

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: S25422/001 **Application Date:** 02-Feb-2022
Submission Type: S254 Licence Application **Registration Date:** 02-Feb-2022

Correspondence Name and Address: Jason Redmond & Associates 5, Lismard Court, Portlaoise, Co. Laois

Proposed Development: 18m Alpha Lollipop Streetpole Solution with 2m Hexaband antenna and ground equipment cabinet

Location: Roundabout Junction, Robinhood Industrial Estate, Walkinstown, Dublin 22

Applicant Name: Cignal Infrastructure Ltd.
Application Type: S254 Licence

Site Description

The site is part of a grass verge adjacent to a public footpath on the northwestern corner of a roundabout within the Robinhood Industrial Estate.

The surrounding area is generally industrial in nature, with no residential dwellings within the immediate vicinity of the subject site.

Licence Application Proposal

Licence is sought for a 18m Alpha Lollipop Streetpole Solution with 1 No. 2m Hexaband antenna at azimuths 60°, 160°, 260° & 1 No. ø300mm dish (to be included only if no fibre infrastructure in area) and ground equipment cabinet.

Consultations

Internal

Roads Department: No objection, subject to conditions.

Parks and Public Realm Department: No objection.

Drainage and Water Services: No objection, subject to conditions.

Local Enterprise (Broadband Officer): Additional Information required.

External

Irish Water: No Report received at time of writing.

Transport Infrastructure Ireland: No objection.

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

Legislation

The license application has been made under Section 254 of the Planning and Development Act, 2000 as amended. Section 254(5) of the Planning and Development Act as amended outlines the criteria to which the Planning Authority shall have regard:

- (a) the proper planning and sustainable development of the area,
- (a) 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
- (b) the convenience and safety of road users including pedestrians.

Relevant National Policy

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

Circular PL 11/2020 – Telecommunications Services – Planning Exemptions and Section 254 Licences

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

7.4.0 Information and Communications Technology

Policy IE4 Information and Communications Technology (ICT)

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

IE4 Objective 1:

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

IE4 Objective 2:

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

IE4 Objective 3:

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

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

IE4 Objective 4:

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

IE4 Objective 5:

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

IE4 Objective 6:

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

Section 11.6.2 Information and Communications Technology

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

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

Assessment

The main issues for consideration are:

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

- Zoning and council policy
- Siting of the Proposed Overground Electronic Communications Infrastructure
- Visual Impact and Residential Amenity
- Roads
- Public realm
- Drainage and Water Services

Zoning and Council Policy

The proposal is for an 18m Alpha Lollipop Streetpole Solution with 1 No. 2m Hexaband antenna at azimuths 60°, 160°, 260° & 1 No. ø300mm dish (to be included only if no fibre infrastructure in area) and ground equipment cabinet. The proposed location is in a grass verge adjacent to a roundabout within the Robinhood Industrial Estate. The street has been taken in charge by South Dublin County Council and is zoned 'REGEN' in the South Dublin County Development Plan 2016-2022, for which the stated objective is '*to facilitate enterprise and/or residential-led regeneration*'

Council policy is generally supportive of sustainable development of ICT infrastructure in the County subject to protecting the amenities of urban and rural areas. Section 11.6.2 of the County Development Plan sets out requirements that applicants shall demonstrate in the consideration of such proposals. The applicants have not provided the required information to demonstrate the requirements of Section 11.6.2. In particular, the applicants have not demonstrated:

- 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;

The Planning Statement prepared by David Mulcahy Planning Consultants Limited details how the proposal is compliant with the relevant local, regional and national policy. This is accepted by the Planning Authority.

- A map showing the location of all existing telecommunications structures within a 2km radius of the proposed site;

The Applicant has provided a map showing the location of all existing telecommunications infrastructure within a 2km radius of the proposed site.

