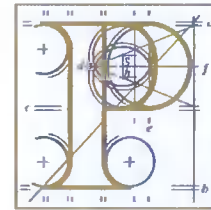


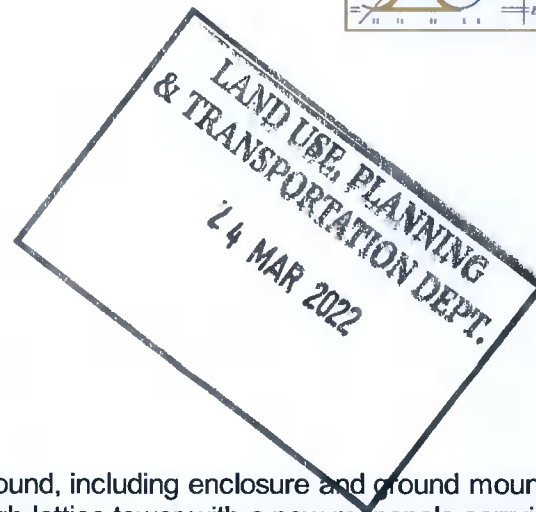
Our Case Number: ABP-313055-22

Planning Authority Reference Number: SD21A/0353



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 23 March 2022

Re: Retention of telecommunications compound, including enclosure and ground mounted equipment, permission for replacement of a 25m high lattice tower with a new monopole carrying antennae, dishes and associated equipment, ground works, foundation (overall height of 20m excluding lighting finial)
ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22.

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Teil	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) Certified Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a

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permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313055-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Liam Halpin
Direct Line: 01-8737280

BP07

Teil	Tel	(01) 858 8100
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D01 V902	D01 V902

The Secretary,
An Bord Pleanála
64 Marlborough Street
Dublin 1

South Dublin County Council
PA Ref: SD21A/0353

AN BORD PLEANÁLA	
LDG-	<u>050374-22</u>
ABP-	_____
16 MAR 2022	
Fee: €	<u>4,500</u> Type: <u>Cheque</u>
Time:	<u>1525</u> By: <u>Henel</u>

16th March 2022

Re: Decision of South Dublin County Council to refuse retention permission for the existing telecommunications compound, including enclosure and ground mounted equipment; and refuse 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) at ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22.

Dear Secretary,

We write in connection with the above mentioned refusal of permission by South Dublin County Council and to submit a First Party Appeal against the Council's decision. A cheque to the value of €4,500 is enclosed, being the fee payable for this appeal.

Background

The existing development was originally granted planning permission 26 years ago (LPA Ref. S95A/0521 and ABP Ref. PL 06S.098071) and has since formed a vital part of the telecommunications infrastructure of Clondalkin as well as that of the wider area. ESB Telecoms provides carrier neutral communications infrastructure, and this structure carries the communication equipment of two of the 3 Irish network providers, namely Vodafone and Eir – comprising 60% of mobile users in the area.

From the outset ESB Telecoms fully acknowledges that the compound and current structure on site does not have the benefit of Planning Permission. The subsequent history of the site, one of temporary/time-limited permissions granted by the South Dublin County Council and An Board Pleanála, and refusals has been well documented. This history is fully acknowledged. It is intended that this Appeal will solely address the reason for refusal, in doing so, for the sake of brevity and to avoid unnecessary repetition, it is a given that issues previously raised in the Planning Supporting Statement that accompanied and formed part of the planning application should be taken as read. Issues will only be expanded upon to show how the proposed development accords with the planning policy, including the South Dublin County Council Development Plan 2016-2022 and policies contained therein; and demonstrate how the proposal is in accordance with the proper planning and sustainable development of the area.

The following three attachments are provided herewith, as reference is made to the documentation within this appeal letter:

Attachment 1: A copy of the Notification of Decision from South Dublin County Council (Decision Order No.0244, dated 23-Feb-2022 to Refuse Permission with Copy of the Record of Executive Business and Chief Executive's Order (ref. PR/0244/22).

Attachment 2: A Copy of the Planning Application Made to South Dublin County Council (SD21A/0353, Date of Receipt 21-Dec-2022) and Accompanying Drawings and Supporting Documentation.

Attachment 3: Map Showing Location of Alternative Sites Considered.

Planning Application SD21A/0353

The current application, subject of this appeal, has been submitted in a genuine attempt to regularise the planning status of the site as a telecommunications compound and provide a more appropriate monopole structure than the existing lattice. This, if approved, would enable the continued provision of vital telecommunications services in this part of Clondalkin in the absence of any suitable alternative site being identified.

Reason for Refusal

The proposed retention of the telecommunications compound and proposed permission for a replacement structure was refused for the following reason:

1. The Planning Authority considers that the proposed retention of the existing telecommunications compound, including enclosure and ground-mounted equipment and the proposed construction of a 20 meter tall 'monopole' and associated equipment, by reason of its overall design and siting on a central and highly visible site within Clondalkin Town Centre, would give rise unacceptable visual impacts upon the surrounding area. Furthermore, the development, if permitted, would have the potential to preclude the sustainable development of a centrally located site within a primary urban centre as identified within the South Dublin County Council Development Plan 2016 – 2022. The development would therefore be contrary to Policy UC1 and UC2 Objective 2 contained within the South Dublin County Council Development Plan 2016 – 2022 and the proper planning and sustainable development of the area.

Basis of the Appeal

The key aspects identified by the Planning Authority (Chief Executive Order/Planning Officers Report PR/0244/22 Pg. 10 refers) raised for the current development are: visual impact, appropriate use of land in a town centre, and overcoming reasons for refusal and overcoming reasons for refusal of previous applications. It is these that form the basis for the Reason for Refusal and will be used as the basis for this appeal. However, before doing so, ESB Telecoms consider it is essential to emphasise how the coverage provided by the existing infrastructure affords vital mobile and broadband services to residents, businesses and visitors to the area through an appreciation of network architecture and lack of alternative sites.

Network Architecture

In order to understand the need for the communications structure it is important to understand the network architecture of the mobile operators. The following information is a brief overview of how the mobile communication network operates.

Mobile communication services are provided with data being sent and received by antennae at a base station, the coverage that each base station can provide is referred to as the cell.

Each cell will provide coverage to a specific geographic area, with the base station being in the centre of the cell. Tall buildings, trees and land topography will impact the coverage provided by the cell. The communication coverage that is received on an individual level (the mobile phone) is dependent on a base station being in close proximity, with a clear line of site.

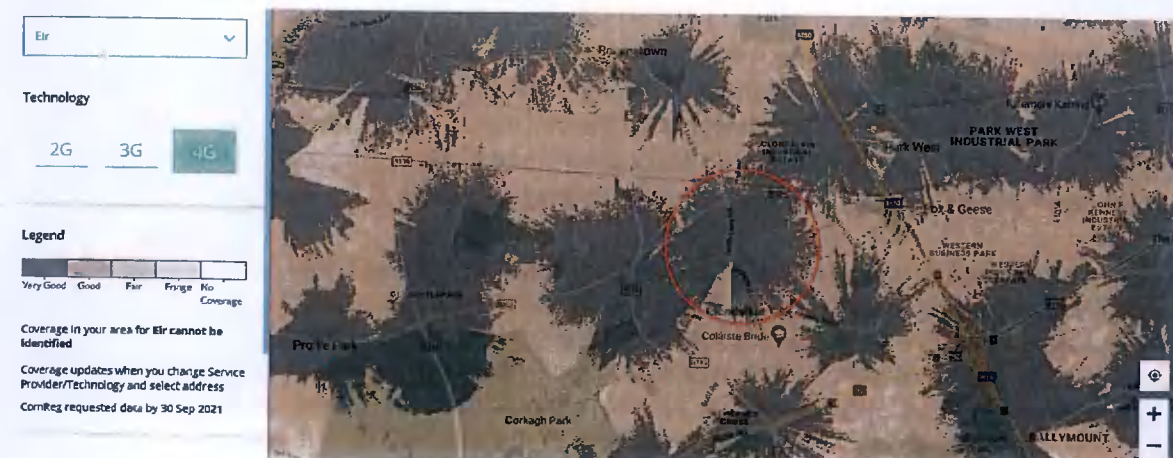
Each base station is capable of transferring a specific amount of data at any one time. The result of this is that as the number of people seeking coverage within a geographic area increases, the size of the coverage cell provided by the base station decreases. In the same way, as the community expects better services in terms of mobile data (in order to access the internet and app services) the coverage cell will again be reduced.

It is for these reasons that communication structures are required within close proximity to communities, retail areas and commercial areas, as this is where people congregate and expect and require robust communication services. In many instances the siting of a communication infrastructure away from population masses will limit the services that mobile operators can provide, decreasing the availability of both mobile voice and mobile data services.

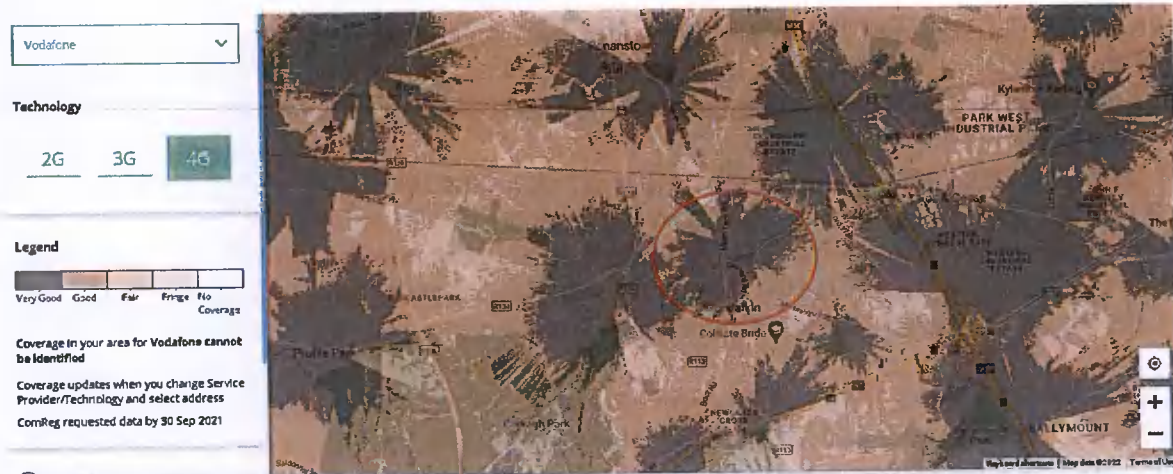
The ComReg Site Viewer found at siteviewer@comreg.ie provides an interactive map of the nearby base stations. The base station locations used by Eir and Vodafone in Clondalkin and the wider area can be summarised as follows:

Site Location	Comreg Site No.	Eir	Vodafone
ESB Clondalkin 38kV	1242	✓	✓
Eir site, Cherrywood Villas	3328	✓	✓
Bawnogue Road	3890	✓	
Newlands Cross	1286	✓	✓
Round Tower GAA	3339	✓	✓
Clondalkin Ind. Est.	1237	✓	✓
Garda Mast	DU0957	At Capacity Already	

The specific area availing of a high standard of coverage from the appeal site can be seen clearly via Comreg's Coverage Viewer. A complete removal of the appeal site from the telecoms network will lead to a drop in coverage across the Clondalkin village area.



Map 1: Eir's area of 'Very Good' coverage currently delivered from the appeal site outlined in red.



Map 2: Vodafone's area of 'Very Good' coverage currently delivered from the appeal site outlined in red.

Having regard to the existing base station locations, as set out on the ComReg Site Viewer website (as of 14th March 2022), it can be seen from the table above that the two current ESBT customers located on the appeal site are also already located on almost all of the nearby telecom locations. The removal of the appeal site altogether from the operator's network would leave a significant gap in their networks and leave the northern end of Clondalkin village with significantly reduced coverage for residential and business customers. Attention in this regard is also made to the Technical Justification that was included as Appendix 3 of the Planning Statement submitted as part of the Planning Application SD21A/0353 (see Attachment No. 2). The vital importance of the site to both Eir and Vodafone is clearly demonstrated from the coverage maps above and Appendix 3 of the Planning Statement.

Lack of Alternative Sites

ESB Telecoms acknowledge that both the Council and Board have previously indicated that an alternative site should be found. It is acknowledged the Board have also previously suggested that sufficient time had been given to find an alternative site(s). Unfortunately, this has proven not to be the case. The nature of the area, the requirements of operators, the potential for future development of lands in the vicinity of the subject site and interests of individual landowners has continued to make the finding of an appropriate alternative site elusive.

In 2017 ESB Telecoms carried out an extensive search for an alternative sites in the area. Over the course of several months, eight landowners within the area were approached to establish their interest in facilitating a telecommunications development on their land. The Map attached as Attachment 3 gives a more detailed location of sites that were investigated by ESB Telecoms. It should be noted that due to transmission requirements any alternative site would be required in close proximity to the current sites, and all of the alternatives remain within the land zoned by South Dublin County Council for Town Centre use.

Of the 8 sites investigated only The Mill Shopping Centre was both available and capable of providing the coverage requirements required by the operators. ESB Telecoms carried out further investigation into this site and arranged a pre-planning meeting with South Dublin County Council. ESB Telecoms were advised at this meeting that the site was not suitable for telecommunication development and a proposal would not be supported by South Dublin County Council. Accordingly, ESB Telecoms have not pursued this option.

Since 2017, in the intervening period no other sites have been identified, including rooftop locations. Given the transmission requirements of the operators and in recent years the degree of development has taken place in the area and land consolidation this is perhaps not surprising as developers are unwilling to sterilise part of their sites to facilitate telecommunications infrastructure.

As noted earlier and demonstrated with reference to the ComReg Site Viewer website, there are few communication structures in the area. This in part can be attributed to the fact that ESB Telecoms offer the existing communication structure at the ESB Clondalkin 38kV substation as a point of co-location.

Design Alternatives

In the absence of suitable alternative sites ESB Telecoms have investigated alternative design solutions, as outlined in the Planning Statement. included as Appendix 4 of the Planning Statement submitted as part of the Planning Application SD21A/0353 (see Attachment No. 2). The replacement 20m high monopole design is considered the most appropriate solution.

When the Council are considering development proposals, particularly at pre-planning stage for larger development, including Strategic Housing Developments or the preparation of a Local Area Plan ESB Telecoms would welcome and be willing to participate in discussions to secure an appropriate site, particularly if such development proposals also included the relocation of the ESB Substation.

Planning Guidelines

The *Telecommunication Antennae and Support Structures – Guidelines for Planning Authorities July 1996*, updated by *Ministerial Circular PL07/12* is the most up to date national guidance on telecommunication development. These guidelines direct telecommunication operators to look first at industrial areas to develop base stations. In this instance it can be seen that due to transmission requirements it is not possible to locate the development in an industrially zoned area.

