

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Fingal County

**Planning Register Reference Number: F16A/0090**

An Bord Pleanála Reference Number: PL 06F.246597

**APPEAL** by ESB Telecoms Limited of 27 Fitzwilliam Street, Dublin against the decision made on the 3<sup>rd</sup> day of May, 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:** Continued use of the existing 20 metre high, free standing wooden pole communication structure, carrying antennae and communication dishes with associated ground mounted equipment cabinets, within an existing 2.4 metre high palisade compound previously granted time limited consent planning register reference number F10A/0389 at Mountgorry 38kV substation, Chapel Lane, Swords, County Dublin.

## DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

## REASONS AND CONSIDERATIONS

Having regard to:-

- (a) 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,
- (b) the provisions of the Fingal County Development Plan 2011-2017 which encourages co-location of antennae on existing structures, masts and tall buildings, and
- (c) the provisions of the Planning and Development Regulations 2001, as amended, in respect of exempted development for telecommunications and in particular the limitations contained therein,

it is considered that there are no particular circumstances arising that would necessitate the limiting of exempted development in this case.

## 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.

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

**Dated this      day of                      2016.**