

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: S25421/22 **Application Date:** 26-Oct-2021
Submission Type: Additional **Registration Date:** 19-Sep-2022
Information

Correspondence Name and Address: Emma Breen, Charterhouse Infrastructure
Consultants Unit 2, Listowel Business Development
Centre, Clieveragh Industrial Estate, Listowel, Co.
Kerry

Proposed Development: 15 metre high telecommunications street-works
structure.

Location: Scholarstown Road, Scholarstown, Co. Dublin

Applicant Name: Vantage Towers Ltd.

Application Type: S254 Licence

(CM)

Site Description:

The site is located close to the Orlagh roundabout, on a green margin. There is residential development to the south but not directly overlooking the site.

Licence Application Proposal

Licence is sought for a 15 metre high telecommunications street works structure.

Consultations

Broadband Officer	No report received.
EHO	No report received.
Roads	No objection, subject to conditions.
Public Realm	Requests Additional Information.
Irish Water	No report received.
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,
- (b) any relevant provisions of the development plan, or a local area plan,

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

- (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

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

7.4.0 Information and Communications Technology

Policy IE4 Information and Communications Technology (ICT)

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

IE4 Objective 1:

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

IE4 Objective 2:

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

IE4 Objective 3:

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

IE4 Objective 4:

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

IE4 Objective 5:

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

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

IE4 Objective 6:

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

Section 11.6.2 Information and Communications Technology

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

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

Assessment

The main issues for consideration are:

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

Zoning and Council Policy

The proposal is for a 15m free-standing street pole as described above, with associated cabinet. The proposed location is in a grass verge on Templeroan Road, between the footpath and the carriageway. The street has been taken in charge by South Dublin County Council and the site is unzoned. Adjoining lands are zoned 'OS' – "to preserve or provide for open space and recreational amenities".

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

Council policy is generally supportive of sustainable development of ICT infrastructure in the County subject to protecting the amenities of urban and rural areas. Section 11.6.2 of the County Development Plan sets out requirements that applicants shall demonstrate in the consideration of such proposals.

The applicant has provided a cover letter, drawings and photographs of the site. The letter includes:

- A rationale as to why this particular site has been chosen.
- A map of existing sites in the general area and a list of nearby sites, and a review of potential sites within the applicant's search area.
- Examples of similar models of mast in use.

Siting of the Proposed Overground Electronic Communications Infrastructure

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

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

Section 2 of the Roads Act states:

"road" includes - (a) any street, lane, footpath, square, court, alley or passage, (b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway, (c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, 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.

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

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

Visual Impact, Residential Amenity and Consideration of Alternative Sites

Residential properties are located to the north of the site.

The applicant has not provided all of the information sought in section 11.6.2 of the South Dublin County Development Plan 2016 - 2022. This would include a visual impact assessment and a coverage map showing the gap in coverage and improvement to be made as part of this development. This should be the subject of a request for **additional information**.

Street Appliances, Apparatuses or Structures

There is a lighting column (also based on the grass margin) to the west. It would be preferable if the lighting and telecommunications functions could be co-located on a single structure. However, the proposed structure is not considered to represent overproliferation by and of itself.

Roads

The Roads Department has stated no objection, subject to conditions relating to a Construction Traffic Management Plan and the provision of plans relating to underground services. The Roads Department raises the issue of access and maintenance and seeks through the Construction Traffic Management Plan to establish access for the mast. **Additional information** should be sought on the issue of underground services and the provision of access.

Public Realm

The Public Realm Department has recommended that information is required. Their report words this as a recommendation for conditions, however, the information sought is considered to be a reasonable basis for a **request for additional information**, rather than conditions to a licence. The report reads:

“The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following information be requested:

1. Revised Location

The applicant shall locate the proposed 15-metre-high telecommunications street works structure so that it borders the adjoining footpath in order to facilitate grass maintenance within the wider green area. **CONDITION**

REASON: To satisfactorily protect the character and appearance of the area in accordance with policies IE4 Objective 4 (To discourage a proliferation of telecommunication masts

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

in the County and promote and facilitate the sharing of facilities) as per relevant policies within the CDP 2016-2022.

If the development were to go ahead in the original location, the applicant would need to provide details as to the potential impacts the proposed structure will have on the neighbouring trees in the green area. It is therefore recommended that the applicant undertake an arboricultural impact assessment in order to establish what impacts if any this proposed 15 metre high telecommunications street works structure will have on the adjacent existing trees.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:

1. Arboricultural Impact Assessment Report

The applicant is requested to submit an Arboricultural Impact Assessment Report for the existing trees located in the green area adjacent to this proposed 15 metre high telecommunications street works structure. The purpose of the assessment is to provide an analysis of the impact of the proposed development on the existing trees.

