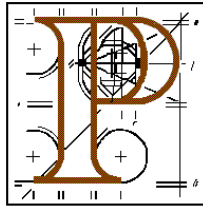


An Bord Pleanála



Inspector's Report

Development: Permission for development consisting of 6 no. telecommunications antennas, associated RRU units, 2 no. link dishes and associated ancillary equipment on existing rooftop, including ancillary site works, and proposed equipment cabinets located in existing lift shaft equipment room under Tallaght Hospital.

Site Address: Tallaght Hospital (The Adelaide and Meath Hospital) Tallaght, Dublin 24

Planning Application

Planning Authority: South Dublin County Council

Planning Authority Reg. Ref.: SD15A/0241

Applicants: Vodafone Ireland Limited

Type of Application: Permission

Planning Authority Decision: Refuse

Planning Appeal

Appellant: Vodafone Ireland Limited

Type of Appeal: First Party v Refusal

Observers: None

Date of Site Inspection: 20th January 2016

Inspector: **Joanna Kelly**

Appendices:

Appendix 1 Site Location Map, Site key Plan and Photographs

1.0 INTRODUCTION

This appeal pertains to a first party appeal against the decision of South Dublin County Council to refuse permission for the erection of telecommunications antennae at Tallaght Hospital.

2.0 SITE DESCRIPTION

The appeal site is located within the grounds of the Tallaght (The Adelaide and Meath Hospital) which is located adjacent to Tallaght town centre area. The LUAS runs along the western boundary of the hospital and the hospital is accessible by car via Belgard Road.

The proposed structures are to be located on the lift shaft elevation near the main entrance to the hospital. There are two existing antennae at this location which are visible on approach to the main entrance.

The overall hospital complex can be described as low rise with parking available at surface and multi-storey levels. A barrier system for parking is in operation with a set down area for taxis at the entrance. A canopy for pedestrians is provided at the main entrance.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 The proposed development will consist of the construction of 6 no. telecommunications antennas, associated RRU units, 2 no. link dishes and associated ancillary equipment on existing rooftop, including ancillary site works, and proposed equipment cabinets located in existing lift shaft equipment room under Tallaght Hospital.

4.0 TECHNICAL REPORTS

4.1 Planning report

The planning report indicates that no submissions or observations were received and indicates that permission was refused under File ref. No. SD15A/0122 for similar development. The proposal was broadly considered to comply with the zoning policy for the area. The planner sets out that as the site is located at a hospital and planning permission has not previously been granted for telecommunications antennae at this location, permission should be refused. The proposal was considered visually acceptable. The planner recommended a refusal for the reason pertaining to minimum separation distance from hospitals.

4.2 Environmental Health Officer

Proposal is acceptable subject to conditions

4.3 Roads Department

No objection

5.0 **PLANNING AUTHORITYS DECISION**

The Planning Authority refused permission as follows:

Having regard to Section 2.5.8 of the South Dublin County Development Plan 2010-2016 which requires a 100m minimum separation distance of telecommunications antennae from hospitals, the proposed development would materially contravene this requirement of the Development Plan. Thus, the proposed development would seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

6.0 **APPEAL GROUNDS**

6.1 First Party appeal grounds are summarised as follows:

- The Planning Authority is in contravention of the Ministerial Guidelines as per the Circular Letter PL07/12 which provides that planning authorities should not include such separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.
- The immediate effect of the proposed site would see a major increase in the indoor coverage, with improved availability of voice and data services on 3G and 4G networks that could be provided to all within the hospital buildings.
- The location of this site is crucial to the coverage of the immediate hospital buildings, surrounding grounds and adjacent commercial and residential area. As a result it was decided that an independent base station site was required in order to provide a comprehensive GSM and 3G Broadband service, and improvement of capacity on the 3G/4G networks. Height of 21m is required to provide signal over surrounding topography.
- It is set out that the local authority has a duty under the Local Government Act 1991, in the performance of their functions under any enactment, to have regard to policies and objectives of the Government or any Minister in so far as they may affect or relate to their functions.
- The proposed site would improve levels of coverage, services and capacity on 2G, 3G and 4G networks. It would also improve essential coverage to the N81, and the R113 and the high volume of traffic using same.

