



An  
Bord  
Pleanála

## Inspector's Report ABP-310593-21

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<b>Development</b>	Construction of a 24 metre monopole tower carrying telecommunications equipment.
<b>Location</b>	Suncroft Community Grounds , Churchview Lane , Suncroft, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	21452
<b>Applicant(s)</b>	Cignal Infrastructure Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cignal Infrastructure Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> of October 2021
<b>Inspector</b>	Caryn Coogan

## **1.0 Site Location and Description**

- 1.1. The site, (0.048Ha) is located to the east of Suncroft village centre in Co. Kildare. It is located within the grounds of Suncroft Community Complex, which is a multifunctional sports grounds.
- 1.2. To the north, east and south of Suncroft Community Complex are a number of small housing estates, Askinrow Drive to the east, and Eascanrath Brook to the south.
- 1.3. The location for the telecommunications structure is midway along the eastern site boundary of Suncroft Community Complex, alongside a local road known as, Eascanrath Lane. This boundary consists of a mature 2m hedgerow.
- 1.4. The general topography is flat.

## **2.0 Proposed Development**

- 2.1. It is proposed to construct a 24metres monopole tower carrying telecommunications equipment, together with associated equipment and cabinets enclosed within a 2.4metres palisade fence compound with temporary access track at the Suncroft Community Grounds.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Kildare Co. Co. refused planning permission for the development for three reasons:

1. Having regard to the scale, bulk, height and massing of the proposed 24m high mast on lands zoned for open space, recreation and amenity, the Planning authority considers that the proposal represents a significant and unprecedented intervention with the village. The location is within the village boundary and is very close to Askinrow Drive which would conflict with Section 8.13 of Kildare County Development Plan, which seeks the avoidance of free-standing masts in the immediate surrounds of small towns and villages. The proposal would seriously injure the visual and residential amenity and public realm of the village by virtue of visual dominance, which

would fail to integrate with the landscape over time, would set and undesirable precedent for free standing masts on the outskirts of villages.

2. The planning authority is not satisfied that the assessment of alternative locations was sufficient to determine that the subject site was the optimum location.
3. There was no flood risk assessment carried out, which is contrary to Section 29 of the Guidelines in Kildare County Development Plan.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports:*

- Principle of Development: Utility Structures are 'Open for Consideration' under the zoning objective relating to the site. The Plan also notes that stand alone masts should be avoided at certain locations including the immediate surrounds of small towns and villages.
- Siting and Design: The height of the mast at 24m implies it will be a highly visible structure. There will be a significant visual intervention on the local village setting especially when viewed from within the village. The structure is required to support increased levels of remote working. The site is located 45m from a residential estate.
- No alternative locations were assessed by the applicant.
- No Site-Specific Flood Risk Assessment was carried out, and it is located close to an existing stream in a flood risk area.

#### 3.2.2. *Other Technical Reports*

Roads and Transport: No objection

EHO: No objection

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

There was one objection to the proposed development that can be summarised as follows:

- The Suncroft Development Group have no authority to give permission for such a development. The field is owned by the community, with 5No. registered owners.
- The development is less than 300m from the village school and less than 250metres from a nursing home.
- The site is in a low part of the village, which means it will have to continually operate at very high transmitting powers, therefore a more elevated location with better coverage should be considered.

### 4.0 Planning History

#### Planning Reference 12/64:

Permission granted to Suncroft Community Development Ltd in 2012 for new single storey building to contain a hall, sports dressing rooms, community meeting rooms, and sanitary facilities.

### 5.0 Policy Context

#### 5.1. Development Plan

##### 5.1.1 *Suncroft Village Plan 2017-2023*

Suncroft is a fifth-tier settlement as listed in Table 3.1 County Kildare Settlement Strategy Hierarchy.

The subject site is within the grounds of the Suncroft Community Grounds which is zoned as Open Space and Amenity, *'to protect recreation, open space and amenity areas to maintain and improve amenity lands, to preserve private open space and to provide creational facilities'*

The zoning matrix indicates that utility structures are open for consideration on F zoned lands.

The site is within the area of the village that requires a site-specific flood risk assessment.

