

Comhairle Chontae Atha Cliath Theas

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Record of Executive Business and Chief Executive's Order

Reg. Reference: S25422/05 **Application Date:** 06-Apr-2022
Submission Type: S254 Licence **Registration Date:** 06-Apr-2022
Application

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

Proposed Development: 15m Alpha 3.0 Streetpole Solution with antennas and
ground equipment cabinet.

Location: Firhouse Road, Tallaght, Dublin 24.

Applicant Name: Cignal Infrastructure Ltd.

Application Type: S254 Licence

Site Description:

The application site is located on the north side of Firhouse Road, Tallaght. The site is proximate to the Church of Scientology & Community Centre of Dublin to the west, and the remainder of the surrounding area is characterised by residential development and Firhouse Shopping Centre to the south. Dodder Riverbank Park is located to the north, with the River Dodder running from west to east nearby.

The site currently consists of grass verge, adjacent to a public footpath.

Licence Application Proposal

15m Alpha 3.0 Streetpole Solution with antennas and ground equipment cabinet.

The applicant has applied for a 5-year licence.

Consultations

EHO	No objection, conditions recommended
Roads	No objection, conditions recommended
Public Realm	No comment or conditions to recommend
Irish Water	Further Information recommended
Water Services	No objection

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,

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- (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
- (d) 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

Other Relevant Documents

Rollout of New Overground Telecommunications Infrastructure for the National Broadband Project – Guidance on the Process of Engagement between NBI and Local Authorities on the Application for Section 254 Licences, Local Government Management Association, Local Authorities Ireland and County and City Management Association (2021).

Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads (2015)

Relevant Policy in South Dublin County Council Development Plan 2022-2028

Chapter 5 Quality Design and Healthy Placemaking

Section 11.4 Information and Communications Technology

- *Policy IE5: Information and Communications Technology (ICT)
Promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve social and economic development, whilst protecting the amenities of urban and rural areas.*
- *E5 Objective 1:
To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.*
- *IE5 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.*
- *IE5 Objective 4:
To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.*
- *IE5 Objective 5:*

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To ensure that above ground utility boxes are sensitively located and finished to reduce their visual impact and promote soft planting around existing and new ones where feasible.

- *IE5 Objective 6:
To require the identification of adjacent Public Rights of Way and established walking routes by applicants prior to any new telecommunication developments and to prohibit telecommunications developments that impinge thereon or on recreational amenities, public access to the countryside or the natural environment.*
- *IE5 Objective 7:
Ensure that applications made in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, take into consideration and demonstrate compliance with the 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (2015).*

Section 12.11.2 Information and Communications Technology

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

- *Compliance with the document Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter PL 07/12 issued by the Department of the Environment and Local Government (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;***
- ***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;***
- *The significance of the proposed development as part of the telecommunications network.*

Section 254 Licences:

A Section 254 licence is required from a planning authority to place on, under, over or along a public road the following items or equipment:

- *a vending machine;*
- *a town or landscape map for indicating directions or places;*
- *a hoarding, fence or scaffold;*
- *an advertisement structure;*

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- *a cable, wire or pipeline, overground electronic communications infrastructure and any associated physical infrastructure;*
- *a telephone kiosk or pedestal;*
- *any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.*

The Planning and Development Act, 2000 (as amended) states that:

'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'.*

Items and equipment placed on, under, over or along a public road – such as street furniture and overground telecommunications infrastructure – have the potential to significantly impact on the quality of the environment within a given area. This includes development works regulated through Section 254 licencing requirements.

In assessing applications under Section 254 of the Planning and Development Acts, the Planning Authority, must have regard to the relevant provisions of the Development Plan and any local area plan in place. Careful consideration should be given especially to Chapter 5 of this Plan 'Quality Design and Healthy Placemaking', in particular the sections dealing with 'The Delivery of Sustainable Neighbourhoods', 'The plan approach' and the eight principles which must be applied to new developments in the County.

Applications made under the Planning and Development Act, 2000 (as amended) in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, must take into consideration and demonstrate compliance with the 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (2015).

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Assessment

The main issues for consideration are:

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

Zoning and Council Policy

Council policy is generally supportive of sustainable development of ICT infrastructure in the County subject to protecting the amenities of urban and rural areas. It is noted that the subject site is not located within an area subject to a Local Area Plan (LAP).

The 2022 – 2028 CDP states that ‘applications made under the Planning and Development Act, 2000 (as amended) in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, must take into consideration and demonstrate compliance with the *‘Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads’* (2015).’

