



An
Coimisiún
Pleanála

Inspector's Report

ACP-324073-26

Development	S254 licence for telecommunications infrastructure
Location	Yellow Walls Road, Ard Na Mara, Malahide, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	S254/03/25
Applicant(s)	Shared Access Ltd.
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse Licence
Type of Appeal	First Party
Appellant(s)	Shared Access Ltd.
Observer(s)	None
Date of Site Inspection	9 th day of September 2026
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The site comprises a section of public footpath adjacent to and south of the junction of the Yellow Walls Road and the Ard na Mara housing development, in Malahide, Co. Dublin. Ard na Mara is an established residential street / housing development.
- 1.2 There is a supermarket (Londis Plus) pharmacy, food truck and barber shop to the west of the appeal site (collectively known as the Yellow Walls Shopping Centre) and a strip of perpendicular (nose-in) surface car parking to the east. Additional surface car parking in the form of a dedicated customer car park to the east on the opposite side of the Ard nab Mara access road.
- 1.3 The area directly northwest of the site, which is on the northern side of the supermarket building, comprises hardstand concrete. On the day of my site visit there was a takeaway food/coffee truck with outdoor seating using the space. There is a bus stop and pedestrian crossing point with traffic signals on Yellow Walls Road adjacent to and north of the subject site.
- 1.4 There is some soft landscaping in front of the supermarket and on the surrounding street network in the form of planted trees and grass verges with decorative street lanterns. Concrete bollards prevent vehicles from parking on the raised pavement in front of the commercial retail units and on the footpath across the street to the southeast. There is a footpath and modestly sized green area with shrubs and large, mature trees on the street corner to the north-east of the subject site.
- 1.5 Ard na Mara comprises larger single and two storey dwellings on generous plot sizes. The wider surrounding area is mainly characterised by detached, semi-detached and terrace housing.

2.0 Proposed Development

- 2.1 The applicants are seeking approval for a Section 254 Licence comprising a 15m high freestanding galvanised telecommunications pole structure on a concrete plinth with a concrete foundation below ground level, one canister antenna atop the pole structure, one dish attached to the pole at a height of 11.2 metres and GPS antenna at the same height, one telecoms infrastructure cabinet with a height of 1.65 metres, a width of 1.99 metres and a depth of 0.85 metres and operating works., concrete

bollards to demarcate the edge of the installation from the loading area, minor excavation works to facilitate pole and cabinet foundation.

2.2 The monopole would have a diameter of 406mm at its widest point, which is at the top, where the antenna is housed. The dish would be 300mm in diameter and affixed to the monopole at a height of approximately 11.2 metres.

2.3 The purpose of the proposed infrastructure is to provide improved, high-quality 4G mobile and broadband network coverage for the surrounding area.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority refused the Section 254 Licence for two reasons, The first reason was having regard to the nature and height of the proposed communication infrastructure and its proximity to residential properties and an existing telecommunications mast and other similar development in this locality would result in a proliferation of street works in the area, resulting in an unacceptable cumulative detrimental visual impact on the visual amenities in the area would be contrary to objectives IU048, IU054 and DMSO222 in the current Fingal County Development Plan 2023-29. The second reason was having regard to the nature and height of the proposed telecommunications infrastructure and its proximity to residential properties that the proposed mast would have a negative visual impact and would be detrimental to the visual and residential amenities of the area and would be contrary to objectives IU053 and DMSO224 in the current Fingal County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- The proposed development is located on 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 2025 to November 2028 (three years).
- The applicant has submitted a Planning Statement which sets out that the proposed development is in accordance with the various supporting objectives in the County Development Plan, including Objectives IU048, IU053, IU054 and DMS018, DMSO223 and DMSO224.
- 3 no. alternative ground based telecommunication sites were considered for new ground based telecommunications installations as part of the site selection assessment, including sites within the Ard na Mara (residential estate) and at the junctions of Millview Road with the Yellow Walls Road and at the junction of Texas Lane with the Yellow Walls Road. The sites were not deemed suitable by the applicants as one was on land zoned 'OS – Open Space' and the other two sites had insufficient space within the pavement areas to cater for a new telecommunications pole structure and associated cabinet equipment.
- The proposal would not be in accordance with Development Plan Objectives IU048, which requires the protection of urban areas when providing telecommunications infrastructure, IU053 which encourages best practice in siting and design in relation to erecting communication antennae in the interest of visual amenity and IU054 in relation to sharing and co-location of telecommunications infrastructure.
- The proposed monopole structure has a slim, contemporary design. However, its height at 15m, and resulting physical presence, would be considerably taller than any nearby structure, apart from the existing telecommunications structure, located approximately thirty metres north of the current proposals. The proposals in addition to the existing adjacent telecommunications structure would result in an adverse cumulative visual impact and adversely impact the visual and residential amenities of the area. The provision of an additional cabinet would also add to the visual clutter within the area.