REASON: In the interests of visual amenity and of protecting existing trees in accordance with policies G2 Objective 9 and G6 Objective 1 of CDP 2016-2022”

It is considered that the applicant should provide for the relocation of the development – noting however that the cabinet doors should not interfere with the public footpath. The applicant should also provide an Arboricultural Impact Assessment. This can be done through **additional information**.

Drainage

The proposed development is not in the vicinity of any water services and the Water Services report states no objection.

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 applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Conclusion

Pending the submission of additional information, the application as presented does not provide a satisfactory basis for approval of a licence under s.254. The applicant should be requested to provide additional information to allow the council to make an informed decision.

Recommendation

Request Further Information

Further Information

- Further Information was requested on 07/03/2022.
- Further Information was received on 19/09/2022.

No submissions/observations on the further information have been made.

Further information

The following Further Information was requested.

Item 1: Construction Traffic Management Plan

The applicant is requested to submit a Construction Traffic Management Plan.

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

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

Item 2: Underground Services.

The applicant is requested to submit a plan showing the location of undergrounds services, if any are present at the proposed development. The applicant is requested to also set out any impact the proposal would have on such services. In particular, the applicant should show in section drawings or otherwise as appropriate, the distance of the proposal from such services.

Item 3: Development Plan

The applicant is requested to submit a report addressing Section 11.6.2 of the Development Plan. In addition to what has already been provided, this should include, but is not exhaustive:

- (i) A coverage map with existing and proposed coverage.
- (ii) A Comreg map of existing sites in the general area and a list of established sites within a 2km radius.

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

(iii) A Visual Impact Assessment.

Item 4: Relocation.

The applicant is requested locate the proposed 15-metre-high telecommunications street works structure so that it borders the adjoining footpath in order to facilitate grass maintenance within the wider green area.

Item 5: Arboricultural Impact.

The applicant is requested to submit an Arboricultural Impact Assessment Report for the existing trees located in the green area adjacent to this proposed 15 metre high telecommunications street works structure. The purpose of the assessment is to provide an analysis of the impact of the proposed development on the existing trees.

Further Consultations

Roads Department – no objections.

Irish Water – no report received to date.

Surface Water Drainage – no report received to date.

Parks – No comment to make following review.

Further Submissions/Observations

None received.

Assessment

Item 1: Construction Traffic Management Plan

The applicant has submitted a cover letter and a Construction Traffic Management Plan in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

Applicant Response:

Please find attached a Construction Traffic Management Plan (Appendix 1) detailing the procedures to be followed during construction and operational phases of the infrastructure.

The plan details:

- The type and extent of signage to be deployed on both sides of the carriageway
- The positioning of roadside traffic bollards
- The Longitudinal Safety Zone
- Works area
- Parking and set down areas for crews during construction and non-routine maintenance

The Standards adhered to, and Design Safety Parameters are set out on the right-hand column of the Traffic Management Plan

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

Routine Maintenance

Annual/Quarterly routine maintenance inspections will involve cabinet inspections where the operator will safely park nearby at a nearby parking location for 10-20 minutes (e.g., Orlagh Grove Spar) and walk with laptop to run tests at the equipment cabinet.

Non-Routine Maintenance

For non-routine maintenance and where access to the concealed antennas is required by way of MEWP then the traffic management plan shall follow the same management design as per the initial construction procedure (Appendix 1) and prior agreement for set up will be sought from the Roads Department of South Dublin County Council.

The applicant welcomes any Traffic Management conditions that South Dublin County Council will impose on this licence relating to traffic management.

Based on review of the Construction Traffic Management Plan submitted the Roads Department have issued a report recommending no objections and that Roads are satisfied with the submission. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

15 metre high telecommunications street-works structure.

Roads Related Additional Information Requested by SDCC:

1. The applicant is requested to submit a Construction Traffic Management Plan.

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

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

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

Applicant Submitted Response to Additional Information Request:

Applicant Response:

Please find attached a Construction Traffic Management Plan (Appendix 1) detailing the procedures to be followed during construction and operational phases of the infrastructure.

