



An
Bord
Pleanála

Inspector's Report ABP-310129-21

Development	Replace telecoms mast and antennae and install associated equipment.
Location	Naas Road, Ballymore Eustace, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	20/853
Applicant	Vodafone Ireland Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party vs. Refusal
Appellants	Vodafone Ireland Ltd.
Observer	None
Date of Site Inspection	7 th June 2021
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site is at the north-western edge of the village of Ballymore Eustace in County Kildare. It has a stated area of 74m². It part of the site of an Eir exchange that includes a 12m high wooden pole carrying antennae. There is a hut containing telecoms equipment on the same curtilage but outside the appeal site's boundary. The site lies on the Naas Road, a main route into the town which at this point is laid out as a rural, regional road without footpaths. The front of the curtilage is marked by a low stone wall. There are detached houses across the road from the site. The playing pitch of the national school lies immediately to the south. The historic core of the village at Main Street is c300m from the site.

2.0 Proposed Development

- 2.1. According to the drawings submitted with the appeal, it is proposed to remove the existing pole and antennae from the site and install a steel monopole 18m high with attached aerials and antennae, and a lightning rod that would bring its overall height to 19.5m. Equipment cabinets would be installed beside the mast. The site would be fenced in, with wooden fences 2.4m high on the western and southern side of the site facing the road and the school respectively, and a metal palisade fence on the other two sides.
- 2.2. The drawings submitted with the initial application showed a monopole 20m high. Those drawings also showed a wider pole than those submitted with the appeal. However figures of that dimension were not given in either case.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for two reasons.

The first reason stated that the proposed development would be an intensification in the use of the site having regard to the scale, bulk and massing of the proposed replacement mast compared to the existing one. The proposed development would conflict with section 8.13 of the development plan which states that free standing

masts in the immediate surrounds of small towns and villages should be avoided, and it would injure the visual amenity and public realm of the village.

The second reason stated that it would be premature to change the structure by a condition attached to a permission in the absence of revised plans and a visual impact assessment.

3.2. **Planning Report**

The report on the initial application stated that the extended height and width of the proposed pole and equipment and the proposed removal of a tree in front of the site would result in a significant additional visual impact compared to the existing structure. It was recommended that further information be sought to justify the proposed development. The subsequent report stated that the submitted information did not justify the visual intrusion that would result from the proposed development and that it would not be appropriate to reduce the width of the proposed structure by condition in the absence of submitted plans. It was recommended that permission be refused.

3.3. **Third Party Observations**

None

4.0 **Planning History**

No recent relevant applications on the site were raised by the parties.

5.0 **Policy Context**

5.1. The **Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures** issued in 1996 set out government policy in favour of better mobile telecommunications infrastructure. Section 4.3 of the guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such locations 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

5.2. Circular Letter PL07/12 modified some of the provisions of the above guidelines. It stated that development plans should not require specific separation distances between masts and houses or schools, and that permissions for them should not be subject to temporary duration or require bonds for reinstatement or development contributions for broadband infrastructure.

5.3. **Development Plan**

The Kildare County Development Plan 2017-2023 applies. The site is zoned under objective E for community and educational use. Utility structures are open for consideration in this zone. Section 8.13 sets out policy on telecommunications infrastructure. It refers to government policy set out in the 1996 guidelines on the topic. It states that free standing masts should be avoided in the immediate surrounds of small towns and villages. Policy TL 1 supports new telecommunications infrastructure.

5.4. **Natural Heritage Designations**

None

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- A shorter and thinner monopole is now proposed in response to the council's reasons for refusal. It would be 18m high. Photomontages are submitted to show that the proposed development would not seriously injure the visual amenities of the village. The existing use of the site establishes a precedent for the proposed development. The proposed infrastructure is typical for the outskirts of villages. It would be screened by existing structures and vegetation. Views of the structure are likely to be intermittent.
- The proposed development is necessary to improve mobile telecommunications and broadband in the area in line with the policies set out

in the county development plan and the guidelines for planning authorities on telecommunications antennae and support structures. The existing structure cannot meet current or future demand for telecommunications equipment. There is no sizable, free standing, purpose built structure in the vicinity. The area has been identified as having no indoor Eir mobile service.

- Utility structures are open for consideration under the community and educational zoning that applies to the site under the development plan. Separation distances from telecommunications structures should not be required under section 3.2 of circular letter PL07/12. The applicant encourages co-location upon its structures.
- There is precedent for a similar monopole in the vicinity of Kilcullen village granted permission by the board under 300102.

6.2. Planning Authority Response

The council states that it requested revised proposals as further information but the applicant did not submit them. It was not considered appropriate to amend the proposed development by conditions without revised plans. The council does not dispute the need for better communications services in the area. However the proposed location on the outskirts of the village is not an optimum location for the proposed mast. The revised proposal would still represent a significant intensification in the use of the site, would be highly visible in a prominent edge of village location contrary to the provisions of the development plan. It would also set an undesirable precedent for the intensification in the use of other structures at the end of their current role.

7.0 Assessment

- 7.1. National and local planning policy are strongly in favour of improving telecommunications infrastructure. Nevertheless there are limits to the visual intrusion that can be accommodated to meet this end. Sites like the current one that are in the vicinity of small towns and villages are particularly sensitive, as set out in section 4.3 in the 1996 guidelines and section 8.13 of the current development plan.
- 7.2. The structure shown on the drawings submitted with the initial application would have been unsightly due to its lateral extent as much as its height. It would have seriously injured the character of the village, given its situation at the entrance to the village on one of the main approach roads. It would have been contrary to the above mentioned provisions of the guidelines and the development plan.
- 7.3. However the revised plans submitted with the appeal adequately address this issue with the small reduction in height of the proposed structure and the much more significant reduction in its width. While it would still be more visible than the structure that it would replace, it would not be so ugly as to spoil the impression given of the village to those entering it along the Naas Road in the way that the original proposal would have. The proposed development would not significantly affect the appearance of the historic core of the village.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2017-2023 and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 as updated by Circular Letter PL 07/12, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Kildare County Development Plan 2017-2023 and would not seriously injure the amenities of the

area. The proposed development would, therefore, 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 appeal on the 4th day of May, 2021 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. The antennae type and mounting configuration shall be in accordance with the details submitted with the appeal, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission. The diameter of the permitted monopole mast shall not exceed 1 metre at any point above the ground level shown on the section drawings submitted with the appeal .

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

3. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of the visual amenity.

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity

Stephen J. O'Sullivan

Planning Inspector

7th June 2021