

# Comhairle Chontae Atha Cliath Theas

PR/0443/22

## Record of Executive Business and Manager's Orders

<b>Reg. Reference:</b>	SD22A/0040	<b>Application Date:</b>	10-Feb-2022
<b>Submission Type:</b>	New Application	<b>Registration Date:</b>	10-Feb-2022
<b>Correspondence Name and Address:</b>	Ian Daniels Old Windmill Court, Lower Gerarld Griffin Street, Limerick		
<b>Proposed Development:</b>	Installation of 6 telecommunications antenna together with supporting structures, RRU's equipment cabinet at roof top level to provide mobile electronic communications services and all associated site works.		
<b>Location:</b>	Rossecourt Resource Centre, Rosse Court Avenue, Lucan, Co. Dublin		
<b>Applicant Name:</b>	Shared Access Limited		
<b>Application Type:</b>	Permission		

### Description of Site and Surroundings

#### Site Area:

Stated as 0.0251 Hectares.

#### Site Description:

The site is located in Balgaddy an established suburban area to the south of Lucan. The subject site specifically is located on the rooftop of the Rossecourt Resource Centre at Rosse Court Avenue, Lucan, Co. Dublin. The subject building comprises a 3-4 storey mixed use building with a flat roof, which provides a number of day services for people with intellectual disability operated by Stewarts Care. The Rosewood residential estate, comprising two-storey houses is located to the west of the site and the Rossecourt residential development is located to the east/northeast. Lucan Community National School is located to the south and Stewarts School for children with special needs is situated to the northwest.

### Proposal:

The proposed development comprises:

- The installation of 6 telecommunications antennae, supporting structures and an equipment cabinet at roof top level of the existing building on the subject site.
- The proposed telecommunications infrastructure will have a maximum overall height of 1.5m above ground level, sitting 3.15m above the parapet height of the existing building.
- The ancillary equipment cabinet measures approximately 2.05m in height, 0.8m in depth and 0.78m in width. The cabinet will be set back from the edge of the roof and thus will not be visible from ground level.

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- All ancillary site works above and below ground.

### Zoning:

The proposed site is subject to zoning objective 'RES' with the objective to '*To protect and/or improve residential amenity*' in the South Dublin County Development Plan 2006-2022.

### Consultations:

Drainage and Water Services Department: No objection.

Roads Department: No objection.

Environmental Health Officer: No objection, subject to conditions.

### SEA Sensitivity Screening

No overlap with layers.

### Submissions/Observations/Representations

Final date for submissions 16<sup>th</sup> March 2022.

None received.

### Relevant Planning History

#### Subject Site

**SD21A/0041** - The installation of 3 roof top support platform poles to support telecommunications equipment including panel antennas, RRU's and transmission dishes together with associated exchange cabinets and all associated development there to provide mobile electronic communications services.

**SDCC Decision:** Grant Permission, subject to conditions.

**SD20A/0056** - Installation of 3 pole/ballast structures on the rooftop carrying telecommunications equipment including antennas, RRUs and a dish, together with associated exchange cabinets and all associated site development works; the development will provide for wireless data and broadband services.

**SDCC Decision:** Grant Permission subject to conditions.

**ED20/0001** - Installation of antennas and transmission dishes together with associated cabinets and ancillary development thereto.

**SDCC Decision:** Refuse, Declared Not Exempt

**SD06A/0353** - Three storey mixed use building at the site (with four storey element at entrance) having a gross floor area of 6,065 m2. The proposal also includes the development of an urban square, green area, car-parking and associated site works. The development will in part modify the previously granted planning permission issued under registered reference SD03A/0648 that received a final grant on 18 December 2003. The amendments made by this proposal to the original development approved under SD03A/0648 include a revised layout of the urban square, a revised layout of the site's

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internal road and also amendments to the approved car-parking layout. The proposed mixed use building will provide for the delivery of a range of services for people with intellectual disability including adult/vocational education, clinical observation/consultation and requisite staffing administration/support areas. In addition, the centre will provide canteen facilities and simulated retail/workshop environments on the ground floor.

**SDCC Decision:** Grant Permission subject to conditions.

### Adjacent Site

**SD16A/0383** - Site bounded by, Newlands Road, Castle Road and Rossecourt Avenue, Balgaddy, Lucan, Co. Dublin

Construction of an ESB substation, customer switch room and associated site development works to serve the new Stewarts School permitted under planning Ref. SD15A/0096.

