

# Comhairle Chontae Atha Cliath Theas

**PR/0062/23**

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

**Reg. Reference:** SD22A/0439      **Application Date:** 18-Nov-2022  
**Submission Type:** New Application      **Registration Date:** 18-Nov-2022

**Correspondence Name and Address:** Towercom Limited Usher House, Main Street,  
Dundrum, Dublin 14

**Proposed Development:** Replacement of an existing 15m telecommunications  
monopole support structure (overall height of 17.8  
metres), previously granted by Ref. SD13A/0104)  
with a proposed new 15m telecommunications lattice  
tower (overall height of 17.8 metres) carrying the  
telecommunications equipment transferred from the  
existing structure and the addition of new  
telecommunications antennas, dishes and associated  
equipment, together with new ground level  
equipment cabinets and fencing; The site is within  
the curtilage of a Protected Structure (RPS: 311 -  
Rathcoole Garda Station).

**Location:** Main Street, Rathcoole, Co. Dublin

**Applicant Name:** Eir (Eircom Limited)

**Application Type:** Permission

(AOCM)

### **Description of Site and Surroundings:**

**Site Area:** stated as 0.006 hectares.

#### **Site Description:**

The application site is located within a fenced Eircom Exchange Compound to the rear (south) of Rathcoole Garda Station off Main Street, Rathcoole, and contains a single storey building with associated hardstanding and palisade fencing. A 15m monopole, with three 2.8m high antennae is located in the area between the Garda Station and the Exchange Building. The east and south boundaries are lined with mature trees. The Garda Station car park is located to the west, with residential development located to the south.

The site is located within the curtilage of Rathcoole Garda Station, a Protected Structure (RPS Ref. 311), the Rathcoole Village Architectural Conservation Area (ACA) and within an Area of Archaeological potential.

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### **Proposal:**

**Permission** is sought for the following:

- Replacement of an existing 15m telecommunications monopole support structure (overall height 17.8m)
- New 15m telecommunications lattice tower (overall height 17.8m)
- New telecommunications antennas, dishes and associated equipment
- New ground level equipment, cabinets and fencing

### **Zoning:**

The site is subject to zoning objective 'VC' – *'To protect, improve and provide for the future development of Village Centres.'*

### **Consultations:**

#### **Internal**

Architectural Conservation Officer:	No objection, <b>conditions</b> recommended
Roads:	No objection
Public Realm:	No comment/observation to make.
Water Services:	No objection

#### **External**

Irish Water	Not applicable
An Taisce	No conditions recommended
An Comhairle Ealaíon	No response received
Faite Ireland	No response received
Heritage Council	No response received
Dept Housing, Local Gov't & Heritage	No response received
Department of Defence	No response received

### **SEA Sensitivity Screening**

Indicates overlap with the following:

- Architectural Conservation Areas 2016
- Areas of Archaeological Potential 2016
- Protected Structures 2016 (RPS Ref. 311)
- Record of Monuments and Places 2016

### **Submissions/Observations /Representations**

Submission expiry date – 2 January 2023

No submissions or observations were received.

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### **Relevant Planning History**

**SD13A/0104:** Continued use of an existing 15m telecommunications monopole and antennae used by the emergency services together with associated equipment, previously granted by An Bord Pleanála under PL06S.226191 (Planning Ref. SD07A/0630). The site is within the curtilage of a Protected Structure. **Permission granted.**

Relevant conditions:

1. ***This permission is for a period of ten years*** from the date of the final grant of permission. The 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 on the Protected Structure (Rathcoole Garda Station) to be re-assessed, having regard to changes in technology and design during the period of ten years and to circumstances then prevailing.*

2. The site shall be reinstated on removal of the monopole structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to the Planning Authority for written agreement as soon as is practicable.

*REASON: In the interest of orderly development.*

**SD07A/0630:** Construct a 28.2 metre support pole carry 3 no. radio aerial for use by the Emergency Service (Garda, Ambulance and Fire Brigade) together with associated equipment and fencing for a new National Digital Radio Service. **Permission refused by SDCC. Permission granted following first party appeal to An Bord Pleanála.**

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for subject site.

