

Comhairle Chontae Atha Cliath Theas

PR/0392/22

Record of Executive Business and Chief Executive's Order

Reg. Reference:	SDZ22A/0001	Application Date:	01-Feb-2022
Submission Type:	New Application	Registration Date:	01-Feb-2022
Correspondence Name and Address:	Niall Fitzpatrick Building 2, Swift Square, Northwood Park, Northwood, Dublin 9		
Proposed Development:	The continued use for a period of 3 years of the existing 30 metre high, free-standing lattice communications structure carrying associated communication equipment to be shared with third party operators, all within a 2.4m high palisade compound following parent permission SD18A/0378. The proposed development is located within the Clonburris Strategic Development Zone.		
Location:	Existing Balgaddy 38kV Substation, Tullyhall Rise, Lucan, Co. Dublin.		
Applicant Name:	ESB Telecoms Limited		
Application Type:	SDZ Application		
	(COS)		

Description of Site and Surroundings

Site Area: stated as 0.02 Hectares on the application.

Site Visit: 8th of March 2022.

Site Description

The subject site is located within the Clonburris Strategic Development Zone (SDZ) lands, to the east of Tullyhall Rise, Lucan. This site consists of an existing telecommunications structure with associated equipment. To the south-east of the structure is an existing ESB substation, located outside of the site boundary.

Proposal

Permission is being sought for the continued use for a period of 3 years of the existing 30 metre high, free-standing lattice communications structure carrying associated communication equipment to be shared with third party operators, all within a 2.4m high palisade compound following parent permission SD18A/0378. The proposed development is located within the Clonburris Strategic Development Zone.

Zoning

The subject site is located within the Clonburris SDZ, which is subject to zoning objective 'SDZ': *'To provide for strategic development in accordance with approved planning schemes'* under the South Dublin County Development Plan 2016-2022.

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Consultations

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Roads Department – no objection.

Public Realm Section – no comment or objection.

Forward Planning – report received.

Transport Infrastructure Ireland – no observation received.

Irish Aviation Authority – no observation received.

An Taisce – observation received.

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

Submissions/Observations/Representations

An Taisce have submitted an observation stating that the application should be assessed with regard to impact on the amenity of the area and the relevant provisions of the South Dublin County Development Plan.

Relevant Planning History

Subject site

SD18A/0378 & ABP Ref. PL 06S.303444

Retention permission for the continued use for a period of 3 years of the existing 30 metre high, free standing lattice communications structure carrying associated communication equipment to be shared with third party operators, all within a 2.4m high palisade compound following parent permission SD13A/0125. The proposed development is located within the Clonburris Strategic Development Zone. **Permission for retention granted by SDCC. First party appeal to ABP against Condition 2. Condition 2 restricted the permission to a temporary period of 2 years. ABP decided to amend the condition to a temporary permission of 3 years.**

SD13A/0125

Permission for the continuance of use of the existing 30 metre high, free standing lattice communications structure carrying antennae and communication dishes, with associated ground-mounted equipment cabinets to be shared with third party operators within a 2.4m high palisade compound, following parent permission SD07A/0798 and permission to attach additional antennae and dishes for future third party co-location. **Permission granted. Condition 4 restricted the permission to a temporary period of 5 years.**

SD07A/0798 & ABP Ref. PL 06S.227246

Retention of the existing 30 metre high, free standing lattice communications structure, carrying antennae and communication dishes, with associated ground-mounted equipment cabinets, to be shared with third party operations, within a 2.4m high palisade compound, previously granted temporary permission LAP REF:

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S01A/0615 and An Bord Pleanála Ref. PL06S.129728. **Permission for retention granted by SDCC. First party appeal to ABP against Condition 2. Condition 2 restricted the permission to a temporary period of 2 years. ABP decided to amend the condition to a temporary permission of 5 years.**

S01A/0615 & ABP Ref. PL 06S.129728

Erection of a 30 metre high free standing communications mast supporting antennae and communication dishes with associated ground mounted equipment cabinets to form part of ESB's communication system within a 2.4 metre high palisade compound. Permission refused by SDCC. First party appeal to ABP. **Permission granted by ABP. Condition 2 limited the permission to a temporary period of 5 years.**

S01A/0562

Alter/divert the Inchicore-Maynooth 220kV Line in the vicinity of Adamstown and Balgaddy, Co. Dublin. **Permission granted.**

S97A/0092

Indoor 38 KV station, steel pylon and ancillary works. **Permission granted.**

Relevant Enforcement History

Enforcement Ref. GSM0185

Installation of 3 no. antennae. Exempted development.

Enforcement Ref. GSM0182

Installation of additional apparatus. Exempted development.

Enforcement Ref. GSM0178

Erection of 1 no. 0.3m link dish to existing structure. Exempted development.