#### 5.1.2 Kildare County Development Plan 2017-2023

### ***Chapter 8 Energy and Communications***

#### **8.13 Telecommunications Infrastructure**

Government policy for the development of telecommunications infrastructure is set out in Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), and in circular letter PL07/12 which updated certain sections of the guidelines. The planning authority will have regard to the Guidelines and to such other publications and material as may be relevant in the consideration of planning applications for such structures.

Free-standing masts should be avoided in the immediate surrounds of small towns and villages. In the vicinity of larger towns communications providers should endeavour to locate infrastructure in industrial estates or on industrial zoned land. Only as last resort when all other alternatives have been exhausted should free standing masts be located in residential areas or close to schools and hospitals.

#### ***Policies: Telecommunications***

It is the policy of the Council to:

**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 3** Co-operate and co-ordinate with relevant bodies regarding the laying of key infrastructural services within towns and villages and, where practicable, encourage the efficient and shared use of said infrastructural services.

**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 minimises 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.

**TL 10** Discourage the development of individual telecommunications support structures and antennae for private use.

## **5.2 Government Policy**

### **5.2.1 National Planning Framework – Project Ireland 2040**

**Objective 24** – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

**Objective 48** – ‘In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.’

## **5.2.2 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, Department of the Environment, July 1996.**

The aim of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996” is to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

Section 4.3 of the Guidelines states with respect to Visual Impact:

*Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:*

- *Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental*
- *Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect*
- *There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.*

## **5.2.3 DoECLG Circular Letter PL07/12**

This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above Guidelines including ceasing the practice of limiting the life of the permission by attaching a planning condition.

It also reiterates the advice in the 1996 Guidelines that planning authorities should not determine planning applications on health grounds and states that, *‘Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process’.*

## 5.2. Natural Heritage Designations

No designations apply to the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- **The Site:** Suncroft community grounds consists of a GAA pitch, soccer pitch, community club house, carpark and playground. The area is characterized by a mix of residential and community properties. The site is located on a flat topography. The coverage in the village and its environs does not come close to meeting modern day requirements so the site is proposed to provide essential additional coverage. It is proposed to use the existing access Askinraw Lane which is a local road.
- **Access to the Site:** Although the existing access off Askinraw Lane is proposed, a temporary access track will be put in place during the construction phase, which will last 2-4 weeks and will generate additional traffic temporarily. Once operational, there will be maintenance engineers on site 2-8No. times per year. There will be minimal traffic movements associated with the proposal.
- **Zoning :** The proposed development is on land zoned for open space and amenity in the Kildare County Development Plan 2017-2023. The provision of telecommunications infrastructure on the site is in keeping with the objectives of the area, where there is an urgent need for high-speed data services.
- **Potential Impacts on Visual Amenities –** The planning report acknowledges that it is the objective of the proposal to facilitate a coverage gap for both mobile and broadband coverage in the locality. The report also conveyed concerns regarding proximity to residential dwellings. The planning application included a series of photomontages illustrating how the structure will appear in the surrounding area. This was accompanied by a visual impact appraisal. The local landscape, topography, built forms, settlement patterns, etc were considered and the immediate environment.



- (i) **Zone of Visual Influence:-** The site is located in what is considered to be a suburban village, where there is a strong presence of residential properties. The closest dwelling is 70metres from the site. There are no major sensitive views around the site and potential visual impact is low. There are 16No. viewpoints taken at eye level within 2km radius of the site submitted on appeal. The height requirement is fixed at 24metres. The position of the monopole was considered to be the most appropriate location. It is accepted there are views within the direct vicinity of the site, however views of the monopole are mitigated by existing houses and topography of the wider area.
- (ii) The exposed views of the structure in direct vicinity of the site including within the Suncroft Community Grounds. Development is likely to cause a slight to moderate negative effect on visual amenities such as flood lighting, poles, etc as well as natural screening, the impacts are considered slight within the context of the area.

It is accepted principle in visual appraisals particularly on residential amenities, that simply been able to see a structure from a particular location is not always a sufficient reason to find a visual impact unacceptable. It is considered the impacts are not sufficient magnitude to warrant a refusal given the benefits of the development. The interference with public views would be proportionate and justified in the public interest.

