

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: S25421/03

Appeal by Ciara Ruschitzko of 9 Rathlyon Park, Ballycullen Road, Dublin on behalf of Rathlyon Residents against the decision made on the 6th day of August, 2021 by South Dublin County Council to grant, subject to conditions, a licence to Cignal Infrastructure Limited care of Jason Redmond and Associates of 5 Lismard Court, Portlaoise, County Laois.

Licence Application: 15 metre free-standing street pole with 1 number alpha 3.0 shrouded antenna at azimuths (tbc) and one number 300 millimetre dish (to be included only if no fibre infrastructure in area) along with ancillary cabinet (1.652 metres high by 1.898 metres wide by 0.798 deep) at Woodstown Shopping Centre, Ballycullen, Dublin.

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.

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 the provisions of section 254 of the Planning and Development Act, 2000, as amended, the South Dublin County Development Plan 2016-2022, and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively), it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the visual or residential amenity of the area, or of properties in the vicinity, would not endanger public safety by reason of traffic hazard, and would, otherwise, be in accordance with 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.

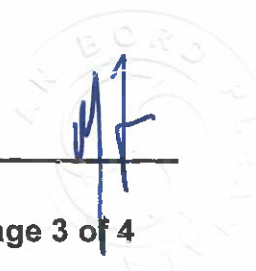
Reason: In the interest of clarity.

2. The licence shall be valid for 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 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.

3. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) If the developer intends to omit the existing tree an arborist report shall clearly demonstrate and outline the reasons for omitting or pruning the tree, the developer shall reimburse the planning authority for the loss and replanting of the tree. The planning authority shall then replant a tree in the locality to ensure the tree population of the planning authority is maintained to a high standard.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.



4. 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.

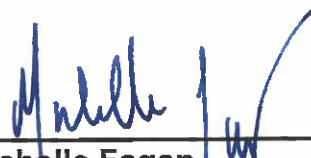
Reason: In the interest of the visual amenities of the area.

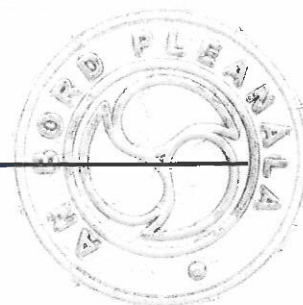
5. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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.


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



Dated this 14th day of April 2022.