



An  
Bord  
Pleanála

## Board Order ABP-315429-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: S254/11/22**

**Appeal** by Emerald Tower Limited care of Entrust Limited of Unit 1D Deerpark Business Centre, Oranmore, County Galway against the decision made on the 6<sup>th</sup> day of December, 2022 by Fingal County Council to refuse a licence for the proposed development.

**Licence Application:** Streetworks solution to address identified mobile and wireless broadband coverage blackspots at public grass verge along the Dublin Road, (ITM E: 721450; N: 753914), Racecourse Common, Lusk, 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 the section 254 of the Planning and Development Act 2000, as amended, the Fingal Development Plan 2023-2029, and the Telecommunications Antennae and Support Structures Guidelines (1996), as amended/updated by Circular Letters PL 07/12 and PL11/2020 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 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the Inspector's comments and conclusion that the street pole and to operator cabinets could obscure pedestrians from the view of drivers along the Dublin Road. The Board did not share this view given the modest nature of the development and was satisfied that there is sufficient space available at the location of the developments such that pedestrians would not be obscured from view or prompted to dismount the footpath at this location. Therefore, the Board did not agree that the proposal would endanger public safety by reason of traffic hazard or obstruction of road users.

## Conditions

1. This development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require such details in writing with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The licence shall be valid for a period of five years only from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, a further Section 254 licence has been granted for their retention for a further period.
- (b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

**Reason:** To enable the impact and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.

3. 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.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this *22* day of *January* 2024.