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## PLANNING STATEMENT

to support s.254 licence application for

## TELECOMMUNICATIONS INFRASTRUCTURE

at

**FIRHOUSE ROAD, TALLAGHT, DUBLIN 24**

Client: Signal Infrastructure Ltd.

30<sup>th</sup> March 2022

## 1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd have been instructed by **Cignal Infrastructure Ltd**<sup>1</sup> to prepare a planning statement to support a Section 254 licence application for a telecommunication structure at Firhouse Road, Tallaght, Dublin 24.

The purpose of this report is to describe the planning context including receiving environment, planning history, planning policies and objectives, outline the development to be retained and demonstrate how the proposal accords with the proper planning and sustainable development of the area.

This report should be read in conjunction with the drawings prepared by **Jason Redmond Associates, Consulting Engineers** who are the agents for this application. All correspondence should be sent to Jason Redmond Associates<sup>2</sup>.

Note: all underlined text is author's emphasis. All maps are orientated due north.

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<sup>1</sup> Suite 311, Q House, Sandyford Industrial Estate, Dublin 18, D18 YV50.

<sup>2</sup> Cignal Infrastructure Ltd., C/O Jason Redmond Associates, 5 Lismard, Portlaoise, Co. Laois.

## 2.0 LOCATION AND DESCRIPTION

### 2.1 Location

The site is located on the north side of Firhouse Road in Tallaght. Please refer to the site location map submitted with the application.

### 2.2 Description

The site currently consists of a grass verge.



**Fig No.1** Photograph of subject site taken from the Firhouse Road (June 2021).



**Fig No.2** Aerial photograph with approximate location of site indicated (source: Google Maps)

### **2.3 Ownership**

The site is located on land in charge of South Dublin County Council.

### **2.4 Land Uses in the Vicinity**

There a tributary of the River Dodder is located to the north of the site. The Church of Scientology is located to the north-west of the site (at a distance of c.72m) and a there is a residential dwelling to the north-east (at a distance of c.39m<sup>3</sup>).

<sup>3</sup> Killininy Cottage, Firhouse Rd, Tallaght, Dublin 24

Further south is the Firhouse Road with dwellings on the opposite (south) side. Nos. 33 and 35 Killakee Walk, Tallaght, Dublin 24 are situated approximately 28m from the site which is considered to be substantial. Only the rear elevation of these dwellings faces toward the subject site.

There are tall street lamps along the north side of Firhouse Road.

## **3.0 PROPOSED DEVELOPMENT**

### **3.1 Description**

The proposal consists of a 15m Alpha 3.0 streetpole, with 1no. 2.75m AW3836 Alpha Antenna at azimuths TBD°, along with ancillary cabinetry (1.898m wide x 1.652m high x 0.798m deep).

Refer to drawings and CGI images prepared by Jason Redmond Associates, Consulting Engineers for further details.

### **3.2 Technical Justification**

#### **3.2.1 Objective of Search Ring Area**

The search ring, or area within which a telecommunications installation is required in order to meet the search ring objectives, is an area of c. 250 metres in diameter. The site is required in order to improve network coverage in the area. It has been identified by radio engineers that an installation within the search ring will bring required coverage to the coverage black spot, subject to a site-specific assessment and radio clearance - see diagram of search ring below.

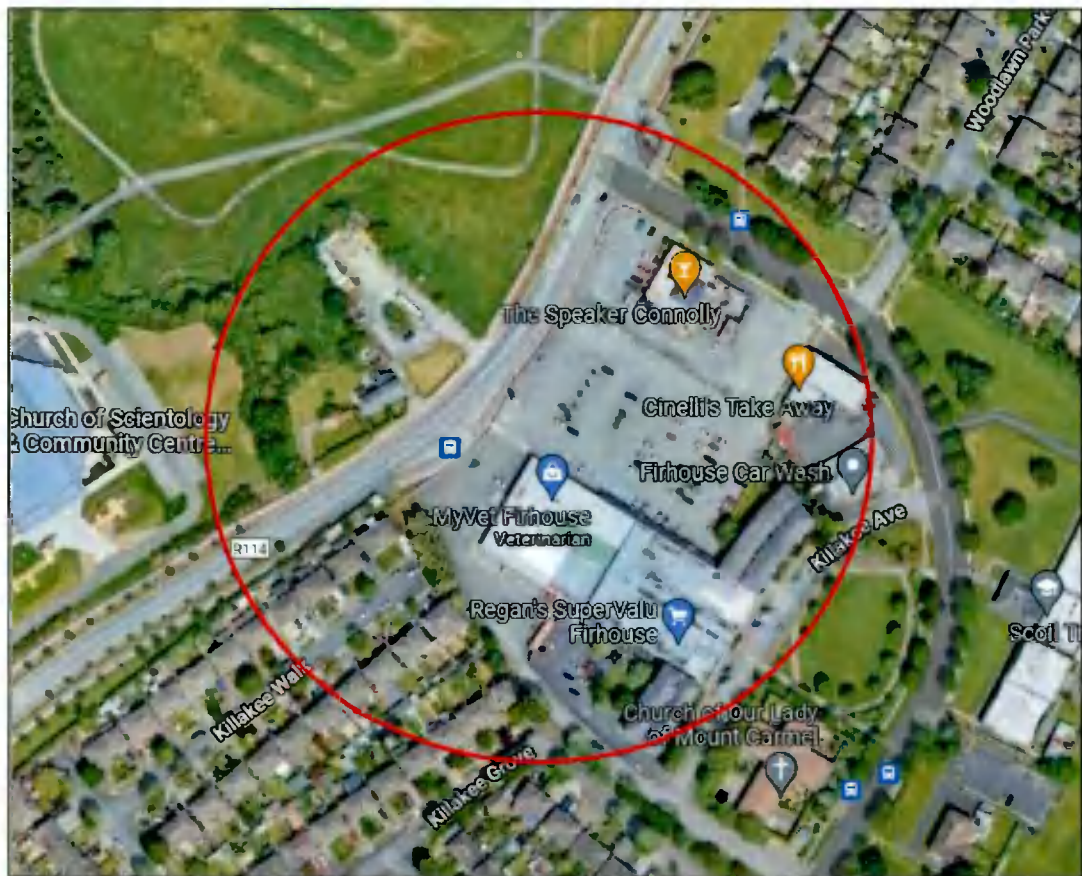


Fig No.3 250m Search Ring for subject site.

