

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0747

Appeal by Carty's Green Residents' Group care of John Bird of 30 Idrone Close, Knocklyon, Dublin and by others against the decision made on the 2nd day of June, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Virgin Media care of 4Site Telecoms, Raheen Business Park, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erection of a new 32.05-metre multi-user telecommunications support structure carrying 15 number link dishes, three number lightning finials and two number outdoor cabinets all enclosed within a security compound by a 2.4-metre-high palisade fence with a four-metre access gate and site works and accessed via the existing permitted access driveway. The development will provide improved wireless broadband services in the area, all at Lands at 'Petros', Carty's Green, Ballyedmonduff Road, Sandyford, Dublin, as revised by the further public notices received by the planning authority on the 7th day of May, 2021 which included a reduction in the height of the proposed structure to 24.05 metres.

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.

Reasons and Considerations

Having regard to:

- (a) the provisions of national and regional policy,
- (b) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in 1996,
- (c) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities issued by the Department of the Environment and Local Government by Circular Letter PL07/12,
- (d) the Dún Laoghaire-Rathdown County Development Plan 2022-2028,
- (e) the nature and scale of the proposed development, and
- (f) the report and recommendation of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the landscape character of the area or the residential amenities of the area and would assist in the provision of essential telecommunications coverage to the greater Dublin metropolitan area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed 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 suitable fencing, to restrict access to the site to authorised personnel, 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 and public safety.

3. The antennae type and mounting configuration shall be in accordance with the details submitted with the 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.

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include tree planting along the boundaries of the compound, including the access track serving the compound, 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.

5. The construction of the proposed development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, including details of road signage, warning the public of the entrance, and of proposals for traffic management at the site entrance during construction. Details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste, shall also be outlined in this plan.

Reason: In the interest of public safety and the amenities of the area.

6. 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.

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

Reason: In the interest of public health.

8. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

Reason: To avoid a multiplicity of telecommunications structures in the area in the interest of visual amenity and the proper planning and sustainable development of the area.

9. In the event of the proposed structure becoming obsolete and being decommissioned, the developer shall, at its own expense, remove the mast, antenna and ancillary structures and equipment. The site shall be reinstated upon the removal of the telecommunications structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

10. 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 directions 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.

11. Site development and building works shall be carried out only between 0800 hours to 1900 hours Mondays to Fridays, inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

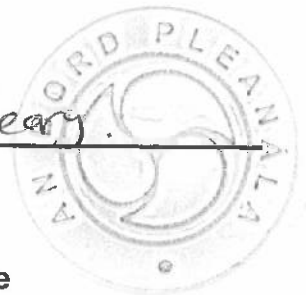
Reason: In order to safeguard the residential amenities of property in the vicinity.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 19 day of September 2022.