

Comhairle Chontae Atha Cliath Theas

PR/0464/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0042 **Application Date:** 10-Feb-2022
Submission Type: New Application **Registration Date:** 10-Feb-2022

Correspondence Name and Address: Niall Fitzpatrick Building 2, Swift Square,
Northwood Park, Northwood, Dublin 9

Proposed Development: Construct a 25 metre high free standing monopole
type structure carrying antenna and communication
dishes within an existing 2.4m high palisade
compound.

Location: ESB Substation, Kennelsfort Road Upper,
Palmerstown, Dublin 20

Applicant Name: ESB Telecoms Ltd.

Application Type: Permission

(EW)

Description of Site and Surroundings:

Site visit: 24/03/2021

Site Area: 0.015 Hectares.

Site Description:

The subject site is located within an ESB substation, which is at the south-western end of a terrace of two storey dwellings that face onto the northern side of Kennelsfort Road Upper. The ESB substation comprises a double-height building with associated transformers and an area of hardstanding with defined boundary walls. In the south-western corner of the substation site is an existing 18m high monopole with shroud type covering of the antennae along with ground-mounted equipment. A 13m high pylon structure is also proximate to the telecommunications mast that is no longer in use. An area of public open space is to the south and west.

Proposal

Construct a 25-metre-high free-standing monopole type structure carrying antenna and communication dishes within an existing 2.4m high palisade compound.

Zoning:

The proposed site is subject to zoning objective RES 'To protect and/or improve residential amenity'.

Consultations:

Surface Water –

No objections, standard condition.

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Irish Water - Further Information, clarity re proximity to watermain south of subject proposal.

Roads Section – No objections and no recommendations.
Heritage Officer - No comments received at time of report.
Parks and Public Realm- TII – No objections and no recommendations.
Formally notified, no report received.

SEA Sensitivity Screening – Indicates no overlap.

Environmental Impact Statement (EIS): Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real 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.

Submissions/Observations /Representations

None received.

Relevant Recent Planning History

Subject site:

SD14A/0270 - Permission granted for the retention continue use of existing 18m high telecommunications support structure with metal shroud over telecommunication antennae and 2.87m high associated 7.55sq.m ground-mounted equipment container within a 180sq.m fenced compound.

SD08A/0058 - Permission granted for the retention of the continuance of the use of the previously permitted (SD03A/0709) development consisting of an 18m high monopole support structure together with associated telecommunications equipment endorsed in scale fencing.

SD03A/0709 – Permission granted for the retention of the continuance of use of the existing 18m high monopole support structure with GSM telecommunications antennas, telecommunications exchange equipment container and chain link fencing, previously granted under Reg. Ref: S98A/0257.

S98A/0257 – Permission granted until 30th June 2003 for the erection of an 18m high mono-pole support structure with GSM telecommunications antennas, and palisade/chain link fencing.

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S95A/0522 – Permission refused for a 20 metre high lattice telecommunications mast with antennae and microwave dishes. Permission was refused due to visual intrusiveness within the surrounding residential area.

Relevant Enforcement History

No recent relevant enforcement history.

Pre-Planning Consultation

None recorded for subject site.

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

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.

IE4 Objective 2:

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

IE4 Objective 3:

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

IE4 Objective 4:

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

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IE4 Objective 5:

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

IE4 Objective 6:

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

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.

Relevant Ministerial Guidelines

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

Revised 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

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2.4 Bonds for Removal of Redundant Structures

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

2.5 Register or Database

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

2.6 Health and Safety Aspects

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

Telecommunications Antennae

- Circular PL 07/12 - Telecommunications Antennae & Support Structure Guidelines (March 2021)
- Refer to Circular PL 11/2020: Telecommunications Services – Planning Exemptions and Section 254 Licences
- Planning Circular letter PL 07/2021 - Planning and Development Act 2000 (Section 254 - Overground Telecommunication Cables) Regulations 2021 - S.I. 422 of 2021

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

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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 consideration are:

- Zoning & Council Policy
- Visual Impact
- Duration
- Water Services

Zoning and Council Policy

The site is located in an area which is zoned 'RES 'To protect and/or improve residential amenity'. 'Public Services' are permitted in principle under the zoning objective of the area. The proposed development would represent an intensification of the site. There is an existing permitted 18 metre telecommunications support structure (monopole design) previously granted under planning Ref. SD14A/0270 on site that is remaining in situ. The proposal includes the removal of the the existing 13m high pylon structure that is no longer in use and the construction of a new 25m monopole structure to replace this disused pylon structure. The principle of the proposed development is considered to be consistent with the zoning at this location.

The County Development Plan contains detailed policies in relation to communications and broadly supports the strategic development of the network. In particular, '*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 is assessed later in this report.

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Visual Impact

The proposed development would include the removal and replacement of the disused 13m electricity pylon structure to the north of the site with a 25m slimline monopole structure with associated antennae, and ground equipment. The ESB's telecom site is in use by Eir (formerly Meteor) and Three Ireland and contains a previously permitted 18 metre telecommunications support structure (monopole design) to the south of the site that was previously granted retention permission under planning Ref. SD14A/0270.