- Rational for the proposed development and chosen location, including reasons why (if not proposed) it is not feasible to share existing facilities in the vicinity;

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

The Rational outlined in the Planning Statement prepared by David Mulcahy Planning Consultants Limited is accepted by the Planning Authority.

- An assessment of the 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.

Jason Redmond Associates Consulting Engineers have prepared CGI imagery of the proposed development and a Visual Impact Assessment is contained within the Planning Statement prepared by David Mulcahy Planning Consultants Limited. The content of the Visual Impact Assessment is noted and accepted.

- The significance of the proposed development as part of the telecommunications network.

The purpose and significance of the proposed development has been clearly outlined in the Planning Statement prepared by David Mulcahy Planning Consultants Limited

Siting of the Proposed Overground Electronic Communications Infrastructure

The licensing provisions are set out in Section 254 of the Planning and Development Act 2000, as amended. This requires persons seeking to erect overground telecommunications infrastructure to obtain a licence from a planning authority where it is intended to erect such infrastructure on, under, over or along a public road. Section 2 of the Act states that “public road” has the same meaning as in the Roads Act, 1993. Section 2 of the Roads Act 1993 states:

“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

Section 2 of the Roads Act states:

“road” includes –

*(a) any street, lane, footpath, square, court, alley or passage,
(b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,*

(c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin,

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and

(d) any other structure or thing forming part of the road and—

(i) necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or

(ii) prescribed by the Minister.

The Planning Authority considers that the location is within a 'margin' as per the above description and is therefore within the definition of a public road.

Visual Impact and Residential Amenity

The subject site is located within the Robinhood Industrial Estate, with the nearest residential properties located approximately 900m to the west within Walkinstown Crescent. The proposed structure is unlikely to be visible from any residential property.

Jason Redmond Associates Consulting Engineers have prepared CGI imagery of the proposed development and a Visual Impact Assessment is contained within the Planning Statement prepared by David Mulcahy Planning Consultants Limited. The content of the Visual Impact Assessment is noted and accepted.

Having regard to the receiving context of the Robinhood Industrial Estate, it is considered that the proposed development will not have a significant adverse impact on the visual amenity of the streetscape.

Roads

The Roads Department has indicated no objection to the proposed development, subject to the following conditions:

- *The location shall take into consideration any undergrounds services. Service gates for the ancillary cabinet shall not intrude on the carriageway or the pedestrian footpaths.*
- *No vehicle shall be allowed to park, intrude, or obstruct public footpaths/cycle line during the construction and operational stage unless agreed through the construction and traffic management plan.*

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

Transport Infrastructure Ireland have indicated no objection to the proposed development.

Public Realm

The Public Realm Department has indicated no objection to the proposed development.

Drainage and Water Services

The Drainage and Water Services Department have indicated no objection to the proposed development, subject to standard conditions.

No report was received from Irish Water at the time of writing this Report, however having regard to the distance of the proposed development from public watermain and surface/foul water sewers, it is considered appropriate to attach standard conditions requiring compliance with Irish Water's Standards, Codes and Practices.

Broadband Officer

The Broadband Officer has recommended **ADDITIONAL INFORMATION** be requested from the Applicant to address the following:

'The proposed structure is on a public footpath it is important to ensure no realignment of the footpath is required to host the structure. Until this has been established a section 254 license should not be granted'.

Whilst the concerns of the Broadband Officer are noted, it is considered that the proposed monopole structure and equipment cabinet appear to be located in the grass verge adjacent to the public footpath and that a **CONDITION** can be attached ensuring no re-alignment or obstruction of the public footpath should result from the proposal. It is also recommend that the duration of the licence be limited to a maximum of 5 years, so as not to prejudice any future alteration and realignment of the road, which may be proposed as park of the City Edge project.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established industrial area and comprises the provision of an 18m Alpha Lollipop Streetpole and a a ground equipment cabinet. 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.

