



An
Bord
Pleanála

Inspector's Report ABP 309569-21

Development	Telecommunications support structure and associated infrastructure, use of existing access track and extension of same.
Location	Walshestown, Newbridge, Co Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	20/1488
Applicant(s)	CK Hutchison Networks (Ireland) Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Decision
Appellant(s)	James Cox
Observer(s)	None
Date of Site Inspection	19th May 2021
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site is located within the bounds on an equine farm holding, within the townland of Walshestown, located approximately 1.9 kilometres south-east of Newbridge town centre and 0.6 kilometres south-west of junction 12 on the M7 Motorway. The appeal site is located within a rural area outside of the development boundary of Newbridge. The appeal site is located on the lands which have the lowest levels within the farm holding. Levels within the land holding fall from south-west to north-east, falling towards the M7 Motorway.
- 1.2 There is dense shrubbery planting post and wire fencing along its northern boundary with the Motorway, is open to the field to the east and south and a post and rail fence is to the west of the appeal site. Further west within the land holding are equine related structures in the form of a barn, storage shed and horse walker. There are three grazing paddocks east of the farm buildings and the proposed site is in the third paddock. There were two ponies grazing the paddock where the appeal site is located on the day of my site inspection. There are also four dwellings located south-west of the appeal site, accessed off a cul-de-sac, the nearest of which would be located approximately 170 metres south-west of the proposed development. There are low voltage overhead powerlines traversing over paddock two.
- 1.3 Access to the site is via an existing equine farmyard controlled gated access, which is accessed off a local-de-sac serving the neighbouring four dwellings. The cul-de-sac is accessed in turn off the Walshestown Road, which links Newbridge town with the Curragh Plains.

2.0 Proposed Development

- 2.1 The development proposals would comprise the following:

The construction of a twenty-four-metre-high multi-operator telecommunications support structure, carrying antennae and dishes, associated ground level equipment cabin and cabinets, security fencing, use of existing access and access track and extension to access track.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted planning permission for the development subject to six conditions. The relevant conditions are summarised as follows:

Condition number 2: In the event of obsolescence of operations the telecommunications support structure, associated equipment and structures shall be removed, and the site re-instated to its original condition

Condition number 4: The Planning Authority shall be informed of any change of ownership, transfer to a new operator or subsequent agreements to share the development.

Condition number 5: The mast shall be fitted with aviation obstruction lights.

Condition number 6: Development Contribution.

3.2 Planning Authority Reports

3.2.1 Planning Report

The Planner's report dated February 2021, sets out the following:

- The site is located within an area of low landscape sensitivity with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.
- The Appropriate Assessment Screening report concluded that the development would not have the potential to adversely impact the ecological integrity or conservation objectives of the Pollardstown Fen and therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.
- The principle of the development was considered acceptable, given the identified mobile telephony network deficiencies in the area, its location within a landscape of low sensitivity and the significant levels of screening in the vicinity of the site.

3.2.2 Internal Referrals

Municipal District Engineer; No objections, subject to conditions

Transportation Department: Further information recommended, regarding the location of the development within the 91-metre set back from the edge of the motorway carriageway.

Environmental Health Officer: No objections, subject to conditions.

Fire Office: No objections, subject to conditions.

Water Services: No objections.

Environment Department: No objections

3.3 Prescribed Bodies

Department of Defence: No objections, subject to condition.

Irish Water: No objections, subject to condition.

3.4 Third Party Observations

One third party observation were received. The issues raised within the observation are similar to those raised within the appeal submission.

4.0 Planning History

I am not aware of any planning history associated with the appeal site.

Planning Authority reference number 18/397-In 2018, planning permission was granted Three Ireland (Hutchinson) Ltd for the erection of a 30-metre-tall

telecommunications support structure carrying antennas and dishes, ground level equipment and security fencing at the IDA Business Park, Green Road, Newbridge.

5.0 Policy Context

5.1 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.

These Guidelines set the criteria for the assessment of telecommunications structures. Of relevance to the subject case is:

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.2 Circular Letter: PL07/12

The Circular Letter updated and revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances,
- avoid inclusion in development plans of minimum separation distances between masts and schools and houses,
- omit conditions on planning permission requiring security in the form of a bond/cash deposit,

- reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds,
- future development contribution schemes to include waivers for broadband infrastructure provision.