- The Planner recommended a refusal of permission for the two reasons as referenced in paragraph 3.1 above.

3.2.2 Other Technical Reports

Transportation Planning Section: No report received.

3.3 Prescribed Bodies

The application was not referred to any of the prescribed bodies.

4.0 Planning History

None on site

Adjacent to and north of the subject site

PA reference number S254/02/21, In 2021 permission was refused by Fingal County Council for a Section 254 Licence comprising a 15m high freestanding galvanised telecommunications monopole together with an antenna, internal cabling, dish, and ancillary cabinet and operating works. This decision was subsequently overturned by the Coimisiún under reference number 312052-21. This pole structure and associated cabinet infrastructure is in situ approximately thirty metres north of 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 2017-2023

Zoning

The appeal site is zoned 'Local Centre' which seeks "to protect, provide for and/or improve local centre facilities'. Telecommunication structures are permitted in principle under the zoning.

The grassy section of land across the street to the south is zoned 'OS - Open Space' and the lands in Ard Na Mara and in all other directions from the subject site are zoned 'RS – Residential', which seeks to 'provide for residential development and to protect and improve residential amenity'.

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

DMS018

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.

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 Malahide Estuary SAC (Site Code: 000205) and Malahide Estuary SPA (Site Code: 004025), which are located approximately 425 metres northwest of the subject site.

6.0 The Appeal

6.1 Grounds of Appeal

The main grounds set out within this first party appeal can be summarised as follows:

- The proposed development is located on a wide section of public footpath owned by Fingal County Council.
- The development is required to improve 4G mobile and broadband network coverage in the area.
- The subject site was selected as it is within the applicable search ring/cell search area, there is adequate space to accommodate the proposed monopole and cabinet equipment and the location would avoid interfering with existing services or the public footpath, the development would blend in with the existing environment, and there is fibre available in the area to ensure connectivity to the network.
- A number of alternative locations were considered by the applicants, including within the public open space area in the centre of the Ard na Mara (residential estate) to the southwest, another site at the junction of Millview Road and the Yellow Walls Road and another at the junction of Texas Lane and the Yellow Walls Road. The alternative sites were ruled out as the open space area in Ard na Mara is zoned as open space and the other two sites

were considered by the applicants to have insufficient pavement area to cater for the proposed development.

- The applicant's appeal includes a series of maps demonstrating the existing and predicted coverage range. Section 4 within the RF Technical Justification Report (RFTJR) sets out the 'Existing Indoor Coverage' and the 'Proposed Indoor Coverage' and shows the difference in network coverage levels, which would result if the proposed development was to be permitted.
- The applicant states that a substantial uplift in network coverage would arise on foot of the proposed telecoms mast being permitted and erected. The comparison improvement is shown in proposed indoor coverage mapping and it is anticipated that the existing issues of dropped calls, poor quality of service and patchy indoor service currently experienced by customers in the area would be improved on foot of the proposed development.
- Section 3.2. of the RFTJR includes a list of nine alternative existing telecommunication sites within 1.6-kilometre distance of the subject site which accommodate existing telecommunications infrastructure. The applicants state that eight of these sites were unsuitable to accommodate the proposed development as each site is outside the required search ring/cell, meaning there would be no coverage benefits arising by erecting additional telecommunications equipment in any of these locations. The other site located thirty metres to the north of subject site does not currently have the physical capacity to cater for additional telecommunications infrastructure.
- The applicants reference various supporting policy objectives within the current Fingal County Development Plan 2023-29, including policy IUP36 and Objectives IU048, IU052, IU053, DMSO17, DMSO18, DMSO222, DMSO223 and DMSO224 and national and regional policy documents.
- There are no protected scenic routes or amenity designations that apply to the site. The site does not adjoin or is close to any Protected Structures, ACAs or European Sites (such as an SPA or SAC).

