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**South Dublin County Council  
Planning Department  
City Hall  
Cork  
Co. Cork**

Your ref: SD10A/0180  
Our ref: DN3552

24<sup>th</sup> April 2022

**Re: Planning Application for Retention Permission of an existing 12 metre high telecommunications support structure carrying telecommunications equipment, together with existing equipment containers and associated equipment within a fenced compound as previously granted under local authority reference SD10A/0180 at Coolmine T.d, Rathcoole, Co. Dublin. The development will continue to form part of Eir Mobile Limited's existing and future telecommunications and broadband network.**

A Chara,

### **1.0 Application for Planning Permission**

Eircom Limited wishes to apply for retention permission for the existing telecommunications installation at Coolmine T.d, Rathcoole, Co. Dublin. The development was granted permission by South Dublin County Council in November 2010 for a period of five years under Ref. No: SD10a/0180. Eircom Limited is seeking planning permission to retain the 12 metre high telecommunications support structure carrying telecommunications equipment, together with existing equipment containers and associated equipment within a fenced compound. The development will continue to form part of Eircom Limited's existing and future telecommunications and broadband network.

This established site is an integral component of Eircom Limited's communications infrastructure. Like all base stations, it can also be seen as a component of the Government's National Policy which seeks to promote the establishment of a high quality and cost effective mobile telephone infrastructure, identified as an essential infrastructural feature in the governments NDP.

### **2.0 Site Purpose**

The installation at Rathcoole plays an integral role in connecting the local community with (3G & 4G) fast and efficient voice, data and mobile broadband connectivity. The site specific location of the installation is such that it provides the above listed services into areas that are beyond the reach of other telecommunications sites in the wider vicinity. The existing installation has an established function & presence in the area and has been fully integrated into Eircom's local network.

### **Eir Group plc**

4030 Kingswood Avenue,  
Citywest Business Park, Naas Road, Dublin 24

Registered Office: 4030 Kingswood Avenue, Citywest Business Park, Naas Road, Dublin 24. Registered in Ireland No. 282645

Directors: Gerard Fahy, Alfred Kane, Daniel Maher, Brian Patterson, Patrick Teahon, Charles Butterworth, John Kent, Jonh Otty

Since the original development of this installation, it has performed its role as planned and works together with surrounding base stations to provide seamless coverage to businesses and homes in the surrounding Rathcoole area.

The loss of this site would remove coverage from the subject area, which would cause an overall decrease in the signal strength, network quality and would significantly increase network blocking in the wider area.

The existing base station represents a key link in Eircom Ireland coverage chain in South Dublin. It is crucial to Eircom's customer base that South Dublin County Council grants permission for its continued use permanently.

### **3.0 Site Sharing**

It is Eircom's stated policy to facilitate other operators in co-locating upon its structures. Eircom are willing to accept a planning condition placing on onus on it to share the structure with other telecommunications and broadband operators subject to structural considerations and on agreeing reasonable commercial terms.

### **4.0 National Development Plan 2007 - 2013**

The National Development Plan 2007-2013 central aim is to implement policies that 'set the economic and social investment priorities needed to realise the vision of a better of quality of life for all.'

Relevant high level objectives associated with the plan are as follows:

- 'Balanced regional development with regions achieving their full potential
- Addressing economic and social infrastructure deficits
- Supporting enterprise, innovation and productivity

In order to achieve the objective of the plan, investment in economic and social infrastructure priorities has been identified. One of the key outputs of these priorities will be:

- To promote the availability of competitive broadband services and to achieve nationwide coverage by the end of the Plan period.

Chapter 4 of the National Development Plan deals with the development of the rural economy including the development of infrastructure. In this regard the Plan states:

'Access to broadband infrastructure is a particular issue for the rural economy. Broadband can provide ready access to international markets for enterprise in remote locations. Extension and take up of broadband facilities in rural areas is, therefore, an important policy objective.'

The Communications and Broadband Programme of the Economic Infrastructure Priority will seek to advance the rollout of broadband across rural economy. In overall terms, this Programme will promote the rollout of broadband across the rural economy to ensure its availability across rural Ireland. Specifically, the continued rollout of Metropolitan Area Networks (MANs) in rural areas will provide local access communications infrastructure to encourage new operators to deliver competitive services including broadband based optic fibre and wireless technology.'