The plan details:

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- Parking and set down areas for crews during construction and non-routine maintenance

The Standards adhered to, and Design Safety Parameters are set out on the right-hand column of the Traffic Management Plan

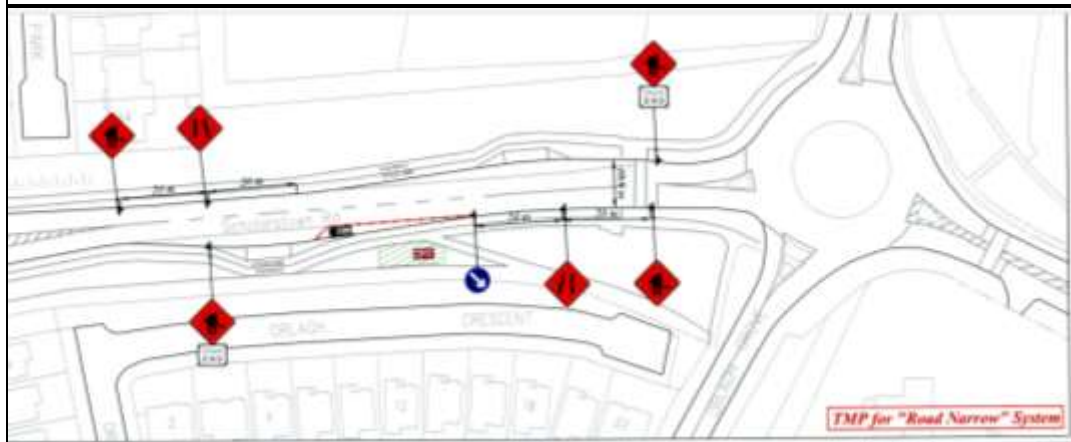
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Non-Routine Maintenance

For non-routine maintenance and where access to the concealed antennas is required by way of MEWP then the traffic management plan shall follow the same management design as per the initial construction procedure (Appendix 1) and prior agreement for set up will be sought from the Roads Department of South Dublin County Council.

The applicant welcomes any Traffic Management conditions that South Dublin County Council will impose on this licence relating to traffic management.



Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

Roads Department Assessment:

SDCC Roads Department is satisfied with the applicant's Traffic Management Plan.

Roads Related Additional Information Requested by SDCC:

2. The applicant is requested to submit a plan showing the location of underground services, if any are present at the proposed development. The applicant is requested to also set out any impact the proposal would have on such services. In particular, the applicant should show in section drawings or otherwise as appropriate, the distance of the proposal from such services.

Applicant Submitted Response to Additional Information Request:

The initial underground services search indicated the presence of a Gas Networks Ireland pipeline immediately underneath the proposed site location (refer Appendix 2a). The applicant now proposes a minor modification to the original location by advancing the equipment position by approximately 3500mm northeast of its original positioning to a location adjacent to the primary footpath and to the left of the pathway traversing the green area (refer Appendix 2b).

In this location the street works solution follows a line similar to the existing streetlights, the cabinet doors open outwards and do not extend over the footpath when opened. The proposed street works solution is situated clear of pathway leading across the green area to the southeast.

Roads Department Assessment:

SDCC Roads Department is satisfied with the applicant's revised location as the cabinet doors will not obstruct the public footpath when open.

No Roads objections.

The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 2: Underground Services.

The applicant has submitted a cover letter in an attempt to address the request for additional information for this item. The applicant has also submitted a plan showing the location of undergrounds services at the proposed development as requested. An extract taken from the cover letter below states the following:

Comhairle Chontae Atha Cliath Theas

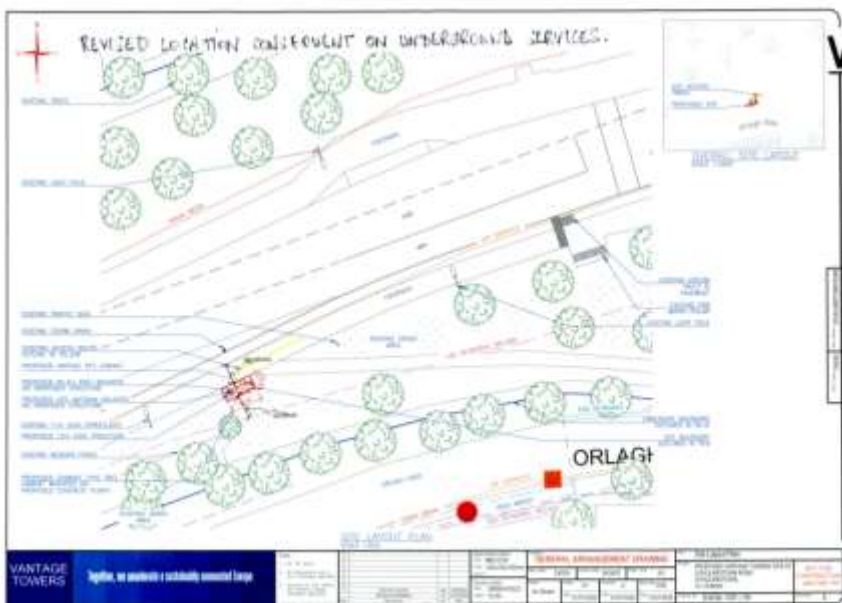
PR/1446/22

Record of Executive Business and Chief Executive's Order

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In this location the street works solution follows a line similar to the existing streetlights, the cabinet doors open outwards and do not extend over the footpath when opened. The proposed street works solution is situated clear of pathway leading across the green area to the southeast.

Revised Location Consequent of Underground Services



It is noted Surface Water Drainage or Irish Water have not issued reports to date. Notwithstanding this it is considered that standard drainage **conditions** be attached in the event of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 3: Development Plan

The applicant has submitted a cover letter, a coverage map, a Com Reg map and a Visual Impact Assessment in an attempt to address the request for additional information for this item. An extract taken from the cover letter states the following:

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

3. The applicant is requested to submit a report addressing Section 11.6.2 of the Development Plan. In addition to what has already been provided, this should include, but is not exhaustive:

- I. A coverage map with existing and proposed coverage.**
- II. A Comreg map showing existing sites in the general area and a list of established sites within a 2km radius.**
- III. A Visual Impact Assessment**

Please see attached appendix 4 which contains a coverage map with existing and proposed coverage for the proposed area. Please also see attached appendix 3 which contains a verified photomontage of the proposed structure.

1 Report Detailing Compliance with Section 11.6.2 Information and Communications Technology

1.1 Compliance with relevant Guidelines and publications

1.1.1 Telecommunications, Antennae & Support Structures – Guidelines for Planning Authorities 1996

The guidelines state that under the Local Government Act an obligation is imposed on Planning Authorities "To have regard to policies and objectives of the Government or any Minister in so far as they relate to their functions. Government policy on the availability of top-quality telecommunications services throughout the State should therefore be taken into consideration ..."

The Guidelines were published by the Department of Environment in 1996 and one of the aims of which is to establish Guidelines for Local Authorities on appropriate Development Plan factors to consider in the assessment of telecommunications infrastructure. Section 4 outlines the assessment requirements.

Each of these assessment criteria is addressed in turn below.

The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 4: Relocation.

The applicant has submitted a cover letter and a revised site layout plan in an attempt to address the request for additional information for this item. An extract taken from the cover letter states the following:

4. The applicant is requested to locate the proposed 15-metre-high telecommunications street works structure so that it borders the adjoining footpath in order to facilitate grass maintenance within the wider green area.

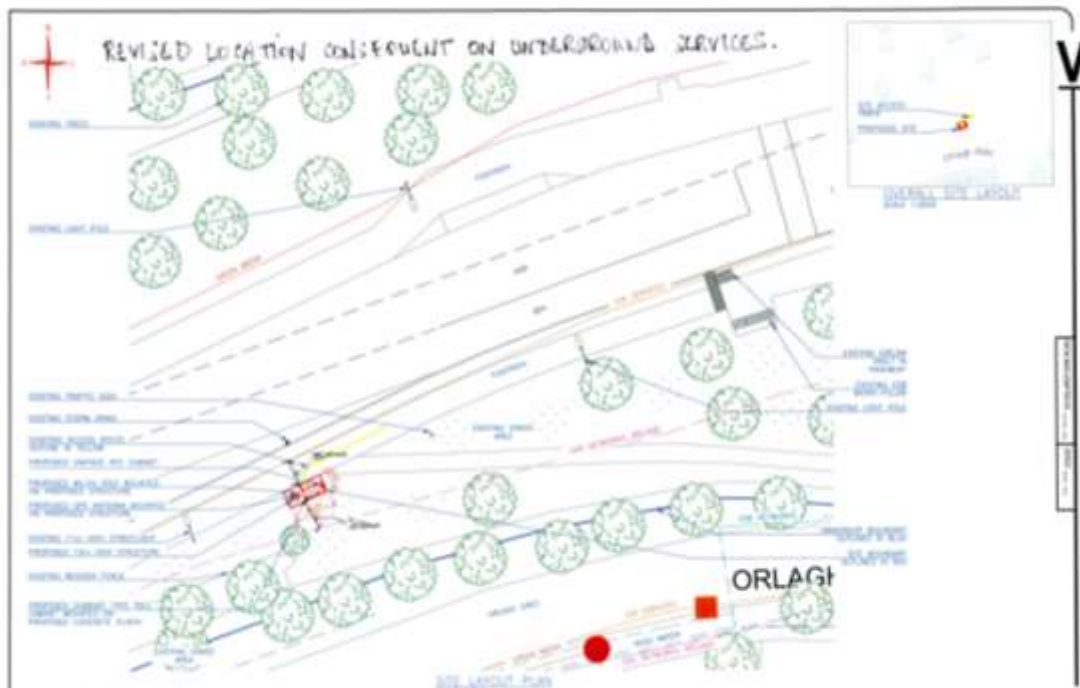
Please see appendix 3 which contains revised site layout plans with the application structure and cabinet relocated to the edge of the grass. This change of location was also prompted by the presence of the Gas Networks Ireland gas pipeline at the original location.

