

Comhairle Chontae Atha Cliath Theas

PR/1301/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0340 **Application Date:** 22-Aug-2022
Submission Type: New Application **Registration Date:** 22-Aug-2022

Correspondence Name and Address: Charterhouse 27, Market Street, Listowel, Co. Kerry, V31 DY72

Proposed Development: Erect a 24m telecommunications lattice structure together with antennas, dishes, headframe and associated telecommunications equipment enclosed by security fencing.

Location: Landmark Architectural Salvage & Granite Products, Main Street, Newcastle South, Newcastle, Co. Dublin

Applicant Name: Vantage Towers Ltd

Application Type: Permission

Description of Site and Surroundings

Site Area:

Stated as 0.0035 Hectares.

Site Description:

The site is located to the south of Main Street, Newcastle (R405) within the Landmark Architectural Salvage and Granite Products yard.

The site is bound to the north and east by St. Finian's National School, to the south by lands which are subject to a current Strategic Housing Development Application and to the west by lands which are subject to a current Planning Application for a discount foodstore (SD22A/0312).

The site is located within the Newcastle Village Architectural Conservation Area and the administrative area of the Newcastle Local Area Plan. The surrounding context of the subject site includes Protected Structures in the form of the RPS Ref. 232 - St Finian's Roman Catholic Church, RPS 230 – the Newcastle National School, RPS No. 229 - a detached five bay two storey house known as the 'Kelly Estates building' owing to its current operation as the commercial premises for Kelly Estates and a 2 No. storey derelict townhouse building and a limestone rubble wall running along the northern boundary which appears on the NIAH under Ref. 11212006. The surrounding context also includes the historic Burgage Plot hedgerows as identified in the Newcastle Local Area Plan.

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Proposal:

The proposed development comprises:

- A 24 metre high multi-user telecommunications lattice support structure carrying antennae, dishes, headframe and associated telecommunications structure. The structure includes 12 No. operator antenna, 9 No. RRUs and 7 No. operator dishes. The telecommunications structure is topped with 3 No. lighting finials.
- The following ancillary structures:
 - 2 No. operator cabinets on a concrete base, each measuring approximately 2m in height, 0.8m in depth and 0.9m in width.
 - 3 No. operator cabinets each measuring approximately 0.8m in height, 0.8m in depth and 0.8m in width.
 - 3 No. RFE Cabinets each measuring approximately 1m in height, 0.5m in width and 0.2m in depth.
 - 1 No. ESB mini pillar cabinet measuring approximately 0.6m in height, 0.2m in depth and 0.5m in width.
- The telecommunications structure and ancillary structures are surrounded by a 2.4m high palisade fence which has 2 No. 2m wide gates (4m in total) in the eastern elevation.
- All ancillary site works above and below ground.

Zoning:

The proposed site is subject to zoning objective 'RES-N,' where the stated objective is '*To provide for new residential communities in accordance with approved area plans*' in the South Dublin County Development Plan 2022-2028.

The subject site is located within the administrative area of the Newcastle Local Area Plan, which into effect in December 2012. On the 23rd of October 2017, by resolution, the Local Area Plan was extended for further period (in accordance with Section 19 of the Planning and Development Act 2000, as amended). The Local Area Plan is due to expire in January 2023.

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Consultations:

Department of Defence – No objection, subject to conditions.
Drainage and Water Services Department – No objection, subject to conditions.
Irish Water – No objection, subject to conditions.
Roads Department – No objection.
Parks Department – No objection.
Heritage Officer – No report received at time of writing.
Broadband Officer – Additional Information required.
HSE Environmental Health Officer – No report received at time of writing.

SEA Sensitivity Screening

Overlap indicated with the following environmental layers:

- Sites of Geological Interest – SD010 – Newcastle Buried Channel.
- Newcastle Village Architectural Conservation Area.
- Areas of Archaeological Potential.
- Records of Monuments and Places – Duchas No. 020-003 – Newcastle Village.

Submissions/Observations/Representations

Final date for submissions 26th September 2022.

A number of submissions were received from members of the public and a representation was received from a Councillor. The following is a summary of the key points raised in the submissions/representations:

- The proposed structure is not appropriate within close proximity to a school, creche, local church and other local amenities.
- The proposed structure would be visually obtrusive in the rural village of Newcastle and, if permitted, would be the tallest structure in the area.
- The proposed structure may have a negative health and safety impact on residents of the surrounding area and children attending the nearby creche and school.
- The proposed structure may overshadow the adjacent school.
- The presence of the proposed structures may devalue property in the surrounding area.

