



An
Bord
Pleanála

Inspector's Report

ABP-307878-20

Development	24 metres high multi-operator telecommunications support structure carrying antennas and dishes
Location	Unit 1, Greenhills Industrial Estate, Walkinstown, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0101
Applicant	Three Ireland (Hutchison) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties v Grant of Permission
Appellants	<ol style="list-style-type: none">1. Derek McGreal2. William F. Walsh3. Lorna Quigley4. Annie Stack5. Phyllis & Christy Doherty6. Greenhills Residential Association7. Denise McGreal

Observer

Cllr. Carly Bailey

Date of Site Inspection

10.11.2020

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located adjacent to an industrial unit within Greenhills Industrial Estate in Walkinstown, west Dublin.
- 1.2. The site is to the rear of the industrial unit in the vacant space between the building and its block wall boundary. The building is single/two-storey in scale. Immediately south east of the proposed monopole location is a laneway serving the rear of residential properties which address St. James's Road. There is a clear demarcation between industrial and residential land uses at this location.

2.0 Proposed Development

- 2.1. Permission is sought for a 24 metres high telecommunications support structure and associated antennas, dishes and equipment.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted by the planning authority subject to seven conditions including a temporary permission for three years, surface water disposal, noise and vibration control, a colour scheme, annual radiation monitoring and a landscape scheme.

3.2. Planning Authority Reports

- 3.2.1. The Planning Report forms the basis of the planning authority decision. The report concludes that, notwithstanding the various objections and comments from concerned residents and stakeholders, the development generally complies with the County Development Plan 2016-2022 and, subject to conditions, would accord with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Broadband Officer – Permission should be granted.

Environmental Health Officer – The proposal is acceptable subject to conditions relating to a five-year permission and annual monitoring of radiation levels.

Roads Department – No objection subject to conditions.

Water Services – No objection subject to a condition.

Public Realm Section – No comment.

3.3. **Prescribed Bodies**

Irish Aviation Authority – No observation.

3.4. **Third Party Observations**

3.4.1. 36 no. submissions were received on the planning application from local residents, local community and residents' organisations, TDs and councillors, a school and a local business. Two of the submissions were accompanied by signatures of local residents and online petitions. The issues raised are generally similar to those referenced in the grounds of appeal and observation received but also include:

- General fears in relation to health impacts.
- No information provided to enable screening for appropriate assessment.
- Electro-magnetic radiation has a negative impact on wildlife and trees.
- Noise from the existing mast on site.
- Negate the benefits of the Greenhills Community Garden as an organic green space.
- Structural damage to adjacent properties during the construction phase.
- The adjacent public laneway is heavily used.
- Overshadowing impact.

4.0 **Planning History**

4.1.1. None.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

5.1.1. The site is in an area zoned 'Objective REGEN; To facilitate enterprise and/or residential-led regeneration.

5.1.2. Section 7.4.0 (Infrastructure & Environmental Quality – Information and Communications Technology) states:

'Infrastructure & Environmental Quality (IE) Policy 4 Information and Communications Technology (ICT)

It is the policy of the Council 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.

IE4 Objective 1 – To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County.

IE4 Objective 2 – To co-operate with the relevant agencies to facilitate the undergrounding of all electricity, telephone and television cables in urban areas wherever possible, in the interests of visual amenity and public health.

IE4 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.

IE4 Objective 4 – To discourage a proliferation of telecommunications masts in the County and promote and facilitate the sharing of facilities.

IE4 Objective 5 – To actively discourage the proliferation of above ground utility boxes throughout the County and to promote soft planting around existing ones and any new ones that cannot be installed below the surface to mitigate the impact on the area.

IE4 Objective 6 – To require the identification of adjacent Public Rights of Way and established walking routes by applicants prior to any new telecommunications 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.

Actions

- South Dublin County Council will co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have equitable access to a wide range of services and the latest technologies as they become available.
- The Planning Authority will create and maintain a register of approved telecommunications structures supported by relevant databases in cooperation with operators.'

