

**An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department**

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

**Gerry O'Neill
Brookfield House
Ninth Lock Road
Clondalkin
Dublin 22**

Date: 02-Feb-2022

Dear Sir/Madam,

Register Ref: SD21A/0353
Development: Retention permission for the existing telecommunications compound, including enclosure and ground mounted equipment; Permission for the replacement of a 25m high lattice tower with a new monopole carrying antennae, dishes and associated equipment with ground works, including foundation (overall height of 20m, excluding lightning finial).
Location: ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22.
Applicant: ESB Telecoms Ltd.
Application Type: Permission and Retention
Date Rec'd: 21-Dec-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdblincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the *Planning Applications* part of the Council website, www.sdblincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "*Notify me of changes*" and click on "*Subscribe*". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

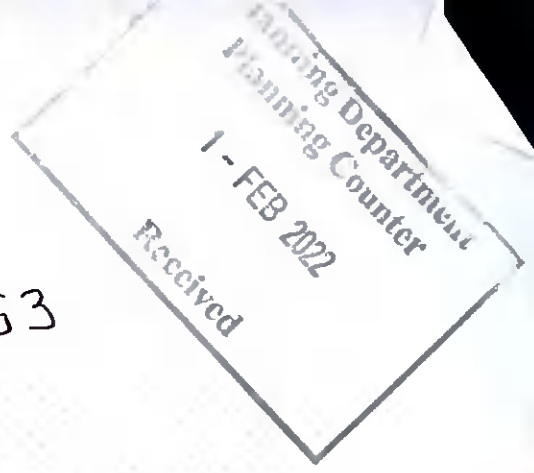
Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for Senior Planner

Objection.

Planning Ref
S D 21A/0353



This objection outlines a number of serious concerns in relation to planning reference S D 21A/0353 including:

- A) The historic and future injury this it is having on the amenities of the area and the property in the vicinity.
- B) The failures and breaches of the operator to adhere to the planning authority and Bord Pleanala decisions.
- C) The fact that this area on Ninth Lock Road Clondalkin has transformed itself from an industrial zone to a residential area of around 1000 people.
- D) The fact that there is another much larger mast 200 meters away with no planning issues.
- E) The fact that Clondalkin has a unique archaeological background.
- F) That a creche lies between these two masts.
- G) That EU legislation has intervened since the temporary planning permission were issued in the past.
- H) The potentially dangerous nature of this visually intrusive operation.

We would ask you to read the following pages together with exhibits.

~~6~~ Pages

6 7
Page

Gerry O'Neill

Brookfield House
Ninth Lock Road
Clondalkin
Dublin 22



Brookfield House
Ninth Lock Road
Clondalkin
Dublin 22

Objection to SD21A / 0353

18TH January 2022

From Gerry O'Neill

I am the owner of property including the above residential house to the South West and adjoining the ESB Substation at Ninth Lock Road Clondalkin including the ESB Telecom mast planning application SD 21A/0353.

My family has had business in the lands of Brookfield House since the 1920's. The family house is still in existence and is five (5) metres from the boundary of the E.S.B site.

We continue to pay rates and continue to pay our insurances in anticipation of getting this mast knocked off the site as per Bord Pleanala's decision.

All effects that can only be put down to the telecom mast have caused us to be very wary of spending too much time on the site and we look forward to the planning authority following up on it's recent warning letter of October 13th to the E.S.B Telecom regarding it's temporary planning permission which has expired.

- A) To the southeast of the proposed application lies Thornfield Square where hundreds of people live within 120 yards of the mast [see exhibit A].
- B) To the southeast of the mast lies Brookfield House 5 metres from the ESB site boundry [exhibit A].
- C) To the north of the site hundreds of people live within 40 metres of the mast in the refugee centre. These people are both citizens and foreign nationals, many to a room and the majority have children. Some of these people have been forced to live beside this mast for many years.
- D) Further north at the Top Oil Petrol Station lies Elmfield Court where hundreds (100's) of people live within ~~80~~metres of the mast.
- E) To the south of the mast lies a creche with about 70 children within 60 metres from the mast. A further 60 metres to the south lies another mast in Clondalkin Garda Station [see

exhibit C]. These children spend their days not 60 metres from not one but two telecom masts with potential dangers which Lloyd's Insurance won't insure. See Exhibit (P)

- F) To the South West 100 yards from Oakview Creche and to the south of Thornfield Square lies Aras Chronan, an Irish school with hundreds of children.
- G) Not twenty yards to the south of the proposed new mast lies the Intro Centre where hundreds of people can line up over a day. This whole building is part of the Department of Social Protection.
- H) To the south west and not 60 metres from the new proposed mast lies Clondalkin Community Mental Health Services, recently given permission by the council see exhibit (E). There are 16 waiting rooms in this facility and hundreds of people will arrive every day.
- I) Clondalkin Post Office is across the road from the mast site and again, hundreds queue up every day.
- J) South Dublin Co Council have offices along Ninth Lock Road.

This is a residential area.

These exhibits demonstrate that there are upwards of 1000 people within two hundred metres of the new proposed cell tower.

As the residents and business owners closest to the mast, despite the fact that we are in fear of the health consequences and illness which can only be put down to the Telecom mast, we have continued to pay rates and yearly insurance in anticipation of getting this visually intrusive mast knocked out of Clondalkin and resuming our business in peace.

On the planning end, Bord Pleanala on the 2nd of December 2014 gave three more years temporary license for the mast and conditions (3) of Bord Pleanala reference number PL. 065. 24366 gave direction that the mast be taken down and the site be reinstated exhibit (F), 3 pages.

On the 30th of January 2018 another planning application SD17A/0424 leading to Bord Pleanala Bord Order ABP-301070-18 stating it is considered that the continued use of the development would seriously injure the amenities of the area and of property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area exhibit G, 3 pages.

In the 1980's and 1990's the council in their wisdom decided that Clondalkin because of its archaeological background should have a few stone entrance points into the village. One of those entrance points was on the Ninth Lock Road At the entrance to the ESB 38 KV substation, it consisted of stonework towering over both sides of the road. Despite its very large cost it was deemed an eyesore and was knocked down.

The council and Bord Pleanala now recognise that anything like a telecom mast, trying to impose its character on the proposed Town Centre zoning and competing with the 10th century Round Tower would seriously injure the amenities of the area and doesn't comply with council policy ref SD18A/0456 and not acceptable in light of the existing character of development in the vicinity of the site. 2014 Bord Pleanala.

We enclose a history of Clondalkin [exhibit H,I,J,K].

We note the council in its 2022 to 2026 development plan under infrastructure and environmental services states that they wish to ensure that above ground telecom utility boxes are sensitively located and finished to reduce their visual impact by introducing planting and promoting soft planting around existing and new ones where feasible.

This new application certainly fails to align with the development plan.

Furthermore, in the same plan NCBH 21 SLo I it mentions "To protect and maintain the remaining old stone walls of Clondalkin" page 17 of proposed 2022 to 2026 plan. This new visually intrusive mast certainly goes against the theme of the development plan.

If it looks like a telecom mast, emits waves like a telecom mast, is 20 meters tall, is visually intrusive, towers over everything else, then it is a telecom mast.

Regarding application SD 18A/0456:

In the records of business and chief executives order the telecom mast was judged as not complying with council policy bottom of page (8). The proposed application in December 2018 was the retention of the mast for a period of 18 months. It was refused.

In 2017 Bord Pleanala considered that the retention of the mast would be unacceptable in the light of the existing character of development in the vicinity of the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area. See Exhibit G, 16th of August 2018.

So why are we still in the same position? Are Bord Pleanala in charge of planning or not?

There continues to be a mast for which the applicant feels that it can just change its jersey while the much larger Garda site mast is more than suitable and another Mill Shopping site is available.

Regarding the telecom proposal SD21A / 0353 the first notable aspect is that I would question if this state company subsidiary dressed up as a limited company succeeds for the greater good, while its liability may be limited, the government (the people) and the council are the ones that are going to have to pay out when the bet goes sour.

The telecom company tell us they own a 9 metre x 19 metre piece of land according to their urban place map drawing number ACE- EB=0067-103 exhibit (S). They have a right to pass along the yellow strip shown on the map from the entrance at Ninth Lock Road. If this limited liability company goes bang its asset in the 38 KV station is worthless.

It is very interesting that for the first time in the application appendix 2 "health and safety" with pictures of emission test from inside the compound is included. This would immediately ring alarm bells. Nobody from inside the compound is going to get sick from the telecom mast because they are not going to be living there. Besides, we will explain later that we don't know if the transmitter was in fact transmitting at that particular time.

Mention has been made of the care of the telecom company regarding wider environmental consideration and fully complying with all relevant planning policy at all levels. In the interim I would like to know why the telecom company over the years continue to leave their planning notices on the railings for up to four years, I question if these antics should be associated with good planning practice.

The limited liability company tell us the application will be considered in the context of national, regional and local policies as well as relevant ministerial guidance.

I believe that the council will also consider why there is a necessity to give any more time to this lapsed temporary planning permission which has been given a warning letter on the 13th of October 2021 regarding its planning situation when the repercussions of the future will fall back on the council and central government.

It would be wise given the now imminent 5G situation that the precautionary principle enshrined in EU legislation is taken into account.

The working definition of the principles are explained in exhibits (P) and (Z).

Please remember that the new application is for a monopole whose antennae provide omnidirectional radiation and wide operation bandwidth. It's wavelength travel in the horizontal plane. Therefore, any readings made by this limited liability company are there to take our attention away from what Bord Pleanala say "would seriously injure the amenities of the area and of the property in the vicinity".

The precautionary principle provides justification for public policy and other actions in situations of scientific complexity , uncertainty and ignorance when there may be a need to act in order to avoid, or reduce potentially serious or irreversible threats to health and or the environment using an appropriate strength of scientific evidence and taking into account the pros and cons of action and inaction and their distribution.

We will say no more about this EU legislation until this application gets to Bord Pleanala, however we will leave three pages to digest, exhibit (O) 3 pages.

Insurance companies are paid to look into the future, enclosed is article dated March 18th 2015. Lloyds of London won't cover cell phone towers by excluding all wireless radiation hazards, exhibit (P), and regarding this, 230 scientists from 40 countries had signed the 5G appeal seeking the European Commission to halt the rollout of 5G (see exhibit T).

Having been told that the Omni directional radiation pole used pushes out in the horizontal plane. This would mean that the radiation is at its highest level going on this horizontal plane. If we look at exhibit (M) I would certainly not like my children to be occupying the top rooms of the refugee centre.

