

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1053/21

Reg. Reference: SD21A/0155 **Application Date:** 10-Jun-2021
Submission Type: New Application **Registration Date:** 10-Jun-2021

Correspondence Name and Address: Kevin Gillespie, 4Site Telecoms Raheen Business Park, Limerick

Proposed Development: Replace existing 12m decommissioned chimney flue with a 20m multi-user telecommunications support structure to include antennas and dishes and all enclosed within a shroud to match the existing decommissioned chimney flue; 2 outdoor cabinets and associated site works and a proposed new flue to replace an existing flue on an existing permitted building and accessed via the existing permitted access; the development will provide improved wireless broadband services in the area.

Location: Ballyroan Community & Youth Centre, Marian Road, Rathfarnham, Dublin 14

Applicant Name: Ontower Ireland Limited

Application Type: Permission

(BH)

Description of Site and Surroundings

Site Area

Stated as 0.01 hectares.

Site Description

The application site is located within a courtyard area to the rear of the Ballyroan Community Centre and a creche and currently consists of a disused chimney flue. The Ballyroan Library is located to the north of the site, a row of commercial properties including shops are located to the east, the Ruah Centre which is a pastoral centre is located to the west and the Ballyroan Parish Church is located to the south which is a protected structure and listed as RPS REF. 264 in Schedule 2 Record of Protected Structures in the CDP. The area surrounding the site is generally residential in nature.

Site visit

The site was visited on 29th June 2021

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Proposal

The proposal consists of the following:

- Replacement of existing 12m decommissioned chimney flue with a 20m multi-user telecommunications support structure to include antennas and dishes and all enclosed within a shroud to match the existing decommissioned chimney flue.
- Two outdoor cabinets and associated site works

Zoning

The site is subject to zoning objective 'LC' – 'To protect, improve and provide for the future development of Local Centres'.

Consultations

Environmental Health – No objections

Dept. of Defence – No objections

Irish Water – no objection

Parks – no response received

Roads – no objections subject to conditions

Water services – no objection

Submissions/Observations /Representations

Submission expiry date – 14th July 2020.

Submissions have been received from local residents as well as Cllr P Kearns that have raised the following concerns:

- Health and wellbeing of children, impact on creche
- Contrary to proper planning and sustainable development, contrary to zoning objective
- Letter of consent and consent from owner
- Wrong address used
- No reference to Protected Structure in site notice
- Impact on protected structure
- No landscaping plans
- No construction plans
- Technical Justification report is out of date
- Residential Amenity
- Visual Impact, height, out of character,
- Noise pollution
- Site selection
- No details of materials or finishes
- Loss of existing chimney
- Obstruction of plaza
- Site location map

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- Impact on services and drainage
- No scale contiguous elevations

A letter of support has been received that has referred to the potential improved phone signal.

The issues raised in the third-party submissions have been taken into account when assessing the proposal.

Recent Relevant Planning History

No significant planning history

Relevant Enforcement History

None recorded.

Pre-Planning Consultation

None recorded

Planning Policy and Guidance

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Policy HCL3 Protected Structures

Policy ET1 Overarching

Section 7.1.0: Water Supply & Wastewater

Policy IE1 Water & Wastewater

Policy IE1 Objective 7

Section 7.2.0: Surface Water & Groundwater

Policy IE 2 Surface Water & Groundwater

Policy IE2 Objective 5

7.4.0 Information and Communications Technology

Policy IE4 Information and Communications Technology (ICT)

It is the policy of the Council to promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.

IE4 Objective 1:

To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County.

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IE4 Objective 2:

To co-operate with the relevant agencies to facilitate the undergrounding of all electricity, telephone and television cables in urban areas wherever possible, in the interests of visual amenity and public health.

IE4 Objective 3:

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

IE4 Objective 4:

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

IE4 Objective 5:

To actively discourage the proliferation of above ground utility boxes throughout the County and to promote soft planting around existing ones and any new ones that cannot be installed below the surface to mitigate the impact on the area.

IE4 Objective 6:

To require the identification of adjacent Public Rights of Way and established walking routes by applicants prior to any new telecommunication developments (including associated processes) and to prohibit telecommunications developments that impinge thereon or on recreational amenities, public access to the countryside or the natural environment.

