

An
Bord
Pleanála

Board Order ABP-317978-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: TIL032-22

Appeal by Residents of Whitethorn Estate and Beauvale care of Meabh and Karl Gardner of 65 Whitethorn Rise, Artane, Dublin against the decision made on the 24th day of October, 2022 by Dublin City Council to grant subject to conditions a licence to Signal Infrastructure 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 telecommunications cabinet and associated pole at public grass verge on the north side of Skelly's Lane at the junction with Whitethorn Rise, 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, and given the design and scale of the proposed development, which comprises a 15-metre 'Alpha 3.0' telecommunication street pole with one number 275-metre antenna AW3836 and associated equipment cabinet, which does not result in adverse visual impacts in terms of its physicality, and its location on a grass verge between the public footpath and the property boundary with Beauvale Park, within a footprint that does not obstruct movement along the public footpath, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant policy framework of the Dublin City Development Plan 2022-2028, would not have adverse impacts on residential and visual 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 as this is a licence application not a planning application, it is appropriate for the licence to be for five years in line with the Dublin City Council decision and not 10 years as recommended by the Inspector.

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 licence 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.

Reason: In the interest of clarity.



2. (a) This licence shall apply for a period of five 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 licence.

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.

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

Dated this *23rd* day of *May* 2024.