

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

### PR/1465/21

**Reg. Reference:** SD21A/0155      **Application Date:** 10-Jun-2021  
**Submission Type:** Additional      **Registration Date:** 15-Oct-2021  
Information

**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 29<sup>th</sup> June 2021

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

### **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 – 14<sup>th</sup> 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

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

- 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.

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

### 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

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

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.

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

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

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)

### **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

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

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 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.

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

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 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.



# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

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**.

### 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

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

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 have assessed the proposal and have no objections but have 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.

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

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

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.

### **Recommendation**

Request Further Information.

### **Further Information**

- Further Information was requested on 04/08/2021.
- Further Information was received on 15/10/2021.

The following Further Information was requested.

#### **Item 1: Technical Justification (Site selection)**

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 cannot 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.

#### **Item 2: Visual Impact Assessment (Protected Structure)**

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

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

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.

### Item 3: Co-location of Equipment for others

The applicant is requested to clarify whether the co-location of equipment with other providers is possible on the proposed structure.

### Item 4: Wayleaves

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.

### Further Consultations

Roads Department – no objection subject to **conditions**.

Conservation Officer – proposed development is unacceptable and should therefore be **refused**.

### Further Submissions/Observations

None.

### Assessment

#### Item 1: Technical Justification (Site selection)

The applicant has submitted a cover letter in an attempt to address this request for further information. An extract taken from the cover letter states the following:

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

### ***1. Technical Justification***

In the AI letter dated 4 August 2021, the Planning Authority detailed its concern regarding the quality and completeness of the Technical Justification as submitted at Appendix 5 in the supporting planning application pack dated 9 June 2021.

Please therefore find attached 6No. copies of an updated Technical Justification report (dated 4 October 2021) which is in line with the requirements detailed in the AI letter dated 4 August 2021 includes the following:

- a) In the particular circumstances of this application, and as detailed at Section 3 of the Technical Justification dated 1 August 2019 as undertaken by Three and as submitted at Appendix 5 in the supporting planning application pack, the specific target area for Three is a site at Ballyroan/Ballyboden, Rathfarnham as this will provide Three with sufficient overlap of the coverage footprint to adequately serve the town and surrounding environs. In particular the overlap will counteract the reduced cell shrinkage affect that occurs during high customer data usage at peak times as the bandwidth reduces and contention rate increases.

# **Comhairle Chontae Atha Cliath Theas**

## **Record of Executive Business and Chief Executive's Order**

Section 4 of the Technical Justification dated 1 August 2019 as undertaken by Three, goes on to detail the existing indoor coverage to the target area and subsequently if the proposed development is granted permission, the predicted coverage of the new site in isolation and also the indoor coverage to both the target area and the overlapping of this with the existing coverage to the north west of Ballyroan/Ballyboden arising from the existing approved Three development in that area (Site ID: DUO631). However, as confirmed in the Technical Justification dated 1 August 2019 as undertaken by Three, this site unable to cover the target area with acceptable voice and data requirements as this site is low in height such that coverage is limited to the target area.

Having regard to the foregoing, the 'search ring' to identify a new site in respect of the current target area is c. 500m diameter and as is clear from the aforementioned coverage maps it mainly comprises low rise suburban residential housing, schools/colleges and associated playing pitches. There are no ESB substations in which to erect a new structure in the 'search ring' nor are there any tall buildings or other structures in the 'search ring' upon which to erect the proposed equipment. In respect of existing commercial/retail areas, it is accepted that the Rosemount Shopping Centre, Marion Road is both within the 'search ring' and within the immediate vicinity of the proposed application site but a rooftop location would fail to improve service for the target area. This is why the existing 7m high Vodafone site at Rosemount Shopping Centre was discounted as being suitable upon which to co-locate – as confirmed at Section 3.2 of the Technical Justification dated 1 August 2019 as undertaken by Three. In the updated Technical Justification report as attached, this is further qualified in so far as it confirms that the 7m high Vodafone site at Rosemount Shopping Centre is too low and will need extra height to cover the target areas as the Church (14m) and Ballyroan Community & Youth Centre buildings are blocking coverage. Having regard to this, the updated Technical Justification report at Section 3.2 goes on to confirm that the proposed site at the Ballyroan Community & Youth Centre and which will be 20m in height, will clear the buildings in the area and in particular the main section of the church and so will improve coverage to the target area.