The limited liability company cannot be serious in showing us readings from the site. The article exhibit (N) Electromagnetic radiation in the telecommunications sector under health and safety hazards at telecommunication masts No 10 states "until communication masks the sources of the EMF hazard are transmitting antennae, there is no EMF hazard at receivers. However, a wide variety of antennae types exist, so it is difficult to determine whether an antenna is a transmitter or receiver or both and whether it is transmitting at any particular time". I enclose same article and wonder at the last sentence when viewing the readings given by ESB.

In the 2017 application SD 17A/0424 exhibit (R) shows a suitable site at the Mill Shopping Centre. It states that having discussed the proposal with South Dublin County Council it was advised that other locations should be considered. None of the other options were deemed viable for one reason or the other. This option is still available according to the 2021 application and the council continue to resist it. I am told that a warning letter was served on the owner or occupier on the 13th of October 2021. We note also the pre-planning meeting after the last determinations of both Bord Pleanala and the council. The operator ESB telecom has failed to observe the three year temporary permission given in 2014 it has been refused permission for an extension of 18 months in 2018 and it's still there.

The applicant likes to quote the '1996 Guidelines for Structures', the same 'Guidelines, 1996' state that immediately surrounding towns and villages the use of tall buildings or other existing structures is always preferable to the construction of independent antennae.

The government has in the past informed the planners that it need not consider health grounds as part of a planning application. The council should take note however of the European environmental agency's precautionary principle which states that the highest standard should be applied when it comes to public health.

In the previous planning it was pointed out that tens of thousands of litres of hydraulic oil was lost into the ground of the ESB site where this planning permission is sought on Nine Lock road Clondalkin. Rilita Hazardous Waste Management were brought in and several transformers have had to be replaced, see exhibit (V).

The current application is part of the 38 KV substation on the Ninth Lock Road. If tens of thousands of litres of hydraulic oil was spilt or lost due to leaking transformers what has the council done to rectify the situation?

Was there an environmental assessment done?

To the best of our knowledge as next door neighbors no excavation occurred on the site to replace the soil which has been black for years, it looks like a scattering of stone was introduced to solve the problem. Second-hand transformers replaced the leaking transformers with two foot walls around the transformers to collect future problems.

This is the scenario that the existing planning unit exists under and which the cell company wished to put a large slab of concrete and a 20 metre monopole. It should be noted that the monopole because of its large surface tends to be more effective at radiating sound than other types of towers, so there would be a continuous noise from the proposal, which will further devalue property in the vicinity. Mention has not been made of any additions of climbing accessories and antennae visible and further additions so now everyone can look forward to extra noise as their brains are being fried.

Time and progress have caught up with these temporary arrangements of the telecom mast in the 38 KV substation in Clondalkin. In the 1990s this area was zoned industrial. Today it is zoned Town Centre. Nowhere in the country has any village expanded and shifted such a considerable degree where the area is no longer an industrial area given the council's permission for the many hundreds of residential units allowed within 120 yards of the mast.

The 1996 guidelines stated that only as a last resort should masts be created in a residential area or beside schools. These exceptional circumstances have arisen that this one time industrial zone has transformed into a residential community. The telecom company have another site willing to let them in as pointed out by KTL contractors in 2016. The Mill Shopping Centre Site is available see exhibit (R). The applicant states however that the council is not in favour of this alternative site.

The Garda Station 200 yards away from proposed planning site is in existence with no planning issues and we are told it was discussed in the pre-planning meeting in 2020, however nothing materialized.

Who is afraid of who in this situation? And if Bord Pleanala are not in charge of planning then there is an alarming gap in the planning procedure.

Remember the ESB Telecom telling Galway City Council not to concern itself with the health and safety fears of local residents relating to its plan? see exhibit (L).

Please remember that the existing telecom temporary planning permission has expired, it's license expired three years after Bord Pleanala wanted it taken down. The telecom company has received a warning letter regarding this planning situation on the 13th of October 2021. In this situation where there already exists a larger mast to 200 meters away in the Clondalkin Garda Station. The applicant was given a temporary time period to get off the site a second temporary permission was not given and it should have become clear by the expiration of the first

permission that our refusal was the right answer. The only question is how many times can a bad neighbor come back at you?

It is the duty of the council to formulate in its plan the development and land use proposals of local areas. The opportunity cost of land use allowing the necessity of the 38 KV substation providing electricity for the new proposal in a Town Centre zoning where another mast at Clondalkin Garda Station is already in existence within 200 meters allows a proliferation negatively impacting other policy proposals for development and alternative use of land in the area is affected and could be deemed as a failure of the council in its duty.

The previous decision of both Bord Pleanala and the council having been made taking into consideration of alternatives and any proliferation of masts in an area of 200 square meters, so close to 1000+ residents would not be seen as good planning and development. It has been pointed out that this is not the only suitable land available to this limited liability company.

We must point out that it is not just the siting of a visually intrusive monopole that is in question. There is a life cycle involved with this mast. It has the potential to generate different effects at different times and different places both at and beyond the development site i.e the creche, the school, the bedroom of the refugee child. Remember technology is changing.

Exhibit (T) on 5G informs us that's 230 scientists from 40 countries are looking for the European Commission to hold the rollout of 5G as we do not understand the long-term implications of the radiofrequency radiation i.e. increased cancer risks, genetic damage, changes to their reproductive system and neurological disorders.

Exhibit (L) however informs us of the thinking of this limited liability company's application.

Another aspect that we have not discussed is noise generation from monopoles in general. We are told that monopoles because of their large surface, tend to be more effective at radiating sound than other types of towers, so noise is amplified. We must remember the risk is on the council it has the resources to be sued. The limited liability company has a 16 metre x 9 metre patch of land with no road frontage supplied with what appears a yellow line giving it a license to walk from the road to the mast, not much of an asset.

We introduce (AA) exhibit and (AB) exhibit regarding the telecom mast in Neilstown on the Garda Station. We are told that the gardai failed to investigate the link between the mast and the fact that nine officers in the area suffered brain cancer eight women in the pocket area had cervical cancer and for them to have the same type of cancer is strange according to the article. Reading on several people have children attending Tallaght Hospital with nose bleeds. Please read exhibit (AB). Remember, it is ESB telecom that has brought up the health aspect with their photographs of radiation monitors.

The development plan is a statement of objectives, it is an environmental contract between the planning authority, the council and the community embodying a promise by the council that it will regulate private development in a manner consistent with the objective statement in the plan. This environmental contract carries with it the effect that all its decisions will have on the

environment. Proper planning and sustainable development of an area includes the concept of environmental sustainability.

Some of the objectives of the development plan have regard for waste management and the promotion of compliance with environmental standards and objectives.

- A) For bodies of surface water by the European communities (Surface Water) regulations 2009
- B) For ground water, by the European communities (Ground water) regulations 2010
- C) The integration of the planning and sustainable development of the area with the social, communities and cultural requirements of the area and its population P D(A) A 2010 S7.

Regarding the development plan and the environment we have to harp back to exhibit (O)The Precautionary Principle in international law and Exhibit (Z) The Precautionary Principle.

In talking about the environment in the development plan we take note of the integration of the planning and sustainable development of the area with (C) objective, social, community and cultural requirements of the area and its population P D (A) A 2010 S7.

We can talk about air or soil and fauna, however human beings should not be omitted from the environment as it would invalidate the legality of any process of determining the process of determining the health of the community and its concerns see exhibit (T) (AA) (AB).

The physical environment is one of a number of recognisable determinants of health which is always at the forefront of community concern. Health can be affected by a number of direct and indirect pathways such as air or water or soil. Another environmental pathway and the extent to which these are affected by known contaminants, irritants or change inducing factors e.g. nutrient enhancement or temperature change.

We have been told that insurance companies have excluded health damage caused by electromagnetic radiation and radiofrequency radiation which is known to heat up the body.

Exhibit (T) demonstrates that radiofrequency radiation (RFR) exposure leads to side effects causing:

- A) break up of DNA structure
- B) disruption to cell metabolism
- C) melatonin reduction (increase in cancer risk)
- D) stress proteins being produced (causing a variety of diseases)

Please remember we have only introduced these points because the applicant introduced health into the equation to deflect us all from what Bord Pleanala says dated 16th of August 2018.

"It is considered that the continued use of the development would seriously injure the amenities of the area and of property in the vicinity. The proposed development would therefore be

contrary to the proper planning and sustainable development of the area” -Bord Pleanala
16/08/2018 ABP 30170.

Exhibit (A) Showing Brookfield House and Thornfield Square

Exhibit (B) Showing refugee centre 40 yards from mast

Exhibit (C) Map of area showing 70 child creche between the two masts

Exhibit (D) Elmfield 60 metres from mast

Exhibit (E) Shows Steeple House only yards from the mast where hundreds of mentally ill people spend their day

Exhibit (F) Bord Pleanala’s determination that site should be reinstated and mast removed

Exhibit (G) Bord Pleanala’s Bord order 16th August

Exhibit (H) 4 page history of Clondalkin demonstrates the visual discrepancies of this visually intrusive proposal

Exhibit (I) Map of area showing creche, school and alternative sites

Exhibit (J) Showing citizens across the road from post office getting their dose of radiation under the visually intrusive mast whose temporary planning has expired.

Exhibit (L) Interesting care coming from the company

Exhibit (M) Refugee centre very near the mast

Exhibit (N) Article regarding electromagnetic radiation, 4 page

Exhibit (O) The precautionary principle in international law

Exhibit (P) Llyods Insurance excluding all wireless radiation hazards 6 pages

Exhibit (R) KTL independent proposed contractor proposed suitable site

Exhibit (S)

Exhibit (T) 2019 study concluded increased cancer risks, genetic damage, changes to reproductive system and neurological disorders page (1) of 4

Exhibit (V) Rialta Hazardous Waste and clean up of oil spill

Exhibit (Y) Showing new walls around replacement transformers to prevent oil dispersing in the future and view of closeness of refugee centre to 38kv substation at Ninth Lock Road Clondalkin

Exhibit (X) Oil and concrete: The effects of contamination on structural elements

Exhibit (Z) The precautionary detailed in Article 191 of the treaty on the functioning of the European Union

Exhibit (A A) Phone mast fears grow as more locals suffer cancer

Exhibit (A B) Gorey 5G Group

Viewpoint K

The telecom has introduced viewpoint K into their application for the telecom mast. Exhibit (AC)

They mentioned that the smaller mast in the foreground is in the grounds of a dwelling. Let me remind the ESB company that it was themselves that erected that tower, in fact they insisted that it should be put up in the grounds of Brookfield House.

