

An
Bord
Pleanála

Board Order ABP-310757-21

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 21/476

Appeal by Cignal Infrastructure Limited care of David Mulcahy of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 18th day of June, 2021 by Wicklow County Council to refuse a licence.

Licence Application: Street pole solution to address identified mobile and mobile broadband coverage blackspots at Blacklion Manor Road, Rathdown Lower, Greystones, County Wicklow.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of section 254 of the Planning and Development Act, 2000 (as amended), to the relevant provisions of the Wicklow County Development Plan 2022-2028, and to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the development plan, would not seriously injure the amenities of the area, architectural heritage or residential amenity in the vicinity, would not interfere with the convenience and safety of pedestrian and road traffic and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The licence shall be valid for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

2. In the event that the location of the cabinet, pole and associated infrastructure interferes with the planning authority's plans for the area and that the land is required by the planning authority in the performance of its statutory functions, the cabinet, pole and associated infrastructure shall be removed on request.

Reason: In the interest of orderly development.

3. The developer shall comply with the following requirements of the planning authority:
 - (a) As-built records of the infrastructure installed shall be made available to the Roads Authority to inform the plans for future junction improvement works.
 - (b) Existing utilities shall not be interfered with unless by written consent of the planning authority.
 - (c) Access points to watermains, sewers and utilities, shall remain accessible at all times.
 - (d) The installation of the infrastructure shall not impair the operation of existing land and/or roadside drainage.

Reason: In the interest of orderly development.

4. The 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.



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

Reason: In the interest of public health and to prevent flooding.

6. 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.

7. Details of the proposed colour scheme for the pole, antennas, equipment containers and any perimeter fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

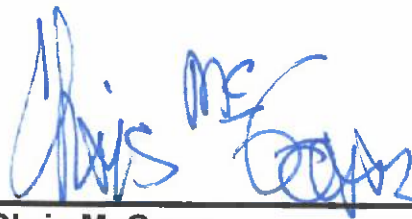
Reason: In the interest of the visual amenities of the area.

8. Landscaping of the site shall be carried out in accordance with a landscaping scheme, details of which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

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

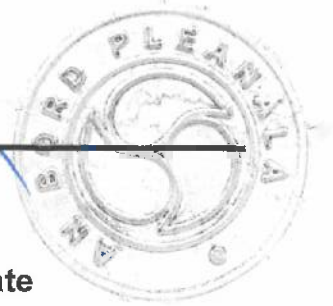
9. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.

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



Chris McGarry

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



Dated this *8th* day of *November* 2022.