5.1.3. Section 11.6.2 (Implementation – Infrastructure & Environmental Quality – Information and Communications Technology) states:

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

- Compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (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 (2003),
- Degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area (e.g. visual impacts of masts and associated equipment cabinets, security fencing treatment etc) 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, and
- The significance of the proposed development as part of the telecommunications network.'

5.2. **Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, 1996**

5.2.1. These guidelines, and the subsequent Circular Letter PL 07/12, are relevant to applications for telecommunications structures.

5.3. **Natural Heritage Designations**

5.3.1. The closest Natura 2000 site is Glenasmole Valley SAC approx. 6.6km to the south west. The closest heritage area is Grand Canal pNHA approx. 2.2km to the north.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Grounds of appeal have been received from:

1. Derek McGreal, 38 St. James's Road
2. William F. Walsh, 14 St. James's Road
3. Lorna Quigley, 36 St. James's Road
4. Annie Stack, 40 St. James's Road
5. Phyllis & Christy Doherty, 180 St. James's Road
6. Greenhills Residential Association, c/o 34 St. James's Road
7. Denise McGreal, 38 St. James's Road

As many issues raised are generally consistent throughout the grounds of appeal the main issues can be summarised under the following headings:

Zoning/County Development Plan 2016-2022

- The proposal will set a precedent for inappropriate development in REGEN zoned land. The matrix of permitted uses to provide justification cannot solely be relied upon.

- The Plan states abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Proposals in transition areas should seek to avoid development detrimental to the amenities of the contiguous zone.
- The development is not consistent with ET2 Objectives 2 or 3.
- Though the site is in an industrial estate, the estate has a 'REGEN' zoning and is earmarked for enterprise/residential led regeneration in the future.
- There is a significant quantum of more appropriate land in the wider area.
- The planning authority did not appropriately assess the proposal against the zoning designation.
- Though the proposed structure is located within an industrial estate, buildings in the estate are predominantly single/two-storey in height and will not screen the structure.
- The development is in conflict with IE4 Objectives 3 and 4 of the County Development Plan 2016-2022.
- The development is in conflict with H17 Objective 5 of the Plan.
- The development conflicts with the provisions of Section 11.6.2 of the Plan.
- Queries are raised as to why references within the 2010-2016 County Development Plan relating to health issues and proximity to residential, healthcare, education and childcare facilities are omitted from the 2106-2022 Plan.
- The development is in conflict with a number of directions within the Telecommunications Guidelines (1996).

Impact on Residential Amenity

- Overbearing impact on residential properties to the south, east and west given proximity to the residential area. Houses are closer than the distances cited in the Planning Report.
- The structure will be visually incongruous and dominate the landscape. There are no natural or built obstructions to screen the site.

- There will be negligible impact on the industrial estate while directly impacting on the visual amenity of residential property in the vicinity.
- The capability of the landscaping condition as a practical means to provide any meaningful screening is questionable on such a restricted site area.
- Selection of a monopole structure rather than a lattice structure does not reduce the visual impact, it is the visual impact. A monopole was likely chosen due to the very limited space rather than for visual reasons.
- Adversely affect the enjoyment of adjacent rear gardens.

Health

- Health issues should be given the most attention given the admission of the Telecommunications Guidelines (1996) that such structures are regularly monitored for non-ionising radiation.
- Inclusion of the two HSE recommended conditions lack discussion and reasoning and the Board is requested to provide greater understanding in this respect.
- Why did the HSE recommend a temporary five year permission? Why did the Council only grant a three year temporary permission?
- No noise impact report submitted. Concern from noise from the mast on occupants in adjacent houses with autism, ADHD and epilepsy, which is outside health issues related to radiation emissions. Some correspondence from medical professionals is submitted in this regard.
- Documents submitted relating to adverse health effects from radiation from mobile phone masts.
- Risk of the structure falling into residential sites or the adjacent factory.
- Could attract the attention of people wanting to climb the structure.

Technical

- No viable justification for the proposed structure at this location. Lack of evidence to justify the outlined rationale for the development.

