



An
Coimisiún
Pleanála

Inspector's Report PL-500275-DF-25

Development	Construction of telecommunication structure with all associated site works.
Location	Flemington, Balbriggan, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0818E
Applicant(s)	Phoenix Tower Ireland III Limited
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party Normal Planning Appeals
Appellant(s)	Phoenix Tower Ireland III Limited
Observer(s)	None
Date of Site Inspection	26 th June 2026
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The site address is given as Flemington, Balbriggan, Co. Dublin. The site comprises a grassed area in an agricultural field. There is a mature hedgerow adjacent to the north. There is also an electricity line & pole to the north. The L1130 road is approx. 50m to the west. The remainder of the field extends to the south, west, and east. The site is accessed across the field from an agricultural gate off the L1130.
- 1.1.2. There is an existing telecommunications installation site approx. 20m to the east. That site comprises generally a lattice tower; antennae, 2 no. cabinets, solar panels, related installations and fencing. I estimate the mast is approx. 30m in height.
- 1.1.3. The lands around the site are mainly agricultural. The site is approx. 445m at closest to the edge of the housing estates around Balbriggan. There are also a number of one-off dwellings in the area, the closest being approx. 145m to the south. Hamlet Lane Park open space is approx. 155m to the east. There is a water supply reservoir approx. 80m to the south.

2.0 Proposed Development

- 2.1.1. The proposed development is described in the public notices as *“the installation of a 30-metre-high multiuser lattice structure carrying antennas, dishes, remote radio units (RRUs), associated equipment, together with ground-based equipment cabinets, GPS, palisade fencing, gantry poles, cable ladder, cable tray, concrete plinths relocation of existing solar panel on proposed concrete plinth and all associated site development works for wireless data and broadband services”*.
- 2.1.2. The site layout plan (Drw. No. CIG-04219-PD-05) indicates the existing mast to the east is to be removed ‘upon delivery of the replacement’. The application form, in relation to use, refers to *“30m telecommunications structure to replace existing [sic] 30m telecommunications structure”*. No reference is made in the notices to removal of the existing installation. The existing telecommunications installation is outside the application red and blue line areas.
- 2.1.3. The applicant submitted a Planning Statement by Entrust Ltd; letter of support from Three Ireland; Technical Justification Report from Three Ireland; copy of pre-planning consultation from Fingal County Council; letter of consent to Entrust Ltd

from Phoenix Tower Ireland III Ltd; letter of consent from Fingal County Council; health & safety compliance statement from Three Ireland; photomontage report; and accompanying technical drawings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council issued a notification to refuse permission for 2 no. reasons, summarised as follows:

- Reason 1: The proposed development is in an area zoned 'OS' in the Development Plan and would contravene the land use zoning objective for the area;
- Reason 2: The proposed development would seriously injure the residential amenities of future residents of this new residential area and would be contrary to Objective DMSO17 'Location of New Utility Structures' of the Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning report: The Planner report recommended refusal. I note the following:

- Principle: Telecommunication infrastructure is neither permitted in principle or not permitted in the OS zone, and will be assessed in terms of contribution toward zoning objective and compliance with Development Plan. Report referred to Development Plan Objective DMSO223 which it stated seeks to avoid the location of telecommunications-based services in highly sensitive landscapes where views are to be preserved. Report noted the purpose of the proposed development. Due to the OS zoning objective and designation of the area as a highly sensitive landscape the report did not consider the proposed development was appropriate and in keeping with the vision of the OS objective. Report also noted the development was located on the southern boundary of Class 1 Open Space within Ref. LRD006 as granted;

- Visual and rural amenity: The existing mast structure is to be decommissioned as part of this application and solar panel relocated to the proposed site, however the structure is not included in the site plan. Report did not consider the application sufficiently addressed the requirements of Development plan Objective DMSO224. Report considered in the context of surrounding area the proposed development would have significant impact on the residential amenities proposed within the area of public open space to the north of the site within LRD006 lands;
- Heritage: Site outside notification zone for DU001-032. Impact would be minimal. No objection;
- Water Services: Report notes Water Services Section report;
- Landscape & tree protection: Site is zoned OS and is in a 'Highly Sensitive Landscape. Trees are in close proximity. The development may have a negative impact on surrounding landscape. Report noted Parks report stated no objection;
- Conclusion: Report stated that only community facilities and other recreational uses will be considered and encouraged by the Authority in the OS zone. Report stated that location in immediate vicinity to an area to serve as a park would contravene the land use zoning objective for the area.

Other Technical Reports1:

- 3.2.2. Heritage Officer: No objection.
- 3.2.3. Parks & Green Infrastructure: No objection subject to a condition (retention of hedgerow).
- 3.2.4. Water Services: No objection subject to standard surface water condition.
- 3.2.5. Broadband Officer: None.

