

An  
Bord  
Pleanála

## Board Order ABP-314165-22

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: TIL015-22**

**Appeal** by Tom Brabazon of 75 Grattan Lodge, Dublin on behalf of residents of Elmfield Way, Clare Hall, Dublin against the decision made on the 8<sup>th</sup> day of July, 2022 by Dublin City Council to grant, subject to conditions, a licence to Signal Infrastructure Limited of Suite 311, Q House, 76 Furze Road, Sandyford Industrial Estate, Dublin.

**Licence Application:** Section 254 licence to place a telecommunications cabinet and associated pole on the public footpath; all at on public grass verge on Elmfield Way, adjacent to phone box, Clarehall, 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 national, regional and local policy objectives and guidelines including the Dublin City Development Plan 2022-2028, to the nature and scale of the development and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered it appropriate to include a condition setting out the period for which the licence is granted, as provided for under Section 254(4) of the Planning and Development Act 2000, as amended, and in accordance with the period recommended by the planning authority. The Board considered that Circular Letter PL 07/12 related to applications for permission rather than license applications.

1. The development shall be 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.

**Reason:** In the interest of clarity.

2. This licence is for one 15 metres freestanding pole and antennae, telecommunications dish, and associated operator cabinet only in accordance with the details submitted to the planning authority on the 30<sup>th</sup> day of May, 2022.

**Reason:** To clarify the nature and extent of the permitted development to which this licence relates and to facilitate a full assessment of any future alterations.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the telecommunication structures shall not be altered and no additional apparatus shall be attached, without a prior grant of 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. The maximum height of the telecommunications pole inclusive of antennae shall not exceed 15 metres and the maximum width shall not exceed 0.36 metres.

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

5. The cabinet and pole shall be maintained regularly and shall be kept graffiti free.

**Reason:** In the interest of the visual amenity of the area.

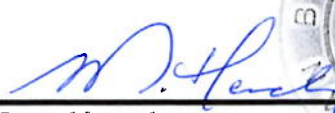
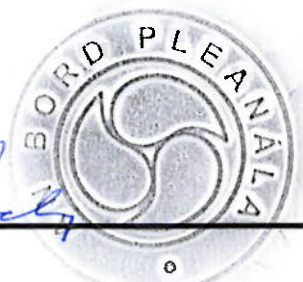
6. The structures shall not interfere with existing services, existing drainage systems and shall not obstruct pedestrian access.

**Reason:** In the interests of orderly development and pedestrian safety.

7. The telecommunications street pole and associated operator cabinet shall be removed from the site and the site reinstated at the developer's expense on the expiration of five years from the date of this license, unless before that date a further license has been obtained for the continuation of the development.

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 and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.

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

Dated this 24<sup>th</sup> day of February 2024.