



An
Bord
Pleanála

Board Order
ABP-301354-18

Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: FW18A/0007.

Appeal by Shared Access Limited care of FocusPlus Limited of N3 Arbourfield House, Dundrum Business Park, Dundrum Road, Dublin against the decision made on the 9th day of March 2018 by Fingal County Council to refuse permission.

Proposed Development: Erection of a 15 metre shrouded monopole structure carrying telecommunications equipment together with associated exchange cabinets and fencing. The GSM antennas will be concealed within the top of the section of the structure and the equipment will be cabled to adjacent communications cabinets, all located within a gated compound. The development will form part of Three Ireland's Limited 2G voice, 3G and 4G network at Laurel Lodge Shopping Centre, Castleknock, 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:

- (a) the national strategy regarding the improvement of mobile communications services,
- (b) the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) Fingal Development Plan 2017-2023,
- (d) Department of the Environment, Community and Local Government Circular Letter PL07/12,
- (e) the existing pattern of development in the vicinity,

- (f) the nature and scale of the proposed telecommunications support structure,
- (g) the proposed development would satisfy a demonstrated need for improved telecommunications services in the area and

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

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed monopole structure, while noticeable would not be intrusive, would not seriously injure the visual amenities of the area, would not substantially impact on the character of the area, would provide essential telecommunications coverage to the area and would not, therefore, be contrary to the proper planning and sustainable development of the area.

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. 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 commencement of development.

Reason: In the interest of the visual amenities of the area.

3. When no longer required, the monopole and associated equipment/compound shall be permanently removed from the site.

Reason: In the interest of visual amenity.

4. Within six months of the cessation of use, the telecommunications structure and ancillary structures shall then be removed and the site shall be reinstated at the developer's expense. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to cessation of the use of the structure. Reinstatement shall be deemed to include the grubbing out of and replanting of the access track created in association with the development permitted herein.

Reason: In the interest of the visual amenities of the area.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of

payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Terry Ó Niadh

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

Dated this day of 2018.