3.3. Prescribed Bodies

- 3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Relevant Planning History

4.1. Subject site

4.1.1. There is no recent relevant planning or licensing history pertaining to this site.

4.2. Nearby sites:

Lands to the east

4.2.1. Reg. Ref. LRD0069/S3E (ABP Ref. 324332): Permission granted by the Planning Authority in July 2026 (Appeal withdrawn) for: Construction of 815 no. dwellings (610 no. houses, 194 apartments & 11 no. later living dwellings), a portion of the C-Ring Road, open space, community building/retail floorspace and 2 no. creches.

4.2.2. Reg. Ref. LRD006/S3 (ABP Ref. 319343): Permission granted by the Board in July 2024 for: Ten-year planning permission for construction of 564 no. dwelling units and all associated works.

Lands to the east (existing telecoms site)

4.2.3. Reg. Ref. F14A/0334 (ABP Ref. PL06F.244054): Planning permission for retention granted on Appeal in 2015 for an existing 30m high telecommunications support structure carrying antennas and link dishes together with ground-based equipment and security fencing which forms part of their cellular digital and broadband communications network. Permission was previously granted under temporary permission on Local Authority planning Ref. F11A/0201. (Applicant: Telefonica Ireland Ltd.)

4.2.4. The Board decision in that case granted temporary permission. Condition provided for a temporary permission of 7 years and required that the site be reinstated on removal of the telecommunications support structure and ancillary structures.

4.2.5. Reg. Ref. F11A/0201: Planning permission for retention granted by the Planning Authority in 2011 for an existing 30m high telecommunications support structure

carrying antennas and link dishes together with ground-based equipment, security fence and access track. (Applicant: Telefonica Ireland Ltd.)

- 4.2.6. Condition No. 2 of that permission stated that the permission was for a period of 3 years from the date of the order, and that the telecommunications structure and related facilities shall then be removed from the site and the site made good unless prior to the end of that period planning permission for retention was granted.

5.0 Policy Context

- 5.1.1. There is an extensive policy and guideline context relevant to the case:

5.2. Relevant National & Regional Policy / Ministerial Guidelines

5.2.1. National Planning Framework 'Project Ireland 2040':

- National Policy Objective 24: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas;
- NPO 48: Supports the development of a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

5.2.2. National Biodiversity Action Plan 2023, including its Objectives and Targets;

5.2.3. Climate Action Plan (CAP) 2025:

The CAP 2025 is to be read in conjunction with CAP 2024. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets. The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments. The Climate Action & Low Carbon Development Act 2015 obliges the Commission to perform its functions in a manner that is consistent with the CAP.

5.2.4. Harnessing Digital: The Digital Ireland Framework 2022:

The National Digital Strategy has four dimensions, one of which relates to digital infrastructure. The stated targets include for all populated areas to be covered by 5G

by 2023 and all households and businesses to be covered by the gigabit network by 2028. The strategy states this requires investment by commercial operators in quality, secure and resilient gigabit network services to the vast majority of premises in primarily urban and suburban areas. Section 2.1 seeks to enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband Plan.

5.2.5. National Development Plan 2021-2030.

5.2.6. National Broadband Plan (NBP) 2020:

The NBP is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest;

5.2.7. Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads 2015.

5.2.8. Telecommunications Antennae and Support Structures Guidelines for Planning Authorities 1996:

The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required construction of base station towers in urban and rural areas, and that these base stations are an essential feature of all modern telecommunications networks.

Regarding suburban areas, it states that in many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed. Sections 1.2, 2.3.2, 4.2 and 4.3 of the Guidelines are particularly relevant to the development.

Regarding rural areas, Section 2.2 states that larger cells are generally used in rural areas where coverage rather than capacity is the critical requirement, and that higher masts are usually required in rural areas. Section 2.3.1 states that in rural areas, and in many suburban situations, because of the low rise nature of most of our suburban buildings and structures a supporting mast or tower is needed. Section 2.3.2 states that in both rural and urban areas a supporting mast or tower is almost always

necessary where microwave drum antennae are required (see final paragraph under this heading).

Section 4.3 states that in the vicinity of city suburbs only as a last resort and if alternatives are not available or unsuitable (ie. industrial estates, industrially zoned land, some commercial or retail areas, ESB substations) should free-standing masts be located in a residential area. It states that if such a location becomes necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. It states the support structure should be kept to the minimum height consistent with effective operation and should be monopole rather than a latticed tripod or square structure.

