the consideration of proposals for telecommunications antennae and support structures, applicants will be required to demonstrate:*

- *Compliance with the document Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter PL 07 / 12 issued by the Department of the Environment and Local Government (as may be amended), and to other publications and material as may be relevant in the circumstances;*
- *On a map, the location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation;*
- *The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (for example, visual impacts of masts and associated equipment cabinets, security fencing treatment) 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;*
- *The significance of the proposed development as part of the telecommunications network.*

In the matter of a Section 254 licence the following is relevant:

The Planning & Development Act 2000 (as amended) states that:

*'In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to—*

- (a) the proper planning and sustainable development of the area,*
- (b) any relevant provisions of the development plan, or a local area plan,*
- (c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and*
- (d) the convenience and safety of road users including pedestrians'.*

## 5.2. Relevant National or Regional Policy / Ministerial Guidelines

- Telecommunications Antennae and Support Structures (Guidelines for Planning Authorities, Department of the Environment, July 1996).

Section 4.3 (Visual Impact) is relevant including the following paragraphs:

*In the vicinity of larger towns and city suburbs operators should endeavour to locate in industrial estates or in industrial zoned land. The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts. It should also be noted that substations operated by the ESB may be suitable for location for antennae support structures. This possibility should also be investigated. In urban and suburban areas the use of taller buildings or other existing structures is always preferable to the construction of an independent antennae support structure.....*

*Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antenna should be designed and adapted for the specific location. The support structure should be kept to a minimum height consistent with effective operation and should be monopole (or Poles) rather than latticed tripod square structure.*

- Circular Letter PL 03/2018

This Circular provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013 and specifically states that the waiver provided in the Development contribution Guidelines for Planning Authorities 2013 should apply only to provision of broadband services but also to mobile services.

- Circular Letter PL07/12

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

- National Planning Framework – First Revision (April 2025) *inter alia* includes the following relevant objectives:

**Objective 31 .**

*Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.*

**Objective 38**

*Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.*

- Climate Action Plan (CAP) 2025 to be read in conjunction with CAP 2024 – Section 11.2.4 (Digital Transformation) is relevant and *inter alia* states,;

*.....The Government will also continue to support remote working through its Making Remote Work: National Remote Work Strategy as part of its wider commitment to increased participation in the labour market; more balanced regional development; improved work/life balance; reduced commuting times; and reduced transport-related carbon emissions.*

Section 10.1.8 supports the national digital transformation and recognises the importance of this transformation to achieve Ireland's Climate targets.

Note: Section 15 of the Climate & Low Carbon Development Act 2015 as amended (The Climate Act), obliges the Commission (An Bord Pleanála) to make all decisions in a manner that is consistent with the current CAP.

- National Broadband Plan 2020.

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

- Eastern & Midland Regional Spatial and Economic Strategy 2019-2031.

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

### 5.3. **Natural Heritage Designations**

There are no proximate European designations.

## 6.0 **EIA Screening**

- 6.1. The proposed development (continuation of use of telecommunications monopole) does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

The grounds of appeal are summarised below:

- The appellant is seeking to renew a licence for a 15m high street pole and associated cabinet. It is claimed that the existing 15m street pole is one of the earlier type designs with most street poles now being 18m or 20m high.
- The appellant accepts that the application is at a visually prominent location within the public realm. However, it is claimed that the location is within a suburban residential estate and is not an identified location of visual importance in the South Dublin County Development Plan.
- The appellant claims the planning authority refused permission for one reason principally to visual amenity concerns although reference is also made to sharing of facilities.
- The appellant disagrees with the subjective opinion of the planning authority that the proposed development would be visually obtrusive and would constitute an incongruous feature that detracts from the visual amenity and character of St. Aonghus Park. Rather this type of telecommunications is common place around

the country largely inconspicuous in suburban areas on account of their slimline nature akin to public lighting stands.