### 3.2.2 Reasons why candidate location was chosen:

This location in Firhouse Road was chosen because of the following:

1. It is within the search ring.
2. There is adequate space to locate a street works solution and cabinet.
3. There is fibre located close to this location to ensure connectivity into the network.
4. The location will not interfere with existing services or footpath.
5. There is no direct view of the site from any dwelling (rear elevation view only).

### **Alternative Locations Examined by Three:**

Three Ireland has a policy to co-locate into existing telecommunications structure where possible, that are located with the target area. Following comprehensive search of the target search area, no existing base station options were identified that could be shared or upgraded to provide the necessary coverage required.

1. H3G site DU0181 Knocklyon SC – This is 1.7 km away from coverage objective – unable to cover specific area. Note: low site at 9 metres.
2. H3G site DU0131 Kilsaran Concrete– This is 1.2 km away from coverage objective – unable to cover specific area.
3. H3G site DU0232 Tallaght Enterprise Centre – This is 0.9 km away from coverage objective – unable to cover specific area.
4. H3G site DU1236 Oldbawn Road ESB – This is 1.1km away from coverage objective – unable to cover specific area.
5. H3G site DU0166 Old Bawn SC – This is 1 km away from coverage objective – unable to cover specific area.

Three are upgrading the network in Dublin to provide customers with good quality voice and high-speed data services. To meet customer demands, a new site at this location is required to provide indoor service to the local residents and business users around Ballycullen/Firhouse area. The new site will improve coverage for the many residential and business users within the area as well as commuters traveling to and from work.

The proposed installation will form part of an established telecommunications network system that Three operates in the area and has been carefully chosen to ensure performance levels are maintained. The site is considered the best possible solution to meet both the existing and future demands of its customers in this area. Failure to progress this installation in its proposed location will impact service in the area as demonstrated in the plots provided and will have a

negative impact on Three's network by leaving customers around Ballycullen/Firhouse and environs without sufficient coverage.

### **3.2.3 Coverage Map**

The coverage maps below are self-explanatory. The *do-nothing* approach would result in a continued deficit in indoor/in car coverage in addition to outdoor mobile and wireless broadband cover over a significant section of the subject urban environment. The *do something* approach will bring full indoor/outdoor coverage to a significant splay of residential and business premises in this area and surrounding environs.

The main function for the site on Firhouse Road is to provide mobile voice and data coverage to Ballycullen/Firhouse and to improve voice and broadband access to local residents & business users around this area.

Figure 4 below demonstrates a large areas in red surrounding the site. This area clearly demonstrates a poor signal level where the market requires the infrastructure.

Figure 5 demonstrates the significant difference in coverage levels - excellent, which will result if the proposed licence is granted (green areas). This represents a substantial increase in coverage service levels over and beyond the current coverage situation in this area.

It is respectfully submitted that the coverage maps below clearly demonstrate the significance of the proposed installation with respect of the telecommunications network.



