

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F16A/0016

An Bord Pleanála Reference Number: PL 06F.246385

APPEAL by ESB Telecoms Limited of 27 Lower Fitzwilliam Street, Dublin against the decision made on the 16th day of March, 2016 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of an 18 metre high brown monopole telecommunications structure carrying antennae and communication dishes within a proposed 2.4 metre high palisade fence compound with associated landscaping works, all at ESB's 38kV Sutton Substation, Sutton Cross, Sutton, County Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to:

- (1) the national strategy regarding the improvement of mobile communications services,
- (2) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (3) the location of the development within:

a zoned 'GE' site, wherein telecommunications masts are permitted in principle, and

an existing public utilities site,
- (4) the existing pattern of development in the vicinity,
- (5) the planning history of the site, in particular the previous planning permissions sustaining co-location of national mobile network operators, and
- (6) the landscaping proposals submitted,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board notes the planning authority's decision to refuse planning permission because it considered that the proposed development would constitute a material contravention of the Development Plan 2011. However, having regard to the said guidelines relating to Telecommunications Antennae and Support Structures, issued by the Department of the Environment, Heritage and Local Government to planning authorities in July, 1996, it is considered that, by virtue of Section 37(2)(b)(iii) of the Planning and Development Act, 2000, the Board would not be constrained in granting permission for the proposed development.

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. The transmitter power output, antenna 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.

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

Reason: In the interest of public health.

4. 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.

5. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and boundary 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.

6. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall include hedging planted inside the boundary fence, 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.

7. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.