- Having regard to the 'Proposed 3G Indoor Coverage with Addition of New Site' image, improved coverage provided by the mast is not vastly better than the level of coverage already provided in Greenhills but appears to be better elsewhere.
- There are seven other masts that the applicant operates within a 2km radius other than the eight identified in the submitted cover letter. No reference was made to sites operated by other providers. An attempt to co-locate has not been shown.
- Why can't an existing substandard mast height be raised?
- The rationale for a temporary permission is questioned.
- Potential for additional infrastructure on the monopole.

Assessment of Planning Application

- The application should have been invalidated because the only site notice was situated within the industrial estate, the poor quality drawings do not include contiguous or section drawings, an observation by Joseph Brennan Bakeries regarding site ownership and a sterilisation zone was not addressed and the letter of consent submitted with the application to permit the making of the application is ambiguous.
- No contiguous elevation drawing submitted illustrating the structure's scale relative to existing built form. No photomontages, 3D visualisations or visual impact assessment were submitted.
- The submitted cover letter seeks to justify the structure on technical needs and pays no regard to the residential nature of adjoining properties.
- The development has been assessed with a disregard for health and safety concerns.
- The level of assessment by the planning authority is questioned.
- Permission should be refused because the site is not Unit 1 of the industrial estate owned by the signatory of the letter of consent to make the planning application.

- Submissions from two councillors and a local resident were not appropriately acknowledged or considered and there are issues with the dates of submissions.
- No site notice inspection was carried out.

Other Matters

- Precedent is set out where the planning authority refused permission for a similar development so as to protect residential amenity, P.A. Reg. Ref. SD20A/0042*.
- Adverse impact on the community garden.
- There was no engagement with the community by the applicant.
- Devaluation of property in the vicinity.

*This application was subsequently granted permission by the Board on appeal under ABP Reg. Ref. ABP-307377-20.

6.2. Applicant's Response

6.2.1. The main points made can be summarised as follows:

- The installation is required to provide 2G, 3G and 4G data service in the Greenhills/Walkinstown area and forms part of an integrated telecommunications network. Existing base stations are undergoing significant upgrades to meet current demand and are critical in maintaining service provision. The site is proposed to upgrade and substantially improve Three's coverage and capacity in the Greenhills area and improve voice and broadband access.
- The development meets IE4 Objectives 3 and 4 as the design is high quality and is not lattice or square in profile as recommended in the Guidelines. Further free-standing structures will not be required at this location.
- Showing the location on a map of all existing telecommunications structures within a 2km radius is not helpful. The area is too large and the number of installations too numerous and too remote from the application site to give a reasoned assessment. A more localised assessment is undertaken. Four locations are referenced:

- Walkinstown Roundabout – Three and Vodafone transmit from two separate rooftops. Both sites are too ‘low’ and too far distant to have any impact on coverage. Any revision to the Three installation would create considerable visual impact and, in any event, would have limited impact on coverage and capacity.
- Unit 1, Walkinstown Industrial Estate – There is an existing low Vodafone rooftop installation to the adjoining warehouse. The 8 metres high rooftop is too low to have a meaningful impact over an extended area and ineffective in the context of the proposed structure which is capable of supporting site sharing.
- Ashleaf Shopping Centre – Three separate companies, including Three, transmit from the rooftop, but this is approx. 880 metres to the east at which point their impact on the target coverage has largely dissipated.
- Ballymount Drive – Vodafone and Three are on separate structures approx. 700 metres to the west. These are too remote from the target coverage area to enable strong coverage and capacity.

All other sites are less proximate and are consequently eliminated on the basis that any interventions may improve coverage and capacity in their respective localities but would have no or negligible effects on coverage and capacity in the target coverage area. Co-location has been assessed and ruled out.

- Impacts are significantly less than set out in the grounds of appeal. A landscaping proposal was conditioned in the planning authority grant.
- The proposed use (‘science and technology based enterprise’) is permitted in principle in the REGEN zoning objective.
- In relation to the Telecommunications Antennae and Support Structures Guidelines (1996), the proposal is situated within an industrial estate, albeit on the periphery, and the visual impact arising is limited as the structure is a monopole of moderate height over which no houses face and only three or so houses would have direct views from rear first floor windows. The structure may facilitate site sharing thereby eliminating the requirement for further free-standing infrastructure at this location.

