



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310642-21

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<b>Development</b>	To erect an 18m high monopole telecommunications support structure together with antennas, dishes and ancillary works.
<b>Location</b>	Eir Exchange, Main Street, Castledermot, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	21461
<b>Applicant(s)</b>	Eircom Limited (t/a Eir)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eircom Limited (t/a Eir)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> August 2021
<b>Inspector</b>	Ian Boyle

## 1.0 Site Location and Description

- 1.1 The site is located within an existing Eir exchange facility / utilities property in the town centre of Castledermot, Co. Kildare. It has a stated area of 180 sq m and accommodates 2 no. existing wooden ESB poles with overhead powerlines. Pedestrian access is provided to the site via Main Street to the west, which is the main road running through the town, and the exchange building houses existing telecommunications equipment. A low stone wall runs along the boundaries of the site and there are some small established trees and shrubs present on the land.
- 1.2 The site is abutted to the north by a public house ('The Dales'), the east by a small car park, the south by a local park called 'Old Pound Park' and Main Street (R448) to the west. There are residential apartments at first floor level above the pub, some of which have small windows facing out onto the subject site. There are tall mature trees, shrubs and hedges running along the shared boundary between the site and the park to the south, and also within the large green space further to the south and along Main Street. Across main street, further to the west, there is a row of mainly vacant business and light industrial units, including a commercial workshop and a motor factors. The historic centre of the village is approximately 200 metres to the south.

## 2.0 Proposed Development

- 2.1. The proposed development is for an 18.0 metre monopole telecommunications support structure together with antennas, dishes and ancillary operating works. There is a lighting rod on top, which brings the overall height of the facility to 19.5 metres. Operating ground equipment is proposed to be installed beside the mast on the northside of the existing exchange building. It is also proposed to reinstate the existing stone wall post construction works.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority refused permission on 2<sup>nd</sup> June 2021, subject to three reasons:

- i) The proposal, having regard to its scale, height and bulk, was considered to be a significant, unprecedented, and undesirable intervention in Castledermot and that its proximity to existing residential properties would be contrary to the provisions of Section 8.13 of the *Kildare County Development Plan 2017-2023*, which indicates that the free standing masts should be avoided in the immediate surrounds of small towns and villages, and that it would seriously injure the visual and residential amenity and the public realm of the town.
- ii) The proposed development was considered to have a negative visual impact on the streetscape within a sensitive location in Castledermot town centre and be contrary to Policy TL9, which seeks to minimise the provision of overground masts and antennae within areas of high amenity / sensitive landscape areas, areas within or adjoining the curtilage of protected structures, or within the setting of archaeological sites.
- iii) The Planning Authority was not satisfied with the assessment of alternative locations, which is contrary to the provisions of Section 8.13 of the *Kildare County Development Plan 2017-2023*. This requires communications providers to endeavour to locate infrastructure in industrial estates, or in industrial zoned land, and only consider locations such as the subject site as a last resort.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The basis for the Planning Authority's Decision:

- includes concerns regarding the impact of the proposed development on the residential amenity of the surrounding properties, the amenity of the public

park and adjoining protected structures due to the visual impact of the structure.

- considered that the proposed mast is not the optimum location for such a development, and that from a visual and residential amenity perspective it would represent a significant intervention within the public realm. The monopole would be visible from a wide area within the town, particularly from the north and given its location on Main Street.

### 3.2.2. Other Technical Reports

- Area Engineer requested Further Information regarding ongoing maintenance of the proposed development, safety protocols in terms of how the proposed facility might affect existing buildings and overhead powerlines, a traffic management plan for construction works, and if the existing stone wall is proposed to be removed for construction works and replaced afterwards how will the site be accessed for future maintenance.
- Water Services Department had no objection to the proposal, subject to a standard condition (land and roadside drainage shall not be impaired).
- Heritage Officer stated that the application had been reviewed and that the Heritage Section had no objection to the proposal.
- The application was also referred to the Transportation and Conservation Departments, but no response / report was received.

### 3.3. Prescribed Bodies

- The Irish Aviation Authority stated that they had no requirement for obstacle lighting on the proposed development and did not raise any objection.
- The application was also referred to Irish Water and the Department of Defence (Air Corps), but no response / report was received.

### 3.4. **Third Party Observations**

A total of 5 no. third party observations were received by the Planning Authority, including from residents in the surrounding area and the Castledermot Local History Group. The main issues raised can be summarised as follows:

- Proposal would have a serious adverse visual effect on the Castledermot and be contrary to the appearance and character of this small historic rural town.
- Proximity to schools, parks and playgrounds is a concern and if it were to fall this would present a danger to pedestrians.
- There is a saturation of masts in Castledermot.
- Overshadowing.
- Noise and emissions from the mast.
- Proximity to a National Monument ('Friar Tower').
- Proposal would undermine the future development plans for the town.
- Proposal is located within a primary entrance to the town.
- No archaeological assessment was submitted with the application.
- Application should have been invalidated due to lack of information provided (no cross sections showing foundations).
- A more suitable location would be outside the town centre.
- General health and safety concerns.