Section 4.3 also states that in suburban areas the use of tall buildings or other existing structures is preferable to construction of independent antennae support structures, and that the support structure should be kept to the minimum height consistent with effective operation. It also states that:

- *In most cases the applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc., already referred to.*

Section 4.2 states:

- *The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design;*
- *Similarly, location will be substantially influenced by radio engineering factors;*
- *Some masts will remain quite noticeable in spite of the best precautions.*

5.2.9. Circular Letter PL11/2020.

5.2.10. Circular PL11/2020 relates to planning exemptions and Section 254 licences.

5.2.11. Circular Letter PL 03/2018:

This circular provides a revision to Chapter 2 of the Development Contribution Guidelines for Planning Authorities and states that the waiver provided in the Guidelines should apply to the provision of broadband services and mobile services.

5.2.12. Circular Letter PL07/12:

Circular Letter PL 07/12 updates the 1996 Guidelines and was issued in the context of the rollout of the next generation of broadband (4G). It revises Sections 2.2. - 2.7 of the Guidelines generally as follows:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Register or database of approved structures;
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds, and;
- The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

5.2.13. Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulations 2007.

5.2.14. Eastern & Midland Regional Spatial & Economic Strategy 2019-2031:

Section 8.6 'Communications Network and Digital Infrastructure' and Regional Policy Objective RPO 8.25 seeks to facilitate the National Broadband Plan and the sustainable development of a high-quality ICT network throughout the region whilst protecting the amenities of urban areas. The Strategy (Table 3.1) also aims to enable infrastructure growth through collaboration with providers to deliver telecommunications infrastructure.

5.3. **Development Plan**

5.3.1. The site is zoned 'OS' in the Fingal County Development Plan 2023-2029.

5.3.2. Chapter 11: 'Infrastructure & Utilities' incl. Sections 11.8.4 'Telecommunications' and 11.8.5 'Ducting and Access to Fingal County Council Assets', and also Chapter 14 'Development Management Standards', incl. Section 14.20.9 'Information and Communications Technology'.

5.3.3. I have had regard to the following provisions in relation to the location of telecommunications development:

- Policy IUP36 'Provision of Telecommunications / Digital Connectivity Infrastructure';
- Section 14.4.9 'Utility Facilities': *"The quality and finish of the public realm, and the achievement of successful spaces may be eroded by the inappropriate siting of utility facilities such as electricity substations and telecommunications equipment, especially those located to the front and side of buildings. While recognising that utility facilities are necessary, their siting should be incorporated at an early stage of the design process with collaboration between utility providers in sensitively locating such facilities"*;
- Objective DMSO17 'Location of New Utility Structures': "Where possible, new utility structures such as electricity substations and telecommunication equipment cabinets should not be located adjacent or forward of the front building line of buildings or on areas of open space";
- Objective DMSO223 'Location of Telecommunications Based Services': *"Encourage the location of telecommunications-based services at appropriate locations within the County, subject to environmental considerations and avoid the location of structures in fragile landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved"*.

5.3.4. I have had regard to the following provisions which set out general support for telecommunications development and identify relevant policy and guidance:

- Policy IUP37 'Fingal Digital Strategy';
- Policy IUP39 'National Broadband Plan';
- Policy IUP40 'Digital Connectivity';
- Objective IUO48 'High-quality ICT Network and Appropriate Telecommunications Infrastructure';
- Objective IUO52 'Telecommunications Infrastructure'.

5.3.5. I have had regard to the following provisions in relation to design and visual amenity:

- Objective IUO53 'High-quality Design of Telecommunications Infrastructure';

- Objective IUO54 'Sharing and Co-location Of Digital Connectivity Infrastructure':
"Support the appropriate use of existing assets (i.e. lighting, street furniture etc) for the deployment of telecoms equipment and to encourage the sharing and co-location of digital connectivity infrastructure in the interests of visual amenity and protection of the built heritage";
- Objective IUO55 'Ducting'.

5.3.6. I have had regard to the following in relation to applications for telecommunications structures:

- Objective DMSO224 'Applications for Telecommunications Structures':
 - *"Require the following information with respect to telecommunications structures at application stage:*
 - *Demonstrate compliance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment 1996 and Circular Letter PL 07/12 issued by the Department of the Environment and Local Government (as may be amended), and to other publications and material as may be relevant in the circumstances.*
 - *Demonstrate the significance of the proposed development as part of a national telecommunications network.*
 - *Indicate on a map, the location of all existing telecommunications structures within a 2 km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulations.*
 - *The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc.) and the potential for mitigating visual impacts including low and mid-level landscape screening, tree-type masts being provided where appropriate, colouring or painting of masts and antennae, and considered access arrangements.*