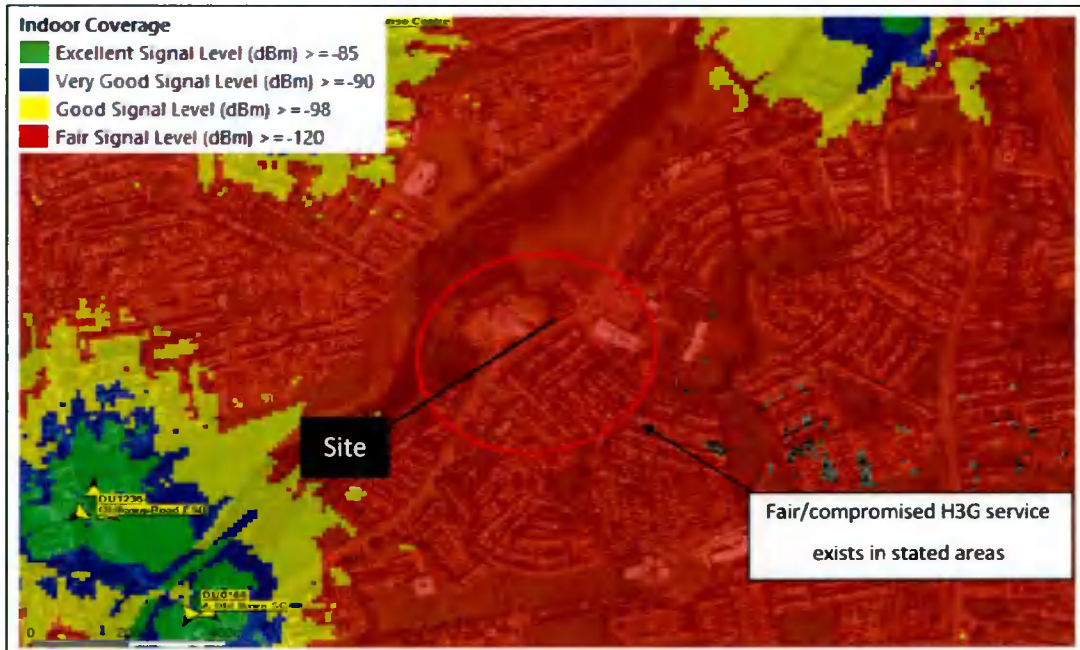


Figure 4: EXISTING INDOOR COVERAGE – poor signal level

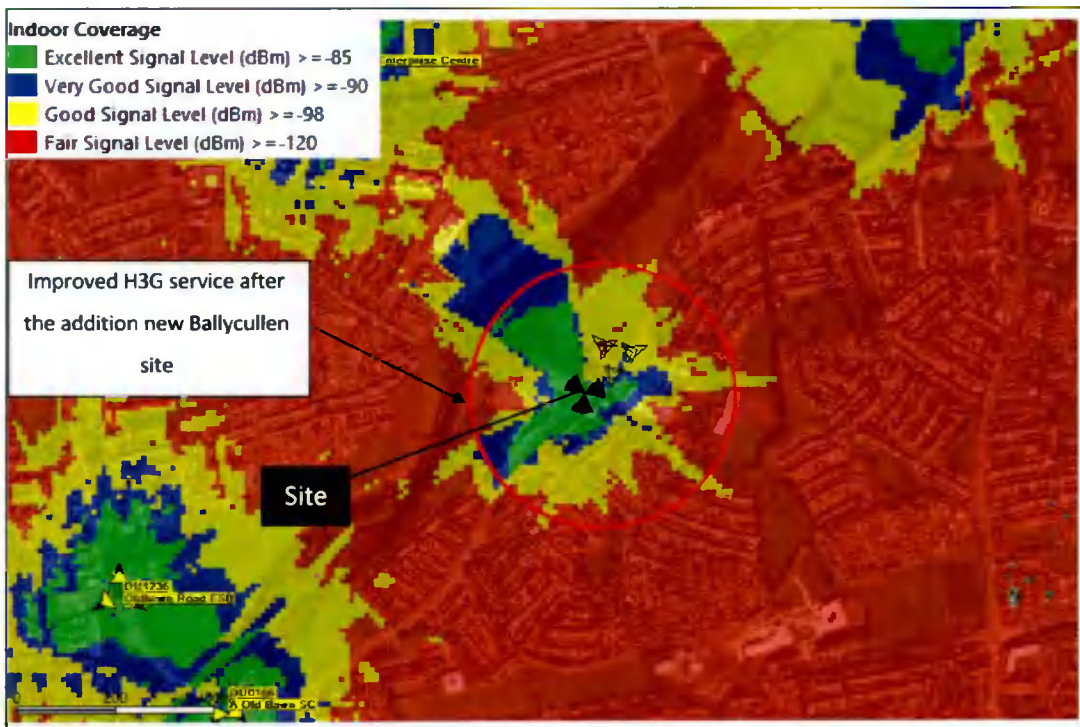


Figure 5: PROPOSED INDOOR COVERAGE – excellent coverage

### 3.2.4 Comreg Map/Policy

The following map sets out the existing Comreg Sites in this area. Please refer to <https://siteviewer.comreg.ie/#explore>.

It should be noted that telecommunications traffic through urban/commercial areas require more capacity and therefore more infrastructure, given the smaller spatial footprint of search areas and higher development densities in association with higher volumes of radio traffic (owing to modern technologies and devices not limited to mobile phone devices) through any individual radio cell.

