



An
Bord
Pleanála

Inspector's Report

ABP-312126-21

Development	Construction of a 30-metre-high telecommunications support structure
Location	Maganey Upper, Castleroe West, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	211335
Applicant	Signal Infrastructure Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Patrick Byrne, Neil Thorton Scoil Naomh Lorcain, Oliver and Sophia Heslin
Observer	Vera Louise Behan.
Date of Site Inspection	22 nd February 2022.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.0174ha, is located in the rural townland of Maganey Upper, c270m north of the settlement boundary of Maganey/Levitstown (as defined in the Kildare County Development Plan 2017-2023) and c1km to the northeast of the Maganey Village. The River Greese runs c80m to the east of the site.
- 1.2. The appeal site comprises a small corner plot of agricultural land. The site is situated close (c1-2m) to the southern and western field boundaries, which are defined by hedgerow. An agricultural gate to the southeast of the site provides access to an adjoining field. The northern and eastern site boundaries are open having regard to the site forming part of a larger agricultural field. The appeals site is elevated relatively to surrounding lands, particularly to the east.
- 1.3. The appeal site and surrounding lands are predominantly agricultural in use, there is an old quarry c30m to the southeast. The closest residential property is located within the development of Castleroe West, c400m to the southeast. The local school, Scoil Naomh Lorcain is located c520m to the southeast. There are a number of protected structures and recorded monuments in the wider area including The Church of Saint Laurence O'Toole (referred to in the County Development Plan as Maganey Catholic Church) which is located c350m to the south of the appeal site and to the west of the agricultural entrance which serves the appeal site and adjoining agricultural lands.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a 30-metre-high multi-user lattice tower telecommunications support structure. The telecommunications equipment to be installed comprises antenna and transmission dishes including radio units and associated cabling and supporting fixtures. Cabinets and related ancillary equipment including power meters, cabling management system and other related equipment is to be contained within a 2.4 metre high palisade fence compound.
- 2.2. Access to the site is proposed via an existing agricultural entrance / access track off the public road c400m to the south. It is proposed to construct a 3m wide access

track for a distance of approximately 5m from the proposed compound to the existing access route, this is to be constructed of permeable, loose fit hardcore which will allow drainage within the site. A traffic control system is to be put in place during the construction phase.

- 2.3. The proposed development is intended to improve voice and broadband services in the area and will allow multiple network operators to deploy 2G voice, 3G and high speed 4G broadband services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Kildare County Council, by Order dated 11/11/2021 decided to grant permission subject to 15 no. conditions of which the following are of note:

- Condition 2

The development shall comply with European Communities (Electronic Communications (Authorisation)) Regulations 2000, ICNIRP guidelines for public exposure to electromagnetic fields

Reason: In the interests of proper planning and sustainable development of the area

- Condition 6 Provision and maintenance of Sightlines
- Condition 10

The development shall ensure that the boundary wall at the main road is set back, along all visibility splay lines. The Development shall ensure that the sight visibility lines are subsequently kept free from obstruction and maintained by the occupant, so as not to impede lines of sight at the entrance; as provided in accordance Transport Infrastructure Ireland Document (DN-GEO-03060) June 2017

Reason: In the interest of Road Safety

- Condition 11

The Developer shall modify the existing vehicular entrance onto the main road (L4009), set back along the visibility splay line, generally in accordance with drawing E3639-5 (copy attached). The modified entrance road surface shall be widened to at least 15meters at the tie-in to the main road (R415) and all hard boundaries shall be a minimum of 2.4m from the carriageway edge.

