

Comhairle Chontae Atha Cliath Theas

PR/0271/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0355 **Application Date:** 22-Dec-2021
Submission Type: New Application **Registration Date:** 22-Dec-2021

Correspondence Name and Address: Charter House Infrastructure Consultants Unit 2,
Listowel Business Development Centre, Clieveragh
Industrial Estate, Listowel, Co. Kerry

Proposed Development: 12m guyed telecommunications pole, together with
antennas, dishes and associated telecommunications
equipment.

Location: Bailey House, Fonthill Industrial Park, Clondalkin,
Dublin 22.

Applicant Name: OnTower Ireland

Application Type: Retention

(CM)

Description of Site and Surroundings

Site Area: Stated as 0.087 Ha.

Site Visit: 14/2/22

Site Description

The site is located at 'Bailey House' within Fonthill Industrial Park, south east of Lucan Village and south of the N4. The existing unit 'Bailey House', to which the guyed pole is attached, is located within a large 'U' shaped building. There are established residential areas to the south and west of the site. The western boundary of the site is marked with tree planting on a raised mound.

Proposal

Retention Permission for 12m guyed telecommunications pole, together with antennas, dishes and associated telecommunications equipment.

Zoning

The site is subject to zoning objective 'EE' – 'To provide for enterprise and employment related uses'.

Screening for Strategic Environmental Assessment

Indicates no overlap with the relevant environmental layers.

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Consultations

Environmental Services Department	No objection.
Irish Water	No objection.
Public Realm	No objection.
Broadband Officer	No report received.

Submissions/Observations/Representations

None.

Relevant Planning History

Subject Site

SD05A/0009 (ABP Ref. PL06S.212392) – Permission **granted** by An Bord Pleanála, overturning a decision by SDCC to refuse permission, for erection of a 12m guyed pole carrying 3 no. 1.7 metre antennae, 1 no. 0.3 metre radio link dish, associated equipment and cabinets for a new 3G broadband network. Permission granted for a temporary period of 5 years.

SD08A/0165 – Permission **granted** by SDCC for new estate branding sign to the main entrance but **refused** for a free standing totem signage structure (approx 12.3m high) at the main estate entrance, and 3 free standing signage poles to include estate logo sign to the eastern boundary.

SD10A/0350 – Permission **granted** by SDCC for retention of 12 metre guyed pole with 3 no. 1.7m antenna, 0.3m radio link and associated equipment which forms part of their 3G broadband network as previously granted under An Bord Pleanála planning reference number PL06S.212392 / SDCC Ref. SD05A/0009. Permission granted for a temporary period of 5 years.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Chapter 4: Economic Development and Tourism

Policy ET1 Overarching

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.

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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.

IE4 Objective 6:

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

Section 11.6.2: Information and Communications Technology

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

Compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (as may be amended), and to other publications and material as may be relevant in the circumstances,

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

Degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc.) and the potential for mitigating visual impacts including low and

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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.

Section 11.8.1: Environmental Impact Assessment

Section 11.8.2: Appropriate Assessment

Relevant Government Guidelines

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

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

Revises elements of the Telecommunications Guidelines 1996 including:

2.2 Temporary Permissions

'Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life'.

2.3 The Development Plan and Separation Distances

2.4 Bonds for Removal of Redundant Structures

'in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense'.

2.5 Register or Database

'It is recommended that a register of approved telecommunications structures supported by relevant databases be created and maintained by each planning authority in cooperation with operators'.

2.6 Health and Safety Aspects

'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.

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

Section 1 states that in order to avoid unnecessary proliferation of masts, owners would be expected to facilitate co-location of antennae with other operators and planning authorities should encourage co-location of antennae on existing support structures and masts.

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Section 2.3.1 Antennae sets out guidelines for antennae and states that such structures can be mounted on buildings in urban areas but generally require supporting masts or towers in rural and suburban areas due to the low rise nature of buildings in these areas.

Section 2.4 recognises that in some instances it may be technically possible for operators to share facilities or owners of antennae support structures

Section 4.3 Visual Impact, States that in the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrial zoned land. It is noted that substations operated by the ESB may be suitable for the location of antennae support structures.

Section 4.5 Sharing Facilities & Clustering All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Support structures used by emergency or other essential services are not suitable for sharing with public mobile telephone services.

Section 4.6 Health & Safety Aspects

Section 4.7 Obsolete Structures

Section 4.8 Duration of Permission

Assessment

The main issues for assessment are

- Zoning and Council Policy;
- Planning History and procedure
- Suitability of the site and visual impact
- Public Realm
- Access, Transport and Parking
- Water
- Environmental Health
- Appropriate Assessment;
- Environmental Impact Assessment.

