



An
Bord
Pleanála

Inspector's Report ABP311938-21

Development	Telecommunications mast
Location	Slade Road, Saggart, County Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD20A/0325.
Applicant(s)	ESB Telecoms
Type of Application	Permission
Planning Authority Decision	Refuse.
Type of Appeal	First Party v Refusal
Appellant(s)	ESB Telecoms
Observer(s)	<ol style="list-style-type: none">1. Vincent & Brid Feeney2. Brid & Eugene Darcy
Date of Site Inspection	19 th February 2022
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The proposed development is located within an existing ESB substation at Slade Road, Saggart, County Dublin. The application site has a stated area 0.0122ha and is located on the left (east) of a rural road south of the N7. The site is in use as a substation with palisade security fencing, a control building, an electricity pylon and a mix of concrete hardstanding and some hardcore. The area is generally rural in character but there is extensive one-off housing along the public road and the Millbrook Nursing home is on the opposite side of the road. North of the site are the villages of Rathcoole and Saggart and then the N7.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 30m high telecoms mast carrying antennae and dishes, associated ground mounted equipment to share with other licenced operators within a 2.4m high palisade fence at an existing ESB substation at Slade, Saggart, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Refuse permission.

The proposed development:

- contravenes the Greater Dublin Regional Code of Practice for Drainage Works whereby a setback of 15m from the stream to the south of the site is required.
- Policy G3 Objective 2 of the County Development Plan requires a setback of a minimum of 10m from the top of the back of all water courses. The full extent of the setback will be determined on a case-by-case basis.
- Policy IE2 Objective 9 of the County Development Plan seeks to protect the biodiversity and integrity of watercourse and the site is zoned RU for rural

development. The proposed development is not in accordance with the proper planning and development of the area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.4. Initially the planning authority sought additional information as follows.

- The applicant should submit drawings showing a setback of 15m of the development from the stream on the southern boundary.
- The applicant should show what SuDS are proposed within the site.
- The site is in an area prone to flood. Please submit a flood risk assessment.
- The site is within an area zoned RU “to protect and improve rural amenity and to provide for the development of agriculture”. The applicant should submit detailed visual impact assessment.

3.5. In the second planner’s report following the submission of additional information recommended refusal as set out in the Manager’s order.

3.5.1. Other Technical Reports

Water Services (Surface Water report) first report sought further information in relation to the buffer zone between the development and the stream and a flood risk assessment.

As second report recommended refusal because the proposed development does not provide a 15m buffer to the bank of the adjoining stream. The second report stated that there was no objection in relation to flood risk.

Roads Department recommended conditions in the event of a grant of permission relating to construction traffic management and details of the foundations proposed to secure the structure.

Parks Department recommended that a landscape plan be submitted by way of a compliance condition.

4.0 Planning History

- 4.1. No relevant planning history for this site.
- 4.2. ABP-304293-19 referred to an extension to the Millbrook Nursing home on the opposite side of the road which was refused because.

The site is located in an area zoned objective Rural and Agricultural (RU) in the current development plan for the area, wherein nursing home use is not permissible. The Board considers that the significant intensification of such use on the site would contravene materially the development objective for land zoned Rural and Agricultural RU as set out in the South Dublin County Development Plan 2016-2022 and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

- 5.1. **Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (Dept of the Environment and Local Movement July 1996).**
Sets out the national planning guidance for telecoms masts. *Inter alia* the guidance encourages the development of telecommunications infrastructure, requires suppliers to share facilities where possible, have appropriate regard to residential and visual amenity.
- 5.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region.**
- 5.3. **Communications Networks and Digital Infrastructure RPO 8.25:** Local authorities shall:
 - Support and facilitate delivery of the National Broadband Plan.
 - Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland.

- Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.
- Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.
- Promote Dublin as a demonstrator of 5G information and communication technology.

5.4. RPO 8.26: The EMRA supports the preparation of planning guidelines to facilitate the efficient roll out and delivery of national broadband.