- *Ensure that when such licences are sought nearby property owners and occupiers are made aware of the application prior to Fingal County Council or An Bord Pleanála agreeing the licence.”*
- Objective DMSO226 ‘Removal of Masts and Antennae’: *“All operators shall remove masts and associated antennae when no longer required.”.*

5.3.7. In relation to landscape, I note the following:

- Section 9.6.14 ‘Landscape Character Assessment’ incl. Table 9.3 ‘Landscape Character Assessment Summary-Character, Value and Sensitivity’;
- Policy GINHP25 ‘Preservation of Landscape Character’;
- Objective GINHO59 ‘Development and Sensitive Areas’: *“Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it: -Causes unacceptable visual harm. -Introduces incongruous landscape elements. -Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements”;*
- Section 9.7 ‘The Coast and Coastal Protection’, Section 9.7.1 ‘New Development in Coastal Areas’;
- Objective DMSO126 ‘Protection of Trees and Hedgerows during Development’.

5.3.8. In relation to non-conforming uses: Section 13.3 ‘Non-conforming uses’ and Objective ZO3 ‘Non-Confirming Uses’.

5.3.9. I note that the Fingal County Development Plan online viewer indicates the site is within a ‘Highly Sensitive Landscape’.

Other:

Fingal Digital Strategy 2020–23

5.3.10. The Strategy is organised around ‘pillars’. The Vision in the ‘Digital Infrastructure’ pillar is to “Develop a world-class digital infrastructure across Fingal, ensuring that

both rural and urban Fingal are equipped with a fit-for-purpose digital infrastructure”. A stated Objective of this pillar is to: “Facilitate the development high-speed broadband and digital infrastructure”.

5.4. Natural Heritage Designations

5.4.1. North-West Irish Sea SPA is approximately 2.28km to the east.

6.0 Environmental Impact Assessment (EIA) screening

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

7.0 The Appeal

7.1. Grounds of First-Party Appeal

7.1.1. A first-party appeal was received from Entrust Ltd on behalf of Phoenix Tower Ireland III Ltd, the main points of which are summarised as follows:

- Introduction: Appeal sets out details of planning history of the area. Appeal states that the subject proposal is to replace the infrastructure permitted under Ref. F14A/0334. Appeal notes that in that case the Council refused permission on grounds of conflict with the zoning objective, however the Board granted permission. Appeal states the Board decision is significant for the proposed relocation on grounds of the short distance away and ‘the same structure’. Appeal notes that lands are owned by the County Council;
- Context: Application is made on behalf of the operator Three Ireland. Appeal states Three Ireland wishes to continue providing wireless data and broadband services from this area on new antennae support structure by way of replacing the existing structure and locating the new proposed structure 35m to the west;

- Policy context: Appeal sets out details of supports in national, regional, and local policy and guidelines context. It cites the technical complexities of site selection for telecommunications installations, and that the proposal strongly aligns with the Telecommunications Guidelines. Appeal refers to Section 4.3 of the Guidelines which states that in most cases applicants will only have limited flexibility regarding location. Development Plan Chapter 11 recognises that flexibility will be required for telecommunications;
- Local Factors: Appeal refers to the technical justification submitted with the application. Appeal states the proposal is to replace a nearby structure of similar height and appearance which has been there for over 20 years. States there will be little or no change in character or appearance of the area;
- Site Selection process: Site selection followed the methodology as per Section 4 of the Guidelines. In the search ring there is no mast available for co-location (existing mast to be removed); no tall buildings, industrial estates, commercial or retail areas or ESB substations. Existing mast to be decommissioned due to a Notice to Quit (NTQ) being served on the lands;
- Technical Justification: Appeal refers to the Technical Justification submitted with the application. Appeal emphasises that the existing site being decommissioned (NTQ served). Alternative options (co-location, tall buildings, industrial land, ESB substations) all discounted as unavailable/unsuitable. New structure needed to maintain mobile voice/data coverage over shorter distances in the Balbriggan area. Appeal states that as it does not seek to introduce a new structure into the open landscape that it considers the proposal is the best solution;
- Health: Compliance regulated by ComReg under ICNIRP emission limits. ICNIRP Declaration attached as evidence;
- Response to Refusal: Appeal addresses the two refusal reasons and the overall balance of planning considerations;
- Reason 1 (Zoning contravention - OS/Open Space): Appeal argues "preserve" and "provide" are key words in the zoning objective; proposal preserves status quo as a like-for-like replacement. Argues Council's conclusion lacks coherent rationale; the site being adjacent an area which is to serve as a park does not

demonstrate contravention of the zoning objective. Changes in visual impact are relative to the existing situation and are considered negligible. The replacement structure will present no more and no less of an impact on zoned lands ('no net change'). Accordingly proposal preserves the existing situation. The proposal obviously does not provide for open space and recreation but neither does it preclude such provision, and there will be no net loss. Appeal also makes the point that the zoning objective is the key consideration rather than the referenced vision. The zoning should not be applied so rigidly; where it is demonstrated that essential infrastructure is needed and impacts are non-significant the Commission has accepted telecommunications proposals on zoned lands (ABP Ref. 244054). Proposal is not a clear contravention;

