



An
Bord
Pleanála

Inspector's Report ABP315030-22

Development	Erection of a 24m telecommunications mast
Location	Landmark Architectural Salvage & Granite Products, Main Street, Newcastle Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22A/0340
Applicant(s)	Vantage Towers Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellant(s)	Vantage Towers Limited
Observer(s)	None
Date of Site Inspection	16 th April 2023
Inspector	Leah Kenny

1.0 Site Location and Description

The proposed development is located at Landmark Architectural Salvage & Granite Products on the south side of Newcastle Main Street Upper (R405) on the western side of Newcastle Village.

The salvage yard is located to the rear of several properties fronting onto Main Street and south of the playground / sports grounds associated with St Finian's National School behind a belt of mature trees. The main school building is located to the east of the salvage yard premises.

There is a yard and greenfield to the immediate west (behind Kelly's Estate Agents) which is the site of a proposed discount food store for which a planning permission was granted on 15th May 2023 (Reg Ref SD22A/0312). Lands to the south are subject to a Strategic Housing Development application for 280 no. houses (Ref SHD3ABP-313814-22).

There are several Protected Structures nearby including St Finian's Catholic Church and graveyard (RPS No. 232), Newcastle National School (a RPS No. 230), and The Loft / Kelly's Estate Agents (RPS No. 229).

The proposed mast is sited along the western boundary of the salvage yard property between mature hedgerow and the access lane to the property approximately 140m south of Main Street. The location is currently used to store salvage materials.

2.0 Proposed Development

The proposed development is for a 24m telecommunications mast together with antennas, dishes, headframe and associated telecommunications equipment.

The support structure is a freestanding lattice frame tower and would be capable of accommodating multiple service operators. The development would be within a 7m x 5m compound and enclosed by a palisade security fence (2.4m high).

The purpose of the proposed development is to provide improved telecommunications' services and network coverage in the area.

3.0 Planning Authority Decision

By order dated 17th October 2023, South Dublin County Council (SDCC) issued a notification of the decision to refuse planning permission. The reason for refusal was:

1. Having regard to 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); the content of the South Dublin County Development Plan 2022 - 2028, including Objectives QDP3 Objective 2, EDE13 Objective 2, NCBH20 Objective 3, EI4 Objective 3, Section 12.11.2 and Section 12.11.5; the content of the Newcastle Local Area Plan, including Objectives GI18, GI12 and GI128; and the height, scale of the proposed development within an area designated as an Architectural Conservation Area, in close proximity to Protected Structures and the low prevailing height of the surrounding area, it is considered that the proposed development would have an unacceptable impact on the character and setting of the Newcastle Architectural Conservation Area and would adversely affect the visual amenity of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.0 Planning Authority Reports

4.1.1. Planning Report

The planning report is the basis of the planning authority's decision to refuse permission. The key considerations of the Case Planner focused on the location of the proposed development within the Newcastle Village Architectural Conservation Area (ACA), proximity to nearby Protected Structures and guidelines relating to telecommunications antennae and support structures.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for

Environmental Impact Assessment, and it was concluded at preliminary examination that there is no likelihood of significant effects.

4.1.2. **Other Technical Reports**

Drainage and Water Services Department – No objection subject to conditions.

Roads Department - No objection.

Parks Department - No objection.

Heritage Officer – No report received at time of writing.

Broadband Officer – Additional Information required.

4.1.3. **Prescribed Bodies**

Department of Defence – No objection, subject to conditions.

Irish Water - No objection, subject to conditions.

HSE Environmental Health Officer - No report received at time of writing.

4.2. **Third Party Observations**

Several third-party observations were received. The key points raised are as follows:

- The proposed structure is not appropriate within close proximity to a school, creche, local church and other local amenities.
- The proposed structure would be visually obtrusive in the rural village of Newcastle, and, if permitted would be the tallest structure in the area.
- The proposed structure may have a negative health and safety impact on residents of the surrounding area and children attending the nearby creche and local school.
- The proposed structure may overshadow the adjacent school.
- The presence of the proposed structure may devalue property in the surrounding area.