- Selected elements of Circular Letter PL 07/12 and the National Planning Framework (including National Policy Objective 24) are set out which support and underscore the need for development of the type proposed.
- Circular Letter PL 07/12 contains guidance relating to health concerns. Based on this the Board is asked to remove Condition 5 (the monitoring condition) if minded to endorse the planning authority decision to grant permission.
- The applicant is satisfied that it has the written consent of the owner in accordance with article 22(2)(g) of the Planning & Development Regulations, 2001 (as amended). The applicant is satisfied it has the authority to make the application and carry out the development should permission be granted.
- All development creates visual impact to varying degrees. Houses on St. James's Road will have very limited visibility of the proposed structure even from upstairs rear windows. Nos. 36, 38 and 40 would have upstairs rear visibility but with the separation distance, outbuildings, walls and laneway together with the moderate scale of the structure and the height differential between the first floor windows and the structure top the impact is not as suggested, is far less impactful and is limited.
- The applicant agrees that a temporary permission is not unreasonable given the REGEN zoning and other circumstances. However, noting the applicable zoning, the vibrancy of the estate and the unlikelihood of the surrounding area being brought into any alternative use within five years, a five, seven or 10 year permission would be more appropriate.

Note – The letter of acknowledgement to the applicant advised that, in relation to the monitoring and temporary permission conditions, as they did not form part of a first-party appeal, the comments in that regard may not be taken into consideration by the Board.

6.3. Planning Authority Response

- 6.3.1. The planning authority confirms its decision, and the appeals raise no new issues.

6.4. **Observations**

One submission was received from Cllr. Carly Bailey. The issues raised are largely covered by the grounds of appeal received with the exception of the following:

- No environmental impact study has been carried out.
- An oral hearing is requested.

6.5. **Further Responses**

6.5.1. None.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Zoning
- Public Health
- Infrastructure & Environmental Quality (IE) Policy 4 Information and Communications Technology (ICT) of the South Dublin County Council Development Plan 2016-2022
- Section 11.6.2 (Information and Communications Technology) of the South Dublin County Council Development Plan 2016-2022
- Impact on Adjacent Residential Amenity
- Appropriate Assessment
- Other Matters

7.1. Zoning

- 7.1.1. The site is in an area zoned 'Objective REGEN; To facilitate enterprise and/or residential-led regeneration' on Map 5 of the County Development Plan 2016-2022. 'Public services' is cited as permitted in principle in Table 11.4 (Zoning Objective 'REGEN') of the Plan. 'Public services' is defined in Schedule 5 (Definition of Use Classes & Zoning Matrix Table) as 'a building or part thereof or land used for the provision of public services. Public services include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage ...' As a telecommunications structure is defined as a public service, and as public services are permitted in principle within this zoning objective, I consider that the principle of development is therefore acceptable, subject to the detailed considerations below.
- 7.1.2. The adjacent area is zoned 'Objective RES; To protect and/or improve residential amenity'. 'Public services' are also permitted in principle in this zoning as set out under Table 11.2 (Zoning Objective 'RES') of the Plan.
- 7.1.3. I do not consider the provision of a telecommunications structure at this location would have any significant impact on the potential of the 'REGEN' area to be appropriately developed. This 'REGEN' zoning extends to a substantial area to both sides of the Naas Road/R810 of which the subject site forms the south eastern extremity.

7.2. Public Health

- 7.2.1. Concern in relation to the impact on the health of residents has been raised in the grounds of appeal.
- 7.2.2. Section 2.6 (Health and Safety Aspects) of Circular Letter PL 07/12 reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as a condition of planning permission nor determine planning applications on health grounds. 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.

7.2.3. Therefore, having regard to the content of the Circular Letter, issues of public health in relation to the telecommunications structure are not a matter for the planning authority.