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

*Chapter 4 Green Infrastructure*

*Section 4.1 Methodology*

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

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### *Section 4.2.1 Biodiversity*

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

### *Section 4.2.2 Sustainable Water Management*

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

### *Chapter 5 Quality Design and Healthy Placemaking*

#### *Section 5.2 Successful and Sustainable Neighbourhoods*

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

#### *Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods*

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

*QDP2 Objective 1: To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.*

*QDP3 Objective 1: To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located taking into consideration the provisions set out in Chapters 3 and 4 of this Plan and having regard to the requirements set out in Chapter 12: Implementation and Monitoring in relation to design statements.*

*QDP3 Objective 2: To protect and conserve the special character of the historic core of the villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of each village informs the design approach to new development, infrastructure and renewal, recognising the particular character and context in Architectural Conservation Areas (ACAs).*

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### *Section 9.5.5 Village Centres*

*EDE13 Objective 2: To protect and conserve the special character of the historic core of traditional villages and to support their enhancement and upgrade.*

### *Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

#### *Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

### *Section 11.4 Information and Communications Technology*

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

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

*IE5 Objective 1: To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.*

*IE5 Objective 3: To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.*

*IE5 Objective 4: To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.*

*IE5 Objective 5: To ensure that above ground utility boxes are sensitively located and finished to reduce their visual impact, designing out anti-social behaviour and promoting soft planting around existing and new ones where feasible.*

*IE5 Objective 6: To require the identification of adjacent Public Rights of Way and established walking routes by applicants prior to any new telecommunication developments and to prohibit telecommunications developments that impinge thereon or on recreational amenities, public access to the countryside or the natural environment.*

*IE5 Objective 7: Ensure that applications made in relation to the provision of overground telecommunications infrastructure, including planning applications and Section 254 licence applications, take into consideration and demonstrate compliance with the 'Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads' (2015).*

### *Chapter 12 Implementation and Monitoring*

#### *Section 12.3.1 Appropriate Assessment*

#### *Section 12.3.2 Ecological Protection*

#### *Section 12.3.3 Environmental Impact Assessment*

#### *Section 12.3.5 Landscape Character Assessment*

#### *Table 12.17: Landscape Character Types*

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*Section 12.4.2 Green Infrastructure and Development Management*

*Section 12.4.3 Riparian Corridors*

*Section 12.5 Quality Design and Healthy Placemaking*

*Section 12.11.2 Information and Communications Technology*

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

- *Compliance with the document Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter PL 07 /12 issued by the Department of the Environment and Local Government (as may be amended), and to other publications and material as may be relevant in the circumstances;*
- *On a map, the location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities having regard to the Code of Practice on Sharing of Radio Sites issued by the Commission for Communications Regulation;*
- *The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (for example, visual impacts of masts and associated equipment cabinets, security fencing treatment) and the potential for 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 2020-2032 (RSES)***, Eastern & Midlands Regional Assembly (2019)

***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)

***Our Rural Future – Rural Development Policy 2021-2025***

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

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

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

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

- 2.2 *Temporary Permissions 'Only in exceptional circumstances where particular site or environmental conditions apply, should a permission issue with conditions limiting their life.'*
- 2.2 *The Development Plan and Separation Distances*
- 2.3 *Bonds for Removal of Redundant Structures 'in general, future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense.'*
- 2.4 *Register or Database 'It is recommended that a register of approved telecommunications structures supported by relevant databases be created and maintained by each planning authority in cooperation with operators. Comhairle Chontae Atha Cliath Theas PR/1301/22 Record of Executive Business and Chief Executive's Order Pg. 16*
- 2.5 *Health and Safety Aspects 'Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process.'*