5.5. **Development Plan**

5.6. The **South Dublin County Development Plan 2016- 2022** is the relevant County Development Plan for the area. The site is zoned with Zoning Objective 'RU': 'To protect and improve rural amenity and to provide for the development of agriculture'.

5.7. **Green Infrastructure (G) Policy 3 Water Courses.**

5.8. It is the policy of the Council to promote the natural, historical and amenity value of the County's watercourses; to address the long-term management and protection of these corridors and to strengthen links at a regional level.

G3 Objective 2: To maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case-by-case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic Green Routes and Trails identified in the South Dublin Tourism Strategy, 2015; the Greater Dublin Area Strategic Cycle Network; and other government plans or programmes will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure network.

5.9. **Infrastructure and Environmental Quality Policy 2 Surface Water and Ground Water**

5.10. IE2 Objective 9: To protect water bodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, within the County from inappropriate development. This will include protection buffers in riverine and wetland areas as appropriate (see also Objective G3 Objective 2 – Biodiversity Protection Zone).

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

5.12. **Natural Heritage Designations**

Not relevant.

5.13. **EIA Screening**

Having regard to the modest scale of the proposed development and the absence of any foreseeable emissions therefrom I conclude that the requirement for submission of and EIAR and carrying out of EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The site is in existing use as a ESB substation, located 600m south of Saggart village and the area is zoned for the development of agriculture.
- The site is suitable for telecoms infrastructure which the applicant will share with other telecoms providers.

- The FRA submitted has further information demonstrates that the proposed development will not give rise to flooding.

6.2. Planning Authority Response

- No response.

6.3. Observations

6.4. Observations were received from Brid & Eugene Darcy and Vincent and Brid Feeney

- The mast is directly opposite the observer's home which received planning permission 30 years ago.
- The proposed development will negatively impact on the natural/visual amenity of the area which is used as recreational space by nearby residential areas. The visual impact assessment submitted demonstrates that the visual impact will be experienced over a wide area.
- There is an alternative site at Slade Valley woods. There are already enough telecoms sites in the area.
- The access is close to a dangerous bend/bridge and the proposed development will give rise to traffic hazard. The proposed development will give rise to additional traffic movements.
- The revised layout provides a 6m separation distance from the proposed fence line to the water course. No additional impact on water quality in the Camac River will result from the proposed development.
- The site is already in commercial use; the substation comprises underground drainage, transformers, underground cables and concreted/hard surfaced area. No loss of floor plain will result.
- With reference to the RU zoning for agriculture the site has been use as an electricity substation for several decades.
- The Camac River is a proposed NHA and the proposed development will negatively impact on the pNHA.it.

6.5. Further Responses

None.

7.0 Assessment

7.1. Development Plan Zoning and Rural Amenity

7.2. The site and surrounding area south of the N7/Saggart/Rathcoole is zoned ZU to protect and improve rural amenity and to provide for the development of agriculture. The County Development Plan lists public service as 'permitted in principle' in this zone and the glossary of terms included in the Plan defines public services 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 and other statutory undertakers, it includes public lavatories, public telephone boxes, bus shelters, bring centres, green waste and composting facilities". Additionally, the plan includes an objective to promote and facilitate the sustainable development of a high-quality ICT network throughout the County. Having regard to these provisions I conclude that there is presumption in favour of telecoms masts in rural areas and I consider that this proposed mast complies with the development plan zoning provisions for this area.

7.3. Water Quality.

7.4. The site adjoins the Camac River in its early course, the Camac flows southeast to northwest and passes under the public road immediately to the left of the application site entrance. The planning authority's refusal reason referenced Development Plan Policy G3 objective 2 to maintain a biodiversity zone of 10m from any proposed development to the top of the bank of any nearby water course. Additionally, the plan states that each application where this issue arises will be considered on a case-by-case basis.

