

Comhairle Chontae Atha Cliath Theas

PR/0172/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0331 **Application Date:** 08-Dec-2021
Submission Type: New Application **Registration Date:** 08-Dec-2021

Correspondence Name and Address: Ella O'Brien, Indigo Raheen Business Park, Limerick

Proposed Development: Replace an existing 15m telecommunications structure with a new 21m monopole structure carrying antenna and dishes enclosed within an extended 2.4 metre high palisade fence compound; associated ground equipment cabinets; associated site works; the proposed development is within the curtilage of a protected structure, no works proposed will directly affect this structure.

Location: Sureweld International Ltd, Fonthill, Lucan, Co. Dublin

Applicant Name: OnTower Ireland Limited

Application Type: Permission

Description of Site and Surroundings:

Site Area

Stated as 0.003 Hectares.

Site Description

The subject site is located in the southwest portion of an overall site containing the Former Tram Depot & Power Station, Lucan Road, a Protected Structure (Ref: 036) and contains an existing 15m high telecommunications shrouded monopole with antennae, dishes and associated ground mounted equipment within a fenced compound. The overall site contains an existing industrial building, a Protected Structure, currently in use as Sureweld International Limited Engineering Hardware Supplies showroom and shop, and ancillary storage structures.

Site Visit

26th January 2022.

Proposal

Permission is sought for:

- Replacement of the existing 15m monopole structures with a new 21m monopole structure, which will be located in the northeastern corner of the subject site.
- Relocation of the existing 5 antennas and 1 dish from the existing 15m monopole structure to the proposed 21m monopole structure, to be mounted on support poles.

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- Provision of 5 new antennas and 2 new dishes to be installed on support poles attached to the new 21m monopole structure.
- An extended compound measuring 9sq.m to accommodate the new monopole structure and concrete plinth surrounded by a new 2.4m high palisade fenced compound.
- Provision of a new Eir Operator (Huawei) cabinet in the northwestern corner of the subject site on the proposed concrete plinth. The cabinet will measure 2.03m in height, 0.7m in depth and 0.8m in width.
- Provision of a new Broadband Operator cabinet in the northwestern corner of the subject site on the existing monopole foundation. The cabinet will measure 1.6m in height, 0.7m in depth and 0.8m in width.
- Provision of a new MMU cabinet adjacent to the eastern boundary of the subject site. The cabinet will measure 1.55m in height, 0.4m in depth and 1.2m in width.
- All associated site works above and below ground.
- No amendments are proposed to the access arrangements to the subject site.

Zoning

The proposed site is subject to zoning objective HA-LV where the stated objective is 'To protect and enhance the outstanding character and amenity of the Liffey Valley'.

Consultations:

Internal

Drainage and Water Services Department: No report received at time of writing this Report.

Roads Department: No objection.

Parks Department: No objection.

Broadband Officer: Additional Information requested.

Heritage Officer: No report received at time of writing this Report.

Architectural Conservation Officer: Refusal recommended.

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External

Environmental Health Officer: No objection, subject to conditions.

Commission for Regulation of Utilities: No report received at time of writing this Report.

Department of Housing, Planning and the Environment: No report received at time of writing this Report.

Transport Infrastructure Ireland: No objection.

Irish Aviation Authority: No objection.

An Taisce: No report received at time of writing this Report.

Dúchas (The Heritage Service): No report received at time of writing this Report.

Submissions/Observations /Representations

Final date for submissions/observations – 20th January 2022.

None received.

Relevant Planning History

Subject Site

SD16A/0034 – Permission granted for a period of 5 years for the continued use of an existing 15m slim line shrouded monopole (previously granted planning under reference SD10A/0265 which was a temporary permission for a period of 5 years which has expired) containing 3 antennae, 1 dish, associated equipment ground based cabinets and fencing. The proposed development is within the curtilage of a Protected Structure. No works proposed will directly affect this structure.

