



An
Bord
Pleanála

Inspector's Report ABP-315329-22

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| Development | Streetwork solution for broadband coverage blackspots at a public footpath |
| Location | Meadowbrook Road, Greenfield, Maynooth, Co. Kildare |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | S254L/782 |
| Applicant(s) | Signal Infrastructure Ltd. |
| Type of Application | Licensing of appliances etc. (s. 254) |
| Planning Authority Decision | Refuse Licence |
| Type of Appeal | First Party (s. 254) |
| Appellant(s) | Signal Infrastructure Ltd. |
| Observer(s) | None |
| Date of Site Inspection | 14 th April 2023 |
| Inspector | Philip Maguire |

1.0 Site Location and Description

- 1.1. The appeal site is located along Meadowbrook Road, at its junction with the Newtown Road (R408), in Maynooth, Co. Kildare. This is a simple T-junction arrangement with priority to the former. The surrounding area is predominantly residential although no properties front directly onto the adjoining roads or T-junction. The streetscape is therefore characterised by stone walls, public footpath and extensive cycle network. The Royal Canal and the adjacent rail line, towards Kilcock, are located further north.
- 1.2. The appeal site is flat and has a stated area of 1.515sq.m. It consists of a small section of public footpath immediately adjacent to, and north of, an existing lamp standard and east of a section of stone wall. This wall defines the roadside boundary from Meadowbrook Lawns estate to the south to the Newtown Grove estate to the west. The wall is stepped in sections but c. 2m at the highest point. The lamp standard is c. 8m high. A number of other street lighting columns and trees are in close proximity.

2.0 Proposed Development

- 2.1. A Section 254 licence is sought for telecommunications infrastructure consisting of a 18m high freestanding galvanised and painted monopole structure including 1 no. 2.75m antenna, internal cabling, external dish, operator's cabinet and ancillary works.
- 2.2. The monopole would have a uniform thickness of 360mm. The dish would be 300mm in diameter. The operator's cabinet would be 1.898m wide, 1.652m high and 0.798m deep, and green in colour. The stated purpose of the proposal is to address mobile and mobile broadband coverage blackspots. The duration of licence sought is 5 years.
- 2.3. Revised drawings were submitted as part of the appeal. They include an updated site layout plan and suite of photomontages from 9 no. visual reference points (VPRs). The revised drawings do not materially alter the development as initially proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse to licence the proposed development on 14th October 2022 for the following reasons:

1. *The proposed location will reduce driver's sightlines at the junction of the R408 due to the location of the proposed utility infrastructure. The proposed development would constitute a traffic hazard.*
2. *The proposed infrastructure will reduce the public footpath to an unacceptable width which would obstruct pedestrian traffic. The development would be contrary to the requirements of the National Transport Authority for modal shift.*
3. *The proposed development is in the vicinity (approx. 300m) of a similar licenced mast, the applicant has not demonstrated the requirement for the development or outlined why co-location is not possible. The development would contribute to the proliferation of similar infrastructure which would seriously injure the amenities of nearby properties.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- None.
- An email was issued on 13th October 2022 recommending refusal of the licence for the reasons cited above.

3.2.2. Other Technical Reports

- None.
- An email was issued from the Municipal District Office on 12th October 2022 recommending refusal of the licence for the 1st and 2nd reasons cited above.

4.0 Planning History

4.1.1. None.

4.1.2. Adjacent sites:

Junction of Meadowbrook Road and Beaufield (c. 350m south, southwest)

PA ref. S254L/000746: Licence **granted** in August 2022 for an 18m high freestanding galvanised and painted monopole structure including 1 no. 2.75m antenna, internal

cabling, external dish, operator's cabinet and ancillary works. The Chief Executive Order indicates that the licence will expire on 25th August 2027.

The Newtown Inn, Meadowbrook Road (c. 320m south, southwest)

PA ref. 06/73: Permission **granted on appeal** (ABP ref. PL 09.217206) in September 2006 for 1 no. flagpole, with attached flag, 3 no. antennae concealed within flagpole and 1 no. radio link dish with associated telecommunications equipment. Condition 1 limited the duration of the permission to a period of 5 years.

PA ref. 11/469: Permission **granted** in August 2011 for retention 3 no. antennas concealed within flagpole and 1 no. link dish together with ground-based telecommunications equipment container. Condition 2 limited the duration of the permission to a period of 5 years.