- The appellant refers the Commission to the Inspector's Report ABP-312095-21, Section 6.1.5 which acknowledges that the proposed structure would be more visible than some of the existing structures (trees / lamppost stands) in the area but concludes that the monopole albeit visible within an open context would not be so visually impactful that it would seriously injure the visual and residential amenity of the receiving environment.
- In the matter of adjoining residential properties in the vicinity, in particular the dwelling opposite, no. 1 Tymon Park is located 23.5m south-west of the monopole, the appellant refers the Commission to the Inspector's Report ABP-312095-21, which *inter alia* states there are large evergreen bushes in the front gardens of some of these properties, which would assist in reducing any visual impact arising. The subject bushes are still in situ.
- The appellant notes that only one window in the front elevation of no. 1 Tymon Park overlooks the existing street pole. The property at no. 7 St. Aongus Mews is located to the east of Tymon North Park. The front elevation of this property is due west and it does not directly face the street pole.
- The appellant notes that the Board Order under ABP-312095-21 specifically states that the proposed development would not be visually intrusive or seriously injurious to the visual or residential amenity of the area, or of properties in the vicinity.
- The appellant notes that in the reasons and considerations for granting the license, albeit visible the height of the 15m height of the monopole is very much at the lower end of such street-poles (18m or 20m). Furthermore, the visual impact would not have a dominant visual impact on the amenity area and is mitigated by the slimline nature and neutral grey colour of the monopole.
- The appellant disagrees with the planning authority view that the monopole represents an inharmonious element within the streetscape that would undermine the visual character and amenity of the area.

- Finally, the appellant submits that there are currently no other street poles in the vicinity and therefore no cumulative visual impacts arise. The cumulative visual impact from a new street pole would have to be the subject of a separate assessment, which should not prejudice a decision in respect of the subject licence.
- The appellant refers the Commission to the comments of planning inspectors in the assessment of the visual impacts of 15m monopoles within receiving environments in suburban areas, including ABP-311529-21 located in a grass verge along Ballycullen Road, Dublin 24.
- Finally, the appellant refers the Commission to a recently granted permission under ABP-322761-25 (October 2025) for a 20m smart street pole and associated equipment at Doughiska Road, Galway where the inspector acknowledged that these structures are now commonplace in verge locations. The inspector considered the street pole(s) acceptable from a visual impact and residential amenity perspective given their modest scale and common occurrence.
- In the matter of Policy IE5, Objective 3 (permit telecommunications antennae subject to high quality design and protection of visual amenity) of the South Dublin County Development Plan 2022-2028, it is claimed that the subject site is not located in a sensitive landscape or area of visual amenity and therefore Policy IE5, Objective 3 is not applicable.
- In the matter of Policy IE5, Objective 4 (discourage a proliferation of telecommunication masts and promote sharing of facilities), of the South Dublin County Development Plan 2022-2028, it is claimed the subject street pole replaced an established telecommunications mast in Greenhill's Industrial Park which was not operating efficiently and addressed the resultant blackspot.
- Furthermore, the search ring in the instance of the subject monopole is claimed to be an optimal 350-400m radius for new antennas. The appellant acknowledges extant telecommunications structures within 310m and 287m from the subject site. However, they are not dual operator facilities that would enable an alternative to the appeal site (Tymon North).

- Finally, the technology involved in this particular mast does not allow for dual operation and would require a replacement mast. It is claimed that the replacement mast would be higher than 18m and would have a larger base.
- In the matter of the parent licence, it is claimed that the 3-year timeframe provided for by Condition 2 of the licence granted by An Bord Pleanála was not strictly a temporary measure perse as speculated by the planning authority rather a timeframe in which the development can be re-assessed having regard to changes in technology and street pole design.
- The technology for this type of street pole has not advanced within the specified period such that it can operate in a dual sharing manner. It is claimed the existing street pole would have to be replaced in its entirety with a different and larger type of street pole.
- It is claimed that there is no option to relocate the antenna to another dual operator solution elsewhere in the vicinity. The refusal of a renewal licence will result in a cover blackspot in the area which will materially affect residents and local enterprise alike. The appellant considers that another 3 year licence would allow for continuation of service and the potential for the possibility of such technological advancements.
- Finally, Condition number 3 of ABP-312095-21t it is claimed that the planning authority lighting section did not accept the attachment of the lamp standard. The appellant has no objection to providing this lamp standard.

## 7.2. Planning Authority Response

- The planning authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order (letter dated 11/03/2026).

## 7.3. Observations

None.

## 8.0 Assessment

- 8.1. The appeal is made under the provisions of Section 254 of the Planning and Development Act, 2000, which relates to licensing of appliances, cables etc. located

on public roads. Section 254 (5) states that in consideration of an application for license under Section 254 a planning authority, or An Coimisiùn Pleanála on appeal, shall have regard to the following:

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

This appeal relates to an existing telecommunications street works solution structure (monopole) and ground cabinet.