- The high data transmission rates on which third generation technologies depend is only achieved where there is nearby base station.
- Details of other potential sites are outlined.
- It is submitted that the applicant has shown compliance with the planning guidelines for Telecommunications Antennae and Support Structures, 1996 and Circular Letter PL07/12. The latter permits the location in or adjacent to a hospital by recommending the removal of separation distance.
- The applicant cites development plan policies to promote the roll out of 3G broadband networks in the County.
- It is set out that the refusal should be overturned in line with PL.08.242185 where the Board agreed that the local authority should have anticipated the future amendments to development plans.
- It is set out that there are existing Omni Communications Antennae adjacent to the proposed equipment on the roof and therefore a precedent exists for similar equipment at this location.
- The proposed equipment is located in from the edge of the building so as any views would be intermittent and unlikely to cause any negative visual impact.
- The local authority should not be refusing permission on the fact that equipment proposed is to be located on the existing hospital roof.
- The proposed site is in compliance with the relevant National Guidelines, as well as being in compliance with IRPA guidelines.

7.0 RESPONSES

7.1 Planning Authority

Issues raised already addressed in the planner's report.

8.0 PLANNING HISTORY

File ref. No. SD15A/0122 Permission refused for 6 telecommunication antennae and associated equipment and site works at the proposed site in Tallaght hospital. The reason cited separation distance.

The applicant makes reference to File No. PL.08.242185, retention of 25m telecommunications monopole in Lackroe, Kenmare, Co. Kerry in the appeal. The Inspector's report and decision has been included as an Appendix for ease of reference.

It is further noted that there is a current application with the Board PA0043 for health infrastructure development comprising National Paediatric Hospital, Innovation Centre and family accommodation unit at St James' Hospital Campus, which provides for satellite centres at Tallaght and Connolly hospitals. The satellite site is immediately south of the current appeal site.

9.0 PLANNING POLICY

9.1 South Dublin County Development Plan

Section 2.5.8 refers to Telecommunications Antennae and Support Structures

In the consideration of proposals for telecommunications antennae and support structures the Council will, as a minimum standard, have regard to the *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities* (1996) and to such other publications and material as may be relevant in the circumstances. The Guidelines deal with telecommunications installations related to the provision of public cellular mobile telephone systems. They also deal with the antennae required for receiving and transmitting telephony signals, the support structures for these antennae, the associated buildings and radio equipment containers, ancillary equipment such as poles and cables and with access roads to base stations. When evaluating planning applications for the provision of such telecommunications installations, the Council will be concerned to ensure the protection of public health and the preservation of residential and visual amenity. Regard will be had to the *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities* (1996) and to any other matters considered relevant to the achievement of these objectives.

In particular, the Council will discourage the location of antennae in residential areas and near primary and secondary schools and childcare facilities, and will set down and review standards in this regard from time to time. In doing so, South Dublin County Council wishes to provide the maximum protection for the health and well-being of its citizens, and to strike a fair balance between the rights of individual citizens and the general good.

A minimum distance of approximately 100 metres shall be provided between mobile communication masts/antennae and residential areas/ primary and secondary schools/ childcare facilities/hospitals. This requirement shall not apply in the case of planning applications relating to sites where planning permission for such development has previously been granted.

The Council will discourage a proliferation of these masts in the County. To achieve this, the Council will promote cooperation between relevant agencies/operators, the sharing of space on telecommunications masts, and careful site selection. Where new facilities are proposed applicants will be required to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters.

Planning permissions for telecommunications antennae and support structures shall be for a temporary period of not more than five years.

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

- Compliance with the *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities* (1996) 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 1km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities bearing in mind the *Code of Practice on Sharing of Radio Sites* (2003);

The Telecommunications Antennae and Support Structures Guidelines **Circular Letter 07/12** from the DoECH&LG October 2012 advises that:

- Temporary permissions should cease and only used in exceptional circumstances;
- Separation distances should not be included in the development plan as they can have a major impact on the roll out of a viable and effective telecommunications network;
- The lodgement of a bond or cash deposit is no longer appropriate;
- A register of approved telecommunications structures be created and maintained by each planning authority;
- Planning Authorities do not have competence for health for safety matters in respect of telecommunications infrastructure.
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10.0 ASSESSMENT

Having examined the file, relevant history files, considered local and national policies, inspected the site and immediate environs, assessed the proposal and all of the documentation on file, I consider the key issues to be:

- Compliance with development plan policy
- Justification for development and co-location
- Appropriate Assessment

The Board should note that due consideration has been given to the zoning of the appeal site and visual impact arising from the proposal. The proposal having regard to the land use zoning 'town centre' is considered acceptable in principle. The location of the structures is not such that would have an undue negative visual impact.

