



An
Bord
Pleanála

Board Order ABP-315321-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: S254W/09/22

Appeal by Cignal Infrastructure Limited care of David Mulcahy of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 21st day of November, 2022 by Fingal County Council to refuse permission.

Licence Application: Section 254 licence for streetpole solution to address identified mobile and mobile broadband coverage blackspots at public grass verge along Diswellstown Road, Porterstown, 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, in particular section 254(4) which provides for the withdrawal of the licence where the planning authority is of the opinion that, inter alia, the streetpole causes an obstruction in relation to the widening of a road or of any improvement of or relating to a road, the Fingal County Development Plan 2023-2029, the Kellystown Local Area Plan 2021, and the Telecommunications Antennae and Support Structures Guidelines (1996), as amended/updated by Circular Letters PL 07/12 and PL11/2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be premature in the context of significant infrastructure delivery and would not be visually obtrusive to, or detract from, the visual amenities of the area. The proposed development 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 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 otherwise be 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The license shall be valid for three 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 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 planned infrastructure upgrades during the specified period.

3. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing 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.

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. 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.

A circular seal of An Bord Pleanála is visible in the background, partially obscured by a handwritten signature in blue ink. The signature appears to read 'Tom Rabbette'. The seal contains the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center.

Tom Rabbette

Member of An Bord Pleanála

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

Dated this 29th day of Feb. 2024.