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

Revised site layout plan



The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 5: Arboricultural Impact.

The applicant has submitted a cover letter and a revised site layout plan in an attempt to address the request for additional information for this item. An extract taken from the cover letter states the following:

5. The applicant is requested to submit an Arboricultural Impact Assessment Report for the existing trees located in the green area adjacent to this proposed 15-metre-high telecommunications street works structure. The purpose of the assessment is to provide an analysis of the impact of the proposed development on the existing trees.

It is respectfully submitted that an Arboricultural Impact Assessment Report is not necessary for the proposed site as the site is moved clear of the presence of all trees to a location adjacent to the public footpath.

Based on review of the information submitted SDCC Parks Department have issued a report recommending no comments following review. As Parks have no concerns the Planning

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Other Considerations

Development Contributions

- 15 metre high telecommunications street works structure.
- Assessable area is nil.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Commercial – telecommunications mast	N/A
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	N/A

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

Recommendation

I recommend that a decision be made pursuant to 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. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 19/09/2022, save as may be required by the other

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

conditions attached hereto.

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 her own expense.

Reason: in the interest of traffic safety.

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.

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.

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

6. 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 share the telecommunications poles.
REASON: To ensure that the developments shall be in accordance with the Licence granted and that development is effectively managed.
7. 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.
8. Services
 - (a) The poles shall be separated from any underground public utility by a distance of no less than 3 metres, except by written agreement with the responsible party for that utility. In the case of watermains and wastewater sewers, the responsible party is Irish Water. In the case of the surface water sewers, the responsible party is South Dublin County Council. Such agreements shall be copied to the SDCC Planning Department.
 - (b) The licence holder must ensure that pole erecting does not impact or damage underground services, existing drainage, public or third party property. In the event of damage to underground or overground property, the licence holder must notify the Area Engineer and detail the site location, pole reference number and completed repair.
REASON: To protect existing infrastructure.
9. 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.
10. 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.
11. Indemnification.
 - (a) The Licence Holder shall indemnify South Dublin County Council in respect of legal liability, loss, claim or proceedings whatsoever arising out of or in connection with:
 - (i) death and/or bodily injury to any persons whomsoever; and
 - (ii) loss or damage to any property whatsoever (arising from the negligent act, omission or breach of duty by the Licence Holder, its employees, servants or agents), which are caused by or arise from the carrying out of associated works or activities under the granted licence (including installation of property) by the Licence Holder, its employees,

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

servants or agents save for where any loss, claim or proceedings arise out of the negligent act, omission, or any breach of duty whatsoever of the relevant road authority or their employees, servants, agents or otherwise.

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

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

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

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

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

12. Costs Incurred

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

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

13. Legislation

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

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

14. 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).

Comhairle Chontae Atha Cliath Theas

PR/1446/22

Record of Executive Business and Chief Executive's Order

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.

15. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

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

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as L_{Aeq} over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

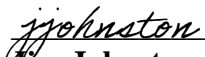
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PR/1446/22

Record of Executive Business and Chief Executive's Order

REG. REF. S25421/22

LOCATION: Scholarstown Road, Scholarstown, Co. Dublin



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: 17/11/22



Gormla O'Corrain,
Senior Planner