The above outlined key points have been taken into consideration in the assessment of this Planning Application.

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Relevant Planning History

Subject Site

None recorded.

Nearby Planning History of Particular Relevance

SD21A/0248 - Annie May's Pub, Main Street, Newcastle, Co. Dublin, D22XV65

Erect a 24 metre high monopole telecommunications support structure with antennas, dishes and associated telecommunications equipment; all enclosed in security fencing.

SDCC Decision: Refuse Permission for the following reason:

'Having regard to the scale, height and design of the proposed telecommunications structure, its location within the Newcastle Architectural Conservation Area and its proximity to St. Finian's Roman Catholic Church a Protected Structure (RPS#232), the proposed development would contravene Objective UC3 Objective 1 of the South Dublin County Development Plan, which seeks to protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs), Objective HCL4-4 which seeks to reduce and prevent visual and urban clutter within Architectural Conservation Areas including, utility structures, where new developments are required to preserve or enhance the special character and visual setting of the ACA including vistas, streetscapes and roofscapes (Objective HCL4- 2), Objective HCL3 Objective 1: To ensure the protection of all structures (or parts of structures) and the immediate surroundings of structures contained in the Record of Protected Structures, the proposed development would be visually obtrusive and would form an overbearing and obtrusive feature in these village centre zoned lands and is contrary to the provisions of the South Dublin County Development Plan 2016-2022. The proposed development is therefore contrary to the proper planning and sustainable development of the area.'

The decision of South Dublin County Council was subject to a First Party Appeal to An Bord Pleanála (ABP Ref. 312030-21).

ABP Decision: Refuse Permission for the following reason:

'Having regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12); the South Dublin County Development Plan 2016 – 2022, including Objectives UC3-1, HCL3-1 and HCL4-4; the height, scale and prominent location of the proposed development in an

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area that is zoned 'Village Centre' and designated as an Architectural Conservation Area, and its proximity to Protected Structures, including St. Finian's Roman Catholic Church (RPS 232) and Newcastle National School (RPS Ref. 230); it is considered that the proposed development would have an unacceptable impact and adversely affect the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

Other Planning History on Adjacent Sites

SD22A/0312 – Main Street Upper, Newcastle, Co. Dublin

Construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with monopitch roof and overall building height of c. 6.74 metres) measuring c. 2,207sq.m gross floor space with a net retail sales area of c. 1,410sq.m; Construction of a vehicular access point to Main Street Upper and associated works to carriageway and including partial removal of boundary wall / facade, modification of existing footpaths / public realm and associated and ancillary works including proposed entrance plaza area; Demolition of part of an existing rear / southern single storey residential extension (and related alterations to remaining structure) of Kelly Estates building; The original Kelly Estates building (a protected structure - Eircode: D22 Y9H7) will not be modified; Demolition of detached single storey accommodation/ residential structure and ancillary wall/ fence demolitions to rear of existing Kelly Estates building; Demolition of existing single storey (stable) building along Main Street and construction of single storey retail /cafe unit on an extended footprint measuring c. 118sq.m and associated alterations to existing Main Street boundary facade; Renovation and change of use of existing (vacant) two storey vernacular townhouse structure to Main Street, and single storey extension to rear, for retail/ commercial use (single level throughout) totalling c. 61sq.m; Repair and renewal of existing Western and Eastern burgage plot tree and hedgerow site boundaries; Provision of associated car parking, cycle parking (and staff cycle parking shelter), pedestrian access routes and (ramp and stair) structures (to / through the southern and western site boundaries to facilitate connections to potential future development), free standing and building mounted signage, free standing trolley bay cover /enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments and divisions, retaining wall structures, drainage infrastructure and connections to services/ utilities, electricity Substation and all other associated and ancillary development and works above and below ground level including within the curtilage of a protected structure.

SDCC Decision: Additional Information requested.