PA ref. 18/1034: Permission **granted** in November 2018 for retention of telecommunications installation comprising of antenna concealed within a flagpole, transmission dishes and ancillary equipment and cabinets. No limit on duration.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029

- 5.1.1. The current Development Plan came into effect on 28th January 2023. The Planning Authority decision of 14th October 2022 was made under the previous Plan for the period 2017-2023. This appeal shall be determined under the current Plan.
- 5.1.2. The main policies and objectives relevant to the proposal are set out under Chapter 5 (Sustainable Mobility and Transport), Chapter 7 (Energy and Communications) and Chapter 15 (Development Management Standards) of the Written Statement.
- 5.1.3. The following sections are relevant to the issues raised in this appeal:
- 5.4.1 – Walking and Cycling
 - 5.7 – Regional Roads
 - 5.8 – Local Roads
 - 5.9 – Road and Street Design
 - 5.10 – Traffic and Transportation Management

- 7.15 – Telecommunications Infrastructure
- 15.11.4 – Telecommunications and Supporting Infrastructure

5.1.4. I consider the following objectives particularly relevant:

- EC O75** Promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other technologies within the county. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.
- EC O77** Co-operate with telecommunication service providers in the development of the service, having regard to proper planning and sustainable development.
- EC O79** 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 including to protect the visual amenity of town centres and in particular Heritage Towns and ACA's.
- EC O80** Ensure that the location of telecommunications structures minimises and/or mitigates any adverse impacts on communities, public rights of way, historical sites, or amenities, and the built or natural environment. Innovative design solutions will be encouraged.
- EC O81** Promote co-location to 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, through the development management process, that a reasonable effort has been made to share installations. In situations where it is not possible to share a support structure, masts and antennae shall be clustered.

5.2. Maynooth LAP 2013-2019

5.2.1. The Maynooth LAP, as amended, came into effect on 26th August 2013. The appeal site is un-zoned in the LAP and lies just east of an Open Space and Amenity zoning with an objective '*To protect and provide for recreation, open space and amenity provision*'. The LAP will be replaced by the Maynooth and Environs Joint LAP 2024-2030 which is at pre-draft stage.

5.2.2. Section 7.8 of the LAP notes that a number of telecoms providers have network infrastructure serving the area and provide various types of broadband connectivity from fixed line to wireless and mobile broadband. The following policies are relevant:

TEC 1 To promote the expansion of broadband, along with wi-fi and wireless technology. Ducting should be shared where possible and underground services should be placed where they create minimum disturbance to road users.

TEC 2 To ensure that telecommunications infrastructure is adequately screened, integrated and /or landscaped so as to minimise any adverse visual impacts.

5.3. Telecommunications Guidelines

5.3.1. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (DELG, July 1996) aim to provide technical information in relation to the installation of base stations and other telecoms equipment and offer general guidance so that the environmental impact is minimised, and a consistent approach adopted.

5.3.2. Section 4.3 of the Guidelines refers to visual impact and notes that only as a last resort, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in residential areas or beside schools. 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. It also notes that the proposed structure should be kept to the minimum height consistent with effective operation and should be monopole rather than a latticed structure.

5.3.3. Section 4.5 of the Guidelines states the sharing of antennae support structures will normally reduce the visual impact on the landscape and places an onus on the

operators to demonstrate that they have made a reasonable effort to share. It notes that where it is not possible to share a support structure, the sharing of sites or adjacent sites should be encouraged so that masts and antennae may be clustered. It states that the use of the same structure or building by competing operators in urban or suburban areas will almost always improve the situation.

- 5.3.4. Section 4.6 of the Guidelines notes that ground-mounted single poles do not generally require fencing off the site or anti-climbing devices etc. It also states that it is unlikely that accessing the site will give rise to traffic hazards as maintenance visits should not be more than quarterly. During the construction period, depending on the location of the site, special precautions may have to be taken in relation to traffic.

5.4. Circular Letters

- 5.4.1. Circular Letter PL 07/12 (DECLG, October 2012) revised elements of the Telecommunications Guidelines. Section 2.2 advises that only in exceptional circumstances, where particular site or environmental conditions apply, should a permission issue with conditions limiting its life. Section 2.3 advises that planning authorities should avoid including minimum separation distances between masts or schools and houses in their Development Plans. Section 2.4 advises conditions future permissions should simply include a condition stating that when the structure is no longer required it should be demolished, removed and the site re-instated at the operators' expense, as opposed to conditioning a security bond in respect of removal. Section 2.6 reiterates the advice in the Guidelines in that that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. These are regulated by other codes and such matters should not be additionally regulated by the planning process.
- 5.4.2. Circular Letter PL 11/2020 (DHLGH, December 2020) reminds planning authorities that whilst a s. 254 licence is required for works specified in s. 254(1) of the Planning and Development Act 2000 (as amended), including overground electronic communications infrastructure, any development carried out in accordance with a licence shall be exempted development for the purposes of the Act under s. 254(7). The Circular also notes that exemptions for telecommunications infrastructure along public roads do not apply where the proposed development is in sensitive areas where

there is a requirement for Appropriate Assessment; or where the proposal would endanger public safety by reason of traffic hazard or obstruction of road users.