The main planning considerations relevant to the appeal case are:

- Impact on the amenities of occupiers / amenities of the area;
- Condition 3 (co-location lampstand) of initial license;
- The convenience and safety of road users;
- Significance of the telecommunications infrastructure to the network;
- Proliferation impacts;
- Duration of license
- Compliance with Telecommunications Antennae and Support Infrastructure: Guidelines for Planning Authorities (1996).

8.2. The appellant has been refused the renewal of a licence for an existing monopole (15m) and associated ground cabinet within the grass verge between the footpath and the carriageway at St. Aonghus Park / Tymon Road North.

8.3. Impact on the amenities of occupiers of nearby properties and / or the amenities of the area

The substantive reason for refusal of a renewal licence by the planning authority is the adverse visual impact of the telecommunications mast and associated cabinet on the receiving residential environment given its prominent location within a communal green amenity space.

- 8.4. The planning authority considered that the development would be visually obtrusive and would constitute an incongruous feature, detracting from visual amenity and character of the receiving environment contrary to a number of policies and objectives of the South Dublin County Development Plan 2022-2028, *inter alia* including: Policy IE5 Objective 3.
- 8.5. Policy IE5 Objective 3 of the development plan aims: to permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.

*Further information in the matter of visual and residential amenity*

- 8.6. In accordance with Section 12.11.2 (Information & Communications Technology) of the South Dublin County Development Plan 2022-2028, the planning authority by way of further information *inter alia* requested the applicant to clarify the degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area and the potential for mitigating visual impacts.
- 8.7. The applicant response confirmed that no alterations were proposed to the height, design, equipment or siting of the telecommunications infrastructure, as it is asserted that the monopole is already integrated onto the established streetscape.
- 8.8. The planning authority subsequent to further information response considered that the subject structure, if retained, would represent an inharmonious element within the streetscape that would undermine the visual character and amenity of the area.
- 8.9. The appellant does not agree with the opinion of the planning authority that the proposed development would be visually obtrusive and would constitute an incongruous feature that detracts from the visual amenity and character of the area.

*Application of Policy IE5, Objective 3*

- 8.10. The appellant claims that subject site is not located in a sensitive landscape or area of visual amenity and therefore Policy IE5, Objective 3 is not applicable. I do not agree with the appellant.
- 8.11. I consider that the Policy IE5, Objective 3 is applicable to the assessment of the development the subject of a renewal licence. The appeal site is located within a housing estate within a communal amenity space provided for the enjoyment of the residents, including visual amenity.

- 8.12. I have viewed the 15m high monopole support an antennae and associated cabinet on site. I acknowledge that the pole and cabinet are prominently located in an exposed location without the benefit of screening opposite the junction with residential streetscapes at Tymon Park North and Tymon Road North.
- 8.13. The appellant highlights previous assessment of monopole telecommunications infrastructure in terms of their visual impact, including 15m monopoles within receiving suburban environments elsewhere conducted by An Bord Pleanála inspectors.
- 8.14. It is claiming *inter alia* that such infrastructure is common place around the country and largely inconspicuous within suburban areas on account of the slimline nature of the monopole akin to public lighting stands.
- 8.15. I note the cited assessments. However, the subject development shall be assessed on its own merits.

*Impact on residential and visual amenity*

- 8.16. In assessing the potential impact on residential and visual amenity, I note the proximate houses to the southeast of the monopole are no. 55 Tymon Road North and no. 7 Saint Aongus Mews. The subject houses principally fenestrate south-west.
- 8.17. The gable elevation of no. 55 Tymon Road North faces the monopole, as such, the subject houses are not in the direct line of vision.
- 8.18. The relationship between the monopole and the houses to the southwest is at its closet. The streetscape of 4 number houses comprises no.1 Tymon Park North and nos. 42-46 Tymon Road North.
- 8.19. I note there is mature front boundary screening to the streetscape (no.1 Tymon Park / North 42-46 Tymon Road North). Therefore, the principal line of vision of the monopole is from the first floor windows of the subject houses.
- 8.20. I have viewed the monopole from a number of observation points including from outside the proximate streetscape at no.1 Tymon Park / North 42-46 Tymon Road North, at the junction of Saint Aongus Road and Saint Aongus Park (north-east), from the end of the cul-de-sac at Saint Aongus Park (north), from the junction of Tymon Lawn North & Tymon Road North (west) and from Tymon Park North (south).