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SHD3ABP-313814-22 - Newcastle, Newcastle South, Dublin 22, Dublin (to the south of the subject site)

A Strategic Housing Development Application for the Construction of 280 no. dwellings, a creche, and open space as follows:

- a) 128 no. 2 storey houses (8 no. 2 bedroom houses, 94 no. 3 bedroom houses, 25 no. 4 bedroom houses and 1 no. 5 bedroom house;
- b) 116 no. apartments in 2 no. 5 storey buildings comprising (54 no. 1 bedroom apartments & 62 no. 2 bedroom apartments, all with terrace or balcony along with solar panels and green roofs at roof level as well as telecommunications infrastructure comprising 9 no. support poles on ballast mounts (to accommodate 1No. 2m 2G/3G/4G antenna & 1No. 5G antenna each) & 3 no. poles on lift overrun (to accommodate 2No. Ø0.3m Microwave links each at roof level of Apartment building B, together with associated equipment and cabinets/shrouds);
- c) 36 no. apartments/duplex apartments in 3 no. 3 storey buildings – (18 no. 2 bedroom apartments and 18 no. 3 bedroom duplex apartments) all with terrace;
- d) Amendment to permitted Creche (c. 518sqm) in 'Graydon' (ABP References: TA06S.305343 & ABP-305343-19) to now provide a Creche of c. 778 sq. m of 2 no. storeys;
- e) Open space, hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle/bin stores and ESB substations;
- f) Vehicular access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing as well as provision of vehicular/pedestrian/cycle link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the east, as well as 423 no. car parking spaces and 370 no. bicycle spaces and all internal roads, cycleways, green routes and paths;
- g) Provision of Surface water attenuation measures and underground attenuation systems, connection to water supply, and provision of foul drainage infrastructure as well as underground local pumping station to Irish Water specifications and all ancillary site development/construction/landscaping works.

ABP Decision: Due by 5th October 2022.

SD19A/0102 - The Old School House, Main Street Upper, Newcastle, Co. Dublin (to the east of the subject site)

Upgrade and change of use from National School to Pre-School (daytime) and Children's Therapy (evening sessions) and Youth Services (weekends); front signage; internal alterations and all associated ancillary site works. The proposed development consists of work to a Protected Structure located within an Architectural Conservation Area.

SDCC Decision: Grant Permission, subject to conditions.

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SD18A/0363 - Main Street, Newcastle, Co. Dublin (to the west of the subject site)

(1) Construction of 22 three bedroom dwelling houses; (2) construction of access road and footpaths; (3) provision of car parking facilities to serve the development; (4) construction of a foul sewer network to serve the development which shall connect into adjoining foul sewer network; (5) construction of a surface water sewer network to serve the development including the provision of the necessary attenuation elements and the connection of the surface water network to the adjoining surface water network; (6) provision of a watermain to serve the development and connection to adjoining water main; (7) demolition of the garden sheds; (8) provision of all necessary utility services; (9) all ancillary site works.

SDCC Decision: Grant Permission, subject to conditions. The decision of South Dublin County Council was subject to a Third Party Appeal to An Bord Pleanála, **ABP Ref. 06S.24870.**

ABP Decision: Grant Permission, subject to conditions.

SD17A/0010 - Drumlonagher, Main Street, Newcastle, Co. Dublin. (to the north of the subject site)

(1) Construction of 21 no. 3 bedroom, two storey dwelling houses. (2) Construction of 2 no. 2 bedroom, two storey dwelling houses. (3) Construction of a two storey building with retail unit (convenience) at ground floor level and 2 no. 2 bedroom apartments and 2 no. 1 bedroom apartments at first floor level with a total ground and first floor area of 771sq.m. (4) Construction of a 2 storey corner building with 2 retail units (cafe and convenience) at ground floor level with 1 no. 2 bedroom apartment and 1 no. 1 bedroom apartment at first floor level with a total ground and first floor area of 303sq.m. (5) Construction of a 2m high boundary wall to East and west boundaries and 1.8m high concrete post and timber panel fences between the dwellings. (6) Construction of a Market Square to serve the proposed development and local area. (7) Construction of proposed access road and footpaths. (8) Provision of car parking facilities to serve the proposed development. (9) Construction of a foul sewer network to serve the proposed development which shall connect into the existing adjoining foul sewer network. (10) Construction of a surface water sewer network to serve the proposed development including for the provision of the necessary attenuation elements and for the connection of the surface water network to the existing adjoining surface water network. (11) Provision of a watermain to serve the proposed development and connection to existing adjoining watermain. (12) Provision of necessary utility services. (13) All signage provisions for the proposed commercial buildings and place name for the proposed development and (14) all ancillary site works.

SDCC Decision: Grant Permission, subject to conditions. The decision of South Dublin County Council was subject to a Third Party Appeal to An Bord Pleanála, **ABP Ref. 06S.24870.**

ABP Decision: Grant Permission, subject to conditions.

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Relevant Enforcement History

None recorded for subject site

Pre-Planning Consultation

None recorded.