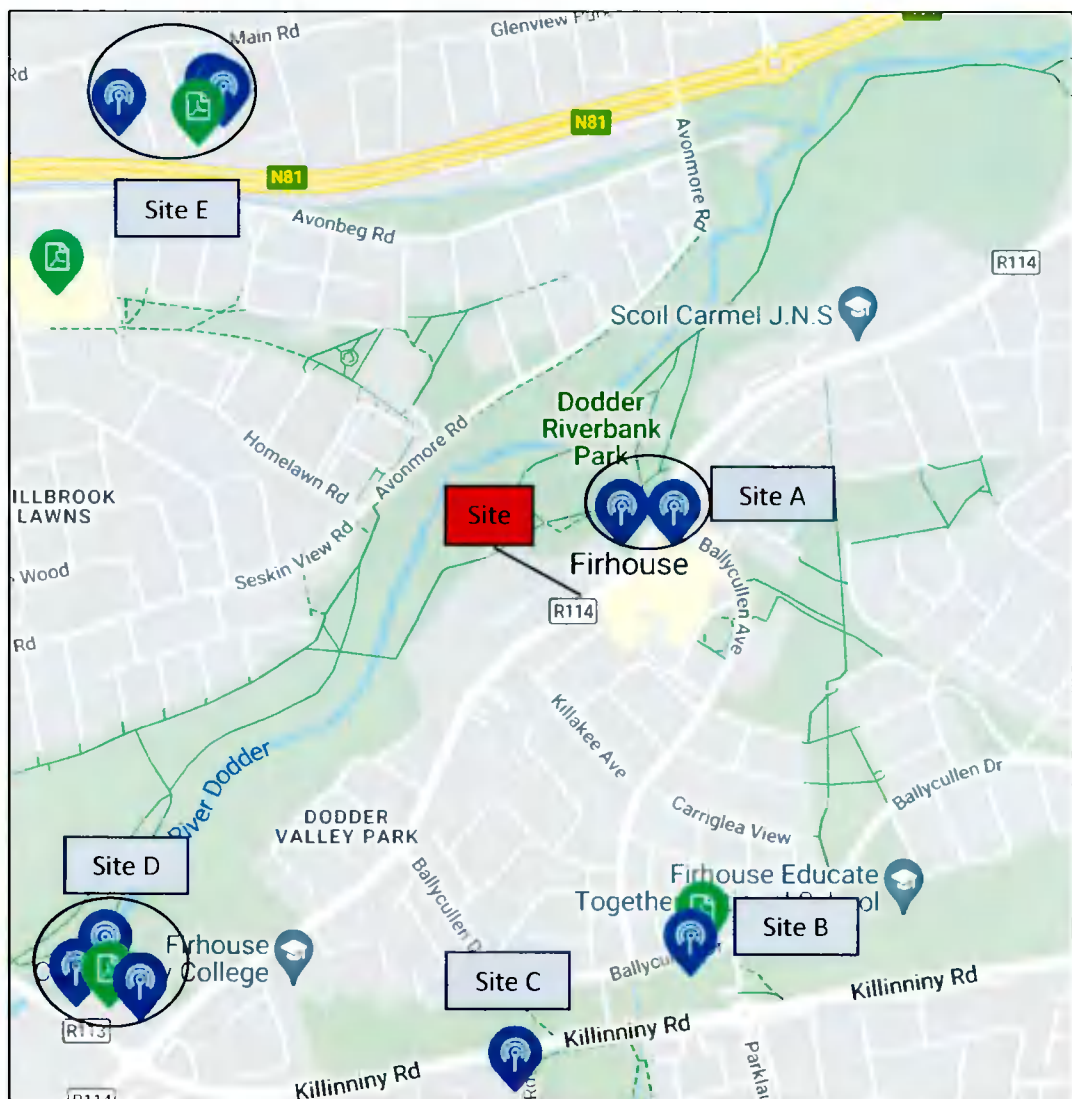


Fig. No.6 Comreg Map of closest Existing Sites in General Area.

### 3.2.5 Alternative Sites

Please refer to the above Comreg Map (Fig No.6) in association with the following Table, which set out the other relevant Infrastructure in the subject general area of Firhouse Road. It must be noted that all of the sites identified, apart from Site A, are situated outside of the required search ring, which has a diameter of c.250 metres.

Site A consists of THREE DU0658, Vodafone DN089 and a Meteor site DN3889 which is under construction:

- DU0658 - This site is a historic site and Cellnex is of the understanding that it does not exist anymore in the location as indicated on the comreg mapping.
- DN089 - This site is a roof mounted weather vane and is unsuitable for the upgrade required to meet the service demand in this area.
- Streetworks site, METEOR DN3889 is currently under construction and it has not been added to the Comreg map website yet. Since it is a streetworks, there is no opportunity for a colocation of a high capacity slimline streetworks solution.

Three have exhausted all other options in the area for alternative sites. Any existing telecoms structures are not located close enough to the demand area. As can be seen below, after reviewing the nearest telecoms structures to the proposed site it can be seen that Three Ireland are already live and transmitting on some of these sites. Only a site at this location on Firhouse Road will be capable of providing the required service levels expected by customers in this area.

However, in the interest of demonstrating other sites in the broader area for assessment purposes by the planning authority, we provide an analysis of other sites in the vicinity of the site below.

Firstly, the Council are referred to the diagram submitted with the application showing all telecommunications sites within 2km of the subject site - Cellnex Smart Streetpole Comreg map (separate enclosure).

The following table indicates the closest established sites near the subject site (and presents associated 'Discounted Reasons' why they are deemed unsuitable:

Site:	Name of Site (Comreg):	Approx. Distance from Site:	Details/Discounted Reason(s):
<b>A</b>	THREE_DU0658; VODAFONE_DN089 METEOR DN 3889 (streetworks currently under construction)	157m	As mentioned above, the THREE site is believed to not exist anymore in this location, the Vodafone site is unsuitable for upgrade required to meet demand and the Meteor streetworks pole is currently under construction and there is no opportunity for colocation.
<b>B</b>	VODAFONE_DN421	573m	Site is significantly outside of the required search ring therefore there is no benefit to be gained by adding equipment at this location towards the end of achieving the required objectives.
<b>C</b>	METEOR 3305	716m	Site is significantly outside of the required search ring therefore there is no benefit to be gained by adding equipment at this location towards the end of achieving the required objectives.

<b>D</b>	THREE_DU0166; VODAFONE_DN173; METEOR 1274	900m	Site is significantly outside of the required search ring therefore there is no benefit to be gained by adding equipment at this location towards the end of achieving the required objectives. THREE is already positioned at this site where signal level is already poor, therefore equipment at this location would not address the service needs of the subject search ring.
<b>E</b>	THREE_DU0232; VODAFONE_DN892; METEOR 1324	922m	Site is significantly outside of the required search ring therefore there is no benefit to be gained by adding equipment at this location towards the end of achieving the required objectives. THREE is already positioned at this site where signal level is already poor, therefore equipment at this location would not address the service needs of the subject search ring.

## 4.0 APPLICANT: BACKGROUND

### 4.1 Introduction

The applicant, Cignal Infrastructure Ltd is a company of Cellnex, which is a European Telecommunications infrastructure provider, which specifically facilitates co-location to the communications sector in Ireland and Europe. Cignal was purchased by Cellnex in September 2019. Cignal Infrastructure Ltd remains the legal entity or trading name for the organisation in Ireland. The organisation has significant commercial relationships with each mobile network operator in the State namely Three, Vodafone and Meteor/eir in addition to

radio, broadband and emergency communication service providers. Whilst managing their existing portfolio of 300 former Coillte sites, in addition to over 250 new sites., Cellnex has recently completed the purchase of an additional 1150 sites from CK Hutchinson in Ireland. This brings the total portfolio in Ireland to **c.1800 sites nationwide**. The applicant plans to add new developments to support the ongoing infrastructural requirements of the telecommunications industry and to facilitate the provision of broadband in current **"black spot" areas** and to also facilitate higher data transmission speeds in urban areas through various initiatives. It is submitted that the intervention of private sector firms such as Cignal Infrastructure Ltd. (and its parent company Cellnex), in the roll-out of telecommunications infrastructure, is a significant and fundamental pillar in the Governments telecommunications policy and its future plans.

## 5.0 PLANNING CONTEXT

### 5.1 Taskforce: Backdrop to Process

The Section 254 Telecommunications Licence Process has evolved as a direct outcome of the Governments Programme for Government, which gave a commitment to establish a Mobile Phone and Broadband Task Force to identify immediate solutions to broadband/mobile phone coverage deficits and to investigate how better services could be provided to consumers. The Taskforce made a number of key recommendations and set out clear actions, which have evolved with reference to the Implementation Report, inter alia.