5.0 Planning History

None recorded on the subject site. Relevant nearby applications include:

- SD21A/0248 / ABP Ref. 312030-21: Planning permission was refused for a 24m monopole telecommunication mast with supporting equipment located at Annie May's Pub Main Street, Newcastle. The decision to refuse planning was upheld following an appeal to An Bord Pleanála.
- SD22A/0312: Planning permission was granted (15th May 2023) for a discount food store including entrance plaza area and new café at Main Street, Newcastle, and including lands to the rear of Kelly Estates building. The proposed development adjoins the subject appeal site.
- SHD3ABP-313814-22: Construction of 280no. dwellings, a creche and open space. A decision from An Bord Pleanála is pending.

6.0 Policy and Context

6.1. National Guidelines

The *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996* set the criteria for the assessment of telecommunications structures. The Guidelines state that the rapid expansion of mobile telephone services in Ireland has required the construction of base station towers in urban and rural areas across the country. These are an essential feature of all modern telecommunications networks. In many suburban situations, because of the low-rise nature of buildings and structures, a supporting mast or tower is needed.

Of relevance to the subject appeal are:

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- Great care needs to be taken when dealing with fragile or sensitive landscapes for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and

National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation (Section 4.3).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

Circular Letter PL 07/12 updated and revised certain sections of the 1996 Guidelines under Section 2.2 to 2.7.

6.2. South Dublin County Development Plan 2022 – 2028

The Newcastle Local Area Plan (2012) was extended to December 2022, but has now expired. However, it continues to be referred to in the statutory South Dublin County Development Plan 2022 – 2028 (the 'Development Plan').

The subject site is zoned objective 'RES-N' in the Development Plan. The objective of this zoning is 'to provide for new residential communities in accordance with approved area plans'. Public Services, which includes telecommunications installations, are listed as permitted in principle under the zoning.

Newcastle is identified as a Self-Sustaining Growth Town with development growth to be focused within the current settlement boundary (Policy CS9). Policy objectives CS91 and CS92 support levels of infrastructure and services to meet the needs of both current and future population growth.

Natural, Cultural and Built Heritage is addressed in Chapter 3. In Section 3.5.3 Newcastle Village is acknowledged as 'an historically significant village ... of national significance' and is designated an Architectural Conservation Area (ACA). Policies and objectives of relevance include:

- Policy NCBH20: Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas.
- NCBH20 Objective 3: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.
- NCBH20 Objective 5: To reduce and prevent visual and urban clutter within Architectural Conservation Areas including, where appropriate, traffic management structures, utility structures and all signage.

Section 3.5.2 of the Development Plan sets out the Council's policy to conserve and protect buildings, structures and sites contained in the Record of Protected Structures (RPS) and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly (Policy NCBH19). Relevant objectives include:

- NCBH19 Objective 1: To ensure the protection of all structures (or parts of structures) and their immediate surroundings including the curtilage and attendant grounds of structures identified in the Record of Protected Structures.
- NCBH19 Objective 2: To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form.

Newcastle Village is also subject to the following designations:

- Area of Archaeological Potential
- Site of Geological Interest
- Record of Monuments and Places (DU020-003 Newcastle Village)
- Historic Urban Built Landscape Character Type

The surrounding context also includes historic Burgage Plot hedgerows as identified in the Newcastle Local Area Plan.

Chapter 5 of the Development Plan addresses Quality Design and Healthy Placemaking. Policy QDP3 recognises the importance of ensuring all new development responds in a positive manner to its surroundings contributing significantly towards the overall aim of delivering successful and sustainable neighbourhoods. Specific objectives of relevance to the subject appeal are:

- QDP3 Objective 1: To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located taking into consideration the provisions set out in Chapters 3 and 4 of this Plan and having regard to the requirements set out in Chapter 12: Implementation and Monitoring in relation to design statements.
- QDP3 Objective 2: To protect and conserve the special character of the historic core of the villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of each village informs the design approach to new development, infrastructure and renewal, recognising the particular character and context in Architectural Conservation Areas (ACAs).