The applicant states that the existing 18m high shrouded monopole structure to the south of the site is still in use however for the provision of modern services the applicant envisages that the proposed 24-meter monopole structure will be capable of co-locating up to three operators for the redeveloped site.

The principle of the proposed development is considered to be consistent with the 'RES' zoning at this location. The monopole structure would have a significant height at 25metres and would be visible from a variety of vantage points in the surrounding area including Kennelsfort Road Upper and The Coppice located beyond the substation. However, given the sites location within an existing substation compound and facing an area of open space, in accordance with the established telecommunications compound site dating back to Esat Digifone in 1998, it is considered that it would not be visually harmful. Preference is generally for a monopole design, and this is welcomed. Also noted are additional proposed 2 equipment cabinets on a plinth to the east of the site. Co-location of antennae on existing support structures and masts is noted and encouraged by the Planning Authority, this will be **conditioned** in the event of a grant of permission. The ground equipment would be located behind an existing 2.4m high palisade fence with the presence of shrubs and foliage and a high wall with entrance gates and therefore would not be overly visible.

Roads

A report was received from the Roads Department, which states no objections with no recommendations.

Residential Amenity and Public Health

The subject site is situated at the established ESB's Palmerstown 38Kv Substation, located immediately south of the N4 and adjacent to Kennelsfort Road Upper and Woodfarm Drive, Palmerstown. The site is bounded by the existing compound to the immediate north and east. The closest residential properties are located on Kennelsfort Road Upper and the Coppice located beyond the substation. The site is adjacent to a large open green area to the south and west. Due to the separation distances involved it is considered that the structure would not appear overbearing and therefore would not be materially harmful. Conditions regarding noise levels and audible/impulsive tones at sensitive locations are recommended in the event that permission is granted.

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Duration of permission

The 1996 ministerial guidelines relating to telecommunications antennas encouraged planning authorities to grant permission on a temporary basis for telecommunications masts. The government's rationale until 2012 was that technological developments might allow for fewer, or smaller, masts in the future. In 2012, the government issued '*Circular Letter PL 07/12 - Telecommunications Antennae and Support Structure Guidelines*', which altered the recommended policy and directed planning authorities to make permanent planning decisions regarding telecommunications masts, unless there are exceptional circumstances to justify a temporary grant of permission. Therefore, based on current guidelines it is not considered necessary to restrict any grant of permission to a specific time period.

EHO

No report was issued from the EHO Department however, it is considered that having regard to the established nature of the existing telecom compound since 1998, that the proposed structure is not likely to have any Environmental Impact on the surrounding community. However, standard EHO conditions will apply regarding noise.

Water Services

A report was received from SDCC Water Services Department with no objections subject to standard conditions.

The Irish Water report states Further Information requested on the following:

1 There is no watermain drawing submitted. Submit a drawing showing existing surface water layout of proposed development.

Submit a drawing showing the distance between proposed development and existing 6" watermain south of same. There shall be a minimum setback distance of 3m from existing 6" watermain as per Irish Water Standards.

2 Alternatively obtain a confirmation of feasibility letter from Irish Water and submit same to Water Services Planning Authority South Dublin County Council.

It is deemed that the above requirements can be obtained by conditions prior to the commencement of development. The applicant or developer shall agree with Irish Water Diversion section development in the event of a grant of permission.

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Development Contributions

The proposed development relates to 24m high monopole structure with associated antennae, and ground equipment. The development is classed as public services and therefore development contributions should not apply.

SEA Monitoring

Telecommunications – N/A

Land Type – Brownfield

Site Area – 0.015 Hectares.

Conclusion

Having regard to the established use at this location for the 18-metre monopole structure with its associated equipment.

- (a) The provisions of South Dublin County Development Plan 2016-2022,
- (b) The guidelines relating to telecommunications antennae and support structures which were 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).
- (c) The planning history of the site, and
- (d) The context of the applicant site,

it is considered that, subject to compliance with the conditions set out below, the proposed 24-metre-high monopole structure within this compound site and the continuance of use of the 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, therefore a grant of permission is recommended.

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.

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FIRST SCHEDULE

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

SECOND SCHEDULE

Conditions and Reasons

1. Development 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. Noise.
 - (a) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.
 - (b) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time i.e. 1900 - 0700. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
 - (c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time.
REASON: In the interests of public health and the proper planning and sustainable development of the area.
3. Reinstatement of Site.
When the structure is no longer required it should be demolished, removed and the site reinstated at the operators' expense.
REASON: In the interests of visual amenities and orderly development.

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4. Irish Water.

Prior to the commencement of development, the applicant or developer shall submit and agree with Irish Water Diversion section development:

(i) Submit a drawing showing the distance between proposed development and existing 6" watermain south of same. (There shall be a minimum setback distance of 3m from existing 6" watermain as per Irish Water Standards).

(ii) Obtain a confirmation of feasibility letter from Irish Water and submit same to Water Services Planning Authority South Dublin County Council.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

5. Drainage - Surface Water.

(i) 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, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

6. Co-location

The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the telecommunications structure hereby approved.

REASON: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

7. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

8. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-

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time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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 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/0042

LOCATION: ESB Substation, Kennelsfort Road Upper, Palmerstown, Dublin 20

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:

6/4/22


Eoin Burke, Senior Planner