Chapter 2, Planning and Licencing, of the Taskforce Report recommended that: *'Provisions relating to planning exemptions for telecommunications infrastructure should be amended to facilitate its smoother deployment and the removal of barriers to investment'*. [author's emphasis]

The Task Force also recommended the following:

*'That a review of the relevant statutory Planning Guidelines should be undertaken, in conjunction with telecoms industry representatives and other relevant stakeholders, with the aim of evaluating and updating key aspects of the Guidelines to provide clarity and consistency in their interpretation and implementation'.*

## **5.2 Distinction between Section 254 and Class 31**

As a direct result of this Government Task Force Report and addendum Implementation Report, two crucial yet mutually exclusive instruments of Irish Planning Law were enacted by resolution of the Oireachtas in order to facilitate the Government's aim; *'To identify immediate solutions to broadband/mobile phone coverage deficits and to investigate how better services could be provided to consumers'*. These two legislative instruments were also supported under European Law by the European Union (Reduction of Cost of Deploying High-Speed Public Communications Networks) Regulations 2016.

Putting it simply, the key differentiating element of the Section 254 legislation is that it refers to **Public Roads** whilst the Class 31 exemptions refer to Private Lands and associated 'Exemptions'.

Section 254 requires the applicant to acquire a Licence for the construction of such Telecommunications Infrastructure adjunct to Public Roads. This licence application must demonstrate how the proposal conforms to the proper planning and sustainable development of the area. Under Section 254, an Appeal of a decision to An Bord Pleanála is provided for. There are no height stipulations provided for therein, however Signal is committed to the highest standards of proper planning and sustainable development and aims to achieve highest possible environmental assimilation standards. One such example of this aim is portrayed in the pursuit of slim line design prototypes, which have evolved since the enactment of the legislation, such as the Alpha 2 model (inter alia),

which has combined highly technical specifications with a slim line aesthetically attractive construct with credit afforded to the Cignal Design Team in conjunction with JRA (Jason Redmond Associates).

### 5.3 Spirit of the Legislation

Planning Authorities, An Bord Pleanála and the Judiciary invariably refer to the 'Spirit of the Legislation', under their respective reports/summations, in drawing conclusions and in issuing Judgements. It is therefore respectfully submitted that the spirit of the Section 254 Licence process is to 'remove barriers' to the roll out and deployment of Telecommunications Infrastructure nationally in order 'to provide immediate solutions to mobile voice and broadband deficits in Ireland'. However, it is noted that regard must be had to the proper planning and sustainable development of an area and be in accordance with respective Development Plans.

### 5.4 Provisions of Section 254, Planning and Development Act 2000 (as amended)

The salient provisions of Section 254 legislation under the Planning and Development Act 2000 (as amended) are as follows:

*254. — (1) Subject to subsection (2), a person shall not erect, construct, place or maintain —*

*F924 [(ee) overground electronic communications infrastructure and any associated physical infrastructure, ]*

*on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.*

*(5) In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to —*

*(a) the proper planning and sustainable development of the area,*

*(b) any relevant provisions of the development plan, or a local area plan,*

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



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

## 5.5 Licence History & Precedent

### **Previous Licence Application on Subject Site**

There was a Section 254 Licence granted to Cignal Infrastructure Ltd for a 18m streetworks solution for Eir on the opposite side of Firhouse Road. Due to the technological limitations for a multi-operator, high capacity antenna, there is no opportunity to collocate the antennas on the previously granted licence.

### **Previous Licence Applications in the Jurisdiction**

The reception of Licence Applications has been very positive for the most part. Numerous Licence Applications have already been approved by various planning authorities throughout the Jurisdiction. Such a positive reception of this new Statutory Instrument reflects innovative, proactive and positive engagement between Local Authorities and Telecommunications Infrastructure providers, which is a significant and dynamic step forward for the Telecommunications Sector, which was clearly espoused under the Taskforce Report and accords with 'the spirit of the legislation'.

The following Section 254 Licence Applications have been granted by An Bord Pleanála in recent times: ABP: PL.305114-19 (Lahinch Rd, Ennis), ABP: PL 306440-20 (Ballybane, Galway) and, ABP: PL 306033 – 05E (Letterkenny, Co. Donegal), PL06S.307196 (Lucan, Co. Dublin).

With regard to the principle of development and the associated acceptance of the proposed modernised type of telecommunications pole, under ABP PL 305114-19 the inspector referred, with regard to the principle of development, *"It is agreed that modern technology has provided for design standards that are more amenable to coming within the scope for a License application under Section 254"*. This appeal was granted by the Board subject to conditions and it

pertained to a similar description; 15 metre Alpha 2.0 pole and cabinet, in height and general dimensions.

We also refer the Council to a recent decision by An Bord Pleanála (ref. LC93.309598) dated 28th July 2021 concerning a proposed for a 15m high streetpole solution to address identified mobile and mobile broadband coverage blackspots at the Junction of St. John's Hill and The Folly, Waterford (Reg. Ref. 19/523).

Waterford City & County Council refused permission on account of the fact that the subject site was considered to be located on an elevated and exposed suburban site, in close proximity to a scout den, a hospital/care home, a number of protected structures and numerous residential properties, in circumstances where the proposal has not been subject of formal public notification and there has not been an opportunity for formal public engagement or submissions.

The Board however granted permission for a conditional 10 year licence.

The An Bord Pleanála Inspector noted that:

- *"The structure may briefly be of visual interest but would then become an accepted and normal part of the urban streetscape. These structures are becoming more common".*
- *"The structure will be very visible on the streetscape. However, a visual impact is unavoidable with telecommunications infrastructure such as this ... it would not have any undue adverse impact on the surrounding land uses or the protected structures".*

The above Section 254 Licence Applications have similar characteristics to the subject area in terms of receiving environment.

## 5.6 Street Works in Northern Ireland and the UK, US.

It is very important to convey that this type of Telecommunications solution is extremely commonplace in Northern Ireland, the UK, Europe and in the US.