Chapter 7, Economic Infrastructure Policy, further states:

'This Plan, which facilitates continued growth in the telecommunications sector, will coincide with dynamic changes in the sector. Significant drivers of change will include advances in existing technologies, the development and deployment of new technologies to underpin Next Generation Networks, the changing role of market players and changes in consumer expectations. These changes will increase the availability of broadband and will make it an even more essential and powerful tool than it is today, for both business and residential consumers.'

This base station and other base stations in Eircom's network are important in terms of services currently offered by Eircom and also in the context of the ongoing development of new and innovative services.

Further, the existence of such infrastructure enables the co-location of broadband operators thereby having the potential to increase the availability of broadband services within a competitive market and is in keeping with the intent of the policies and objectives of the National Development Plan 2007-2013.

#### **5.0 National Spatial Strategy for Ireland 2002 – 2020**

The national Spatial Strategy (NSS) is a twenty year planning framework designed to deliver more balanced social, economic and physical development between regions. It is important to consider the NSS in the making of decisions regarding applications for planning permission for telecommunications installations because the strategy is concerned with all aspects of infrastructure, including telecommunications

In section 2.6 of the NSS "How to strengthen areas and places", the need for effective telecommunications, including broadband is highlighted. In section 3.7 "Key Infrastructure" it states that "physical networks of infrastructure such as roads, public transport, energy and communications are of particular relevance to the NSS, since they themselves have a spatial impact and also influence the location, timing and extent of development". The strategy goes on to state that "a feature of the most mature and successful economies is that they possess highly and private transport, and energy and communications networks"

The existing development is essential to the effective delivery of Eir mobile network in the area, and its continued use would be fully in keeping with the objectives of the NSS.

#### **6.0 South Dublin County Development Plan 2016–2022**

There have been no significant changes in the vicinity of the site or within the County Development Plan policies and objectives pertaining to telecommunications since the last permission for the development was granted. This application is for the retention of an existing structure as opposed to the erection of a new one, it is considered that the suitability of the site for such development has been demonstrated through the previous grants of permission.

## **7.0 The Development in the Context of the Department of the Environment's *Guidelines for Telecommunications Antennae Support Structures* (July 1996)**

When considering proposals for new telecommunications facilities Cork County Council will have regard to the '*Telecommunications Antennae Support Structures - Guidelines for planning Authorities*'.

It is the Government's stated policy aim to promote and improve Ireland telecommunications services so to '*place Ireland in the top quartile of OECD economies as regards the availability, price and quality of telecommunications services in order to promote industrial and commercial development, to improve personal and household security and to enhance social exchange and mobility*'.

These guidelines state that under the Local Government Act 1991, *an obligation is imposed on Planning Authorities 'to have regard to policies and objectives of the Government or any Minister in so far as they may affect or relate to their functions. Government policy on the availability of top quality telecommunications throughout the state should therefore, be taken into consideration'*

There have been technological advances since the installation of this base station. However these advances must be separated from the function of the support structure, which in essence is a steel support poles providing only the necessary height and platform for the technology to function properly. There have been no advances in this respect that would result in meaningful amelioration of the base stations appearance.

## **8.0 Circular Letter: PL 07/12 – Telecommunications Antennae and Support Structures Guidelines**

This circular was issued by The Minister of environment, community and Local Government under section 28 of the Planning Development Acts 2000 – 2012 to update certain sections of the telecommunications Antenna and Support Structures Guidelines (1996) which planning authorities use to draft planning policies and assess planning applications. The circular was issued to all Directors of Planning, City & County Managers and An Bord Pleanala. Below are some of the significant revisions to the 1996 guidelines.

### **Temporary Permissions**

*The 1996 guidelines anticipated rapid changes in technology and therefore early obsolescence of antennae and their support structures. Accordingly, the Guidelines advised that permissions for mobile telecommunications infrastructure should normally be granted for only five years.*

*However the experience has been that masts and antennae tend to remain in place for many years, while repeat planning applications have been required to renew the relevant temporary permissions.*

*Mobile telephony, with associated ground based antennae and support structures, will remain a key feature of telecommunications infrastructure for the foreseeable future. Moreover, the roll-out of NGB will tend to increase the importance of the infrastructure.*

*Planning authorities are therefore advised that from the date of this Circular Letter, attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set*

*temporary period should cease. Where a renewal of a previously temporary permission is being considered, the planning authority should determine the application on its merits with no time limit being attached to the permission.*

*Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.*

In line with this advice Eircom would respectfully ask the Council to issue a permanent grant of permission.