The guidelines go on to indicate that when telecommunication developments are required in urban areas, sites that contain an existing utility development should be considered. The existing telecommunication structure is located within an ESB substation and is, therefore, in compliance with the National Guidelines in this respect. There are no plans to move this substation and it is unlikely that the use of this land for utilities purposes will change.

The planning guidelines indicate that communication structures should be designed for specific locations and kept to the minimum height required for effective operation. The proposed monopole, at 20m but would be capable of accommodating 2 operators and reduce the need for additional communication structures in the Clondalkin Area where alternative sites cannot be found. It can be seen from the attached plan taken from the ComReg website that there is one other mast in the vicinity of the subject site, Clondalkin Garda Station. This mast is at structural capacity and would not be able to cater for the two operators which are present on ESB Telecoms communication structure.

The guidelines promote the concept of operators sharing communication structures, ESB Telecoms as a carrier neutral, service provider to the telecommunication industry offers its portfolio of structure to our customers. This is in line with the provisions of the 1996 Guidelines.

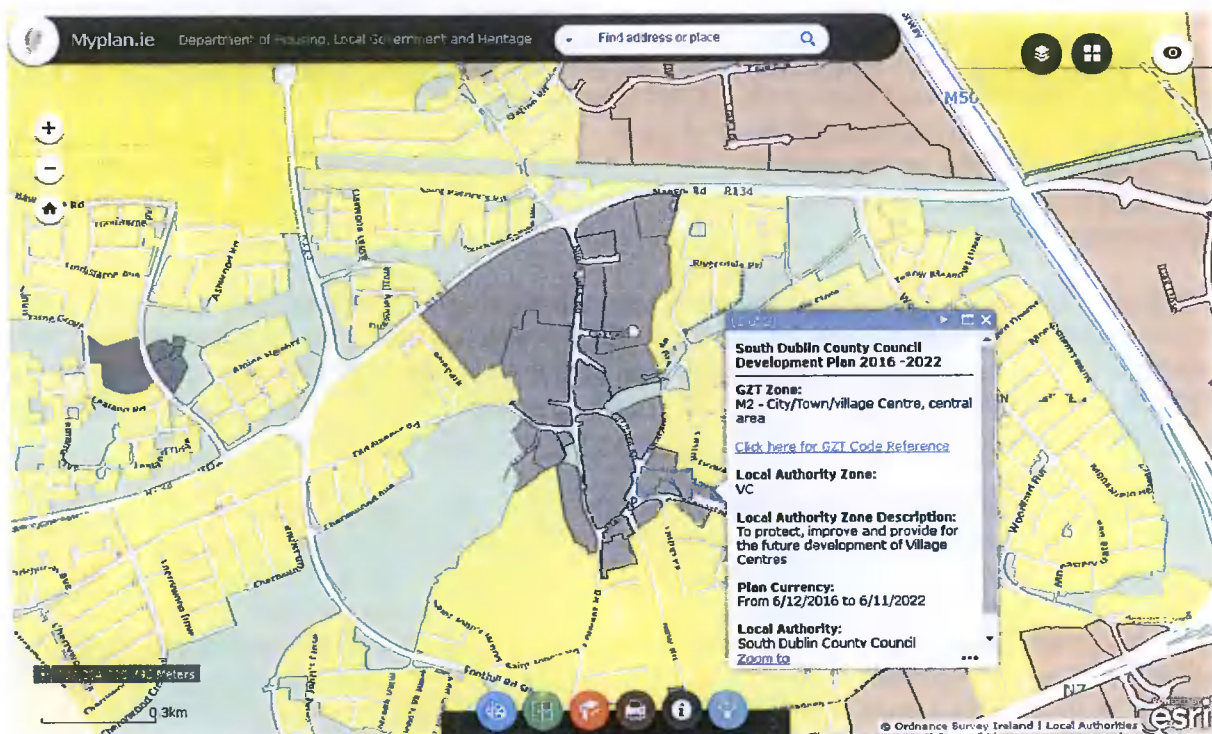
ESB Telecoms feels the existing communication development complies with the 1996 Planning Guidelines for the following reasons:

- A search has been carried out for an alternative location for the development. No suitable alternative has been identified.
- The existing communication development is located on land which is used for utilities. The land use is unlikely to change in the foreseeable future.
- The communication structure has been designed so it can be shared by two operators, reducing the need for alternative sites in the vicinity.

Site Characterisation / Utilities Site

The area of the telecommunication development has seen significant change over the 26 years that it has been in place. Many of the industrial features have been replaced with retail and, to a lesser extent residential functions. The land surrounding the telecommunication is an ESB substation and there are no plans for the substation to be retired in the medium term. As such the proposed monopole would be located upon land which is and will continue to be used for utilities purposes.

It is noted in South Dublin County Council's planning report for this application that the proposed development would be better suited relocating to an industrial area. In the brief explanation of the telecommunication network architecture above it is clear that it is not technically possible to locate communication equipment away from people that seek services. The sites that were identified as possible alternative sites are all located within land zoned for Town Centre use. The sites at the northern fringe of this town centre were found to be too far from the existing site to provide the coverage which is required.



Map 3: Area covered by GZT zoning too large to avoid any base stations located within it.

The above Map should be viewed in conjunction with the existing coverage maps, Maps 1 and 2 above as combined they clearly demonstrate the need for a site within the Town Centre and sites outside this zoning would not achieve appropriate levels of coverage to adequately meet the expectations of customers using the town centre.

Visual Impact

In 1995 the existing lattice tower was considered to be the most appropriate structure, particularly as it had the structural capacity to accommodate three operators at a height of 25m. However, during the intervening period changes in mast design and mobile technologies it is now considered that a simple monopole design would be more appropriate and be better suited to the site from a visual perspective.

The potential visual impact of the proposed development, and the replacement monopole solution has been carefully considered. It is considered that the telecommunications compound and the proposed replacement structure, a 20m high monopole with antennae for 2 operators would be significantly less intrusive in both the street scene and wider urban landscape. The Visual Impact Survey submitted with planning application, referred to in the Planning statement included as Appendix 5 of the Planning Statement submitted as part of the Planning Application SD21A/0353 (see Attachment No. 2), clearly demonstrates this.

In considering Visual Impact Survey the Planner in their Report (Record of Executive Business and Chief Executive's Order PR/0244/22 pg.12 refers) draw attention to the fact that the existing structure on site does not have the benefit of planning permission and therefore its inclusion as part of the baseline assessment and overall justification put forward by the applicant for the proposed 'Monopole' structure is not accepted by the Planning Authority.' ESB Telecoms acknowledge that the existing lattice structure does not have the benefit of planning permission, however, in the context of providing a visual aid it was considered that *'The existing mast is more visible than the proposed lower monopole structure would be, and the existing mast provides a useful reference point to view the site, particularly from a distance'*. Making use of the existing mast that exists in-situ (albeit without the benefit of planning permission) as a reference point to illustrate the reduced height the proposed monopole would have on the surrounding area is not considered to be unreasonable.

The Planner's Report (p.13) refers to Appendix 5 of the Planning Statement where the proposed monopole would look 'incongruous in the urban street scene...' This appears to be an error. Within the main body of the Visual Impact Assessment the individual assessments are made as to the likely impact the monopole would have.

The following extract from the Conclusions of the Visual Impact Statement clearly reads as follows:

'Having considered each of the selected Viewpoints it is considered that while the proposed structure will be visible in the immediate proximity of the site, it would not look incongruous in the urban street scene, within the grounds of the long established electricity substation. Away from the immediate proximity of the site, due to its modest height and set back from the Ninth Lock Road in particular the proposed monopole would not be unduly visible in the middle or wider area. Importantly the proposed monopole would not impinge on views into or from the historic core of Clondalkin Village or views of the Round Towe or its setting, and as such would not be harmful to the visual amenities of the area.'

ESB Telecoms remain firmly of the opinion that visually, the replacement monopole would not be overly dominant in the receiving streetscape, where the existing more visually intrusive lattice tower has over the years become an established structure. It is, therefore, considered

that the provision of the replacement structure would not cause undue harm to the visual amenities of the immediate area and wider locality.

The two operators currently availing of the site are fully aware of the sensitivity of this site and the existing lattice however are willing to relocate on the proposed lower monopole in order to maintain effective coverage to their customers. Until recently there were three mobile operators located on the lattice. However, Three Mobile, was able to find an alternative site, an existing mast at Clondalkin Garda Station. As a result this means that the proposed monopole would only be required to facilitate two operators thus a height of 20m and would not be visually harmful. In the opinion of ESB Telecoms the mast at Clondalkin Garda Station is a far more visually intrusive location than the subject site, due to its proximity to Clondalkin Architectural Conservation Area, the Round Tower and St. John's Church.

Appropriate Land-Use in A Town Centre

The Planning Authority (pg. 15) draw attention to Policies UC1 and UC2 of the current Development Plan and contend that the use of the application site, on a major street in a major town centre as a compound for a telecommunications mast, is considered and contrary to policies and objectives as it would be an inefficient use of the site and would militate against the quality, ambiance, vibrance and vitality of the town centre.

ESB Telecoms acknowledge the overriding aims of these policies and recognise the importance of efficient land use has in achieving in quality of life in town centres. However, sites and developments are required to be assessed on a site by site and case by case basis. In this instance ESB Telecoms do not agree the Planning Authority's contention that the site is an inefficient use of land. In this regard it is important to emphasise that the compound is located within an existing electricity substation. If the telecommunications compound were to be removed the overall land taken of the substation would effectively remain unaltered. In addition, the utilisation of the application site for telecommunications infrastructure arguably would add to the vibrance and vitality of the town centre by ensuring businesses, visitors and residents can avail and benefit from a robust and reliable mobile and data services without unduly detracting from the ambiance of the street scene or wider area.

ESB Telecoms considers that the proposed development , retention and permission, would accord with the provisions of the South Dublin County Development Plan for the following reasons:

- The site is located in an area zoned for Town Centre use; the installation of public services (which include telecommunications infrastructure) is permitted in principle.
- The design of the proposed monopole structure would facilitate co-location of operators, thus reducing the visual impact of telecommunications infrastructure on the wider environment than the existing lattice type structure.
- Town Centre uses, by definition, are places where people gather and connect. High quality communication infrastructure is vital for the continued development and improvement of the area.
- Notwithstanding the policies and objectives UC1 and UC2, the wider ESB Substation site is currently operating as a substation and will remain in use as a fully functioning substation well into the future as there are no plans ESB Networks are aware of to relocate this utility site.

Overcoming Reasons for Refusal and Overcoming Reasons for Refusal of Previous Applications

For reasons outlined above ESB Telecoms consider that the proposed development as submitted would address the matters raised in the Reason for Refusal.

It is noted that the Planning Authority contend that as a planning matter the permanent use of the site for a standalone telecommunications structure has been settled by a decision of the Board in 2014 (PI06S.243666), and the subsequent refusals of planning permission under Reg. Ref. SD18A/0456 and SD17A/0424/ABP-301070-18. However, each application should be determined on its own merits, particularly if materially different to previous proposals.

ESB Telecoms consider that the current proposal is materially different to previous applications. The proposed monopole structure would represent a significant improvement to the existing lattice and would represent an important investment by ESB Telecoms in an area to ensure service provision where no alternative site have been forthcoming. Visually it is considered the proposed monopole would not cause undue harm. Furthermore being set back from the main road and located within an existing substation ESB Telecoms consider the granting of permission would not compromise the future development of the surround lands, and therefore suggests that there is nothing to preclude the Board determining the current application on its merits.

Conclusions

The existing communications structure has been on place for c.26 years. During that time the need for telecommunications infrastructure such as the existing development has grown significantly. It is now seen as an essential element of modern living to have access to high quality effective communication services.

In preparing this planning application of this site, ESB Telecoms again searched for an alternative location that would be able to provide coverage in the area. This search was not able to establish a suitable alternative location. The current Development Plan indicates that communication infrastructure with land zoned for Town centre use is permitted in principle. Since the previous application with one operator coming off the site it is considered that a lower monopole structure could be accommodated within the site that would be significantly less visually intrusive. This less obtrusive structure would still allow for co-location for the existing two operators currently on the existing mast, while meeting their requirements in providing an effective and robust communications service to the residents, businesses and visitors to this part of Clondalkin.

ESB Telecoms acknowledge that the County Council would like to further develop Clondalkin town centre. Such aspirations have been included in previous Development Plans however they do not appear to have materialised into a plan formally adopted by the Council. The inclusion in the forthcoming Development Plan to prepare a Local Area Plan to develop the Town Centre is welcomed, however ESB Telecoms are not aware when work on the LAP will begin or if any monies will be made available to support the development of the Town Centre. In the meantime, existing demand and usage of communications services provided from this base station continues to grow.

The proposed development lies within an existing ESB substation. There are no plans for this substation to be retired as it has a vital role to play in electrical distribution to the area. As such this site is and will remain a utility site for the foreseeable future. It is therefore ESB Telecoms opinion that the telecommunications site and proposed monopole would not preclude the sustainable development of the immediate area or the redevelopment of the Town Centre in a comprehensive manner. If the substation lands were to become available for redevelopment it is reasonable to assume that telecommunications site could be incorporated into any plans in the future. The 1996 Telecommunication Guidelines encourage the siting of telecommunication development on sites that are developed for utilities.

For the reasons set out above, it is respectfully requested that the Board overturn the decision of South Dublin County Council, and grant retention permission and grant planning permission.

In the meantime, should you require any further information or clarification please do not hesitate to contact me: harry.mclauchlan@esb.ie

Yours sincerely,



Harry McLauchlan
Senior Planner

Encs.

Attachment 1

Copy of the Notification of Decision from South Dublin County Council (Decision Order No.0244, dated 23-Feb-2022 to Refuse Permission with Copy of the Record of Executive Business and Chief Executive's Order (ref. PR/0244/22)).



An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

ESB Telecoms Ltd.
Building 2, Swift Square
Northwood Park
Northwood
Dublin 9

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

Decision Order No.	0244	Date of Decision	23-Feb-2022
Register Reference	SD21A/0353	Date	21-Dec-2021

Applicant: ESB Telecoms Ltd.

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.

