

# Comhairle Chontae Atha Cliath Theas

**PR/0288/22**

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

**Reg. Reference:** S25421/22                      **Application Date:** 26-Oct-2021  
**Submission Type:** S254 Licence              **Registration Date:** 26-Oct-2021  
Application

**Correspondence Name and Address:** Emma Breen, Charterhouse Infrastructure Consultants  
Unit 2, Listowel Business Development Centre,  
Clieveragh Industrial Estate, Listowel, Co. Kerry

**Proposed Development:** 15 metre high telecommunications street-works  
structure.

**Location:** Scholarstown Road, Scholarstown, Co. Dublin

**Applicant Name:** Vantage Towers Ltd.

**Application Type:** S254 Licence

(CM)

### **Site Description:**

The site is located close to the Orlagh roundabout, on a green margin. There is residential development to the south but not directly overlooking the site.

### **Licence Application Proposal**

Licence is sought for a 15 metre high telecommunications street works structure.

### **Consultations**

Broadband Officer	No report received.
EHO	No report received.
Roads	No objection, subject to conditions.
Public Realm	Requests Additional Information.
Irish Water	No report received.
Water Services	No objection.

### **Legislation**

The license application has been made under Section 254 of the Planning and Development Act, 2000 as amended. Section 254(5) of the Planning and Development Act as amended outlines the criteria to which the Planning Authority shall have regard:

- (a) the proper planning and sustainable development of the area,
- (a) any relevant provisions of the development plan, or a local area plan,

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(c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and

(d) the convenience and safety of road users including pedestrians.

### **Relevant National Policy**

**Circular PL 07/12** - Telecommunications Antennae & Support Structure Guidelines (March 2021)

**Circular PL 11/2020** – Telecommunications Services – Planning Exemptions and Section 254 Licences

### **Relevant Policy in South Dublin County Council Development Plan 2016-2022**

7.4.0 Information and Communications Technology

*Policy IE4 Information and Communications Technology (ICT)*

*It is the policy of the Council to promote and facilitate the sustainable development of a high quality ICT network throughout the County in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.*

**IE4 Objective 1:**

*To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County.*

**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.*

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### *IE4 Objective 5:*

*To actively discourage the proliferation of above ground utility boxes throughout the County and to promote soft planting around existing ones and any new ones that cannot be installed below the surface to mitigate the impact on the area.*

### *IE4 Objective 6:*

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

### *Section 11.6.2 Information and Communications Technology*

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

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

### **Assessment**

The main issues for consideration are:

- Zoning and council policy
- Siting of the Proposed Overground Electronic Communications Infrastructure
- Visual Impact and Residential Amenity and Consideration of Alternative Sites
- Roads
- Public realm
- drainage

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### Zoning and Council Policy

The proposal is for a 15m free-standing street pole as described above, with associated cabinet. The proposed location is in a grass verge on Templeroan Road, between the footpath and the carriageway. The street has been taken in charge by South Dublin County Council and the site is unzoned. Adjoining lands are zoned 'OS' – "to preserve or provide for open space and recreational amenities".

Council policy is generally supportive of sustainable development of ICT infrastructure in the County subject to protecting the amenities of urban and rural areas. Section 11.6.2 of the County Development Plan sets out requirements that applicants shall demonstrate in the consideration of such proposals.

The applicant has provided a cover letter, drawings and photographs of the site. The letter includes:

- A rationale as to why this particular site has been chosen.
- A map of existing sites in the general area and a list of nearby sites, and a review of potential sites within the applicant's search area.
- Examples of similar models of mast in use.

### Siting of the Proposed Overground Electronic Communications Infrastructure

The licensing provisions are set out in Section 254 of the Planning and Development Act 2000, as amended. This requires persons seeking to erect overground telecommunications infrastructure to obtain a licence from a planning authority where it is intended to erect such infrastructure on, under, over or along a public road. Section 2 of the Act states that "public road" has the same meaning as in the Roads Act, 1993. Section 2 of the Roads Act 1993 states:

*"public road" means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.*

Section 2 of the Roads Act states:

*"road" includes - (a) any street, lane, footpath, square, court, alley or passage, (b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway, (c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and (d) any other structure or thing forming part of the road and—*

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- (i) necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or*  
*(ii) prescribed by the Minister.*

The Planning Authority considers that the location is within a 'margin' as per the above description and is therefore within the definition of a public road.

