

Comhairle Chontae Atha Cliath Theas

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Record of Executive Business and Chief Executive's Order

Reg. Reference: S25422/06 **Application Date:** 13-Apr-2022
Submission Type: S254 Licence **Registration Date:** 13-Apr-2022
Application

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

Proposed Development: 18m Alpha 3.0 Streetpole Solution with antennas and
ground equipment cabinet.

Location: Ballyroan Road, Butterfield, Dublin 16

Applicant Name: Cignal Infrastructure Ltd.

Application Type: Permission

(COS)

Site Description

The site is located on a grass verge at the south-western corner of the junction of Firhouse Road, Old Bridge Road, Butterfield Avenue and Ballyroan Road.

Licence Application Proposal

A licence is sought by Cignal Infrastructure Ltd. to erect a 18m Alpha 3.0 street pole solution with antennas and ground equipment cabinet.

Consultations

Irish Water – no report received at the time of writing this report.

Public Realm – additional information requested.

Roads Department – no objection subject to conditions.

Water Services – no report received at the time of writing this report.

Broadband Officer – no objection.

Enterprise Promotion – no report received at the time of writing this report.

Transport Infrastructure Ireland – no observations to make.

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,

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

Planning Circular letter PL 07/2021 - Planning and Development Act 2000 (Section 254 - Overground Telecommunication Cables) Regulations 2021 - S.I. 422 of 2021

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

5.2 Successful and Sustainable Neighbourhoods

5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.

QDP2 Objective 1:

To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.

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.

IE5 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.

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IE5 Objective 5:

To ensure that above ground utility boxes are sensitively located and finished to reduce their visual impact, designing out anti-social behaviour and promoting 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).

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 (for example, visual impacts of masts and associated equipment cabinets, security fencing treatment) 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.*

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.

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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).

Assessment

Zoning and Council Policy

The proposed location of the development is on a grass verge at the south-western corner of the junction of Firhouse Road, Old Bridge Road, Butterfield Avenue and Ballyroan Road.

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 12.11.2 of the County Development Plan sets out requirements that applicants shall demonstrate in the consideration of such proposals.

The applicant has submitted the following:

- In their Planning Statement a rationale for selecting this location, which is to improve network coverage in the area, within search ring, adequate space, fibre close and will not interfere with existing services or footpath.
- Cellnex Smart Streetpole ComReg Map showing existing telecommunications sites within a 2km radius of the subject site. A number of existing telecommunications sites are located within this area. The closest sites have been discounted by the applicant due to not being suitable for an upgrade or being located outside the search ring.
- Plans and elevational drawings and CGIs of the proposed development. Visual impact is further assessed in this report below.

The submitted Planning Statement states that the applicant has had due regard to policy documents including 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (2015) in selecting the subject site.

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,

(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**, **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 subject location is relevant for a Section 254 licence and comes within the terms of a public road.

Design and Amenity

In assessing s254 applications 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.

The proposed structures would be a 18m Alpha 3.0 streetpole, with antenna to be included only if no fibre in the area, and ancillary cabinetry (approx. 1.9m x 1.7m x 0.8m). The streetpole is narrow and a light grey colour so would not significantly stand out. It is proximate to existing streetlights and service poles.

The closest dwelling is approx. 32m from the site, No. 2 Ballyroan Road. However, the proposed structures would be sufficiently setback from this dwelling and other residential development in the surrounding area.

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It is therefore considered that the proposed development would comply with Chapter 5 of the CDP and would have an acceptable impact on visual and residential amenity.

Roads

The Roads Department have reviewed the proposed development and have no objection subject to conditions relating to construction traffic management, no obstruction of public footpaths/ cycle ways and location of underground services and impact on these.

Services

No reports from Water Services or Irish Water were received at the time of writing this report. The Irish Water Networks maps show that there is no existing water supply, foul water drainage or surface water drainage infrastructure in close proximity to the proposed development. Standard conditions should apply in the event of a grant.

Public Realm

The site is located on a grassed area in proximity to existing street trees. The Public Realm Section has reviewed the application and requests additional information in relation to the existing trees adjacent to the proposed development. They have concerns regarding the lack of information submitted in relation to these trees and the potential impact of the development. **It is considered that this should be addressed by way of additional information.**

The request from Public Realm in relation to a detailed design can be addressed as a condition prior to the commencement of development in the event of a grant.

Appropriate Assessment

Having regard to the scale and nature of the development proposed and the distance from Natura 2000 sites, it is considered that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 Appropriate Assessment is not required.

Conclusion

Insufficient information has been provided in relation to the proposed development's potential impact on the existing street trees in proximity to the site. Additional information should therefore be requested to ensure that these trees can be retained.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

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1. The applicant is requested to submit a detailed tree survey report for the street trees in proximity to the proposed development. The report should provide detailed information on the condition and health of the existing trees within the green area, and it should also clearly detail what impacts the development will have on the trees but also potentially the tree roots. No trenches, pipes or ducts are to be located within three metres of any trees which are to be retained on the site, unless by prior agreement with a specialist arborist. The applicant is requested to submit the following information in relation to the existing mature trees:

- (i) Tree survey
- (ii) Tree retention protection plan;
- (iii) Tree constraints plan;
- (iv) Arboricultural implication assessment;

The tree survey should be undertaken by a qualified arborist in addition; no drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention nor within any fenced protection zone unless otherwise agreed in writing by the Public Realm Section.

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REG. REF. S25422/06

LOCATION: Ballyroan Road, Butterfield, Dublin 16

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 15/8/22



Eoin Burke, Senior Planner