- The proposed development is a modern streamlined version of the required equipment, which was rolled out when the Section 254 Licence process was introduced.
- The Visual Impact Assessment (VIA) includes 3 no. viewpoints towards the subject site, one from the east and one from the south-east both taken from within the Ard na Mara housing development and one from the north-east at the junction of Ard na Mara with the Yellow Walls Road.
- The VIA demonstrates that there would be no detriment to the visual amenities of the surrounding area. The established backdrop of development and street lighting would also help to absorb the proposed development from the various viewpoints where the proposed development would be visible.

6.2 Planning Authority Response

- The application was assessed against the policies and objectives of the current Fingal County Development Plan 2023-2029, existing Government policy and Guidelines.
- The proposal was assessed having regard to the underlying site zoning as well as the residential and visual amenity and character of the area, located within a residential area in Malahide.
- Having reviewed the first party appeal submission, the PA remain of the opinion that the nature, height and location of the development in close proximity to existing telecommunications infrastructure and residential dwellings would result in an unacceptable cumulative impact which would be detrimental to the visual amenities of the area and be contrary to objectives IU048 and IU054 and DMSO222 within the Development Plan and be contrary to the proper planning and sustainable development of the area.
- The Coimisiún is respectfully requested to uphold the decision of the PA.

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 approximately forty metres south of the junction of the Yellow Walls Road with the Ard na Mara housing development in Malahide, Co. Dublin. The subject site is located along the western side of the access road to the housing development. The Yellow Walls shopping centre comprising a supermarket ('Londis Plus'), a pharmacy and barber shop all located immediately west of the appeal site and a strip of perpendicular (nose-in) surface car parking to the north. Additional surface car parking in the form of a dedicated customer car park is located to the east on the opposite side of the Ard na Mara access road. There is a bus stop and pedestrian crossing point with traffic signals on Yellow Walls Road adjacent to and north of the subject site. There is some soft landscaping in front (east) of the supermarket and on the surrounding street network in the form of planted trees and grass verges. There are concrete bollards (approximately 0.6 metres in height) preventing vehicles from parking on the raised pavement in front of the commercial retail units and on the footpath across the street to the southeast. There is a pedestrian footpath and modestly sized green area with shrubs and mature trees on the street corner to the north-east of the site at the junction of the Yellow Walls Road and the Ard na Mara access road. The telecoms infrastructure would be located within the public footpath fronting the commercial units west of the site. The pavement area is somewhat elevated above the level of the Ard na Mara access road.

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 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's two refusal reasons related to the nature and height of the proposed development and proximity of the proposed development to an existing telecommunications mast and residential properties, that it would result in a proliferation of street works in the area and that it would have an unacceptable detrimental on the visual and residential amenities of the area and would be contrary to 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, consideration of alternative sites, policy considerations, operation and environmental considerations including a visual impact assessment including photographic images from three selected viewpoints, design considerations and health and safety considerations including and a Radio Frequency Technical Justification Report (RFTJR) 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 have a significant adverse visual impact upon the area, having regard to the cumulative impact of the proposed pole structure and associated cabinet infrastructure in conjunction with the existing telecommunications pole and associated cabinets located thirty metres north of the current proposals in addition to the street bollards, street lanterns, shop signage and other utilities would be visually obtrusive in this area.
- 8.2.3 The PA also considered that the proposals would result in a proliferation of street works in this area and result in an unacceptable cumulative detrimental visual impact within this area. The PA were also concerned regarding the proximity of the proposals to a residential property, specifically at no. 138 Ard na Mara, located adjacent to and south of the proposals would be seriously injurious to residential amenities by virtue of the proposed pole height of fifteen metres. The PA considered

that the proposal would be contrary to objective IU048 in this regard in terms of protecting the amenities of urban areas.

