



An
Bord
Pleanála

Board Order

ABP- 315533-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0577

Appeal by Three Ireland (Hutchison) Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 12th day of December, 2022 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The installation of shrouded telecommunications antennas, dishes, safety barriers, cabinet and all other associated site development works on the building rooftop. The development will provide high speed wireless data and broadband services all at Bayside Shopping Centre, Bayside Square, Sutton, Dublin.

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 zoning of the site 'LC' Local Centre with an objective to 'protect, provide for and/or improve local centre facilities', the policies of the Fingal Development Plan 2023-2029, including Objective IUO53 which seeks to ensure a high-quality design of masts, towers, antennae and other such telecommunications infrastructure in the interests of visual amenity, and Objective IUO48 which seeks to facilitate the provision of appropriate telecommunications infrastructure whilst protecting the amenities of urban areas, the Board considered that given the lack of a coherent approach, the proposed development in conjunction with other applications the same site, would result in the proliferation of structures in an incongruous way and would result in a negative impact on visual amenity, contrary to Objectives IUO48 and IUO53 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with, and shared the view of, the planning authority that in the absence of a co-ordinated and coherent approach, the proposed development in conjunction with other applications on the same site would result in a proliferation of such structures in an obtrusive and incongruous way and would result in a negative impact on visual amenity. The Board noted and agreed with the commentary in the Inspector's report that telecoms sharing on the same building, rather than in a number of proximate locations is supported by the telecommunications guidelines. However, given the stand alone applications on the same site, and in the absence of detailed consistent and consolidated drawings, the Board did not agree with the Inspector that the applicant's approach to co-location, would not represent a proliferation of telecommunications equipment. While the Board agreed with the Inspector that the clustering of telecom structures may be acceptable, in so far as it would reduce the proliferation of such structures appearing on sites elsewhere in the locality, the Board did not agree that the proposed development in conjunction with concurrent proposals would be visually acceptable.

The Board considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive but agreed with the Inspector that it 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.



Mary Cregg

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

Dated this 17th day of April 2024