Section 11.6.2: Information and Communications Technology

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

- Compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (as may be amended), and to other publications and material as may be relevant in the circumstances,
- On a map, the location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation (2003),
- 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, and
- The significance of the proposed development as part of the telecommunications network.

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Section 11.8.1: Environmental Impact Assessment

Section 11.8.2: Appropriate Assessment

Relevant Government Policy

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009)

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Circular Letter PL 07/12 - Telecommunications Antennae and Support Structure Guidelines, Department of Environment, Community and Local Government (October 2012).

Revises elements of the Telecommunications Guidelines 1996 including:

- 2.2 Temporary Permissions
'Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life'.
- 2.3 The Development Plan and Separation Distances
- 2.4 Bonds for Removal of Redundant Structures
'in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense'.
- 2.5 Register or Database
'It is recommended that a register of approved telecommunications structures supported by relevant databases be created and maintained by each planning authority in cooperation with operators'.
- 2.6 Health and Safety Aspects
'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities – Department of Environment & Local Government (1996)

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Assessment

The main areas for assessment are the following:

- Zoning and Council Policy
- Public Health
- Site selection and justification
- Impact on Protected Structure
- Visual Impact
- Residential Amenity
- Co-location Opportunities
- Water and Drainage
- Traffic
- Aviation Safety
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'LC' – 'To protect, improve and provide for the future development of Local Centres'. Telecommunications falls under the land use definition 'Public Services' in Schedule 5: Definition of Use Classes & Zoning Matrix Table of the CDP. Public Services are listed as 'Permitted in Principle' under the LC zoning objective. In terms of Council and National Policy/Guidance, the requirements of Policy IE4 and section 11.6.2 of the CDP as well as the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 are relevant and will be assessed under the relevant sections below.

Public Health

Environmental Health Officers have assessed the proposal in terms of public health and have no objections subject to conditions regarding the period of time for the permission, the monitoring of adherence to the International Non-Ionising Radiation Committee of the International Radiological Protection Association guidelines, and external lighting. The suggested conditions are noted. However, Circular Letter PL 07/12 - Telecommunications Antennae and Support Structure Guidelines, issued by the Department of Environment, Community and Local Government (October 2012) revised previous guidelines from 1996 in relation to the granting of temporary permissions or periods of five years. The current guidance as issued in the circular mentioned above is that it is not considered necessary to restrict any grant of permission to a specific time period.

It is noted that there have been a number of objections received in relation to the potential health risks from the mast and in particular regarding the creche located adjacent to the site. However, Circular Letter PL 07/12 states that 'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by

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other codes and such matters should not be additionally regulated by the planning process'. Taking the contents of the Circular into account, whilst the concerns regarding health are noted the Planning Authority cannot take health issues into account in the assessment of the proposal or include any monitoring arrangements as part of a grant of planning permission. The main areas for assessment are therefore related to the location, design and visual impact of the proposed telecommunications infrastructure.

Site selection and justification

The applicant proposes replacing an existing 12m decommissioned chimney flue with a 20m high telecoms structure that would include antennas and dishes within a shroud to match the appearance of the existing chimney. The proposed structure would be located to the immediate west of the existing chimney flue and the cabinets would be located along the northern side of the existing shed.

The applicant has referred to the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) in section 10.2 of their report and has quoted three paragraphs regarding site selection. However, these paragraphs concern more rural based sites, and the next section of the guidelines is considered to be more appropriate given the site context as the site is located within an existing Local Centre in a suburban area of the county.

The Planning Guidelines for Telecommunications Antennae and Support Structures (1996) refers to proposals within the vicinity of larger towns and in city suburbs and states that operators should endeavour to locate in industrial estates or in industrially zoned land, encourages the exploration of rooftop locations on commercial or retail areas, the use of substations, or tall buildings rather than the construction of an independent antennae structure. The guidelines go on to state that 'only as a last resort and if the alternatives suggested in the previous paragraph, which include rooftops, taller buildings or substations, are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools.' It is noted that the proposal would be located directly beside a creche and that there are residential properties in the surrounding area with the closest located approximately 68m away at the closest point.

