



An  
Bord  
Pleanála

## Board Order ABP-317953-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: CTT.23.054-280781**

**Appeal** by Rochestown Mast Action Representatives Group care of Dorene Palmer of 25 Rochestown House, Sallynoggin, County Dublin against the decision made on the 12<sup>th</sup> day of June, 2023 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a licence to On Tower Ireland Limited care of Jason Redmond and Associates of 5 Lismard Court, James Fintan Lalor Avenue, Portlaoise, County Laois.

**Licence Application:** Section 254 licence for 18-metre telecommunications infrastructure and cabinet at west side of Rochestown Avenue, Dun Laoghaire, County Dublin (adjacent to a bus stop).

### 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, and the location and nature of the proposed development, which comprises an 18-metre telecommunication 'Evolution' street pole and associated cabinet, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant Dún Laoghaire-Rathdown County Development Plan 2022-2028 policy framework, would not cause adverse impacts on visual and residential amenities, would not inconvenience the safety of road users, including pedestrians, and 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 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. (a) This permission shall apply for a period of 10 years 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, permission shall have 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 permission.

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

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

**Reason:** In the interest of public health.

4. The antenna type and mounting configuration shall be in accordance with the details submitted with the application and, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, shall not be altered without a prior grant of permission.

**Reason:** To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this *16* day of *May* 2024