- 8.2.4 The PA acknowledged that the principle of the telecommunications infrastructure is permitted in principle within Local Centre zoned lands and recognised the strategic need for the development of telecommunications infrastructure in this area in terms of provided the necessary uplift in telecommunications network services. However, these matters need to be balanced against the height, design and layout of the proposals, the cumulative visual impact of the proposals and that adjacent residential amenities are respected and protected in accordance with the Development Plan objectives.
- 8.2.5 Given the open and exposed nature of the subject site from the Ard na Mara access Road and from the junction of the Yellow Walls Road with the Ard na Mara access road, I consider that the proposals by virtue of the 15-metre height of the telecommunications pole would adversely impact the residential amenity of the neighbouring residential properties. I note the photomontages submitted which include viewpoints of the proposed telecommunications infrastructure from three locations, two from locations within Ard na Mara to the east and south-east of the subject site and the other from the junction of the Yellow Walls Road with the Ard na Mara access road to the north-east of the subject site. However, I consider that viewpoints 1.1 and 2.1 taken from the south-east and east of the subject site within the Ard na Mara development demonstrate that the proposed telecoms infrastructure (in particular the 15-metre-tall pole structure) would be visually prominent within the local streetscape particularly when one traverses north or south along the access road within the housing development. On balance, I consider that some of these illustrations (particularly viewpoints 1.1 and 2.1) demonstrate an adverse impact on the visual amenity within the surrounding streetscape, particularly when the proposed telecommunications infrastructure is viewed from the east and south-east.
- 8.2.6 The PA did not reference an overconcentration of telecommunications infrastructure in the vicinity of the site within their refusal reason. However, it was something that was specifically referenced within the PA's planning appeal observation. However, consideration of alternative telecommunication sites was considered by the applicants and the PA. This issue of existing alternative telecoms sites in this vicinity will be specifically addressed in Section 8.4 of this report below.

- 8.2.7 The applicants set out that the appeal site is not particularly prominent, on the edge of a local carriageway and footpath, in proximity to existing vertical infrastructure including streetlight lanterns, concrete bollards, an existing telecommunications pole and cabinet infrastructure located approximately thirty metres north of the subject site and mature trees with a height of up to approximately four to five metres located west and north-west of the proposed 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, 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 Ard Na Mara residential development further south and south-east of the proposals however, they have not detailed the separation distance of the proposals from the nearest residential property or dwelling. The applicants have failed to reference the proximity of the adjacent Ard na Mara dwellings, and that number 138 Ard na Mara is located within approximately six metres of the site boundary and approximately eleven metres from the dwelling itself which is an important factor in the consideration of visual and residential amenity.
- 8.2.8 The PA considered that the telecoms pole and ancillary infrastructure would adversely impact the visual and residential amenities of the area and refused the licence for reasons of adverse visual and residential amenity and that the site did not represent a location of last resort, as the applicants had failed to demonstrate that the existing adjacent telecommunications site, thirty metres north of the current proposals could not be upgraded to facilitate co-location of telecommunications infrastructure. The applicants referenced the issue of excessive cost as to why the existing adjacent structure could not be upgraded. The Planning Authority considered that the proposals would be contrary to objectives IU048 and IU054 and DMSO222 within the current Fingal County Development Plan 2023-2029 regarding the facilitation of telecommunications infrastructure, supporting broadband connectivity and advancing technologies while protecting the amenities of urban areas, encouraging the sharing and co-location of digital connectivity infrastructure and requiring the co-location of antennae on existing support structures or alternatively to submit documentary evidence as to the non-availability of this option.

8.2.9 I note the existence of the mature deciduous trees with a maximum height of approximately four to five metres immediately west and north-west of the development. However, I also note that the site is particularly open and visually prominent from the southern, eastern and northern perspectives towards the site. I do not consider that the relatively low-level mature trees would provide screening of the development from these perspectives. The applicants reference the existence of other vertical structures/features in proximity to the subject site in the form of streetlight lanterns, the mature trees and concrete bollards fronting the Yellow Walls shopping centre development. However, on balance I consider that the 15 metre tall telecommunications pole structure and ancillary telecoms infrastructure in addition to the existing adjacent telecommunications infrastructure, thirty metres north of the subject site, would represent a visually obtrusive element within the local public realm.