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 & REFUSE RETENTION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. The Planning Authority considers that the proposed retention of the existing telecommunications compound, including enclosure and ground-mounted equipment and the proposed construction of a 20 meter tall 'monopole' and associated equipment, by reason of its overall design and siting on a central and highly visible site within the Clondalkin Town Centre, would give rise to unacceptable visual impacts upon the surrounding area. Furthermore, the development, if permitted, would have the potential to preclude the sustainable development of a centrally located site within a primary urban centre as identified within the South Dublin County Council Development Plan 2016 – 2022. The development would therefore be contrary Policy UC1 and UC2 Objective 2 contained within the South Dublin County Council Development Plan 2016 – 2022 and the proper planning and sustainable 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/0353

Signed on behalf of the South Dublin County Council.

Yours faithfully,


for Senior Planner

25-Feb-2022

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, 2001 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



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Reg. Reference: SD21A/0353 **Application Date:** 21-Dec-2021
Submission Type: New Application **Registration Date:** 21-Dec-2021
Correspondence Name and Address: ESB Telecoms Ltd. Building 2, Swift Square,
Northwood Park, Northwood, Dublin 9
Proposed 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 Name: ESB Telecoms Ltd.
Application Type: Permission and Retention

(EW)

Description of Site and Surroundings

Site Area: 0.016 Ha.

Site Visit: 08/02/202022

Site Description

The subject site is located at the existing ESB Clondalkin 38kV substation, on the eastern side of Ninth Lock Road, Clondalkin, Co. Dublin and contains an existing 25-metre-high lattice tower structure with associated equipment cabinet and communication building enclosed by palisade fencing. An existing substation building is also located beside the subject lattice tower structure. The Mill Shopping Centre is located west of subject site.

Proposal

- **Retention** permission for the existing telecommunications compound, including enclosure and ground-mounted equipment;

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- 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).

Zoning

The site is subject to zoning objective 'TC' – 'To protect, improve and provide for the future development of Town Centres'. The Ninth Lock Road is indicated on Map 5 of the South Dublin County Development Plan 2016 - 2022 as a route under NTA Greater Dublin Cycle Network Plan.

Consultations

H.S.E. Environmental Health Officer – No objections, subject to conditions.

Roads – No objections subject to standard conditions.

Irish Water – No comments received at time of report.

Surface Water Drainage – No objections and no recommendations.

Screening for Strategic Environmental Assessment: Indicates no overlap with the relevant environmental layers.

Submissions/Observations/Representations

Submissions and representations were submitted from third parties. The main issues raised are summarised below:

- The planning application falls short on a number of areas in relation to the South Dublin County Council development plan, the dangers outlined are of considerable concern for the entire community.
- A number of planning applications have been rejected in recent years. It is important to add that the factors resulting in rejection to remain valid today.
- The subject permission should be rejected and reinstate the recommendations of An Bord Pleanála.

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- This location is very poor aesthetically for Clondalkin Village and the applicant has had ample time to find an alternative location, especially how communication is advancing through 4G and 5G.
- The applicant has no regard for the residents living near to this structure and is acting as an impediment to the development of the Clondalkin Village Area.

The issues raised in the third-party submissions have been considered in assessing this planning application.

Relevant Planning History

Subject Site

SD18A/0456: Permission refused for the retention of existing 25m high free-standing lattice communication structure, carrying antennae and communication dishes with associated ground-mounted equipment cabinets within the existing 2.4 meter high palisade fence and walled compound for a period of 18 months.

Reasons:

1. *The exceptional circumstances that justified a grant of retention permission for a temporary period by An Bord Pleanála in 2014 (SD14A/0113 & PL06S.243666) do not apply, notwithstanding that a new site has not been identified in the four year period that has elapsed. The delay in identifying and transferring to another site does not justify the continued retention of the structure. The Planning Authority finds that there are no exceptional circumstances for the purposes of Circular PL07/12, and pursuant to Ministerial Guidance it would be inappropriate to grant permission for retention for a period of 18 months.*

Having regard to the above, the development would contravene materially a condition attached to an existing permission for development (namely condition 2 of the An Bord Pleanála permission PL06S.243666). Furthermore, the proposed development would be contrary to the Ministerial guidelines issued to planning authorities under section 28 of the Planning and Development Act 2000 (as amended), which relate to 'Telecommunications Antennae and Support Structure Guidelines. Thus, the proposed development would contravene the proper planning and sustainable development of the area.

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SD17A/0424/ABP-301070-18 – Application for retention refused by SDCC and refused by Bord: Retention of the existing 25m high free standing lattice communication structure carrying antennae and communication dishes within an existing 2.4 metre high palisade fence and walled compound. South Dublin County Council refused permission for retention of the structure. The reason given for refusal was the visual impact of the structure. The decision was appealed to An Bord Pleanála, which upheld the Planning Authority's decision to refuse permission. The Board's reason for refusing permission was given as follows:

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 PL07/12 issued in October 2012 by the Minister for the Environment, Community and Local Government,

(c) The South Dublin County Development Plan 2016 – 2022 policies and objectives for the town centre of Clondalkin, and

(d) the height, scale and prominent location of the development in an area that is zoned for Town Centre uses,

(e) The Note to the Board's Direction in relation to its previous decision-ABP06S.243666 [see below]

it is considered that the continued use of the development seriously injures 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.

SD14A/0113/PL06S.243666 – Permission for retention granted by SDCC and granted by Bord for a temporary period of 3 years: Retention of the existing 25m high, free-standing lattice communication structure, carrying antennae and communication dishes within an existing 2.4m high palisade compound; additional antennae and dishes for possible future third party co-location. South Dublin County Council issued a notification of decision to grant temporary permission subject to conditions. The applicant appealed the decision to An Bord Pleanála to seek the omission of conditions 2 and 3. An Bord Pleanála granted temporary permission on 2nd December 2014 **for a period of 3 years.**

Condition no. 2 of the Board decision required the applicant to remove the telecommunications structure at the end of a period of three years, unless another planning permission had otherwise been obtained in the interim period. The applicant has not complied with this condition.

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In giving its reason for the decision, the Board appended the following note:

The Board considered that the retention of this telecommunications structure for an indefinite period would be unacceptable in light of the existing character of development in the vicinity of the site. However, the Board accepted that the removal of the mast would result in serious disruption to mobile telephony coverage in the area. The Board considered that the issue in this regard amounted to exceptional circumstances for the purposes of Circular letter PL 07/12. Accordingly, the Board considered that it would be appropriate to permit the retention of the telecommunications structure for a temporary period only.

SD10A/0097 – Retention permission granted for a five-year period for (a) the existing 25m high, free standing lattice communication structure, carrying antennae and communication dishes with associated ground-mounted equipment cabinets, within and existing 2.3m high palisade compound previously granted time limited consent Ref. SD05A/0023 and (b) permission to attach 8 no. x 1.3m antennae and 7 no. x 0.6m dishes to allow for future third party co-location.

SD05A/0023 – Retention permission granted to retain a 25 metre high, free standing communications mast, carrying antenna and dishes, within a 2.4 metre palisade compound, with pedestrian gate. Previously granted temporary 2 year permission SD02A/0577.

SD02A/0577 – Retention permission granted to retain a 25 metre high free standing communications mast carrying antennae and dishes within a 2.4 metre palisade compound with pedestrian gate at ESB's existing 38kv substation, previously granted temporary 5 year permission S95A/0521. South Dublin County Council issued a notification of decision to grant temporary permission for a 2 year period, on

S95A/0521/PL06S.098071 – Planning permission applied for to erect at its existing 38kV substation a free-standing steel lattice telecommunications mast, carrying mobile phone cellular antennae and microwave dishes - overall height 25 metres over ground - and associated ground-mounted equipment cabinet, security fence with pedestrian gate, to form part of the second planned G.S.M. (mobile phone) network. Permission was refused by South Dublin County Council and granted by An Bord Pleanala on appeal.

Other Notable Applications

SD16A/0164/PL06S.246944 – Retention of the existing 25m high free-standing monopole communication structure carrying antenna and communication dishes at ESB Telecommunications Compound, Nangor Road, Clondalkin, Dublin 22. South Dublin County Council issued a notification of the decision to grant temporary permission, which was

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appealed to An Bord Pleanála. The Planning Authority and the Board judged the situation to be 'exceptional circumstances' which required effective control to be retained by way of the granting of temporary permission.

Relevant Enforcement History

S8822: Unauthorised development as per refused permission. (Case open to date)

S8815: Erection of communications structure without planning permission. (Case open to date)

S1884: ESB IN BREACH OF APPLICATION GSM ANTANNAE. 38KV SUBSTATION.
(Case Closed 01-Jan-1980: Pre – Apas)

Pre-Planning Consultation

PP026/20 - Removal of the existing lattice type telecommunications structure and the construction of a panel shrouded aesthetic 25m high structure. (August 2020)

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Chapter 4: Economic Development and Tourism

Policy ET1 Overarching

Chapter 5: Urban Centres and Retailing

Policy UC1 Urban Centres Overarching

Policy U2 Town Centres

Section 5.2.0 Retailing

Policy R5 Clondalkin Town Centre

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.

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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 mid-level landscape screening, tree-type masts being*

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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'.

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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.

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;
- Background/ Previous Reasons for Refusal;
- Visual Impact;
- Town Centre Amenities;
- Environmental Health Officer;
- Services and Drainage;
- Appropriate Assessment;
- Environmental Impact Assessment;

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Zoning and Council Policy

The site is located in an area which is zoned 'TC' – *'To protect, improve and provide for the future development of Town Centres'* under the South Dublin County Development Plan 2016-2022. Public Services are *'Permitted in Principle'* under the 'TC' zoning objective of the site. The proposed retention would therefore be acceptable, subject to other relevant policies and objectives contained in the County Development Plan.

UC2 Objective 2, which seeks:

To promote Clondalkin Town Centre as a primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants/bars, entertainment and civic uses within and adjoining the Core Retail Area of this centre.

It is also noted that 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 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.

'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' – Department of Environment & Local Government (1996) 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 proposed retention of the existing telecommunications compound, including enclosure and ground-mounted equipment as well as the erection of new 20-metre-high monopole telecommunications support structure with antennas, dishes and associated telecommunications equipment shall be assessed subject to compliance with relevant policies and objectives and its design being in accordance with the relevant provisions in the County Development Plan.

It is considered in this case that the key aspects of assessment for this development are: visual impact, appropriate use of land in a town centre, and overcoming reasons for refusal of previous applications.

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Background/ Previous Reasons for Refusal

At the outset, it is important to note that the Planning Authority has consistently held the view that the application site, within the Clondalkin Town Centre, is unsuitable for the provision of a large, standalone telecommunications infrastructure.

Permission for the structure was refused by the Planning Authority and An Bord Pleanála in 2018 (Refs. SD17A/0424/ABP-301070-18). An Bord Pleanála refused the application on the grounds that the proposed development would be unacceptable in relation to height, scale and the prominent location of the development in the town centre of Clondalkin. Council policy has not changed since the decision of both Planning Authority and An Bord Pleanála to refuse permission previously.

A similar proposal development proposal was refused planning permission on the 25th February 2019 (SD18A/0456).

Suitability of the Subject Site

The applicant has applied for permission of a replacement 20m monopole structure in the same location and has outlined eight alternative sites that were previously investigated as part of the 2017 planning application.

It is noted that the eight sites are:

- The Mill Shopping Centre
- Corner of Nangor Road & Ninth Lock Road
- Service Station
- Mormon Church
- Lidl
- Vacant Reserve Area
- Oakfield Trust Industrial /Retail Units
- Securispeed

The applicant states that: *'no alternative site has been found that would provide an equivalent level of service for the existing 2 operators located at the site to the enable them to provide the same level of service to their existing and future customers.'*

Also noted in the report: *The results of the investigation found none of the sites were found to be viable alternatives, mainly due to a reluctance on the part of either owners or occupiers to engage with ESBT in regard to possible relocation.*

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The applicant describes the strategic nature of the site in the context of the continuing development of telecommunications infrastructure. However, as a planning matter the permanent use of the site for a standalone telecommunications structure has been settled by decision of the Board in 2014 (PL06S.243666), and the subsequent refusals of planning permission under Reg. Ref. SD18A/0456 and SD17A/0424/ABP-301070-18

In the Bords previous decision ABP-301070-18, the Inspector commented as follows:

7.3.2. The applicant submits that 8 options were explored but that only one option was feasible. It is stated that the Council at a pre-planning meeting did not consider the alternative suitable. While the details of the alternatives are not a matter before the Board, I am not satisfied that all alternatives have been fully explored. There are many masts in many towns around the country that are more discreetly located, be it to the rear of buildings or on rooftops.

Notwithstanding that there would be a loss of service in the event of the removal of the structure, it is noted that the provision of broadband services is facilitated throughout the county by way of telecommunications structures; however, this site is not considered by the Planning Authority to be an appropriate site for such a structure and compound (see assessment of 'Town Centre Amenities' below).

Visual Impact

In the supporting document by *ESB* dated *December 2021* the applicant states that the proposed development involves the following:

- The decommissioning and removal of the existing 25-metre-high lattice tower and associated equipment.
- Assessment and preparation of foundations.
- Erection of new monopole (overall height of structure to be 20 metre above ground level, excluding lightning final)
- Installation of antennae, dishes, and associated equipment,

The Applicant submitted a (VIS) visual impact study of 21 viewpoints, with the impact on nearby ACA, the Round Tower with, including the neighbouring St. Johns Church. At the outset it is noted that the VIS provides an assessment of the potential visual impact in comparison to the existing 25-meter structure onsite. To be clear, the existing structure on site does not have the benefit of Planning Permission, and therefore its inclusion as part of the baseline assessment and overall justification put forward by the applicant for the proposed 'Monopole' structure is not accepted by the Planning Authority.

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The applicant states in *Appendix 5* that the proposed new monopole structure would look '*incongruous in the urban street scene, within the grounds of the long-established electricity substation. Away from the immediate proximity of the site due to its modest height and set back from the North Lock Road in particular the proposed monopole would not be unduly visible in the middle or wider area*'.

The Planning Authority considers that the erecting of a 20m lattice tower at this location would remain to have a significantly negative impact on the surrounding area. On the basis of the information submitted, the Planning Authority is not satisfied that the remaining height and obtrusive nature of the proposal will have a positive impact at this Town Centre location and would contravene the zoning UC2 Objective 2, which seeks:

To promote Clondalkin Town Centre as a primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants/bars, entertainment and civic uses within and adjoining the Core Retail Area of this centre.

The Planning Authority considers that the proposed development would have an adverse impact on the visual amenity of the surrounding area and contravene the Development Plan objective 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.* Having regard to the proposed development within a Town centre area under the zoning objective TC' - 'To protect, improve and provide for the future development of Town Centres' it is considered that the proposed development will have a significant negative impact on the visual amenities of the surrounding area.

