



An
Bord
Pleanála

Board Order ABP-319300-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4643/23

Appeal by Anna Lalor of 13 The Waxworks, Rathborne Village, Ashtown, Dublin against the decision made on the 22nd day of February, 2024 by Dublin City Council to grant subject to conditions a permission to Eircom Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Installation of an 18-metre telecommunications support structure carrying antennas, remote radio units (RRUs), GPS beacon and associated equipment, together with ground-based equipment, cabinets and all associated site development works. The development will provide high speed wireless data and broadband services, all at Open Eir Exchange, River Road, Pelletstown, 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:

- (a) the relevant policies of the Dublin City Development Plan 2022-2028,
- (b) the National Strategy regarding the provision of mobile communication services,
- (c) the Guidelines relating to Telecommunications Antennae and Support Structures which were issued by the Department of the Environment and Local Government to Planning Authorities in July 1996, as updated by Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,
- (d) the nature and scale of the proposed telecommunications support structure, and
- (e) the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Z15 zoning for the site, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be in accordance with the policies set out in the development plan in relation to telecommunications infrastructure. 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 had regard to the totality of documentation on file, the site-specific context of the proposed development and the pattern of development in the area. The Board was satisfied, based on the information submitted, that the developer had adopted a sequential approach in considering a range of potential sites in the area, noting that there are limited opportunities to site the proposed development on industrial zoned lands in the area given the commentary of the planning authority that the nearest industrial zoned lands are within the Dublin Industrial Estate, which is subject to a development plan objective for future redevelopment for mixed use residential/commercial purposes. In this regard, the Board considered that the applicant had provided a sufficiently robust rationale for the selection of the subject site in accordance with the 1996 Guidelines (Section 4.3) which sets out that 'sites already developed for utilities' should be selected where other sites in the sequential approach have not been deemed suitable. Furthermore, the Board considered that the proposed height and monopole design is in accordance with these guidelines. The Board noted the existing Eir exchange on site and the Z15 – Community and Social Infrastructure zoning objective, where public service installations, including telecommunications equipment, are permitted in principle. On this basis, the Board was satisfied that the proposed development is in accordance with the zoning objective for the site. In relation to Section 14.6 of the development Plan, which seeks to avoid abrupt transitions in scale between zones, the Board had regard to the totality of photomontages submitted by the applicant. In this context, the Board concurred with the planning authority that views of the proposed 18-metre monopole mast in the vicinity would be partially obscured and would be screened by vegetation in the vicinity, including along the R102 roadway, and that it would not read as an abrupt transition given the modest height and scale of the proposed development in the wider landscape and the heights of educational and residential buildings in the area. Finally, in relation to Policy BHA9 which seeks to provide special protection for conservation areas, in this case the Tolka Valley Park, the Board considered that the proposed development would not injure the character or visual amenity of the adjoining conservation area given the separation distance from it, and the extensive screening provided by trees and vegetation along the R102 boundary, in addition to

the undulating topography of the park. The Board concurred with the planning authority that the park is considered to be tolerant to some degree of change on the southern edge where the Ashtown-Pelletstown area has been substantially built out as a residential community in recent years. The Board, therefore, considered that the proposed development would 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, as amended by the further plans and particulars received by the planning authority on the 29th day of January, 2024, 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. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The proposed mast and all associated equipment shall be removed from the site when it is no longer required or within one year of it becoming obsolete, and the site shall be reinstated to its pre-development condition.

Reason: In the interest of orderly development.

4. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

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

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

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

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

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 26th day of October 2024.