### Visual Impact, Residential Amenity and Consideration of Alternative Sites

Residential properties are located to the north of the site.

The applicant has not provided all of the information sought in section 11.6.2 of the South Dublin County Development Plan 2016 - 2022. This would include a visual impact assessment and a coverage map showing the gap in coverage and improvement to be made as part of this development. This should be the subject of a request for **additional information**.

### Street Appliances, Apparatuses or Structures

There is a lighting column (also based on the grass margin) to the west. It would be preferable if the lighting and telecommunications functions could be co-located on a single structure. However, the proposed structure is not considered to represent overproliferation by and of itself.

### Roads

The Roads Department has stated no objection, subject to conditions relating to a Construction Traffic Management Plan and the provision of plans relating to underground services. The Roads Department raises the issue of access and maintenance, and seeks through the Construction Traffic Management Plan to establish access for the mast. **Additional information** should be sought on the issue of underground services and the provision of access.

### Public Realm

The Public Realm Department has recommended that information is required. Their report words this as a recommendation for conditions, however, the information sought is considered to be a reasonable basis for a **request for additional information**, rather than conditions to a licence. The report reads:

“The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following information be requested:

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### 1. Revised Location

The applicant shall locate the proposed 15-metre-high telecommunications street works structure so that it borders the adjoining footpath in order to facilitate grass maintenance within the wider green area. **CONDITION**

**REASON:** To satisfactorily protect the character and appearance of the area in accordance with policies IE4 Objective 4 (To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities) as per relevant policies within the CDP 2016-2022.

If the development were to go ahead in the original location, the applicant would need to provide details as to the potential impacts the proposed structure will have on the neighbouring trees in the green area. It is therefore recommended that the applicant undertake an arboricultural impact assessment in order to establish what impacts if any this proposed 15 metre high telecommunications street works structure will have on the adjacent existing trees.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:

### 2. Arboricultural Impact Assessment Report

The applicant is requested to submit an Arboricultural Impact Assessment Report for the existing trees located in the green area adjacent to this proposed 15 metre high telecommunications street works structure. The purpose of the assessment is to provide an analysis of the impact of the proposed development on the existing trees.

**REASON:** In the interests of visual amenity and of protecting existing trees in accordance with policies G2 Objective 9 and G6 Objective 1 of CDP 2016-2022"

It is considered that the applicant should provide for the relocation of the development – noting however that the cabinet doors should not interfere with the public footpath. The applicant should also provide an Arboricultural Impact Assessment. This can be done through **additional information**.

### **Drainage**

The proposed development is not in the vicinity of any water services and the Water Services report states no objection.

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### **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.

### **Conclusion**

Pending the submission of additional information, the application as presented does not provide a satisfactory basis for approval of a licence under S.254. The applicant should be requested to provide additional information to allow the council to make an informed decision.

### **Recommendation**

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The applicant is requested to submit a Construction Traffic Management Plan.
  - (a) The Construction Traffic Management Plan shall include details on the maintenance routine during the initial and operational phase of the infrastructure, in essence, the roads department would like to see proposed parking/set down location for maintenance crews.
  - (b) No vehicle shall be allowed to park, intrude or obstruct public footpaths/cycle line during the construction and operational stage unless agreed through the construction and traffic management plan.
2. The applicant is requested to submit a plan showing the location of undergrounds services, if any are present at the proposed development. The applicant is requested to also set out any impact the proposal would have on such services. In particular, the applicant should show in section drawings or otherwise as appropriate, the distance of the proposal from such services.
3. The applicant is requested to submit a report addressing Section 11.6.2 of the Development Plan. In addition to what has already been provided, this should include, but is not exhaustive:
  - (i) A coverage map with existing and proposed coverage.
  - (ii) A Comreg map of existing sites in the general area and a list of established sites within a 2km radius.

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(iii) A Visual Impact Assessment.

4. The applicant is requested locate the proposed 15-metre-high telecommunications street works structure so that it borders the adjoining footpath in order to facilitate grass maintenance within the wider green area.
5. The applicant is requested to submit an Arboricultural Impact Assessment Report for the existing trees located in the green area adjacent to this proposed 15 metre high telecommunications street works structure. The purpose of the assessment is to provide an analysis of the impact of the proposed development on the existing trees.



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**REG. REF. S25421/22**

**LOCATION: Scholarstown Road, Scholarstown, Co. Dublin**

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

**ORDER:** I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

**Date:** 7/3/22

  
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**Eoin Burke, Senior Planner**