Section 8.1 of the Guidance sets out points to be considered when assessing the possibility of placing telecommunications equipment on the roads network. Section 8.1.1 refers to points to consider in the determination of applications on regional and local roads. The Planning Report submitted on behalf of the applicant references the Guidance, in particular in relation to the examples of acceptable roadside structures, stating that standalone poles are the preferred options for such infrastructure in urban settings. The Report also provides a rationale for not providing shared facilities and confirms the structures would *‘not detract from the convenience and safety of road uses including pedestrians.’* A Road Safety Audit has not been provided; however, this is not required in all instances. The Planning Authority is therefore satisfied that the proposal has considered the guidance contained within the *‘Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads’* (2015).

With regard to Chapter 5 of the Development Plan, Section 5.2.1 *‘The Delivery of Sustainable Neighbourhoods ‘The Plan Approach’*, eight key principles against which all new development in the County must be assessed against are set out. It is noted that the eight key principles apply on all zoned development lands. The applicant has not provided a statement detailing ‘the plan approach’ taken in the design of the development however, an assessment against the eight key principles is provided below:

- *Context* – The site is located adjacent to the Church of Scientology & Community Centre of Dublin to the west, to the east and south are residential properties and other neighbourhood uses are located to the southeast. The Dodder Riverbank Park is located to

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the north. It is not considered that the infrastructure would have a significant impact on any existing natural, cultural or built heritage features or green infrastructure elements, given the scale of the development. It is noted that there are a number of other items of street furniture, including street lights, of a similar scale in the vicinity and therefore the telecommunications infrastructure would not be significantly out of character.

- *Healthy Placemaking* – While a small area of grassland would be removed to facilitate the telecommunications mast and services box, it is not considered that this would significantly impinge on the existing public space, as the existing grassland currently does not provide much function.
- *Connected Neighbourhoods* – the location of the infrastructure would not impact on existing pedestrian and cyclist movements in the area, given that the site is existing grassland as part of the public road and would therefore not restrict existing pedestrian facilities.
- *Thriving Economy* – The development will not impact the ease of access to, or availability of, jobs however, improved service in the area would increase peoples access to online information and services.
- *Inclusive and Accessible* – The telecommunications infrastructure would improve access in the area to ICT services, addressing issues of an existing ‘black spot’
- *Public Realm* – The application site is currently grassland to the site of a footpath. While a small area of grassland would be removed to facilitate the infrastructure, it is not considered that this will significantly impact on the public realm, given the remaining grassland and mature vegetation bounding the area.
- *Built Form and Mix* – Not relevant as the proposed development does not relate to the construction of any buildings.
- *Design and Materials* – The structure has been designed to be slimline, limiting its impact on the skyline. The pole and cabinet would be painted a neutral sky grey colour with a visual impact of slight to moderate. The infrastructure would be viewed as typical street furniture and would therefore not be considered to be incongruous within the streetscape.

In conclusion, it is considered that the proposed development will not adversely impact on the urban quality of the area.

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:

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“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,*
- (a) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,*
- (b) 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, 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*
- (c) 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 location indicated is within the margins of public roads in the control of the council, complying with the above definition.

Visual Impact, Residential Amenity and Consideration of Alternative Sites

The applicant has provided a layout plan, elevations and CGI drawing of the proposed pole and cabinet, including dimensions. The cabinet would be approximately 1.652m in height and approximately 1.898m wide. The pole would be 15m tall and approximately 0.36m in diameter. It is not considered that the pole or cabinet would have any significant detrimental impact on residential or visual amenity, given their location proximate to a petrol station. This is considered acceptable.

The applicant has stated that there were no existing base stations in the area that could be shared or upgraded to provide the necessary coverage required to address an existing coverage black spot. A map has been provided showing approximately 35 no. existing poles within a 2km radius. There are no other poles within 200m of the proposed infrastructure.

Based on the above, the provision of the pole and cabinet at this location is considered acceptable.

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Roads

The Roads Department has proposed the following **conditions**:

- 1. 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.*
- 2. 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.*

These **conditions** are considered acceptable in the event of a grant of permission.

Public Realm

The Public Realm Department has reviewed the licence application and have stated they have no comment or conditions to recommend.

Water Services

Water Services have reviewed the application and have stated no objection to the development subject to all works compliance with relevant building regulations.

Irish Water have reviewed the application and have recommended **additional information** is requested as follows:

1.1 Water

The proposed site location is located in close proximity to a 200mm watermain. The structure is approximately 1.8m from this watermain and thus is too close. Irish Water Standards codes and practices require a setback distance of a minimum of 5m from a watermain of this size. Alternatively, the applicant can obtain a confirmation of feasibility letter from Irish Water confirming that the development can go ahead.

— All development shall be carried out in compliance with Irish Water Standards codes and practices.