Reason: In the interest of road safety

- Condition 12 Surfacing at entrance

3.2. Planning Authority Reports

3.2.1. Planning Reports

- No record of flooding
- They consider, having regard to National and Local Policy, the location of the site and its remoteness from residences and the existing pattern of development in the area etc that the proposed development is acceptable in principle.
- They note the location of the site in the Southern Lowlands Landscape Character area – lowest sensitivity classification
- They note that the structure would be visible from the public road and Church (protected structure) but consider such an impact to be relatively moderate and that the inherent character and visual attractiveness of the Church would remain.
- They consider the impact on the view from Maganey Bridge would be minimal and that the development would be acceptable in terms of visual amenity.
- They consider the development to be remote from neighbouring residences and from the school and therefore unlikely to give rise to unacceptable impacts
- They note that Planning Authorities are not the appropriate authority to deal with safety related matters but that the development would be within the limits set within the ICNIRP guidelines,

- They note that access is required via the existing agricultural entrance and that the Road section and MD Engineer have raised no objection to proposals
- They recommend that permission is granted subject to condition.

3.2.2. Other Technical Reports

- Athy Municipal District No objection subject to conditions
- EHO Proposal is acceptable
- Water Services No objection
- Environment: No objection
- Transportation / Roads No objection subject to condition

3.3. Prescribed Bodies

- Irish Aviation Authority Notes that the authority does not require obstacle lighting in this instance

3.4. Third Party Observation

3.4.1. The Planning Authority received several objections during the course of their determination of this application. The issues raised in the submissions by and large correlate with those raised in the grounds of appeal. They primarily relate to:

- Impact on local heritage
- Public Health Impacts
- Impact on local biodiversity and farm practices
- Devaluation of property
- Visual impact / impact on views
- The VIS submitted is flawed
- Proximity to protected structures and mass path
- Proximity to local properties /school etc

- Technical Issues: quality of scanned photographs etc; development not advertised in local newspaper
- Structure not required in the area
- Precedent for larger / additional structures on site
- The location of the proposed development would be contrary to CDP Policy (Section 17.11.3). More suitable sites available

4.0 Planning History

- 4.1. There is no recent Planning History associated with the appeal site
- 4.2. Reference is made in the third-party submissions / observations received to a separate application KCC Ref:19/776:

Ref:19/776 (2019) Permission granted to replace an existing 32m telecommunications support structure with a new 45m multi-user lattice telecommunications support structure etc.

5.0 Policy Context

5.1. National Policy

5.1.1. 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.’

5.1.2. Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, DoE, 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.

Section 4.5 the sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape.

5.1.3. 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. **Kildare County Development Plan 2017-2023**

5.2.1. Chapter 8 Energy and Communications

Section 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.

5.2.2. Relevant Policy

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 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 Ch. 14);
 - Areas within or adjoining the curtilage of protected structures;
 - On or within the setting of archaeological sites.

5.2.3. Section 14 of the Plan pertains to Landscape, Recreation and Amenity. The site is located within an area classified as Southern Lowlands which are deemed to be a low sensitivity landscape.

- LA 3 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 Landscape (i.e. within

500m of the boundary); – A route or view identified in maps 14.2 and 14.3 (i.e. within 500m of the boundary).

LA 4 Seek to ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development.

5.2.4. Section 14.6 Scenic Route and Protected Views

RB 2 Maganey Bridge, Maganey Lower

5.2.5. Section 17.11.3 sets out the development standards for Telecommunications and Supporting Infrastructure:

When evaluating planning applications for the provision of such infrastructural installations, the Council will seek to ensure that (*Inter alia*):

- The telecommunications infrastructure is sited so as not to cause a negative impact on the special character and appearance of designated conservation areas, protected structures and sites of archaeological importance.
- 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. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific locations. The support structure should be kept to the minimum height consistent with effective operation. At such locations the support structure should be monopole or poles rather than a latticed tripod or square structure
- In rural areas, the visual absorption opportunities provided by existing topography and vegetation should be taken into account. The possibility of placing towers and masts in forestry plantations should be considered provided of course, that the antennae are clear of obstructions. Where masts are located outside of forested areas, applicants will be required to indicate the technical reasons why forest areas are unsuitable. The design and visual

appearance of masts, antennae and satellite dishes and their associated equipment, shall be as unobtrusive as possible. Sensitive design, painting of masts and screening will be expected to minimise visual impact. Green or black is a preferred colour at ground level.