Zoning and Council Policy

The site is located in an area which is zoned 'EE' – 'To provide for enterprise and employment related uses' under the South Dublin County Development Plan 2016-2022. 'Public services' are permitted in principle on such lands and subject to the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022.

Telecommunications Infrastructure

The County Development Plan contains detailed policies in relation to communications and broadly supports the strategic development of the network. In particular, the development plan

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states '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'. The impact of the proposed development on the visual and residential amenities are assessed later in this report.

Planning History and Procedure

The mast was permitted in 2005 for a 5-year period and then again in 2010. The Planning Authority sought to refuse the mast in 2005 on the grounds of visual impact, and did refuse an application for permanent permission in 2008 on those same grounds.

The Planning Authority granted permission for a 5-year period in 2010 (SD10A/0350). In the intervening period, Planning Circular PL07/12 has encouraged Planning Authorities to avoid giving temporary permissions to such structures except on the basis of exceptional circumstances. The structure appears to have been unauthorised since 2015, but, it is considered that there are no exceptional circumstances relating to the present application for its continued retention. The applicant has sought a permanent permission and once assessed, it is considered proper that if the development is granted permission, it should be a permanent permission.

Suitability of the Site and Visual Impact

The proposed mast would be 12m in height and located on the roof of the warehouse building, reaching an overall height of 20m above ground. It is a guyed monopole structure.

The site is in a retail park which the applicant describes as containing 'robust' 'warehouses'. This description is accurate. The mast is surrounded on three sides by the immediately adjoining building which is arranged in a 3-sided 'U' shape around a square car park / deliveries area.

The 1996 guidelines, 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' – Department of Environment & Local Government, sets out in section 4.3 Visual Impact states that in the vicinity of larger towns and in city suburbs operators should endeavour to locate in 'industrial estates or in industrial zoned land'. The subject site is considered to fall into this category of site.

The nearest sensitive receptors are residential developments to the west and north west. The site is well screened from the south, and the building screens the mast from the south.

Policy IE4 is broadly supportive of such developments. Section 11.6.2 of the County Development Plan states that applicants are required to show the following:

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

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The application complies.

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).

Services are shared at the site (there is another mast nearby). Furthermore, this is considered to be an appropriate site for the location of such services. The applicant has not provided the map sought but it is considered that a decision to grant permission can be made without this given the other factors, as described.

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.

The visual impact on the landscape and the adjoining receptors (residential development) is considered to be low owing to the slender nature of the mast and its position within a retail / light industrial centre. It is screened to the west by boundary planting.

The significance of the proposed development as part of the telecommunications network.

The applicant notes that a major network currently uses the mast and coverage would be compromised if it is not retained.

Public Realm

The Public Realm Department has confirmed that it has no comments or objection to make on the development. This is noted.

Access, Transport and Parking

The Roads Department has stated no objection. This is noted.

Water

The Environmental Services Department has confirmed that it has no comments or objection to make on the development. This is noted.

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Environmental Health

The HSE Environmental Health Officer has stated that the proposed development is acceptable subject to conditions relating to noise levels. This is noted.

Screening for Environmental Impact Assessment

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

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Other Considerations

Bonds & Contributions

The proposal is for retention of a mast structure. No contributions are applicable as per the SDCC S.48 Development Contributions Scheme 2021 – 2025.

SEA Monitoring

Building Use Type Proposed – Commercial

Floor Area (sq. m.) – Nil

Land Type – Urban Consolidation/Brownfield

Site Area (Ha.) – 0.087

Conclusion

Having regard to the suitability of the site and county policy relating to provision of telecommunications services, it is considered that the proposed development would accord with the relevant policies of the South Dublin County Development Plan 2016 – 2022, including the 'EE' land-use zoning objective, and would be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

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FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be retained fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Noise.
 - (a) 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.
 - (b) Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of noise level.REASON: To comply with the requirements of the HSE Environmental Health Officer.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

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REG. REF. SD21A/0355

LOCATION: Bailey House, Fonthill Industrial Park, Clondalkin, Dublin 22.

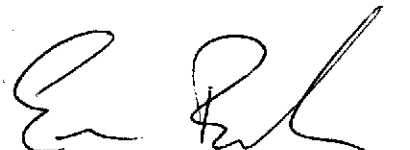


Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: _____

24/2/22



Eoin Burke, Senior Planner