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

Section 2.6.1 Land Capacity Study

Land Capacity Sites

Policy CS1: Strategic Development Areas

Section 2.6.5 Core Strategy – 2022-2028 Development Plan

Section 2.7 Settlement Strategy

Policy CS6: Settlement Strategy - Strategic Planning Principles

Section 2.7.2 Self-Sustaining Growth Towns / Self-Sustaining Town

Policy CS9: Newcastle

Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels.

CS9 Objective 1:

To ensure that development proposals provide for infrastructure including community buildings, sports pitches and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.

CS9 Objective 3:

To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.1 Biodiversity

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GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

GI5 Objective 4:

To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq. m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).

GI5 Objective 7:

To require the provision of green roofs and green walls, providing benefits for biodiversity and as an integrated part of Sustainable Drainage Systems (SuDS) and Green Infrastructure, in apartment, commercial, leisure and educational buildings, wherever possible and develop an evidence base for specific green roof requirements as part of the Council's ongoing SuDS strategy development.

Chapter 5 Quality Design and Healthy Placemaking

Section 5.2 Successful and Sustainable Neighbourhoods

Section 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

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proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.

QDP3 Objective 1:

To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located taking into consideration the provisions set out in Chapters 3 and 4 of this Plan and having regard to the requirements set out in Chapter 12: Implementation and Monitoring in relation to design statements.

QDP3 Objective 2:

To protect and conserve the special character of the historic core of the villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of each village informs the design approach to new development, infrastructure and renewal, recognising the particular character and context in Architectural Conservation Areas (ACAs).

Section 9.5.5 Village Centres

EDE13 Objective 2

To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade.

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.

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).

Section 12.3.1 Appropriate Assessment

Section 12.3.2 Ecological Protection

Section 12.3.3 Environmental Impact Assessment

Section 12.3.5 Landscape Character Assessment

Table 12.17: Landscape Character Types

Section 12.4.2 Green Infrastructure and Development Management

Section 12.4.3 Riparian Corridors

Section 12.5 Quality Design and Healthy Placemaking

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

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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 12.11.5 – Aviation, Airports and Aerodromes.

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).

Section 13.2.7 Architectural Conservation Areas

All development works within ACAs should seek to limit, reduce and remove urban and visual clutter including building signage, traffic signage, bollards, utility boxes and other free-standing installations

Policy NCBH1: Overarching

NCBH1 Objective 1

Policy NCBH2: Biodiversity

Policy NCBH3: Natura 2000 Sites

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

Policy NCBH11: Tree Preservation Orders and Other Tree / Hedgerow Protections

Policy NCB12: Geological Sites

Policy NCBH13: Archaeological Heritage

Policy NCBH14: Landscapes

Policy NCBH19: Protected Structures

Policy NCBH20: Architectural Conservation Areas Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas.

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NCBH20 Objective 1: To avoid the removal of distinctive features that positively contribute to the character of Architectural Conservation Areas including building features, shop fronts, boundary treatments (including walls), street furniture, landscaping and paving.

NCBH20 Objective 3:

To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.

NCBH20 Objective 5: To reduce and prevent visual and urban clutter within Architectural Conservation Areas including, where appropriate, traffic management structures, utility structures and all signage.

Newcastle Local Area Plan

***Vision:** "A village with a strong sense of identity that offers a good quality of life building upon its past. Where there is integration between existing and new developments through the creation of an intricate network of walkable streets that connect pedestrian and cyclist paths with important destinations, a beautiful village with quality useful spaces that realise and enhance the full potential of Newcastle's rich natural and built heritage through the sensitive and considered incorporation of hedgerows, water features, burgage plots, townland and parish boundaries, archaeology, protected structures and recorded monuments, a developing village that sensitively addresses the contrast between existing and new elements and retains much of its existing character, whilst being a showcase for the sensitive expansion of an historic and nationally important settlement".*

***Objective G17:** Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South and Commons Little) around Newcastle Village including their associated hedgerows and ditches.*

***Objective G18:** Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site.*

***Objective G19:** Require that burgage and townland field boundaries and ditches are utilised wherever possible as SUDS elements such as swales for conveying water; landscape features; and biodiversity-protecting elements.*

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Objective GI12:

To promote the sustainable collection and on-site retention of surface water for delayed discharge to the local water system and for use as an on-site resource and as a means of creating a biodiversity network that will retain and develop existing flora and fauna.