Furthermore, 'The Greenbook', 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (April 2015), published by the Dept of DCCAE (see [www.dccae.ie](http://www.dccae.ie)) demonstrates various examples of such structures similar to the structure proposed herewith.

The Green Book acknowledges that the type of infrastructure required will vary, depending on a number of factors, such as location, existing road type and network coverage targets.

In Section 5.4 Consideration of Suitability of Locations, the Green Book refers to the use of standalone poles as the preferred option in urban settings where there is a wide verge or similar.

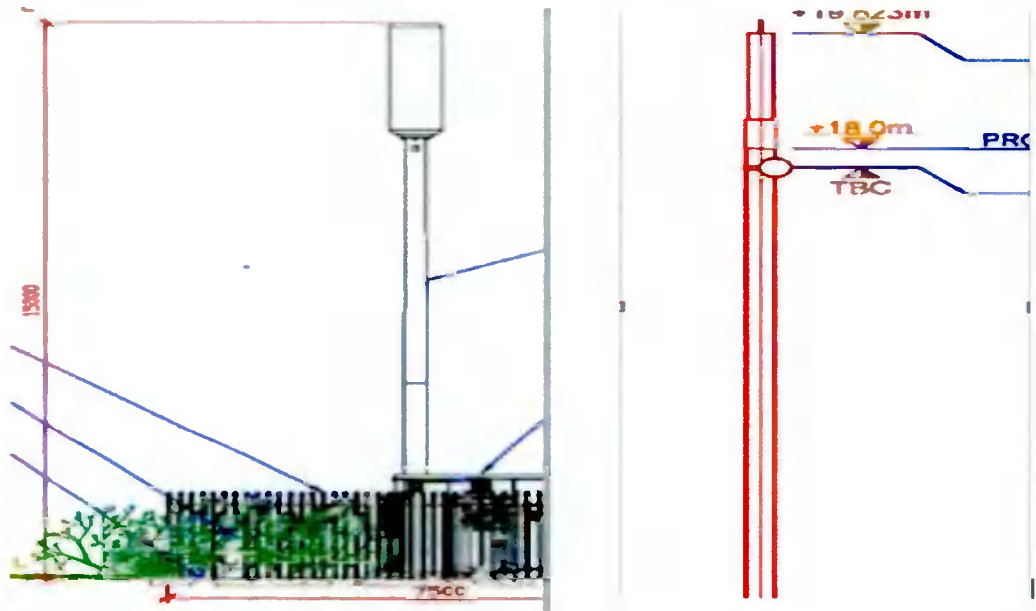
Consideration of Opportunities to Facilitate Telecommunications Infrastructure on the Roads Network		
Urban Roads		
General	Opportunities	Comment
<p>In the case of urban roads, there are generally few opportunities to cater for large, stand-alone masts. There may be opportunities in the vicinity of some roundabouts.</p> <p>There are, however, likely to be more opportunities to accommodate small telecoms antennae / cabinets within the streetscape. Also, it may be feasible to erect new poles to accommodate telecommunications infrastructure</p>	<p>Opportunities are generally limited to locations where a wide verge or footpath allows the accommodation of small cabinets/antennae and/or the erection of stand-alone poles to accommodate telecommunications infrastructure</p>	<p>Stand-alone poles are the preferred option in urban areas, as there are ongoing operational and maintenance issues relating to accommodating electronic equipment on lighting columns.</p>

**Fig.No.7** Guidance on potential location of overground telecommunications infrastructure on public roads.

In general, the height of telecommunications infrastructure is determined by the network requirements. According to Three, an overall height of 15m is required

on Firhouse Road in order to provide the required coverage and to clear local obstacles that would cause network interference.

We note Appendix A of the Green Book, which offers examples of acceptable roadside infrastructure, particularly examples three and four, both of which are structures of 15m and over.



**Fig No.8** Image 5 Examples of small and medium size Single Operator Sites Extracted from the Green Book Appendix A.

For these reasons we suggest that the proposed development is in line with the National and EU digital agenda and the County Development Plan and as such should be permitted as a critical addition to the local service provision

### 5.7 Proper Planning and Sustainable Development Considerations

This section sets out the Planning Considerations relevant to the subject licence application. Signal Infrastructure Ltd. has given due regard to the following policy documents in selecting the subject site.

#### National Telecommunications Policy

- 'Planning Guidelines for Telecommunications Antennae and Support Structures' (1996).
- Circular Letter PL 07/12 issued by the Department of the Environment and Local Government.
- The 'Green Book': Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads (April 2015), Published by The Dept of DCCAIE (Product of Collaboration with Department of Communications Energy and Natural Resources, Department of Transport Tourism and Sport, County and City Management Association, Office for Local Authority Management, National Roads Authority (TII)).
- The National Broadband Plan 2012 (and updated under Project Ireland 2040).

#### **5.7.1 Project Ireland 2040 – The National Planning Framework**

The National Planning Framework, which is the Country's penultimate, high level planning steering document at national level, stresses the importance of island wide telecoms connectivity. It refers that in the information age, telecommunications networks play a crucial role in enabling social and economic activity.

#### **5.7.2 Circular Letter PL 11/2020, Telecommunications Services – Planning Exemptions and Section 254 Licences**

This Circular was issued on 17<sup>th</sup> December 2020. It clarifies that a s.254 licence is required for overground electronic communications infrastructure and any associated physical infrastructure but such works are exempt from planning permission.

While a section 254 licence is required for such works, section 254(7) further provides that development carried out in accordance with a licence issued under section 254 shall be exempted development for the purposes of the Act.

### **5.7.3 East and Midlands RSES (Regional Spatial Economic Strategy)**

This strategic policy document refers under Chapter 11 that; *'In the information age, telecommunications networks play a crucial role in enabling social and economic activity. This RSES supports actions to strengthen communications links to develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis'*.