The applicant has provided a 'RF Technical Justification Report' in support of the application that has been prepared by Three Ireland and dates from 01/08/2019 which is now two years old. The report outlines that there is additional pressure on the network and that the proposal is to provide mobile voice and data coverage to the Ballyroan/Ballyboden area and to improve voice and broadband access which currently experiences a coverage blackspot. The applicant has also provided a separate report which identifies four existing telecoms structures within a 1.22km (approx.) radius of the site. Each of these sites have however been deemed as unsuitable. However, no reference to any alternative sites that have been explored have been provided by the applicant. Given the proximity of existing commercial buildings to the site as well as two larger district

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centres, one at Knocklyon and one at Rathfarnham, both of which are under 2km from the site, it is unclear why these and the other options listed in the guidelines have not been explored. There is also evidence of another site located approximately 1km to the south of the application site that was granted permission after appeal under reference SD20A/0042 which has not been explored as to the potential of co-locating the proposed telecoms equipment which could reduce the need for a new standalone mast.

Based on the information submitted by the applicant it is considered that insufficient justification has been provided in terms of site selection regarding the feasibility of using existing facilities or other structures in the area. It is recommended that further justification including an updated technical report and a broader examination of other potential sites within the area including industrial estates or in industrially zoned land, rooftop locations on commercial or retail areas, substations and all existing telecoms structures within a 2km radius of the site that could have the potential to co-locate. This is recommended to be sought as **additional information** to enable the planning authority to undertake a full assessment of the proposal given the scale of the mast proposed.

Impact on Protected Structure

Concerns have been raised that the applicant did not include a reference to the protected structure to the south of the site in the public notices. Whilst the location of the protected structure is noted as being approximately 30m away to the south of the application site, it is noted that the church does not contain a defined boundary or curtilage and that there are various accessways and public pathways leading through the site including from the north, south, east and west. It is also noted that the application site is located between two buildings on a pathway rather than being located directly adjacent to the protected structure. Therefore, based on the actual location of the proposed development and site context it is not considered that the application should be invalidated or readvertised in this case. However, an assessment of the potential impact on the protected structure is considered necessary given the height of the structure proposed.

The applicant has referred to the fact that a protected structure is located to the south of the site within their supporting documents but has not provided any assessment or information on the potential impact. Section 11.5.2 (iv) of the CDP concerns development that is in proximity to a Protected Structure which is relevant in this case and states that applications may require a design statement to outline how the proposal responds to the setting and special interest of the Protected Structure. Given the height of the proposal at 20m and its location 30m from the protected structure it is considered necessary for the applicant to provide a design statement taking into account the height of the structure and what the potential impact could be on the character and appearance of the Protected Structure. This is recommended to be sought as **additional information**.

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Visual Impact

The applicant has submitted a Visual Impact Assessment (VIA) in support of the proposal with seven viewpoints. The report states that factors including local characteristics, topography, built forms, settlement patterns, land-use, scenic views, local streetscape and screening have been taken into account. The applicant has stated that the proposal, in particular the middle to upper parts of the structure, would be highly visible and would impact on the visual amenity of the area which is a concern given the 20m height proposed. Whilst the proposal to cover the mast in a shroud that would be similar in appearance to the existing chimney is acknowledged as an attempt to provide the structure with a similar appearance to the existing chimney, there would still be a significant increase in height by 8m and no details of the materials proposed for the shroud have been provided. The images provided as part of the VIA also only show one view of the proposed structure in relation to the Protected Structure and therefore it is difficult to make a proper assessment of the potential impact. Given the requirements of policy HCL3 of the CDP it is recommended that further visual analysis is sought as **additional information** from the applicant on the relationship between the proposed structure and Protected Structure.

With regard to the other equipment proposed including the two cabinets, based on the scale of the structures proposed and their siting behind an existing building, it is not considered that they would be visually harmful or highly visible from the surrounding area.

Residential Amenity

Residential properties are located to the north, south, east and west of the application site with the closest property located approximately 68m away. Given the separation distances involved it is not considered that the proposal would be materially harmful in terms of loss of light or appearing overbearing.