SD10A/0265- Permission granted for a period of 5 years for the continued use of existing 15m high slim-line shrouded telecommunications monopole, with 3 telecommunication antennae, 2 dishes and associated ground-mounted equipment containers within a 28sq.m fenced compound within the curtilage of the Former Tram Depot & Power Station, a Protected Structure (Ref: 036).

SD04A/0275 – Permission granted for a period of 5 years for the installation of a 15m high slim-line shrouded monopole containing 3 antenna, 2 dishes, associated equipment, and ground based cabinets in a fenced compound for a new 3G broadband network, all within the curtilage of the Former Tram Depot, a Protected Structure.

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SD99A/0504 – Permission Refused for the erection of a 10 metre high, free standing 'unipole' structure to carry (a) GSM antennas and link dish in an enclosed housing and (b) a suspended identification sign for Sureweld International Ltd., to form part of the cellular digital mobile, telecommunications network. The decision was subject to a First Party Appeal, with the subject proposal ultimately **Granted Permission by An Bord Pleanála**.

Relevant Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None recorded for the subject site.

SEA Sensitivity Screening

According to the SEA monitoring system the subject site is located within the High Amenity Landscape (Liffey Valley) and Architectural Conservation Area layers.

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

Chapter 7 of the Development Plan refers to *Infrastructure and Environmental Quality* and details policy in relation to Telecommunications Infrastructure as follows:

Section 7.4.0 – Information and Communications Technology

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.

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IE4 Objective 4

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

Section 10.2.10 Energy and Communications Infrastructure in Sensitive Landscapes

It is the policy of the Council that all planning applications for energy and communications infrastructure on lands located in rural, high amenity and mountain areas (Zoning Objectives RU, HA-LV, HA-DV and HA-DM) shall include a Landscape Impact Assessment of the proposed development on the landscape and shall be subject to screening for potential impacts on Natura 2000 sites.

E12 Objective 1

To safeguard Natura 2000 sites and the sensitivity, open character and amenities of rural, high amenity and mountain areas within the County.

E12 Objective 2

To ensure that proposals for energy and communications developments integrate with their surroundings and mitigate against negative impacts on visual amenity.

Section 11.6.2 Information and Communications Technology

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

- *Compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (as may be amended), and to other publications and material as may be relevant in the circumstances,*
- *On a map, the location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation (2003),*
- *Degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc) and the potential for mitigating visual impacts including low and mid level landscape screening, tree-type masts being provided where appropriate, colouring or painting of masts and antennae, and considered access arrangements, and*
- *The significance of the proposed development as part of the telecommunications network.*

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Department of Defence Restrictions

- (a) *Inner Zone Within the DoD Inner Zone, in view of the volume of helicopter operations and the level and variety of aircraft training movements and for safety and security reasons, planning applications for structures such as high mast lighting and antennae, in the Inner Zone will be subject to special examination by the DoD to ensure that their construction would not be undesirable for safety, security or operational reasons. In general, within the DoD Inner Zone (delineated on Development Plan Map), in addition to the Obstacle Limitation Surfaces for the Aerodrome, no buildings or structures exceeding 20 metres in height above ground level should be permitted except where specifically agreed in writing following consultation with the DoD that the proposed development will not affect the safety, efficiency or regularity of operations at the aerodrome.*

Relevant National Policy and Guidelines

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

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

Our Rural Future – Rural Development Policy 2021-2025

Circular Letter PL11/2020 – Telecommunications Services – Planning Exemptions and Section 254 Licences.

Circular Letter PL03/2018 – Revision of Development Contribution Guidelines in respect of Telecommunications Infrastructure.

Circular Letter PL07/12 – Telecommunications Antennae and Support Structures Guidelines.

Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities' Department of the Environment and Local Government 1996.