### 4.0 **Planning History**

Subject Site: There is no relevant planning history on the subject site.

Site to the North (Reg. Ref. 20/1577): On 22<sup>nd</sup> February 2021, the Planning Authority refused permission on the site to the north for a change of use of part of the existing pub to 2 no. apartments and the construction of an extension comprising 1 no. apartment. Permission was refused on grounds relating to loss of existing public open space associated with the existing apartments located at first floor level, and that the proposal would not enhance the built environment of the town.

## 5.0 Policy Context

### 5.1. Planning Authorities on Telecommunications Antennae and Support Structures issued (1996)

5.1.1 The '*Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures*' (1996) set out government policy for the assessment of proposed new telecommunications structures ('the 1996 Guidelines').

5.1.2 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. The Guidelines also state that visual impact is among the more important considerations which should be considered in arriving at a decision for a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.

5.1.3 The Guidelines state that the approach will vary depending on whether a proposed development is in:

- a rural/agricultural area;
- an upland/hilly, mountainous area;
- **a smaller settlement/village** (emphasis added, applies to subject site);
- an industrial area/industrially zoned land; or
- a suburban area of a larger town or city.

### 5.2. Circular Letter PL07/12

Circular Letter PL07/12 revised elements of the 1996 Guidelines under Section 2.2 to 2.7. It advises Planning Authorities to:

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.

- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on planning permissions requiring security in the form of a bond/cash deposit.
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

### 5.3. Local Planning Context

#### 5.3.1 **Castledermot Local Area Plan, 2009 (Zoning)**

The subject site is zoned 'Objective A - Town Centre' under the Castledermot Local Area Plan, 2009, (LAP) which seeks *"to provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic use"*. The LAP states that the purpose of this zoning is to protect and enhance the special character of the town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town. The size and scale of all new developments should not be out of character with the established town centre area. 'Utilities Structures' are open for consideration under this zoning objective.

#### 5.3.2 **Kildare County Development Plan 2017-2023**

Section 8.13 of the *Kildare County Development Plan 2017-2023* ('Development Plan') sets out policy regarding telecommunications infrastructure. It refers to government policy, including the 1996 Guidelines and Circular Letter PL07/12, and states that freestanding masts should be avoided in the immediate surrounds of small towns and villages. Policy TL 1 supports new telecommunications infrastructure. Policy TL 2 states that when evaluating applications for the provision of such installations the Council will seek to ensure that only as a last resort will masts be permitted within or in the immediate surrounds of smaller towns or villages, in a residential area or near a school, hospital or residential care home. The support structure for such facilities should be kept to the minimum height, but consistent with effective operation, and be a monopole or poles rather than a latticed tripod or

square structure. TL 6 requires a balance to be struck between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality. TL 7 seeks to 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 seeks to minimise the number of masts by facilitating such development in a clustered manner.

#### **5.4. Natural Heritage Designations**

The River Barrow and River Nore Special Area of Conservation (SAC) (Site Code: 002162) is located 200 metres to the east of the subject site at its nearest point.

#### **5.5. EIA Screening**

- 5.5.1. The site's proximity to the River Barrow and River Nore SAC has been duly considered. However, having regard to the nature and small-scale of the proposed development, which is for a telecommunications support structure, and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment therefore can be excluded at preliminary examination.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- 6.1.1 A First Party Appeal against a Decision to Refuse Permission has been lodged by Towercom Ltd on behalf of the Applicant (Eircom Ltd (t/a Eir)). The grounds of appeal are as follows:

- The proposed development would not seriously injure the visual amenity and public realm of Castledermot Village. There is an existing Eir Exchange facility onsite and the location of the development amongst semi-mature and mature trees and vegetation will assist in screening the proposed telecommunication mast. The minimal height necessary for such a facility (18 metres) is proposed and there is a presence of existing vertical structures in the area including



streetlights, electricity poles, etc. meaning the site is discreet within the locality whilst being also able to achieve sufficient coverage. Any visual impact is likely to be intermittent and fleeting due to the topography of the area, the winding roads, existing natural screening, and the monopole's location to the rear of the existing exchange building.