5.3. Architectural Heritage

5.3.1. Protected Structures

- Catholic Church of St. Laurence O'Toole / Maganey Catholic Church (B39-05) is located c350m to the south of the site
- Castleroe Lodge (B37-04) is located c680m to the northeast of the site

5.3.2. National Inventory of Architectural Heritage

- Catholic Church of St. Laurence O'Toole (11,903,901)
- Levitstown Bridge
- Levitstown Hall (11,903/902).

5.3.3. The following recorded monuments are located within 500m of the site:

- Ring Ditch (KD02600) c170m west of the site
- Ring Ditch (KD02599) c130m west of the site
- Ring Ditch (KD01441) c300m to the northwest of the site
- Ring Fort (KD01440) c 360m north of the site

5.4. Natural Heritage Designations

The appeal site is not located on or within close proximity to any designated sites. the closest site, the River Barrow and River Nore SAC is located c1.1km to the west.

5.5. EIA Screening

Having regard to nature of the development comprising a telecommunications structure and ancillary development, the nature of the receiving environment and the absence of any connectivity to any sensitive location there is no real likelihood of

significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Board received four 3rd Party appeals. I have summarised these collectively as follows:

Heritage:

- The potential impact of the development on the heritage and historical significance of the area has not been properly assessed.
- Number of protected structures and Mass Path in the area
- Concerns raised regarding the required works to the existing entrance and their impact on the neighbouring church and river bridge.

Siting and Design:

- Lack of adequate screening
- CDP requires should structures to be located in woodland areas
- CDP states that 'lattice type structure' should be avoided
- The proximity of the proposed development to neighbouring properties and local school (Scoil Naomh Lorcaín is located 497m from the site).

Land Ownership / Consent

- The landowner withdrew consent to lease the 11sqm and erect a mast 3 weeks before the decision was made.
- No consent has been given to required works at the entrance

Public Health

- Concerns raised regarding the health impacts in local human and animal populations and the lack of information available on the effects of long-term exposure to this sort of development.

- The reasoning for Condition 2 (Compliance with ICNIRP guidelines) fails to acknowledge that the regulations exist for the protection of humans exposed to radio frequency

Other

- The area is already comprehensively served by broadband
- Discrepancies in the reports and decision – including references “Maganey Village” and “Maganey Catholic Church” which do not exist; and reference in the conditions attached to the grant of permission to the R415 which is located c40km from the site
- No reports received from the Heritage Officer or Irish Water
- The EHO report based on a desk top study no site visit was carried out
- No EIS submitted – proximity to The River Greese a tributary of the River Barrow SAC

6.2. Applicant Response

The documentation submitted in response to the grounds of appeal dealt with the issues raised under the following headings:

Heritage

- The subject site is not located within the curtilage of a protected structure, a zone of archaeological potential, or conservation area.
- There will be no interconnectivity between protected structures and installation
- Site is sufficiently separated from recorded monuments to determine no negative impacts
- Heritage impacts were considered in the KCC planner’s report

Appearance and Landscape Impacts

- Lattice type structures are an industry standard method of support as they are able to support significant loads without movement
- A visual impact appraisal was undertaken as part of the application and deemed to be acceptable

Proposed Site Entrance

- Prior to lodgement the access was assessed in terms of its current condition and capacity to accommodate future traffic. It was deemed that the physical condition of the existing access is adequate to cater for traffic associated with the development

Withdrawal of permission from landowner

- A letter of consent to make the application on this land holding was received and signed by the landowner. This is sufficient to meet the requirements of the P&D regulations

Reasoning for Condition 2

- The proposed equipment and installation is designed to be in full compliance with ICNIRP.
- The site will meet the radiation standards as set by ComReg and associated licence conditions

Condition 11

- The existing access is suitable for both operations, maintenance and construction installation phases

Other Items considered

- No Irish Water Report – no impact is anticipated on any watercourse in the surrounding area
- No EIS – no environmental concerns raised

Distance from School

- The subject site is located c530m northwest of the school which is considered adequate distance. Considerable effort was made to distance the mast away from the school

- There will be limited visual connectivity
- It is considered that the proposed development will have a positive impact on the surrounding area and school by improving coverage and the capacity for mobile phones services etc

