

An
Bord
Pleanála

Board Order ABP-315008-22

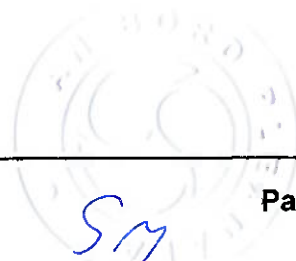
Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: CTT.22.037-254360

Appeal by Signal Infrastructure Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 13th day of September, 2022 by Dún Laoghaire-Rathdown County Council to refuse a licence.

Licence Application: Provision of a 15 metres high Smart Streetpole Solution at Hyde Road, with an approximate diameter of 360 millimetres and galvanised and painted in finish up to 12.25 metres in height. Above the 12.25 metres height, an antenna will be mounted to a finishing height of up to 15 metres. The antenna will be shrouded by a 360 millimetres sheath to match the pole. The pole would be accompanied by an Operator Cabinet. The antenna and structure are designed to blend in with the streetscape, are Irish made and will provide instant improvement in coverage. All at Hyde Road, Dalkey, 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 national, regional and local policy objectives, as represented 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 obtrusive, would not injure the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health, would not detract from the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA) and, would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed 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 of 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 licence shall be valid for five years from the date of this order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission 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.

2. Provision shall be made for a lamp standard to be accommodated on the proposed monopole structure, and the existing adjacent lamp standard shall be removed, to the satisfaction of the planning authority. Details in this regard 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.

3. Prior to commencement of development, a road opening licence shall be obtained by the applicant and its costs shall be paid to the planning authority, full details of which shall be submitted to, and agreed with, the planning authority.

Reason: In the interests of pedestrian and vehicular safety, clarity and orderly development.

4. The developer shall allow, subject to reasonable terms, other licenced mobile telecommunications operators to co-locate their antenna onto the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

5. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application for the Licence 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.

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 and to prevent flooding.

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


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

8. 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.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.



Stephen Brophy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 7th day of March 2024.