7.5. The applicant makes the point that this site has been in use as part of the national electricity grid for some decades and that the additional use of the site to host a telecoms mast will not materially add to the anthropogenic changes that have already taken place on site. These include underground cabling, surface water

management drains, hard surfacing, fencing and static equipment within the site. Having regard to these factors I conclude that the ecological quality of the site has already been compromised by its long use as a substation and that the proposed development would not further materially damage the ecological importance on the site.

- 7.6. Additional to the ecological value of the site is the issue of the water quality in the Camac on the southern boundary. The applicant in response to the request for further information amended the site layout to move the fencing 6m from the top of the bank of the stream with an additional 2.5m separation distance from the stream itself. The mast appears to be about 10.5 m from the flow in the stream. It is significant in this regard that the proposed development in its operational phase will not give rise to any effluent/emissions that could give rise to a deterioration in the water quality in the adjoining stream and therefore it is reasonable to conclude that the objective of requiring a buffer zone between development and water courses that protects water quality is achieved in this instance.
- 7.7. In relation to the construction phase I consider that the construction works can be carried out without the release of silt, hydrocarbons or other pollutants to the adjoining watercourse and that this may be subject to a condition as set out in the draft order below.
- 7.8. The observer makes the point that the Camac is part of a pNHA. The closest pNHA (Slade of Saggart and Crooksling Glen) to the application site is upstream of the site and 2 or 3kms to the south and mapped on Map 8 attached to the County Development Plan. Having regard to these factors I conclude that the proposed development will not impact on the pNHA.
- 7.9. **Residential Amenity/Visual Impact.**
- 7.10. The planning authority requested the submission of further information in relation to the visual impact of the proposed mast. The observers' submissions to the Board state that the proposed development will be unacceptably visually intrusive in the area.
- 7.11. The applicant submitted a number of photographs as further information. The site is not within an area of high landscape sensitivity to which the Heritage, Conservation and Landscape Policy 7 set out in the County Development Plan applies. Having

regard to the pattern of housing on the local road network, the nursing home opposite the site the existing use of the site for an ESB substation and location of the site in a depression in the landscape rather on any high point I conclude that the proposed development will not give rise to visual intrusion in a manner to seriously injure visual or residential amenity of the area.

7.12. Traffic Hazard.

7.13. The observers make the point that the proposed development will endanger public safety by reason of traffic hazard. The planning authority's roads section did not object on traffic safety grounds.

7.14. The public road in the area is relatively narrow and the speed limit is 60kms/h. The road narrows slightly as it crosses the bridge over the Camac immediately to the south of the existing entrance. The existing entrance is gated, has a palisade fence is set back from the edge of the public road. The application site is in use as a ESB substation and must attract a level of traffic commensurate with the operation and maintenance of that use. The proposed development comprises a similar type of development in terms of its traffic generation potential. Apart from the construction phase, the traffic that can reasonably be expected to result from the proposed development is limited to operation/and maintenance of the plant and machinery being installed. I conclude on this basis that the proposed development does not have the capacity to materially alter the traffic patterns/or traffic loading on the local road network so as to endanger public safety by reason of traffic hazard.

7.15. Appropriate Assessment.

7.16. Having regard to the modest scale of the proposed development and the absence of any emissions therefrom 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. I recommend a grant of permission

1.0 Reasons and Considerations

Having regard to national policy to improve connectivity and telecommunications infrastructure in rural communities, to the objectives set out in the current South Dublin County Development Plan to facilitate the improvement of telecommunications provision in the County, to the existing use of the application site for a electricity substation and subject to the conditions set out below it is considered that the proposed development would contribute to the improvement of telecommunications in the area, be in accordance with the objectives set out in the current South Dublin County Development Plan, would not negatively impact on human health or on ecology in the area and would, otherwise, accord with the proper planning and sustainable development of the area.

2.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 20th day of September 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>

development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

	<p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
4.	<p>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 the commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
5.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

Hugh Mannion
Senior Planning Inspector

21st February 2022.