Section 6.4: The Region's Economic Engines and their Sectoral Opportunities:  
In alignment with the Growth Strategy for the Region in Chapter 3, and in conjunction with the Settlement Strategy expressed in Chapter 4, it is an aim of the RSES that there is a convergence between where people live and work and that settlements improve the quality of life of their people.

*'The pervasiveness of digitisation across all sectors compounds the complexity of sector development, and it provides for constant and rapid evolution of emerging technologies including artificial intelligence, machine learning, robotics and virtual reality'*.

Section 8.6 Communications Network and Digital Infrastructure  
*Access to broadband in the Region is improving but remains incomplete. Many rural and peripheral areas of the Region are poorly served by broadband and there is a need to increase the rate of investment in broadband, in particular in rural areas.*

*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. As the digital economy grows, we must ensure that the business opportunities and benefits are felt throughout the Region from our capital city to every town, village and outlying rural area - author's emphasis.*

*The provision of next generation broadband services to rural areas is a key enabling support to ensure smaller urban areas and rural areas are not at a disadvantage in attracting and retaining enterprise and employment compared to larger urban centres. The National Broadband Plan will play an integral role in delivering this infrastructure and revitalising businesses and communities across rural Ireland. This is a fast moving and evolving infrastructure and the region will need to be able to respond and adapt to future communications networks and technology along with changing work practices and emerging economic models.*

Regional Policy Objective - RPO 8.25

Local authorities shall:

- *Support and facilitate delivery of the National Broadband Plan.*
- *Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland.*
- *Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.*
- *Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.*
- *Promote Dublin as a demonstrator of 5G information and communication technology.*

Regional Policy Objective - RPO 8.26

- *The EMRA supports the preparation of planning guidelines to facilitate the efficient roll out and delivery of national broadband.*

#### **5.7.4 South Dublin Development Plan 2016 - 2022**

##### **Policy 7.4.0**

*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.*

##### **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.*

##### **s.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 PL07/12 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 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.*

This report outlines in details why the proposed development cannot be provided in the search ring or on alternative sites within a 2km radius.

### **Zoning**

The subject site is **not zoned** as the development plan maps do not zone public road and paths. The lands to the north are zoned HA - To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas.



**Fig.No.9** Extract from the South Dublin County Development Plan 2016-22 zoning map.

This zoning context remains the same under the draft South Dublin County Development Plan 2022-28.



**Fig.No.10** Extract from the draft South Dublin County Development Plan 2022-28 zoning map.

### Site Designations (Zoning, Scenic Routes, Landscape Sensitivity etc.)

The site has no specific amenity designation. There is no protected scenic route proximate to the site. It is not within an ACA or within a SAC/SPA.

The site is on the border of an area identified as a 'Geological Sites for Protection'. The geological area in question relates to lands within the Dodder Valley and we submit that this only relates to lands zoned HA. It is only the thickness of the line used to convey this boundary that means that the subject site is within this boundary line. We submit that the site itself is not subject to this protection area.

The Dodder Valley is located in a proposed NHA but the proposed designated area is removed from the subject site - see diagram below.

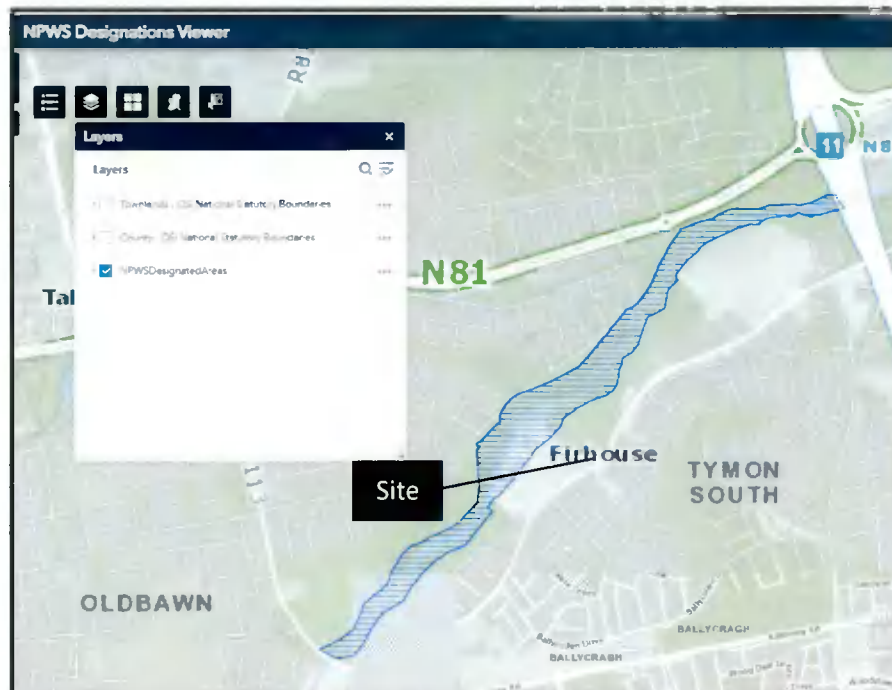


Fig No.11 Proposed Natural Heritage Area.

The site falls within the area defined as public road and therefore this proposal should be considered under the Section 254 legislation as outlined under Section 3.1 above.

## 6.0 VISUAL IMPACT ASSESSMENT

Please refer to the CGI images prepared by Jason Redmond Associates, Consulting Engineers submitted with the application showing before and after images of the proposed development.

For the purpose of this study the criteria as set out in the current EPA Guidelines on Information to be contained in Environmental Impact Assessment Reports (2017, Draft) are used in the assessment of the likely impacts. The criteria for rating the significance of impacts are outlined below:

Criteria for significance of effects under EPA Guidelines

<b>EPA Rating</b>	
<i>Imperceptible</i>	<i>An impact capable of measurement but without significant consequences</i>
<i>Not Significant</i>	<i>An effect which causes noticeable changes in the character of the environment without significant consequences</i>
<i>Slight</i>	<i>An impact which causes noticeable changes in the character of the environment without affecting its sensitivities</i>
<i>Moderate</i>	<i>An impact that alters the character of the environment in a manner that is consistent with the existing and emerging baseline trends</i>
<i>Significant</i>	<i>An impact which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment</i>

<i>Very Significant</i>	<i>An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment</i>
<i>Profound</i>	<i>An impact which obliterates sensitive characteristics</i>

A total of 4 no. Visual Reference Points have been identified within a 105m radius of the site.

