

Comhairle Chontae Atha Cliath Theas

PR/1563/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0397 **Application Date:** 21-Oct-2022
Submission Type: New Application **Registration Date:** 21-Oct-2022

Correspondence Name and Address: Entrust Limited Unit 1D, Deerpark Business Centre, Oranmore, Co. Galway, H91 X599

Proposed Development: Existing telecommunications support structure (previously refused under Ref. SD08A/0745 and then subsequently granted under An Bord Pleanala Ref. PL06S.232536) together with antennas, dishes, equipment, cabinets, fencing and all associated site development works; The development will continue to provide high speed wireless broadband and data services.

Location: Unit 1, Fortfield Lane, Fortfield Road, Terenure, Dublin 6W

Applicant Name: On Tower Ireland Limited

Application Type: Retention

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0029 Hectares on the application form.
Site Visit: 23rd of November 2022.

Site Description

The subject site is located within a cluster of commercial uses on the northwest side of Fortfield Road and a short distance south of the junction of the latter with Kimmage Road Lower and Terenure Road. Apart from the immediately adjoining commercial uses the site is otherwise generally surrounded by residential uses. The site is accessed from Fortfield Lane.

The monopole is located within a small compound with 2 no. existing monopoles adjacent to the subject structure. Adjoining sites include an ESB substation, a filling station which fronts onto Fortfield Road, An Post depot and a warehouse.

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Proposal

Retention permission is sought for an existing telecommunications support structure (previously refused under Ref. SD08A/0745 and then subsequently granted under An Bord Pleanala Ref. PL06S.232536) together with antennas, dishes, equipment, cabinets, fencing and all associated site development works; The development will continue to provide high speed wireless broadband and data services.

Zoning

The subject site is zoned Zoning Objective 'RES': *To protect and/or improve residential amenity* under the 2022-2028 CDP.

Consultations

Water Services	No objection subject to conditions.
Irish Water	Not applicable.
Roads Department	No report received at the time of writing this report.
Public Realm	No comments or conditions to add.
Enterprise Promotion	No report received at the time of writing this report.

SEA Sensitivity Screening – the subject site overlaps with the following:

- Aviation related layers Bird Hazards and Outer Horizontal Surfaces for Dublin and Casement.
- Riparian Corridor

Submissions/Observations/Representations

None received.

Relevant Planning History

Subject site

SD08A/0745 & ABP Ref. PL06S.232536

Erection of an 18 metre high support structure with three antennas and one dish attached (total height twenty metres), along with equipment cabinets, other associated equipment and fencing for a new 3G broadband network. Permission refused by SDCC for the following reasons:

1. Having regard to the zoning objective 'A' which seeks to protect and/or improve residential amenity and the standards as set out in Section 12.10.1.iii of the South Dublin County Development Plan 2004-2010, regarding minimum separation distance of telecommunications antennae from the nearest residence, it is considered that the proposed development would materially contravene a provision in the Development Plan which seeks to maintain the residential amenity of the area.

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2. *Having regard to (i) the zoning objective, (ii) the existing mast on the site and (iii) the height and scale of the mast and attached antennae, is considered that the addition of a second mast and antenna on this site where the zoning objective seeks to protect and/or improve residential amenity would be visually intrusive and incompatible with the established visual amenity of the areas and would, therefore, seriously injure the residential amenity of the area and depreciate the value of property in the vicinity.*

First party appeal to ABP. **ABP granted permission.** Relevant conditions:

1. *The proposed mast facility shall be limited in height to 20 metres and no part shall exceed this height, as indicated on drawing number 00240342-136 received by the planning authority on the 30th day of October 2008.*

Reason: In the interest of visual and residential amenity.

2. *This permission is for a period of five years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.*

Reason: To enable the impact of the development to be reassessed, having regard to changes in technology and design during the period of five years and to circumstances then prevailing.

Telecommunications structure to the west of the site

SD17A/0237

Retention of an existing 17m high monopole support structure carrying telecommunications equipment, associated telecommunications container and palisade fencing as previously granted under planning reference SD12A/0054. **Permission for retention granted.**

SD12A/0054

Retention of a 17 metre high telecommunications support structure with antennae, radio link dish, fencing, associated equipment and cabinets, which form part of Meteor's cellular digital communications network, in the area as previously granted under planning reference no. SD06A/0846 (An Bord Pleanála Ref. PL06S.221230). **Permission for retention granted.**

SD06A/0846 & ABP Ref. PL06S.221230

17 metre monopole with 3 no. antenna and 1 no. dish attached, fencing, associated equipment and cabinets to form part of a mobile telecommunications network. **Permission refused by SDCC.**
Appeal to ABP. ABP granted permission.

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Telecommunications structure also to the west of the site

SD16A/0006

Retention permission for existing 18m slim line monopole, carrying associated antenna and dish, associated equipment, associated equipment cabin and security fencing. The development will continue to form part of Vodafone Ireland Ltd.'s existing GSM and 3G/4G Broadband telecommunications networks. **Permission for retention granted.**

SD09A/0025 & ABP Ref. PL06S.233339

Existing telecommunications pole structure with enclosed antennas, an equipment container and associated equipment within a fenced compound. In addition to the retention of existing facility, Vodafone is seeking permission to extend the existing pole structure from an overall height of 15m to 18m. The development forms part of Vodafone Ireland Limited's existing GSM and 3G broadband telecommunications network. **Permission and retention permission refused by SDCC. Appeal to ABP. ABP granted permission.**

Relevant Enforcement History

None identified in APAS.

Pre-Planning Consultation

None identified in APAS.

