



An
Bord
Pleanála

Inspector's Report ABP-301228-18

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| Development | The construction of an 18m multi-user free standing structure carrying telecommunications equipment together with associated exchange cabinets and fencing. The development will carry telecommunications apparatus that will form part of Three Irelands Ltd 2G voice, 3G and 4G network. |
| Location | Rathcoole Boys Football Club, Forest Hills, Rathcoole, Co. Dublin |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD17A/0456 |
| Applicant(s) | Shared Access Limited. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant subject to conditions |
| Type of Appeal | Third Party v permission |
| Appellant(s) | Blackthorn Hill Rathcoole Management Company. |
| Observer(s) | Anthony Talbot. |
| Date of Site Inspection | 11/07/2018. |
| Inspector | Auriol Considine |

1.0 Site Location and Description

- 1.1. The proposed development site is located within the recreational lands adjacent to the Rathcoole Boys Football Club, at Frank Cox Park, Forest Hills, Rathcoole, Co. Dublin. The site is located within open space to the north of the boundary of the two playing pitches and there is residential development in the wider area to the west, north and east. A significant area of open space land is located to the south.
- 1.2. The site is to be accessed via the existing service road within the grounds of the Rathcoole Boys Soccer Club and off Forest Hills.
- 1.3. The site has a stated area of 0.00286ha.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of an 18m multi-user free-standing structure carrying telecommunications equipment together with associated exchange cabinets and fencing. The development will carry telecommunications apparatus that will form part of Three Irelands Ltd 2G voice, 3G and 4G network, all at Rathcoole Boys Football Club, Forest Hills, Rathcoole, Co. Dublin.
- 2.2. The development will include an 18m free standing monopole structure which will carry 6 no. 1.5m high panel antennas and 2 no. 0.6m radio transmission link dishes, together with 2 associated ground equipment cabinets all located within a compound covering 28.6m². The compound will be enclosed by a 2m high palisade fence, to the north of the existing 3m high fencing around the existing football pitches.
- 2.3. The application includes the relevant plans and particulars, as well as the following
 - A covering letter and planning report.
 - Letter of consent
 - Aeronautical Assessment Report
 - ODTR report with regard to Vodafone
 - Synopsis of 'A report on mobile phone base stations and health'
 - ICNIRP Declaration
 - Three requirement letter

- Three Coverage Plots
- Vodafone letter of support
- Plans and particulars
- Photo Montage

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 8 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning Report formed the basis for the Planning Authority decision to grant permission. The report noted the planning history associated with the site, including the previously refused TE mast at the same location under SD17A/0353. The report notes that the current proposal is smaller than the one previously refused and notes that there are no objections from the Department of Defence¹, given the proximity of the site to Casement Aerodrome. All other previous reasons for refusal have been addressed and the report recommends that permission be granted subject to 8 conditions.
- The report did not include screening for Appropriate Assessment.

3.2.2. Other Technical Reports

Environmental Health Officer: No objections to the proposed development subject to conditions.

Roads Department: No objection

Water Services Department: No objection subject to conditions.

¹ The Board will note the reference to a submission from the Department of Defence but there is no such report on the planning file.

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

Three third party objections to the proposed development are noted on the PA file. The issues raised are summarised as follows:

- Health concerns
- Visual impacts including the height proposed and the necessity for a red light at the top for aviation safety
- Potential for noise from stand-by generator
- Insufficient evidence of alternative sites considered.

4.0 Planning History

The following is the relevant planning history pertaining to the site:

SD17A/0353: Permission refused to Shared Access Limited for a 21m multi-user free standing mast carrying telecommunications equipment, together with associated exchange cabinets and fencing.

There were 4 stated reasons for refusal as follows:

1. The site is located 2.2km south-west of Runway 05 threshold at Casement Aerodrome. A 21m mast on this site penetrates both the Take Off / Climb Surface established for Runway 23 and the Approach Surface established for Runway 05 by approximately 3m. These obstacle limitation surfaces are established in accordance with International Civil Aviation Organisation (ICAO) Annex 14 guidelines in order to safeguard the Aerodrome. Having regard to the foregoing, the development of the mast would constitute an unacceptable safety hazard, as it would endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof.

