

# Comhairle Chontae Atha Cliath Theas

**PR/0026/23**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** S25422/06      **Application Date:** 13-Apr-2022  
**Submission Type:** Additional      **Registration Date:** 07-Nov-2022  
Information

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

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

**Location:** Ballyroan Road, Butterfield, Dublin 16

**Applicant Name:** Cignal Infrastructure Ltd.

**Application Type:** S254 Licence

(COS)

### **Site Description**

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

### **Licence Application Proposal**

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

### **Consultations**

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

Public Realm – additional information requested.

Roads Department – no objection subject to conditions.

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

Broadband Officer – no objection.

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

Transport Infrastructure Ireland – no observations to make.

### **Legislation**

The license application has been made under Section 254 of the Planning and Development Act, 2000 as amended. Section 254(5) of the Planning and Development Act as amended outlines the criteria to which the Planning Authority shall have regard:

- (a) the proper planning and sustainable development of the area,
- (b) any relevant provisions of the development plan, or a local area plan,
- (c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and

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(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*

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

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

*5.2 Successful and Sustainable Neighbourhoods*

*5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'*

*Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods*

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

*QDP2 Objective 1:*

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

*11.4 Information and Communications Technology*

*Policy IE5: Information and Communications Technology (ICT)*

*Promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve social and economic development, whilst protecting the amenities of urban and rural areas.*

*IE5 Objective 1:*

*To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.*

*IE5 Objective 3:*

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

*IE5 Objective 4:*

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

*IE5 Objective 5:*

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*To ensure that above ground utility boxes are sensitively located and finished to reduce their visual impact, designing out anti-social behaviour and promoting soft planting around existing and new ones where feasible.*

*IE5 Objective 6:*

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

*IE5 Objective 7:*

*Ensure that applications made in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, take into consideration and demonstrate compliance with the 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (2015).*

#### *12.11.2 Information and Communications Technology*

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

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

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

*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*

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*with the 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (2015).*

#### Assessment

##### *Zoning and Council Policy*

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

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

The applicant has submitted the following:

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

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

##### *Siting of the Proposed Overground Electronic Communications Infrastructure*

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

Section 2 of the Act states that "public road" has the same meaning as in the Roads Act, 1993. Section 2 of the Roads Act 1993 states:

**"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.**

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Section 2 of the Roads Act states:

*“road” includes –*

*(a) any street, lane, footpath, square, court, alley, or passage,*

*(b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,*

*(c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, **margin, kerb**, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal, or lighting forming part of the road, and*

*(d) **any other structure or thing forming part of the road** and—*

*(i) necessary for the safety, convenience, or amenity of road users or for the construction, maintenance, operation, or management of the road or for the protection of the environment, or*

*(ii) prescribed by the Minister.*

The Planning Authority considers that the subject location is relevant for a Section 254 licence and comes within the terms of a public road.

#### ***Design and Amenity***

In assessing s254 applications consideration should be given especially to Chapter 5 of this Plan ‘Quality Design and Healthy Placemaking’, in particular the sections dealing with ‘The Delivery of Sustainable Neighbourhoods’, ‘The plan approach’ and the eight principles which must be applied to new developments in the County.

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

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

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

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#### *Roads*

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

#### *Services*

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

#### *Public Realm*

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

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

#### *Appropriate Assessment*

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

#### Conclusion

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

#### Recommendation

I recommend that **Additional Information** be requested from the applicant with regard to the following:

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

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The applicant is requested to submit the following information in relation to the existing mature trees:

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

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

#### **Additional Information**

Additional Information was requested on the 15<sup>th</sup> of August 2022.

Additional Information was received on the 7<sup>th</sup> of November 2022.

#### **Additional Information Consultations**

Public Realm Section – no report received at the time of writing this report.

Roads Department – no objections.

#### **Assessment of Additional Information**

##### ***Item 1 Requested***

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

*The applicant is requested to submit the following information in relation to the existing mature trees:*

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

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

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#### Applicant's Response:

The applicant has submitted an Arboricultural Survey & Report, Tree Survey drawing and Tree Protection Plan drawing. The proposed development is not anticipated to impact any of the existing trees within the grass verge. Recommendations regarding root protection measures will be adopted and adhered to.

#### Assessment:

No trees are proposed for removal. The recommended tree protection measures should be conditioned. It is therefore considered that this item has been satisfactorily addressed.

#### *Appropriate Assessment*

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

#### *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.

#### **Conclusion**

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

#### **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 a Licence 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.



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#### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

#### **SECOND SCHEDULE**

##### **Conditions and Reasons**

1. Plans and Particulars

The 18m Alpha street pole and associated equipment cabinet shall be installed and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with this Section 254 licence application, save as may be required by the other conditions attached hereto, and the height and other dimensions as specified in those particulars shall not be exceeded.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Duration of Licence.

The duration of this licence is for 3 years only.

REASON: To allow the Planning Authority to review the impact of the licenced works, to consider the merits or feasibility of any alternative solutions.

3. Withdrawal of Licence.

Notwithstanding any other conditions of this grant, South Dublin County Council reserves the right to withdraw the licence under section 254(4) of the Planning and Development Act, 2000, as amended, where in the opinion of the planning authority by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing withdraw the licence and require the licensee to remove the appliance, apparatus or structure at his or her own expense.

REASON: To ensure that development is effectively managed.

4. South Dublin County Council Lands.

This licence does not permit any works on private property.

