

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: CTT.22.040-258807

APPEAL by Signal Infrastructure Limited care of David Mulcahy of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 9th 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 Shanganagh Road, an approximate diameter of 324 millimetres and will be galvanised and painted in finish up to 11.3 metres in height. Above the 11.3 metres height, an antenna will be mounted to a finishing height of up to 15 metres. The antenna will be shrouded by a 406 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 4G coverage, all at Shanganagh Road, Shankill, 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 **REFUSE TO GRANT** a licence, based on the reasons and considerations set out below.

Reasons and Considerations

The Board is not satisfied that the siting of the telecommunications infrastructure is on or along a public road in accordance with the requirements of section 254 of the Planning & Development Act, 2000, as amended, but is on public open space. The Board is, therefore, precluded from granting a licence for the development in such circumstances.

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.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the site location was in the charge of the Parks Department of the local authority and is described in documentation submitted in connection with the application and the appeal as an area of public open space on residential zoned land.



Stephen Brophy

Member of An Bord Pleanála

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

Dated this 12th day of January 2024.