2. The proposed development would materially contravene Policy IE8 Objectives 1-4 of the South Dublin County Development Plan 2016-2022, which relates to development in the vicinity of Casement Aerodrome.
3. The distance between the foundations of the proposed structures and adjacent foul and surface water sewers and / or watermains, if any, was not indicated on the submitted drawings. As such, the development could not be assessed with respect to the requirements of the Greater Dublin Regional Code of Practice for Drainage Works and the Building Regulations 2010 Technical Guidance Document B.
4. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, endanger the safety of aircraft and would be contrary to the proper planning and sustainable development of the area.

Other planning history in the vicinity:

SD02A/0519: Permission granted to Rathcoole Boys Football Club for 2 artificial grass astro-turf pitches with footpaths plus mesh fencing surrounding and 12m high floodlighting.

SD09A/0420: Permission granted to Rathcoole Boys Football Club for a single storey extension and improvements to existing clubhouse and associated site works. Permission was also granted for the retention of a single storey detached shed / store as built on the site.

The Board will also note the following current appeals to the west of the subject site:

ABP-301497-18 (PA ref SD17A/0357): Permission is sought for the demolition of 2 existing dwellings and the construction of a residential development of 22 units comprising: 2 three bed units with study, 18 four bed units and 2 four bed units with study. The units will be two storeys in height including second floor accommodation in roof space with dormer windows and rooflights. The units will comprise of a mix of terraced, semi-detached and detached units. The proposed development includes associated public open space, landscaping including boundary treatment, underground services and utilities and road, footpath and cycle infrastructure on the site. 44 surface car parking spaces will be provided for the development, in a

combination of in-curtilage and grouped parking. The proposed development includes amendments to the existing roadway at St. Anne's Terrace and amendments and upgrades to Green Lane, including provision of new footpath along with new development entrance piers. The total gross floor area of the proposed development will be circa 3,652sq.m, all on a site bounded to the west by Green Lane, to the north-west by St. Anne's Terrace and by Blackthorn Hill residential estate, to the north-east and south by greenfield lands and to the east by greenfield lands and by Rathcoole Boys Football Club. The site is accessed from Green Lane to the west of the site. The site also includes part of the Rathcoole Boys Football Club lands and Forest Hills required for connection to the foul water sewer network, all at Green Lane, Rathcoole, Co. Dublin.

The applicant in this case is Blackthorn Hill Rathcoole Management Co.

ABP-301541-18 (PA ref SD17A/0356): Permission is sought for the construction of a residential development of 69 units comprising: 52 houses in a mix of terraced, semi-detached and detached (comprising 6 three bed units, 8 three bed units with study and 38 four bed units) of 2 storeys (including second floor accommodation in roof space with dormer windows and roof lights) and 17 apartments (4 one beds, 12 two beds and 1 3-bed) in 3 blocks of 3 storeys. The apartments include balconies at first and second floor level and dormer windows at second level. The proposed development includes associated public open space, landscaping including boundary treatment, underground services and utilities and road, footpath and cycle infrastructure on the site. 132 surface car parking spaces will be provided for the development, in a combination of in-curtilage and grouped parking. The apartments are provided with 21 sheltered bicycle parking spaces and refuse storage areas. The proposed development includes amendments to the existing roadway at St. Anne's Terrace and amendments and upgrades to Green Lane, including provision of new footpath on Green Lane along with new development entrance piers at the entrance to the proposed development. The total gross floor area of the proposed development will be circa 10,086sq.m at this circa 2.4 hectare site bounded to the west by Green Lane, to the north-west by St. Anne's Terrace and Blackthorn Hill residential estate, to the east by Rathcoole Boys Football Club and to the south by greenfield lands. The site is accessed from Green Lane to the west of the site. The site also includes part of the Rathcoole Boys Football Club lands and Forest Hills

required for connection to the sewer network all at Green Lane, Rathcoole, Co. Dublin.