5.3 Development Plan

5.3.1 Kildare County Development Plan 2017-2023

Section 8.13 of the Plan pertains to: Telecommunications Infrastructure, where the following specific policies are set out:

TL 1 Support national policy for the provision of new and innovative telecommunications infrastructure and to recognise that the development of such infrastructure is a key component of future economic prosperity and social development.

TL 2 Promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband connectivity and other technologies within the county.

TL 4 Co-operate with telecommunication service providers in the development of the service, having regard to proper planning and sustainable development.

TL 5 Have regard to the provisions of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) and circular letter PL07/12 and to such other publications and material as may be relevant during the period of the Plan.

TL 6 Achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality.

TL 7 Ensure that the location of telecommunications structures minimizes and/or mitigates any adverse impacts on communities, public rights of way and the built or natural environment.

TL 8 Minimise the number of masts and their visual impact on the environment, by continuing to facilitate appropriate development in a clustered manner, where feasible, respecting the scale, character, and sensitivities of the local landscape, whilst recognising the need for economic activity within the county. It will be a requirement for applicants to satisfy the planning authority that a reasonable effort has been made to share installations. In situations where it is not possible to share a support structure, applicants should be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered.

TL 9 Minimise the provision of overground masts and antennae within the following areas:

- Areas of high amenity/sensitive landscape areas (refer to Chapter 14).
- Areas within or adjoining the curtilage of protected structures.
- On or within the setting of archaeological sites.

The Council recognises that there is a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential, visual amenity and the natural and built environment. When considering proposals for telecommunications infrastructure, the Council will have regard to Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities, DEHLG, 1996.

Section 14 of the Plan pertains to Landscape, Recreation and Amenity. The site is located within an area Central Undulating Lands which are deemed to be a low sensitivity landscape. A compatibility of land uses is not specifically set out within Table 14.3 for this particular landscape type. There are a number of specific policies pertinent to the current proposal as follows:

Policy LA2: To protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary enhances the appearance and character of the existing local landscape.

Policy LA3: To require a landscape/visual impact assessment to accompany significant proposals that are likely to significantly affect:

- Landscape sensitivity factors.
- A class 4 or 5 sensitivity boundary (i.e., within 500 metres of the boundary).
- A route or view identified in maps 14.2 and 14.3 (e within 500 metres of the boundary).

Policy CU1: To restrict development, particularly on the Curragh edge, or where it obtrudes on the skyline as viewed from the Curragh plains and to avoid the over development of the edge of the Curragh.

Section 17.7.2 relates to Building Lines. It is the stated policy of KCC that where developments are permitted in rural areas along national, regional, or county roads they must conform to minimum setback distances listed in table 17.8.

As per table 17.7, for Motorway the stated distance is 91m.

It further states that all measurements are taken from the edge of the road, and that other building lines may be specified in recognition of local conditions. The policy further states that 'in situations where there is an established building line, new houses where appropriate, shall conform to the established building line.

Section 17.11.3 of the Plan sets out Development Management Standards in relation to Telecommunication and Supporting Infrastructure.

5.4 Natural Heritage Designations

Pollardstown Fen Special Area of Conservation (SAC) is located approximately 2.7 kilometres north-west of the appeal site. The site is located approximately 60 metres north-east of the Curragh Natural Heritage Area.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of the third-party appeal, made by a neighbouring resident, Mr James Cox, may be summarised as follows:

Design, Siting and Layout:

- The development would be surrounded by lands owned by the appellant and his family and the proposed structure would be as close to the appellants home as that of the landowners, the Byrne family.
- The proposal contravenes the Kildare County Development Plan (KCDP) in that the applicants have failed to consider and submit an evidence-based rationale into alternative locations considered.
- The requirements in the Development Plan in Section 8.13 are that telecommunications developments should be located in Industrial estates or on industrially zoned land, only as a last resort when all alternatives exhausted should they be located in residential areas or close to schools or hospitals.
- Section 8.14 of the Plan requires developers to cluster/share structures, share sites or locate adjacent to other masts.
- The site is located within 200 metres of Industrially zoned lands in Newbridge.
- The area in Walshestown is residential in nature. There are 14 residences within 200 metres of the appeal site
- The appellants have put forward sixteen alternative sites that could be considered by the applicants for the location of the proposed telecommunications structure.
- In terms of alternatives, the undeveloped industrially zoned lands were not considered nor the existing Vodafone telecommunications structure within the IDA estate in terms of co-location.
- The proposed structure by virtue of its height will be highly visible within the local landscape and from the Cox family home and no amount of landscaping could block views of the structure. The Walshestown Road is a local walking

area between Newbridge and the Curragh Plains, and the development would negatively impact upon this amenity area.

