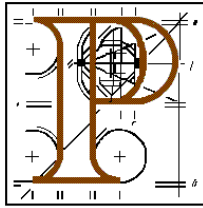


An Bord Pleanála



Inspector's Report

Development: Permission for the installation of 3 No. telecommunications panel antennas and 1 No. RT link dish together with equipment cabinet and associated works all at roof level at Dun Laoghaire Institute of Art Design and Technology, Kill Avenue, Dun Laoghaire, Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.: D15A/0465
Applicant: Vodafone Ireland Ltd.
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Type of Appeal: Third Party
Appellants:
1. Jason Cowman and Paili Meek and others
2. Miriam Fitzpatrick and others
3. Emily O' Sullivan and others
4. Carolyn Condon and others
5. Cormac Little and others
6. Monkstown Educate Together National School Board of Management
7. Shane McEnroe and others
8. The staff of Monkstown Educate Together National School

Observers: Richard Boyd Barrett T.D.
Inspection: 12th May 2016

Inspector: Emer Doyle

SITE LOCATION AND DESCRIPTION

The appeal site is located within the grounds of the IADT college, Kill Avenue, Dun Laoghaire, Co. Dublin. The site comprises the flat roof of the main college building.

Basketball courts and open space are located to the north west of the site, to the rear there are further college buildings and car parking. To the west is the Blackrock Education Centre, and to the east is the Monkstown Education Together National School and an all weather playing pitch.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

PROPOSED DEVELOPMENT

The proposed development will consist of the construction of 3. No. telecommunications antennas and 1 No. dish together with an equipment cabinet and associated works at roof level of the existing college.

Details submitted in response to the F.I. Request included the following:

- Drawing No. DX169/001/03 showing beam of greatest intensity within the school grounds.
- Details of consultation with the school and Board of Management.
- Proposals to paint the antenna and exposed steel works slate grey to match the existing façade.

RELEVANT PLANNING HISTORY

PA Ref. D14A/0652

Permission withdrawn for 6 No. antenna and 1 No. transmission dish together with associated telecommunications equipment.

A detailed history in relation to the IADT college buildings is set out in the planner's report.

TECHNICAL REPORTS

The planner's report notes that 57 No. submissions and one public representation were received. It is stated that compliance with emission limits is regulated nationally by the Commission for Communications Regulation. It was stated that the reduction from 6 No. antennae in the previous withdrawn application to 3 was a significant reduction. It was considered that drawing No. DX169/001/06 was inaccurate as the 2m high equipment cabinet would be visible above the parapet wall at this location.

Drainage Department

No objection.

Transportation Department

No objection.

PLANNING AUTHORITY'S DECISION

The Planning Authority granted permission subject to 6 No. conditions. Conditions 1-3, 5, and 6 are standard. Condition 4 is as follows:

Prior to the commencement of the development, the applicant shall submit for the written agreement of the Planning Authority, a section drawing showing the proposed two metre high equipment cabinet in context with the parapet wall on the building's roof top perimeter. The cabinet shall be located so as to be concealed from public view by the parapet as far as is practicable.

THIRD PARTY GROUNDS OF APPEAL

The Board received 8 No. third party appeals from the following parties:

1. Jason Cowman and others
2. Miriam Fitzpatrick and others
3. Emily O' Sullivan and others
4. Carolyn Condon and others
5. Cormac Little and others
6. Monkstown Educate Together National School Board of Management
7. Shane McEnroe and others
8. The staff of Monkstown Educate Together National School

The issues raised can be summarised as follows:

1. No meaningful consultation with school.
2. School was not mapped on original documentation submitted to planning authority.
3. Health and Safety grounds.
4. Concerns regarding beam of intensity.
5. Concerns that planning conditions cannot be enforced.
6. Concerns that future operators will share this site leading to the uncontrolled emission of electromagnetic radiation adjacent to and over the school building and grounds.

OBSERVATIONS

An observation has been submitted by Richard Boyd Barrett T.D.

The issues raised can be summarised as follows:

- Health and safety concerns.
- No control mechanism open to the Planning Authority regarding the beam of intensity.
- Lack of meaningful consultation.