**SDCC Decision:** Grant Permission subject to conditions.

**SD15A/0096** - Demolition of an existing single storey, temporary building and the construction of a part single storey, part two-storey special school for pupils with special educational needs, comprising 28 classrooms, administration offices, clinical offices, ancillary spaces, courtyards, ground and roof level play areas, together with new vehicular and pedestrian accesses, surface car parking, bus set-down area and associated site development works.

**SDCC Decision:** Grant Permission subject to conditions.

### Relevant Enforcement History

None recorded for subject site

### Pre-Planning Consultation

None recorded.

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

Chapter 7 of the Development Plan refers to *Infrastructure and Environmental Quality* and details policy in relation to Telecommunications Infrastructure as follows:

#### *Section 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.*

### *Section 10.2.10 Energy and Communications Infrastructure in Sensitive Landscapes*

*It is the policy of the Council that all planning applications for energy and communications infrastructure on lands located in rural, high amenity and mountain areas (Zoning Objectives RU, HA-LV, HA-DV and HA-DM) shall include a Landscape Impact Assessment of the proposed development on the landscape and shall be subject to screening for potential impacts on Natura 2000 sites.*

### *E12 Objective 1*

*To safeguard Natura 2000 sites and the sensitivity, open character and amenities of rural, high amenity and mountain areas within the County.*

### *E12 Objective 2*

*To ensure that proposals for energy and communications developments integrate with their surroundings and mitigate against negative impacts on visual amenity.*

### *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,*

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*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.*

*Department of Defence Restrictions*

- (a) *Inner Zone Within the DoD Inner Zone, in view of the volume of helicopter operations and the level and variety of aircraft training movements and for safety and security reasons, planning applications for structures such as high mast lighting and antennae, in the Inner Zone will be subject to special examination by the DoD to ensure that their construction would not be undesirable for safety, security or operational reasons. In general, within the DoD Inner Zone (delineated on Development Plan Map), in addition to the Obstacle Limitation Surfaces for the Aerodrome, no buildings or structures exceeding 20 metres in height above ground level should be permitted except where specifically agreed in writing following consultation with the DoD that the proposed development will not affect the safety, efficiency or regularity of operations at the aerodrome.*

### **Relevant National Policy and Guidelines**

*Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).*

*Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*

*Our Rural Future – Rural Development Policy 2021-2025*

*Circular Letter PL11/2020 – Telecommunications Services – Planning Exemptions and Section 254 Licences.*

*Circular Letter PL03/2018 – Revision of Development Contribution Guidelines in respect of Telecommunications Infrastructure.*

*Circular Letter PL07/12 – Telecommunications Antennae and Support Structures Guidelines.*

*Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities' Department of the Environment and Local Government 1996.*

### **Assessment**

The main issues for assessment are:

- Zoning
- Residential and Visual Amenity
- Compliance with International Guidelines
- Co-Location Opportunities

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- Drainage and Water Services
- Roads and Traffic
- Public Health
- Department of Defence Restrictions
- Duration
- Screening for Appropriate Assessment
- Environmental Impact Assessment

### ***Zoning***

The site is located in an area with zoning objective 'RES', '*To protect and/or improve residential amenity*'.

Public Services are defined in Schedule 5 - Definitions of Use Classes in the Development Plan 2016 - 2022 as '*A building or part thereof or land used for the provision of public services. Public services include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers; it includes public lavatories, public telephone boxes, bus shelters, bring centres, green waste composting facilities.* It is considered that the proposed 6 No. telecommunications antennae, associated exchange cabinets, equipment and associated development at roof level constitutes a 'public service' use.

The use class 'Public Services' is permitted in principle with the 'RES' zoning objective subject to its design being in accordance with the relevant provisions in the Development Plan and national policy and guidelines.

### ***Residential and Visual Amenity***

Section 7.4.0 of the Development Plan 2016 – 2022 refers to Telecommunications Antennae and states under IE4 Objective 3 that:

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

The proposed telecommunications infrastructure elements are located on the rooftop of an existing part 3 No. to part 4 No. storey building which provides a number of day services for people with intellectual disability operated by Stewarts Care. It is proposed to locate the installation on the rooftop of the existing building at approximately 3.15m above parapet height level (at tallest point), which would give a maximum overall height of 16.15 m above ground.

The nearest residential properties to the subject site are located at Rossecourt Way, approximately 60m to the northeast and Rossewood Grove approximately 90m to the west.