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

Conclusion

Having regard to Section 254 of the Planning and Development Act 2000 (as amended), the provisions of South Dublin County Development Plan 2016-2022 and the information submitted with the application, it is considered that the proposed development would be acceptable, subject to the conditions attached herewith.

Recommendation

I recommend that a decision be made pursuant to Section 254 of the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant a Licence 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. Plans and Particulars

The 18m Alpha Lollipop street pole and associated equipment cabinet shall be installed and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with this Section 254 licence application, save as may be required by the other conditions attached hereto, and the height and other dimensions as specified in those particulars shall not be exceeded.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Duration of Licence

The duration of this licence is for five years only. The licence shall expire five years from the date of the final grant of the licence. Within 3 months of this date the pole and cabinet shall be removed and reinstated to the satisfaction of the Planning Authority and Roads Department and as specified in other conditions.

REASON: To allow the Planning Authority to review the impact of the licenced works, to consider the merits or feasibility of any alternative solutions.

3. Withdrawl of Licence

Notwithstanding any other conditions of this grant, South Dublin County Council reserves

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

the right to withdraw the licence under section 254(4) of the Planning and Development Act, 2000, as amended, where in the opinion of the planning authority by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing withdraw the licence and require the licensee to remove the appliance, apparatus or structure at his or her own expense.

REASON: To ensure that development is effectively managed.

4. Notification to the Roads Authority

(a) The applicant or licensee shall, in advance of the commencement of the works to erect, construct, place or maintain electronic communications infrastructure or any associated physical infrastructure, inform South Dublin County Council Roads.

(b) This licence does not permit the erecting of Poles within 10 metres of any special engineering difficulty which includes bridges, retaining walls, quay walls, piers, pylons, cellars, railway crossings or light railways, unstable embankments or cuttings.

REASON: in the interest of proper planning.

5. Obsolescence

In the event of obsolescence, or withdrawal or expiry of the license without renewal, the telecommunications street pole, antenna and associated operator cabinet shall be removed from the site and the site reinstated at the expense of the applicant or licensee. The margin surface shall be reinstated with selected soil material to a depth of 150mm. The margin shall be raked, level and compacted well around any infrastructure, and re-seeded with a grass seed mix predominately containing Dwarf Perennial Ryegrass. This works is to be undertaken by a competent and experienced Landscape Contractor, to the satisfaction of the Planning Authority.

REASON: To protect the amenities of the area.

6. No Additional Dishes, Antennae or Other Equipment

No additional dishes, antennae or other equipment other than that demonstrated on the plans, particulars and specifications lodged with this Section 254 licence application, shall be attached to the telecommunications street pole and antenna without first obtaining the prior written approval of the Planning Authority.

REASON: In the interest of the visual amenity of the area; to ensure that the development shall be in accordance with the permission and that effective control be maintained and in the interest of the proper planning and sustainable development of the area.

7. Installation and Drainage

The installation of the telecommunication street pole and associated operator cabinets shall not impair the operation of the existing services and roadside drainage and the applicants shall not interfere with roadside drainage without the prior written agreement of the Planning Authority.

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

REASON: In the interest of the proper planning and sustainable development of the area.

8. Footpath and Cyclists

The developer shall ensure that the telecommunications street pole and cabinet shall not obstruct pedestrians, cyclists and will not to create a road safety hazard.

REASON: In the interests of public safety and the comfort and safety of vulnerable road users.

9. Maintenance

Access to the licence area for maintenance purposes by any statutory undertakers shall be available at all times.

REASON: In the interests of the proper planning, maintenance and development of the area.

10. Change of Ownership

The applicant shall notify the Planning Authority of any change of ownership, transfer to a new operator or any subsequent agreements to the share the telecommunications street pole and associated operator cabinets.

REASON: To ensure that the developments shall be in accordance with the Licence granted and that development is effectively managed.