The Planning Authority and An Bord Pleanála have consistently held that the application site, within a town centre location is not suitable for the provision of tall standalone telecommunications infrastructure. Notwithstanding the reduced height of the telecommunications structure from the existing unauthorised 25m to the proposed 20m monopole structure, it is considered that the monopole tower is still highly visible and the following comments in the Planner's Report for application SD17A/0424 remain valid and applicable:

The mast has been in place on this site for many years. In the intervening period, significant redevelopment of the surrounding Clondalkin Town Centre zoned land has taken place. As was noted in previous planning applications the 25 metre high lattice tower is an unattractive feature along this section of the Ninth Lock Road, which is developing as an urban street and locating the mast long term on this site is unacceptable...

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It remains the opinion of the Planning Authority that granting permission for the permanent location of this large visually unattractive 25 metre high lattice tower structure and communication building on a potential town centre development site would not encourage development of the lands, which is an objective of the County Development Plan. The Planning Authority supports telecommunications infrastructure in appropriate locations within the County. It is considered that the 25 metre high lattice tower structure with its associated equipment would be more visually suited to an industrial area within the County and should not be located on a prime town centre development site; these issues and concerns were detailed in the previous reports and decisions by South Dublin County Council and An Bord Pleanála under SD14A/0113 & PL06S.243666.

Also noting the following comments relating to visual amenity in the Inspector's Report for Appeal ref. ABP-301070-18 also remain valid and applicable in this case:

7.1.2 This site is now part of the Core Retail Area of Clondalkin. The policies for the Core Retail Area include UC2 which seeks to promote Clondalkin Town Centre as a primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants/bars, entertainment and civic uses within and adjoining the Core Retail Area of this centre.

7.1.3. I accept that public services are an acceptable use in principle in this zoning, however I am not satisfied that the location of a 25m mast alongside a main pedestrian and vehicular thoroughfare in Clondalkin is appropriate. This part of Clondalkin is a busy area with typical town centre uses such as the Mill Shopping Centre and an Intreo centre in the immediate vicinity of the site. The mast is visually unattractive and will never be satisfactorily screened due to its height and location. I accept that the ESB substation is unlikely to move, but having regard to the much lower height of the pylons and the location of the substation building in front of the pylons, I consider that it is possible to suitably screen that infrastructure. As noted by a previous Inspector on an earlier appeal, the mast is an eye-sore.

7.1.4. The policies for Clondalkin town centre seek to enhance and redevelop town centre sites – this infrastructure in this location does not accord with those policies.

7.1.5. The Clondalkin Round Tower is c.300m directly south of the site along the same stretch of road. A new Heritage Centre has recently been opened with the intent of increasing tourism and understanding of the local heritage. The existence of the mast in this prominent location does not enhance the tourism profile of the area.

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The applicant's proposal for the retention of the 'existing compound' including enclosure with equipment and the permission of the 20m monopole structure would remain harmful to the character of the area. The visual impact of the subject structure at this subject site location and of this application has been determined in 2014 and 2017-18 to be injurious to the character of the area and inappropriate in the context of the 'Town Centre' zoning and related policies for Clondalkin Town Centre (SDCC Reg. Refs. SD14A/0113 and SD17A/0424 and ABP Refs. PL06.243666 and ABP-301070-18).

Town Centre Amenities

The National Planning Framework and RSES each promote the efficient use of urban land in close proximity to sustainable transport nodes and this is reflected in the Settlement Strategy contained in the current South Dublin County Council Development Plan 2016 – 2022 and the Draft County Development Plan. The summary outcome of these policies is to direct an attractive mix of uses into major urban centres and serviced areas in the county and region.

Policy UC1 of the CDP promotes the development of urban centres in the county according to a number of criteria set out in objectives. Objective 3 of the policy specifically reads as follows:

“To protect the quality, ambience, vibrancy and vitality of urban centres by promoting an appropriate mix of day and night-time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to limit or control uses that might have a detrimental impact on the amenities of centres.”

Policy UC2 of the CDP promotes Clondalkin as a major town centre, one of two town such town centres in the county. It is the policy and objective of the Planning Authority to direct higher order retail, commercial uses and a mix of other uses into the town centre.

The use of the application site, on a main street in a major town centre as a compound for a telecommunications mast, is considered inappropriate and contrary to the above policies and objectives as it would be an inefficient use of the site and would militate against the quality, ambience, vibrancy and vitality of the town centre.

Surface Water Drainage

The report from the Surface Water Drainage Department states no objections as not affecting water infrastructure.

EHO

The report from the EHO Department states no objections subject to noise / audible levels as standard conditions.

Comhairle Chontae Atha Cliath Theas

PR/0244/22

Record of Executive Business and Chief Executive's Order

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.

Environmental Impact Assessment

Having regard to the nature and scale of the proposal, it is considered that an EIA is not required.

Conclusion

Having regard to the height, scale of the proposed development, which would occupy a prominent location in an area that is zoned for Town Centre uses it is considered that proposed retention for the existing telecommunications compound, including enclosure and ground-mounted equipment and the proposed replacement of a 25m high lattice tower with a new monopole carrying antennae, dishes and associated equipment would seriously injure the visual amenities of this town centre site and the character of the area. It is considered that the subject application is would result in a form of development that is inappropriate and contrary to the policies and objectives of the South Dublin County Council Development Plan 2016 – 2022 and would constitute an inefficient use of the site, which would militate against the quality, ambience, vibrancy and vitality of the town centre and therefore should be refused.

Recommendation

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

SCHEDULE

REASON(S)

1. The Planning Authority considers that the proposed retention of the existing telecommunications compound, including enclosure and ground-mounted equipment and the proposed construction of a 20 meter tall 'monopole' and associated equipment, by reason of its overall design and siting on a central and highly visible site within the Clondalkin Town Centre, would give rise to unacceptable visual impacts upon the surrounding area. Furthermore, the development, if permitted, would have the potential to preclude the sustainable development of a centrally located site within a primary urban centre as identified within the South Dublin County Council Development Plan 2016 – 2022. The development would therefore be contrary Policy UC1 and UC2 Objective 2

Comhairle Chontae Atha Cliath Theas

PR/0244/22

Record of Executive Business and Chief Executive's Order

contained within the South Dublin County Council Development Plan 2016 – 2022 and the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0244/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0353

**LOCATION: ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin
22.**

Colm Harte

**Colm Harte,
Senior Executive Planner**

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

Date:

23/2/22


Eoin Burke, Senior Planner

Attachment 2

A Copy of the Planning Application Made to South Dublin County Council (SD21A/0353, Date of Receipt 21-Dec-2022) and Accompanying Drawings and Supporting Documentation.



Energy for
generations

esbtelecoms.ie

Telecoms BSL Teo
43 Cearnóg Mhuirfean Thoir, Baile Atha Cliath 2
D02 R997, Eire
Fón +353 1 702 2254 Fáics +353 1 638 4702

ESB Telecoms Ltd
43 Merrion Square East, Dublin 2
D02 R997, Ireland
Phone +353 1 702 2254 Fax +353 1 638 4702
20th December 2021

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Re:- Permission is sought for retention permission for the existing telecommunications compound, including enclosure and ground mounted equipment; and permission for the replacement a 25m high lattice tower with a new monopole carrying antennae, dishes and associated equipment with groundworks, including foundation (overall height of 20m, excluding lighting finial) at ESB Telecoms Ltd lands at ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22

Dear Sir/Madam,

I write in connection with the above-mentioned site to formally submit a planning application for the retention of the existing communication structures.

The existing development forms part of ESB Telecoms Ltd portfolio of communication infrastructure and is offered as a point of co-location to all our business partners.

Please find enclosed:

- Planning Application Form
- Site Notice
- Newspaper Notice
- 6 Copies of Planning Statement
- 6 Copies of Cover Sheet
- 6 Copies of Record Place Map, Scale 1:10560
- 6 Copies of Urban Place Map, Scale 1:1000
- 6 Copies of Urban Place Map, Scale 1:500
- 6 Copies of Drawing 104: Site Layout Plan, Scale 100
- 6 Copies of Drawing 105: West Elevation, Scale 100
- 6 Copies of Drawing 106: South Elevation, Scale 1:100
- 6 Copies of Drawing 107: East Elevation, Scale 1:100
- 6 Copies of Drawing 108: North Elevation, Scale 1:100
- 6 Copies of Drawing 109: West Elevation Proposed & Existing, Scale 1:100
- 6 Copies of Drawing 110: Typical Fence/Enclosure Detail, Scale 1:30

It is intended to pay the €240.00 Planning Application Fee by Credit Card. As agreed with the Council's Planning Administration Section please call me on:086 734 7656 to arrange the same.

Please note, we have recently moved offices and are now based in Building 2, Swift Square, Northwood Park, Northwood, Dublin 9. All future correspondence should be sent to this address.

I trust the above and enclosed are self-explanatory, however should you require any further information please do not hesitate to contact me on harry.mclauchlan@esb.ie I look forward to hearing from you in due course.

Yours Sincerely,



Harry McLauchlan
Senior Planner
ESB Telecoms Ltd

PLANNING APPLICATION FORM

SOUTH DUBLIN COUNTY COUNCIL



PLANNING APPLICATION FORM

Form No. 2 of Schedule 3 to the Planning and Development Regulations 2006 and Planning and Development (Amendment) (No. 3) Regulations 2015

Planning Department, County Hall, Town Centre, Tallaght. Dublin 24.
Tel: (01) 4149000 Fax: (01) 4149104 Email: planning.dept@sdublincoco.ie

PLEASE NOTE THAT INFORMATION SUBMITTED WITH A PLANNING APPLICATION WILL BE AVAILABLE TO VIEW ON THE PUBLIC FILE AND ON THE COUNCIL'S WEBSITE WITH THE EXCEPTION OF CONTACT DETAILS OF APPLICANTS www.sdublincoco.ie

STANDARD PLANNING APPLICATION FORM & ACCOMPANYING DOCUMENTATION:

Please read directions & documentation requirements at back of form before completion.

All questions relevant to the proposal being applied for must be answered.

Non-relevant questions: Please mark N/A

Please ensure all necessary documentation is attached to your application form.

Failure to complete this form or attach necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application.

DATA PROTECTION

All planning applications are made available for public inspection and each week lists of planning applications received and planning decisions are published on www.sdublincoco.ie

The publication of planning applications by planning authorities may lead to applicants being targeted by persons engaged in direct marketing. In response to a request from the Data Protection Commissioner, you are given an opportunity to indicate a preference with regard to the receipt of direct marketing arising from the lodging of a planning application.

If you are satisfied to receive direct marketing please tick this box.

The use of the personal details of planning applications, including for marketing purposes, may be unlawful under the Data Protection Acts 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.

PLANNING APPLICATION FORM

1. Name of Relevant Planning Authority:

SOUTH DUBLIN COUNTY COUNCIL

2. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)

ESB Telecoms Ltd lands at ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22

Ordnance Survey Map Ref No (and the Grid Reference where available)¹

ITM Easting: 706923 ITM Northing: 731712

3. Type of planning permission (please tick appropriate box):

Permission

Permission for retention

Outline Permission

Permission consequent on Grant of Outline Permission

4. Where planning permission is consequent on grant of outline permission*:

Outline Permission Register Reference Number: _____ **N/A** _____

Date of Grant of Outline Permission*: _____ **N/A** _____ / _____

***NOTE:** Permission consequent on the grant of Outline Permission should be sought only where Outline Permission was previously granted. Under S.36 3(a) of the Planning and Development Act 2000 (as amended) Outline Permission lasts for 3 years.

Outline Permission may not be sought for:

- (a) the retention of structures or continuance of uses, **or**
- (b) developments requiring the submission of an Environmental Impact Statement/I.P.C./Waste Licence **or**
- (c) works to Protected Structures or proposed Protected Structures.

PLANNING APPLICATION FORM

5. Applicant² (person/entity seeking planning permission not an agent acting on his/her behalf)

Name(s) **ESB Telecoms Ltd**

Address(es) *Must be supplied at end of this application form - Question 26*

6. Where Applicant is a Company (registered under the Companies Acts 1963 to 1999)

Name(s) of company director(s) **Marguerite Sayers, Dermot McArdle,
Yvonne Burke, Rory McGowan**

Registered Address (of company) **Two Gateway, East Wall Road Dublin 3
D03 A995**

Company Registration No. **339991**

Telephone No. **+353 1 702 2254**

Email Address (if any)

Fax No. (if any)

7. Person/Agent acting on behalf of the Applicant (if any):

Name
N/A

Address *To be supplied at end of this application form - Question 27*

Should all correspondence be sent to the address provided in Question 27? (please tick appropriate box and note that if the answer is 'No', all correspondence will be sent to the Applicant's address provided in Question 26)

Yes [] No []

8. Person responsible for preparation of Drawings and Plans³:

Name
Roger Murphy, Allied Consultant Engineering

Address *Must be supplied at end of this application form - Question 28*

PLANNING APPLICATION FORM

9. Description of Proposed Development:

Brief description of nature and extent of development⁴ (This should correspond with the wording of the newspaper advert and site notice.)

Seek retention permission for the existing telecommunications compound, including enclosure and ground mounted equipment; and 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).

10. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure

A.

Owner

B.

Occupier

X

C. Other

Where legal interest is 'Other', please expand further on your interest in the land or structure **N/A**

If you are not the legal owner, please state the name and address of owner on the last page of this application form - Question 29. You must also supply a letter from the owner of consent to make the application as listed in the accompanying documentation

PLANNING APPLICATION FORM

11. Site Area:

Area of site to which the application relates in hectares	0.0159 ha
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12. Where the application relates to a building or buildings:

Gross floor space ⁵ of any existing building(s) in sq. m	N/A
Gross floor space of proposed works in sq. m	N/A
Gross floor space of work to be retained in sq. m (if appropriate)	N/A
Gross floor space of any demolition in sq. m (if appropriate)	N/A

Note: Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building i.e. floor areas must be measured from **inside** the external wall.