Assessment

The main issues for consideration are:

- Zoning & Council Policy
- Co-location Opportunities
- Separation distance
- Residential Amenity
- Visual Impact on Protected Structures
- Public Health
- Broadband Officer

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- Department of Defence Restrictions
- Drainage Issues

Zoning & Council Policy

The proposed site is subject to zoning objective HA-LV where the stated objective is 'To protect and enhance the outstanding character and amenity of the Liffey Valley'.

'Public Services' are listed as a use which is Open for Consideration on lands zoned 'HA-LV'. The Development Plan provides the following definition of Public Services:

*'A building or part thereof or land used for the provision of public services. **Public services include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers, it includes: public lavatories, public telephone boxes, bus shelters, bring centres, green waste and composting facilities**.'* [Planning Authority Emphasis]

Land uses that are listed as open for consideration may be acceptable to the Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development and the relevant policies, objectives and standards set out in the Development Plan. Such uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan, compliance with design and visual amenity and considering the site-specific context.

Having regard to the content of *Section 11.6.2 Information and Communications Technology* of the Development Plan the Planning Authority is satisfied that the Applicant has provided details of the telecommunications structures within a 1km, 2km and 3km radius of the subject site. Having regard to the quantum of similar structures within the vicinity of the subject site and given that the subject proposal represents an intensification of the telecommunications use at this sensitive site, it is considered that the proposed development may result in an unacceptable proliferation of such structures.

Section 10.2.10 Energy and Communications Infrastructure in Sensitive Landscapes states that:

*'It is the policy of the Council that all planning applications for energy and communications infrastructure on lands located in rural, high amenity and mountain areas (Zoning Objectives RU, HA-LV, HA-DV and HA-DM) shall include a **Landscape Impact Assessment** of the proposed development on the landscape and shall be subject to screening for potential impacts on Natura 2000 sites.'* [Our Emphasis].

It is noted that the Applicant has provided a Visual Impact Assessment in relation to the proposed development and accompanying photomontages. The Planning Authority has

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significant concerns regarding the potential visual impact of the proposed development in the vicinity of a Protected Structure and in close proximity to an area of outstanding character and amenity. These concerns will be outlined further throughout this Report.

The proposed development has been assessed against all aspects of the County Development Plan and has been deemed to be contrary to a number of policies and objectives and a refusal is recommended. A full assessment is found below.

Co-location Opportunities

Section 11.6.2 of the Development Plan states that in considering proposals for telecommunications structures and antennae, Applicants are required to demonstrate:

'On a map, the location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation (2003).'

The Applicant has provided a map demonstrating the existing telecommunications structures within 1km, 2km and 3km intervals. However, the Applicant has not detailed the potential for other operators to co-locate upon the proposed structure, nor has the Applicant provided an analysis of whether it would be possible for the proposed development to be facilitated at a less sensitive location through a co-location agreement with another operator of one of the many similar structures within the vicinity of the subject site.

IE4 Objective 4 of the Development Plan states that it is Council Policy to:

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

Having regard to the content of the Planning Application, the Planning Authority considers that insufficient information has been provided to demonstrate how the proposed development is necessary considering the quantum of similar structures in the area. Furthermore, the Planning Application has not sufficiently demonstrated what consideration, if any, was given to potential co-location agreements with operators of similar structures in the area. In this regard, considering the sensitivity of the subject site and the high amenity and character of the surrounding landscape, the Planning Authority considers that the proposed intensification of the telecommunications infrastructure at the subject site would be contrary to IE4 Objective 4 of the Development Plan.

Separation distance

The nearest residential properties are approximately 80m to the southwest of the subject site at Mount Andrew Rise. However, they are located on the opposite side of the N4 and are

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orientated in such a way that there will be no direct view of the proposed 21m monopole structure.

It is noted that telecommunications development was previously temporarily granted planning permission at the subject site under *SD04A/0275*, *SD10A/0265* and *SD16A/0034* and has been in situ since. However, the proposed development would essentially involve the removal of the existing monopole structure and its replacement with a larger structure to the northeast of the current location. The proposed 21m monopole structure would be closer to the Protected Structure on the subject site, thus decreasing the separation distance and increasing the potential visual impact on the Protected Structure. In this regard, the Planning Authority considers that the proposed development would result in an unacceptable impact on the adjacent Protected Structure and the wider surrounding context of an area of outstanding character and high amenity.