The reason they erected it was that the aerial of Brookfield House was deemed too dangerous as it might fall into the ESB compound. It turned out that the mast was put in an incorrect place and Brookfield House never got BBC or UTV again.

The only use of viewpoint K is to show that this proposed visually intrusive monopole will point its radiation into the centre of Thornfield where hundreds of people live.

As for the Leylandii trees they are on the lands of Brookfield house and are about to be knocked as they are too high for the house together with the mast.

Regarding the connectivity and dependency of the tiny square footage of the proposed mast site within the ESB substation we look at question 20 on the planning application re surface water on the planning application and see soakpit marked with an X.

Taking the development plan, The European Communities (ground water) Regulations 2010, The European communities (surface water) Regulations 2009, the environmental part of the development and the fact that so much hydraulic oil as reported by the ESB men on site at the time to have been lost, we think it's quite strange that any planning application with potentially oil leaking transformers allow a soakpit to solve surface water drainage.

As the neighbour next door we are very concerned that thin oil leakage has crossed over our land under the surface. We understand that oil kills garden plants and vegetation and soaks into brick and stonework of buildings.

All advice regarding oil spills is not to wash it away with water as it will spread the pollution further. For now we will leave it to the council to decide where this new slab of concrete and the introduction of a soak pit will leave us. It should be noted that surface water and public sewer pipes run between Brookfield House and the ESB site for two meters below the ground. We enclose exhibit (X) oil and concrete. The effects of contamination on structural elements.

The limited liability telecom company are quick to try to point out that they are 'wholly independent' of the ESB substation thereby indicating that when anything goes wrong the ESB don't wish to be implicated or responsible for any problem.

The telecom company has a right presumably as per exhibit (U) to walk over the path marked yellow on the map. This negates the responsibility to landscape any frontage to Ninth Lock Road as we have seen in previous planning application.

We wonder however how the 20 metre monopole will be put up if the company only has the 16 M X 9 M strip of land in its ownership. How will the crane required to be able to put up the monopole within the 16 M by 9 M strip?

We point this out to demonstrate that the limited liability company will have to use the land of the substation outside the marked planning permission. The crane and any ancillary equipment to erect the structure will have to use the main 38 KV substation outside of the planning unit to erect the structure.

One part of the 38 KV substation is dependent on the other parts. The 160 square metre telecom is in the middle of the 38 KV substation and indeed a subset of same, and very dependent on its dominant parent. This couldn't be more evident than the appeal from 43 Merrion Square East in appeal to Bord Pleanala in exhibit (G) ESB headquarters.

Conclusion

The planning application falls short on a number of areas in relation to the South Dublin County Council development plan, however the dangers outlined in the objection are of considerable concern for the entire community.

A number of planning applications from the operator have been rejected in recent years. It is important to add that the factors resulting in rejection remain valid today.

This coupled with the notes and exhibits in this objection, I asked that this permission in relation to planning reference SD 21 A/ 0353 be rejected without delay and site reinstated as per wish of Bord Pleanala.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'G. O'Neill', written over a horizontal line.

Gerard O'Neill

EXHIBIT A

Jhonwfield Square
Brookfield House



Public Access
Assessment

EXHIBIT B

Refugee Center



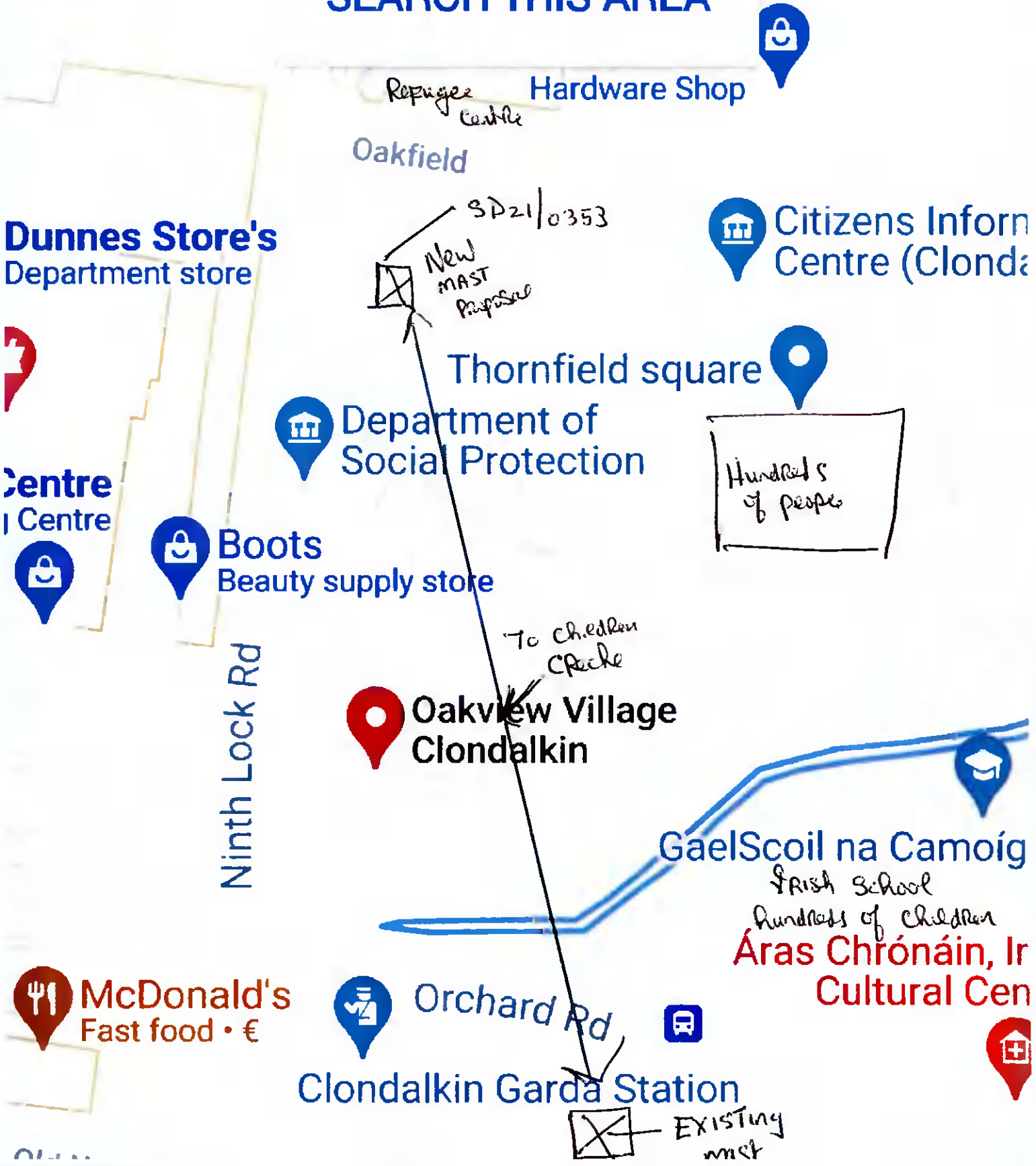
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Elmfield Court

EXHIBIT D

Proposed
New
mast



Ninth
Lock
Road



Elmfield Court, Clondalkin,
spotmycrib.ie



EXHIBIT (E)

Brookfield Blvd

Chondalhu mental
Health

← MAST MAST

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

South Dublin County

Planning Register Reference Number: SD14/0113

An Bord Pleanála Reference Number: PL 06S.243666

PK
APPEAL by E.S.B. Telecoms Limited of 27 Lower Fitzwilliam Street, Dublin and by Gerard O'Neill of Brookfield House, Ninth Lock Road, Clondalkin, Dublin against the decision made on the 17th day of July, 2014 by South Dublin County Council to grant subject to conditions a permission to the said E.S.B. Telecoms Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of permission for the continued use of the existing 25 metre high, free-standing lattice communication structure, carrying antennae and communication dishes within an existing 2.4 metre high palisade compound (previously granted temporary permission under planning register reference number SD10A/0097). Permission is sought for additional antennae and dishes for possible future third party co-location, all at E.S.B.'s Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to --

- PK
- (a) the planning history of the site,
 - (b) the national strategy regarding the improvement of mobile communications services,
 - (c) the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
 - (d) the Circular letter PI07/12 issued by the Department of Environment, Community and Local Government, 2012, and
 - (e) the location of the development within an existing ESB substation site within the Town Centre of Clondalkin.

it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would be acceptable in terms of its impact on the amenities of the area, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. This permission is for a period of three years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: In the interests of promoting and achieving the requirements of the Clondalkin Framework Plan 2011 and to facilitate a comprehensive examination of alternative locations and options for the provision of mobile telephony coverage in the area now provided with coverage from this communication structure.

3. The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the expiry of this permission.

Reason: In the interest of visual amenity.



**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 2nd day of December 2014.

An
Bord
Pleanála

Board Order
ABP-301070-18

Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17A/0424

APPEAL by Electricity Supply Board Telecoms Limited of 43 Merrion Square East, Dublin, against the decision made on the 30th day of January, 2018 by South Dublin County Council to refuse permission.

Proposed Development: Continued use of the existing 25-metre high free standing lattice communication structure carrying antennae and communication dishes within an existing 2.4-metre high palisade fence and walled compound at Electricity Supply Board Telecoms Limited telecommunication compound at Electricity Supply Board Clondalkin 38kV substation, Ninth Lock Road, Clondalkin, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made there under, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions

Reasons and Considerations

Having regard to:

- (a) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, and
- (b) Circular PL 07/12 issued on the 19th day of October, 2012 by the Department of the Environment, Community and Local Government,
- (c) the South Dublin County Development Plan 2016 – 2022 policies and objectives for the town centre of Clondalkin,
- (d) the height, scale and prominent location of the development in an area that is zoned for Town Centre uses, and
- (e) the Note to the Board's Direction in relation to its previous decision – An Bord Pleanála appeal reference number PL 06S.243666,

it is considered that the continued use of the development would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Terry Ó Niadh

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *16th* day of *August*, 2018.

OUR VILLAGES

Ernstown Rathcoole Rathfarnham Saggart Tallaght Templeogue

Clondalkin - History

Clondalkin - Cluain Dolcain - Dolcan's Meadow is located on the banks of the River Camac. Situated on the heights over the estuary of the River Liffey it guards the inland pass between the mountains and the river. This advantageous location first attracted Neolithic settlers around 7,600 years ago. The presence of the Celtic tribe of Cualann, who settled in this area, is recorded by the many mounds and raths which they left behind.