Co-location Opportunities

The applicant has stated that the proposed structure includes co-location space. However, no further details are provided and therefore it is recommended that **additional information** is sought clarifying the applicant's position on co-location and the structure's ability to provide same.

Water and Drainage

Water Services and Irish Water have assessed the proposal and have no objections.

Traffic

The Roads Department has assessed the proposal and has no objections but has requested conditions regarding clarification on the vehicular route from the public road to the site and on the wayleave and its function. Roads have also recommended securing a Construction Traffic Management Plan by condition.

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The site layout plan shows two wayleaves approaching the site from the south and then turning eastwards. It is recommended that the purpose of these wayleaves and what they serve is provided by the applicant as **additional information** to ensure that the siting of the proposed telecoms structure and equipment would not prevent access to existing services or features.

Aviation Safety

The Irish Aviation Authority and Dept. of Defence were both formally consulted. The Dept. of Defence have no objection subject to any lights that are proposed to be used consisting of incandescent or of a type visible to night vision equipment as well as any obstruction lights proposed to be used that should emit light at the near Infra-Red range of the electromagnetic spectrum specifically at or near 850nm of wavelength. These requirements are noted.

Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Whilst public services are permitted in principle under the LC zoning objective and policy IE4 seeks to promote and facilitate the sustainable development of a high-quality ICT network throughout the County, there are concerns regarding the scale of the proposal in relation to visual impact and the potential impact on a nearby protected structure. There are also concerns that the applicant has not provided sufficient justification in terms of site location or the possibility of co-location in the surrounding area which would reduce the need for a structure of this size, as well as a lack of detail in the Visual Impact Assessment and details of the materials of the shroud. There are also concerns about the lack of information submitted in relation to existing wayleaves that are required to be clarified. Based on this assessment it is recommended that additional information is sought from the applicant to enable the planning authority to make an informed decision.

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Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. There are concerns with the lack of justification provided for the site selection of the proposed telecoms structure and the possibility of co-locating on existing structures or buildings in the area as well as the date that the technical report was prepared. Taking this into account and the requirements of Policy IE4 and section 11.6.2 of the CDP as well as the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12, the applicant is requested to provide a response to the following:
 - (a) Having regard to the sites location in a suburban setting the applicant is requested to have regard to section 4.3 of the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) in relation to locations in the vicinity of larger towns and city suburbs and submit a full rationale as to why the proposal can not be accommodated in an industrial estate, industrially zoned land, existing commercial or retail areas including rooftops, ESB substations, taller buildings or other existing structures. The rationale should provide a detailed analysis of all these areas and structures within a 2km radius of the site.
 - (b) The applicant is requested to provide a rationale as to why the existing infrastructure that was approved under application SD20A/0042 cannot be used to co-locate given its siting only 1km away from the application site.
 - (c) The applicant is requested to submit an updated Technical Justification Report to reflect the changes in the network and its requirements as the original report was prepared in August 2019.
 - (d) Details of the materials proposed for the shroud.
2. There are concerns with the lack of information submitted in relation to the protected structure (RPS REF. 264) which is located to the south of the site. Given the height of the proposed structure and the requirements of policy HCL3 and section 11.5.2(iv) the applicant is requested to submit the following information:
 - (a) A design statement prepared by a suitably qualified individual that provides a detailed assessment of how the proposal responds to the setting, character and appearance of the Protected Structure.
 - (b) An updated Visual Impact Assessment providing a more detailed analysis of the visual impact of the structure on the Protected Structure to include more views of the both the proposed and protected structure. The assessment should provide a much wider variety of long and short views.
3. The applicant is requested to clarify whether the co-location of equipment with other providers is possible on the proposed structure.

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4. The applicant has shown wayleaves on the proposed site layout that travel through the site and then terminate close to the proposed structure. The applicant is requested to clarify what the purpose of these wayleaves are and whether the proposed structure or any ancillary equipment including the cabinets would create any obstruction.

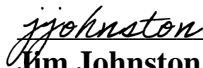
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REG. REF. SD21A/0155

LOCATION: Ballyroan Community & Youth Centre, Marian Road, Rathfarnham, Dublin

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Jim Johnston,
Senior Executive Planner

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 4th August 2021



Eoin Burke, Senior Planner