

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

FINGAL DEVELOPMENT PLAN 2023-2029

TUESDAY, 20TH SEPTEMBER 2022

Chapter 14 - Development Management Standards

Motion from Councillor Anthony Lavin: 82131

Chapter 11: Infrastructure and Utilities Objective DMSO225 – Applications for Telecommunications Structures

'...The 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.'

Ensure that when such licences are sought nearby property owners and occupiers are made aware of the application prior to FCC (or ABP) agreeing the licence.

REPORT:

The contention of the motion is acknowledged. The motion is seeking to amend Objective DMSO225 – Applications for Telecommunications Structures which is in Section 14.20.9 'Information and Communications Technology' of Draft Development Plan Chapter 14 'Development Management Standards (p.627). It should be noted that Objective DMSO225 sets out requirements for the information to be provided with respect to telecommunications structures at application stage. The full text of this objective is as follows:

"Objective DMSO225 – Applications for Telecommunications Structures

Require the following information with respect to telecommunications structures at application stage:

- *Demonstrate compliance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment (1996) and Circular Letter PL 07/12 issued by the Department of*

the Environment and Local Government (as may be amended), and to other publications and material as may be relevant in the circumstances.

- *Demonstrate the significance of the proposed development as part of a national telecommunications network.*
- *Indicate on a map, the location of all existing telecommunications structures within a 2 km 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 Regulations.*
- *The 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, treetype masts being provided where appropriate, colouring or painting of masts and antennae, and considered access arrangements”.*

The motion seeks to include additional text at the end of this objective as follows:

- “Ensure that when such licences are sought nearby property owners and occupiers are made aware of the application prior to FCC (or ABP) agreeing the licence”.

It is not considered appropriate to include this additional text as proposed by the motion. Firstly, and in the interests of clarity, it should be stated that Objective DMSO225 relates to planning applications for telecommunications structures and does not relate to the granting of any licences by either Fingal County Council or An Bord Pleanála.

With regard to the granting of licences relating to telecommunications structures, it should be noted that this issue is addressed in Section 14.20.10 ‘Section 254 Licences’ in Draft Development Plan Chapter 14 ‘Development Management Standards (see p. 628).

Section 254 licences are required for certain specified items or equipment (including electronic communications infrastructure and any associated physical infrastructure) which are to be placed on, under, over or along a public road. The Draft Development Plan goes on to outline what planning authorities or the Board on appeal should have regard to in considering an application for a Section 254 licence.

It should be noted that the Section 254 licence does not apply solely to telecommunications infrastructure but also to vending machines; town or landscape maps; hoarding, fences or scaffolds, advertisement structures, cables,

wires or pipelines, telephone kiosks or pedestals. In this regard, a common example of an application for Section 254 licences is for the placing of tables and chairs outside a hotel, restaurant, public house or other venue.

There is no requirement under the Planning Act or Regulations for the applicant to notify the public, nor is there any role for third parties to comment on the applications to the planning authority.

In addition, Fingal County Council publishes details of new Section 254 applications as part of its weekly planning lists which can be viewed here:
<https://www.fingal.ie/council/service/planning-weekly-lists>.

Furthermore, the Council provides details of all Section 254 licences granted in the County on its website at
<https://planning.agileapplications.ie/fingal/search-applications/results?criteria=%7B%22query%22:%22s254%22%7D&page=1>

Having regard to the above, it is not considered appropriate or necessary to include additional requirements in relation to a licensing process which is subject to specific requirements as set out in the Planning and Development Act and therefore outside the scope of the Development Plan.

RECOMMENDATION:

No change to the Draft Plan.