Christianity came to East Leinster in the 5th century. Its foundation at Clondalkin is ascribed to St. Cronán also known as Mochua. The monastery was situated where St. John's Church now stands and as was the practice it was surrounded by a protective fosse, the outline of which can be followed in today's village streetscape. Orchard Road, with the gardens sloping up from road level, formed the boundary on one side. Continuing along the Main Street it then curved to the west of the Round Tower.

Saint Cronán Mochua died in 630 AD. His feast day is celebrated on the 6th of August. Evidence that the foundation continued after St. Mochua's death is confirmed as the names of Abbots and the Bishops of Clondalkin were recorded until 1080 AD.

Visible from all directions, the dominant feature of Clondalkin Village is its Round Tower. Unfortunately no records exist which indicate when it was built. The purpose of Ireland's round towers has long been a matter of debate. In 1725, the first historian to

St. John's graveyard was the village graveyard where burials from all denominations occurred for a long period. There are many interesting tombstones within the graveyard including [those of two Catholic Parish Priests](#) along the back wall.

On Sunday the 8th of March, 1857, the Parish Priest Fr. Moore held a parochial meeting in the Chapel House. He proposed the erection of a new church. It is recorded that his suggestion was responded to "in a manner unprecedented in the Annuals of Chapel building in Ireland". Certainly a large sum of money was pledged with many parishioners subscribing £50 to £100 each.

The [Church of t'](#) designed by F. \ foundation stor

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Look Up

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1857, by His Grace THE MOST REV. PAUL C. O'LEARY, Archbishop of Dublin. In a container placed under the stone were coins of Pope Pius IX and of Queen Victoria, along with an inscribed parchment. The [church organ](#) was installed by Messers Telford and first played on 12th May 1867. On that occasion, the organist was Professor Glover, organist in Dublin's Pro-Cathedral. The choir comprised of the Pro-Cathedral choir with the principal singer Madame La Vega Wilson and the Presentation Convent Choir.

Clondalkin is regarded as a centre for the Irish language and culture. Muintir Cronáin was founded in 1972 to further the use of the Irish language through educational, social and cultural activities. For many years Muintir Cronáin operated from members' houses and various halls around the village. In May 1989 they purchased Orchard House in the centre of the village and renamed it. [Áras Cronáin](#) opened it as a cultural and heritage centre.

In 1975 and again in 1988, Muintir Cronáin was awarded the Glór na nGael National Trophy in recognition of its efforts to promote the Irish language. In 1991 they were chosen to host An tOireachtas - the yearly National Cultural Festival.

More recently, in the mid 1990s the opening of the Mill Centre on the site of the old paper mills and the

importance of trade.

From an inquisition, regarding property assigned in 1393 to the Church of Clondalkin by one John Shillingford, we know that there were at least five streets in the village namely: Mahow Street; Mill Street; New Street; Steeple Street and Pope Lane.

Clondalkin was established as a borough in 1300 and in 1547 it was recorded that:

"Clondalkin is among the walled and good towns of the County"

The present St. John's Church was opened in 1789. It had an open belfry and 12 seats. Restoration, which started in 1834, gave us the Church of Ireland structure we see today. The medieval church which stood on this site was demolished in 1787 to allow work to start on a new church. There are no records stating when this church was built yet according to Dr. Petrie it was a church of considerable architectural importance and was probably built during the 13th Century.

The earlier church measured 120 feet long and 50 feet wide. The church was dedicated to St. Mochua and contained three altars honouring Mary the Blessed Virgin; St. Bridget and St. Thomas. All that remains of this earlier church is a column of stonework in the churchyard.

There are two early crosses in the graveyard, a larger granite cross which was possibly a boundary cross for the Barony of Uppercross, of which Clondalkin is a part and a smaller carved cross. Another item of note is a large baptismal font carved out of a granite erratic.

St. John's graveyard was the village graveyard where burials from all denominations occurred for a long period. There are many interesting tombstones within the graveyard including those of two Catholic Parish Priests along the back wall.

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Clondalkin Village is its Round Tower. Unfortunately no records exist which indicate when it was built. The purpose of Ireland's round towers has long been a matter of debate. In 1725, the first historian to concentrate on these towers was Dr. Thomas Molyneux. He argued that they were of Danish origin. However in 1833, George Petrie, in an essay for the Royal Irish Academy, refuted these suggestions stating that the towers were the symbolic central feature of the early Celtic Church. It is now accepted that a round tower - Cloig Theach in Irish, was used as a Bell Tower and to safeguard the relics of a monasteries founder.

The Annals of Ulster record that the relics of St. Kevin and St. Mochua were taken on tour in 790 AD. It is thought that the Clondalkin Round Tower was built around this period. Certainly it is of a very early type with rough calp limestone used in its construction. There are no signs of any of the stones being shaped by a mason. The door and window frames are formed from Leinster granite erratics.

The Clondalkin Round Tower is 27.5M high and is complete with its original cap. With a circumference of 12.7M above the buttress, it is the most slender of all Round Towers. The buttress at the base is not original and there is no record to indicate when it was added. This buttress appears in a 1725 drawing by Samuel Molyneux.

Norsemen invaded in 832, 1071, and again in 1076 AD when they settled in the area. They built a fortress and named it Dun Amhlaeibh after their King. The village came under the control of the Archbishop of Dublin and by the 13th century Clondalkin was described as a town with many inhabitants. The town was ruled by a bailiff and in 1276 we know that a Robert Beg held this position. There was also a weigh master in the village. This was due to the importance of trade.

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EXHIBIT (L1)



connachttribune.ie



CONNACHT
TRIBUNE



CITY TRIBUNE

Telecoms firm told Council not to concern itself with health and safety issues



Published 17 months ago on March 16, 2021

By Enda Cunningham



EXHIBIT L

EXHIBIT M

M

Refugee
Centre





Electromagnetic radiation in the telecommunications sector

SIM 05/2001/50^[1], previously SIM 03/2001/02^[2]

Open Government Status

Fully Open

Version No & Date

1: 21/05/2001

Author Unit/Section

Engineering and Utilities Sector

Cancellation Date

21/05/2005

Target Audience

FOD Inspectors
Specialist Group Inspectors (Radiation)

This SIM, which cancels and replaces version 1, advises inspectors of the current situation concerning radio frequency electromagnetic fields (EMFs) in the telecommunications sector. Revised information is given at [paras 15](#) , [17-18](#) and [Appendices 2](#) and [3](#).

Introduction

1 This SIM should be read in conjunction with the general guidance on Non-ionising Electromagnetic Fields and Radiation in OC 497/1 . This SIM is intended to complement that guidance by providing background information on the risks associated with radio frequency (RF) emissions at telecommunication masts and towers. The SIM itself gives a general overview of the issues and there are 3 appendices:

[Appendix 1](#) - gives further information on the operation of mast mounted telecommunication systems and the associated risks;

[Appendix 2](#) - gives a model letter which deals with some points commonly raised by members of the public about the siting of telecommunication masts near their homes (see also [para 24](#)); and

[Appendix 3](#) - gives a list of contact names and addresses, when an enquiry needs to be referred onto another Government department or organisation.

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Legislation

2 There are no specific regulations covering EMFs. However the Health and Safety at Work etc Act 1974

and the Management of Health and Safety at Work Regulations 1999 (MHSW Regulations) apply, and place clear duties on employers to provide adequate information, instruction, training and supervision for their employees, to undertake risk assessments and in general terms to safeguard so far as is reasonably practicable the health and safety of employees and others.

Guidelines for restriction of exposure

3 The National Radiological Protection Board (NRPB) have a statutory role of advising government on the health effects of radiation and publish guidelines on exposure restrictions. These guidelines are designed to prevent acute harmful effects of exposure and apply both to workers and members of the public. They identify 2 sets of values:

- 'basic restrictions', which relate to induced current or energy absorption in the body; and
- 'investigation levels' which are corresponding derived values that represent the external electric and magnetic field strengths or incident power density, to which a person might be exposed.

4 In practice, only the latter fields can be measured on site. These are then compared with the investigation levels and if they are not exceeded then the basic restrictions cannot be exceeded. However if investigation levels are exceeded, it does not follow that the basic restrictions will be exceeded; further investigations would be needed to establish this.

5 The NRPB guidelines are based on the established effects of radiation. There are concerns about the possibility of long term exposure causing cancer. For further information see [para 14](#) and OC 497/1 .

6 The International Commission for Non-Ionising Radiation Protection (ICNIRP) have also produced guidelines. For occupational exposure these do not differ significantly from NRPB guidelines. For public exposures they are approximately one fifth of those recommended by NRPB. As noted in the Stewart report (see [para 14](#)), the reason for this approach was the possibility that some members of the general public might be particularly sensitive to RF radiation, but no detailed scientific evidence to justify this additional safety factor was provided.

Enforcement responsibilities

7 HSE generally has the enforcement responsibility at telecommunication and broadcasting masts for the legislation described in [para 2](#) . In evaluating compliance HSE should seek to ensure that NRPB guidelines (paras 3-5 above) are complied with. There is a lack of scientific support for lower guidelines and HSE's legal advice is that HSE cannot enforce levels lower than those of the NRPB. However see [paras 14-19](#) for information on how ICNIRP guidelines might be used in Great Britain.

8 Enforcing NRPB guidelines may itself not always be straightforward. Specialist support is likely to be necessary. In cases of doubt inspectors may wish to focus on duties under MHSW Regulations, including risk assessment and the implementation of measures identified by those risk assessments.

Health and safety hazards at telecommunication masts

- stated that the siting of base stations in residential areas can cause considerable distress. It made a number of recommendations for changes to the planning system;
- recommended that, as a precautionary approach, ICNIRP guidelines for public exposure should be adopted for use in the UK. It did not foresee the need to incorporate the ICNIRP guidelines into statute.

16 The Government responded that it would meet the latter recommendation by implementing the 1999 EU recommendation on public exposure to EMF, which incorporates the ICNIRP guidelines with some allowance for the practicalities for implementation. It is not intended that health and safety legislation or enforcement should be used to implement the recommendation.

[Appendix 3^{\[3\]}](#)) or contact the Engineering and Utilities Sector, Nottingham

18 In a letter to all English LAs in June 2000 DETR Minister, Nick Raynsford MP, stated that 'health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval'. However he also stated that it was the view that 'if a proposed development meets the ICNIRP guidelines it should not be necessary for a planning authority, in processing an application, to consider the health effects further'. More comprehensive advice for LAs is being prepared by DETR.