Objective GI14

That all development shall incorporate on site SUDS technologies detailed in the Standards Section (Section 7) of this Local Area Plan such as porous grass pavers, green roofs, rainwater recycling systems and soakaways.

Objective GI15

That existing natural swales, ditches and hedges shall be retained to form an integral part of the overall SUDS network.

Objective GI21

An Archaeological Assessment Report shall be submitted with all planning applications within the Zone of Archaeological Potential. All such reports shall fully assess the archaeological implications of the proposed development. Where archaeological features are discovered, it shall be demonstrated how the design and layout of the development protects, incorporates and enhances these features.

Objective GI27

Ensure that all extensive development proposals maximise the opportunities for enhancement of existing ecology and biodiversity and are accompanied by a full ecological assessment, carried out by a suitably qualified professional, that includes measures to enhance ecology and biodiversity and avoid or minimise loss to local ecology and biodiversity.

Objective GI28

To require the submission of a Bat Survey as part of every planning application for development (excluding house extensions) within the Plan Lands and require the implementation of appropriate mitigation measures that ensure for the protection of bats and their habitats.

Objective GI29

To require the planting of mature native trees along both sides of streets located within the foraging and flight routes of bats in a manner that creates links between retained and augmented hedgerows and creates 'eco hop' opportunities across streets as detailed in Section 7 of this Plan.

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Objective GI30

To encourage the planting of native species to reinforce the natural habitats of bats within Newcastle and its environs.

Relevant National Policy and Guidelines

*Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).
Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*

Our Rural Future – Rural Development Policy 2021-2025

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

Circular Letter PL11/2020 – Telecommunications Services – Planning Exemptions and Section 254 Licences.

Circular Letter PL03/2018 – Revision of Development Contribution Guidelines in respect of Telecommunications Infrastructure.

Circular Letter PL07/12 – Telecommunications Antennae and Support Structures Guidelines. Revised elements of the Telecommunications Guidelines 1996 including:

2.2 Temporary Permissions

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

2.3 The Development Plan and Separation Distances

2.4 Bonds for Removal of Redundant Structures

‘in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators’ expense.’

2.5 Register or Database

‘It is recommended that a register of approved telecommunications structures supported by relevant databases be created and maintained by each planning authority in cooperation with operators.’

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2.6 Health and Safety Aspects

'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.'

Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities' Department of the Environment and Local Government 1996.

Section 1 states that in order to avoid unnecessary proliferation of masts, owners would be expected to facilitate co-location of antennae with other operators and planning authorities should encourage co-location of antennae on existing support structures and masts.

Section 2.3.1 Antennae Sets out guidelines for antennae and states that such structures can be mounted on buildings in urban areas but generally require supporting masts or towers in rural and suburban areas due to the low rise nature of buildings in these areas.

Section 2.4 recognises that in some instances it may be technically possible for operators to share facilities or owners of antennae support structures

Section 4.3 Visual Impact States that in the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrial zoned land. It is noted that substations operated by the ESB may be suitable for the location of antennae support structures.

Section 4.5 Sharing Facilities & Clustering All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Support structures used by emergency or other essential services are not suitable for sharing with public mobile telephone services.

Section 4.6 Health & Safety Aspects

Section 4.7 Obsolete Structures

Section 4.8 Duration of Permission

Assessment

The main issues for assessment are:

- Zoning.
- Council Policy
- Visual Impact
- Impact on Newcastle Village Architectural Conservation Area
- Co-Location Opportunities
- Compliance with International Guidelines
- Aviation safety
- Drainage and Water Services

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- Roads and Traffic
- Broadband Officer
- Duration
- Green Infrastructure
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning

The proposed site is subject to zoning objective 'RES-N,' where the stated objective is 'To provide for new residential communities in accordance with approved area plans' in the South Dublin County Development Plan 2022-2028.

Public Services are defined in Appendix 6 - Definitions of Use Classes of the Development Plan 2022-2028 as:

'A building or part thereof or land used for the provision of public services. Public services include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers; it includes public lavatories, public telephone boxes, bus shelters, bring centres, green waste composting facilities.'

It is considered that the proposed telecommunications structure and ancillary cabinets, equipment and fencing constitute a 'public service' use.

The use class 'Public Services' is permitted in principle under the 'RES-N' zoning objective subject to its design being in accordance with the relevant provisions in the Development Plan and national policy and guidelines.