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

- *Section 1 states that in order to avoid unnecessary proliferation of masts, owners would be expected to facilitate co-location of antennae with other operators and planning authorities should encourage co-location of antennae on existing support structures and masts.*
- *Section 2.3.1 Antennae Sets out guidelines for antennae and states that such structures can be mounted on buildings in urban areas but generally require supporting masts or towers in rural and suburban areas due to the low rise nature of buildings in these areas. Section 2.4 recognises that in some instances it may be technically possible for operators to share facilities or owners of antennae support structures*
- *Section 4.3 Visual Impact States that in the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrial zoned land. It*

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*is noted that substations operated by the ESB may be suitable for the location of antennae support structures.*

- *Section 4.5 Sharing Facilities & Clustering All applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share. Support structures used by emergency or other essential services are not suitable for sharing with public mobile telephone services.*
- *Section 4.6 Health & Safety Aspects Section*
- *4.7 Obsolete Structures Section*
- *4.8 Duration of Permission*

### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Impact on Protected Structure
- Green Infrastructure
- Drainage
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Policy**

#### **South Dublin County Development Plan 2022 - 2028**

The site is subject to zoning objective 'VC' – *'To protect, improve and provide for the future development of Village Centres.'* Public Services are permitted in principle per 12.16 of the Development Plan 'VC' zoning matrix.

### **Residential and Visual Amenity**

The application is seeking to replace an existing 15m tall telecoms tower with associated antennae, total height 17.8m. Within the red line boundary, the monopole would be relocated to the north of the site, closer in proximity to the Garda Station. The new structure would be 17.8m and would have a wider lattice than the existing monopole. A 2.4m high palisade fence would be provided around the boundary of the tower.

It is noted that the structure is replacing an existing monopole which has been in its current location for approximately 10 years. While the new lattice tower would have a larger visual presence, the impact is not considered to be significant, based on its location to the rear of existing buildings and only visible from certain views in the area. In this regard the works are considered acceptable. The ground level structures would not be visible from any public view and are acceptable supporting infrastructure for the lattice tower.



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Section 12.11.2 of the Development Plan specifies supporting information that should be provided with applications for telecommunications development. It is noted the development would allow for co-location of operators, improving coverage and capacity for mobile telecommunications services in the area. The applicant has also provided supporting graphics indicating the visual impact of the proposed lattice tower.

Based on the information provided, it is considered that the applicant has complied with the relevant policies and objectives of the Development Plan. This site is appropriate for an increase in the scale of telecommunications infrastructure as there is an established use for such at the site. Therefore, the visual impact is not considered to be significant and the benefit for residents of the area would be notable. To ensure the ongoing review of the sites suitability for such structures at the site and enable any potential to reduce the scale of the tower in the future based on technological advances, the application should be granted for a period of 10 years. This should be a **condition** of any grant of permission.

### Impact on Protected Structure

The Architectural Conservation Officer (ACO) has reviewed the application and provided the following response:

*The development proposes to replace an existing monopole support structure with a new lattice tower of the same height. The subject site is an established telecommunication site, and the proposal allows for a more substantial structure capable of co-location and improving the current telecommunication infrastructure. The visual impact is already present and allowing a new lattice tower does not negate nor increase the overall visual impact. The location of the site to the rear of the Protected Structure (RPS Ref. 311) does not provide a direct visual impact when viewing the front site of the Protected Structure and principal façade. The proposed lattice tower has been shown in provided photomontages and shows that the proposed new tower will not be viewed from the adjoining Protected Structure site (RPS Ref. 310 - Church of Ireland Church) and therefore it is considered that the overall visual impact is recognised as part of the Village setting but it can only be viewed in certain locations. It is not particularly evident in that it does not cause a direct impact on the Protected Structure sites and its visual impact on the character of the ACA is moderate to neutral in that it can only be viewed from certain locations.*

*Based on the above it is considered that the proposed development although has a visual impact provides the need for a more substantial structure in order to provide an improved telecommunication infrastructure needs to be balanced. Given the above assessment it is considered that the proposed development is acceptable with the following conditions attached.*