13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:

Class of Development	Gross floor area in sq.m
N/A	N/A

14. In the case of residential development provide breakdown of residential mix.

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Apartments	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Number of car-parking spaces to be provided	Existing: N/A	Proposed: N/A	Total: N/A
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PLANNING APPLICATION FORM

15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

<i>Existing use⁶ (or previous use where retention permission is sought)</i>	N/A
<i>Proposed use (or use it is proposed to retain)</i>	N/A
<i>Nature and extent of any such proposed use (or use it is proposed to retain)</i>	N/A

16. Social and Affordable Housing

Please tick appropriate box	YES	NO
<p><i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 as amended by the Urban Regeneration and Housing Act 2015 applies?⁷</i></p> <p>If the answer to the above question is "yes" and the development is not exempt (see below), you must provide, as part of your application, details of how you propose to comply with Section 96 of Part V of the Act including, for example: (i) details of such part or parts of the land which is subject to the application of permission or is or are specified by the Part V Agreement, or houses situated on such aforementioned land or elsewhere in the Planning Authority's functional area proposed to be transferred to the Planning Authority or details of houses situated on such aforementioned land or elsewhere in the Planning Authority's functional area proposed to be leased to the Planning Authority or details of any combination of the foregoing and (ii) details of the calculations and methodology for calculating the values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions of Part V of the Act.</p> <p>If the answer to the above question is "yes" but you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000 (as amended)⁸, a copy of the Certificate of Exemption under Section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p>	N/A	X

If the answer to the above question is "no" by virtue of Section 96(13) of the Planning and Development Act 2000 (as amended) ⁹ , details indicating the basis on which section 96(13) is considered to apply to the development should be submitted.	N/A	
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PLANNING APPLICATION FORM

17. Development Details

<i>Please tick appropriate box</i>	YES	NO
<p><i>Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?</i></p> <p>Note: If yes, newspaper and site notice must indicate fact.</p>		X
<p><i>Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?</i></p>		X
<p><i>Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994¹⁰</i></p>		X
<p><i>Does the application relate to work within or close to a European Site (under S.I. No.94 of 1997) or a Natural Heritage Area?</i></p>		X
<p><i>Does the proposed development require the preparation of an Environmental Impact Assessment Report¹¹?</i></p>		X
<p><i>Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?</i></p> <p>Note: If yes, newspaper and site notice must indicate fact.</p>		X
<p><i>Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?</i></p> <p>Note: If yes, newspaper and site notice must indicate fact.</p>		X
<p><i>Do the Major Accident Regulations apply to the proposed development?</i></p>		X
<p><i>Does the application relate to a development in a Strategic Development Zone?</i></p> <p>Note: If yes, newspaper and site notice must indicate fact.</p>		X

<p>Does the proposed development involve the demolition of any structure¹² ?</p> <p>Note: Demolition of a habitable house requires planning permission.</p>		X
---	--	----------

PLANNING APPLICATION FORM

18. Site History

<p>Details regarding site history (if known)</p>	
<p>Has the site in question ever, to your knowledge, been flooded?</p>	
<p>Yes []</p>	<p>No [x]</p>
<p>If yes, please give details e.g. year, extent N/A</p>	
<hr/> <hr/>	
<p>Are you aware of previous uses of the site e.g. dumping or quarrying?</p>	
<p>Yes []</p>	<p>No [X]</p>
<p>If yes, please give details. N/A</p>	
<hr/> <hr/>	
<p>Are you aware of any valid planning applications previously made in respect of this land/structure?</p>	
<p>Yes [X]</p>	<p>No []</p>
<p>If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:</p>	
<p>Reference No.: SD18A/0456</p>	<p>Date: 21/12/18</p>
<p>Reference No.: SD14A/0114 ABP 06S. 243666</p>	<p>Date: 29/05/14</p>
<p>Reference No.: SD10A/0097</p>	<p>Date: 20/04/10</p>
<p><i>If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001-2006 as amended.</i></p>	

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development¹³ ?

Yes [] No [X]

An Bord Pleanála Reference No.:

(Note: the Appeal must be **determined or withdrawn before** another similar application can be made).

PLANNING APPLICATION FORM

19. Pre-application Consultation

Has a pre-application consultation taken place in relation to the proposed development¹⁴ ?

Yes [X] No []

If yes, please give details:

Reference No. (if any): __PPO26/20__

Date(s) of consultation: _14/08/20

Persons involved: __Sarah Watson

20. Services

Proposed Source of Water Supply

Existing connection [] New connection []

Public Mains [] Group Water Scheme [] Private Well []

Other (please specify):

N/A

Name of Group Water Scheme (where applicable)

N/A

Proposed Wastewater Management/Treatment

Existing [] New []

Public Sewer [] Conventional septic tank system []

Other on-site treatment system [] Please specify

N/A

Public Sewer/Drain [] Soakpit [x]
 Watercourse [] Other [] Please specify

21. Details of Public Notice

Approved newspaper ¹⁵ in which notice was published	Irish Independent
Date of publication	13 th December 2021
Date on which site notice was erected	20 th December 2021

PLANNING APPLICATION FORM

22. Application Fee

Fee Payable	€240
Basis of Calculation Please see fee notes available on Council website www.sdcc.ie	Class 13 Other Development €80 however incl. element of retention

SUPPLEMENTARY INFORMATION

(Sections 23 - 25)

23. Is it proposed that the Development will: (please tick appropriate box)¹⁹ : (see note 19) N/A

- A Be **Taken in Charge** by the County Council ()
- B Be maintained by an **Estate Management Company** ()
- C In **part be Taken in Charge and part maintained** by an Estate Management Company ()

In the case of B or C please submit a Site Layout drawing that clearly indicates the services within the estate/development (Roads, Footpaths, Car Parking Spaces, Foul/Surface Water Sewers, Watermain and Open Spaces) that will be maintained by the Estate Management Company.


**24. Do any Statutory Notices apply to the site/building at present?
 (e.g. Enforcement, Dangerous Buildings, Derelict Sites)**

Yes No Place an X in the appropriate box.

If yes, please give details N/A

25. Please describe where the site notice(s) is/are erected at site of proposed development	(i) Entrance to Substation at Ninth Lock Road & (ii) On North East Corner of Substation Compound Fence Fronting Ninth Lock Road
--	---

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	
Date:	20 th December 2021

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements.

NOTES TO APPLICANT

Sections 1 to 22 of this form **MUST** be completed *insofar as they relate to your particular proposal*. Failure to do so will render your application invalid.

Sections 23-25 seek supplementary information which may be needed by this Planning Authority to assess the application, depending on your proposal.

You must provide contact details as requested - **Questions 26-29 as appropriate** in order to be notified of the decision of the planning authority.

Please read the further notes attached to this document and extensive guide documents in the Forms area of the Council website www.sdublincoco.ie for further assistance in making your application.

FOR OFFICE USE ONLY

	Date received	Document lodged	Newspaper Notice
Application Type			
Register Reference			
Fee Received €			



IMPORTANT NOTES

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Planning Applications

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map¹⁶
- 6 copies of site or layout plan¹⁶⁺¹⁷
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections – except in the case of outline permission)
- The appropriate Planning Fee

Where the applicant is not the legal owner of the land or structure in question:

- The written consent of the owner to make the application

Where the application is for residential development that is subject to Part V of the 2000 Act (as amended):

- Details of the manner in which it is proposed to comply with Section 96 of the Act including, for example, (i) details of such part or parts of the land which is subject to the application of permission or is or are specified by the Part V Agreement, or houses situated on such aforementioned land or elsewhere in the Planning Authority's functional area proposed to be transferred to the Planning Authority or details of houses situated on such aforementioned land or elsewhere in the Planning Authority's functional area proposed to be leased to the Planning Authority or details of any combination of the foregoing and (ii) details of the calculations and methodology for calculating the values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions of Part V of the Act.

Or

- A Certificate of Exemption from the requirements of Part V

Or

- A copy of the application submitted for a Certificate of Exemption.

Where the application is for residential development that is not subject to Part V of the 2000 Act (as amended) by virtue of Section 96(13) of the Act:

- Information setting out the basis on which Section 96(13) is considered to apply to the development.

Where the disposal of wastewater for the proposed development is other than to a public sewer:

- Information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.

SOUTH DUBLIN COUNTY COUNCIL

SITE NOTICE


We, ESB Telecoms Ltd of Building 2, Swift Square, Northwood Park, Northwood, Dublin 9 intend to apply to South Dublin County Council for Permission to carry out development on this land as described hereunder.

NATURE AND EXTENT OF DEVELOPMENT PROPOSED:

Seek retention permission for the existing telecommunications compound, including enclosure and ground mounted equipment; and 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 lighting finial) at ESB Telecoms Ltd lands at ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22.

The planning application may be inspected or purchased at the offices of South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24 during its public opening hours of Monday to Friday from 9:00am to 4:00pm, and may also be viewed on the Council's website – www.sdcc.ie.

A submission or observation in relation to the application may be made in writing to South Dublin County Council on payment of a fee of €20 within 5 weeks of receipt of the application by South Dublin County Council and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions or may refuse to grant permission.

Signed: 
Harry McLauchlan
ESB Telecoms Ltd

Date: 20th December 2021



ACCOMMODATION WANTED

ACCOMMODATION WANTED. LADY, 1/2, seeks 1 bed/studio apartment or granny flat to rent for €1000 p/m or less, anywhere Dublin outside inner city, must accept FAP. Ph: 085 7811856.

FURNITURE

SALE contents of house. Leather 3 piece suite with recliners. Dining room suite-seats 8 cherrywood. Conservatory suite 3+1-temp table. Mint condition. Priced to sell. Cavan ph 088 062 1575 or 086 083 8977.

FLATS TO LET

Phibsboro D7, large 1 bedroom flat, also large studio, beside Buses, LUAS and shops, 1 km to city centre, work refs required, ph 086 8308230

VAN REMOVALS

HOUSE CLEARANCE all household junk removed, beds, sofas, electrical appliances, garden sheds cleared and removed, no skips needed, we do the loading, ask about our removal service, house, apt., office, 7 day service. Free quote ph: 0871782441

SITUATIONS VACANT

SKILLED MEAT BUTCHERS required for Gallan Bacon in Co. Kilkenny to bone pork legs and other pork products. The role requires the candidates to ensure maximum yield from items boned, carry out tasks within area of responsibility to meet daily output requirements. Comply with SOPs, Safety and Quality system and procedures in their area. Maintain equipment and work area in careful and orderly manner. Take part in continuous improvement initiatives and opportunities to improve work processes. Follow and adhere to work instructions and procedures. Achieve daily and weekly production targets. Expected annual salary €27,500. Working 39 hours per week. Positions available 20. Please email CV and cover letter to collan.jr@sofiafoods.eu

LEGAL NOTICES

THE HIGH COURT THE PROBATE OFFICE THE PRINCIPAL REGISTRY IN THE ESTATE OF MARTIN FEELEY, DECEASED

LATE OR
77B Dominick Street Upper in the City of Dublin 7.

TO:
The next of kin (if any) and all other persons interested in the Estate of Martin Feeley, late of 77B Dominick Street Upper in the City of Dublin 7 who died at the Mater Hospital in the City of Dublin, intestate a single person on the 3rd day of May 2005 aged 77 years.

TAKE NOTICE that a citation has issued whereby you are cited to appear in the Probate Office, Four Courts, Dublin within thirty days after the publication of this notice, and accept or refuse Letters of Administration of the estate of the above-named deceased or show cause why the same should not be granted to Maria Browne, Chief State Solicitor of Ormond House, Little Ship Street in the City of Dublin as the nominee and on behalf of the State, and take notice that in default of your appearance the said administration may be granted to said Maria Browne.

Dated the 9th July 2011
John Glennan
Probate Officer

PUBLIC NOTICES

Comhairle Cathrach Bhaile Átha Cliath Dublin City Council

Environment & Transportation Department Disposal of Vehicles In the Pound by Crushing

In Accordance with Article 9. (2) Of the Road Traffic (Removal, Storage and Disposal of Vehicles) Regulations 1983 Notice is hereby given of Dublin City Council's intention to dispose of the following vehicles on or after 29th December 2011.

03D69832, 03D17237, 05D22718, 05D73267, 05MH10401, 05KE278, 06D73042, 06MH5765, 07D57182, 07D72526, 06D4281. Total (11)

dub-city.ie

WEATHERAL

Forecasts by phone from the experts

Munster..... 1550 123 850
Leinster..... 1550 123 851
Connacht... 1550 123 852
Ulster..... 1550 123 853
Dublin..... 1550 123 854
Sea Area.... 1550 123 855

Call cost €0.9 per minute. VAT included. (Other networks & mobiles may cost more). 7 mins average per call. HL 01-845 006 230/150 National call.

HOLIDAY HOMES

GALWAY Salthill Prom seaview self catering family apartments. Ph: 086 022 8402 www.galwaybayseaview.com

WATERFORD

4* GRANVILLE Waterford Winter Offer 2881D for €149.00 pps. Ph: 051 305 555

PIANOS

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PLANNING APPLICATIONS

SOUTH DUBLIN COUNTY COUNCIL - We, ESB Telecoms Ltd of Building 2, Swift Square, Northwood Park, Northwood, Dublin 8 seek retention permission for the existing telecommunications compound including enclosure and ground mounted equipment; and 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 lighting final) at ESB Telecoms Ltd land at ESB Clonsilla 38kV Substation, Minihook Road, Clonsilla, Dublin 22. This application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of South Dublin County Council during its public opening hours of 9am - 4pm, Mon-Fri, and a submission or observation may be made to South Dublin County Council in writing and on payment of the prescribed fee (€20.00) within the period of 5 weeks beginning on the date of receipt by South Dublin County Council of the application.

PLANNING APPLICATIONS

CORK COUNTY COUNCIL - Pierce & Jacqueline O'Driscoll intend to apply for permission to demolish existing dwellinghouse and to construct a new dwellinghouse including all associated site works at South Terrace, Skull Id., Schull. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, Norton House, Skibbereen, Co. Cork during its public opening hours and a submission of observation in relation to the application may be made to the Authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the Authority of the application.

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TELECOMS

In Support of a Planning Application for Retention Permission for the Existing Telecommunications Compound, including Enclosure and Ground Mounted Equipment; and Permission for the Replacement of a 25m High Lattice Tower with a New Monopole carrying Antennae, Dishes and Associated Equipment with Groundworks, including Foundation (overall height of 20m, excluding Lightning Finial) at ESB Telecoms Ltd lands at ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22

December 2021



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- 1. Network Design**
- 2. Health and Safety**
- 3. Technical Justification**
- 4. Alternative Sites and Designs**
- 5. Visual Impact Study**



1. INTRODUCTION

1.1 The Proposal

This Supporting Statement forms part of a planning application made to South Dublin County Council (SDCC) for permission to enable retention of an existing telecommunications compound, including enclosure and ground mounted equipment; and the replacement of a 25m high lattice tower with a new monopole carrying antennae, dishes and associated equipment with groundworks, including foundation (overall height of 20m, excluding lighting finial) at ESB Telecoms Ltd lands at ESB Clondalkin 38kV Substation, Ninth Lock Road, Clondalkin, Dublin 22.