8.2.10 I note the technical justification presented 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. From a perusal of the ComReg website and their outdoor coverage mapping, the claim of fair coverage for 4G and 5G customers is corroborated. The coverage mapping within the ComReg website which is stated to be based on data submitted by the mobile operators (including Three Ireland) in May 2026 where the coverage for 3G customers is stated to be 'good'. and 'fair' for 4G and 5G customers. Therefore, based on the information submitted, notwithstanding that the applicants have demonstrated that the proposals would assist in supporting the implementation of National guidance and local policy, including the provisions of objective IU048 regarding the promotion and facilitation of the provision of a high-quality telecommunications infrastructure, there are counter balancing objectives IU054 and DMSO222 which seeks that providers encourage the sharing and co-location of digital connectivity infrastructure and requiring the co-location of antennae on existing support structures or alternatively to submit documentary evidence as to the non-availability of this option. The applicants have stated that the proposed telecommunications infrastructure would only facilitate a single provider (Section 4.5

of their Planning Statement), that being Three Ireland. I consider that the overriding issues of adverse cumulative visual impact and adverse impact upon visual and residential amenity are to the fore in this appeal.

8.2.11 In conclusion, having regard to the characteristics of the proposed works and in particular the height of the 15 metre telecommunications support pole structure, the adverse visual impact of the development from a southerly, easterly and northerly perspectives, the proximity of dwellings within the established Ard na Mara residential development whose residential amenities would be adversely impacted by the proposals, I consider that the cumulative adverse impact of the development in conjunction with the existing adjacent telecommunications pole and cabinet infrastructure, that the proposed development would adversely impact the visual and residential amenities of the area and, therefore, that the proposals would be contrary to 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 on 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’.

Therefore, the principle of the development is permitted in principle subject to other development management criteria being adhered to, as will be detailed within the assessment below. The proposed development includes the erection of a telecommunications pole structure (15 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 IU036, and IU048, IU053, 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 and supported.
- 8.3.4 In addition, a visual impact assessment, including photomontages was submitted as part of the planning documentation which illustrates that the proposed 15 metre tall telecommunications pole structure would be visually prominent from the easterly and north easterly viewpoints submitted, Fig 1.1 and Fig 2.1 from the three viewpoints submitted. I consider that the viewpoints demonstrate that the proposed telecommunications infrastructure in addition to the existing adjacent telecommunications infrastructure would adversely impact the visual amenity in this area and be contrary to objective IU048 in respect of protecting urban amenities.
- 8.3.5 Overall, I am not satisfied that the proposed development complies with the guidance in Section 11.8.4 of the current Fingal County Development Plan 2023-2029, in relation to high 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 not be in compliance with the provisions of the Telecommunications Guidelines, 1996 and the Planning Circular PL07.12.

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

- 8.4.1 The access road to the Ard na Mara housing development, from which the proposed telecommunications pole and cabinet infrastructure would be located is approximately 5.5 metres wide with a footpath pavement along its western and eastern sides. I acknowledge that the footpath widens at the location of the proposed development due to the existence of a paved area in front (east) of the Yellow Walls Shopping Centre. Aside from the standard public lighting lanterns, the low-level concrete bollards and trees to the west and north-west of the site, none of the existing utilities/features would screen a fifteen-metre-tall telecommunications pole structure nor the associated cabinet infrastructure.
- 8.4.2 The applicant submitted a detailed assessment of nine existing alternative telecommunication sites within a 1.6 kilometre distance of the subject site. The applicants set out that at eight of the existing alternative sites are located outside of the search ring of c.250 m in order to achieve the 3G, 4G and 5G high speed data and voice call requirements that customers expect. Therefore, these sites could not be considered further. One other site is located approximately 30 metres north of the subject site and the applicants state that this location was discounted on the basis that it would not be structurally strong enough to support additional telecommunications infrastructure.
- 8.4.3 The application was accompanied by a planning statement and a Radio Frequency Technical Justification Report (RFTJR) which includes a map of existing telecommunications infrastructure within the vicinity of the appeal site. Nine existing telecom sites are identified, ranging in distance from 30 metres from the subject site and up to 1.6 kilometres from the appeal site. Most of the nine sites were ruled on the basis as being unable to provide adequate 3G, 4G and 5G coverage to the specific cell area, stated to be within a 250 metre radius of the subject site in this instance. The existing adjacent telecommunications structure located approximately thirty metres north of the subject site was ruled out on the basis of not having adequate structural capacity to cater for the additional telecommunications