I trust the aforementioned details the siting/design/coverage rationale for the current proposed development at the Existing Yard at Ballyroan Community and Youth Centre, Marian Road, Rathfarnham, Dublin 14.

- b) The existing Vodafone infrastructure (Site ID: DNBLB) approved under SD20A/0042 is sited approximately 1.07km from the target area at Eir, Scholarstown Road, Ballyboden, Dublin 16. As detailed in the attached updated Technical Justification, Three has confirmed that this installation is too far from the target area and even with available slots it is still too low such that by reason of the intervening clutter in the urban/ suburban environment, it will not serve into the target areas.
- c) As detailed at the outset to this section, and on behalf of the planning applicant (Ontower Ireland Limited), please find attached 6No. copies of an updated Technical Justification report (dated 4 October 2021).
- d) On behalf of the planning applicant (Ontower Ireland Limited), it can be confirmed that the shroud will be manufactured from GRP (glass reinforced plastic). It is a composite material made of a polymer matrix reinforced with fibres which is strong, extremely light and highly versatile and importantly will be colour-matched to that of the colour of the existing decommissioned chimney flue.



# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

The Planning Authority considers the applicant has satisfactorily responded to the request for further information for this item.

### Item 2: Visual Impact Assessment (Protected Structure)

The applicant has submitted a cover letter in an attempt to address this request for further information. An extract taken from the cover letter states the following:

#### **2. Visual Impact Assessment**

In the AI letter dated 4 August 2021, the Planning Authority detailed its concern regarding the lack of information submitted in relation to the protected structure (RPS Ref. 264).

Please therefore find attached 6No. copies of an updated Visual Impact Assessment report (dated 24 September 2021) which is in line with the requirements detailed in the AI letter dated 4 August 2021. In particular:

- (a) On behalf of the planning applicant (Ontower Ireland Limited), it can be confirmed that the updated Visual Impact Assessment report which provides a detailed assessment of how the proposal responds to the setting, character and appearance of the Protected Structure is prepared by ACP - Architectural Conservation Professionals a longstanding and professionally recognised Landscape Architect/Conservation company who are experts in this field. In particular, the report author is Mr David Humphries, BAgrSc (Landscape), MSc, PGDipBAdmin(Project Mgmt), DipBldgCons(RICS), C.Build.E., FCABE, BCAS, CMLI, MILI, MAPM, MIPM, IHBC, MRICS, MSCSI, MICRI who is a RICS Certified Historic Building Professional, SCSi Building Conservation Accredited Surveyor, Chartered Building Engineer, Chartered Building Surveyor, Chartered Landscape Architect, Chartered Project Manager and Chartered Environmentalist Director Ireland. To that end, it can be confirmed that in the opinion of the planning applicant (Ontower Ireland Limited), Mr Humphries is clearly a suitably qualified individual for the purposes of undertaking the requested detailed assessment.
- (b) On behalf of the planning applicant (Ontower Ireland Limited), it can be confirmed that the updated Visual Impact Assessment report provides a detailed analysis of the visual impact of the structure on the Protected Structure and which provides long and short views of the impact, if any.

**It is important to state that this updated Visual Impact Assessment report is read in full and alongside the Visual Impact Appraisal/Assessment as submitted at Appendix 7 in the supporting planning application pack dated 9 June 2021.**

The Visual Impact Assessment report submitted contains Table 7.1 which outlines a summary of predicted landscape character and visual effects from different locations. The table seen below identifies that visual impact will be mainly slight to moderate.