- Reason 2 (Objective DMSO17 - utility structures on open space): Appeal acknowledges proposal conflicts with objective 'on its face' but argues that flexibility is required to be provided where possible to account for site-specific context. The requirement to avoid areas of open space under DMSO17 must be interpreted in context of the existing site and not a pristine setting. The service provided will enhance the residential area. Existing structure sets precedent; new site actually approx. 30m further from residential zone than existing structure. Appeal argues impact is neutral/improved, not seriously injurious. Cites ABP-315016-22 as precedent that visual impact isn't always fatal. Notes small ground footprint; screening/landscaping proposed;
- Wider Impacts: Appeal notes site is within High sensitivity Coastal Landscape Character Area, but separated from coast by Balbriggan town and that the coastal landscape will not be impacted. Visual Impact Assessment concludes there would be a negligible impact via matrix methodology;
- Conclusion: Appeal submits technical need has been demonstrated, alternatives properly discounted, policy compliance shown. Appeal demonstrates this is the best site. An existing tower has been operating for 28 years and has established a visual precedent. Proposal to relocate will not cause any additional impacts. Removal and non-replacement would have a negative impact on the area and harm connectivity to multiple other sites (larger users listed). Proposal is in the public interest. Requests Commission overturn refusal and grant permission.

7.1.2. Included with the appeal is the RF Technical Justification Report, letter of consent from Fingal County Council, Planning Statement, technical drawings, and photomontage report as submitted with the application.

7.2. Planning Authority Response

7.2.1. The Planning Authority response stated no further comment and requested the Commission uphold the decision.

7.3. Observations

7.3.1. None.

7.4. Further Responses

7.4.1. None.

8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are as follows:

- Proposed development;
- Refusal reason 1;
- Refusal reason 2;
- Related matters raised in the course of the appeal.

8.2. Proposed development

8.2.1. I note the points made by the appellant and Planning Authority internal reports. I have had regard to the provisions of the Development Plan and national guidance, including the Telecommunications Guidelines and related Circulars. I have also had

regard to the information submitted with the application and appeal, including the Technical Justification Report and Photomontage Report.

- 8.2.2. The proposed development described in the notices is generally for installation of a mast and related equipment, with no reference made to removal of the existing neighbouring mast and compound. However, the application and appeal documents indicate the proposed facility is a replacement for the existing facility which is required to be removed because a Notice to Quit the site has been served, and that the existing facility will be removed once the proposal is delivered. The existing telecommunications site is outside the application red and blue line areas. The owner of the existing site is not clearly stated. The Notice to Quit referenced by the appellant is not submitted.
- 8.2.3. The neighbouring telecommunications site was most recently permitted by the Board under ABP Ref. PL06F.244054 in 2015. The Board in that case granted temporary permission for 7 years, with Condition 1 of the permission requiring the site be reinstated on removal of the telecommunications support structure and ancillary structures.
- 8.2.4. Regarding the form of the existing and proposed telecoms sites, both masts are lattice structures, with comparable arrangements of antennae and supporting equipment. Whilst there are differences in the design and arrangement of the two masts, antennae, and associated equipment, I consider the height, scale and form are broadly similar. Given this, and the close proximity of the two sites, I consider that the visual impact of each is broadly comparable. I note in this regard that the proposed development is further away from Balbriggan.
- 8.2.5. Having regard to the available information, on balance I am satisfied with the points made in the application and appeal that the proposed development is to replace the existing neighbouring facility. I am also satisfied, as the appellant sets out, that the proposed development is required to maintain and improve services for the area in the absence of the existing mast, and that the proposed development is to facilitate the existing mast ceasing operations. I acknowledge that removal of the existing facility cannot be linked by condition to the subject application, however I am satisfied that removal of the existing facility is required by its permission.

- 8.2.6. Should the Commission be minded to grant permission, it might consider seeking further submissions from the appellant to address these points, including in relation to ownership / control of the existing facility, and further details regarding the removal of the neighbouring site including with regard to the timing of removal. However, based on the available information, I am satisfied this is not warranted and that there is sufficient planning certainty of the required removal of the existing facility for this to be a material consideration in the assessment of the proposed development.

8.3. Refusal reason 1

- 8.3.1. Refusal reason 1 stated generally that the proposed structure at this location adjacent an area which is to serve as a park for future residents of the area and wider Balbriggan area would therefore contravene the land use zoning objective for the area.