Section 11.4 of the Development Plan addresses Information and Communications Technology, where the following policies and objectives are set out:

- Policy IE5: Promote and facilitate the sustainable development of a high-quality ICT network throughout the County in order to achieve social and economic development, whilst protecting the amenities of urban and rural areas.
- IE5 Objective 1: To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.

- IE5 Objective 3: To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.
- IE5 Objective 4: To discourage a proliferation of telecommunication masts in the County and promote and facilitate the sharing of facilities.

Section 12.11.3 addresses what needs to be demonstrated in the consideration of proposals for telecommunications antennae and support structures:

- Compliance with the document Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter PL 07 / 12.
- The location of all existing telecommunications structures within a 2km radius of the proposed site, stating reasons why (if not proposed) it is not feasible to share existing facilities.
- The degree to which the proposal will impact on the amenities of occupiers of nearby properties, or the amenities of the area and the potential for mitigating visual impacts.
- The significance of the proposed development as part of the telecommunications network.

6.3. Natural Heritage Designations

No designations apply to the subject site.

6.4. EIA Screening

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

The main grounds of the First Party Appeal can be summarised as follows:

- The proposed development is justified with reference to the need to significantly improve existing 4G and 5G coverage in the area, the expected short-term growth of Newcastle and more generally to cater for existing and future customer needs. The balance sought by the applicant was that technical objectives be achieved while ensuring minimal impact on the local community.
- Existing telecoms, masts and towers would not achieve the coverage objectives for Newcastle due to *inter alia* an existing Vodafone antenna, distance to the target area and/or low height of the existing structure.
- The Newcastle Village ACA streetscape is already characterised by numerous manmade vertical structures, and a substantial amount of modern development has occurred and is proposed for the town (including adjacent to the proposed development). The proposed development will integrate into its surroundings and skyline and after a short time would not have an unacceptable impact on the character and setting of the ACA.
- The proposed development would not adversely affect the visual amenity of the area or views from Protected Structures given it is set back from Main Street, the topography of the area and screening by existing trees (to the west and east) and intervening buildings (both existing and proposed). A series of photomontages were submitted which demonstrated in the applicant's opinion that the visual impact of the structure was acceptable, and any visual impacts would be minimal.
- The proposed development meets National Guidelines, particularly the National Development Plan 2018-2027, Report of the Mobile and Broadband Taskforce and Action Plan for Rural Development and Our Rural Future – Rural Development 2021-2025

7.2. Planning Authority Response

None.

8.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the applicant's First Party Appeal, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle
- Location, Siting & Amenity
- Architectural Heritage & Visual Amenity

Each of these issues is addressed in turn below.

8.1. Principle

- 8.1.1. Both National policy and the South Dublin County Development Plan support the sustainable development of a high-quality Information and Communications Technology (ICT) network to achieve social and economic development; however, careful attention is required to siting telecommunication installations to protect existing amenities. I also note that 'Public Services', which includes telecommunications installations, are listed as acceptable in principle under the zoning for the site. Therefore, while I consider the principle of this type of development acceptable, it is subject to a wide range of considerations, including the sensitivity of the receiving environment, which in this instance includes the location of the development within the Newbridge Village ACA and its proximity to several Protected Structures.