infrastructure. The applicants have referenced the possibility of utilising the rooftop of the adjoining Yellow Walls Shopping Centre as part of their appeal submission. The applicants state that the low ridge height of the rooftop of this adjacent commercial building would not be suitable for the location of their proposed.

- 8.4.4 The applicants Technical Justification Report includes reasons to “discount” co-locating with existing telecommunications structures. Reasons for not locating on existing sites include the lack of technology for high capacity, multi operator slimline infrastructure and the unavailability of sufficient coverage outside the search cell. I consider these are acceptable reasons to discount those existing sites. However the possibility of upgrading the adjacent site further north within the Ard na Mara has been ruled out by the applicants on excessive cost grounds, which is not one set out as one of the criteria to be considered when assessing telecommunications infrastructure under Section 254 of the Planning and Development Act 2000 (as amended).

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

- 8.5.1 The proposed pole and associated cabinet infrastructure would be located within the pavement area along the western side of the Ard na Mara access road. I acknowledge that the development would take up some space within the pavement area however, I noted the pavement is particularly wide at this location (approximately 4 metres), and it adjoins the paving area along the shop frontage to the east of the Yellow Walls Shopping centre. Therefore, in this instance I consider that the proposed telecommunications infrastructure would not inconvenience the safety of the road users along the Ard na Mara access road nor pedestrians in the area in this instance.

8.6 Conclusion

- 8.6.1 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 a visually prominent area along an access road and in close proximity to established residential units and the cumulative impact of the proposed development in addition

to the existing adjacent telecommunications infrastructure, the adverse impact upon the visual and residential amenity within the area arising from the development of a 15 metre tall telecommunications pole structure, and the applicant's failure to fully justify the possibility of upgrading the existing adjacent telecommunication pole structure adjacent to and further north of the appeal site. Therefore, on balance, I consider the telecommunications proposals to be unacceptable 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 four hundred and twenty five metres south-east of the nearest European sites, namely the Malahide Estuary SAC (Site Code: 000205) and Malahide Estuary SPA (Site Code: 004025). 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 the Planning and Development Act 2000 (as amended) is not required.

10.0 Recommendation

I recommend that permission is refused for the proposed Section 254 licence for the following reason.

11.0 Reason(s)

1- Having regard to the location of the proposed telecommunications pole structure on an open and exposed site, the predominately residential character of the area in the immediate surrounds of the subject site, within an area of public pavement, the height and design of the telecommunications pole structure, the provisions of Section 254 of the Planning and Development Act, 2000, as amended, the Telecommunications Antennae and Support Structures- Guidelines for Planning Authorities (1996), Section 11.8.4 within the current Fingal County Development Plan 2023-2029 and based on the information submitted by the applicants, it is considered that a satisfactory justification has not been provided for the proposed telecommunications pole structure at this prominent location. It is also considered that the proposed development would represent an incongruous feature and contribute towards a proliferation of street works within this streetscape and would be detrimental to the visual and residential amenities of the area, would be contrary to the provisions of objectives IU048, IU053, IU954, DMSO222 and DMSO224 within the current Fingal County Development Plan 2023-2029. Based on the information submitted, the Coimisiún is not satisfied that all alternative locations or options have been robustly identified and assessed and, therefore, the proposed development would not accord with 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-324073-26		
Proposed Development Summary	Permission for erection of a 15 metre telecommunications pole structure and ancillary ground cabinet infrastructure.		
Development Address	Yellow Walls Shopping Centre, Ard na Mara, Malahide, Co. Dublin		
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: _____