5.5. Design Manual for Urban Roads and Streets (DMURS)

- 5.5.1. Guidance relating to the design of urban roads and streets is set out in DMURS (DTTS and DHPLG, 2013, updated May 2019). Section 4.3.1 illustrates the space needed for pedestrians to comfortably pass each other with reference to the anticipated levels of activity. The minimum space for two people to pass comfortably in areas of low pedestrian activity is 1.8m. The desirable space for two people to pass comfortably in areas of low to moderate pedestrian activity is 2.5m. The minimum space for small groups to pass comfortably in areas of moderate to high pedestrian activity is 3.0m.
- 5.5.2. Section 4.4.4 indicates that the stopping sight distance (SSD) for a road design speed of 50kph is 45m, and 49m on a bus route. Section 4.4.5 notes that priority junctions in urban areas should have a maximum X-distance of 2.4m but this can be reduced to 2m where vehicle speeds are slow and flows on the minor arm are low. The Y-distance should correspond to the SSD while adjustments should be made for certain streets e.g. arterial and link streets with higher frequency bus routes. This section also notes that junction visibility splays should be kept clear of obstructions but accepts that some objects not large enough to wholly obscure a vehicle, pedestrian or cyclist may be acceptable provided their impact on the overall visibility envelope is not significant. Slim objects such as signs, public lighting columns and street trees may be provided.

5.6. Natural Heritage Designations

- 5.6.1. None relevant.

5.7. EIA Screening

- 5.7.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001 (as amended) and therefore no preliminary examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A 1st Party appeal has been lodged by Jason Redmond and Associates on behalf of the applicant, Signal Infrastructure Limited.

6.1.2. The main grounds of appeal can be summarised as follows:

- In order to address the 1st refusal reason, the applicant has submitted a revised site layout plan (Dwg. No. KD0262-106) and has stated that the proposed development does not interfere with the SSD visibility splay. They further state that the driver's sightlines at this junction are not reduced and the proposed development should not be considered a traffic hazard to road users.
- Regarding the 2nd refusal reason, the applicant has stated that footpath width was one of the reasons for selecting the appeal site. They note that the operator's cabinet, which has 600mm outward opening doors, will only be accessed a few times a year for a limited period of time. They refer to the revised site layout plan which illustrates a 2.1m clearance between the opened cabinet doors and existing cycle lane and a 2.0m clearance between the street pole and the pedestrian crossing markings in the cycle lane. This, they claim, is compliant with section 2.25 of the Recommendation for Site Development Works for Housing Areas and section 4.3.1 of DMURS and not therefore contrary to NTA requirements.
- Regarding the 3rd refusal reason, the applicant has stated that there is a significant separation between the appeal site and the 'Beaufield pole' from a coverage standpoint and suggest that there is precedent for multiple street pole solutions within 130m of each other under ABP-312622-22. The applicant has also submitted an updated VIA and indicated that the street pole will only be visible from the immediate vicinity of the site and claim that it blends into the environment without having an overbearing impact on the area. They therefore refute claims that the proposal will create a proliferation of visually intrusive street poles.

6.2. Planning Authority Response

6.2.1. None received.

7.0 Assessment

7.1. Preliminary Points

7.1.1. Having examined the licence application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this licence appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Road Safety
- Site Selection and Justification
- Appropriate Assessment

7.2. Road Safety

7.2.1. In terms of the 1st refusal reason, the Planning Authority considered that the proposal would constitute a traffic hazard on the basis of a reduction in sightlines at the junction of the R408 and Meadowbrook Road. As noted, the applicant submitted a revised site layout plan (Dwg. No. KD0262-106) as part of the appeal documentation. This drawing illustrates a sightline of 2.4m x 49m in a southerly direction from the R408 on to the Meadowbrook Road. I agree with the applicant that this is in accordance with DMURS standards, and I note that the 18m pole and adjacent cabinet, even with open doors, does not fall within the overall visibility envelope. The Planning Authority did not avail of their opportunity to comment on the revised drawing. I am satisfied that the proposed development will not impact on sightlines constituting a traffic hazard.

