



An
Bord
Pleanála

Board Order ABP-314705-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: TIL011-22

Appeal by Colm Walsh/Dunville Avenue Traders care of 22 Belgrave Road, Rathmines, Dublin against the decision made on the 23rd day of August, 2022 by Dublin City Council to grant, subject to conditions, a licence to On Tower Ireland Limited care of Jason Redmond and Associates of 54 Lismard Court, Portlaoise, County Laois.

Licence Application: Telecommunications infrastructure including a 15 metres Alpha 3.0 streetpole solution with antenna and grounds equipment cabinet on public footpath adjacent to a planter box on Dunville Avenue, Rathmines, 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, as represented in the Dublin City Development Plan 2022 - 2028 to support the development of a sustainable telecommunications network throughout the city, 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, and to the nature and scale of the development, 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 of property in the vicinity, would not detract from the setting of Wigmore Lodge (a Protected Structure), would not be prejudicial to public health 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 that the development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the licence application, except as may be otherwise 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 additional dishes, antennae or other equipment, other than indicated on Drawing Number DU0066-105 Rev. A, submitted to 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.

4. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.

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

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *29th* day of *November*, 2023.