The site is located within Newcastle Village Architectural Conservation Area and will be assessed for the potential impact on the Architectural Conservation Area. In addition, an assessment of the proposed development and the potential impact on visual and residential amenity is outlined under a separate heading in this Report.

Council Policy

An assessment of the proposed development in relation to the relevant policies and objectives of the South Dublin County Development Plan 2022-2028 and the Newcastle Local Area Plan is outlined below.

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'QDP3 Objective 2:

To protect and conserve the special character of the historic core of the villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of each village informs the design approach to new development, infrastructure and renewal, recognising the particular character and context in Architectural Conservation Areas (ACAs).

EDE13 Objective 2

To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade.

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'.

The Applicant has not provided a Visual Impact Assessment, Contiguous drawings or an Architectural Heritage Report. The Applicant has therefore failed to demonstrate that the proposed 24m high telecommunications structure will not have a significant visual impact on the sensitive receiving context within an Architectural Conservation Area and in proximity to a number of Protected Structures. The Applicant has therefore failed to demonstrate that the proposed development adheres to the above outlined objectives of the Development Plan.

'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;*

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- *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'.*

The Applicant has not provided the required information outlined in Section 12.11.2 of the Development Plan, namely a map showing the location of all existing telecommunications structures, reasons why it is not feasible to share existing facilities and a visual impact assessment of the potential impact of the proposal on the amenities of nearby properties and the wider surrounding area.

Section 12.11.5 – Aviation, Airports and Aerodromes.

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).

The Applicant has not demonstrated compliance with the 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (2015).

Newcastle Local Area Plan

'Objective G18: Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site'.

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The subject site is bound to the west by a Burgage Plot hedgerow. The Applicant has failed to include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction.

'Objective GI21

An Archaeological Assessment Report shall be submitted with all planning applications within the Zone of Archaeological Potential. All such reports shall fully assess the archaeological implications of the proposed development. Where archaeological features are discovered, it shall be demonstrated how the design and layout of the development protects, incorporates and enhances these features'.

All planning applications within the Zone of Archaeological Potential must include an Archaeological Assessment Report. The Applicant has not provided such an assessment.

'Objective GI28

To require the submission of a Bat Survey as part of every planning application for development (excluding house extensions) within the Plan Lands and require the implementation of appropriate mitigation measures that ensure for the protection of bats and their habitats'.

All planning applications within the area of the Newcastle Local Area Plan (excluding house extensions) must include a Bat Survey. The Applicant has not provided such an assessment.

Summary

Having regard to the deficiencies identified above, it is apparent that the applicant has failed provided the required information to enable detailed assessment of the development and has not demonstrated compliance with the relevant policies and objectives of the South Dublin County Development Plan 2022-2028 and the Newcastle Local Area Plan. Had the application been otherwise acceptable, further information could have been requested.

Visual Impact

The subject site is located within the Newcastle Architectural Conservation Area and the surrounding receiving context includes a number of Protected Structures, including but not limited to RPS Ref. 232 - St Finian's Roman Catholic Church, RPS 230 – the Newcastle National School, RPS No. 229 - a detached five bay two storey house and a 2 No. storey derelict townhouse building and a limestone rubble wall running along the northern boundary which appears on the NIAH under Ref. 11212006. These properties, which are, located along Main Street establish the baseline environment, within which the proposed structure would be

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located and be viewed. Secondly, the visual impact of the proposed structure when viewed from residential land to the south must also be considered.

As previously noted, the applicant has not submitted a detailed visual impact assessment, nor contiguous drawings with other structures in proximity. That being said a site visit was carried out and the Planning Authority is confident at an assessment of the potential impact of the proposed structure, based on the information submitted, can be carried out.

Considering the designation of Newcastle as an Architectural Conservation Area as well as the presence of a number of protected structures, the receiving environment is considered to be very sensitive to any development would result in a significant degree of change and/or result in a significant visual impact. This is recognised Development Plan and the following objectives are noted

- *QDP3 Objective 2:*
'To protect and conserve the special character of the historic core of the villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of each village informs the design approach to new development, infrastructure and renewal, recognising the particular character and context in Architectural Conservation Areas (ACAs).
- *EDE13 Objective 2*
'To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade.'
- *NCBH20 Objective 3:*
'To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.'

Main Street in Newcastle is typified by a varied typology of built forms and while there is a street edge, delineated by boundary walls, the village is largely without a fixed building line. Accordingly, there are clear views from the Main Street to sites that sit behind the main building frontage. It is therefore apparent that the proposed development would be highly visible from a number of locations from the Main Street. Furthermore, considering the presence the number of protected structures within the vicinity of the site, it is also clear the at the proposed development would the visible within the background of these structures.