Site Requirement

- This site is designed to support broadband communications for three mobile operators and one wireless broadband provider, extending the reach of communications technology
- Improved choice
- the site provides the best possible solution in which to provide a satisfactory level of service

Health Impacts:

- The technology currently in use by operators is regulated by licence under section 5 of the Wireless Telegraphy Act, 1926
- The proposed equipment and installation is designed to be in full compliance with the limits set by the guidelines of the International Commission on non-ionising Radiation Protection
- The site will meet radiation standards as set out by ComReg
- The site will be available for monitoring to ensure compliance with regulations

6.3. Planning Authority Response

The PA notes the content of the appeal and having reviewed same has no further comment or observation to make. they refer the Board to the Planning reports and reports of various technical departments referred to during the assessment.

6.4. Observations

Observation received from Cllr Vera Louise Behan.

- No restrictions imposed on the potential to increase the size of the mast – reference made to PRR19/776

- Concerns raised around the lattice design and siting of the proposed structure – lack of screening, visual impact, proximity to local properties / schools
- The development would contravene the objectives of the Kildare County Development Plan (TL6, TL7 and TL8)
- Impact on local mass path

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions / observations received in relation to the appeal and inspected the site, and having regard to relevant local/regional/policies and guidance, I consider that the main issues on this appeal are as follows:

- Landownership / Consent
- Justification for the Proposed Development
- Siting and Design
- Access and Alterations to the stone wall
- Health Impacts
- Devaluation of Property
- Appropriate Assessment

7.2. Landownership / Consent

7.2.1. The documentation submitted in support of the ground of appeal includes details of an e-mail believed to be from the landowner of the appeal site and sent to the applicants on the 20th October 2021. The e-mail in question includes a statement from the landowner withdrawing his consent to lease 11sqm of land to the applicants. The appellants note that as this information was not made available to the planning authority, the planning authority did not have access to all relevant information when making their decision. They also suggest that as this e-mail refers only to the lease of 11sqm of land, the applicants do not have consent to carry out

works to the entrance as required in the conditions attached to the grant of permission.

7.2.2. The documentation submitted in support of the application as lodged with the planning authority includes a letter from the landowner confirming the applicants have consent to apply for planning permission for the installation of a telecommunications structure and ancillary works on lands at Maganey. I consider this letter sufficient to permit, at least, a valid planning application. Whether or not the landowner consents to the development of the land (in the event planning permission is granted) is, I consider a separate and civil matter between the relevant parties. In this regard I note that Section 34(13) of the Planning and Development Act, 2000 makes it clear that a person 'shall not be entitled solely by reason of permission under this section to carry out any development'. The works to the entrance as required under the planning authorities grant of permission shall be considered later in this report.

7.3. Justification for the proposed development

The Appellants contend that there is no requirement or local need for the subject development and that the area is adequately served by mobile and broadband services. The Applicants on the other hand advise that there is a significant coverage gap in the area of residential housing and local business premises. They contend that the proposed development will allow operators to bring a significant improvement in voice and broadband services to the area, including a section of the Dublin-Waterford train line and surrounding roads, businesses, farms and housing. Furthermore, they contend that the proposed structure will allow multiple network operators to deploy 2G voice, 3G and high speed 4G broadband services in the area leading to greater competition between the network operators and better options for local customers. Whilst I do not dismiss the Appellants' local knowledge of the area, it would appear from the evidence submitted in support of the application, including the two reports prepared by Indigo (dated 17th September 2021 and 12th January 2022), that there is a justification for the development in the immediate area. As such having regard to the Telecommunication Guidelines and Development Plan policy, which seeks to promote and facilitate the provision of appropriate

telecommunications infrastructure, I consider that the proposed development would be acceptable in principle subject to normal planning considerations.