- **Justification for Site Selection at Suncroft :** At present the only option with Suncroft or its wider environs to develop a telecommunications mast is on community grounds. It is the best location to provide the required coverage. There is significant support from the service providers as demonstrated in the supporting letters on appeal. The current site is the only available site in the area with legal and contractual agreements in place

The applicant engaged the services of Vilicom to produce further technical justification as to why co-location is not possible on telecommunication structures in the area. In the Telecommunications Guidelines, it is acknowledged there is limited flexibility as regards location given the constraints arising from radio planning parameters. The subject site is not located within any special amenity areas. The

coverage objectives of the operators, in this case eir, dictate the location of the structure. The search ring provided by the operator illustrated the coverage deficit among their networks, and this implied a new stand-alone mast on the subject grounds is the only available option.

A table indicates the sites within 10km of the proposed site and justification for co-location being discounted (in all instances the existing masts are too far from the targeted area). The proposed structure will allow significant improvement to deploy 2G voice, 3G and highspeed 4G broadband services, plus there will be greater choice of network operators for high speed broadband and mobile data services.

- **Flood Risk Assessment:** ORS Engineering have carried out a Flood Risk Assessment. There is no record of historical flooding incidents within the proposed site boundaries. The extent of Area of Further Assessment covers the site development location hence projected flood levels were modelled for the location under CFRAM program indicating that the development is positioned in Flood Zone C, therefore the flood risk with the development is low.
- **Planning Policy Sections:** The proposed development does not compromise the Suncroft Village Plan 2017-2023, it is consistent with PU3 objective to facilitate the improvement of 3G, 4G and broadband services for the village and its wider hinterland. The zoning matrix indicates that utility structures are open for consideration under F zoned lands. The flood risk assessment has been carried out.

The proposed development complies with the relevant Chapter 8 of the Kildare County Development Plan 2017-2023 which relates to Energy and Communications. In specific terms, Policies TL3, TL4 TL5 TL6 TL7 TL8, and TL9.

## 7.0 Assessment

7.1 I have read the contents of the file, and had regard to the planning authority's decision, the grounds of appeal, and the reports made to the Board by the applicant. I have visited the site, and I consider the salient issues in the assessment of the appeal are as follows:

- Compliance with National Guidelines
- Compliance with Development Plan policy

- Consideration of Alternatives
- Impact on Visual Amenities
- Flood Risk
- Appropriate Assessment

## 7.2 Compliance with National Guidelines

The current policy document is the ***National Planning Framework – Project Ireland 2040***. The proposed development, a 24metre telecommunications structure, is to provide enhanced broadband and network connectivity to the village of Suncroft and the wider area in line with the following objective:

***Objective 24*** – ‘Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation and skills development for those who live and work in rural areas.’

The proposal complies with Ministerial Guidelines which were published in 1996 and expanded under Ministerial Circular PL07/12. There is a coverage problem identified by the service providers in the immediate area of Suncroft, and the options for co-location identified are positioned too far away from the coverage deficit in the village. Therefore, a new standalone monopole in the area is the only option available to the providers. The site is designed to support mobile and broadband communications with antennas, transmission dishes and equipment for mobile network and wireless broadband providers extending the reach of communications into areas. This will support remote working in the village and surrounding area too in line with National Policy.

## 7.3 Compliance with Development Plan policy

The two relevant documents are the Kildare County Development Plan 2017-2023 and Suncroft Village Plan 2017-2023. The current development plan policy has been quoted at considerable length under Section 5 of this report above. It is stated in the county development plan, that free standing masts should be avoided in the immediate surrounds of small towns and villages. The applicant commissioned Villicom to prepare a report on the technical justification for locating in the village adjacent to residential developments. Firstly, there are no opportunities for co-

location on existing sites in the surrounding area and a coverage problem has been detected in the area. The subject site needs to be close to the coverage problem. The site is not a scenic or high amenity area. Secondly, the site is available and legal contracts have been signed. Based on the technical evidence supplied on appeal, this site represents a last resort at this location because it is the only option available to the applicant.

The site has been chosen within the Suncroft Community Grounds as the most suitable location that will create minimal impact on the area from a visual point of view, while having the maximum operational impact. It complies with the objectives of the current County Kildare Development Plan.

The subject site is zoned in the Suncroft Village Plan 2017-2023 as objective F for 'open space and amenity'. Utilities are 'open for consideration' under this zoning objective. In addition, its an objective of the village plan under **PU3**– *to facilitate the improvement of 3G, 4G and broadband services in the village and its wider hinterland*. I conclude the proposal is consistent with the aims and objectives of the village plan.

