



An
Coimisiún
Pleanála

Commission Order
ACP-323027-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: S254/03/24

Appeal by Kevin and Deirdre Connolly and others against the decision made on the 3rd day of September 2024 by Fingal County Council to grant subject to conditions a permission to Cignal Infrastructure Limited in accordance with plans and particulars lodged with the said Council.

Licence Application: Streetpole solution to address identified mobile and mobile broadband coverage blackspots. The proposal consists of a 18-metre Alpha 3.0 streetpole with one number 3.6-metre AWT2-3836 Alpha Antenna at azimuths TBD0 and 300-millimetre dish to be included only info fibre infrastructure in the area, along with ancillary cabinetry (1.898 metres wide by 1.652 metres high and 0.798 metres deep), all at Public Grass Verge, Swords Road, Malahide, County Dublin.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act 2000, as amended, An Coimisiún 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, national, regional and local policy objectives, including the relevant provisions of the Fingal Development Plan 2023-2029, to ensure appropriate telecommunications infrastructure is provided within the County, the Department of Environment, Heritage and Local Government Section 28 Statutory Guidelines, Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities 1996, as updated by circular letter PL 07/12 in 2012, the nature and scale of the proposed development and the documentation received with the planning application and the appeal, including photomontage and technical justification information, it is considered that, subject to compliance with the conditions set out below, the proposed development would promote the provision of a high quality ICT network, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would constitute an acceptable form of telecommunications infrastructure at this urban location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission 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, 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. This licence is for one 18 metre freestanding pole and antennae and associated operator cabinet only in accordance with the details submitted with the planning application.

Reason: To clarify the nature and extent of the permitted development to which this licence relates and to facilitate a full assessment of any future alterations.

3. (a) The licence shall be valid for a period of five years only effective from the date of Fingal County Council Chief Executives Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, a further Section 254 licence has 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 and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.

4. In the event of the mast and antennae becoming obsolete, and being decommissioned, the developer/operator shall at its own expense remove the mast and antennae, and return the site to its condition before development of the subject mast.

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

5. Where in the opinion of the planning authority that due to the increase or alteration of traffic on the road, widening of the road, or any improvement of the road, the appliance, apparatus, or structure causes an obstruction or becomes dangerous, the planning authority may, by notice in writing, withdraw the licence and require the licensee to remove the appliance, apparatus, or structure at its own expense.

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

6. (a) During the operational phase of the proposed development, the noise level shall not exceed (a) 40 dB(A) rated sound level and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within three months of the grant of this licence.
- (b) The developer shall provide details of proposed mitigation measures which shall include the insertion of a baffle within the cabinet or other noise reduction apparatus for the written agreement of the planning authority within three months of the grant of this licence.

Reason: To protect the residential amenities of property in the vicinity.

7. The developer/operator shall provide and make available, on reasonable terms, the said mast for the provision and location of mobile telecommunications antennae of third-party mobile phone and telecommunications operators.

Reason: To avoid the multiplicity of masts within the county and the proper planning and sustainable development of the area.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *18th* day of *February*, 2026.