REASON: To ensure the proper application of Section 254 of the Planning and Development Act 2000, as amended.

5. Obsolescence.

In the event of obsolescence, or withdrawal or expiry of the license without renewal, the

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telecommunications poles shall be removed from the site and the site reinstated at the expense of the applicant or licensee as per the following, unless otherwise agreed with the Planning Authority:

- the verge surface shall be reinstated with selected soil material to a depth of 150mm;
- The verge shall be raked, level and compacted well around any infrastructure, and re-seeded with a grass seed mix predominately containing Dwarf Perennial Ryegrass.

These works are to be undertaken by a competent and experienced Landscape Contractor, to the satisfaction of the Planning Authority.

REASON: To protect the amenities of the area.

6. No Additional Dishes, Antennae or Other Equipment.

No additional cabling or other equipment, other than the cabling for which a licence has been sought, shall be attached to the telecommunications poles without first obtaining the prior written approval of the Planning Authority.

REASON: In the interest of the visual amenity of the area; to ensure that the development shall be in accordance with the permission and that effective control be maintained and in the interest of the proper planning and sustainable development of the area.

7. Change of Ownership.

The applicant shall notify the Planning Authority of any change of ownership, transfer to a new operator or any subsequent agreements to the share the telecommunications poles.

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

8. Change to Details of Licence Application.

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

REASON: To ensure proper application of the licence.

9. Services.

(a) The poles shall be separated from any underground public utility by a distance of no less than 3 metres, except by written agreement with the responsible party for that utility. In the case of watermains and wastewater sewers, the responsible party is Irish Water. In the case of the surface water sewers, the responsible party is South Dublin County Council. Such agreements shall be copied to the SDCC Planning Department.

(b) The licence holder must ensure that pole erecting does not impact or damage underground services, existing drainage, public or third party property. In the event of damage to underground or overground property, the licence holder must notify the Area Engineer and detail the site location, pole reference number and completed repair.

REASON: To protect existing infrastructure.

10. Installation and Drainage.

The installation of the telecommunication poles shall not impair the operation of the

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existing land and roadside drainage and the applicants shall not interfere with roadside drainage without the prior written agreement of the SDCC Roads Department.

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

#### 11. Notification to the Roads Authority and National Roads Authority.

(a) The applicant or licensee shall, in advance of the commencement of the works to erect, construct, place or maintain electronic communications infrastructure or any associated physical infrastructure, inform:

(i) South Dublin County Council, and

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

(b) This licence does not permit the erecting of Poles within 10 metres of any special engineering difficulty which includes bridges, retaining walls, quay walls, piers, pylons, cellars, railway crossings or light railways, unstable embankments or cuttings.

REASON: in the interest of proper planning.

#### 12. Maintenance.

Access to the licence area for maintenance purposes by any statutory undertakers shall be available at all times.

REASON: In the interests of the proper planning, maintenance and development of the area.

#### 13. Footpath and Cyclists

(a) The location shall take into consideration any undergrounds services. Service gates for the ancillary cabinet shall not intrude on the carriageway or the pedestrian footpaths.

(b) No vehicle shall be allowed to park, intrude, or obstruct public footpaths/cycle line during the construction and operational stage unless agreed through the construction and traffic management plan. The developer shall ensure that the telecommunications street pole and cabinet shall not obstruct pedestrians, cyclists and will not to create a road safety hazard.

REASON: In the interests of public safety and the comfort and safety of vulnerable road users.

#### 14. Indemnification.

(a) The Licence Holder shall indemnify South Dublin County Council in respect of legal liability, loss, claim or proceedings whatsoever arising out of or in connection with:

(i) death and/or bodily injury to any persons whomsoever; and

(ii) loss or damage to any property whatsoever (arising from the negligent act, omission or breach of duty by the Licence Holder, its employees, servants or agents), which are caused by or arise from the carrying out of associated works or activities under the granted licence (including installation of property) by the Licence Holder, its employees, servants or agents save for where any loss, claim or proceedings arise out of the negligent act, omission, or any breach of duty whatsoever of the relevant road authority or their employees, servants, agents or otherwise.

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

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

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

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

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

#### 15. Costs Incurred

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

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

#### 16. Legislation

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

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

#### 17. Reinstatement of Remaining Area

The remaining grass area around the structure shall either be retained in its present state or reinstated within 3 months of the installation of the equipment.

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

#### 18. Construction Traffic Management Plan

Prior to commencement of development, the applicant shall agree a Construction Traffic Management Plan with the Planning Authority.

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

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

REASON: To protect the amenities of the area.

#### 19. Tree Protection

The applicant/developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Arboricultural Report and Tree Protection Plan prepared by Gary Doherty. The arborist shall carry out a

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post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

REASON: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

#### 20. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

#### 21. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be

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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.

#### **22. Operational Noise.**

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

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

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

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

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

**NOTE:** The applicant is advised that under the provisions of Section 254(6) of the Planning and Development Act 2000 (as amended), any person may, in relation to the granting, refusing, withdrawing or continuing of a licence under this section or to the conditions specified by the planning authority for such a licence, appeal to An Bord Pleanála.

**NOTE:** A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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**REG. REF. S25422/06**

**LOCATION: Ballyroan Road, Butterfield, Dublin 16**



**Deirdre Kirwan,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant a Licence 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:** 10/01/23



**Gormla O'Corrain,  
Senior Planner**