Future park for residents

- 8.3.2. Regarding the point that the site is adjacent the location of a future park, public open space is permitted in the adjacent field to the north as part of Ref. LRD0069/S3E (ABP Ref. 324332). Whilst lands adjacent to the west, south, and east of the site for 100m or so are zoned Open Space, I see no permissions for a future park in the planning history for the area. Further east, generally between Hamlet Lane Park and the development permitted under LRD0069/S3E (ABP Ref. 324332), landscape improvement works to facilitate class 1 open space are indicated within the planning history, however I see no live permissions for those works. As stated, Hamlet Lane Park sports pitch, open space, and parking is further east.
- 8.3.3. I note the appellant point that the proposed development does not occur in isolation. I consider that the relationship to the existing mast which the proposed development is to replace, and the required removal of that mast, are material considerations in assessing the impact of the proposed development. In that context, and as set out above, I consider that the resulting impact on the permitted open space to the north would essentially be neutral due to the similarities of the two telecommunications facilities in terms of scale, design and location. I also consider that the resulting impacts on existing and emerging open space to the east would be slightly positive due to the increased distance that would arise. Given these factors, I consider the

resulting impact of the proposed development on areas which are to serve as a park for future residents as a result of the proposed development would be acceptable.

Land use zoning objective

- 8.3.4. The Planning Authority decision stated that the proposed structure adjacent an area which is to serve as a park for future residents would contravene the land use zoning objective for the area.
- 8.3.5. The site is on lands zoned 'OS – *Open Space*' in the County Development Plan. The land use zoning objective is: "*Preserve and provide for open space and recreational amenities*". Telecommunications related development is not specifically referenced as being Permitted in Principle or Not Permitted in the OS land use zoning objective. I note that 'Telecommunications Structures' is referenced under other land use zoning objectives.
- 8.3.6. The Development Plan states that uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. The 'Vision' of the 'OS' zone is "*Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority*".
- 8.3.7. I have had regard to the points made within the Planner Report and Decision, in particular that uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision, and that only community facilities and other recreational uses will be considered and encouraged by the Authority. In this regard I acknowledge the wording of the Vision is restrictive in stating that '*only community facilities and other recreational uses will be considered and encouraged by the Planning Authority*'. However, Development Plan Section 13.5 '*Zoning Objectives, Vision and Use Classes*' also states that uses which are neither 'Permitted in Principle' nor 'Not Permitted' will also be assessed in terms of their compliance and consistency with the other policies and objectives of the Development Plan more broadly.

- 8.3.8. In this regard I consider that the other policies and objectives of the Development Plan provide significant support for the provision of telecommunications infrastructure, particularly in the context of national and regional policy and national guidelines and Circulars. In this regard note in particular Development Plan Sections 11.8.4 and 14.20.9; Policies IUP36, IUP37, IUP39, IUP40; and Objectives IUO48.
- 8.3.9. I acknowledge the Planner Report point that the proposed development would contravene the land use zoning objective, however I do not consider that this would be material. I have had regard to the land use zoning objective being silent in relation to telecommunications structures being 'Permitted in Principle' nor 'Not Permitted'; that the broader Development Plan provides significant support for the maintenance and provision of telecommunications infrastructure; the relationship of the existing mast to the subject case and the required removal of the existing mast; as well as the relationship of the existing and proposed masts to existing and permitted open space and residential development in the area. In this regard I consider that permitting the proposed development would give rise to a broadly comparable situation as currently exists and would not have a significant impact on the area.
- 8.3.10. Accordingly, having regard to the foregoing, I consider that whilst the proposed development would contravene the land use zoning objective for the area, having regard to the stated provisions of the Development Plan, including Section 13.5 '*Zoning Objectives, Vision and Use Classes*', I do not consider this would be material. I consider the proposed development overall complies with the Development Plan and national guidelines and is acceptable in principle, subject to detailed considerations below.

Residential amenity

- 8.3.11. I note the existing, under construction, and permitted residential development to the east, and individual dwellings to the north and west. I also note the residentially zoned lands to the east. I have addressed the comparable nature of the existing and proposed replacement mast above. Overall I consider the proposed mast will have a comparable impact in terms of impact on visual and residential amenities as a result of its similar form, height and design, and its increased distance from residential areas to the east. I consider the proposal is acceptable in this regard.

Telecommunications Antennae and Support Structures Guidelines

8.3.12. I have reviewed the provisions of the Guidelines, and the submitted information including Planning Statement, Technical Justification, and photomontages. The application and appeal documentation address technical telecommunications matters, including in relation to cell coverage. The submitted drawings set out details of the proposed mast, antennae, and supporting equipment. The submitted reports address the provisions of the Development Plan and national policies and guidance. The reports also address design, siting, visual impact, access, the potential to share or cluster facilities, health & safety, and removal of the existing facility. I am generally satisfied the information submitted with the application and appeal addresses the relevant matters raised in the Guidelines. I consider specific matters further below.