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

**Table 7.1 Summary of predicted landscape character and visual effects.**

Visual receptor	View No	Description of view and character	Quality of impact	Duration	Significance
R1	1-5	Ballyroan Rd/ R817	Neutral to negative	Permanent	Imperceptible to slight
R2	6-13	Residential East and Marian Rd.	Neutral to negative	Permanent	Imperceptible to moderate
R3	14-21	Residential West	Neutral to negative	Permanent	Imperceptible to moderate
R4	22-25	Residential South	Neutral to negative	Permanent	Imperceptible to slight
R5	26-28	Ballyboden Rd / R115 / ACAs	Neutral	Permanent	Imperceptible

The Visual Impact Assessment report outlines that mitigation is not possible through the planting of trees. However, the report advises that the chimney flue design should take references from the surrounding environment to help absorb changes through similar materials and colours. The report advises that in terms of form, the chimney flue could add to the visual diversity of the area if its mass and bulk does not compete negatively with the church spire.

A report was received from the Architectural Conservation Officer recommending **refusal** for the proposed development. An extract taken from the Conservation Officers report states the following:

### ***Appraisal***

*The initial application was not referred to the Councils Architectural Conservation Officer for comment as the subject site was not identified as being within the curtilage of the adjoining Protected Structure (Ballyroan Parish Church, RPS Ref. 264). It is considered that the subject site lies within the associated grounds of the Protected Structure as the grounds of the church and the adjacent community centre are set within an area of public realm connection this public area which is not defined by any boundaries.*

*A Request for Further Information was made following the initial planning application and one of the items included the RFI request related to the close proximity of the Protected Structure to the subject site and the possible visual impacts the proposed development would have on the Protected Structure and its setting. An assessment of the potential impact on the Protected Structure was considered necessary given the height of the structure proposed and the close proximity to the Protected Structure site.*

*The existing chimney which lies within the site of Community Centre and adjacent Parish Church, is in keeping with the scale and height of the existing buildings and their origins, so does not look out of place or cause any negative visual impact. Given the height of the proposal to replace the existing chimney with a new 20m structure which is located within 30m from the Protected Structure, the overall visual impact of the proposal will result in a negative visual impact. Within the scales of a visual impact assessment this is considered particularly high as the visual impact cannot be mitigated in any way.*

*The replacement chimney will be highly visible at this location and can be viewed from all directions from the Protected Structure site. It is considered that the new 20m chimney will*



# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

*diminish the overall visual amenity of the area and will result in a direct visual impact to the Protected Structure (Ballyroan Parish Church) and its setting.*

### **Recommendation**

*Based on the above appraisal of the proposed development and the concerns raised, it is considered that the proposed development is unacceptable and should therefore be refused on the following grounds;*

*Given the height of the proposed chimney at this location, to merely support telecommunications and within such close proximity to a Protected Structure, Ballyroan Parish Church (RPS Ref. 264). The overall visual impact of the proposal results in a negative visual impact. The overall visual impact at this location cannot be mitigated against in anyway, therefore the scale of the visual impact is considered to be high.*

*The replacement chimney will be highly visible at this location and can be viewed from all directions from the Protected Structure site. It is considered that the new 20m chimney will diminish the overall visual amenity of the area and will result in a direct visual impact to the Protected Structure (Ballyroan Parish Church) and its setting.*

Taking account of the report from the Conservation Officer recommending **refusal** the Planning Authority considers the applicant has not satisfactorily responded to the request for further information for this item and therefore the proposed development should be **refused**.

### Item 3: Co-location of Equipment for others

The applicant has submitted a cover letter in an attempt to address this request for further information. An extract taken from the cover letter states the following:

In the AI letter dated 4 August 2021, the Planning Authority requested clarification as to:

*'...whether the co-location of equipment with other providers is possible on the proposed structure'.*

In response, and on behalf of the planning applicant (Ontower Ireland Limited), I would respectfully direct the Planning Authority in particular to the planning drawings as submitted at Appendix 6 in the supporting planning application pack.

On drawings numbers P-07 – P-10 in particular, you will note that the proposed structure is described as a '20m **multi-user (emphasis added) lattice tower**'. As such, it can be confirmed that the proposed structure will facilitate the co-location of other providers equipment onto the structure. Should planning permission therefore be forthcoming, it can be confirmed that the planning applicant will market the site to other providers to further enhance the provision of services to the area.

The Planning Authority considers the applicant has satisfactorily responded to the request for further information for this item.

