



An
Bord
Pleanála

Board Order
ABP-311903-21

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0444

Appeal by ESB Telecoms Limited care of Niall Fitzpatrick of 43 Merrion Square East, Dublin against the decision made on the 13th day of October, 2021 by Fingal County Council to refuse a permission to ESB Telecoms Limited for the proposed development.

Proposed Development: Permission for a 2.5 metre headframe extension to the existing 15-metre-high telecommunications structure for the purposes of carrying antennae and communication dishes, along with ancillary lighting finial, (overall proposed height of main structure 17.5 metres) to be shared with multiple operators, all at ESB Telecoms' Compound, to the rear of 76 Main Street, Swords, County 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.

M.F.

Reasons and Considerations

Having regard to the limited nature and scale of the proposed development which comprises a 2.5 metre extension to an existing 15-metre-high telecommunications structure that has been in place since 2004, to the relevant objectives of the Fingal County Development Plan 2017 – 2023, including those relating to Information and Communications Technologies, to the siting and topography of the site where there is limited visibility of the existing structure from Protected Structures/Recorded Monuments in the area, and to the technical justification for the extra height which allows for more recent telecommunications technology to be accommodated, the Board is satisfied that the proposed development is justified and that it would not seriously injure the visual amenities of the area. The proposed development 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 had regard to the fact that the proposed development comprised a modest 2.5 metre extension to an existing telecommunications structure and, in considering the photos of the existing structure submitted with the appeal, concurred with the technical reports from both the Conservation Officer and Community Archaeologist/Heritage Office from the planning authority who concluded that the proposed development would not dramatically alter the existing visual impact and would not impact on historical features of interest at this proposed location. The Board considers that the applicant has justified the extension and that co-location is not a relevant consideration in the context of this appeal as the extension is required to improve and update the performance of the existing antennae as opposed to a new structure. The Board is, therefore, satisfied that the proposed development would be in accordance with the relevant policy provisions of the Fingal County Development Plan 2017 - 2023 and 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) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.
- (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 removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

3. The transmitter power output, 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.

4. 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.

5. Details of the proposed colour scheme for the telecommunications structure and ancillary structures 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. 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.

DR. Maria Fitzgerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *5th* day of *December* 2022.

