



An  
Bord  
Pleanála

**Board Order**  
**ABP-321141-24**

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1987/24**

**Appeal** by Alison and Mark Whelan care of NBK Architects of 61 Merrion Square, Dublin against the decision made on the 30<sup>th</sup> day of September, 2024 by Dublin City Council to grant permission, subject to conditions, to On Tower Ireland Limited care of Entrust Limited of Unit 1, First Floor, Oranmore Business Park, Oranmore, County Galway for the proposed development.

**Proposed Development:** The installation of rooftop ballast mounted telecommunications equipment including number six antennae, number two dishes, remote radio units (RRU's), GPS, cable trays, access ladder and all associated site development works to provide for high speed wireless data and broadband services at Block A, Herberton Apartments, James's Walk, Rialto, 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 national strategy regarding the improvement of mobile communications services,
- (b) the guidelines relating to telecommunications antennas and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996,
- (c) the Dublin City Development Plan 2022 – 2028 including the Z3 zoning, Policy SI45 (Support for Digital Connectivity) and Section 15.18.5, (Telecommunications and Digital Connectivity),
- (d) the Circular Letter PL07/12 issued by the Department of the Environment, Community and Local Government in October 2012, and
- (e) the nature and scale of the proposed telecommunications support structure,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would not be contrary to the overall provisions of the current development plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

PC

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.

## Conditions

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. In the event of the telecommunications structure and ancillary structures hereby permitted ceasing to operate for a period of 12 months, the structures shall be removed and the site shall be reinstated within three months of their removal.

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

3. No additional development shall take place above the roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those set out in the development description and shown on the drawings hereby approved unless authorised by a separate grant of planning permission.

**Reason:** In the interest of clarity.

4. Site development works shall be carried out only between the hours of 0700 and 1900 Monday to Friday inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of properties in the vicinity.

  
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**Paul Caprani**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this 12<sup>th</sup> day of March 2025.