PLANNING AUTHORITY RESPONSE

The Planning Authority response can be summarised as follows:

- The proposed development is in accordance with the 2010-2015 Development Plan.
- In addition, the Planning Authority had regard to Section 2.6 of Circular Letter PL.07/12 which advises that Health and Safety matters in respect of telecommunication infrastructures are regulated by separate codes and should not be additionally regulated by the planning process.

PLANNING CONTEXT

Dun Laoghaire Rathdown Development Plan 2016 - 2022

- Site zoning: - Objective TLI – To facilitate, support and enhance the development of third level institutions.
- Objective 29 – To facilitate, support and enhance the development of Dun Laoghaire Institute of Art, Design and Technology including all associated and supporting facilities. A range of uses will be facilitated on the campus lands to encourage and foster strong links between education, community and the business sector in the County.
- Policy 5.1.5.3 EI28 relates to Telecommunications Infrastructure.
- Section 8.2.9.9 sets out the development management requirements for telecommunications antennae and structures.

Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (July 1996)

These guidelines set out the government's key ambitions for a top quality telecommunications service throughout the State, whilst recognising that environmental factors will need to be taken into consideration in the determination of relevant applications.

Circular Letter PL07/12

This circular letter was issued in the context of the rollout of next generation broadband (4G). This document sought to address issues that had arisen in the intervening period since the publication of the "*Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*" published in July 1996 and to amend them. Section 2.3 of the letter states that the Development Plan should not specify minimum distances in the Development Plan as they can have a major impact on the roll out of a viable and effective telecommunications network. Section 2.6 reiterates the advice given in the 1996 guidelines that planning authorities should not include monitoring arrangements as part of the planning permission conditions nor determine planning applications on health grounds.

ASSESSMENT

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

- Principle of Development
- Justification for development and co-location
- Health and Safety
- Other Matters

Principle of development

The subject site is located on lands zoned Site zoning: - Objective TLI – To facilitate, support and enhance the development of third level institutions. It is a specific local objective under Objective 29 ‘To facilitate, support and enhance the development of Dun Laoghaire Institute of Art, Design and Technology including all associated and supporting facilities. A range of uses will be facilitated on the campus lands to encourage and foster strong links between education, community and the business sector in the County.’ Policy EI28 promotes and facilitates the provision of an appropriate telecommunications infrastructure, including broadband connectivity and other technologies within the County. Details submitted with the application indicate that the proposed development is required to provide indoor 2G, 3G, and 4G next generation broadband and telephonic coverage to the population of the IADT college, on site and local businesses and the local residential population. Having regard to the policies outlined above, I consider that the principle of development is acceptable at his location.

Justification for development and co-location

Section 4.5 of the Guidelines regarding Telecommunication Antennae and Support Structures refers to the sharing of facilities and the clustering of antenna and it is recommended that applicants should be encouraged to share facilities and that they satisfy the planning authority that they have endeavoured to do so when lodging an application.

Section 8.2.9.9 of the Development Plan requires a map showing all existing telecommunication structures within a 1km radius of the proposed development 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.

Two maps (Figures 2 and 3) showing all existing structures was submitted with the application together with a table demonstrating reasons why sharing of existing structures were discounted as options.

I consider that it has been adequately demonstrated that there are not more suitable options to meet telecommunication coverage needs in the general area. I also note from information submitted with the application that The Directorate of Creativity, Innovation and Research has recently been established to drive the development of research at IADT, to enhance their supports for start-up enterprises in the fields of IADT’s new business incubation facility, known as Media Cube which is specifically focused on the Digital Media Sector. Funded by Enterprise

Ireland, the goal of Media Cube is to provide an environment for the growth and development of new ideas and business in digital media. As such, a modern Fourth Generation Service is essential for the IADT.

I note that a number of the observations express serious concern in relation to the requirement for the providers of mobile telephony services to co-locate their antennas and the fear that this would lead to further uncontrolled emission of electromagnetic radiation adjacent to and over the school's building/ grounds.

Notwithstanding this concern, sharing of telecommunication structures is both local and national policy and should the Board be minded to grant permission, I consider that such a condition should be included.