- There is no sizeable freestanding telecommunications support available in the town centre, which is unlike many other towns and villages in Ireland, such as a Garda mast or mobile operator's monopole. Other existing telecommunications sites are too far removed from Castledermot to provide the quality and level of service required.
- The proposed monopole will co-locate telecommunications equipment with the potential for smaller broadband operators to be accommodated in the future, thereby maximising the capacity of telecommunications infrastructure.
- The proposed development as a 'Utility Structure' is Open for Consideration under the Development Plan. It is common for such structures or antennae to be in proximity towns and villages and there is no requirement for separation distances. The presence of residential, commercial, education, tourism and town centre uses in the area increases the justification for the proposed infrastructure as there is an increased demand for services in the area. The proposed development is of a typical design for this type of support structure, with minimal height and slimmer design whilst ensuring sufficient radio coverage can be achieved.
- The proposal is compliant with National and Regional planning policy, including the Report of the Mobile and Broadband Taskforce and Action Plan for Rural Development (2019), Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures' (1996), Circular Letter PL07/12 (2012) and the Kildare County Development Plan 2017-2023.
- Various precedent decisions where permission was granted for similar telecoms structures on established utilities properties in town and village settings are referenced.

## 6.2. Planning Authority Response

- The Planning Authority has reviewed the First Party Appeal and has no further comment or observation to make. The Board is referred to the Planning Report and reports of the various technical departments referred to during the assessment of the application.

## 6.3. Observations

- None.

## 7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Zoning
- Site Selection (Alternatives Considered)
- Residential and Visual Impact
- Built Heritage

### 7.1. Zoning

7.1.1 The zoning for the site ('Objective A - Town Centre') states that Utility Structures are 'Open for Consideration'. The Development Plan acknowledges the valuable contribution that new and improved telecommunications infrastructure has in providing future economic prosperity and social development for large and smaller settlements. The proposed telecommunications structure would be acceptable in principle given that broadband and communications are considered an integral aspect of utility services and in supporting education, business, and residential uses in an area.

7.1.2 The proposed monopole together with antennas, dishes and ancillary works would improve telecommunications and broadband services. It is, therefore, consistent with the relevant policies of the Development Plan, including Section 8.13, and relevant guidance set out under the relevant national guidelines and Local Circular (Letter PL07/12). The proposed development is therefore acceptable in principle. However, a number of criteria must be satisfied in order to justify locating in a

'smaller settlement/village', which is deemed a sensitive location according to the relevant planning policy.

## 7.2. Site Selection

7.2.1 The Development Plan seeks to promote best practice in siting and minimising the number of masts in a particular location but also to facilitate such development in a clustered manner whilst recognising the need for economic activity within the county. The *Telecommunication Guidelines and Planning Circular PL07/12* encourages co-locating antennae on existing support structures and requires documentary evidence of the non-availability of this option for 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 a 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.

7.2.2 Telecommunication facilities are encouraged to primarily locate within existing industrial estates or industrially zoned land in the vicinity of larger suburban areas or towns, insofar as this is possible. There are no industrial estates in Castledermot or the surrounding area. However, and as the Appellant correctly states, there is a general absence of other taller structures in Castledermot which could potentially be used to accommodate the new proposed telecommunications infrastructure.

7.2.3 The Comreg Outdoor Coverage Map for 4G coverage has been consulted for Castledermot. Whilst Eir's coverage for the town centre is recorded as 'good', this quickly drops off to 'fair' and 'fringe' as one travels eastwards. This means drop-outs, weaker signals and disconnections are likely to occur in these areas. The Applicant has duly completed a review of alternative telecommunication sites in the vicinity of the town as is required by the national guidelines and the County Development Plan. This includes the Garda lattice tower at Castledermot Garda Station (850 metres away) and the Three Ireland and Eir Mobile mast (750 metres away), and neither option would provide an adequate spread of coverage to serve the locality. The Appellant also states the nearest Eir transmission location, a 25 metre monopole (permitted by ABP under PL.09.122990 in 2001) is situated at a site which is approximately 1.25km southeast of the subject site and referred to as Dairy Farm Townland. This is also too far removed from Castledermot to provide the

necessary high quality and capacity 4G coverage for the area. As such, a more central location is required, which transpires to be the existing Main Street interchange in Castledermot town. In this regard, it is considered that the proposal is consistent with Section 8.13 of the Development Plan and the 1996 Guidelines, which requires telecommunications providers to only consider smaller settlement and village locations as a last resort.