19 DETR stress that HSE retains HSW Act enforcement responsibilities if there are direct health effects from exposure to RF radiation from these masts (the limit of HSE's ability to enforce is given in [para 7](#)). However the advice to planning authorities may mean that referrals from LAs to HSE, which had been increasing, will now reduce, especially given that as far as the Engineering and Utilities Sector is aware, all new masts should be capable of observing ICNIRP guidelines, and that the industry has stated that that will be the case.

20 A further recommendation of the report was that there should be a programme of independent auditing of sites. It has been agreed that the Radiocommunications Agency (RA), an executive agency of DTI, will commence such a programme and will begin with an audit of base stations sited at schools. A programme of auditing other sites is as yet unclear.

Other government departments responsibilities

21 This SIM has focused on risks from telecommunications structures. Potential risks to the public from electricity power lines are dealt with by the Department of Trade and Industry (DTI) Engineering Inspectorate (see OC 482/5).

22 There are now a small number of telecommunication transmitters being fitted to electricity pylons. Because the radiation from the telecommunication transmitters and the fields generated by the power lines will be in very different parts of the spectrum, the effects will not be additive or cumulative. Nonetheless members of the public may enquire about the total exposure from the tower and associated power lines. DTI have agreed informally to deal with such enquiries that they receive, although some enquiries may have to be referred onto HSE. When HSE receives enquiries about electricity pylons which include telecommunications systems, inspectors should deal with the telecommunications aspect, but because induced electric fields below power lines are likely to be much closer to NRPB guidelines, that aspect should be referred to DTI ¹.

Part 3: The origins of the precautionary principle in international law

Beginning in the 1980s, references to precaution and to the precautionary principle or precautionary approach started to find their way into international instruments, including a significant number of treaties. The principle was codified in clear form for the first time at the international level in Principle 15 of the non-binding Rio Declaration on Environment and Development which states:

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Since this time, the precautionary 'principle' or 'approach' has been included in an increasing number of international treaties and instruments, only some of which use the formulation included in the Rio Declaration.

There is strong disagreement about the status of the precautionary principle or approach in international law. At the least, there is 'a trend towards making this approach part of customary international law'. This has been recognised by the International Tribunal for the Law of the Sea,¹⁰ and the International Court of Justice has recognised that 'a precautionary approach may be relevant in the interpretation and application of the provisions of the Statute'.¹¹

The status of the precautionary principle within WTO law is of considerable practical importance because it can play a role in determining the lawfulness of restrictions on trade. The Appellate Body of the WTO has considered it '[un]necessary and probably imprudent' to pronounce on the status of the precautionary principle as a principle of general or customary international law.¹² It has nonetheless accepted that the principle finds explicit expression in the Sanitary and Phytosanitary Measures Agreement (SPS Agreement).¹³ The Appellate Body has endorsed a precautionary approach, arguing that WTO panels 'may...and should, bear in mind that responsible, representative governments commonly act from perspectives of prudence and precaution where risks of irreversible e.g. life-terminating damage to human health are concerned'.¹⁴

It should be noted that these observations about international law have all related broadly to environmental / health / human health issues. There does not issue that the precautionary

Part 4: The introduction of the precautionary principle in EU law

There was early recognition that EU action on the environment was to be based on a number of environmental principles. These were spelt out both in the EU's first Environmental Action Programme,¹ and in the Single European Act which conferred explicit environmental competence on the European Community (as it then was) for the first time.² However, the precautionary principle did not see the light of day in EU law until the Maastricht Agreement establishing the European Union which was concluded in 1992. This provided that EU environmental policy shall be based, inter alia, on the precautionary principle,³ and this obligation is now enshrined in Article 191 TFEU. Although the Maastricht Treaty was concluded in the same year as the Rio Declaration on Environment and Development, the introduction of the principle into the EU's founding treaty is said to have been at the behest of Belgium and to have been influenced by the 'vorsorgeprinzip' (foresight principle) in German law.⁴

While in the first instance, it was only the EU's environmental policy that was to be based on the precautionary principle, this principle has since then flowed into other areas of EU law, including notably the protection of public health.⁵ This has, to a significant degree, been a result of the influence of the 'environmental integration obligation' in Article 11 TFEU which provides that 'environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development. The European Commission adopted a Communication on the Precautionary Principle in 2000.⁶



0000000000

Page 1 of 2



Letter to Government from Sharon Noble – Director of
Coalition to Stop Smart Meters in BC

Premier Clark, Mr. Bennett and Mr. Reimer,

RE: Lloyd's of London excludes coverage for claims
caused by exposure to non-ionizing radiation.

“Based on inaccurate information provided by ITRON,
Health Canada and Dr. Perry Kendall, you have been
telling people that there is no health risk due to
prolonged exposure to radiation from smart meters on
homes and wifi in school – this despite your having
received 100s of studies by independent researchers
and many letters from scientists and doctors to the
contrary.

“I am now forwarding information that should concern
you even if the potential health problems these
devices cause British Columbians doesn't. Even
though I know that the province and BC Hydro self
insure their insurance coverage, I suspect you have a
stop loss agreement with protection for catastrophic
claims. If this stop loss agreement doesn't already
contain this waiver, soon it no doubt will exclude any
claims associated with exposure to radiation from
wireless devices such as cell phones, smart meters or
wifi. Premier Clark, Mr. Bennett and Mr. Reimer,

“Lloyd's of London is one of the largest insurers in the
world and often leads the way in protection, taking on
risks that no one else will. Attached is a recent renewal

policy which, as of Feb. 7, 2015, excludes any coverage associated with exposure to non-ionizing radiation. In response to clarification, this response was received on Feb. 18, 2015 from CFC Underwriting LTD, London, UK agent for Lloyd's:

“The Electromagnetic Fields Exclusion (Exclusion 32) is a General Insurance Exclusion and is applied across the market as standard. The purpose of the exclusion is to exclude cover for illnesses caused by continuous long-term non-ionising radiation exposure i.e. through mobile phone usage.”

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement, effective at 12 01 A.M. Standard time, forms a part of Policy Number

issued to

by Maxum Indemnity Company

This endorsement modifies insurance provided for under the following:

EXCLUSION - ELECTROMAGNETIC RADIATION

This insurance does not apply to:

- (1) "Bodily injury," "property damage," or "personal and advertising injury" arising out of, resulting from, caused by or contributed to by electromagnetic radiation, provided that such injury or damage results from or is contributed to by the pathological properties of electromagnetic radiation, or
- (2) The costs of abatement or mitigation of electromagnetic radiation or exposure to electromagnetic radiation.

This exclusion also includes:

- (a) Any supervision, instructions, recommendations, warnings or advice given or which should have been given in connection with the above; and
- (b) Any obligation to share damages with or repay someone else who must pay "damages" because of such injury or damage.

"Damages" means compensation, only in the form of money, for a person or entity who claims to have suffered a "bodily injury" or "personal and advertising injury," or who claims to have sustained "property damage."

"This means that the Province (that is we, the taxpayer) will be held liable for claims from teachers and parents of children suffering biological effects from wifi in schools, from homeowners exposed to RF from mandated smart meters on homes, and from employees forced to use cell phones or exposed to wifi at work. Lawsuits in other countries have resulted in huge payments already, and it is only a matter of time before similar lawsuits are filed and won in Canada.

"Potentially those who allow such devices, after having been fully informed about the dangers, could be held liable for negligence, and directors' insurance may not provide financial protection. Directors' insurance applies when people are performing their duties "in good faith". It is hard to argue they are acting "in good faith" after having been warned by true scientific experts and by a well-respected insurer.

"Consider yourself notified once again that you could be held legally responsible for the decisions you have made."

Yours truly,
Sharon Noble
Victoria, BC.

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This is why in other parts of the world, companies like Telstra have taken a very proactive approach to inform millions of their customers on cell phone radiation dangers. It boils down to the cost involved

to insure against health effects!

**Telstra reports insurance problems over
electromagnetic radiation health hazards.**

**Sends This Text Message to Millions Of Customers
(Full Report)**

Yesterday 5:29 pm

**Telstra reminder msg. For
information on mobile use,
Electromagnetic Energy
and tips to reduce
exposure visit: [http://
telstra.com.au/mobiletips](http://telstra.com.au/mobiletips)**

Telstra reminder msg text mobile phone radiation
safety tips

Telstra has warned that insurance against any risk associated with electromagnetic radiation exposure is becoming more difficult to obtain as insurers either become less willing to provide cover or charge prohibitive prices.

Telstra acknowledged the insurance issue in the risks section of its annual report, which was released to the public. The company said "while to date we have been able to obtain limited insurance against these risks, the preparedness of insurers to give this type of insurance cover is reducing and even this limited insurance cover may not continue to be economically viable.

"There is actually a risk therefore that an actual or perceived health risk associated with mobile telecommunications equipment could:

- Lead to litigation against us;
- Adversely affect us by reducing the number or the growth rate of mobile telecommunications services or lowering usage per customer;
- Precipitate the imposition of more onerous applicable legal requirements which are more difficult or costly to comply with; or
- Hinder us in installing new mobile telecommunications equipment and facilities.

Telstra said in a section of the report dealing with information on the company's operations that it based its position on electromagnetic energy on advice from authorities such as the Australian Radiation Protection and Nuclear Safety Agency and the World Health Organization.

The insurance debacle over radiation health hazards started over 15 years ago and wireless consumers still haven't been

informed

Insurers Balk at Risks of Phone Health Hazards

The Observer

Journalist: Sarah Ryle

April 11, 1999

Concern about the safety of mobile phones has prompted a leading Lloyd's underwriter to refuse to insure phone manufacturers against the risk of damage to users' health. The move comes amid mounting concern about the industry's influence on research into the long-term effects of using a mobile. The London market provides insurance for everything from aircraft to footballers' legs. But fears that mobile phones will be linked to illnesses such as cancer and Alzheimer's disease have prompted John Fenn, of underwriting group Stirling, to refuse to cover manufacturers against the risk of being sued if mobiles turn out to cause long-term damage.