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*The ACO recommends the following **conditions** in the event of a grant:*

- A safety statement should be submitted for approval and agreement detailing how the Protected Structure and all associated features will be safeguarded during the proposed removal of the existing telecommunications monopole and the installation of the new lattice tower and new equipment. A designated area should be provided in order to ensure a buffer is kept ensuring no construction vehicles etc go near the Protected Structure area. Details of the entrance and ingress should also be provided ensuring any impact or possible damage during construction.*
- Details of the paint colour for the new equipment cabinet and fencing should be submitted for approval and agreement. The applicant should also consider and look into the possibility of painting the lattice tower in a colour that might lessen the overall visual impact within the village area and in order to determine if anything else can be done from a visual impact viewpoint given its location in the curtilage of a protected structure and Architectural Conservation Area.*

These **conditions** are considered appropriate to ensure minimal impact on the adjacent protected structure during the construction and operation phases of the development.

It is noted that An Taisce have provided a response to the development, not stating an explicit objection to the proposal.

### **Green Infrastructure**

The site does not appear to be located within a Core Area, Primary GI Corridor or Secondary GI Link as per Figure 4.4 of the Development Plan.

The site has limited opportunities to increase or improve landscaping, given the nature of the development, and it is not considered that there would be opportunities of significant benefit in relation to the improvement of green infrastructure at the site, given its constrained size and location.

The Public Realm section have reviewed the application and have stated that they have '*no observations or comments to add.*'

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### **Drainage**

Water Services have reviewed the application and have stated no objection.

### **Screening for Appropriate Assessment**

The subject site is not located within nor within close proximity to a European site. The proposed development is located within a village centre and comprises the replacement of existing telecommunications infrastructure.

Having regard to:

- the scale and nature of the development,
- the location of the development, and
- the consequent distance from the site to qualifying European sites,

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.

### **Environmental Impact Assessment**

Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real 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.

### **Other Considerations**

#### **Development Contributions**

As per Section 11(xx) of the SDCC Development Contribution Scheme 2021 - 2025, a development contribution is not due in this instance.

### **SEA Monitoring Information**

Building Use Type Proposed:	Telecommunications Infrastructure
Floor Area:	N/A
Land Type:	Village Centre
Site Area:	0.006 Hectares.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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### **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 in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other 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 Permission  
This permission is for a period of ten years from the date of the final grant of permission. The 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. The site shall be reinstated on removal of the monopole structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to the Planning Authority for written agreement as soon as is practicable.  
REASON: To enable the impact of the development on the Protected Structure (Rathcoole Garda Station) to be re-assessed, having regard to changes in technology and design during the period of ten years.
3. Architectural Conservation  
Prior to the commencement of development the following shall be submitted to the Planning Authority for written agreement:
  - A) A safety statement detailing how the Protected Structure and all associated features will be safeguarded during the proposed removal of the existing telecommunications monopole and the installation of the new lattice tower and new equipment. A designated area shall be provided in order to ensure a buffer is kept ensuring no construction vehicles

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etc go near the Protected Structure area. Details of the entrance and ingress shall also be provided ensuring any impact or possible damage during construction.

B) Details of the paint colour for the new equipment cabinet and fencing. The applicant shall also consider and look into the possibility of painting the lattice tower in a colour that might lessen the overall visual impact within the village area and in order to determine if anything else can be done from a visual impact viewpoint given its location in the curtilage of a protected structure and Architectural Conservation Area.

REASON: To protect the interest of the protected structure and Architectural Conservation Area

#### 4. Future Alterations

The power output, antennae type and mounting configuration shall be in accordance with the details submitted with this application and shall not be altered without a prior grant of planning permission.

REASON: To clarify the nature of the development to which this permission relates and to facilitate a full assessment of any future alterations to the network.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.


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REG. REF. SD22A/0439

LOCATION: Main Street, Rathcoole, 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: 19/01/23\_\_\_\_\_

  
\_\_\_\_\_  
Gormla O'Corrain,  
Senior Planner