7.3. Infrastructure & Environmental Quality (IE) Policy 4 Information and Communications Technology (ICT) of the South Dublin County Council Development Plan 2016-2022

7.3.1. IE Policy 4 states it is Council policy to promote and facilitate the sustainable development of a high quality ICT network, which is what the development proposes, while protecting the amenity of urban areas, which is an issue with this site given the proximity of residential property. IE Policy 4 contains six objectives:

- Objective 1 – I consider the proposed development is fully consistent with this objective as it facilitates the provision of telecommunications infrastructure.
- Objective 2 – I do not consider this objective to be relevant to the application.
- Objective 3 – This issue is separately considered under Section 7.5.
- Objective 4 – This issue is separately considered under Section 7.4.
- Objective 5 – I do not consider this objective to be particularly relevant to the application. While equipment cabinets etc. are proposed they would be located in an area between the rear of an industrial property and a relatively high block wall, not visible from the public realm. Notwithstanding, a landscaping scheme can be implemented by way of condition to further reduce visual impact in this regard.
- Objective 6 – I do not consider this objective to be relevant to the application.

7.3.2. The proposed development would also be consistent with an 'Action' cited in Section 7.4.0. This states that the planning authority will co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have equitable access to a wide range of services and the latest technologies as they become available.

7.4. Section 11.6.2 (Information and Communications Technology) of the South Dublin County Council Development Plan 2016-2022

7.4.1. There are four issues outlined in Section 11.6.2 of the Plan that an applicant will be required to demonstrate consistency with.

- The first issue is compliance with the Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular Letter PL 07/12 issued by the DECLG (as may be amended) and any other relevant publications.

Sections 1.2 and 4.5 state that, in order to avoid the proliferation of masts, owners would be expected to facilitate co-location. Section 4.2 refers to design and siting. In terms of design, a monopole is proposed. This has less of a visual impact than a lattice support structure. The location of a structure is substantially influenced by radio engineering factors and the Guidelines note that, in most cases, there will be limited flexibility as regards location (Section 4.3 – Visual Impact). In this application the site is not a fragile or sensitive landscape or in proximity to protected structures, archaeological sites or areas of natural heritage value. It is a location characterised by industrial units and residential units. In city suburbs the Guidelines state that operators should endeavour to locate in industrial estates or in industrially zoned land. The site is located within an industrial estate, notwithstanding the proximity of the residential area. The Guidelines note that, in urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure and only as a last resort should freestanding masts be located in a residential area. If such a location is necessary, the support structure should be kept to the minimum height consistent with effective operation and the support structure should be a monopole. Section 1 of the cover letter submitted with the original planning application states 24 metres is the minimum height that will make the site technically viable.

Circular Letter PL 07/12 was issued to update certain sections of the 1996 Guidelines. I do not consider the proposed development is specifically affected

by the Circular Letter, but some conditions attached by the planning authority are assessed in Section 7.7 (Other Matters) of this assessment.

I do not consider that the proposed development contravenes aspects of the Guidelines or the Circular Letter. The site is located within an industrial estate and it will be made available to other operators. It is monopole in design and the minimum height necessary given proximity to the residential area. Notwithstanding, there is a tension between the appropriateness of the site and issues of residential/visual amenity. These are addressed in Section 7.5 of this assessment.

- In relation to the second issue, no map has been submitted showing all existing telecommunications structures within a 2km radius of the site. The applicant considers that, given the size of the area and number of installations too numerous and too remote from the site, a more localised assessment is more helpful. In the grounds of appeal, the four closest existing sites within a radius of approx. 900 metres as identified by the Commission for Communications Regulation are set out. The applicant's response to the grounds of appeal consider and discard these locations as potential co-location for a variety of reasons: 'low' sites, distance from the application site to enable strong coverage and capacity and creation of considerable visual impact where such intervention would have limited impact. A fifth existing location has not been referenced. This is DN_3331 located approx. 800 metres to the south west at St. James's Road. It appears this site has been recently redeveloped on foot of P.A. Reg. Ref. SD16A/0060 and it is in close proximity to schools. The applicant's response to the grounds of appeal states that any interventions outside the four identified sites would have negligible effect on coverage and capacity in the target coverage area.

I am satisfied that there are no suitable existing structures within the vicinity of the site that could be shared.