### **7.3. Residential and Visual Impact**

- 7.3.1 The Planning Authority notes that no visual impact assessment was submitted as part of the planning application. Whilst it is acknowledged such a report would have assisted in the assessment of the proposal, there is still sufficient information on file, together with the submitted technical drawings, to make a determination of the likely visual impact the proposal would have on its receiving environment.
- 7.3.2 As one travels northwards, along the southern approach to the site, longer distance views to the site are largely shielded by trees, shrubs and hedges. Coming from the north, and moving south, lower level views of the proposed development would be blocked by the public house, although it is acknowledged that taller part of the mast and ancillary telecommunications equipment would likely be visible from this approach.
- 7.3.3 Planning Circular PL07/12 recommends that Development Plans should avoid including any policies that have minimum separation distances between telecommunication installations, schools, and residential dwellings. However, in relation to the nearest residential uses to the site, it is noted that the first floor of the public house building to the north accommodates apartments. Some of these units have small windows that face out towards the subject site. The larger, bulkier components of the telecommunications facility would not be situated directly outside the apartment windows, as they are located at the top of the monopole and well above first floor level. Also, the existing Eir exchange building, which is proposed to be kept onsite as part of the application, would be located between the proposed monopole and pub building, which means the lower part of the mast and its base would be blocked from view. The potential resulting impact on the apartments, therefore, would not be considered significant.

- 7.3.3 The Development Plan and 1996 Guidelines discourage telecommunication masts near existing schools or hospitals. The nearest school is approximately 350 metres to the west, which is Scoil Diarmada. Colaiste Lorcaín Community College is located roughly 700 metres to the south, a short distance past the Church of Assumption. There is sufficient distance between the site and these schools to avoid any significant visual impact occurring. The proposed development would not present as overly dominant or be an overbearing feature in this respect.
- 7.3.4 It is acknowledged that the proposed telecommunications facility may cause some potential impact on the local environment by virtue of its height and potential for visual intrusion. Sites such as this, located in small towns and villages, are accepted as particularly sensitive, as referenced in Section 4.3 in the 1996 Guidelines and Section 8.13 of the Development Plan. Whilst the proposed structure would be more visible than the structure(s) it would replace (i.e. the 10 metre high ESB pole). I consider that it would not be so visually disruptive to the degree that it would seriously injure the visual and residential amenity of the surrounding area. Also, it would not significantly affect the historic core of the village.
- 7.3.5 The planting and future management of some form of landscaping on the site would be beneficial, particularly in the context of the site's town centre environment. This would help soften the appearance of the development, particularly at ground level. Therefore, if a Grant of Permission is issued, the preparation of a landscape masterplan should be made a requirement under condition, prior to the commencement of development.

## **7.4 Appropriate Assessment**

- 7.4.1 Given the nature and scale of the development proposed, which is for a telecommunications support structure and ancillary works within the central area of the town, and the absence of any hydrological connection and separation distance from the nearest Natura 2000 site (which is the 'River Barrow And River Nore SAC' at approximately 240 metres), it is considered that no appropriate assessment issues arise. It is, therefore, considered that the proposal would not be likely to have a significant effect individually or in combination with other plans and projects on a European site and there is no requirement for a Stage 2 Appropriate Assessment.

## **7.5 Built Environment**

- 7.5.1 There are some Protected Structures located close to the subject site. The majority of these are located across Main Street to the west and are not in the immediate vicinity of the site. The nearest is a house located approximately 25 to 30 metres to the southwest (RPS Ref. No. B40-11), and which is also listed on the NIAH register (Ref. No. 11823010).
- 7.5.2 There is a small set of gates, railings and walls on the NIAH register (Ref. 11823026), which directly adjoins the site to the south. I do not consider that the proposal would negatively impact the historical value of this structure. [For clarity, the RMP Reference No. KD038-045004 is noted as a 'redundant record' on the online Archaeological Survey of Ireland.]
- 7.5.3 The majority of Castledermot village is designated as a Zone of Archaeological Potential, including the subject site. The nearest Recorded Monument is a 'Religious House' as per RMP Ref. KD038-045001, which is approximately 50 metres to the northwest and located behind some existing buildings. The only visible remains of the structure consists of a square tower. Whilst this is an older and visually attractive building, the proposal would not detract from its appearance or setting in any way.
- 7.5.4 The Applicant did not submit an Archaeological Impact Assessment, despite the site's designation within the Castledermot Zone of Archaeological Potential. It is considered, however, that this can be addressed by condition and by requiring the Applicant to prepare an archaeological appraisal, prior to the commencement of development.

## **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 the provisions of the *Kildare County Development Plan 2017-2023*, particularly Section 8.13 'Telecommunications Infrastructure', 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 not seriously injure the amenities of the area, or result in a significant negative visual impact on Castledermot town centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 8<sup>th</sup> April 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"><li>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</li><li>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</li></ul> <p>The assessment shall address the following issues:</p> <ul style="list-style-type: none"><li>(i) the nature and location of archaeological material on the site, and</li><li>(ii) the impact of the proposed development on such archaeological material.</li></ul>

	<p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
3.	<p>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.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
4.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to, and agreed in writing with planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
5.	<p>The existing stone wall and entrance pillars running along the front boundary of the site (west boundary) shall be reinstated post construction works.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>



Ian Boyle  
Planning Inspector

26<sup>th</sup> August 2021