Enforcement Ref. GSM0174

Notification of erection of 1 no. antenna under Class 31(k) (i). Exempted development.

Enforcement Ref. GSM0143

Notification under Class 31(i) P&DRegs2001; 1 no. 0.3m dish for Meteor Mobile. Exempted development.

Pre-Planning Consultation

None identified in APAS.

Relevant Policy in South Dublin County Council Development Plan 2016 – 2022

Policy CS2 Metropolitan Consolidation Towns

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It is the policy of the Council to support the sustainable long term growth of Metropolitan Consolidation Towns through consolidation and urban expansion.

CS2 Objective 1:

To promote and facilitate urban expansion on designated Strategic Development Zone sites at Adamstown and Clonburris, in tandem with the delivery of high capacity public transport services and subject to an approved Planning Scheme.

CS7 Strategic Development Zones

It is the policy of the Council to continue to implement the approved Planning Schemes for Adamstown SDZ and to secure the implementation of an approved Planning Scheme for the Clonburris SDZ.

7.4.0 Information and Communications Technology

Policy IE4 Information and Communications Technology (ICT)

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

IE4 Objective 1:

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

IE4 Objective 2:

To co-operate with the relevant agencies to facilitate the undergrounding of all electricity, telephone and television cables in urban areas wherever possible, in the interests of visual amenity and public health.

IE4 Objective 3:

To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.

IE4 Objective 4:

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

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

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(including associated processes) and to prohibit telecommunications developments that impinge thereon or on recreational amenities, public access to the countryside or the natural environment.

Section 11.6.2 Information and Communications Technology

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

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

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Policy in Clonburris Strategic Development Zone (2019)

2 Planning Scheme Framework

Section 2.9 Services, Infrastructure and Energy Framework

2.9.1 Introduction

Key Principles

To enable connection and high quality use of telecommunications infrastructure by a range of parties, promoting Clonburris as a connected place.

2.9.7 Telecommunications Infrastructure

3 Development Areas

Section 3.2 Character Areas

Kishoge

Section 3.3 Development Areas

Development Area 7 Kishoge North West

4 Phasing

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Relevant Government Guidelines

*Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).
Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional
Assembly, (2019).*

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning
Authorities, Department of the Environment, Heritage and Local Government, (2009).*

*OPR Practice Note PN01 Appropriate Assessment Screening for Development
Management (March 2021).*

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

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

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Duration of Permission;
- Visual and Residential Amenity;
- Landscaping;
- Traffic, Access and Parking;
- Services and Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is zoned 'SDZ': *'To provide for strategic development in accordance with approved planning schemes'* under the South Dublin County Development Plan 2016-2022. The proposed development of a communications structure and associated equipment is not specifically provided for in the land-use zoning matrix.

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

The proposed development is considered to be in compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (as amended), and other relevant publications and material. This is further discussed in this report.

The applicant has submitted ComReg Siteviewer maps identifying the locations of all other existing telecommunications structures within 1 km and 2 km radiuses from the

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site. The subject structure itself has been designed to allow for co-location of equipment. The structure already has a number of antennae and dishes attached, which are associated with different operators.

The applicant states that due to their licensing requirements and rollout of 3G and 4G networks, they need to maintain a site at this location. They state that the structure also serves as a hub or collector site for data and calls from several nearby towers. They have submitted coverage maps showing the impact if the site was removed.

The application is therefore considered to comply with Section 11.6.2. The impact of the proposal on the amenities of occupiers of nearby properties and of the area are assessed below in this report.

Duration of Permission

The telecommunications structure was first established under Reg. Ref. S01A/0615 & ABP Ref. PL 06S.129728, where permission was granted by An Bord Pleanala for 5 years. The structure was subsequently granted continued use/retention under:

- Reg. Ref. SD07A/0798 & ABP Ref. PL 06S.227246 (5 years),
- Reg. Ref. SD13A/0125 (5 years) and
- Reg. Ref. SD18A/0378 & ABP Ref. PL 06S.303444 (3 years).

The subject application is for the continued use of the structure and associated equipment for a further 3 years.

The previous permissions were granted as temporary to enable the impact of the development to be reassessed, largely having regard to the development of the Clonburris Strategic Development Zone lands.

Ministerial Circular PL07/12 state that only in exceptional circumstances, where particular site or environmental conditions apply, should a permission issue with conditions limiting their life. Since the last permission in 2018 the Clonburris SDZ Planning Scheme has been adopted (in 2019). The site is located within an area indicated for residential development under the SDZ Planning Scheme. Given the location of the site this is considered an exceptional circumstance where it would be appropriate to limit the life of the permission.

Under the Clonburris SDZ Planning Scheme the site is located within the Kishoge Character Area and Kishoge North West Development Area (7), sub sector KNW-S1. As identified in Figure 3.3.15 of the Scheme, the site appears to be located within a future local park/square.