- The third issue is addressed in Section 7.5 of this assessment.
- In relation to the fourth issue, the applicant states the proposed development is required to provide 2G, 3G and 4G data service and forms part of an integrated telecommunications network. Existing base stations are undergoing significant

upgrades to meet current demand and are critical in maintaining service provision. The site is proposed to upgrade and substantially improve Three's coverage and capacity in the Greenhills area and improve voice and broadband access. I note the planning authority's Broadband Officer considers permission should be granted as it will enable the future growth and development of the County. I also note the applicant has stated future sharing of the facility will be made available. I consider this adequate to outline the significance of the proposed development as part of the telecommunications network in the area.

7.5. Impact on Adjacent Residential Amenity

- 7.5.1. The impact of the proposed development on the amenity of residential properties is a primary area of concern set out in the grounds of appeal. Notwithstanding the site location in an industrial estate, the proposed 24 metres high monopole is to be located in close proximity to a large residential area.
- 7.5.2. The monopole structure is located largely north of the residential area. Any shadowing impact to residential property is likely to be very limited as a result of the location of the houses to the south of the structure, the relatively narrow profile of the monopole and the separation distances involved. No overlooking will occur as it is a telecommunications structure.
- 7.5.3. Overbearing and visual impact is an issue given proximity of the residential properties on St. James's Road. I consider the impact to be more significant than it is considered to be by the applicant. The proposed development would clearly have a visual impact on the receiving environment. This is unavoidable given the nature of the proposed development and the absence of any significant natural or built features to obstruct views of the monopole. However, the structure is static and relatively narrow and is in a location where there is an industrial backdrop.
- 7.5.4. Council and national policy promote the provision and improvement of telecommunications infrastructure while protecting the amenities of nearby areas. These policies can be considered to conflict in this application and I understand and acknowledge the concerns expressed in the grounds of appeal. Notwithstanding, having regard to the fact that the site is in an established industrial estate where public services are permitted in principle in the land use zoning matrix and where the

development would facilitate co-location and sharing of structures as encouraged by Council and national policy, I consider that the proposed development would be acceptable at this location and would not have an undue adverse impact on the amenity of residential properties in the vicinity.

- 7.5.5. I also note the concerns raised in the grounds of appeal in respect of the devaluation of property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location remote from and with no hydrological pathway to any European site, 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.

7.7. Other Matters

Validation

- 7.7.1. A number of issues were raised in the grounds of appeal in relation to the location of the site notice, submissions, site address, quality of drawings submitted etc. Validation of the planning application is a matter for the planning authority and the planning authority accepted the application as submitted.

Planning Authority Conditions

- 7.7.2. The planning authority attached two conditions to its decision to grant permission which the applicant has requested to be removed or amended.
- 7.7.3. Although the application was for a permanent structure, Condition 2 restricted its life to three years. The rationale for this was because of the REGEN zoning and proximity to residential dwellings. The applicant considers a limited lifetime permission is not unreasonable. Though I do not consider the proposed structure would have a

significant impact on the redevelopment potential of the REGEN land, I consider, in the circumstances, that a temporary permission may be appropriate. I consider a 10 year permission to be reasonable.

- 7.7.4. Condition 5 of the planning authority decision required ongoing monitoring to determine adherence to non-ionising radiation guidelines. I consider inclusion of this condition directly conflicts with Circular Letter PL 07/12 and should not be included in any grant of permission. I would have recommended the exclusion of this condition whether it had been referenced in the applicant's response to the grounds of appeal or not.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 as updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the South Dublin County Council Development Plan 2016-2022 and would not seriously injure the amenities of the area or residential amenity in the vicinity. The proposed development would, therefore, be in accordance with 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. (a) This permission shall apply for a period of ten years from the date of this order. The telecommunications 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.

(b) The site shall be reinstated on 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 at least one month before the date of expiry of this permission.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. The antennae type and mounting configuration shall be in accordance with the details submitted with this application, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

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

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

5. 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.

6. Details of the proposed colour scheme for the telecommunications structure and ancillary structures 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.

7. Landscaping of the site shall be carried out in accordance with a landscaping scheme which 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.

8. 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.

Anthony Kelly
Planning Inspector
11.11.2020