The Statement begins by introducing the application site, the recent planning history before detailing the proposed development. The proposal will then be considered in the context of national, regional and local planning policies as well as relevant Ministerial guidance. Against this background specific elements of the proposal will be considered in more detail including the need for the development, consideration of alternative sites, siting and design including the visual impact the proposal would have, landscaping, co-location, and the potential to deliver telecoms fibre to the site. Finally, regard will be had to wider environmental considerations. In doing so it will be demonstrated that the proposed development would comply fully with all relevant planning policy at all levels, facilitating the continuance of a robust mobile and broadband service to customers to Clondalkin and the immediate area, while representing proper planning and sustainable development of the area.

2. SITE AND CONTEXT

2.1 Nature of the Site

The subject site is located within the outer compound of ESB network's Clondalkin 38kV Substation site on Ninth Lock Road, Clondalkin. The subject site is wholly independent of the ESB Substation having been transferred to ESB Telecoms Ltd (ESBT) in 2004. Within the ESBT site there is a 25m high telecommunications lattice tower and a small single storey building, and cabin housing telecommunication equipment associated with the mast. The ESBT compound is located wholly within the wider Substation lands, to the west of the main substation complex. The site is accessed from a secure gated access of Ninth Lock Road that serves both the main Substation and the ESBT compound.

The site is located Clondalkin town centre, on the eastern side of the L1026 Ninth Lock Road. The Grand Canal c. 450m due north of the site, and the M50m is c.1.3km due east. The Ninth Lock Road becomes Tower Road just to the south of the subject site. Clondalkin Round Tower is c.300m south along the same road. Immediately opposite the site is The Mill Shopping Centre. To the south is an Intreo Government Services building, while to the north a residential building. The area is generally characterised by mixed use development. The area zoned 'TC' in the South Dublin County Development Plan 2016 - 2022 which seeks 'to protect, improve and provide for the future development of Town Centres'.

The boundaries of the Substation lands are enclosed with palisade fencing with brick columns along the northern and western boundaries. The southern and eastern boundaries have been



planted with a combination of evergreen and deciduous trees, providing screening to the Substation when viewed from the south or east.

The majority of the surrounding development is either in retail or office uses and is also zoned 'TC', however the area to the south east of the subject site contains residential uses. Along the eastern boundary of the Substation there are 4 electricity pylons, associated with the transfer of electricity into and from the Substation. Approximately 100 metres to the north of the Substation an 1110kv line passes in an east-west direction, carried on larger pylons.

The role of the site plays in the context of ESB's Network Design and the role of ESB itself is outlined further in **Appendix 1** attached.

2.2 Planning History

The site has been subject to a number of planning applications in recent years, details of which are summarised as follows:

Planning Ref.: S95A/0521; ABP Ref. PL 06S.098071

On 16th May 1996 SDCC granted permission for the erection of 'a free standing steel lattice telecommunications mast, carrying mobile phone cellular antennae and microwave dishes overall height 25 metres over ground and associated ground mounted equipment cabinet security fence with pedestrian gate at existing 38kV substation at Ninth Lock road, Clondalkin, Dublin'. Condition 1 of the permit limited the permission to a period of 5 years.

Planning Ref.: S02/0577

On 14th January 2003 SDCC granted retention permission to ESB Ltd to 'retain a 25 metre high, free standing communications mast, carrying antenna and dishes within a 2.4 metre palisade compound with pedestrian gate'. Condition 2 limited the permission to a period of 2 years.

Planning Ref.: SD05A/0023

On 21st April 2005 SDCC granted ESB Ltd retention permission to retain 'a 25 metre high, freestanding communications mast, carrying antennae and dishes, within a 2.4m palisade compound, with pedestrian gate'. Condition 2 of the permit limited the permission to a 5 year period.

Planning Ref.: SD10A/0097

On the 22nd July 2010 SDCC granted ESB Ltd 'permission to retain the existing 25m high, free standing lattice communication structure, carrying antennae and communication dishes with associated ground-mounted equipment cabinets, within an existing 2.3m high palisade compound and permission to attach antennae and dishes to allow for future third party co-location'. Condition 2 limited the permission to a 5 year period.

Planning Ref.: SD14A/0113; ABP Ref. PL 06S.243666

On 17th July 2014 SDCC granted permission to ESB Ltd for the 'continued use of the existing 25m high, free standing lattice communication structure, carrying antennae and communication dishes within an existing 2.4m high palisade compound (previously granted temporary permission under Reg Ref SD10A/0097); additional antennae and dishes for possible future



third party co-location'. Condition 2 requested the permission to a period of five years. Condition 3 required 'removal of the outer fence facing the Ninth Lock Road, tree planting and hard surfacing, street furniture'. A third party appealed the decision and the applicant appealed conditions 2 and 3 to An Bord Pleanála (Ref PL06S.243666). On 2nd December 2014 An Bord Pleanála granted permission for a period of three years removing the landscaping requirements of condition 3.

Planning Ref.: SD18A/0456

On 21st December 2018 permission for the retention of existing 25m high freestanding lattice communication structure, carrying antennae and communication dishes with associated ground mounted equipment cabinets within the existing 2.4 metre high palisade fence and walled compound for a period of 18 months was sought by ESBT Ltd. The application was subsequently refused by SDCC on 25th February 2019 for the following reason:

1. The exceptional circumstances that justified a grant of retention permission for a temporary period by An Bord Pleanála in 2014 (SD14A/0113 & PL06S.243666) do not apply, notwithstanding that a new site has not been identified in the four year period that has elapsed. The delay in identifying and transferring to another site does not justify the continued retention of the structure. The Planning Authority finds that there are no exceptional circumstances for the purposes of Circular PL07/12, and pursuant to Ministerial Guidance it would be inappropriate to grant permission for retention for a period of 18 months.

Having regard to the above, the development would materially contravene a condition attached to an existing permission for development (namely condition 2 of an An Bord Pleanála permission PL06S.243666). Furthermore, the proposed development would be contrary to the Ministerial guidelines issues to planning authorities under section 28 of the Planning and Development Act 2000 (as amended), which relate to 'Telecommunications Antennae and Support Structure Guidelines.' Thus, the proposed development would contravene the proper planning and sustainable development of the area.

Other Planning Matters

Pre-Planning Consultations

Meeting between SDDC and ESBT

On 14th March 2019 a meeting between ESBT with SDCC was held in an attempt to address the reasons for refusal, including alternative sites and design solutions. During the meeting the importance of the site and lack of other sites in the immediate vicinity were considered. The mast at the Garda Station was discussed. While there were no firm conclusions arising from the meeting it was agreed that possible design alternatives for a structure at the site more sympathetic to the area would be looked at.

Pre-Planning Ref. No. PP026/20

Pre-planning consultation was sought with SDCC in August 2020. A pre-planning Consultation Report Form was received from SDCC, dated 14th August 2020. The advice contained therein is noted and matters raised have been used to inform the current application.



Planning Enforcement

ENF. S8815 & S8822

On 30th September 2021 and 12th October 2021 SDCC issued a Warning Letters to ESBT pursuant to the provisions of Section 152 of the Planning and Development Act, 2000 (as amended). The letter of the 12th October 2021 states that 'It has come to the attention of the Planning Authority that an unauthorised development may have been carried out on the land referred to above. The unauthorised development is as per refused retention of planning application SD18A/0456.' The letter invited submissions or observations to be made to SDCC by 13th November 2021.

ESBT acknowledged these letters 28th October 2021, clarifying the current planning situation and advising that it is intended to submit a planning application that would seek to address the matters raised. This is the intention of this current application that seeks to replace the existing 25m high lattice tower with a lower and less visually intrusive 20m monopole structure.

2.3 The Proposed Development

The proposed development proposes the retention of ESBTs telecommunications compound located within ESBs Sub-Station and the replacement of the existing 25m high lattice tower with a new monopole in the same location. The specific works would include the following elements:

- Decommissioning and removal of the existing 25 metre high lattice tower and associated equipment.
- Assessment and preparation of foundations.
- Erection of new monopole (overall height of structure to be 20 metre above ground level, excluding lightning finial).
- Installation of antennae, dishes and associated equipment.

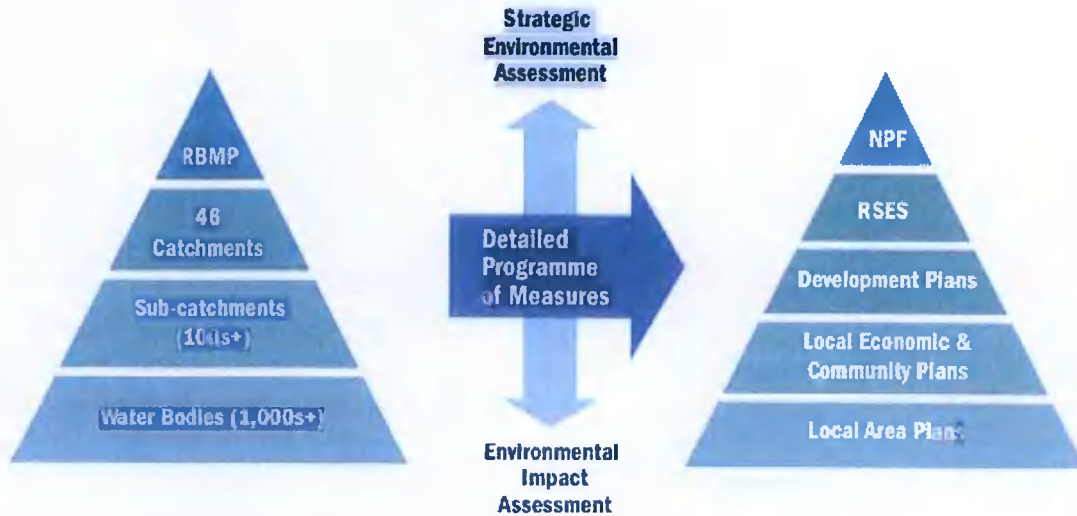
In order to ensure the minimal loss of mobile and broadband services to customers in the Clondalkin area are kept to a minimum for businesses, residents and visitors, it is envisaged that upon commencement of development involving the removal of the existing lattice tower would and the erection of the new monopole and associated antennae, dishes and equipment becoming operational, the new works would be undertaken immediately after the decommissioning of the existing apparatus.

It is anticipated that the actual build time would be determined by a number of factors, for example the foundation details necessary will only be determined when the existing structure is removed. It maybe that the existing foundation slab can be modified to accommodate a new 20m monopole, or alternatively a 1m high foundation block will be required upon which a 19m monopole will be attached. This proposal would allow for both scenarios, the drawings showing where visible the 1m foundation stand, however in any event the main structure will not exceed 20m in height above ground level (excluding a lighting final).

3. NATIONAL, REGIONAL & LOCAL PLANNING POLICY CONTEXT

The proposal is now set out in terms of its planning policy context from the national, regional and more local level.

Figure 9.1 | Hierarchical Structure of RBMP and Planning Policy



Picture 1: Taken from the NPF 2018-2040.

3.1 National Planning Framework (NPF) (Project Ireland 2040) & The National Development Plan (NDP) 2018-2027

The NPF was published in 2018. It is the Government's high-level strategic plan for shaping the future growth of Ireland to the year 2040. It sets out both the National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) for the future growth and sustainable development of the country to 2040.

The NSOs cover a wide range of themes such as enhanced regional accessibility, strengthened economies and communities. The proposed development would help support the likes of NSO5 that relates to a strong economy supported by enterprise, innovation and skills, and whereby sustainable full employment will be achieved in part through digital and data innovation; for example, supporting the implementation of the National Broadband Plan and promoting our cities as demonstrators of the latest information and communications technology.

NPOs support the NSOs, The NDP sets out the investment priorities that will underpin the NPF, including the latest information and communications technology.

The current proposal is in accordance with the NPF and NDP and will contribute to the overall NSOs and NPOs contained therein.

3.2 National Broadband Plan 2012

The National Broadband Plan recognises 'the importance of digital engagement for Ireland, both economically and socially' and the Government commitment to the rollout of high speed broadband.

In order to drive commercial rollout of high speed broad band:

'The Government is committed to a range of actions that will facilitate the more efficient rollout of infrastructure including addressing planning and road opening challenges, assisting getting citizens and businesses online, measures relating to spectrum technology and maximising the use of State assets where possible.'

It is envisaged that 'once completed all parts of Ireland will have access to a modern and reliable broadband network, capable of supporting current and future generations.'

In the most recent update on the National Broadband Plan roll-out map Clondalkin is shown as a 'Blue area' where commercial operators are delivering or have indicated plans to deliver high speed broadband services. Operators are continuing to enhance their services in these area to improve access to high speed broadband.'

Eir and Vodaphone, currently operating from the site are two such operators delivering broadband into the Clondalkin area. The current proposal would contribute to the objectives of the National Broadband Plan.

3.3 Regional Spatial and Economic Strategy (RSES: Eastern & Midland Regional Assembly (EMRA) 2019-2031

The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. At this strategic level it provides a framework for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond. The EMRA made the RSES on 28th June 2019.

The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 – National Planning Framework and National Development Plan 2019-2027 and the economic policies of the Government by providing a long-term planning and economic framework for the development of the Region.

The importance of connectivity is made throughout the RSES to realise the potential of Dublin and its wider metropolitan area, within which the application site is a part. For example, Chapter 8; Connectivity: 'Section 8.6 Communications Network and Digital Infrastructure' acknowledges that 'the increasing use of digital technologies is impacting on every aspect of our lives: from transport, to education, leisure and entertainment and health services. Infrastructure to deliver better connected services is vital to our continued growth, supporting businesses and enhancing our communities...'

While the RSES is a high-level strategic document, the importance of good communications of which the subject proposal is a part will contribute to the realisation of the RSES, its overall Vision and Objectives. ESBT consider that the proposed development will aid delivery of vital telecommunications infrastructure and enable the site to continue to form an integral link in the mobile operators' wireless broadband network in the locality, Clondalkin and the wider surrounding area.

3.3 South Dublin County Development Plan 2016 – 2022

The South Dublin County Development Plan (2016-2022) sets out policies and objectives to guide how and where development will take place in the county over the lifetime of the Plan. It provides an integrated, coherent spatial framework to ensure the county is developed in an inclusive way which improves the quality of life for its citizens, whilst also being a more attractive place to visit and work. The Plan was adopted by South Dublin County Council on 10th June 2016 and came into effect on 12th June 2016.

The development plan is generally positive towards the telecommunications infrastructure in appropriate locations. Chapter 7.4.0 relates specifically to Information and Communications Technology, in which the Council recognises that "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". The Development Plan lists as a stated action that South Dublin County Council will co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have equitable access to a wide range of services and the latest technologies as they become available.

