

An
Bord
Pleanála

Board Order
ABP-311787-20

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: S254W/02/21

APPEAL by Cignal Infrastructure Limited (Cellnex Telecoms) care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 30th day of September, 2021 by Fingal County Council to refuse licence.

APPLICATION: Streetpole solution to address identified mobile and mobile broadband blackspot at Laurel Lodge Road, 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, based on the reasons and considerations under, **ALLOWS** the appeal and directs the planning authority to **GRANT** a licence 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); the Fingal County Development Plan 2017-2023, including Objectives IT01, IT07, IT08, DMS145; 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 seriously injure the amenities of the area or result in a significant negative residential or visual impact on the surrounding vicinity. The proposed development would, therefore, 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. (a) This licence shall apply for a period of three years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.
- (b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

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 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, remove or fell any trees, an arborist report shall clearly demonstrate and outline the reasons for omitting or pruning the tree. The developer shall reimbursement the planning authority for the loss and replanting of the tree. The planning authority will then replant trees in the locality to ensure the tree population in the area is maintained to a high standard.

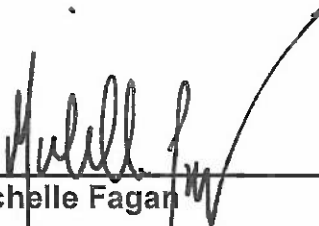
Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

4. Prior to commencement of development, the developer shall agree details of the location of the proposed monopole, equipment cabinet, and associated concrete base/surround with the planning authority prior to any works being carried out to avoid interfering with the pedestrian footpath and/or the visibility envelope of the adjacent road into the access to the shopping centre.

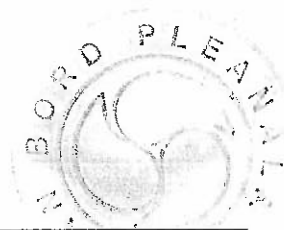
Reason: In the interest of public safety and traffic safety.

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.



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



Dated this 9th day of May 2022