By reason of its height, design, position and receiving context of a rooftop which already houses a number of telecommunications antennae, the proposed telecommunications

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infrastructure would not have a significant negative impact on the visual amenity of the existing structures on-site or the surrounding area. Having regard to the location of the subject site and the context of the surrounding development, the proposed telecommunications development is considered acceptable with regard to the visual amenity of the area.

### ***Compliance with International Guidelines***

A declaration has been submitted stating that the proposed development is in full compliance with the international guidelines (of the ICNIRP) as required by the Office of the Director of Telecommunications Regulation.

### ***Co-location Opportunities***

The site sharing arrangement will enable Vodafone, Three and Eir to provide service from the site. This is considered acceptable by the Planning Authority.

Having regard to the above, the applicant's justification for the proposed telecommunication antenna and associated equipment at the roof level is considered to be broadly acceptable and in accordance with the National Broadband Plan and is broadly in compliance with the South Dublin County Council Development Plan 2016-2022.

### ***Drainage and Water Services***

The Drainage and Water Services Department has assessed the proposed development and have indicated no objection.

### ***Roads and Traffic***

The Roads Department has assessed the proposed development and has indicated no objection.

### ***Public Health***

The Report of the HSE Environmental Health Officer indicates no objection to the proposed development, subject to the following condition:

*'Monitoring to determine the adherence to the guidelines of the International Non-Ionising Radiation Committee of the International Radiological Protection Association, under the auspices of the WHO and the European Pre standard RNV 50166-2 Human Exposure to Magnetic Fields-High Frequency (10KHz to 300GHz) promulgated by CENELEC, the European Committee for Electro technical standardisation shall be undertaken prior to the site being brought into commission and thereafter at yearly intervals by a competent authority, using up-to-date monitoring equipment. The results of all monitoring shall be available for inspection by the Planning Authority and/or other appropriate body'.*

### ***Duration***

*Circular Letter PL 07/12 - Telecommunications Antennae and Support Structure Guidelines, Department of Environment, Community and Local Government (October 2012), revises elements of the 1996 Telecommunications Guidelines. Having regard to the provisions of the Circular, that 'only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life', it is*

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recommended that in the event of a grant of permission that no conditions be attached limiting the life of any planning permission.

### *Screening for Environmental Impact Assessment*

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

### *Screening for Appropriate Assessment*

The subject site is not located within nor within close proximity to a European site. The proposed development comprises the provision of telecommunications infrastructure at roof level of an existing building. Having regard to:

- the small scale and domestic nature of the development,
- 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.

### *Other considerations*

#### **Development Contributions**

The proposed development relates to the erection of telecommunication antennae and associated equipment at rooftop level of an existing building.

No development contributions applicable to telecommunications development.

#### **SEA Monitoring Information**

- *Building Use Type Proposed*- Telecommunications
- *Floor Area (sq.m)*- 0
- *Land type*- Brownfield/Urban Consolidation
- *Site Area*- 0.0225ha

#### **Conclusion**

Having regard to the provisions of South Dublin County Development Plan 2016-2022, the guidelines relating to telecommunications antennae and support structures issued by the Department of the Environment and Local Government to Planning Authorities (July 1996), as amended by Circular Letter PL 07/12 - Telecommunications Antennae and Support Structure Guidelines, Department of Environment, Community and Local Government (October 2012) and



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the scale and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed telecommunications development would not seriously injure the visual amenities of the area and would not be contrary to the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for 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.

### **FIRST SCHEDULE**

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

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development 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. Multiple-operator use  
The structure, hereby granted, and its location shall be made available to accommodate other licensed operators, subject to a separate planning application.  
REASON: In the interests of proper planning and sustainable development.
3. Obsolescence  
In the event of obsolescence when the structure is no longer required, the structure and its associated structures shall be demolished, removed and the site re-instated at the operators' expense.  
REASON: To ensure safe removal of obsolete fixtures.
4. Future Alterations  
The power output, antennae type and mounting configuration shall be in accordance with

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the details submitted with this application and shall not be altered without a prior grant of planning permission.

**REASON:** To clarify the nature of the development to which this permission relates and to facilitate a full assessment of any future alterations to the network.

**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:** The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

**NOTE:** The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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REG. REF. SD22A/0040

LOCATION: Rossecourt Resource Centre, Rosse Court Avenue, 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.

**Date:** 06/04/2022

*jjohnston*

**Jim Johnston,  
Senior Executive Planner**