

An
Bord
Pleanála

Board Order ABP-319488-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: S254W/08/23

Appeal by Emerald Tower Limited care of Entrust Limited of Unit 1D Deerpark Business Centre, Oranmore, County Galway against the decision made on the 14th day of March, 2024 by Fingal County Council to refuse a licence.

Licence Application: Streetpole solution to address identified mobile and wireless broadband coverage on public grass verge along Carpenterstown Avenue, Carpenterstown, Castleknock, 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 **REFUSE 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 nature of the proposed telecommunication structure, its location in an established residential area on lands designated as public open space in the Fingal Development Plan 2023-2029, it is considered that the proposed development, by virtue of its size and scale, would seriously injure the residential amenities of the area and would be contrary to the zoning objective for the lands which seek to 'preserve and provide for open space and recreational amenities'. The Board also noted that section 254 of the Planning and Development Act, 2000, as amended, permits for the licencing of applications 'on, under, over or along a public road'. The Board notes in this instance that the proposed telecommunications structure is not located on a public road but is in fact located on lands designated as public open space, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

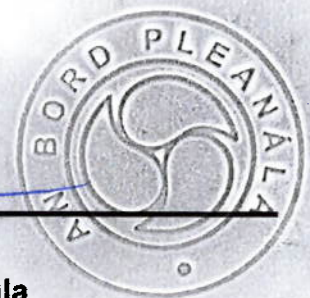
The Board considered that the development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.



Paul Caprani

Member of An Bord Pleanála

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



Dated this 23rd day of October 2024