The applicant in this case is Suzzie Bradley & Others.

5.0 Policy Context

5.1. National Policy

- Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities 1996.
- DoEHLG Circular Letter PL07/12

5.2. Development Plan

5.2.1. The South Dublin County Development Plan 2016-2022 is the relevant policy document pertaining to this appeal. The subject site is zoned open space and it is the zoning objective 'to preserve and provide for open space and recreational amenities.

5.2.2. Chapter 7 of the plan deals with Infrastructure and Environmental Quality and Section 7.4 deals with Information & Communications Technology. The Plan notes that the widespread availability of a high quality information and communications technology (ICT) network within the County will be critical to the development of the County's economy, and will also support the social development of the County. It is the stated policy to 'promote and facilitate the sustainable development of a high quality ICT network throughout the County in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.' In addition to the above, IE4 Objective 6 is also considered relevant in that it requires 'the identification of adjacent Public Rights of Way and established walking routes by applicants prior to any new telecommunication developments (including associated processes) and to prohibit telecommunications developments that impinge thereon or on recreational amenities, public access to the countryside or the natural environment.'

5.2.3. Also of relevance is section 7.8 of the Plan which deals with Aerodromes & Airport.

5.2.4. Chapter 11 of the Plan deals with implementation and section 11.6.2 deals with Information & Communications Technology. Section 11.6.6 deals with Aerodromes.

5.3. Development Contribution Scheme 2016-2020

The Development Contribution Scheme was updated in terms of rates as of 1st January, 2018. The Scheme does not identify the subject proposed development as a class of development attracting the payment of a contribution.

5.4. Natural Heritage Designations

The subject site is not located within any designated site. The closest Natura 2000 site lies approximately 6km to the south being the Glenasmole Valley SAC, Site Code 001209.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal against the decision of the Planning Authority to grant permission for the proposed mast. The grounds of appeal are similar to those issues raised in the course of the PAs assessment of the proposed development and are summarised as follows:

- The height is excessive for the location close to the approach surface of the Casement Aerodrome Runway 05, being now just below the restricted air space.
- Should a plane crash as a result of coming in contact with the tower, the appellants apartment block will be in immediate risk of impact.
- The view from the apartments on the front of the block will be affected by the beacon hazard and would present an unacceptable nuisance to residents.

- The location of the tower is in a designated green area adjacent to open countryside and bordering Coolmine Hills. It is considered that the industrial looking tower proposed is not in keeping with the zoning of the area.
- The use of standby generator may create noise.

6.2. First Party Response to Third Party Appeal

The response provides an introduction to the development and is summarised as follows:

- The Department of Defence has raised no objections to the proposed 18m structure.
- The applicant will comply with the requirements of condition 3 of the grant of permission.
- The zoning objective for the site provides that the development of public service infrastructure is open for consideration.
- The height of 18m is required to provide a signal over the surrounding area and the site has the potential to become a share facility. There are no other telecommunications structures or commercial structures in the area that would meet Three Ireland's service provision obligations.
- The existing site contains a number of relatively high vertical structures including floodlights of between 11m and 15m in height.
- The site is not covered by any designation for scenic amenity, natural or cultural heritage. A number of photomontages are submitted in support of the application.
- The site will be appropriately fenced and landscaped.
- There will be no standby generator installed on site.

6.3. Planning Authority Response

The submission confirms the PAs decision and noted that issues raised in the appeal have been covered in the planner's report.

6.4. **Observations**

There is one observation submitted by Mr. Anthony Talbot on behalf of the residents of the area

6.5. **Other Responses**

The Appellants submitted a response to the observation, supporting the issues raised.