10.1 Compliance with development plan policy

- 10.1.1 The sole reason for refusal pertains to the current development plan policy which refers to a minimum separation distance of 100m between telecommunications antennae from hospitals and that the development therefore materially contravenes the development plan. The appeal grounds contend that the policy is contrary to the Circular Letter 07/12 issued by the Department. A copy of this circular is on the file and recognises that policies indicating locations where telecommunication structures would not be favourable is reasonable, but that there has been a growing trend to specify minimum distances between telecommunication structures from houses and schools e.g. up to 1km.
- 10.1.2 With regard to the provisions of the Circular, it is recognised that such policies are reasonable however recognises that such distance requirements, without allowing for flexibility on a case-by-case basis can make identification of a site for new infrastructure very difficult. In this particular case, the separation distance in the development plan is 100m from hospitals which is not comparable to the 1km example cited in the Circular. The development plan provides that this policy shall not apply in cases of planning applications relating to sites where planning permission for such development has previously been granted. Whilst there are antennae attached at the location of the proposed development I am unable to find any planning history for same. The applicant has not provided any details of extant or previous permissions that would be relevant in this regard. The Planning and Development Regulations specifically de-exempt the attachment of antennae to hospitals.
- 10.1.3 The applicant refers to the Draft South Dublin County Development Plan and that no such distances are referred to. Whilst this maybe the case, the current statutory plan is the South Dublin County Development Plan 2010-2016 and the proposal is considered to materially contravene the policy. The applicant has also made reference to a number of precedent cases most notably PL.08.242185 for a structure in a rural area in Kenmare. This case is materially different in that it was a retention application in a rural location with a separation distance policy of 1km. With regard to the Cork University

hospital appeal PL.28.228999 this was a retention application also where temporary permissions had been granted on two previous occasions.

10.2.0 Justification for development and co-location

10.2.1 Notwithstanding the contravention with regard to separation distances, I consider that the proposal should be examined further with regard to the justification for the development and the availability of other potential sites for co-location in light of the advice contained in the Circular. The applicant contends that the *“location of this site is crucial to the coverage of the immediate hospital buildings, surrounding grounds and adjacent commercial and residential area.”* The applicant continues to set out that the site would provide high quality voice and data coverage to the surrounding urban area, large sections of the National Route N81, regional roads, the local road network and also provides coverage to the surrounding commercial/industrial area, as well as the residential area. I refer the Board to the technical justification maps provided with the application to the Planning Authority. Figure 1 refers to a map indicating existing coverage Figure 2 refers to coverage prediction with DX066. The actual increase in coverage on foot of the development appears marginal and confined to the grounds of Tallaght hospital notwithstanding the claims by the applicant that there would be increased coverage to the surrounding area. I do not consider that improved or increased coverage to road networks is a justification for permitting such development as it would run counter to public safety on the road network.

10.2.2 With regard to consideration of alternative sites, the applicant provided some details in the application to the planning authority. Figure 1 and 2 of the technical justification identify existing structures. Given the marginal improvement in services as identified on these Figures, I am unconvinced that the same improvement could not be achieved by co-location on site DN144 (exchange hall on site key plan in Appendix) particularly given the argument presented by the applicant for the need to improve the network coverage within the hospital.

10.3.0 Appropriate Assessment

10.3.1 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a town centre and fully serviced location, no appropriate assessment issues arise.

11.0 CONCLUSION

In conclusion, it is considered that the development as proposed is contrary to Policy 2.5.8 in the current South Development Plan in light of separation distances from hospitals. The applicant has failed to demonstrate that there would be a significant improvement or increase in coverage in the immediate area than currently exists to justify permitting the development within a hospital complex. The justification is also compounded by the absence of definitive details regarding comparative coverage network details that maybe achievable on Site DN144.

12.0 RECOMMENDATION

It is recommended that permission for the proposed development be **refused** for the following reasons and considerations:

REASONS AND CONSIDERATIONS

Having regard to Section 2.5.8 of the current South Dublin County Development Plan 2010-2016 which requires a 100m minimum separation distance of telecommunication antennae from hospitals, the proposed development would materially contravene this requirement of the development plan. The Board is not satisfied, having specific regard to the technical justification submitted by the applicant, that the proposed development would give rise to a significant increase in the predicted coverage area to that which currently exists that could not be adequately achieved by co-location on a nearby site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Joanna Kelly

Inspectorate

3rd February 2016