New research published last week by Bristol University scientist Dr. Alan Preece showed a 'highly significant' effect from mobile phone signals on brain function. Some previous studies linked mobiles to increased tumors in rodents, but they have been contradicted by other research. The Government has ordered the National Radiological Protection Board (NRPB) – responsible for monitoring radiation safety standards in everything from Sellafield to sunlight – to set up an independent group to identify possible areas for research. (Full Archived Story)

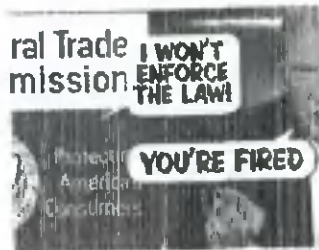
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**Apple Claims
Federal
Regulations Bar
iPhone Radiation
Safety Suit**
May 28th, 2020



**Consumer Alert:
These Cell Phone
Cases Increase
Radiation**
February 27th, 2020

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RF

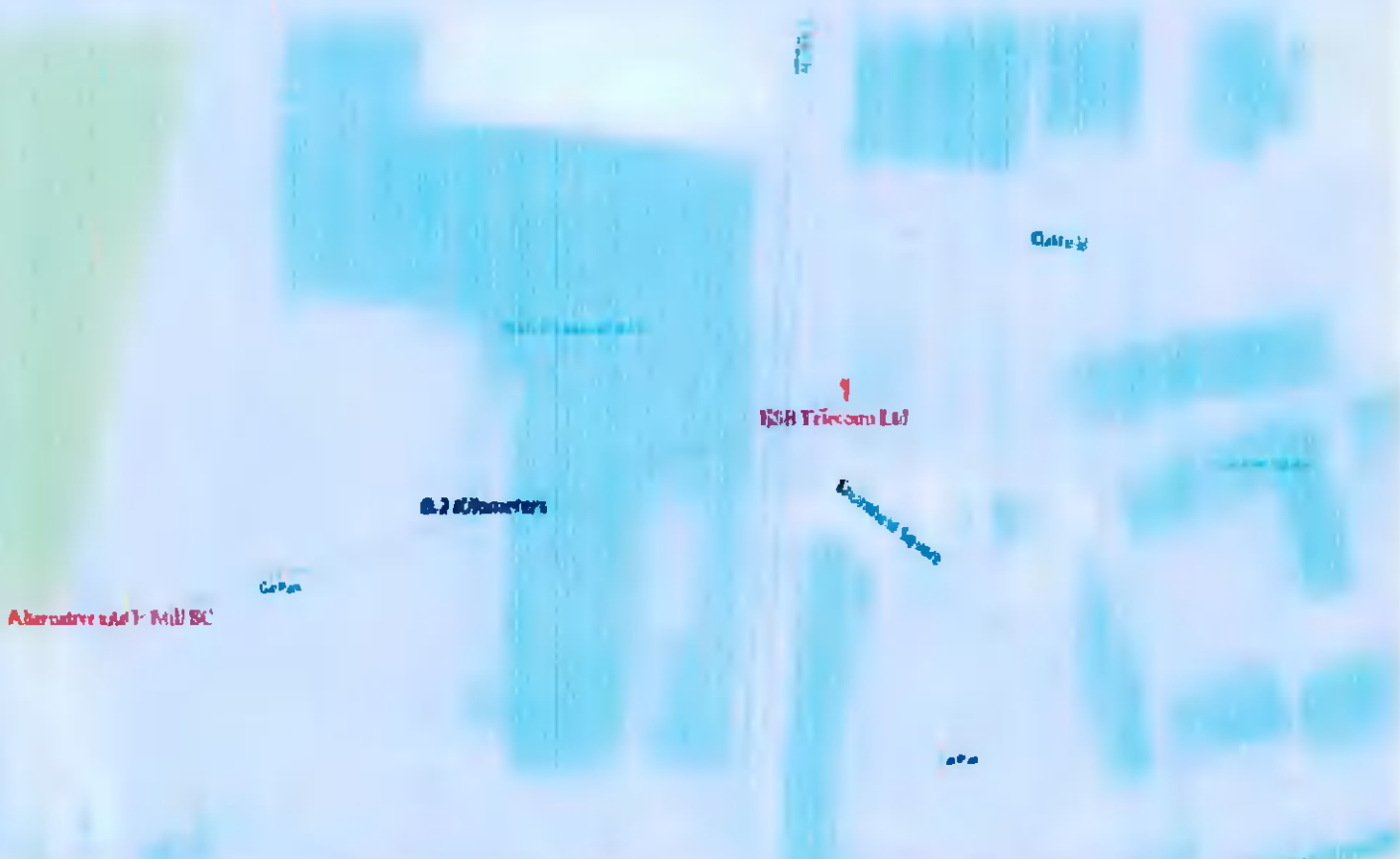
Exhibit R

ESB Telecoms Ltd, Clondalkin 38kV
November 2017

vicinity of the structure to maintain the existing level of communication service.

Alternative site 1: The Mill Shopping Centre

On 25th March 2016 Independent contractor KTL were commissioned by ESB Telecoms Ltd to carry out a line of sight survey at the Mill Shopping Centre which lies opposite the subject site. The proposed location is at ING Eastings 306795, Northings 231614 (ITM Eastings 706722, Northings 731640) with proposed structure heights of 20 metres and 30 metres. Both heights are suitable but at 20 metres surrounding vegetation would need to be monitored (survey report at Appendix 4). The proposed site is located to the rear of the Mill Shopping Centre, 0.2 kilometres west of the existing ESB Telecoms Ltd site on land that is also zoned town centre. Having discussed the proposal with South Dublin County Council it was advised that other locations should be considered.



Reactions versus reality

5G has presented concerns to commercial insurers and this uncertainty is reflected in the market. Lloyds of London insurers excluded health damage caused by electromagnetic radiation whilst Swiss Re recommended to other insurers to write in exclusion clauses to prevent compensation for radiofrequency radiation (RFR) exposure. How real are the concerns raised?

There are studies showing lower level radiation leads to side effects including:

- Breaks in DNA structure (a cause of cancer)
- Disruption to cell metabolism
- Melatonin reduction (increasing cancer risk)
- Stress proteins being produced (causing a variety of diseases)

Commercial insurers will know many employees are using wireless technology via mobiles and laptops. People at home are also not immune given wireless connections to washing machines and central heating systems. 5G will be yet another factor throw into the mix and not in itself causative of the side effects alleged. It is the combination of low level RFR that is allegedly the cause.

Another fact producing misconceptions is 5G being classified as a Group 2B carcinogen by World Health Organisation (WHO). To put this in perspective, pickled vegetables are also in the same Group 2B and processed meat is actually in a higher group. WHO have been tracking electromagnetic radiation safety for over 20 years and no proven links to 5G have been found. Five years ago WHO established no health concerns arose from mobile phone use but they did classify all radio radiation frequency as "possibly carcinogenic".

News within Europe appears not to assist in fuelling misconceptions. In April 2019 the Environment and Health Minister in Brussels postponed rolling out 5G to 2020 as it was not compatible with Belgian radiation safety standards. Brussels actually have the strictest telecom radiation regulations globally. The concern was not the level of radiation but the fact the level could not be measured on the antennas which are used for 5G. In the same month Geneva's 5G upgrade was stopped to obtain findings on potential harmful health damage. However, Geneva's freeze is temporary. Switzerland has already had some rollout of 5G. Existing antennas can remain, only the erection of further antennas is stopped whilst further information is sought. Many countries, including within Europe, have already had a 5G rollout. No country has prevented a ban on 5G and most countries expect to have a roll out by 2020 with testing being undertaken.

Even within the UK there is news that would appear worrying to commercial insurers. In June 2019, Glastonbury Town Council opposed the introduction of 5G in the town and set up a 5G Advisory Committee to consider the safety, dangers and risks involved. The opposition was again due to lack of sufficient knowledge on the implications on health and environment. EE has already launched 5G in 6 UK cities with the aim of 10 more by the end of 2019.

Another concern was that by May 2019, 230 scientists from 40 countries had signed the '5G Appeal' – seeking for the European Commission to halt the rollout of 5G. This is to actually allow independent scientists to investigate the effect of potential hazards on human health. The repeated pattern seen is the want of further information before proceeding with further rollouts.

Comment

Commercial insurers are wise to not be misled by the media frenzy and will underwrite risks according to current knowledge of the risk available. This presents a problem for covering RFR risk as the impact of the radiation on humans is unclear as shown by above concerns. The impact would be magnified for those that are traditionally more at risk, such as the pregnant and elderly. The ongoing theme is we simply do not know enough; there appears conflicting studies and it takes an expert within the relevant field to decipher the scientific papers.

History has shown how miracle technologies can have devastating implications for insurers, such as with the widespread use of asbestos. If in 20 years from now, we learn that there is a risk to 2.5% of the population, then just focusing on insurance covering workplaces using present day statistics would mean over 750,000 employees could potentially be affected and thus claim. However, knowing the uptake of 5G is so broad would mean that many outside the workplace will also be at risk.

We do not yet understand the long-term implications of RFR on the brain. Whilst mobiles have been around for over 20 years with no risk seen, 5G will bring a significant increase in the radiation. 5G in itself is not the problem, but it is the cumulative effect of yet further radiation added that raises concerns.

However, we do know the radiation involved is often misunderstood as the radio waves involved in mobile networks are non-ionising meaning they are not capable of affecting DNA or causing damage to cells. This is at the opposite end of the spectrum to ionising radiation such as x-rays where the radiation can cause health risks. The underlying 5G technology is very much the same as 4G technology.

When considered in relative terms, the 5G risk can be said to have been misunderstood and exaggerated. There are always evolving areas that commercial insurers are willing to lead on in terms of providing an offering to the market to insure the risk, a prime example being cyber risk.

To minimise risk, commercial insurers need to be aware of the health risks, which can be considered by early risk assessments using current knowledge. There are many studies ongoing as seen above and insurers will need to keep abreast of the developing knowledge in this area with the passage of time.