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

### Item 4: Wayleaves

The applicant has submitted a cover letter in an attempt to address this request for further information. An extract taken from the cover letter states the following:

#### **4. Wayleaves**

In the AI letter dated 4 August 2021, the Planning Authority requested clarification as to:

*'... the purpose of the wayleaves and whether the proposed structure or any ancillary equipment including the cabinets would create any obstruction'.*

In response, and on behalf of the planning applicant (Ontower Ireland Limited), I would state that a wayleave is a contractual agreement between a landowner and a telecommunications provider, where the landowner grants the network provider a licence with the right to access land and/or property, to install and/or maintain electronic communications apparatus. To that end, and in the particular circumstances of this application, the delineation of the wayleaves on the respective planning drawing(s) detail and confirm the right of access that Ontower Ireland Limited/Three has over the land within the ownership of Ballyroan Parish Church to both the existing telecommunications structure and the proposed telecommunications structure in the event that permission is granted under the current application SD21A/0155 for 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 and 2No outdoor cabinets and associated site works.

Furthermore, as the purpose of the wayleaves is to grant a right to access land to install and/or maintain electronic communications apparatus, on behalf of the planning applicant (Ontower Ireland Limited), it can be confirmed that the proposed structure and ancillary equipment including the cabinets will not obstruct the aforementioned wayleaves.

Based on the Additional Information submitted a report was received from the Roads Department recommending no objections subject to **conditions**. An extract taken from the Roads report states the following:

*No Roads objections subject to the following **conditions**:*

- 1. Prior to commencement of development a Construction Traffic Management Plan shall be agreed in writing with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.*
- 2. No vehicle shall be allowed to park, intrude or obstruct public footpaths/cycle line during the construction and operational stage unless agreed through the construction and traffic management plan.*

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

As a result of this Additional Information submitted the Planning Authority considers the applicant has satisfactorily responded to the request for further information for this item.

### Other Considerations

#### *Development Contributions*

- Development subject of this application for replacement of existing 12m decommissioned chimney flue with a 20m multi-user telecommunications support structure and two outdoor cabinets.
- Assessable area is nil.

SEA Monitoring Information	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Telecommunications support structure and two outdoor cabinets.	0sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.01

### Conclusion

Having regard to the:

- Provisions of the South Dublin County Council Development Plan 2016-2022,
- Interests of the proper planning and sustainable development of the area,
- The established character of the area and the nature of the proposed development,

The proposal would not be in the interest of proper planning and sustainable development and given the height of the proposed chimney at this location to merely support telecommunications and within such close proximity to a Protected Structure (RPS Ref. 264) would diminish the overall visual amenity of the area and will result in a direct visual impact to the Protected Structure (Ballyroan Parish Church) and its setting.

For the reasons above the proposed development should therefore be **refused**.

### Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

## SCHEDULE

### REASON(S)

1. Given the height of the proposed chimney at this location, (to merely support telecommunications and within such close proximity to a Protected Structure, Ballyroan Parish Church (RPS Ref. 264)), the overall visual impact of the proposal results in a significant adverse visual impact. Such impact cannot be mitigated against in anyway,

## **Comhairle Chontae Atha Cliath Theas**

### **Record of Executive Business and Chief Executive's Order**

therefore the scale of the visual impact is considered to be high. The replacement chimney will be highly visible at this location and can be viewed from all directions from the Protected Structure site. The new 20m chimney will diminish the overall visual amenity of the area and will result in a direct significant adverse visual impact on the Protected Structure (Ballyroan Parish Church) and its setting. This would be contrary to the 'LC' zoning objective for the area which seeks 'to protect, improve and provide for for the future development of Local Centres'. The proposal would also be contrary to HCL Policy 3 Protected Structures of the SDCC Development Plan 2016-2022 where the special character of a Protected Structure including its historic curtilage would be adversely impacted.

**Comhairle Chontae Atha Cliath Theas**

**Record of Executive Business and Chief Executive's Order**

**REG. REF. SD21A/0155**

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

  
\_\_\_\_\_  
**Jim Johnston,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000  
(as amended) to Refuse Permission for the above proposal for the reasons set out  
above is hereby made.

**Date:**

11/11/21

  
\_\_\_\_\_  
**Eoin Burke, Senior Planner**