

An
Bord
Pleanála

Board Order
ABP-313694-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: CTT.22.033

Appeal by On Tower Ireland Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 17th day of May, 2022 by Dún Laoghaire-Rathdown County Council to refuse a licence for the proposed development.

Licence Application: Telecommunications Streetworks Solution at Brady's, Kilmacud Road Upper, Stillorgan, County 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.


REASONS AND CONSIDERATIONS

Having regard to the provisions of section 254 of the Planning and Development Act, 2000, as amended, to the national, regional and local policy objectives, as set out in the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 and to the "Telecommunications Antennae and Support Structures Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in 1996, as updated by Circular Letter PL 07/12 in 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously obtrusive to the amenities of the area or the residential amenities of properties in the vicinity and 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, as amended by the further plans and particulars submitted, 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. This licence shall be valid for five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed and the lands reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, continuance 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. 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 visual amenity.

4. No additional dishes, antennae or other equipment, other than indicated on the plans and particulars received by the planning authority with the application, shall be attached to the pole or otherwise erected on the site, without first obtaining the written consent of the planning authority.

Reason: In the interest of visual amenity.

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


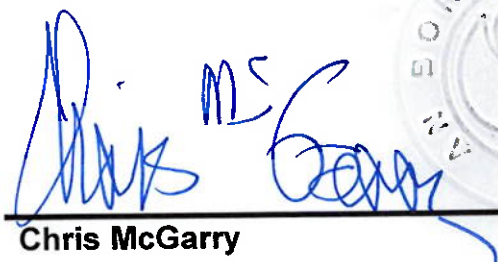
Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

7. In the event of the telecommunications structure and related ancillary structures becoming obsolete and being decommissioned, following discussions with the Area Engineer regarding the relocation of the public light contained upon the pole, the developer shall remove the pole and associated structures and return the site to its original condition, at their own expense.

Reason: To ensure satisfactory reinstatement of the site upon decommissioning of the structure.



Chris McGarry

Member of An Bord Pleanála

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

Dated this 14 day of November 2023.