- 8.21. I consider that the monopole and cabinet present in good visual condition. The monopole is slender in form and is light grey in colour. I do not consider that the existing telecommunications structure(s) on site is visually obstructive in terms of presentation, form, massing and height.
- 8.22. I acknowledge that the monopole represents an incongruous feature within the suburban landscape. However, I also note the presence of a large wind turbine visible to the west of Tymon Court North, which is animated and is within the line of vision from observation points east of the existing monopole.
- 8.23. On balance I do not consider that the established monopole and associated cabinet to be retained constitute an incongruous feature that represents a significant adverse visual impact on the receiving suburban environment inconsistent with the residential and visual amenity of residents in general and in specific the residents of no.1 Tymon Park / North 42-46 Tymon Road North and no. 55 Tymon Road North / no. 7 Saint Aongus Mews.
- 8.24. I conclude that the monopole and associated cabinet in situ are consistent with IE5 Objective 3 of the development plan, which supports telecommunications antennae and infrastructure throughout the County subject *inter alia* to high quality design and visual amenity.
- 8.25. Condition(s) of initial license issued under Reg. ref: S25419/08  
An Bord Pleanála issued the initial license subject to 7 conditions. Condition 3 of the license required the applicant to relocate the adjacent lamp standard onto the proposed monopole structure and to remove the existing lamp standard located to the east of the proposed development in the interests of visual amenity.
- 8.26. The appellant states that compliance with Condition 3 of the license was actioned. However, the planning authority lighting section did not accept the attachment of the lamp standard.
- 8.27. The subject lamp standard remains extant to the east of the monopole. I consider that the relationship between the monopole and the leaning lampstand is visually suboptimal.
- 8.28. The appellant has no objection to supporting the lamp standard on the monopole. However, I consider that a condition to relocate the lampstand as originally required

would be unreasonable, as the appellant is not in a position to achieve compliance with the subject condition in the absence of the consent of the planning authority lighting section, which is not forthcoming.

8.29. The convivence and safety of road users including pedestrians

The existing monopole and ground cabinet are located within a grass verge on a concrete pad between the main carriageway and the footpath, which defines the southern boundary of the subject communal open space.

8.30. The location of the monopole and ground cabinet ensure that there is no obstruction of the public path or the main carriageway.

8.31. I conclude that there is no inconvenience or safety concerns that relate to road users / pedestrians arising from the existing monopole and ground cabinet on site.

8.32. Significance of the telecommunications infrastructure to the network

The planning authority considered that the particulars submitted with the initial application lacked sufficient detail to enable a full assessment of the proposed development and by further information *inter alia* requested the applicant in accordance with Section 12.11.2 of the South Dublin County Development Plan 2022-2028 to provide suitable documentation in order to facilitate a comprehensive evaluation of the proposal within the context of the wider telecommunications network.

8.33. The planning authority accepted the further information response of the applicant in the matter of the significance of the subject telecommunications site within the wider telecommunications network, including its strategic role and operational function.

8.34. I concur with the planning authority that an acceptable explanation has been provided by the appellant in the matter of the purpose, contribution to network performance and relevance to service continuity in the area of the subject monopole and associated ground cabinet.

*Co-location*

8.35. The applicant response to further information provided mapping of “Comreg” telecommunications infrastructure within a 2km radius of the appeal site, accompanied by a cover letter explaining why the sharing of existing infrastructure is not feasible.

- 8.36. The appeal site is operated by “EIR”. The planning authority did not accept the applicant response as the mapping exercise highlighted that 5 identified sites, operated by alternative providers or “EIR” are located less than 900m from the appeal site, including sites at a distance of 441m, 310m and 287m.
- 8.37. The applicant on appeal has substantiated this matter clarifying that the search ring in the instance of the subject monopole is optimal at a radius 350-400m. I accept the bona fides of the appellant.
- 8.38. I note the sites proximate to the existing monopole within a 900m radius, as listed in the further information response. The sites identified at 623m (Vodafone) is claimed to be outside the optimal radius (350-400m). It is also claimed that it is already overcrowded and is unsuitable for co-location.
- 8.39. Furthermore, I note that the sites both operated by “EIR” located 878m and 953m are outside the optimal radius (350-400m) where signal level is identified as poor and equipment at these locations would not address the service needs of the subject search ring.
- 8.40. Finally, the site identified as 981m (Vodafone). It is claimed it is significantly outside the optimal radius (350-400m). It is also claimed that it is unsuitable for upgrade.
- 8.41. The planning authority assessment of the further information response noted that the applicant is required to provide a more detailed, technically substantiated justification for discounting the proximate identified sites (including sites at a distance of 441m, 310m and 287m).
- 8.42. The appellant acknowledges extant telecommunications structures within 310m and 287m from the subject site. However, they are not dual operator enabled sites and are unsuitable for upgrade.
- 8.43. Finally, I note the identified site at 441m is not feasible as existing service delivery at this “Eir” operated site is identified as poor.
- 8.44. I do not concur with the planning authority that the applicant has not demonstrated why the subject structure cannot now be co-located elsewhere on the basis of the information provided by the appellant in the appeal statement and in the further information response, dated 27/08/2025, (including appended table of Comreg sites within 2km radius of the subject site and discounted reasons for co-location).

