



An
Bord
Pleanála

Board Order
ABP-317746-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0542

Appeal by On Tower Ireland Limited care of Entrust Limited of Unit 1D Deerpark Business Centre, Oranmore, County Galway against the decision made on the 13th day of July, 2023 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The swapping out of an existing 15 metres floodlight pole for proposed 24 metres multi operator monopole telecommunications support structure with headframe, together with antennas, dishes, equipment cabinets, fencing and all associated site development works for high-speed wireless data and broadband services. Existing floodlights will be reused and re-installed on new monopole, below antennae level at Balbriggan Rugby Football Club, Inch, Balbriggan, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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 National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midland Region, the Fingal County Development Plan 2023-2029, the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996) and associated Circular Letter PL07/12, to the pattern of development in the area and the location of the subject site within a sports facility, to the topography of adjoining lands, and to the nature and scale of the proposed 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 and would not impact negatively on the character of Protected Structures or archaeological assets within the area, would be in accordance with the provisions of the Fingal County Development Plan 2023-2029 and would not materially contravene objective DMS0233 which encourages the location of telecommunications based services at appropriate locations within the County. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 refuse permission, the Board had regard to the specific context within which the subject site is located, that being a sports ground where there are a significant number of floodlights of a significant height. Therefore, while the site is located within a greenbelt it does not constitute a landscape which could be described as being of high value or sensitivity. In this regard the provision of a monopole of 24 metres set within the facility and surrounded by existing 15 metres high floodlights would not constitute an obtrusive and incongruous form of development in the landscape which would seriously injure the visual amenities of the area and would not conflict with the policies and objectives set out in the Fingal Development Plan 2023-2029 as they relate to telecommunication infrastructure, greenbelts, archaeology, green infrastructure, landscape character or architectural heritage.

While visible in some views from Bowhill Lake and the adjoining route which comprises protected views and prospects, the structure is clearly read as an addition to the existing floodlights and does not comprise a discordant feature. The Board did not agree with the planning authority or Inspector that the applicant had not satisfactorily demonstrated that the massing and scale of the proposed development, relative to Inch House (NIAH Reference Number 11309001 / RPS Reference Number 00078) and Inch Mound (Reference Number DU005-008) would seriously injure the amenities of the area and these features having regard to the distance of the structure from these features, intervening vegetation and the context within which the subject structure is located.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th day of June 2023, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of the development, details of the proposed colour scheme for the telecommunications structures and ancillary structures, and details of the fencing design and finishes, shall be submitted to, and agreed in writing with, the planning authority.

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

3. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

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

4. Surface water and drainage arrangements for the proposed development shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developer shall, at its own expense, remove the monopole, antenna and ancillary structures and equipment.

(b) The site shall be reinstated upon the removal of the telecommunication structure and ancillary structures. Details of the reinstatement shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of such works.

Reason: In the interest of orderly development.

6. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

7. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

Reason: To avoid a multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.



Una Crosse

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

Dated this  day of  2024