- The mast would be completely out of scale with any buildings in the area.
- The appellants have submitted images of the proposal upon the local landscape from the Walshestown Road and from the overbridge on the M7 Motorway at Walshestown.
- A financial want rather than a site-specific need has been provided by the applicants
- The applicants have failed to demonstrate a need for the telecommunications structure at this exact location.
- No visual impact assessment has been submitted to illustrate how the proposal would be viewed within the local landscape and from the appellants homeplace and farm.
- The applicant has not taken account of tree cover or height above sea level within their proposals. No photomontages have been submitted illustrating the potential visual impact of the development.
- The review of alternative sites is lacking without proper unbiased, independent substantiated evidence to back up their investigation of alternatives

Other Issues:

- The information provided is biased and the providence of the information submitted cannot be verified or substantiated.
- The proposals would de-value residential properties in the area.
- In the absence of a robust risk assessment, method statement for its installation and control measures to be put in place to ensure that the structure would not put road users at risk, permission should not be allowed.
- Showing improved coverage as a direct result of the installation of the telecommunications structure is vastly different to demonstrating that a genuine need exists for a structure at this exact location.
- Could the improvements in coverage not be achieved from a site within the industrially zoned lands 200 metres from the appeal site.

- Only data and maps from verified, unbiased independent sources should be used by the applicants.
- That 3G coverage is very good and 4G coverage is already good at the location of the appeal site. Therefore, there is no specific need for the proposed telecommunications structure.
- The justification report submitted as part of the planning documentation has not been signed, therefore one cannot know if they have the relevant qualifications in the area of telecommunications infrastructure.
- No noise survey has been submitted by the applicants
- No evidence has been submitted that there is improved coverage required for 4G and 5G.

6.2 Observations

None received.

6.3 Planning Authority Response

6.2.1 The Planning Authority made the following comments in relation to the planning appeal:

- The Planning Authority has nothing further to add to the appeal submission

6.3 First party response to the third-party appeal submissions

Design, Siting and Layout:

- The site was selected based on its merits of being within a landscape having a low sensitivity, mature screening in the form of hedgerows and trees outside of a landscape designated for protection in the Development Plan and the impact on residential and other landscape amenities is considered to be within acceptable standards.
- The Planning Officer conducted a detailed assessment of the proposal against the policies and objectives of the Development Plan and considered it to be compliant with them.

- It is therefore, submitted that the proposals do not contravene the policies and objectives of the Kildare Development Plan 2017-2023.

Technical Siting considerations:

- The permitted site within the IDA Business Park could not be progressed due to ownership issues.
- A number of sites were considered (as set out within the planning documentation) and the current site was deemed to be the most suitable in terms of radio coverage.
- The site chosen meets the criteria set out within the Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities, DEHLG, 1996 and the subsequent Ministerial Circular PL07/12, published in February 2018.
- The proposal would extend Three's data services over a wider coverage footprint and will also provide visible co-location space for future technology upgrades. This will improve mobile and broadband coverage in the surrounding area as well as providing competition for such services for the local businesses and community.
- The proposed structure has been designed to address a coverage deficit in this area to meet future services delivery as customer requirements of the network increase.

Other Issues:

- In the National Planning Framework, within the section on investment in infrastructure, it is recognised that telecommunications networks play a crucial role in enabling social and economic activity in tandem with other transnational communications infrastructure links.
- The advent of next generation wireless technology has accelerated the infiltration of mobile wireless networks into everyday life and is a strategic priority for operators and the Government alike. This requires investment in infrastructure to support these networks as the importance of telecommunications infrastructure is growing, and wireless mobile communication would not be possible without them.

- More recently there has been an increase in the use of mobile wireless networks as a result of the increased number of people working from home. This has resulted in ComReg releasing additional radio spectrum under a temporary licence to address the rapidly evolving needs of the telecom industry.
- Demand is expected to continue for the foreseeable future as more people choose to work from home so the expansion of services in all locations is necessary to maintain and improve expected services provision.
- Service providers are expected to improve their core services and need to innovate for better performance, reliability, and customers' service.
- The appellant has failed to submit any evidence that property values would be impacted by the proposed development. The Board has adjudicated on such matters in the past and found that without examples of where such development has depreciated the values of property, then it should not be used as a reason for refusing planning permission.