#### 7.4 **Consideration of Alternatives**

There may be sites within the wider area capable of accommodating a new telecommunications structure, however the appeal documentation reveals, the proposed site is the only option available at present with legal and contractual agreements in place. There were existing sites within a 10km radius of the proposed site examined for the purposes of co-location, as tabulated in the appeal submission. Each of the 5No. existing sites investigated do not provide adequate coverage to the search ring area associated with Suncroft village. Following a review of potential sites, it was determined the installation of the proposed development at the subject site was the best possible solution to provide a satisfactory level of service. Based on the technical evidence supplied on appeal, I consider the subject location for the new telecommunications structure in the village is the most appropriate location to provide for the coverage deficit in the area.

#### 7.5 **Impact on Visual Amenities**

An in-depth analysis of the potential impacts on visual amenity of the area was carried out by the applicant on appeal. This issue formed the basis for the first reason for refusal. The Zone of Visual Influence was determined and assessed

based on 16No.viewpoints as per Figure 8 of the submission. Overall, the findings of the study indicated the visual impact of the structure was slight/ neutral from the majority of the vistas. The visual impact from the adjoining residential estate, Askinraw Drive Estate, was considered to be moderate due to its proximity, and the top half of the structure would be visible due to the ditch and the line of visibility impeded by the rooftops. I also viewed the site from Eascanrath Brook housing estate to the south, where the visual impact would be low due to the visual clutter created by floodlighting poles and goal posts. The greatest visual impact will be from within the community grounds, however in the context of the overall property containing high poles, set against a 3metres hedgerow backdrop, implies the visual impact will be relatively low.

There are no scenic routes or high amenity areas associated with the locality. I do not consider the proposal will be overpowering or oppressive when viewed from the surrounding area. It will not detract from the visual qualities of Suncroft village. In my opinion, the proposal does not warrant a refusal on visual grounds given the benefits of the development to the existing community providing improved access to wireless telecommunications infrastructure.

#### **7.6 Flood Risk**

A Flood Risk Assessment was prepared by ORS Engineering who indicated there have been no historic flooding incidents within the proposed site boundaries. The extent of Area of Further Assessment covers the site development location hence projected flood levels were modelled for the location under CFRAM program indicating that the development is positioned in Flood Zone C, therefore the flood risk with the development is low. The third reason for refusal can be dismissed.

#### **7.7 Appropriate Assessment**

Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development which is a standalone telecommunications structure and small compound within community playing grounds of Suncroft village, the location of the site with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise. It is not considered the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend the Board grant planning permission for the proposed monopole tower to facilitate telecommunications equipment in Suncroft village.

## 9.0 Reasons and Considerations

Having regard to:

- (a) National Planning Framework – Project Ireland 2040,
  - (b) The Telecommunications Antennae and Support Structures -Guidelines for Planning Authorities, issued by the Department of Environment and Local Government in 1996,
  - (c) The Telecommunications Antennae and Support Structures -Guidelines for Planning Authorities, issued by the Department of Environment and Local Government Circular Letter PL07/12,
  - (d) The objectives of the Kildare County Development Plan 2017-2023,
  - (e) The objectives of the Suncroft Village Plan 2017-2023
  - (f) The nature, scale and location of the proposed telecommunications structure,
- the proposed development, subject to compliance with the conditions set out below, would achieve the objectives set out in National Policy and the Kildare County Development Plan 2017-2023. It is considered that the proposed development would not seriously injure the visual or residential amenities of the area and would otherwise 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, 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
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed mast and all associated antennas, equipment and fencing shall be demolished and removed from the site when its no longer required. The site shall be reinstated to its pre-development conditions at the expense of the developer.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
3.	<p>The antennae type and mounting configuration shall be in accordance with the details submitted with this application, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without prior grant of planning permission.</p> <p><b>Reason:</b> 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.</p>
4.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible 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 the commencement of the development.</p> <p><b>Reason:</b> In the interests of public safety</p>
5.	<p>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 the development.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>

6.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenities of the area.</p>
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Caryn Coogan  
Planning Inspector

14<sup>th</sup> of December 2021