7.2.2. In terms of the 2nd refusal reason, the Planning Authority considered that the proposed development would reduce the public footpath to an unacceptable width and therefore obstruct pedestrian traffic. This, they considered, would be contrary to the requirements of the NTA for modal shift. The applicants appeal submission refers to the Recommendation for Site Development Works for Housing Areas document and DMURS, the latter being most relevant. The appeal site is located in a suburban residential area c. 800m from the town centre. The anticipated level of pedestrian activity is low, and I accept that the minimum space for two people to pass comfortably in this area is 1.8m as per section 4.3.1 of DMURS. The revised site layout plan (Dwg. No. KD0262-106) illustrates that the proposal would exceed the minimum DMURS

standard, even with the operator cabinet doors open. I am satisfied that the proposed development will not reduce the public footpath to an unacceptable width.

7.3. Site Selection and Justification

- 7.3.1. In terms of the 3rd refusal reason, the Planning Authority considered that the applicant has not demonstrated a requirement for the proposed development or outlined why co-location is not possible with a similar licenced mast ('Beaufield pole') within the vicinity of the site. This, they consider, would contribute to the proliferation of similar infrastructure which would seriously injure the amenities of nearby properties.
- 7.3.2. ComReg's interactive mapping system indicates that 4G coverage in the area is 'good' for the subject service provider ('Three'), although I note that there are sporadic pockets of 'fair' coverage to the southeast of appeal site where drop-outs are possible. I also note that the service provider has existing infrastructure located at The Newtown Inn, c. 320m south, southwest of the site (ComReg Site ID KD0204) but is proposing to replace this site due to its structural limitations. I have reviewed the 4G and 5G coverage for other providers and on balance, I accept that there is a need for improved mobile and mobile broadband coverage in this area. This is also suggested in the existing and proposed indoor coverage maps submitted with the application, but I am not able to verify their modelling and do not afford them determinative weight.
- 7.3.3. In terms proliferation and amenity impacts, I note that the appeal site is flanked by 2 no. lamp standards, c. 8m high. The junction is defined by a c. 2m high wall with hedging and trees to the rear and elevated above the adjacent housing estates, Newtown Grove and Silken Vale. The prevailing height in the area is two-storey and the majority of houses are orientated away and physically separated from this junction. Whilst I accept that the proposed structure would be more visible than adjacent trees and lamp standards, I consider that critical views would be generally limited and absorbed within this receiving environment as illustrated in the submitted VPRs. I also note that the road rises upwards to the north, where it meets Bond Bridge, and that this would help screen views from this direction. Given the road alignment, there will be no intervisibility between the appeal site and the 'Beaufield pole'. On balance, I do not consider that an additional pole at this location, albeit 18m high, would seriously injure the amenities of nearby properties as a result of proliferation of such structures.

7.3.4. In terms of co-location, I note that alternative sites were examined and discounted due to being either unavailable or unsuitable. I specifically note that the recently licenced 'Beaufield pole' to the south, southwest of the appeal site is not suitable as the technology for a high capacity, multi-operator antenna is not available, according to the applicant. I also note that the licence for the 'Beaufield pole' is due to expire on 25th August 2027 and this is determinative, in my opinion. Having reviewed the licence application, appeal submission, and given the deficit of network coverage in the area, I am satisfied the proposal is justified at this location. Finally, whilst I note that the applicant has sought a 5-year licence, I do not consider the present circumstances to be exceptional in the context of section 2.2 of Circular Letter PL 07/12 in that regard.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of the proposed development, which is for telecoms infrastructure consisting of a 18m high street pole and operator cabinet in an established and serviced urban area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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 a section 254 licence be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the section 254 of the Planning and Development Act 2000 (as amended), the Kildare County Development Plan 2023-2029, the Maynooth LAP 2013-2019, and the Telecommunications Antennae and Support Structures Guidelines (1996), as amended/updated by Circular Letters PL 07/12 and PL11/2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not conflict with pedestrian movements, give rise to a traffic hazard, or detract from the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on 14th December 2022, 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>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>Reason: In the interests of the visual amenities of the area.</p> |
| 3. | <p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public safety.</p> |

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.

Philip Maguire
Planning Inspector
25th May 2023