2.1 Foul

The proposed site location is located in close proximity to a 225mm foul water sewer. The structure is approximately 2.3m from this foul water sewer and thus is too close. Irish Water Standards codes and practices require a setback distance of a minimum of 5m from a foul water sewer of this size. Alternatively, the applicant can obtain a confirmation of feasibility letter from Irish Water confirming that the development can go ahead.

— All development shall be carried out in compliance with Irish Water Standards codes and practices.

As these are the only items of concern, it is considered that these can be satisfactorily addressed by **conditions** in the event of a grant.

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Environmental Health Officer (EHO)

The EHO has reviewed the application and has stated no objection to the development. Their report recommends the following **conditions**:

- 1. This permission is for a period of 5 years from the date of this grant of planning permission. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period by the Planning Authority or by An Bord Pleanála on appeal.*
- 2. Monitoring to determine the adherence to the guidelines of the International Non-Ionising Radiation Committee of the International Radiological Protection Association, under the auspices of the WHO and the European Pre standard RNV 50166-2 Human Exposure to Magnetic Fields-High Frequency (10KHz to 300GHz) promulgated by CENELEC, the European Committee for Electro technical standardisation shall be made immediately before the site is brought into commission and thereafter at yearly intervals by a competent authority, using up-to-date monitoring equipment. The results of all monitoring shall be available for inspection by the Planning Authority and/or other appropriate body.*

These **conditions** are considered acceptable in the event of a grant to enable the impact of the development to be reassessed with regard to technological advances, and in the interests of public health.

Screening for Environmental Impact Assessment

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

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established urban area and comprises erection of a 15m Alpha 3.0 Streetpole Solution with antennas and ground equipment cabinet.

Having regard to:

- the small scale and nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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Conclusion

The proposed development is suitable for licencing by the Planning Authority subject to the **conditions** attached.

Recommendation

I recommend that a decision to Grant Licence to be under Section 254 of the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 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 15m 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 3 years only.

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. Withdrawal of Licence.

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

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her own expense.

REASON: To ensure that development is effectively managed.

4. 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.

5. Obsolescence.

In the event of obsolescence, or withdrawal or expiry of the license without renewal, the telecommunications poles shall be removed from the site and the site reinstated at the expense of the applicant or licensee as per the following, unless otherwise agreed with the Planning Authority:

- the verge surface shall be reinstated with selected soil material to a depth of 150mm;

- The verge shall be raked, level and compacted well around any infrastructure, and re-seeded with a grass seed mix predominately containing Dwarf Perennial Ryegrass.

These works are 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 cabling or other equipment, other than the cabling for which a licence has been sought, shall be attached to the telecommunications poles 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. 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 poles.

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

8. Change to Details of Licence Application.

If during the works the Licence Holder becomes aware of information that would materially alter the details previously submitted in advance of the works, it shall immediately notify South Dublin County Council and request approval to proceed.

REASON: To ensure proper application of the licence.

9. 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

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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.

10. Installation and Drainage.

The installation of the telecommunication poles shall not impair the operation of the existing land and roadside drainage and the applicants shall not interfere with roadside drainage without the prior written agreement of the SDCC Roads Department.

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

11. Notification to the Roads Authority and National 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:

(i) South Dublin County Council, and

(ii) where planned work is on a national road, the National Roads Authority.

(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.

12. 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.

13. Footpath and Cyclists

A. 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.

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. 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.

14. 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:

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(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.

15. Costs Incurred

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

16. 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.

17. 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.

18. 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

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during the construction and operational stage unless agreed through the construction and traffic management plan.

REASON: To protect the amenities of the area.

19. 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 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.

20. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as Laeq 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

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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 LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (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 policies set out in the South Dublin County Council Development Plan.

21. Water and Foul

The proposed site location is located approximately 1.8m from a 200mm watermain and approximately 2.3m to a 225mm foul water sewer and thus is too close. Irish Water Standards codes and practices require a setback distance of a minimum of 5m from a watermain of this size and a foul water sewer of this size. The applicant must demonstrate compliance with this requirement or, alternatively, the applicant can obtain a confirmation of feasibility letter from Irish Water confirming that the development can go ahead. Prior to the commencement of development, the applicant must confirm compliance with the Irish Water Standards or provide a confirmation of feasibility. Written agreement of the Planning Authority is required in this regard prior to the commencement of development.

REASON: To ensure public health and protect the integrity of Irish Water 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/1009/22

Record of Executive Business and Chief Executive's Order

REG. REF. S25422/05

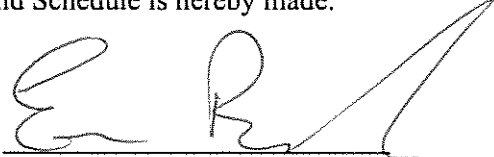
LOCATION: Firhouse Road, Tallaght, Dublin 24.



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 5/8/22



Eoin Burke, Senior Planner