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Figure 1: Extract from Figure 3.3.15 of the Clonburris Strategic Development Zone Planning Scheme 2019

Forward Planning have reviewed the proposed development. They state that:

In terms of broader SDZ-wide development and plans for housing and infrastructure in this area which we are monitoring, this area is likely to be developed in the coming years. Whether the Planning Scheme or County Development Plan parameters allow for such a use or whether such a use is appropriate in that context is a matter for development management assessment. However, based on discussions with the relevant sections within SDCC there is likely to be a short window of time (possibly up to two years) before development actually commences on the lands immediately surrounding the subject site.

The proposed 3 years is therefore considered to be too long and has the potential to disrupt the development of this area. However, it is considered 2 years would be an appropriate period given the current timeframes for development. In the event of a grant of permission a condition should therefore be added limiting the life of the permission to 2 years.

The applicant is advised that an appropriate alternative site(s) will need to be sought going forward. A telecommunications structure at this location is not in line with what is indicated within the SDZ Planning Scheme. While a temporary permission is acceptable at this point in time, this is only given that the area is currently undeveloped, but this will change going forward.

Visual and Residential Amenity

The existing structure is an approx. 30 m high (excluding the lightning finials) free standing lattice structure. The structure has a number of communications antennae and dishes. The structure is not proximate to and is well setback from existing residential development. It is also setback from the road to the south-east of the site.

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The permission should be made temporary to avoid impact on future development as part of the SDZ Planning Scheme. Given the above, the development is considered to be acceptable visually at this time.

It is noted that the submitted documentation refers to the replacement of the structure with a lower, slimmer structure. However, the development description and drawings refer to the retention of the existing lattice structure. It has therefore been assessed as such.

The applicant has indicated existing cabinets within the site boundary as exempted development. It is noted that this assessment does not assess whether these are in fact exempted development.

Landscaping

The Public Realm Section has reviewed the proposed development and has no comment or objection. This report is noted.

Traffic, Access and Parking

The Roads Department has no objection to the development. The report from the Roads Department is noted.

Services and Drainage

Water Services and Irish Water have reviewed the proposed development and have no objection subject to standard conditions. These reports are noted and should be conditioned as such.

Environmental Health

Standard conditions in relation to environmental health should be included in the event of a grant of permission.

Screening for Environmental Impact Assessment

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

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established area and comprises of existing communications infrastructure.

Having regard to:

- the small scale and nature of the development,

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- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Development Contributions

The proposal is for the continued use of a communications structure. No contributions are therefore applicable.

SEA monitoring

Building Use Type Proposed: Continued use of a communications structure

Floor Area: N/A

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.2 Hectares.

Conclusion

The subject application has been assessed having regard to:

- provisions of the South Dublin County Development Plan 2016-2022,
- the Clonburris Strategic Development Zone Planning Scheme,
- the established character of the area, and
- the scale, design and standard of the subject development,

As set out in the report above, while the long term retention of the subject structure at this location is not considered to be acceptable, the short term retention of the subject development would not prejudice the implementation of the adopted Planning Scheme and is therefore deemed to be acceptable.

It is therefore considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

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

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FIRST SCHEDULE

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

SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Duration of Permission
This permission is for a period of 2 years from the date of this grant of planning permission. The telecommunications structure and related ancillary structures shall then be removed and the site re-instated at the operators' expense unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period by the Planning Authority.
REASON: To enable the impact of the development to be reassessed, having regard to the development of the Clonburris Strategic Development Zone Planning Scheme.
3. Services
(a) All development shall be carried out in compliance with Irish Water Standards codes and practices.
(b) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate infrastructure provision.

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

NOTE: It shall be noted that the use of the subject site, for the long term provision of a standalone telecommunications structure, is not in keeping with the provisions of the Clonburris SDZ Planning Scheme, within which the application site is located. While a temporary permission is acceptable in this instance, the applicant is strongly

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recommended to identify a suitable alternative location for the subject infrastructure, prior to the expiration of this permission.

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REG. REF. SDZ22A/0001

LOCATION: Existing Balgaddy 38kV Substation, Tullyhall Rise, Lucan, Co. Dublin.

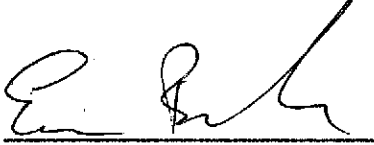
Colm Harte

Colm Harte,
Senior Executive Planner

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

As this proposal is in the Clonburris Strategic Development Zone, in accordance with Section 170 (4) of the Planning & Development Act 2000 (as amended), a Grant of Permission is hereby given on this day.

Dated: 28/3/22


Eoin Burke, Senior Planner