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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A/0585**

**APPEAL** by Cignal Infrastructure Limited care of Indigo Telecom Group of Raheen Business Park, Limerick against the decision made on the 4<sup>th</sup> day of October, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Permission for the erection of a new 30 metre pine tree multi user telecommunications support structure carrying nine number antennas installed on support poles and associated diplexers and remote radio units, four number communication dishes and five number outdoor cabinets all enclosed within a security compound by a 2.4 metre high palisade fence with a two metre access gate and site works accessed via the existing permitted access driveway, on lands at Cornerstown House, Ballybride Road, Shankill-Rathmichael, Dublin (The development is within the curtilage of a protected structure).

## Decision

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, Policy Objective HER 8 concerning the protection of structures included on the Register of Protected Structures and Development Management Standards 12.11.2.3 concerning development within the grounds of a protected structure, the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities' issued in 1996 and Circular PL07/12 Telecommunications Antennae and Support Structures Guidelines, the 'Architectural Heritage Protection Guidelines for Planning Authorities' issued in 2011, and the proposed siting, height and design of the telecommunications apparatus within the curtilage and affecting the setting of a protected structure, Cornerstown House (Recorded Protected Structure Number 1844 Type Building Description House) including the established character and appearance of this property and its curtilage, it is considered that the proposed development would introduce an incongruous and obtrusive artificial structure with associated telecommunications equipment and apparatus, industrial type compound with ancillary cabinets and fencing in to the curtilage of this domestic protected structure, that would detract from its setting and would seriously injure its special character and appearance. The proposed development would conflict with the policies and objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

## Environmental Impact Assessment Screening

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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *7<sup>th</sup>* day of *March*, 2024.