8.3.13. Further in relation to the provision of the Guidelines, I note the information submitted, including technical justification. I note in particular the information provided relating to the impact on coverage that would arise from the absence of the existing and proposed masts. I note the proposed site is to replace the adjacent mast which carries services for the surrounding area. I am satisfied there are no other suitable locations proposed in the coverage area, including industrial or retail areas, or suitably high structures on which to locate the proposed antennae and supporting equipment, and with the removal of the existing mast, no scope for clustering. Having reviewed the submitted Technical Justification Report I am satisfied the proposed development is required to maintain telecommunications coverage in the area, including the emerging residential areas on the west of Balbriggan.

Related Development Plan requirements for Telecommunications Structures

8.3.14. I have considered the requirements of Development Plan Objective DMSO224. As above I am satisfied the application and appeal have demonstrated compliance with the Telecommunications Antennae and Support Structures Guidelines. The submitted documents have demonstrated the significance of the development as part of the telecommunications network. The application and appeal have indicated the location of existing telecommunications structures around the site.

8.3.15. Regarding the sharing of facilities as set out in Objective DMSO224, the reasons why it is not feasible to share facilities have been addressed by the appellant. In these regards I note the rural location of the mast to be replaced, the need to maintain existing service in this area, and the height necessary for the coverage area

required. Development Plan Objectives IUO54 and DMSO222 set out related requirements in this regard; I am satisfied there are no other feasible options and that the requirement of these Objectives have been met.

8.3.16. I am also satisfied the public have been appropriately notified of the proposed development.

8.3.17. Regarding design, I have reviewed the submitted drawings and photomontages, as well as the requirements of the Development Plan and national guidelines. Overall I am satisfied the design as proposed meets the requirements of the Development Plan, including Objective IUO53 in relation to high-quality design in the interests of visual amenity and the protection of sensitive landscapes.

Landscape and visual impact

8.3.18. The Planner Report referred to impacts on the surrounding landscape. I have had regard to the provisions of the Development Plan in this regard, including Sections 9.6.14, 9.7, and 9.7.1 and Objectives DMSO223 and GINHO59. Objective DMSO223, in relation to the location of telecommunications-based services, seeks to 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.

8.3.19. The site is not a nature conservation area. There are no specific view preservation objectives in the area.

8.3.20. In relation to landscape character, the Development Plan indicates the site is within a 'Coastal' landscape character type area, and indicates that such areas are 'High' in terms of Landscape Sensitivity. Policy GINHP25 '*Preservation of Landscape Types*' seeks to ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

8.3.21. Further in relation to sensitive landscapes, separate to the above, the Development Plan online map viewer indicates the site is within a 'Highly Sensitive Landscape' area. Development Plan Objective GINHO59 '*Development and Sensitive Areas*' seeks to ensure that new development does not impinge in any significant way on

the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area.

- 8.3.22. Having visited the site and surrounding areas, and having reviewed the submitted plans and photomontages, I consider that the proposed development would have a broadly comparable impact as the existing installation. I consider that whilst views are partly obscured by hedgerows and buildings in the area, the proposed mast would be quite visible in the surrounding area, however that the short- and long-range views would ultimately be broadly similar to the existing situation. Having regard to the similarities of the existing and proposed development in terms of height, form and design, on balance I consider the proposed development and the resulting impacts on the surrounding landscape would be directly comparable to the existing situation; would be acceptable in terms of visual impacts and impacts on the surrounding landscape, noting its stated sensitivities; and accordingly would comply with the above provisions of the Development Plan.

8.4. Refusal reason 2

- 8.4.1. Refusal reason 2 stated generally that the proposed development, by reason of its location on lands zoned open space, would seriously injure the residential amenities of future residents of this new residential area and would be contrary to Objective DMSO17 '*Location of New Utility Structures*' of the Development Plan. I note the points made in the Planner Report and appeal.