The proposed metal lattice structure has a utilitarian design and is without any architectural quality or merit. It would have a height in excess of 24 meters and therefore would be visually

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jarring within this sensitive context and therefore result is a significant, and unacceptable negative visual impact.

The presence of the existing vegetation on the application site is also noted by the planning authority, however the proposed development would be taller than the existing trees. Furthermore, the deciduous trees would only provide screening when the trees are in leaf (i.e., spring/ summer months), which is not considered sufficient mitigation. Finally, considering the nature of the use, it is unclear if the adjacent vegetation would impact the effective use of the telecommunication mast and therefore required cutting or felling.

Having regard to the low prevailing building height within the area (generally one to two storeys), the location of the site within an Architectural Conservation Area and the sensitivity of the receiving context which includes a number of Protected Structures, a school campus and potential future residential development, it is considered that the proposed development will have a significant negative impact on the visual amenities of the surrounding area and should therefore be **REFUSED**.

Impact on Newcastle Village Architectural Conservation Area

Newcastle Village was designated an Architectural Conservation Area in order to protect and manage the historic and vernacular streetscape and the external façades and features of buildings which add character to the overall streetscape composition.

The Planning Authority notes that there was no architectural heritage report submitted with the application and the impacts on the Newcastle Architectural Conservation Area and surrounding protected structures were not fully considered by the applicant and therefore a refusal of planning permission is recommended.

Having regard to the nature of development proposed, it is considered that the proposed 24-metre-high monopole telecommunications tower by way of its height and design would be visually obtrusive and would negatively impact on the Architectural Conservation Area of Newcastle Village. Considering the sensitive receiving context of the subject site within the Newcastle ACA and including a number of Protected Structures and the low prevailing height of the surrounding area, the addition of a 24 meters telecommunications tower would dominate this vista obtrusively and would detract from the character and setting of Newcastle Village. The proposal would therefore contravene EDE Objective 2 – *‘To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade’* and Policy NCBH20 – *‘Architectural Conservation Areas Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas’* of the South Dublin County Development Plan 2022-2028. It is therefore recommended that permission be **REFUSED**.

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Co-Location Opportunities

It is noted that the proposed telecommunications infrastructure would appear to include facilities for the co-location of a number of operators. However, no explanation of the infrastructure and how it would operate is provided by the Applicant. Furthermore, the Applicant has not provided any information regarding existing telecommunications infrastructure within the area and whether or not consideration was given to the co-location with existing infrastructure at an alternative and less sensitive location. The Application has therefore failed to provide the information required under Section 12.11.2 of the South Dublin County Development Plan 2022-2028.

Compliance with International Guidelines

A certificate of ICNIRP compliance has not been included in the application stating that the existing development is in full compliance with the international guidelines (of the ICNIRP) as required by the Office of the Director of Telecommunications Regulation.

Aviation Safety

The subject site is located outside the approach areas to the runways at Casement Aerodrome. The site is within the Inner Horizontal Surface for Casement Aerodrome.

The Development Plan states that generally, development will be acceptable in this zone, subject to the development having an OD height below the height restriction of the Inner Horizontal Surface (generally 45m above the elevation datum of the Aerodrome). In general, this will be applicable to development above the prevalent building height (based on OD) of the area. The OD of Casement is 86.6m and as such, development is required to not breach 131.6 OD (86.6m+45m). According to the drawings provided by the Applicant, the subject site is located at approximately 96.3m A.S.L., the provision of a 24m structure would be approximately 120.3 OD.

Whilst the proposed development would appear to be within an acceptable range for the Inner Horizontal Surface for Casement Aerodrome, it is noted that Section 12.11.5 of the Development Plan sets out information required to be included with Planning Applications for development:

*'For development close to an aerodrome, or under an Approach or Take-off Surface, or on elevated ground under an Inner Horizontal Surface, the Planning Authority will require the applicant to submit a **longitudinal section** through the relevant '**Obstacle Limitation Surface**' [for instance, Approach Surface, and so on]'*

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The Applicant has not provided the required information set out in Section 12.11.5 of the Development Plan and has therefore failed to demonstrate that the proposed development is not an obstacle to the Aerodrome airspace.