Residential Amenity

The compound containing the telecommunications structure and associated equipment is located along the northern edge of the N4 Lucan Road within the premises of an existing industrial/commercial unit. A large area of open space, in the form of the Hermitage Golf Club and the banks of the River Liffey are located to the north of the subject site. The proposed 21m structure will not be located in the same place as the original 15m monopole structure. No explanation has been provided as to why the 21m structure is located to the northeast of the original structure.

There are residential dwellings located in Mount Andrew Court which are orientated towards the proposed 21m monopole structure. However, having regard to the location of these dwelling approximately 100m to the southwest on the opposite side of the N4 and the level of tree cover between the dwellings and the N4, the Planning Authority does not consider that the proposed development will have an unacceptable impact on the residential amenity of these dwellings. However, concerns arise in relation to the impact on the adjacent Protected Structure and the character of the surrounding high amenity area. These concerns are outlined further in the foregoing section.

Visual Impact on Protected Structure

The existing 15m monopole structure provides a separation distance of 17.5m to the adjacent Protected Structure. Although not indicated on the drawings provided by the Applicant, the relocation of the replacement structure to the northeast of the original position will result in a reduction in the separation distance to the Protected Structure. By reason of its height, design and position, the Planning Authority is concerned that there is potential for the proposal to have a significant negative impact on the visual amenity of the existing Protected Structure on site or the surrounding area.

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Having regard to the location of the proposed development within the curtilage of a Protected Structure, a Report was sought from the Architectural Conservation Officer. The Report concludes as follows:

'The new proposed monopole which will carry antenna and dishes with an extended 2.4 metre high palisade fence is highly visible within the site due to the proposed height and the attached equipment.

It is considered that the additional height of the telecommunications structure will lead to a direct visual impact on the adjoining Protected Structure (RPS Ref.023 – former tram depot). The visual impacts are considered to be negative and cannot be mitigated against.

Based on the above, it is considered that the proposed development is unacceptable due to the overall negative visual impact within the curtilage of a Protected Structure'.

The Applicant has failed to provide an Architectural Impact Assessment assessing the overall impacts of the proposed development within the curtilage of the Protected Structure and in particular assessing how the proposed 21m monopole structure will sit within the sensitive context of the site which includes a Protected Structure and the surrounding area of high amenity and character.

Having regard to the proposed height of the structure and attached antennae and dishes, the Planning Authority considers that there will be an unacceptable level of impact on the adjacent Protected Structure and surround landscape. The proposed development is therefore considered to be contrary to HCL3 Objective 1 and IE4 Objective 3 of the Development Plan and therefore does not adhere to the key principles of proper planning and sustainable development.

Public Health

The Report of the HSE Environmental Health Officer indicates no objection to the proposed development, subject to the following conditions:

- Noise levels arising from the structure and communications equipment shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting any noise sensitive location.
- Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of noise level.

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Broadband Officer

The Report of the South Dublin County Council Broadband Officer indicated that the Application was deficient in the following information:

- A Design Statement prepared by a suitably qualified individual that provides a detailed assessment of how the proposal responds to the setting, character and appearance of the Protected Structure.
- Concerns arise in relation to the diameter of the new monopole structure compared to the original, it is important to establish if such an increase is necessary. The rationale for the proposed intensification of the telecommunications infrastructure, specifically the increased height and diameter has not been sufficiently justified by the Applicant.

Having regard to the above deficiencies in information, the Planning Authority is not satisfied that sufficient rationale and justification has been provided for the proposed intensification of the telecommunications use at this sensitive site.