VRPs 1-4 are taken at distances of 69m, 16m, 48m and 105m respectively of the site. The pole and cabinet are clearly visible from these locations. Given the established context provided by the receiving environment (including tall street lights), along with the slender nature of the structure and the neutral sky grey colour, the visual impact is considered to be slight to moderate. It will read as part of the typical street furniture and will not be an incongruous insertion into the streetscape.

#### **VIA Conclusion**

It is concluded that while the proposed 15 metre pole will be visible from close up locations, which is to be expected, it is not considered that such visual sighting of same would be detrimental to the visual amenities of the area, the community amenities or of the public realm at this location.

The proposed pole structure and cabinet which are proposed for this spatial context is a more stream-lined and sleek version of the structures, which were initially rolled out under the Section 254 Licence process. The proposed structure/equipment is testament to the objective of the Cellnex Company, Cignal Infrastructure Ltd, which has been to strive to carefully select appropriate sites, which meet coverage objectives, but which also sensitively address the streetscape wherein such structures are located. It is respectfully submitted that the proposed structure, is presented as a utility structure in this streetscape.

Please note the inspector's comment under ABP reference PL.61.306440, which was an appeal against a decision of Galway City Council to refuse a similar Alpha 2.0 pole structure. The Board overturned the decision of the planning authority in this instance and the ABP inspector, whilst recommending a grant be issued, referred the following in relation to design and visual impacts:

*'I would consider that the structure itself is nondescript in character and design and is not dissimilar in scale or design of a lamp standard or traffic light pole. I would consider that the structure is of a design and scale that would not be out of character or be a visually obtrusive or an incongruous element in a suburban area such as this'.*

It is respectfully submitted that the proposal, in a similar suburban context, will be assimilated into the established streetscape and skyline at this location and within the backdrop of the receiving environment and is entirely in accordance with the proper planning and sustainable development of the area.

## **7.0 APPROPRIATE ASSESSMENT SCREENING**

### **7.1 Natura 2000 Provisions**

Having regard to the nature and limited scale of the proposed development and nature of the receiving environment together with the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 ICNIRP COMPLIANCE**

### **8.1 Health and Safety legislation and Guidelines**

The subject site will be built in accordance with current Health and Safety legislation and Guidelines, which is ultra vires to the planning process. Comreg is the appropriate authority with responsibility for same. The proposed equipment and installation are designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection.

## **9.0 CONCLUSION**

It is respectfully submitted that the proposed street work solution accords with pattern and character of the public realm in this area of Firhouse Road, Tallaght, Dublin 24.

The principle of the proposed Alpha 3.0 pole structure has been accepted by numerous planning authorities and An Bord Pleanála, since the enactment of the legislation.

It is respectfully submitted that policy cited under the South Dublin Development Plan 2016-22, particularly with regard to colocation, was clearly applied to the site selection process. All other locations i.e. existing telecommunication sites have been evaluated and discounted for various reasons set out above. The majority of the established sites assessed were too far from the search ring, to satisfy its technical requirements. The Cellnex Team also considered 'Alternatives' and various locations were ruled out for genuine reasons.

Furthermore, the South Dublin Development Plan 2016 -2022 clearly recognises the importance of the development of a high-quality telecommunications network.

The proposed 15 metre pole solution will provide for optimum coverage as required in an area where there is a noted dearth in coverage. Additionally, given the current Covid 19 crisis, the newly acquired practices of wholesale 'Working from Home' have placed increasing demands on the network as noted by Government in recent Circulars and associated actions. It is also widely accepted that 'Working from Home' practices will become the new norm for a significant time period into the future. Therefore, the immediate urgency of this type of telecommunications infrastructure to address coverage gaps in the network, in addition to increased demand, has never been so crucial to the ongoing economic and sustainable development of the Country.

It is submitted that the proposed pole will be of neutral sky grey, which will reflect the skyline and therefore the proposed pole will be well assimilated with regards to its colour/texture and therefore complies with the best principles of siting and design.

On a site-specific basis, the proposed location will provide an appropriate setting for the proposed pole and cabinet where it will appear as normal utility infrastructure, similar to the existing street lights.

The VIA submitted herewith demonstrates that there will be no negative impact on the visual amenities of this area with slight visual impacts being perceived as one observes the structure in middle to near distance. It is submitted that whilst the structure will naturally be visible, it cannot be argued that visibility of such a structure alone amounts to detrimental impacts rather normal perception of development. This type of structure is crucial functional infrastructure, which significantly contributes to successful place making, in a modern day, functional public realm.



The proposed development is also consistent with the main thrust of recently adopted Regional Policy (EMRA RSES).

The planning authority is respectfully requested to consider the necessity for this infrastructure, which the market would not require if there was not a demand for same. The planning authority is also requested to consider the meticulous site selection process undertaken, which has to satisfy the criteria of the planning authority in addition to the technical/radio requirements of the identified search ring.

With regard to the S.254 legislation, as cited under Section 4 above, it is submitted that the proposed development.

- Accords with the proper planning and sustainable development of the area.
- Accords with the relevant provisions of the development plan.
- Does not detract from the convenience and safety of road users including pedestrians.
- Assimilates within the existing pattern of appliances, apparatuses, or other structures along the public road.

In conclusion, it is respectfully submitted that the proposal fully complies with the proper planning and sustainable development of the area and it is requested that South Dublin County Council grant this Licence Application with regard to the case set out above.

A stage II Appropriate Assessment is not considered necessary. We invite the Council as the competent body to agree with this conclusion.



David Mulcahy

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