This article was first published by Insurance Day on 25 September 2019

Read others items in Occupational Disease Brief - March 2020

Date published

04/10/2019

Authors



Tanveer Rakhim
Associate
Manchester

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- Defendant personal injury
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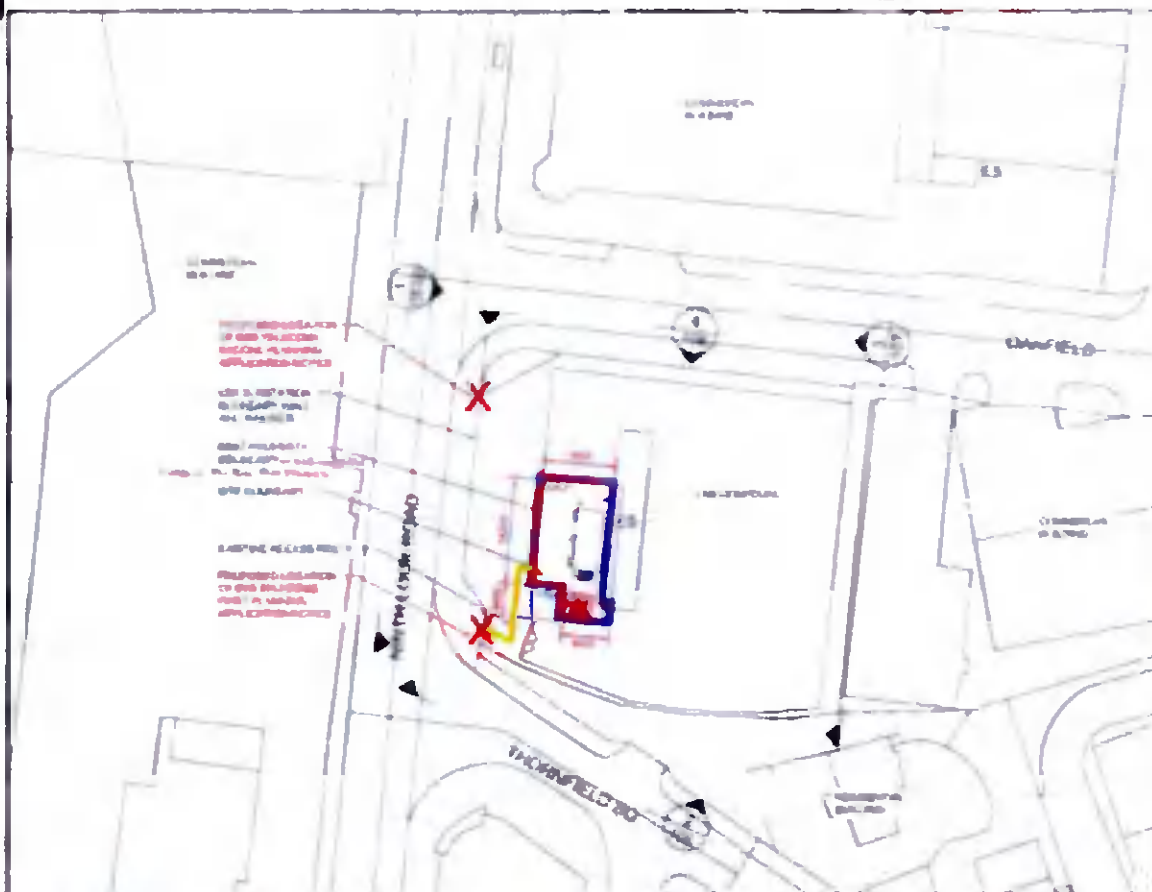
Sectors

- Insurance and reinsurance

Locations

- United Kingdom

Exhibit (A)



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THORNTON PLACE MAP
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10

HAZARDOUS WASTE MANAGEMENT

RILTA

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Exhibit
(L)

Exhibit X



Home » Resources » Articles » [Oil and Concrete: the effects of contamination on structural elements](#)

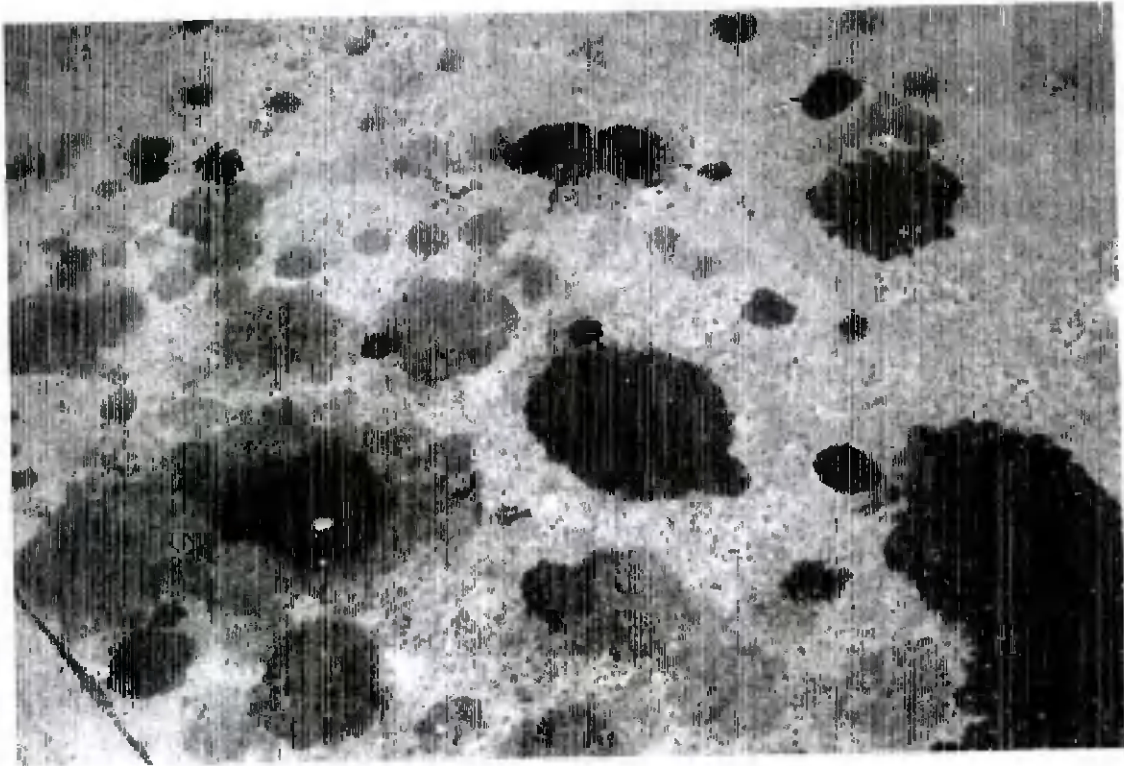
Oil and Concrete: the effects of contamination on structural elements

June 15, 2021

Ahmad Shahroodi, Ph.D., P.Eng.

Though oil spillage was once considered harmless to concrete, new evidence suggests it can be detrimental.

Oil spills and leaks happen, particularly in structures that deal with the storage, transport, or processing of oil products. Contamination can occur through a variety of avenues, but the main concern when dealing with contaminated concrete (outside of the environmental issues) is whether the structure is still sound. What do these leaks or spills do to the concrete below them?



Though oil spillage was once considered harmless to concrete (or even beneficial against freezing and thawing damage), new evidence suggests it can be detrimental. The physical bonds between the components of concrete provide strength. When looking at fresh concrete, if the amount of oil contamination is approximately 5% or more of the total batch volume, the cement particles and fine aggregate can become covered with oil, which acts as a barrier to the bonds of the matrix components. This means that the strength and other mechanical properties are compromised, and the concrete will be weaker and less durable.

On the other hand, hardened concrete is less susceptible to damage from oil because the bonds between the elements have already been created, and the oil cannot cover the fine aggregates and cement particles. Traditionally, the effects of an oil spill on cured or hardened concrete are thought to be either non-harmful or mildly harmful, and the long-term effects are generally

minimal.

Assessment of the effects of oil contamination on concrete often starts with a visual examination, which can reveal areas of contamination because oil tends to penetrate into the pores of concrete and is difficult to remove. However, a visual inspection cannot completely determine the extent of damage, as the depth of penetration below the surface is not accessible. To fully assess the magnitude of the loss, and propose a proper restoration strategy, several methods are available depending on the age and condition of the concrete material:

Freshly poured concrete: If the cement, sand, and other matrix particles are covered with oil during the construction of a concrete element, it may be compromised. To analyze the possible damage, at least five 4x8-inch cylinders should be cast and tested for compressive strength, density, penetrability, and air voids.

Hardened concrete: For slabs and structures that have already hardened, there are a number of testing protocols that can be considered. First, a visual inspection of the contamination will always be necessary. This will determine sample areas for further testing, from which cores be extracted and inspected/tested. If the tested samples provide cause for concern, the entire surface (both contaminated and non-contaminated areas) can be tested using non-destructive methods such as Ultrasonic Pulse Velocity (UPV). Such testing will assess the uniformity and quality of the concrete and will help to determine whether there are any voids, cracks, INA or other deformities within the concrete that may not be visible from the surface. Analysis of the physical and chemical properties of the concrete can be done if any concerns are noted.

Repair and remediation methods depend on the depth of the contamination and the magnitude of the damage. When hardened concrete is exposed to oil, the standard protocol to address surface contamination includes, cleaning the surface with a solvent and sealing the contaminated elements to prevent future deterioration. Prior to using the solvent, as much oil as possible must be removed. After applying the solvent, the hydrocarbon can be removed with vacuum suction. Once the surface has been



in

cleaned, the concrete must be tested for in place mechanical and durability requirements and then compared with the applicable code and design requirements. In cases of deep oil penetration, surface cleaning is unlikely to remove the contamination, and the concrete often must be replaced.

Should the contamination happen during the creation of the mix, and test results show deviation from the code requirements, localized surface cleaning will not be sufficient, and removal of the entire structure and replacement with a similar (uncontaminated) concrete mixture is likely to be necessary.

Our forensic concrete experts are available to review the condition of contaminated concrete structures and provide proper restoration suggestions. To shed light on your files, **we will be happy to assist you.**

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Excluded (Z)

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The precautionary principle

SUMMARY OF:

[Communication \(COM\(2000\) 1final\) on the precautionary principle](#)

WHAT IS THE AIM OF THE COMMUNICATION?

- It explains the precautionary principle which enables a rapid response to be given in the face of a possible danger to human, animal or plant health, or to protect the environment.
- In particular, where scientific data do not permit a complete evaluation of the risk, recourse to this principle may, for example, be used to stop distribution or order withdrawal from the market of products likely to be hazardous.
- It establishes **common guidelines** on the application of the precautionary principle.

KEY POINTS

The [precautionary principle](#) is detailed in [Article 191 of the Treaty on the Functioning of the European Union](#). It aims at ensuring a higher level of environmental protection through preventative decision-taking in the case of risk. However, in practice, the scope of this principle is far wider and also covers consumer policy, [European Union \(EU\) legislation concerning food and human, animal and plant health](#).

The definition of the principle shall also have a positive impact at international level, so as to ensure an appropriate level of environmental and health protection in international negotiations. It has been recognised by various international agreements, notably in the Sanitary and Phytosanitary Agreement (SPS) concluded in the framework of the [World Trade Organisation](#) [↗] (WTO)

Recourse to the precautionary principle

According to the European Commission the precautionary principle may be invoked when a phenomenon, product or process may have a dangerous effect, identified by a scientific and objective evaluation, if this evaluation does not allow the risk to be determined with sufficient certainty.