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

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

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

Policy G11: Overarching

Policy G12: Biodiversity

Policy G13: Sustainable Water Management

Policy G14: Sustainable Drainage Systems

Policy G15: Climate Resilience

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE7: Waste Management

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.

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12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.2 Green Infrastructure and Development Management

12.11.1 Water Management

12.11.2 Information and Communications Technology

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

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

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

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.

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

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities,

Department of the Environment, Heritage, and Local Government, (2009).

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

Assessment

The main issues for assessment relate to:

- Planning History;
- Land Use Zoning;
- Council Policy;
- Visual and Residential Amenity;
- Roads and Traffic;
- Green Infrastructure and Landscaping;
- Infrastructure and Environmental Services;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Planning History

The applicant states that the telecommunications infrastructure was permitted under ABP Ref. PL06S.232536. It is noted that the permitted drawings under this application show the infrastructure in a different location within the compound, further north than where they have been constructed. Regardless, the applicant has applied for retention of the telecommunications infrastructure.

Land Use Zoning

The subject site is zoned Zoning Objective 'RES': *To protect and/or improve residential amenity* under the 2022-2028 CDP. The telecommunications support structure, with antennas, dishes, equipment, cabinets, fencing, is considered a 'Public Service' use under the CDP. The use class 'Public Services' is permitted in principle under the 'RES' zoning objective subject to its design being in accordance with the relevant provisions in the CDP and national policy and guidelines.

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Council Policy

Council policy is generally supportive of sustainable development of ICT infrastructure in the County subject to protecting the amenities of urban and rural areas. Section 12.11.2 of the County Development Plan sets out requirements that applicants shall demonstrate in the consideration of such proposals.

The applicant has submitted a cover letter stating the following:

- Outlining the proposed development's compliance with Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter PL 07/12.
- The applicant will co-locate and utilise existing telecommunications structures where possible, including this site.
- The structure is located in one of the most preferred locations within the 1996 Government Guidelines '*substations operated by ESB may be suitable for the location of antennae support structures*'.
- The structure provides vital high speed wireless broadband services for the community. ComReg 3G and 4G maps are included in the cover letter showing the location of the structure.

In accordance with Section 12.11.2 of the CDP the applicant has not submitted a map showing 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. This should be requested by way of **additional information**.

Visual and Residential Amenity

The applicant has submitted plans and elevational drawings of the proposed development for retention. The existing installation is a 20m high monopole with antenna and transmission dishes attached, equipment, cabinets, access track and fencing. The monopole is narrow, and a light grey colour so does not significantly stand out. The monopole is approx. 20m in height and should be **conditioned** not to extend beyond this height.

The site layout drawings indicate trees planted along the outside of the southern boundary of the site, within the adjoining site. However, based on a site visit, there are no trees or planting along this boundary. The trees appear to have existed when the previous permission was assessed, as referred to in An Bord Pleanála Inspector's report, however, are no longer there.

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There are 2 no. other telecommunications structures, monopoles, within the compound the subject site is within. The applicant states that these are 17m and 15m in height. However, it is considered that the site is well setback from the streetscape. The site adjoins a substation to the north and a post depot (zoned Local Centre) to the south. Having regard to the location and design of the structure it is not considered that it would have a significant negative impact on visual amenity.

The nearest residential property is approx. 15m to the east of the site. This is to the rear gardens of dwellings facing onto Fortfield Road. Given the location and design of the monopole it is not considered it would have an undue impact on residential amenity.

Roads and Traffic

No report was received from the Roads Department. The site is accessed off an existing laneway off Fortfield Road.

Compliance with International Guidelines

A certificate of ICNIRP compliance has not been included in the application stating that the proposed development is in full compliance with the international guidelines (of the ICNIRP) as required by the Office of the Director of Telecommunications Regulation. Should permission be granted, a **condition** should be attached requiring the provision of a Compliance Certificate.

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, and the existing site context of a telephone exchange, it is considered that in the event of a grant of permission, a condition should not be attached limiting the life of any planning permission.

Green Infrastructure and Landscaping

The subject site is located within a Riparian Corridor and along a Secondary Green Infrastructure Link as identified on Figures 4.3 and 4.4 of the CDP. Given the nature and scale of the proposal it is considered to be in accordance with Policy Objectives GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the CDP 2022-2028, subject to conditions.

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Infrastructure and Environmental Services

Water Services have reviewed the proposed development and have no objection subject to conditions. This includes a condition to provide additional SuDS (Sustainable Drainage Systems) as part of the proposed development to deal with surface water discharge from the site. Given the nature and scale of the development, this condition is not considered necessary.

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 submitted any information in relation to screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves the retention of telecommunications infrastructure.

Having regard to:

- the small scale and nature of the development,
- the location of the development in a serviced 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.

Conclusion

Having regard to the provisions of South Dublin County Development Plan 2022-2028 it is considered that the Planning Authority requires **Additional Information** to facilitate a complete assessment of the proposed development.

Recommendation

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

1. The applicant is requested to submit a map showing 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. This is required to be demonstrated in accordance with Section 12.11.2 of the South Dublin County Development Plan 2022-2028.

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REG. REF. SD22A/0397

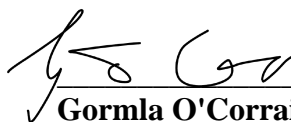
LOCATION: Unit 1, Fortfield Lane, Fortfield Road, Terenure, Dublin 6W



Deirdre Kirwan,
Senior Executive Planner

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

Date: 12/12/22



Gormla O'Corrain,
Senior Planner