7.0 Assessment

7.1 The appeal raises a number of matters which do not pertain to the proper planning and sustainable development of the area. I will address matters in relation to principle of development, site selection and justification, impact upon local landscape and residential properties and address a number of other issues raised within the appeal submission. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development.
- Site Selection.
- Residential and Visual Amenity
- Landscape and Visual impact.
- Other issues.

- Appropriate Assessment.

7.2 Principle of Development

- 7.2.1 The appeal site is located within a rural area, within a land holding that comprises farm buildings associated with an equine farm facility. There are a number of paddocks located east of the farm buildings. The proposed development would be located in the third paddock south-east of the farm buildings and immediately adjoining (south) of a boundary with the M7 Motorway.. I consider that the proposed telecommunications structure, would be acceptable in principle given that broadband and communications are now considered an important aspect of utility services in terms of supporting education, business, and residential uses in an area within 0.2 kilometres of the Newbridge town development boundary and immediately adjoining the M7 Motorway, where mobile and broadband services are necessary
- 7.2.2 The Governments' aim in developing and improving telephony and broadband infrastructural services is set out in the 1996 Telecommunications Guidelines, and the revisions/updates to these Guidelines within Planning Circular PL 07/12. More recently, the National Broadband Plan (NBP), was published in 2020 and reflects the Government's ambition to ensure that the opportunities presented by this digital transformation (provided by the NBP) are available to every community in Ireland. The delivery of the NBP will play a major role in empowering rural communities through greater digital connectivity, which will support enterprise development, employment growth and diversification of the rural economy.
- 7.2.3 The Telecommunication Guidelines outline the need for the facilitation of a high-quality telecommunications service and set out the issues for consideration within planning assessments including location, access, co-location / shared facilities, design, visual impact, health and safety. The Kildare County Development Plan policy on telecommunications structures, is set out in Section 8.13, and is reflective of the Guidelines. Specific policies TL2 and TL5 are supportive of the facilitation and improvement of broadband services, subject to a number of caveats, including that no significant adverse impact on the surrounding area and receiving environment would arise.
- 7.2.4 I consider that the proposal to improve telecommunications and broadband services is consistent with the policies set out within Section 8.13 of the Development Plan

and the guidance as set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996).

7.3 **Site Selection**

- 7.3.1 Specific policies TL7 and TL8 of the Development Plan seek to promote best practice in siting and a high quality of design of telecommunications infrastructure. The Telecommunication Guidelines and Planning Circular PL07/12 seek to encourage co-location of antennae on existing support structures and to require documentary evidence as to the non-availability of this option in proposals for new structures. It also states that the shared use of existing structures will be required where there is an excessive concentration of masts located in any single area. Similarly, the Guidelines state that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages.
- 7.3.2 The applicants state that the proposed 24-metre-high telecommunications structure would facilitate co-location of other telecommunications providers. This is specifically stated within their public notices. This requirement necessitates the development of the 24-metre height proposed, which would allow additional antennae to be attached to the structure by other providers to facilitate improvement of mobile and data services in the area.
- 7.3.3 The applicants have set out that there are no other sites available in this vicinity where the current proposals could be facilitated or co-located. The applicants state that they received planning permission in 2018 from the Planning Authority on a site within the IDA Business Park, Green Road, Newbridge, approximately 0.7 kilometres north-west of the appeal site. However, the applicant's state that it has not been possible to acquire that particular site. A number of alternative locations (five) were considered by the applicants; however, all were ruled out on the grounds of not being technically suitable or available. The appeal site is located with 200 metres of the development boundary of Newbridge as set out with the Newbridge Local Area Plan (LAP) 2017. There are several telecommunications structures located within the town of Newbridge itself. The outdoor mobile coverage mapping (as per the ComReg website) in the Walshestown area is very good for 3G customers and fair for 4G mobile and data services which results in dropped/blocked calls and data sessions in the area. The predicted mobile coverage mapping sets out the benefit to mobile call and data sessions that would accrue to businesses and residents in the locality in terms of improving coverage services if the proposed development were to be permitted. It is apparent that the development is

necessary to provide improved mobile coverage in the Newbridge and surrounding area, including along the M7 Motorway corridor in order to cater for the significant increase in demand for high-speed data in recent years. Having reviewed the information submitted and having regard to the independent verified data available on the ComReg website, I am satisfied that the applicants have demonstrated an adequate technical justification for the proposed development.