Recourse to the principle belongs in the general framework of **risk analysis** (which, besides risk evaluation, includes risk management and risk communication), and more particularly in the context of **risk management** which corresponds to the decision-making phase.

The Commission stresses that the precautionary principle may only be invoked in the event of a potential risk and that it can never justify arbitrary decisions.

The precautionary principle may only be invoked when the **three preliminary conditions** are met:

- identification of potentially adverse effects;
- evaluation of the scientific data available;
- the extent of scientific uncertainty.

Precautionary measures

The authorities responsible for risk management may decide to act or not to act, depending on the level of risk. If the risk is high, several categories of measures can be adopted. This may involve proportionate legal acts, financing of research programmes, public information measures, etc.

Common guidelines

The precautionary principle shall be informed by **three specific principles**:

- the fullest possible scientific evaluation, the determination, as far as possible, of the degree of scientific uncertainty;
- a risk evaluation and an evaluation of the potential consequences of inaction;
- the participation of all interested parties in the study of precautionary measures, once the results of the scientific evaluation and/or the risk evaluation are available.

In addition, the **general principles** of risk management remain applicable when the precautionary principle is invoked. These are the following five principles:

- proportionality between the measures taken and the chosen level of protection;
- non-discrimination in application of the measures;
- consistency of the measures with similar measures already taken in similar situations or using similar approaches;
- examination of the benefits and costs of action or lack of action;
- review of the measures in the light of scientific developments.

The burden of proof

In most cases, European consumers and the associations which represent them must demonstrate the danger associated with a procedure or a product placed on the market, except for medicines, pesticides and food additives.

However, in the case of an action being taken under the precautionary principle, the producer, manufacturer or importer may be required to prove the absence of danger. This possibility must be examined on a case-by-case basis. It cannot be extended generally to all products and processes placed on the market.

BACKGROUND

For more information, see:

- [Press release](#) on the European Commission's website.

MAIN DOCUMENT

Communication from the Commission on the precautionary principle (COM(2000) 1 final of 2 February 2000)

last update 30.11.2016

[Top](#)



EXHIBIT

AA

Phone mast fears grow as more locals suffer cancer



Geraldine Gittens
October 22 2008 09:52 AM



RESIDENTS of a West Dublin estate, which lies next to a phone mast, are calling on the HSE to conduct a full health assessment in the area after an apparently large number of cancer diagnoses.

Neighbours in St Ronan's Gardens, Neilstown, and leaders of Mast Action Clondalkin (MAC) are continuing to voice their concerns about the mobile phone mast which stands in their local garda station.

"We did a survey of 150 houses and 38 people in those houses had cancer," says Gino Kelly, a member of MAC. "It's a very preliminary study but we went around and asked questions."

Nosebleeds

"Now we're asking the HSE to do a proper health study. The amount of people here with cancer cannot be normal."

Earlier this month, the group expressed their outrage to the Herald when it was discovered that An Garda Síochána failed to investigate the link between the mast and the fact that nine officers in the area have suffered brain cancer.

Residents are now calling for an investigation by the health authorities into the matter.

"Eight women in a pocket area of houses had cervical cancer and for them to all have the same type of cancer is very strange," says Gino. "It could be a coincidence but what we're saying is 'go and find out,'" he added.



"My two children are attending Tallaght hospital with nosebleeds," says Caroline Kinsella.

"We did door-to-doors and we found that the number of nosebleeds is very bad. We've been given no explanation. People are going to the hospital and doctors, but we've had no explanation. It's not just a nosebleed. It's buckets.

"My son Dylan gets really bad headaches every two or three days, and he can't look at the light or the television or anything," says Elizabeth Bell. Imelda Russell's brother, Brian, slept at the back of their house in St Ronan's Gardens, one of the houses closest to the mast.



Rare

"Two-and-a-half years ago he got a brain tumour. He's had chemotherapy and radiotherapy, and every six months he has to have a brain scan.

"The doctors say there's no way of removing it, and if they did he'd be paralysed. The type of tumour he has is a very rare tumour, and one garda also has it. Imelda's house is literally 35 meters away from the high tension wire," says Gino, "so it's extremely near people's living space."

Pat Keating, whose wife Teresa died last March of a brain haemorrhage, was also present at the outdoor meeting.

"My wife was never sick in her life," said Pat, "but she just collapsed one day and by the time she was brought to hospital, it was too late. We're having a protest this Thursday at 7.30pm outside Ronanstown Garda Station, and we want to get as many local people as possible here."

The Office of Public Works, which decided to put the mast in the station, has insisted that it is within EU guidelines and they have refuted the idea that the mast is responsible for cancer cases in the area.

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EXHIBIT (A B)



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📌 CANCER RATES GROW AROUND CELLPHONE TOWERS IN IRELAND

RESIDENTS of a West Dublin housing estate, which lies next to a phone mast, are calling on the HSE to conduct a full health assessment in the area after an apparently large number of cancer diagnoses.

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Residents are now calling for an investigation by the health authorities into the matter.

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same type of cancer is very strange," says Gino. "It could be a coincidence but what we're saying is 'go and find out,'" he added.

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Rare

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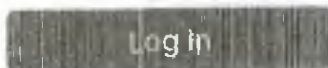
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STOP 5G GOREY is on Facebook. To connect with STOP 5G GOREY, join Facebook today.



or



✕ a brain haemorrhage, was also present at

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We're having a protest this Thursday at
we want to get as many local people as

the mast in the station, has insisted that it
idea that the mast is responsible for

LINK TO ARTICLE

<https://orgoneproducts.org/blog/cancer-rates-grow-around-cellphone-towers>

Photos from STOP 5G GOREY's post in STOP 5G GOREY Group · 6 Mar 2020 · 15

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EXHIBIT (A.c)

Viewpoint K



The existing mast is in the centre of the photograph taken from Thornfield Square to the of Steeple House, an office complex. The smaller mast in the foreground is the grounds dwelling.

The proposed monopole would be visible from this location, however with an overall height of 20m and existing tree coverage it is considered that the monopole would not be harmful to the visual amenities of the area.

→ Local area plans or other land use plans or policies shall be subject to a flood risk assessment as appropriate in accordance with the Flood Risk Guidelines (2009).

1) Information and Communications Technology

The widespread availability of a high quality Information and Communications Technology (ICT) network within the County will be critical to the development of the County's economy, and will also support the social development of the County.

INFRASTRUCTURE & ENVIRONMENTAL QUALITY (IE) Policy 4 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.

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.

INFRASTRUCTURE & ENVIRONMENTAL QUALITY (IE) Policy 2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

IE2 Objective 1:

To maintain, improve and enhance the environmental and ecological quality of our surface waters and groundwater by implementing the programme of measures set out in the Eastern River Basin District River Basin Management Plan.

IE2 Objective 2:

To protect the regionally and locally important aquifers within the County from risk of pollution and ensure the satisfactory implementation of the South Dublin Groundwater Protection Scheme 2011, and groundwater source protection zones, where data has been made available by the Geological Survey of Ireland.

IE2 Objective 3:

To maintain and enhance existing surface water drainage systems in the County and promote and facilitate the development of Sustainable Urban Drainage Systems (SUDS), including integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

IE2 Objective 4:

To incorporate Sustainable Urban Drainage Systems (SUDS) as part of Local Area Plans, Planning Schemes, Framework Plans and Design Statements to address the potential for Sustainable Urban Drainage at a site and/or district scale, including the potential for wetland facilities.

IE2 Objective 5:

To limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SUDS) and avoid the use of underground attenuation and storage tanks.

IE2 Objective 6:

To promote and support the retrofitting of Sustainable Urban Drainage Systems (SUDS) in established urban areas, including integrated constructed wetlands.

IE2 Objective 7:

To generally prohibit development within restricted areas identified on the Bohernabreena/ Glenasmole Reservoir Restricted Areas Map contained in Schedule 4.

IE2 Objective 8:

To protect salmonid water courses, such as the Liffey and Dodder Rivers catchments (including Bohernabreena Reservoir), which are recognised to be exceptional in supporting salmonid fish species.

IE2 Objective 9:

To protect water bodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural flood plains, within the County from inappropriate development. This will include protection buffers in riverine and wetland areas as appropriate (see also Objective G3 Objective 2 – Biodiversity Protection Zone).

IE2 Objective 10:

To require adequate and appropriate investigations to be carried out into the nature and extent of any soil and groundwater contamination and the risks associated with site development work, in particular for brownfield development.

Environmental Quality

Air quality, light pollution and noise control are primarily covered within air, light and noise control legislation.

INFRASTRUCTURE & ENVIRONMENTAL QUALITY (IE) Policy 7 Environmental Quality

It is the policy of the Council to have regard to European Union, National and Regional policy relating to air quality, light pollution and noise pollution and to seek to take appropriate steps to reduce the effects of air, noise and light pollution on environmental quality and residential amenity.

IE7 Objective 1:

To implement the provisions of EU and National legislation on air, light and noise control and other relevant legislative requirements, as appropriate, in conjunction with all relevant stakeholders.

IE7 Objective 2:

To implement the recommendations of the Dublin Regional Air Quality Management Plan to protect people from the harmful health effects associated with air pollution, to preserve good air quality where it exists and to improve air quality where it is unsatisfactory.

IE7 Objective 3:

To implement the relevant spatial planning recommendations and actions of the Dublin Agglomeration Environmental Noise Action Plan 2013 – 2018.

IE7 Objective 4:

To ensure that future developments are designed and constructed to minimise noise disturbance and take into account the multi-functional uses of streets including movement and recreation as detailed in the Urban Design Manual (2009) and the Design Manual for Urban Roads and Streets (2013).

IE7 Objective 5:

To ensure external lighting schemes minimise light spillage or pollution in the immediate surrounding environment and do not adversely impact on residential or visual amenity and biodiversity in the surrounding areas.

IE7 SLO 1:

To provide noise barriers along the uncovered parts of Moy Glas estate facing the Outer Ring Road and 100 metres along Griffeen Avenue.

1) Aerodromes & Airport

This section sets out the general restrictions and requirements on development within the County for Dublin Airport, Casement Aerodrome and Weston Aerodrome.

The safeguarding requirements in the vicinity of civil aerodromes are principally set out as 'International

EXHIBIT B

SD

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0353

Refugee Center



