



An
Bord
Pleanála

Board Order ABP-321784-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: S254/04/24

Appeal by Emerald Tower Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 13th day of November, 2024 by Fingal County Council to refuse a licence.

Licence Application: The installation of an 18 metre dual operator pole, associated equipment together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services Raheny Close, Lusk, County 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, the Fingal County Development Plan 2023-2029 and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as updated by Circular Letters PL 07/12 and PL 11/2020, respectively, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or result in a significant negative residential or visual impact on the surrounding vicinity. 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. 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 considered that while the proposed development would be visible, it would not be significantly impactful to the area in terms of being overly dominant or overbearing in light of the screening on site and the existing streetscape.

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.
 - (a) Any proposed kiosks are to be recessed a minimum of 4.5 metres from the road edge. Details shall be submitted to, and agreed in writing with, the Transport Planning Section of the planning authority prior to commencement.
 - (b) 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, continuance shall have been granted for their retention for a further period.

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. In the event of the licence for the telecommunications structure and ancillary structures expiring, the structures shall be removed, and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within one month of the structures ceasing to operate, and the site shall be reinstated, at the expense of the operator, in accordance with details submitted to the planning authority.

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

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 29th day of May, 2025.