Department of Defence Restrictions

Having regard to the location of the existing telecommunications support structure outside of the Department of Defence Inner Zone, a representation was not sought from the Department of Defence. The Planning Authority is satisfied that the proposed development does not represent a significant aviation hazard.

Drainage Issues

No report was provided by the Water and Drainage Services Section in relation to the proposed development. It is noted that, no information has been provided by the Applicant in relation to the water services and drainage infrastructure at the subject site and whether the additional structures and associated hard standing will impact the adjacent water or drainage infrastructure. As such a detailed assessment of the proposed development was not possible.

Conclusion

Having regard to the surrounding context of this sensitive site, (a Protected Structure and an area of high amenity and character), the proposed intensification of the telecommunications infrastructure (increased height and diameter), and the insufficient information provided by the Applicant, it is considered that the Applicant has not satisfactorily demonstrated that the proposed development would comply with the policy contained within the South Dublin County Council Development Plan 2016-2022.

Furthermore, regarding the potential for the proposed development to adversely impact this sensitive location, the Planning Authority considers that the height and scale of the proposed

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development would be contrary to the proper planning and sustainable development of the area, in particular due to the proximity to a Protected Structure and an area of outstanding character and amenity. The Application is therefore recommended for refusal.

Recommendation

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

SCHEDULE

REASON(S)

1. Having regard to the surrounding context of the site of the proposed structures, on lands that are zoned High Amenity and comprising a Protected Structure (Ref: 036 Former Tram Depot and Power Station), the proposed development of a 21m high monopole telecommunications structure carrying antenna and dishes and associated ground equipment cabinets enclosed within an extended 2.4 metre high palisade fence compound would be highly visible within the site due to the proposed height, scale and bulk of the telecommunications structure will adversely impact on the adjoining Protected Structure and the visual amenity of the area. As such, the proposed development would be contrary to County Development Plan Policy including zoning objective HA-LV 'To protect and enhance the outstanding character and amenity of the Liffey Valley', Objective IE4-3, which seeks 'high quality design' and 'the protection of sensitive landscapes and visual amenity', HCL3 Objective 1 and Objective IE4-4, which 'discourage[s] a proliferation of telecommunications masts' and promotes and facilitates 'the sharing of facilities', and would therefore be contrary to the proper planning and sustainable development of the area.
2. Insufficient information has been submitted with the application:
 - (i) A Design Statement prepared by a suitably qualified individual that provides a detailed assessment of how the proposal responds to the setting, character and appearance of the Protected Structure.
 - (ii) The rationale for the proposed intensification of the telecommunications infrastructure, specifically the increased height and diameter has not been sufficiently justified by the Applicant.
 - (iii) An Architectural Impact Assessment assessing the overall impacts of the proposed development within the curtilage of the Protected Structure and in particular assessing how the proposed 21m monopole structure will sit within the sensitive context of the site which includes a Protected Structure and the surrounding area of high amenity and character.
 - (iv) Insufficient information has been provided to demonstrate how the proposed development is necessary considering the quantum of similar structures in the area. Furthermore, the Planning Application has not sufficiently demonstrated what

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consideration, if any, was given to potential co-location agreements with operators of similar structures in the area.

In the absence of sufficient information, the Planning Authority considers that the Applicant has not substantially demonstrated that the proposed development will not adversely impact this sensitive location. The proposed development would therefore be contrary to the proper planning and development of the area.

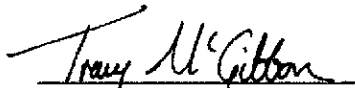
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REG. REF. SD21A/0331

LOCATION: Sureweld International Ltd, Fonthill, Lucan, Co. Dublin

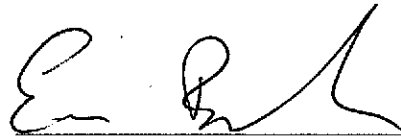


**Tracy McGibbon,
A/Senior Executive Planner**

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

Date:

10/2/22



Eoin Burke, Senior Planner