

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
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Ella O'Brien,
Indigo
Raheen Business Park
Limerick

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	0172	Date of Decision	10-Feb-2022
Register Reference	SD21A/0331	Date	08-Dec-2021

Applicant: OnTower Ireland Limited

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

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

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 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.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD21A/0331

Signed on behalf of the South Dublin County Council.

Yours faithfully,

 11-Feb-2022
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100