- 7.3.4 Having regard to the demonstrated need for improved telecommunications services in the Newbridge area, the lack of alternatives for co-location within the vicinity of the appeal site, I consider that the proposed development of a telecommunications support structure in this area is justified. The key issue is therefore, whether the appeal site, is a suitable site for such a development. From the documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would contribute to providing a more reliable mobile telephony and broadband Service for commercial and residential customers in the Newbridge area, which has been demonstrated, is not reliable at present for 4G customers. This is supported by the data included within the outdoor mobile coverage mapping on the ComReg website, where it is apparent that telecommunications coverage in this area is not strong nor reliable, particularly for 4G customers. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, would assist in supporting the implementation of National guidance and local policy for the facilitation and improvement of telecommunication coverage and systems in this locality.
- 7.3.5 The Planning Authority, in granting planning permission, accepted the planning justification set out by the applicants, that there is not a more suitable alternative location for the development in the vicinity of the appeal site.
- 7.3.6 What is proposed in this instance does not appear to be specifically designed or adapted for the locality, however it would be made available to other mobile telephony operators for co-location and therefore compliant with local and national policy.
- 7.3.7 In conclusion, I consider that the proposal to locate the new structure in proximity to the urban settlement of Newbridge, and the proposals to make it available for co-location by multiple operators is consistent with the provisions of the Development Plan and the national guidance. I consider the proposed development to be generally acceptable on this site subject to consideration of its impact upon natural heritage, landscape, and visual impact.

7.4 Residential & Visual Amenity

7.4.1 Planning Circular PL07/12 recommended that Development Plans should avoid the

inclusion of minimum separation distances between telecommunication installations, schools, and residences, as provided for under the 1996 Guidelines. With particular regard to the nearest residential property, I note that the proposed structure would be located approximately 170 metres distant (south-west) of the nearest dwelling house which would not have a direct viewpoint of the telecommunications structure. Having regard to the separation distance, the lack of a direct aspect towards the proposed structure and the mature landscaping around the perimeter of the land holding, I do not consider that the proposed development could be considered to be an overly dominant or overbearing feature. I am satisfied that the development would not adversely impact upon the residential amenities of neighbouring residential properties.

7.5.2 In terms of impact upon the landscape, the site is flat with levels consistent with those of the substation and the public road. The site is located with the Central Undulating Lands within the Landscape Character Assessment. These lands are deemed to be of low sensitivity. A compatibility of land uses is not specifically set out within Table 14.3 for this particular landscape type. Their character is similar of the north-western lowlands and the northern lowlands which are stated to be compatible with “Major Powerlines”, including those conveyed on lattice towers. It is therefore considered that this landscape area and Walshestown specifically, has capacity and a compatibility to absorb the proposed telecommunications infrastructure.

7.5.3 Specific policy LA3 requires the preparation of a landscape/visual impact assessment for significant developments that are likely to significantly effect Landscape Character Areas (LCA's). Those which could significantly effect are quantified as developments with a 500-metre radius of the boundary of an LCA. Given that the nearest point of Pollardstwon Fen LCA is located approximately 2.7 kilometres west of the appeal site, the issue of impacting upon the Natural 2000 site is not considered to arise in this instance, given that there is no pathway linking the two. The proposed development is not considered significant in this particular context, and therefore, the preparation of a landscape visual impact assessment is not deemed necessary in this instance. The applicants have submitted contiguous elevations which illustrate the proposed telecommunications infrastructure in context with the electricity substation and its associated pylons.