Accordingly, 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 proposed development would be in accordance with and aid in the delivery of several key objectives, notably **IE4 Objective 1** which seeks to "promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County." Furthermore, **IE4 Objective 3** aims to "permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity."

ESB Telecoms offer all our infrastructure to all telecoms providers at market rates, ensuring the proposed development would be in alignment with **IE4 Objective 4**, the aim of which is to "discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities. " The location of the proposed development, within an existing live substation, ensures there would not be any impingement on walking routes, as specified in **IE4 Objective 6**.

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),

The South Dublin County Development Plan, 2016 – 2022 identifies Clondalkin as a major Town Centre, at the top of the County's urban hierarchy and it is the policy of the Council to reinforce this.

Chapter 5 of the Plan specifically refers to Urban Centres identifying Clondalkin as a vibrant Town Centre. A number of Actions are listed including 'Protect and enhance town centre facilities in Tallaght Town Centre and Clondalkin Town Centre'. Section 5.1.1 refers to Clondalkin along with Tallaght as a major town centre at the top of the county's hierarchy.

To support their role (Tallaght and Clondalkin) the Plan includes a number of Objectives UC1 Objective 1 – Objective 8 are relevant to this application and are duly noted.

In addition, specific reference is made to the following Objectives as they are considered particularly pertinent to the current application as the proposal will assist in the reinforcement of Clondalkin Town Centre.:



UC2 Objective 2:

To promote Clondalkin Town Centre as a primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants/bars, entertainment and civic uses within and adjoining the Core Retail Area of this centre.

UC2 Objective 6:

To provide a broad range of facilities and services in Tallaght and Clondalkin Town Centres and support the role of these centres as the focus for commercial activity, leisure, entertainment, community activities and public transport.

The subject site also falls within the Core Retail Area for Clondalkin as identified in Figure 5.5 of the Plan. Section 5.6.3 specifically relates to Clondalkin where four specific objectives are listed and where the overall policy is to 'maintain and enhance the Level 3 retailing function of Clondalkin Town Centre.'

Chapter 7.4 (Information and Communications Technology)

recognises that '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.'

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 following Objectives are pertinent to this application:

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.

The CDP Lists the following ICT actions:

- South Dublin County Council will co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have



equitable access to a wide range of services and the latest technologies as they become available.

- The Planning Authority will create and maintain a register of app telecommunications structures supported by relevant databases in coope with operators.

The subject site is located outside the Clondalkin Village ACA.

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.

The sharing of existing communication structures is promoted by the Council. Having regard to the site's history and use as a telecommunications base station since 1996, ESBT maintain that the continued use of this site would not impact unduly negatively on the surrounding properties. IE4 Objective 4 identifies the preference of co-location. The existing site is in line with this objective as the site is shared by a number of mobile network operators.

The Development Plan in Chapter 6: Economic Development, Section 6.5: Infrastructure & Communications Technology is also supportive to ICT in general, ensuring for example communications infrastructure is widely available. While the proposed development is in a mixed use area there are residential uses nearby and likely to be more residential uses in future therefore it is also worth noting that Objective ED108 seeks to 'Support the provision of home based economic activity that is subordinate to the main residential use of a dwelling and that does not cause injury to the amenities of the area.' This is particularly relevant in recent times where home working, along with normal usage has placed increased demands and reliance on a robust communications network.

Clondalkin village is identified as an Architectural Conservation Area (ACA) as it incorporates a high-quality group of historic structures within the village area, including the Round Tower, which now acts as a community hub for residents, while providing a tourism draw for visitors to the area. The application site is located outside of the ACA and importantly the proposed

development would not impinge on view of the Round Tower or village centre. Furthermore, it is worth noting that a customer has relocated from the application site onto the nearby Garda mast which is clearly visible from the Round Tower and which impacts on views of the Tower. In any event the Garda mast has reached structural capacity and is considered unlikely that any application at the Garda site would receive permission for a more robust structure given its sensitive location.

3.4 Draft South Dublin County Development Plan 2022-2028

In July 2020 SDDC announced its intention to prepare the new CDP. Preparation of the plan is well underway and following publication of the Draft CDP the period for public consultation ended on 15th September 2021. On 7th December 2021 Councillors began to consider Submissions received on the Draft CDP. The new plan is due to come into effect in June 2022.

While it is acknowledged that the current proposal will be assessed against the current 2016-2022 Development Plan, due to the relatively advanced stage of the new Plan the subject application has also been prepared with regard to the provisions of the new Plan in mind.

With specific regard to Telecommunications Section 11.4 Information and Communications Technology states that 'The continued widespread availability of high-quality Information and Communications technology (ICT) networks within the County is critical to the development of the County's economy and to social progress. It will ensure that the County remains attractive to hi-tech knowledge based industries providing for high value employment. It is also a huge asset to the residents of the County encouraging home working and individual entrepreneurial activity. The following Policy and Objectives are considered to be particularly relevant: in this regard:

Policy IE5: Information and Telecommunications Technology (ICT)

Promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve social and economic development, whilst protecting the amenities of urban and rural areas.

IE5 Objective 1:

To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.

IE5 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.

IE5 Objective 4:

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

There are a number of other Policy Objectives that specifically apply to Clondalkin. Of note here is **EDE4 Objective 14:** that seeks to prepare a LAP for Clondalkin, the extent of the boundary to be defined, which will be guided by the Local Area Plans Guidelines for Planning Authorities, 2013 (DoE, C and LG) or any superseding guidelines and which will incorporate: A vision for the development of Clondalkin,, wider urban design principles, framework for larger infill sites,



a Conservation Plan, a Local Green Infrastructure Strategy derived from the County GI Strategy, and a traffic movement strategy,

With particular regard to Clondalkin it is noted that the application site is located within an area subject to Zoning Objective 'TC': 'To protect, improve and provide for the future development of town Centres'. Draft Plan 01-Index Map and in particular 06 Sheet (Map-05) refers.

Under proposed land-use Zoning Objective 'TC' 'Public Services' is a Use Class that is 'Permitted in Principle'. The definition of Public Services includes Telecommunications as detailed in Appendix 6: Definitions of Use-Classes.

It is also noted that the Ninth Lock Road is part of the proposed route for the NTA Greater Dublin Cycle Network Plan. The proposed development would not impinge on this proposal.

Chapter 12 of the Draft Plan: Our Neighbourhoods, collates the key objectives specific to each particular neighbourhood area identified, of which Clondalkin is one, which when combined will contribute towards the achievement of the overall vision for the plan within each neighbourhood and the delivery of compact and sustainable neighbourhoods. It is considered that the proposal will contribute to the achievement of the overall vision for the plan.

In terms of historic heritage and specifically Clondalkin ACA: NCBH 20 Objective 10 seeks 'To extend Clondalkin's Architectural Conservation Area (ACA) subject to an assessment of the roadways, buildings and historic features as set out in Appendix 3C' of the Draft Plan. It will be demonstrated that the proposed development would not impinge on the ACA or historic character of Clondalkin.

Having regard to the above ESBT contend that the proposed development would be in accordance with the provisions of the Draft Development Plan.

3.5 South Dublin County Local Economic and Community Plan (LECP) 2016-2021

The LECP sets out, for the period 2016-2021, the objectives and actions need to promote and support the economic development and the local and community development of the local authority area, both by itself directly and in partnership with other economic and community development stakeholders.

The continuation of service and coverage from existing mobile operators at this site, as well as the potential for enhanced coverage the apparatus on the new structure will facilitate will in the opinion of ESBT assist in the delivery of the overall vision and objectives of the LECP by ensuring residents, businesses and visitors to the area have the opportunity to avail of a high quality mobile and broadband network.

4.0 MINISTERIAL GUIDANCE

4.1 Telecommunications Antennae and Support Structures (July 1996)

When considering proposals for new telecommunications facilities south Dublin County Council will have regard to the 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities'. Accordingly, this section will address the relevant issues raised by these Guidelines.

The Guidelines state that the design and siting of antennae support structures will to a large extent be dictated by radio and engineering parameters (Section 4.2 refers).

The Guidelines also state that where free-standing masts are required in the vicinity of larger towns and city suburbs, locations within commercial and retail areas should be investigated. The guidelines state that 'substations operated by the ESB may be suitable for the location of



antennae support structures' (Section 4.3 refers). The subject site and proposal sits neatly into the hierarchy of appropriate location for telecommunications structures in this area.

It is a primary aim of these guidelines to encourage local authorities to promote clustering and shared services at telecommunication masts, especially in suburban areas, with the aim of reducing visual intrusion (Section 4.5 refers). This site provides an excellent example of co-location and shared services as it is available to all operators to co-locate.

The visual impact of the development is one of the most important factors when assessing proposals of this nature and 'will vary with the general context of the proposed development' (Section 4.3 refers). Given the nature and location of the site, as previously asserted by ESBT that the existing structure is not unduly visually obtrusive or damaging to local amenity non the less, it will be demonstrated that the proposed replacement of the 25m high lattice structure with a lower 20m high monopole would be even less visually intrusive and would not be visually detrimental to the immediate or wider area. As the Guidelines note, 'along major routes or tourist routes or view from traditional walking routes, masts may be visible but yet are not terminating views. In such areas it might be decided that the impact is not seriously detrimental'. While this may apply to more rural areas it is contended that equally it may be applied to ore urban locations where a view of a structure is only intermittent or incidental .

4.2 Ministerial Circular PL07/12 – Revision to Guidelines (February 2018)

In 2018, against a background of the recently launched next generation broadband (4G) licenses, the Department issued updated guidance for local authorities in relation to telecommunication infrastructure.

The Guidance included advice to planning authorities to, amongst other things, cease attaching time-limited conditions to telecommunication masts as such structures will continue to play a vital role in delivering economic growth to the areas they service into the future. In addition, 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. The lodgement of a bond or cash deposit is no longer required.

Health and Safety

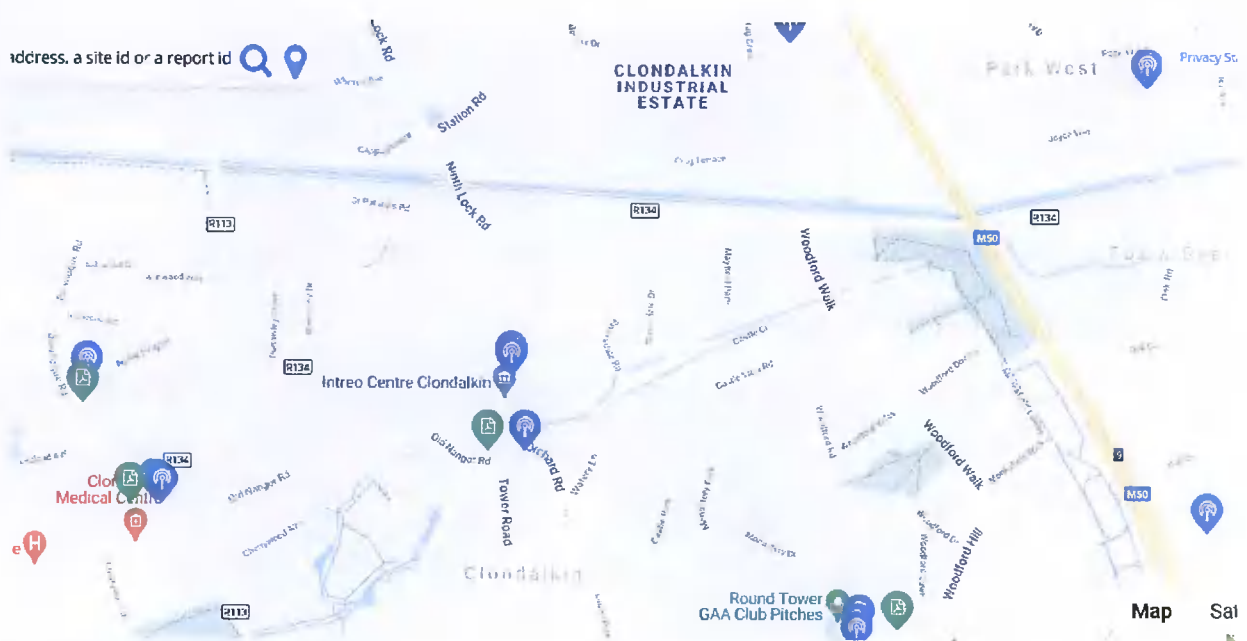
In terms of health and safety, the Guidance advises that planning authorities are urged to concern themselves with design and siting issues only and should defer any health and safety issues and their monitoring to the relevant authorities, in this instance The Commission for Communications Regulation (ComReg). That said with many developments of this nature, there may be concerns from residents about the perceived implications of the development, primarily in relation to the adverse health effects of the installation. ESB Telecoms Ltd regards the protection of the health, safety and welfare of its staff and the general public as a core company value in all its activities. Accordingly, it is ESB Telecoms policy to continually review and update standards in light of new developments and research findings. For example, ESB Telecoms regularly undertakes radio frequency tests at all its sites. These are undertaken by certified contractors. Results consistently indicate that all ESB Telecoms sites, including the existing 25m mast at the site, operate well within the safety standards set out by ComReg. ESB telecoms sites are also available to be tested by ComReg itself. Again, where such testing has taken place results indicate that ESB Telecom sites fall within safety standards. In this regard the proposed structure, will subject to regular safety tests, with no reason to believe the proposal will not fully comply with safety standards.

Health and safety issues are referred to further in **Appendix 2**. ESBT regularly undertakes radio frequency tests at its site. These are undertaken by certified contractors. Testing was last undertaken at Clondalkin in 2014, 2015, 2017, 2019 and 2021. Results indicate that they were well within the safety standards set out by ComReg and are provided in the Appendix.

5.0 THE DEVELOPMENT IN CONTEXT

5.1 Need for the Proposal

The need for the proposal is apparent when considering the coverage that currently exists in the area for both mobile phone coverage and in particular the delivery of broadband. The existing lack of coverage can be clearly seen by assessing site location and coverage map provided by ComReg <https://coveragemap.comreg.ie/map>. The mapping provided shows the coverage for operators on the nearest telecommunication sites in the wider. The Map below shows the location of the subject application, with the nearest telecommunication sites shown with blue pins. Note, the green pins simply relate to sites where ComReg have published reports.



Extract from ComReg Site Viewer

Two operators, Eir and Vodafone, currently operate from the existing site. Both operators have indicated the need to operate from this site in order to provide mobile and broadband coverage for this part of Clondalkin providing the following Technical Justification.