7.4. Siting and Design:

- 7.4.1. The appellants in their submissions raise various concerns relating to the siting and design of the proposed telecommunications structure. They state that the siting of the mast at this location would “*contradict the Council’s own directive to have these types of structures located in or adjacent to woodland areas*”. They note that the structure will be visible from local residences and from the local school and they consider that disregard has been had to the heritage and historical significance of the area having regard to the proximity of the site to protected structures and Mass path etc.
- 7.4.2. Chapter 14 of the County Development Plan relates to Landscape, Recreation and Amenity. It is noted that the appeal site is located within the Southern Lowlands landscape character. This area is deemed as a low sensitivity landscape with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area. Table 14.3 of the Kildare County Development Plan (CDP) provides a likely compatibility between a range of land uses and principal landscape areas. The Southern Lowlands landscape area is not listed but its character is similar to that of the north-western lowlands and the northern lowlands which are stated to be compatible with “Major Powerlines”, including those conveyed on lattice towers. I would therefore consider that this landscape area has capacity and a compatibility to absorb the proposed telecommunications infrastructure. The key issue is therefore, whether the appeal site, is a suitable site for such a development.
- 7.4.3. I note the development standards for Telecommunications and Supporting Infrastructure as set out in the County Development Plan state that “*the possibility of placing towers and masts in forestry plantations should be considered*” however these standards also recognise the need to ensure that antennae are clear of obstruction. This point is made by the applicants in their submission who also note

that 3G and 4G equipment is less tolerant to obstruction to the degree that even tree foliage can affect the signal. The applicants state that the decision to position the tower on agricultural land within a sparsely populated rural area was deemed the most appropriate location in the circumstances, where its impact can be absorbed into the existing setting without significant impact on the amenities of the area.

- 7.4.4. In terms of height and design of the proposed structure, the applicants contend that the structure is designed to a minimal height of 30m to meet the coverage objectives of the network for the surrounding area. They also state that “*lattice type structures are an industry standard method of support as they are structurally capable of supporting significant loads of both the equipment and environmental loads without movement*”. On the basis of the information available, I consider that the height and design of the proposed structure is adequately justified. In relation to the concerns raised regarding the potential to increase the height of the structure, I note that the height of the proposed mast at 30m is specifically stated in the public notices and that any proposal to increase its height would require the submission of a separate planning application, the assessment of which would consider any potential impacts arising from the proposed alterations.
- 7.4.5. It is noted that a Visual Impact assessment (VIA) was carried out as part of the design process. As set out in the documentation lodged with the application the assessment considers the local landscape characteristics and sensitivities against the magnitude or degree of change which would result from the proposed development if constructed. To demonstrate the findings of the VIA, the applicant submitted photomontages illustrating before and after visuals from 11 locations in the surrounding area, including locations along Maganey Road, the L8087 and from within the residential development of Castleroe West. Having examined the documents submitted and having visited the site and surrounding area, I would consider that the visual impact assessment including photomontages, is sufficient to assess the overall visual impact of the development on the surrounding area.
- 7.4.6. I note that the site is elevated relative to its immediate surrounds, however I do not consider this fact alone merits concern as it is common for such structures to be located on elevated sites. Owing to the height and elevated location of the structure

there would be clear views of the structure from the immediate and local area and from neighbouring properties / school. In addition, as set out in the supporting documentation there would be some visual interconnectivity between the proposed telecommunications structure and the protected Structure - Church of St. Laurance O'Toole. However, having visited the site and the surrounding area, I would consider the proposed structure, due its slender design, location set back from the public road and the separation distances available between it and neighbouring properties (including church and school grounds) would not appear as an overly dominant or overbearing feature in the landscape. In addition, I am satisfied that the development as proposed would not adversely impact upon the amenities of local properties or significant detract from the character and setting of protected structures etc.