The Department of Defence was formally consulted in relation to the proposed development, with their Report providing the following observation:

'Due to the proximity to Casement Aerodrome, the structure should be fitted with ICAO Low-intensity Type A Obstruction Light (minimum 10cd) with infrared. The obstacle light should be incandescent or of a type visible to Night Vision equipment (NVE). For visibility under NVE, the obstacle light must emit light at the near Infra-Ref (IR) range of the electromagnetic spectrum, specifically at or near 850 nanometers (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light.'

Having regard to the above, although Refusal of permission is recommended, should the Planning Authority be minded to Grant Permission for the proposed development, the above can be secured by way of **CONDITION**.

Drainage and Water Services

The Drainage and Water Services Department and Irish Water have assessed the proposed development and have indicated no objection, subject to standard **CONDITIONS**.

Roads and Traffic

The Roads Department have assessed the proposed development and have indicated no objection.

Broadband Officer

The South Dublin County Council Broadband Officer has provided a Report in relation to the proposed development, which indicates that the Planning Application is deficient in the following information:

'The applicant is a registered provider of telecommunications infrastructure, and this development relates to the County Development Plan - Information & Communications Technology – IE5 Objective 1: To promote and facilitate the provision of appropriate telecommunications infrastructure. No environmental assessment has been presented and findings in the planning statement. In addition, no mention of the structure impact on the environment i.e., tree roots need to be established'.

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Having regard to the deficiency in the information provided by the Applicant, it is considered that the Planning Application has failed to demonstrate compliance with IE5 Objective 1 of the South Dublin County Development Plan 2022-2028.

Duration

Circular Letter PL 07/12 - Telecommunications Antennae and Support Structure Guidelines, Department of Environment, Community and Local Government (October 2012), revises elements of the 1996 Telecommunications Guidelines, stating that:

'only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life'

Having regard to the above, although Refusal of permission is recommended, should the Planning Authority be minded to Grant Permission for the proposed development, having regard to the zoning of the site for residential development a **CONDITION** be attached limiting the life of any planning permission, to ensue this village centre site can be comprehensively developed in the future.

Green Infrastructure

The subject site is not located within a Primary or Secondary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 of the County Development Plan 2022 – 2028).

Having regard to the nature and extent of the proposed development i.e., the provision of telecommunications infrastructure on existing hardstanding it is considered that the proposed development will therefore not result in a significant loss of any grassland or permeable surfaces. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site.

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.

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Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development comprises the provision of telecommunications infrastructure. Having regard to:

- the small scale and domestic 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.

SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Telecommunications Structure and Ancillary structures	0 sq. m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0035Ha

Conclusion

Having regard to the provisions of South Dublin County Development Plan 2022-2028, the guidelines relating to telecommunications antennae and support structures issued by the Department of the Environment and Local Government to Planning Authorities (July 1996), as amended by Circular Letter PL 07/12 - Telecommunications Antennae and Support Structure Guidelines, Department of Environment, Community and Local Government (October 2012) and the scale and location of the proposed development, it is considered that, the proposal does not have regard to the policies and objectives set out in QDP3 Objective 2, EDE13 Objective 2, NCBH20 Objective 3, IE4 Objective 3, Section 12.11.2 and Section 12.11.5 of the South Dublin County Development Plan 2022-2028. It is therefore considered that the proposed development would adversely impact on the special character and appearance of the Newcastle Architectural Conservation Area and the setting of a number of Protected Structures within the area. In this regard, the proposed development would be contrary to the key principles of the proposed planning and sustainable development of the area. A **REFUSAL** of planning permission is therefore recommended.

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Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. Having regard to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12); the content of the South Dublin County Development Plan 2022-2028, including Objectives QDP3 Objective 2, EDE13 Objective 2, NCBH20 Objective 3, IE4 Objective 3, Section 12.11.2 and Section 12.11.5; the content of the Newcastle Local Area Plan, including Objectives GI18, GI21 and GI28; and the height, scale of the proposed development within an area designated as an Architectural Conservation Area, in close proximity to a number of Protected Structures and the low prevailing height of the surrounding area, it is considered that the proposed development would have an unacceptable impact on the character and setting of the Newcastle Architectural Conservation Area and would adversely affect the visual amenity of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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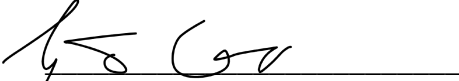
REG. REF. SD22A/0340

**LOCATION: Landmark Architectural Salvage & Granite Products, Main Street,
Newcastle South, Newcastle, Co. Dublin**


Colm Harte,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 17-10-22


Gormla O'Corrain, Senior Planner