11. Indemnification.

(a) The Licence Holder shall indemnify South Dublin County Council in respect of legal liability, loss, claim or proceedings whatsoever arising out of or in connection with:

(i) death and/or bodily injury to any persons whomsoever; and

(ii) loss or damage to any property whatsoever (arising from the negligent act, omission or breach of duty by the Licence Holder, its employees, servants or agents), which are caused by or arise from the carrying out of associated works or activities under the granted licence (including installation of property) by the Licence Holder, its employees, servants or agents save for where any loss, claim or proceedings arise out of the negligent act, omission, or any breach of duty whatsoever of the relevant road authority or their employees, servants, agents or otherwise.

(b) The Licence Holder shall hold, maintain and submit evidence of the following insurances:

(i) Employers liability insurance with an indemnity limit of not less than €13 million each and every claim; and

(ii) public and products liability insurances with indemnity limits of not less than €6.5million each and every claim respectively

Such insurances shall be extended to include an indemnity to South Dublin County Council where applicable.

REASON: To indemnify the Council for works carried out by the licensee.

12. Costs Incurred

All costs incurred by South Dublin Council Council including any repairs to the public

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

road and services, arising as a result of the licence, shall be at the expense of the licensee. Work to the public road shall only be carried out by South Dublin County Council.

REASON: To recover the costs of any necessary works to the public road.

13. Legislation

This licence is for the telecommunications street pole, antenna and operator's cabinet and nothing in this licence shall be construed as negating the applicant's statutory obligations or requirements under any other enactments or regulations, including planning legislation, building legislation and The Roads Act.

REASON: In the interest of proper planning and sustainable development of the area.

14. Reinstatement of Remaining Area

The remaining grass area around the structure shall either be retained in its present state or reinstated within 3 months of the installation of the equipment.

REASON: In the interest of visual amenity and the proper planning and sustainable development of the area.

15. Construction Traffic Management Plan

Prior to commencement of development, the applicant shall agree a Construction Traffic Management Plan with the Planning Authority.

(a) The construction traffic management plan shall include details on the maintenance routine during the initial and operational phase of the infrastructure, in essence, the roads department would like to see proposed parking/set down location for maintenance crews.

(b) No vehicle shall be allowed to park, intrude or obstruct public footpaths/cycle line during the construction and operational stage unless agreed through the construction and traffic management plan.

REASON: To protect the amenities of the area.

16. South Dublin County Council Lands.

This licence does not permit any works on private property.

REASON: To ensure the proper application of Section 254 of the Planning and Development Act 2000, as amended.

17. 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-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

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

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.

18. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of any 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 (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) 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.

(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 L_{Aeq} 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 (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

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, and to uphold the Council's amenity

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

policies set out in the South Dublin County Council Development Plan.

19. Services.

(a) The poles shall be separated from any underground public utility by a distance of no less than 3 metres, except by written agreement with the responsible party for that utility. In the case of watermains and wastewater sewers, the responsible party is Irish Water. In the case of the surface water sewers, the responsible party is South Dublin County Council. Such agreements shall be copied to the SDCC Planning Department.

(b) The licence holder must ensure that pole erecting does not impact or damage underground services, existing drainage, public or third party property. In the event of damage to underground or overground property, the licence holder must notify the Area Engineer and detail the site location, pole reference number and completed repair.

REASON: To protect existing infrastructure.

NOTE: The applicant is advised that under the provisions of Section 254(6) of the Planning and Development Act 2000 (as amended), any person may, in relation to the granting, refusing, withdrawing or continuing of a licence under this section or to the conditions specified by the planning authority for such a licence, appeal to An Bord Pleanála.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

Comhairle Chontae Atha Cliath Theas

PR/0688/22

Record of Executive Business and Chief Executive's Order

REG. REF. S25422/001

LOCATION: Roundabout Junction, Robinhood Industrial Estate, Walkinstown, Dublin

22

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: A decision pursuant to Section 254 of the Planning & Development Act 2000, as amended, to Grant a Licence 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:

1/6/22



Eoin Burke, Senior Planner