8.2. Location, Siting & Amenity

- 8.2.1. The *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996* (the Guidelines) set the criteria for the assessment of telecommunications structures. They actively encourage co-location of antennae on existing support structures and for new antenna to locate within existing industrial estates, or industrially zoned land, in the vicinity of larger suburban areas or towns, insofar as this is possible.
- 8.2.2. SDCC, with reference to Section 12.11.3 of the Development Plan requires applicants to consider sharing existing facilities and to assess the locations of all existing telecommunications structures within a 2km radius of the proposed site.
- 8.2.3. In its appeal documentation, the applicant considers 5 no. alternative locations within a 2km radius of the subject site for possible co-location. This includes locations at Rathcreedan (1.3km to the south), Athgoe (1.6km to the southwest), Greenogue Business Park (two sites, both 1.7km to the east), and Greenstar Dump Td (1.7km to the east). However, due to technical requirements, none of these co-locations were suitable. I have no reason to doubt the technical basis for this; and having regard to the ComReg information provided consider there is both a need and justification for a new telecommunications site to improve coverage in the Newcastle area.
- 8.2.4. However, I also note the Telecommunication Guidelines, at Section 4.3, are clear that only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. Furthermore, if such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The Guidelines are also clear in respect of avoiding proximity to listed buildings, archaeological sites and other monuments.
- 8.2.5. There is no evidence that the applicants have considered alternative locations to the extent that the proposed location is 'a last resort'. Indeed, the refusal for a similar proposal (a 24m high monopole) by the same applicant on a nearby site within Newcastle Village would have flagged that any new location within the village centre must have a very compelling case. However, the location of the proposed development remains within the village centre, and it is adjacent to several sensitive

properties and uses (including a school, creche and Protected Structures), not to mention its location within the boundary of the ACA.

- 8.2.6. Furthermore, while the location of the proposed mast may be viewed as currently back land development to the rear of Main Street, given the zoning of the wider lands, objectives of the Newcastle LAP and intentions of developers in the immediate area, the site actually occupies a very central position in the village's expansion to the south. In this regard I note the Vision in the LAP for developing the village in a manner that sensitively addresses the contrast between existing and new elements and retains much of its existing character whilst being a showcase for the sensitive expansion of an historic and nationally important settlement, and I consider that establishing a precedent for telecommunication utilities at this location to be prejudicial to achieving the sensitive expansion of the village in this area - in that a 24m high mast would be visually obtrusive to both existing and future residents and would seriously injure amenities of the area.
- 8.2.7. Having regard to the proposed development failing to contribute in a positive manner to the character and setting of the immediate area I also consider it to be contrary to Policy QDP3 Objective 1 and 2 of the Development Plan.
- 8.2.8. In summary, in relation to the location of the proposed development, and having reviewed the information contained within the original application and appeal, I am not satisfied that alternative sites in Newcastle have been fully explored and consider that the proposal is not justified having regard to the sensitive nature of the site and its surroundings, both in terms of existing historical character and significant future development to the immediate south.
- 8.2.9. Furthermore, the proposed development is a form of lattice tower, which is a bulky and utilitarian structure. While the applicant argues that the siting of the proposed mast behind existing tree cover will screen the proposed development from sensitive viewpoints; I note that it is also the reason why the mast needs to be 24m high. The structure would be visually unattractive, and in my opinion, unsuited to this area and would be insufficiently screened by existing tree / vegetation cover from the existing Village and also from the south once the lands are developed.
- 8.2.10. I also consider that other design options could have been explored having regard to the sensitivity of the location but were not, and I refer again to Section 4.3 of the

Guidelines, which clearly require a more sensitive and tailored approach to considering masts in specific locations. Objective IT07 of the Development also requires best practice in siting and design in relation to erecting communication antennae and Objective IT08 seeks to keep visual impact to a minimum and requires that detailed consideration be given to the siting and external appearance of the proposed equipment.

8.2.11. Therefore, in relation to the design of the proposed development, having reviewed the information contained within the original application and appeal I am not satisfied that sufficient care has been given to the design of the structure having regard to the sensitivity of the surrounding uses and properties. I therefore also consider the proposed development to be contrary the Kildare Development Plan policies IE5 Objective 1 and IE5 Objective 3.