- 7.5.4 As per Policy CU1, developments which would have an adverse impact upon the Curragh Plains will not be permitted/should be restricted. The proposed development is located approximately 0.6 kilometres from the edge of the Curragh Plains, however given the undulating nature of the local landscape and the dense mature trees and hedgerows in the area, the proposed development would not be visually prominent from within the main walking paths and picnic areas within the Curragh Plains. Section 8.1.3 of the Plan seeks to achieve: a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential, visual amenity and the natural and built environment. This section of the Development Plan also refers to the provisions of the 1996 Telecommunication Guidelines and the need to work with and support key stakeholders to secure the implementation of the NBP and to ensure that fast and effective broadband facilities are available in all parts of the County. Therefore, a balance needs to be struck between the protection to be afforded to the landscape within secondary amenity areas and the telecommunications infrastructure policies and objectives set out within Section 9.9.2.
- 7.5.5 Where the structure will be visible due to its 24-metre height, it will generally be seen against a backdrop of the equine related farm structures and the extensive mature screening provided along the boundary of the M7 Motorway. The structure would be located on the lowest point within the landholding, there is a drop of 3 to 4 metres in levels from the eastern side of the paddock to the western side of the paddock, where the telecommunications structure is proposed to be located. Having regard to the characteristics of the appeal site and the wider area and noting that the 24-metre height is required to effectively function over as large an area as possible, I do not consider that the magnitude of the impact of the proposed development on the visual amenities of the area would be so significant as to warrant refusal.
- 7.5.6 It is acknowledged that the proposed telecommunications installation would impact upon the local landscape by virtue of the height of the telecommunications structure. However, Section 8.1.3. of the Plan set out that telecommunications proposals will be facilitated where no significant adverse impact on the surrounding area and local receiving environment arises. On balance, while I acknowledge that the proposals will impact upon the local landscape, I am satisfied that the impact would not be a significantly or materially adverse one, that the site is located within an area of low landscape sensitivity, so as to warrant a refusal of planning permission.

7.5.7 In conclusion. I do not recommend that permission be refused on grounds relating to landscape or visual impact.

7.6 Other Issues.

7.6.1 Impact upon property values

This issue was also raised in the appeal submissions. The applicant contends that depreciation of property values is not a material planning consideration and that there is no evidence that telecommunications structures will result in a loss in property value. I note that there is a separation distance of approximately 45m between the structure and the nearest house.

7.6.2 In the absence of any substantive evidence to the contrary presented in this case, I do not consider that this ground of appeal should be upheld.

7.6.3 The proposed development is located c.60 m from the edge of the M7, and c. 35 m from the slip road off the main M7 carriageway (to the north of the site).

7.6.4 I note the Transportation Section of Kildare County Council requested that further information be submitted in relation to the proximity of the sign to the Motorway in the context of the 91m setback referenced in table 17.8. I further note the Planning Officer's views in this regard. I am satisfied that no material contravention applies in respect of the proposed development, as the stated setbacks would appear to primarily relate to 'buildings' rather than ancillary infrastructure – e.g. The telecommunications structure, equipment cabinets, antennae and dishes and fencing etc. which are sited within 91m of the edge of the motorway. I am satisfied that the Council have distinguished between a building, and other development in terms of setbacks. I am also further satisfied that the Plan (under the same policy) provides that in certain local contexts alternative building lines may be considered appropriate.

7.6.5 To this end, I am satisfied that the development does not contravene the development plan, and that this issue has been fully considered by the Planning Authority, and that they satisfied themselves on this issue.

7.7 Appropriate Assessment-Preliminary Screening

7.7.1 Having regard to the location of the development within a rural area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects,

would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

8.1 I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to:

- a. 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 PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,
- b. The policy of the planning authority, as set out in the Kildare County Development Plan 2017-2023, to support the provision of telecommunications infrastructure,
- c. The established electricity infrastructure adjoining the site.
- d. The general topography and landscape features in the vicinity of the site,
- e. The existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and particulars submitted to the Planning Authority on the 8th day of December 2020, 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 Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 3 Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

- 4 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed with respect to the boundary hedgerows.

Reason: In the interests of public safety and visual and residential amenity.

- 5 Within six months of the cessation of use the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

- 6 Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include reinstatement/reinforcement of the hedgerow along the site boundaries, which shall be submitted to, and agreed in writing with planning authority prior to commencement of development.

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

- 7 The developer/owner of the telecommunication structure, equipment containers, antennae and dishes, and fencing shall reposition the telecommunications infrastructure to an alternative position on site to the satisfaction of the Planning Authority and Transport Infrastructure Ireland if required at a later date. The developer/owner of the telecommunications infrastructure shall be liable for all costs.

Reason: To provide future transportation upgrades and associated building line requirements.

- 8 A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

Fergal Ó Bric
Planning Inspectorate

28th May 2021