Health and Safety

All of the appeals express serious concern in relation to the health implications of antennae in close proximity to the Monkstown Educate Together National School. Concern is also expressed regarding the Development Plan requirement set out in Section 8.2.9.9 that the beam of greatest intensity from a base station does not fall on any part of the school grounds without agreement from the school or parents. In revised details submitted to the Planning Authority dated the 14th of December 2015, indicating that the beam of greatest intensity would fall within the IADT college grounds and not within the national school grounds. A diagram of this has not been submitted with the revised details and the appellants express concern that the telecommunications structure can be fixed or orientated remotely and that there is no mechanism to determine whether the proposed development is installed or is operated on a continuous basis so that the beam of greatest intensity does not fall on the national school. As such condition 1 is unenforceable.

The 1996 Guidelines advise that planning authorities should not include any monitoring arrangements as part planning permission nor determine planning applications on health grounds. Section 2.6 of Circular Letter PL07/12 is unambiguous in stating that planning authorities do not have competence for health and safety aspects associated with telecommunication masts and these are regulated by other codes and such matters should not be additionally regulated by the planning process.

An ICNIRP certificate was submitted with the application. The International Commission on Non- Ionizing Radiation Protection (ICNIRP) is an independent scientific body, which has produced an international set of guidelines for public exposure to radio frequency waves. Section 7.8 of the 'Development Management Consultation Guidelines for Planning Authorities' DoEHLG, 2007, states that it is inappropriate to deal with matters which are the subject of other controls. The Board has consistently taken the view that based on the information available, there is no conclusive evidence of adverse health effects from mobile phone masts. Therefore, I consider that it would not be appropriate to refuse permission relating to health and safety grounds.

OTHER MATTERS

Appropriate Assessment

In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposed development, a telecommunications structure on the rooftop of an existing structure within a suburban area and the nature of the receiving environment, no appropriate assessment issues arise.

Consultation with School

It is a requirement of Section 8.2.9.9 of the Development Plan that 'Where an operator submits an application, alteration or replacement of a mobile phone base station, whether at or near a school or college, the operator must provide evidence that they have consulted with the relevant body of the school or college. Various letters were submitted with the Further Information response as follows:

- Letter to School Principle and The Board of Management dated the 12th of November 2015.
- Letter received from the Board of Management dated the 20th November 2015.
- Letter of response to School Principle and The Board of Management dated the 1st of December 2015.

A number of the appeals and the observation submitted consider that the consultation carried out was not meaningful. The development plan solely required that the operator must consult with the school and in my view the letters submitted indicate that the operator has complied with this requirement.

Height of equipment cabinet

The drawings submitted with the application indicate that the height of the equipment cabinet will be 2 metres. Fig 2 submitted to the Planning Authority dated the 20th day of July 2015 shows that the equipment cabinet will be largely concealed by a 2m high parapet wall on the rooftop. However, this is not clear from Drawing No. DX169/001/06 submitted dated 14th day of December 2015. I consider that in the interests of clarity and visual amenity condition 4 of the Planning Authority should be included by the Board should the Board be minded to grant permission.

RECOMMENDATION

Having regard to the foregoing I recommend that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

Reasons and Considerations:

Having regard to –

- a) the national strategy regarding the improvement of mobile communications services,
- b) the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, as updated by Circular Letter PL07/12 issued by the Minister for the Environment, Community and Local Government on the 19th day of October, 2012 under Section 28 of the Planning and Development Acts 2000-2012,
- c) the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022,

d) the planning history of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of December 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of the development, the applicant shall submit for the written agreement of the Planning Authority, a section drawing showing the proposed two metre high equipment cabinet in context with the parapet wall on the building's roof top perimeter. The cabinet shall be located so as to be concealed from public view by the parapet as far as is practicable.

Reason: In the interest of clarity and visual amenity.

3. Any additional panels or structures, proposed to be attached to the mast exceeding 1.3 metres in any dimension, shall be the subject of a separate planning application.

Reason: To regulate and control the layout of the development.

4. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antenna onto the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

5. The site shall be reinstated on the removal of the telecommunications structure and ancillary structures. Details relating to the removal and

reinstatement shall be submitted to, and agreed in writing with, the planning authority as soon as practicable.

Reason: In the interest of orderly development.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Emer Doyle

Planning Inspector

24th May 2016