### **Bonds for Removal of Redundant Structures**

*The 1996 Guidelines also advised that when antenna and their support structures are no longer being used by the original operator, and no new user has been identified, they should be removed and the site reinstated at the operators expense. The Guidelines furthermore recommended that in order to facilitate the above, a condition should be attached to the planning permission providing for removal in the case of obsolescence, with provision for the lodging of an appropriate security (e.g. bond or cash deposit), with the relevant local authority: such security could be applied by the planning authority to effect removal where the site owner/operator has not complied with the relevant condition.*

*Having reviewed experience since 1996 and the limited number of sites that have become obsolescent in that time, it is considered that the lodgement of a bond or cash deposit is no longer appropriate. It is therefore advised that, in general, future permission should simply include a condition stating that when the structure is no longer required it should be demolished, removed and site re-instated at the operators' expense.*

Should the council decide to grant permission in this instance, Eircom would respectfully ask that consideration is given to this government advice and not include a condition requiring the payment of a reinstatement bond.

### **Draft Guidelines on Contribution Conditions**

*The 1996 Guidelines pre-dated the introduction of Development Contribution Schemes under sections 48 and 49 of the 2000–2012 Planning and Development Acts. Since that time most planning authorities have prepared Development Contribution Schemes which often include a levy of varying amounts for telecommunications infrastructure depending on the authority concerned.*

*The Department published Draft Guidelines on Development Contributions under section 28 of the Planning Act in June 2012 with a view to introducing final Guidelines by the end of this year. The principal aim of the Guidelines is to provide updated guidance on the preparation of development contributions to reflect changed economic circumstances since guidance was last issued in 2007, and also to reflect the Government's focus on job creation and investment in infrastructure for the future.*

*The Draft Guidelines recognise that the adoption of Development Contribution Schemes is a reserved function of the elected members of each planning authority, but indicate that there is a requirement for greater consistency in Development Contribution Schemes on a national basis. Moreover, the Draft Guidelines require that all future Development Contribution Schemes must include waivers for broadband infrastructure provision and these waivers are intended to be applied consistently across all local authority areas.*

Eircom would respectfully ask that consideration is given to this government advice in relation to waivers of broadband infrastructure and not include a condition requiring the payment of a Development Contribution.

### **Health and Safety**

The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds.

This Circular Letter reiterates that advice to local planning authorities. 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.

The existing installation is within the limits as set out by ComReg & ICNIRP limits. It is therefore fully compliant with the relevant Health & Safety legislation applicable to this type of development.

### **9.0 Conclusion**

Telecommunications connectivity is now regarded as the fourth utility service, after water, electricity and gas. Indoor mobile reception remains insufficient in certain buildings in urban areas. It is a recognised fact that one of the most important criteria in attracting new business to an area is the level of communication services available. The demand for such services has increased over the years with advances in technology, as users expect the availability of connectivity in their vicinity.

Retention of telecommunications installation at Coolmine TD is of critical importance to Eircom's network in terms of maintaining existing coverage levels in the Rathcoole area. Increasingly the availability of high quality voice, data and mobile broadband coverage is an essential part of an areas amenity. The provision of this service needs base stations to ensure capacity and quality to meet customers' demands and requirements. Good communications are important both the local and the national. Modern businesses demand good communications and areas that can satisfy this demand will attract and maintain business, therefore increasing employment opportunities for the local population. The site also provides a service to local residential customers as well as those passing through the cell.

Both National and South Dublin County Council telecommunications policy aims to promote information and communications technology (ICT) as a key factor in the determination of social and economic progress. The development of an ICT network is vitally important to attract investment and jobs, while also giving customers quality access to information, education and entertainment. Inevitably, in some cases, there may be a degree of visual impact in providing the necessary infrastructure as with ESB lines, traffic signal and public street lighting poles etc. it is now recognised that the infrastructure is part of built environment in modern economy.

Given the site impotence in terms of its location, quality coverage provided and the complexity of the network linkage, a refusal of permission in this instance would have a major impact on the network, leaving domestic and business customers with potentially no service. It will force the

applicant to seek permission for an alternative structure/structures in the same are to fill the coverage deficit.

The design, height and configuration of the existing base station and associated equipment reflect current requirements. There is no suitable alternative design available for the purpose of this installation. The existing structure remains appropriate to the receiving environment and in the context of the surrounding land uses and is preference to a free standing structure. The existing location is the most suitable available from both planning and radio engineering point of view. The existing installation is fully compliant with national and local policies and guidelines in terms of design, location and benefit to the area

We trust you will find the application in order and look forward to receiving a favourable response. Should you have any queries in relation to this matter please do not hesitate to contact undersigned.

Yours sincerely



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