8.45. I conclude that the appellant has sequentially justified that no extant alternative site is viable / optimal within a defined radius of 1km that would provide an equivalent service delivery to the subject site at North Tymon / Greenhills.

*Requirement for the removal of the monopole by condition*

8.46. Condition 2 of the initial license restricted the timeframe of the license to 3 years from the date of the Order to enable the impact of the development to be re-assessed having regard to changes in technology and design during the specified period.

8.47. The planning authority highlight that the rationale for the initial license of the subject monopole was to enable a monitoring exercise to assess the impact of the telecommunications infrastructure on the receiving environment.

8.48. The planning case officer notes that the original assessment carried out by the planning authority under S25419/08 expressed concern in the matter of visual impact and that an alternative co-location site was favoured. It is claimed that the proposal was only supported on the basis that the license was time limited and no suitable alternatives existed at the time.

8.49. The planning case officer considers that the monopole and associated cabinet should be removed at this time given that it was the intention of the initial license that by the time the license had expired further developments would have taken place in policy and technology to co-locate the structure elsewhere.

8.50. The appellant states that the existing monopole and antennae have succeeded in removing a telecommunications blackspot in the area of the appeal site providing enhanced coverage for residents and business users in Tymon North / Greenhill area, as confirmed by "EIR" licensed radio engineers (Response Item 1 (iii) further information request 13/06/25).

8.51. It is claimed that continuation of the service is dependent on the renewal of the license, as the existing installation at 'Allen Removals' no longer provides adequate coverage due to obstructive developments.

8.52. The appellant claims that without the operation capacity of the subject appeal site that service to the suburban housing in the area and a business zone will degrade. This will result in dropped and blocked calls, unreliable mobile data access and impaired ability to support home working, online education and digital public service.

- 8.53. The planning authority accepted the significance of the appeal site in the overall telecommunications network, including its strategic role and operational function, as provided by applicant response to further information (Item 1 (iii) of the further information request).
- 8.54. I note the inadequacy of the “Allen Removal” site in Greenhill Industrial Park that has become compromised due to newly constructed high rise buildings, which have disrupted the signal.
- 8.55. I accept that the expiry of the license may significantly disrupt service delivery given the documented strategic role and operation function of the appeal site and the suboptimal alternatives.
- 8.56. I conclude that the rationale for the renewal of the license is reasonable and supported given the significance within the network of the subject site (monopole, antennae and ground cabinet) to service delivery at Tymon North / Greenhill.
- 8.57. Proliferation of telecommunication masts
- 8.58. The reason for refusal also cited Policy IE5 Objective 4, which seeks: To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.
- 8.59. I have interrogated the matter of co-location above. The appellant has confirmed that no alternative co-location is viable. Furthermore, the subject monopole is extant and a renewal of the license would not result in the provision of additional telecommunications infrastructure in the area.
- 8.60. The appellant highlights that technology for this type of street pole has not advanced within the specified period. It is claimed that the alternative on site would be the replacement in its entirety of the existing monopole with a different and larger type of street pole.
- 8.61. My understanding is that for the existing site to operate in a dual sharing manner a new higher monopole would be required. The appellant clarifies that existing 15m street pole is one of the earlier type designs and that a replacement monopole would be 18m or 20m high.
- 8.62. I conclude that the reason for imposing a temporal condition on the initial license for a period of 3 years remains valid, as changes in technology and design during the

specified period have not made the existing monopole, antenna and ground cabinet obsolete but may in the future.

- 8.63. Finally, the reason for refusal *inter alia* states that the development would set an undesirable precedent for similar installations, which would, both individually and cumulatively, be detrimental to the public realm and the surrounding environment.
- 8.64. The appellant claims that there are currently no other street poles in the vicinity and therefore no cumulative visual impacts arise. The cumulative visual impact from a new street pole would have to be the subject of a separate assessment, which should not prejudice a decision in respect of the subject licence.
- 8.65. I note on the day of my site visit that there is no visible proximate telecommunications infrastructure in the vicinity of the appeal site.
- 8.66. I agree with the appellant that a renewal of the license would not in itself result in adverse cumulative impacts on the receiving environment both within the subject communal open space and / or the broader housing estate.