7.0 **Assessment**

7.1. Having regard to the nature of the proposed development, together with the information presented in support of the proposed development, I consider it appropriate to assess the proposal under the following headings:

- Principle of the proposed development, compliance with the Development Plan & Planning History
- Other Issues
- Appropriate Assessment

7.2. **Principle of the proposed development, compliance with the Development Plan & Planning History.**

7.2.1. The proposed development seeks to erect an 18m high free-standing structure to carry telecommunications equipment within the grounds of the Rathcoole Boys Football Club. The National Broadband Plan, 2012 Department of Communication, Energy and Natural Resources (DCENR), seeks to change the broadband landscape in Ireland through a combination of commercial and State led investment, and the purpose of the Report of the Mobile Phone and Broadband Taskforce is to deliver the Plan in the shortest time possible time. In terms of the proposed development, I am satisfied that the appellant has presented a reasonable justification for the proposed infrastructure.

7.2.2. Chapter 7 of the plan deals with Infrastructure and Environmental Quality and Section 7.4 deals with Information & Communications Technology. The Plan notes

that the widespread availability of a high-quality information and communications technology (ICT) network within the County will be critical to the development of the County's economy, and will also support the social development of the County. It is the stated policy to 'promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.' In this regard, it may be considered that the proposed development accords with the stated policy requirements of the County Development Plan.

7.2.3. In addition to the above, IE4 Objective 6 is also considered relevant in that it requires 'the identification of adjacent Public Rights of Way and established walking routes by applicants prior to any new telecommunication developments (including associated processes) and to prohibit telecommunications developments that impinge thereon or on recreational amenities, public access to the countryside or the natural environment.' Having regard to the proposed location of the proposed structure, it is considered reasonable that this objective be considered.

7.2.4. The Board will note that the proposed structure, and associated exchange cabinets and fencing is located between the all weather pitches associated with the football club and the existing pitch. The site does not impinge on the playing surface and does not restrict access to the countryside or natural environment. In this regard, I am satisfied that the proposed development adequately accords with the requirements of the South County Dublin County Development Plan, 2016-2022.

7.3. Other Issues

7.3.1. In terms of other issues, the Board will note that the third party appellants have raised concerns in terms of height of the mast given its location in proximity to the approach surface of the Casement Aerodrome Runway 05. The mast height lies just below the restricted air space and I note no objections from the Department of Defence in this regard. Condition 3 of the Planning Authority's grant of permission requires that prior notice, in the order of a minimum of 28 days, be given to the Department of Defence, Air Traffic Services, regarding the operation of any cranes on the site during the construction phase. I consider this reasonable.

7.3.2. In terms of the potential visual impacts associated with the proposed development, having regard to the context of the site, I would not consider that the impact will be significant. The site currently has a number of 15m high floodlights in place and is located at a remove from existing residential developments. I am satisfied that there are no visual impacts arising should permission be granted.

7.3.3. There are no issues of a Development Contribution arising in this case.

7.4. Appropriate Assessment

7.4.1. The site does not lie within or immediately adjacent to any Natura 2000 site. The closest Natura 2000 site lies approximately 6km to the south being the Glenasmole Valley SAC, Site Code 001209. The subject site lies within an existing developed site and immediately adjacent to an all-weather pitch and football pitch.

7.4.2. Having regard to the nature and scale of the proposed development and the nature of the receiving site within the wider environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. It is recommended that the proposed development be granted for the following stated reasons and considerations and subject to the stated conditions.

9.0 Reasons and Considerations

Having regard to the nature and the location of the subject, together with the pattern of development in the area, and the information submitted in relation to the proposed development, the Board is satisfied that, subject to compliance with the following conditions, the development would be acceptable in terms of the policy requirements of the South Dublin County Development Plan, 2016-2022, and would not injure the existing visual and residential amenities of properties in the vicinity of the site. It is further considered that the development would be acceptable in terms aviation safety and the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Having regard to the location of the site in proximity to Casement Aerodrome, Baldonnell, the developer shall give prior notice of a minimum of 28 working days, of any construction works at the site requiring the use of cranes to the Department of Defence, Air Traffic Services.

Reason: In the interests of aviation safety.

3. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

4. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

6. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenities of the area.

A. Considine
Planning Inspector
12th July, 2018