

An
Bord
Pleanála

Board Direction
BD-015045-24
ABP-315428-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/01/2024.

The Board decided to direct the planning authority to refuse the licence, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.


Reasons and Considerations

Having regard to the provisions of section 254 of the Planning and Development Act 2000, as amended, the Fingal Development Plan 2023-2029, and the Telecommunications Antennae and Support Structures Guidelines (1996), as amended/updated by Circular Letters PL 07/12 and PL11/2020, it is considered that, the proposed development, by virtue of its siting on a grass verge between a narrow footpath and the road edge in an area zoned 'Open Space' and noting the existing street furniture on the site, would be prominent onto the public domain and would have an adverse impact on the visual amenities of the area and on the approach into Lusk town and detract from the landscaping along the road because of the visual clutter presented by the positioning of the cabinets. The proposed development would be contrary to the relevant provisions of the Fingal Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Board noted the inspector's recommendation for refusal of permission on the basis that the proposed development, by virtue of its siting on a grass verge between a narrow footpath and the road edge and given its proximity to a pedestrian and bicycle crossing point, would endanger public safety by reason of traffic hazard or obstruction of road users. The Board shared this view. However, this is a new issue in the context of the appeal and it appears that the crossing point has been put in place since the application was lodged in the first instance to Fingal County Council. It is open to the Board to issue a Section 132 to parties to address this matter, however, given the Board's decision to refuse on the ground of visual amenity, a matter that was raised in the appeal, in the interest of efficiency the Board did not pursue this avenue.

Board Member


Patricia Calleary.

Date: 14/01/2024