#### Duration of License

- 8.67. The appellant considers that another 3 year licence would allow for continuation of service and the potential for the possibility of such technological advancements within that timeframe to be assessed at the end of the 3 years.
- 8.68. I consider that the initial 3 year restriction was an arbitrary timeframe rather than a definitive end date for technological innovation.
- 8.69. I consider that an additional 3 year timeframe to provide for technological advances in telecommunications infrastructure a reasonable appellant request. This matter can be dealt with by the attachment of a temporal condition if a positive recommendation is recorded.
- 8.70. Compliance with Telecommunications Antennae and Support Infrastructure Guidelines and Circular Letter PL07/12

Finally, the applicant did not provide a statement of compliance with the relevant Telecommunications Antennae and Support Infrastructure Guidelines (1996) and supporting documentation for the license renewal application.

- 8.71. The planning authority noted this matter. However, having regard to the existing nature of the infrastructure and the fact that it would have been originally designed in accordance with these requirements no such new statement was considered necessary. I concur with the planning authority.
- 8.72. Section 4.3 of the Guidelines provides direction on development in the vicinity of larger towns and city suburbs. I note that free standing masts located in residential areas or beside schools are a last resort solution to the provision of coverage.
- 8.73. However, the provision of free-standing masts (monopoles) in residential areas may be permitted where all other alternatives including industrial sites, taller buildings and existing utility sites are not available or are unsuitable.
- 8.74. The license application under appeal relates to an extant monopole and antenna. It is proposed to continue the use of the site as it presently operates rather than augmentation of the existing infrastructure.
- 8.75. I have interrogated the matter of alternative sites and co-location above. I consider that the appellant has on balance justified that the omission of the appeal site from the network would result in a significant potential absence of coverage in the North Tymon / Greenhills area.
- 8.76. Furthermore, the subject infrastructure would be in compliance with Section 4.3 guidance where If a residential area (in this instance suburban residential) should become necessary as a site location, the support structure should be kept to a minimum height (in this instance 15m) consistent with effective operation and should be a monopole rather than latticed tripod square structure.
- 8.77. Notwithstanding that the infrastructure is extant and the application under appeal represents a continuation of use, I have had regard to and am satisfied that there has been a consideration of alternatives (as clarified by further information response) and that they are not reasonable at this time.
- 8.78. However, alternative sites or technological advances within the 3-year timeframe of the license renewal may make the removal of the appeal site from the network viable moving forward.

## 9.0 AA Screening

9.1. I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established urban area and is connected to piped services and is not immediate to a European Site.

The proposed development comprises a continuation of use of an extant telecommunications installation.

No significant nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site given the small-scale nature of the development.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required

## 10.0 Water Framework Directive

10.1. The site is located in a suburban location. It is not proximate to a visible watercourse.

The development comprises a continuation of use of an extant telecommunications installation.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no

conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

11.1. I recommend the issue of a Section 254 license.

## **12.0 Reasons and Considerations**

Having regard to the provisions of section 254 of the Planning & Development Act, 2000 (as amended), the South Dublin County Development Plan 2022-2028, and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PI 11/2020, respectfully), it is considered that subject to compliance with the conditions set out below, that the renewal of the license for the extant monopole and associated ground cabinet at St. Aonghus Park / Tymon Road North, addressing a critical service shortfall in the vicinity of the appeal site at Tymon North / Greenhill, would ensure continuation of service to residential and business users in this mixed-use area aligning with national and local development plan goals consistent with Section 2.11.2 (Implementation & Monitoring - Information & Communications Technology) and Policy IE5 (Provision of Infrastructure & Environmental Services - Information and Communications Technology) of the South Dublin County Development Plan 2022-2028.

## **13.0 Conditions**

1. The licence shall be valid for three years from the date of this Order. The telecommunications structure and related ancillary structures including any

access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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

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.

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Anthony Abbott King  
Planning Inspector

08 May 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP-324070-26
<b>Proposed Development Summary</b>	Renewal of Section 254 license
<b>Development Address</b>	St. Aonghus Park at Aonghus Rd., Tymon North, Dublin 24.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input checked="" type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b> N/A
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b> N/A
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_