- 7.4.7. I note that reference is made in the grounds of appeal to a local historic Mass path, this feature is not noted or listed for protection / preservation in the County Development Plan. The path in question would appear from historic maps of the area, to extend north from the existing agricultural entrance (east of the Church grounds) passing directly to the east of the appeal site. While the proposed development would result in a new and noticeable feature along this route, it would not block or impede access to same and I do not, having regard to the open nature of the surrounding lands, consider that it would have a detrimental impact on the amenities or character of the Mass path.
- 7.4.8. In regard to the wider area, I consider that long range views of the structure, including views from Maganey Bridge, would be tempered by the distances involved, the topography of the local area and trees and vegetation.
- 7.4.9. In conclusion, while I acknowledge that the proposed telecommunications installation would impact upon the local landscape by virtue of the height of the tower and the characteristics of the surrounding area, I am satisfied that the impact would not be a significantly or materially adverse one such that would warrant a recommendation to refuse permission.
- 7.5. Access and Alterations to the stone wall

- 7.5.1. The planning authority in their grant of permission included a number of conditions relating to the site entrance. Conditions 6 and 10 are similar in content and relate to the provision and maintenance of sightline distances while Condition 12 relates to surfacing at the entrance. Condition 11 requires the developer to modify the entrance to form a 15m wide splayed entrance in accordance with design details / parameters set out in Kildare County Council Drawing E3639-5. The appellants are concerned that in order to comply with the requirements of Condition 11 it would be necessary to remove part of the existing stone wall including a historic step that is built into the wall to the west of the entrance gate. They consider that such works would have a negative impact upon the character and setting of the area particularly having regard to the relationship between the wall and neighbouring structures - St. Laurence O'Toole Church (a protected structure) to the west and the river bridge to the east. Following site inspection, I would share the concerns of the appellants in this regard and I would be of the opinion that alterations to this wall should be avoided where possible or at least carefully considered to ensure the character of the structure (include historic step) is retained.
- 7.5.2. The applicants in their response to the grounds of appeal state an extensive survey of the site and entrance was undertaken prior to lodgement of the application and that the results of this survey found that the physical condition of the existing access is adequate to cater for traffic associated with the development. They note that the proposed development is for an unmanned telecommunications installation which is remotely monitored and controlled via the communications network and that once installed and operational, traffic generated by the development will be limited to small van, 2-8 times a year for maintenance purposes.
- 7.5.3. During site inspection I noted that the entrance gate serving the site is set back c3m from the edge of the public road and that clear and adequate sightline distances are available in both directions. I would consider the entrance as existing to be acceptable in terms of traffic safety.
- 7.5.4. Having regard to the nature of the proposed development and the information submitted in support of the application I am satisfied that the development as proposed is unlikely, following the initial construction period, to generate significant

additional traffic turning movements and therefore I do not consider that it would be necessary in this instance to modify the entrance as per the requirements of Condition 11. I would however consider it necessary and appropriate, in the interests of traffic safety, that a traffic management plan be put into operation during the course of construction.

7.6. Health Impacts

The appellants have raised concerns of the potential impacts of the proposed development on the health of local human and animal populations, stating that not enough is known about the side effects of long-term exposure to radiation. While I acknowledge the concerns expressed by the local residents, I note that health and safety matters associated with telecommunications structures are a matter for The Commission for Communications Regulations (ComReg), the statutory body responsible for the regulation of radiation emissions. Thus, I do not consider this to be a matter for An Bord Pleanála in determining and deliberating on the application proposed.

With regard to the above I refer to Circular PL07/12 which states that Planning Authorities should primarily be concerned with the appropriate location and design of telecommunication structures and do not have competence for health and safety matters in respect of telecommunications infrastructure, either with respect to human or animal health.

7.7. Devaluation of Properties

- 7.7.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of property values however having to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of properties in the vicinity.

7.8. Appropriate Assessment

7.8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that 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 that permission be granted

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 nature, scale and location of the proposed telecommunications structure, and the separation distances between and adjoining properties / structures
- 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 or result in a significant negative impact on the special character and appearance of protected structures or sites of archaeological importance and would otherwise 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, 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>Reason: 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 it's no longer required. The site shall be reinstated to its pre-development conditions at the expense of the developer.</p> <p>Reason: 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>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.</p>
4.	<p>Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in</p>

	<p>writing with, the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of visual amenity</p>
5.	<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>Reason: In the interest of visual amenities of the area.</p>
6.	<p>Prior to construction, a traffic management plan including details of road signage warning the public of the site entrance during construction stage, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of traffic safety.</p>

Lucy Roche
 Planning Inspector

8th March 2022