With regard to Eir, they have indicated that as part of the licensing requirements and the continuing rollout of their 3G and 4G networks, they require a site in Clondalkin and without a site in this part of Clondalkin 'parts of this area will suffer a severe degradation in mobile voice and data services which leads to poor mobile coverage and as a result there would be a large number of dropped/ blocked calls and poor data sessions which will possibly limit people's ability to work from home on the Eir network in this area if we are unable to maintain and upgrade Eir's coverage in the area'. The email is accompanied with coverage signal coverage maps that demonstrate that the areas which will be degraded by the loss of this site will include but not limited to a large stretch of the 9th Lock Road, The Mill Centre, Old Nangor Road, Thornfield Square, Castle Drive, Castle Grove and Clondalkin Main Street.

Vodafone have also indicated support for the proposal stating that if requested they will move from the the present 25m lattice tower to the proposed 20m monopole as if they had to exit from this site, they would lose mobile coverage in the Clondalkin area as they have no available site replacement options. Vodafone have indicated that they would wish to retain a presence



on this site even at a reduced height as at a lower height they will be above to provided at least a contiguous service albeit at a slightly reduced coverage. The letter of support is accompanied with coverage predictions showing 3G Coverage Prediction (as is), 3G Coverage Prediction with loss of site DN396, and 3G Coverage Prediction if height is reduced to 19m.

In both instances the need and justification for the site in the absence of any alternatives identified is clearly demonstrated. Statements of support with accompanying coverage information are given in **Appendix 3**.

5.2 Alternative Sites and Designs

In light of the zoning of the existing communication structure ESBT investigated eight possible alternative sites within the immediate area. Due to coverage requirements an alternative site would be required within the immediate vicinity of the structure to maintain the existing level of communication service.

The eight sites investigated are listed below:

- The Mill Shopping Centre
- Corner of Nangor Road & Ninth Lock Road
- Service Station
- Mormon Church
- Lidl
- Vacant Reserve Area
- Oakfield Trust Industrial/Retail Units
- Securispeed

The results of the investigation are given in **Appendix 4**. None of the sites were found to be viable alternatives, mainly due to a reluctance on the part of either owners or occupiers to engage with ESBT in regard to possible relocation.

In built up areas it is often the case suitable site are difficult to come by. This is an example of one such area. The dearth of alternative sites is further exemplified where, due to the uncertainty of the future of the existing 25m mast following the grant of permission on appeal in for a temporary period only (application SD14A/0113, ABP PL 06.243666 refers – that gave the structure a further 3 years permission, expiring on December 2017), one of the operators subsequently did manage to secure an alternative location and relocate. However, this was onto the mast at the Garda Station. ESBT would suggest that this is was a much less favourable site given its prominent location in the centre of Clondalkin, the ACA and protected Round Tower. In any event it is understood that the Garda tower is now at capacity.

In addition, a further examination of the area was undertaken in July 2021 and November 2021. This included a re-appraisal of the original sites investigated, an extensive walk around the immediate area of the existing site and properties in the immediate and wider area as well as an examination of recent development proposals. The lands to the north west of the site and The Mill Shopping Centre appear suitable for strategic housing development(s). No suitable alternative sites were found. It is also understood that while plans to redevelop The Mill Shopping Centre for example have been suggested in recent years ESBT are not aware of any firm plans that are currently forthcoming.

In the opinion of ESBT, notwithstanding the absence of any readily available alternatives, the proposed continued use of the existing site with a lower, less visually intrusive monopole to replace the existing 25m lattice structure represents the most feasible way of providing a service to customers in Clondalkin.



5.3 Siting and Design

The existing ESBT compound is set back from the Ninth Lock Road and within the wider ESB Substation lands. ESBT's land ownership is essentially limited to the area shown on the application drawings. Importantly, as will be detailed below the existing site from a visual perspective is considered to be appropriate, being set back from the road and between the buildings to the north and south of the site. The presence of the Substation proper and associated infrastructure precludes any positioning eastwards further into the substation on safety grounds. Any movement of a structure towards the Ninth Lock Road would result in any structure being more prominent in the street scene. In any event the land between the existing compound and the boundary of the Ninth Lock Road are outside of ESBT's ownership, being owned ESB. The land is part of the Outer Substation compound. ESBT are not aware of any plans that ESB have for these lands which provide an important buffer and parking area for ESB vehicles when visiting the site.

Previously the appropriateness of the design of the existing 25m high lattice tower has been questioned. It is acknowledged that the tower is now somewhat dated, a design process looking at number of alternative structures were subsequently undertaken as part of the application process. Some of these designs are given in the second part of **Appendix 4**.

From the design process it was considered that various 'totem' designs would in themselves appear visually incongruous against in the local street scene and against the backdrop of the electricity substation. The site after all is within an existing utility site. Therefore, on balance it is considered that a new simple monopole with a slight taper design would be most appropriate for the site. Particularly as it would be slimmer than the existing lattice and the overall height of such a structure could be reduced to 20m. This reduction in height would still enable a point of co-location for the two mobile operators currently sited on the lattice structure at a height where they would still be able to achieve acceptable levels of signal coverage while maintaining line of sight requirements. Any reduction below this height would not allow both operators to function from the site as nearby buildings and trees would block signals for the operator situated lower on the monopole.

5.4 Visual Impact

In compiling the original planning application ESBT gave consideration to all structures in its portfolio and considered that a lattice tower was at the time the most appropriate structure due to its structural capacity and ability to reduce the need for additional structures in the area.

During the intervening period changes in mast design and mobile technologies it is now considered that a monopole design would be better suited to the site. In addition, while the existing height of 25 metres is towards the lower end of the industry norm the simpler monopole design at 20 metres in height would be far less visually intrusive while maintaining the functionality of the site, allowing the 2 remaining operators to retain provision of services to their customers from this site. A Visual Impact Survey of the site and its impact on the surroundings is given as **Appendix 5**.

The visual impact that telecommunication structures can have in the receiving landscape is acknowledged. In this instance, as noted above, measures have been implemented to reduce the visual impact of the facility, and mast in particular, including the use of a simple monopole design that 'blends' in against the adjacent substation. This is considered to be in accordance with the Section 4.3 of the 1996 Guidelines where 'The support structure should be kept to a minimum height consistent with effective operation and should be monopole (or poles) rather than a lattice tripod or square structure. A further advantage of a monopole, such as the one

now proposed is that all cables, DC cables and fibres, can be concealed within the main body of the pole.

Given the nature of the existing telecommunications facility and the 38kV Substation, the proposed development is considered to be a modest alteration to the overall utility site. It will visually complement the existing telecommunication pylons and substation infrastructure, reducing the visual impact from further afield, including approaches to the site from along Ninth Lock Road and local road network generally. Most importantly, the site would not be visible from either the Grand Canal or Clondalkin village proper, particularly the from the Round Tower or its immediate surroundings.

Furthermore, having regard to the nature of the site and relative distances to neighbouring residential properties in particular ESBT are firmly of the opinion that visually the structure will not be overly dominant in the receiving streetscape where the existing lattice tower has become an established feature locally. It is therefore concluded that the provision of a lower, slimmer replacement structure will not cause undue harm to the visual amenities of the immediate area and wider locality.

Finally, as the proposed development is to be sited within the existing telecoms compound. The submitted plans have not detailed associated equipment cabinets, however these will be modest in size, located within the compound, behind the existing 2.4m high palisade fence, which will ensure they will not be unduly visible from outside of the compound. In any event any cabinets and equipment required will fall within the Exempted Development parameters given under Class 31(f) of the Planning and Development Regulations 2001 (as amended).

5.5 Landscaping

ESBTs' compound falls within the wider ESB Substation lands and as such landscaping adjacent to the compound would not be appropriate for safety reasons. The wider ESB Substation lands have however been landscaped along the southern and eastern boundaries, providing some screening of the utility installations when viewed from these directions.

There were a number of mature trees within the boundary of the outer substation compound brick and rail fence that runs along the western boundary of the site and Ninth Lock Road. However, in compliance with a condition attached to an earlier permission granted at the site the trees were felled (SD14A/0113; ABP Ref. PL 06S.243666; Condition 3 refers). While this has resulted in the subject site and wider Substation lands being more visible in the immediate vicinity, the set back of the Substation lands in relation to the substantial buildings to the north and south of the site means it does not dominate the wider area or streetscape. The boundary wall and fence along the western boundary also means that there is a good demarcation between the public domain, footpath and road, and the utility site beyond. In light of the aforementioned it is considered that further landscaping would not be appropriate and thus not required.

5.6 Co-Location

In line with Guidelines, ESBT makes available wherever possible all its existing structures with other licensed operators for co-location. This policy has been in place since 2001 and continues to be the case, reducing the unnecessary proliferation of such essential structures throughout the country.

The subject site at Clondalkin is a good example of co-location, where until relatively recently three operators shared the mast. While one operator has recently moved to another site within

Clondalkin, as noted earlier in this Statement the current proposal would still allow for co-location for two operators.

5.7 Realising the Potential of ESB Telecom Fibre

The site is currently not served by ESBT's fibre network. However, there is fibre in the area, following the line of the Grand Canal and if a longer term permission were granted at this site, subject to planning permission, the site would be connected to ESBT's fibre network allowing virtually limitless bandwidths (data rates) when compared to other forms of communication. Faster data transmission results in a better service delivery for the end user. The evolution of the telecommunications industry over the last number of years means that the presence of fibre at communication base stations is a key criterion for the provision of mobile technologies such as mobile broadband and internet services to mobile phones and home-based broadband customers alike.

Thus, a telecommunications base station at this location could ensure that an existing fibre in the locality could be extended and utilised to its full potential, providing network solutions for telecommunication operators in the area.

5.8 Environmental Considerations

Flooding

The OPW website, National Flood Hazard Mapping, launched in May 2018, shows that the site has not been subject to flooding. There is no record of recent of flooding within the site or the immediate locality.

Natural Heritage Designations

In terms of natural heritage designations and specific regard to the requirement of EU Habitats Directive the following sites are noted:

- Glenasmole Valley SAC (Site Code 001209) c. 8.5km south of the site.
- South Dublin Bay SAC (Site Code 00210) c. 12km to the east of the site.
- South Dublin Bay and River Tolka SPA (Site Code 004024) c. 12km to the east of the site.
- Rye Water Valley/Carton SAC (Site Code 001398) c. 8km to the north-west of the site.

Having regard to the nature of the proposed development and location of the site and/or proximity to the nearest European sites, forming part of the Natura 2000 network (Article 6 of the EU Habitats Directive refers) and their qualifying features, no appropriate assessment issues arise. It is not considered that the proposed development would likely have a significant effect on the integrity individually or in combination with other plans or projects on a European site.

5.9 Duration of Permission

Ministerial Circular PL07/12 issued guidance to Local Planning Authorities to cease attaching time limited conditions to telecommunication structures, as structures will continue to play a vital role in delivering economic growth to the areas they service in the future. Only in exceptional circumstances where particular site or environmental conditions apply should a permission be issued with conditions limiting their life.

ESBT acknowledge that SDCC have identified Clondalkin as a vibrant town centre and have strong aspirations to see the continued development/redevelopment of the area. In this context ESBT in parallel with the current application have continued to undertake an extensive search of the surrounding area in order to identify alternative locations for the communication base station.



This search has not identified any suitable location for the relocation of the base station. In light of the progression of the town centre redevelopment, the search for an alternative site and the continued need for communication coverage it is respectfully requested that the communication structure is granted a 10 year development approval. While this period may appear exceptional, it is ESBT's contention that the period represents a balanced response.

On the one hand the timeframe would provide economic justification to invest in a lower, less obtrusive structure, as well as allowing our customers certainty to allow for the upgrade of their equipment to ensure the latest services can be provided to their customers in the Clondalkin area.

On the other hand, such a timeframe would allow all parties, including SDDC, to consider how best the service can be secured as planned changes to Clondalkin and the built form are progressed in the medium to long term. This could for example be progress through the Local Area Plan, where a LAP for Clondalkin is overdue and the draft Development plan includes a commitment to undertake such an LAP during the timescale of the new Development Plan.

6. CONCLUSIONS

The importance of mobile and broadband infrastructure to the economic and social sustainability of South Dublin and the wider area are extensively acknowledged throughout the relevant plans and programmes, as outlined in this Statement.

Having regard to the importance of the site to provide a service into the centre of Clondalkin including potential linkages to national fibre networks and the services that can be supplied to our customers from this location, ESBT envisages this site remaining one of significant strategic importance for its customers and reducing the need for further future telecommunication structures in the area where no alternative sites have been found. This site, located as it is in one of fastest growing areas in the Greater Dublin Area, can play a key role in the timely delivery of next generation mobile services to the area.

The Ministerial Guidelines of 1996, and subsequent Circular, expand upon the general planning issues that arise in relation to telecommunications infrastructure. Notably, they set out the necessity for the development of telecommunications infrastructure and encourage such development into appropriate areas, such as "industrial areas" or sites already in use as ESB substation compounds. The Guidelines also support the sharing and clustering of services via co-location, a practice promoted at all ESBT sites.

When considering the relevant national, regional and local plans and strategy documents, and having regard to the relevant Ministerial Guidelines, it is the view of ESBT that the continued use of the communications structure at this location is accords with planning policy and guidance related to telecommunications structures as follows:

It is ESBT's contention that the proposed development is found to be:

- In accordance with The National Planning Framework (Project Ireland 2040) & The National Development Plan 2018-2027
- Supports the National Broadband Plan
- Is in accordance with the RSES 2019-2031
- Is in accordance with the South Dublin Development Plan 2016-2022
- Accords with the Vision, Aims and Objectives of the Draft South Dublin Development Plan 2022-2028



- Supports the overall Vision, Policies and Objectives of the South Dublin County LECP 2016-2021
- Accords with Ministerial Guidance, 'The Telecommunications and Support Structures (July 1996) and subsequent Revisions Ministerial Circular (Feb. 2018)

The proposed structure would be situated in an existing substation site and ESBT contends that the continued use of the site with a lower monopole structure as proposed would not be unduly visually obtrusive so as to be harmful to the visual amenities or be detrimental to the amenities of the area.

In light of the aforementioned it is considered that it is demonstrated that the proposed development on this site for telecommunications would be in accordance with the proper planning and sustainable development of the area. As such there is nothing to preclude a grant of retention permission and planning permission at this location.

Finally, while the investment by ESBT at this site would result in a structure capable of catering for the future needs of multiple operators, including the continued provision of the latest telephony technologies and would significantly enhance the mobile services available to Clondalkin into the future, such investment is not insignificant. Therefore, should the Council consider a permanent permission would not be acceptable at this time it is respectfully requested that a permission for a period not less than 10 years be considered.