8.3. Built Heritage & Visual Amenity

8.3.1. The location of the proposed development is very close to the historic village core and heart of the Newcastle Village ACA. It is an area characterised by several Protected Structures including St. Finian's Roman Catholic Church, Graveyard and Gates (RPS Ref. 232), Newcastle National School (RPS Ref. 230), and The Loft / Kelly Estate Agents (RPS Ref. 229). More generally the urban fabric of Main Street in this area is permeable with a varied building line and low roofline, therefore, it is sensitive to new development including back land development. The area is also designated as an Area of Archaeological Potential, a Site of Geological Interest and the village is a RMP (DU020-003 Newcastle Village).

8.3.2. Notwithstanding this sensitive context, and the fact the proposed development is for a tall utilitarian telecommunications structure, neither a visual impact assessment nor cultural heritage assessment were submitted with the application or appeal to specifically assess how the ACA or nearby Protected Structures would be affected by the subject proposal. Given that the Telecommunication Guidelines recommend that proximity to listed buildings and other monuments should be avoided, a more comprehensive visual and cultural heritage impact assessment should have been undertaken at a minimum. I also note the location of the proposed development immediately adjacent to a historic burgage plot boundary and agree with the Planning Authority that the applicant should also have undertaken a comprehensive

hedgerow survey and construction method statement to support the siting of the proposed development at this location.

- 8.3.3. Notwithstanding the above, I note the applicant did include photomontages as part of the appeal response. I have examined these photomontages and the observations of the applicant and considered both on my site visit. The six photomontages have been taken at locations considered by the applicant to be sensitive in relation to the ACA.
- 8.3.4. It is evident from the photomontages that there is a reliance on existing planting to screen the proposed development from views along Main Street, and in particular screening from some Leyland Cypress located along the northern and western boundaries of the salvage yard property. However, I note that some of these views (inclusive of intervening screening) are likely to change in the short term with the realisation of permitted development including the Lidl discount store (granted permission on the 15h May 2023). In the Lidl application the condition of the Leyland Cypress trees along the boundary between the Lidl site and the subject appeal site are noted as being mature, poor and with the crowns in the process of breaking up. The arborist concludes that they will continue to deteriorate over the short to medium term and it is proposed to remove and replant them with more appropriate native species.
- 8.3.5. I would also consider the Leyland Cypress trees between the school playground and the architectural salvage yard to be of a similar condition.
- 8.3.6. While the photomontages show the existing planting partially screens the lattice tower element from views along Main Street; the topmost antennae remain obvious above the treeline in most photomontage views including from Main Street across St Finian's Graveyard. I also do not consider the existing screening can or should be relied upon given the age and condition of the trees and landscaping proposals on adjoining sites.
- 8.3.7. Having regard to the above, I consider that the siting of a prominent utilitarian structure into this setting would seriously injure the visual amenities of the area and St Finian's Church and Graveyard (a Protected Structure), in particular, where the proposed development is clearly visible in the background. It would also undermine and negatively affect the character of the historic town core and ACA, and therefore

would be contrary to Development Plan policies and objectives NCBH20 Objective 3 NCBH19 Objective 1 and Objective 2, and IE5 Objective 3.

9.0 Appropriate Assessment

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

Having regard to the above, I recommend that planning permission be refused for the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to 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); the South Dublin County Development Plan 2022-2028, including Objectives QDP3 Objective 2, NCBH Objective 3, IE4 Objective 3 Section 12.11.2 and Section 12.11.5, and given the height, scale and prominent location of the proposed development in a designated Architectural Conservation Area, its proximity to Protected Structures, including St. Finian's Roman Catholic Church (RPS Ref. 232) and Newcastle National School (RPS Ref. 230) and the planned and emerging pattern of residential development in the area; it is considered that the proposed development would have an unacceptable impact and on the character and setting of the Newcastle Village Architectural Conservation Area and would adversely affect the visual amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Leah Kenny
Planning Inspector

7th June 2023