Objective DMSO17

- 8.4.2. Objective DMSO17 is in Section 14.4 '*Sustainable Placemaking and Quality Homes*' of the Development Plan. Section 14.4.9 '*Utility Facilities*' recognises that utility facilities are necessary, and states that "*their siting should be incorporated at an early stage of the design process with collaboration between utility providers in sensitively locating such facilities*". Objective DMSO17 states that: "*Where possible, new utility structures such as ... telecommunication equipment cabinets should not be located adjacent or forward of the front building line of buildings or on areas of open space*".
- 8.4.3. My reading of these sections of the Development Plan is that the provisions relate in the main to telecommunications equipment within developments. As stated above,

whilst the site is on lands zoned Open Space, I see no permissions around the site. Also as stated above, I consider the existing mast and its relationship to the proposed development is a material consideration in this case; in this regard the already permitted and existing open space and residential development in the area has progressed in the context of the existing mast which is in a comparable location, scale, form and design. I am satisfied the proposed development would provide for a neutral to slightly improved situation in the area, with the proposed mast being similar in scale, form and design, but being located further away from the existing and emerging open space and residential development to the east.

- 8.4.4. In addition, Objective DMSO17 states that where possible new utility structures such as telecommunication equipment cabinets should not be located on areas of open space. I have reviewed the information submitted by the appellant, including the Technical Justification Report from Three Ireland. Based on the information submitted I am satisfied the proposed location is required to maintain telecommunications services in this area of Balbriggan, and to support the emerging residential areas to the east, and that the relocation of services from this location is not realistically possible based on the available information.
- 8.4.5. I note the points made in the Planner Report regarding the location of the site in an area zoned open space and the proximity of nearby open space development. I consider that the addition of landscaping around the compound fencing is a reasonable improvement to the facility and that this can be facilitated within the red line area. I consider that a standard condition in this regard be attached should the Commission be minded to grant permission.
- 8.4.6. I note that no Observations from third parties in relation to the proposed development were received by the Planning Authority or Commission.

Conclusion

- 8.4.7. Accordingly, I am not satisfied the proposed development would be contrary to Objective DMSO17 '*Location of New Utility Structures*' of the Development Plan. Regarding residential amenities, having regard to the foregoing, and as set out above, I am satisfied the proposed development is acceptable and would not give rise to a significant detrimental impact on the residential amenities of future residents of the area compared to the current situation.

8.5. Related matters raised in the course of the appeal

Health & Safety

- 8.5.1. No concerns were raised on the file in this regard. No Observations are recorded on the file. I have reviewed the health & safety regulatory information submitted with the application. I have had regard to the provisions of relevant national guidelines. I am satisfied the proposal meets the requirements of local and national planning policy and guidelines in this regard.

Hedgerows

- 8.5.2. Regarding hedgerows, I note the nature and layout of the proposed development. The proposed compound, mast and related installations are set well back from the existing hedgerow (over 2.6m). I note the Parks report and provisions of the Development Plan in this regard, including Objective DMSO126. I consider the proposal is acceptable in this regard.

Conditions

- 8.5.3. In addition to the foregoing, should the Commission be minded to grant permission I also consider the following regarding conditions:
- Air traffic safety: Given the height of the proposed mast, I consider that a standard condition relating to measures in the interests of air traffic safety is warranted;
 - Contributions: Noting the provisions of national guidelines in this regard, no contributions should be applied.

9.0 Appropriate Assessment screening

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 as amended and on the basis of the information considered in this AA screening, I conclude the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites including North-West Irish Sea SPA in view of the conservation objectives of that site and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the

proposed works and the location distance from nearest European Site and lack of connections.

10.0 Water Framework Directive

10.1.1. The subject site is located approx. 1.1km south-east of the Delvin river. The proposed development comprises telecommunications structures. No water deterioration concerns were raised in the planning appeal. I have assessed the project 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, and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied 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, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is the small scale and nature of works and location-distance from the nearest water bodies and lack of hydrological connections. I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body 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

11.1.1. I recommend permission be **Granted**, for the reasons and consideration below.

12.0 Reasons and Considerations

Having regard to the Telecommunications Antennae and Support Structures Guidelines 1996 and Circular Letter PL 07/12; to Policies IUP37, IUP39, and IUP40, and Objectives IUO48 and IUO52 of the Fingal County Development Plan 2023 – 2029 which generally promote the development of telecommunication infrastructure; to the ‘OS’ land use zoning objective for the area; to the existing telecommunications structure permitted and existing in the area; the justification for the development which confirms that the site is required to maintain and improve ICT coverage for the

area; and the scale and design of the proposed development, including its distance from existing residential properties; as well as the visual impact assessment including photomontages of the area as existing and proposed: it is considered that, subject to conditions, the proposed development would be acceptable. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of public safety.
3.	Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include hedging planted outside the boundary fence, which shall be submitted to and agreed in writing with planning authority prior to commencement of development. Reason: In the interest of the visual amenities 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.-

Dan Aspell
Planning Inspector
13th July 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	PL-500275-DF-25
Proposed Development Summary	Construction of telecommunication structure with all associated site works
Development Address	Flemington, Balbriggan, Co. Dublin
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☒ 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. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** __ 5th July 2025 __