



An
Bord
Pleanála

Inspector's Report

ABP-319024-24

Development	Application for licence under Section 254 of the Planning and Development Act 2000 (as amended) for 15m high telecommunications street work structure.
Location	Curragh Grange, Moorfield, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	S254L/000701
Applicant(s)	Vantage Towers Ltd
Type of Application	S.254 Licence
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Vantage Towers Ltd
Observer(s)	None
Date of Site Inspection	20 th November 2024
Inspector	Ian Boyle

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is in a suburban area in Newbridge, Co. Kildare. It is on the northern side of Curragh Grange (a public road) and sits behind a road safety barrier. It is roughly 1.2km south of Newbridge town centre. Curragh Grange runs in an east – west direction and the character of the surrounding vicinity is generally residential.
- 1.2. The site accommodates an existing monopole structure and related telecommunications infrastructure. The Applicant states that this was due to an error and that the structure is not currently operational.
- 1.3. The site is adjacent a public footpath running parallel to the public road. There is a green verge on the northern side of the site. Beyond this, further north, there is residential housing, including the housing estates of The Close, The Grove, and Beechmount. The style of housing is mainly detached and semi-detached.
- 1.4. The M7 Motorway is accessed roughly 2.5km to the southwest via Junction 12.
- 1.5. The site is owned by Kildare County Council.

2.0 Proposed Development

- 2.1. The Applicant is seeking approval for a Section 254 Licence, comprising an 15m high freestanding telecommunications monopole together with antenna, internal cabling, dish, and ancillary cabinet and operating works.
- 2.2. The monopole would be approximately 0.4m at its widest point and all cables would be housed internally. The purpose of the proposed infrastructure is to provide improved, high quality network coverage for the surrounding area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused to grant a licence on 12th May 2022, stating that:
 - The Kildare Newbridge Municipal District Office is not in a position to agree to the telecommunications streetwork solution as it would prejudice the delivery of a proposed NTA cycle lane.

3.2. Planning Authority Reports

3.2.1. Planning Report

- No Planner's Report.
- Email issued on 12th May 2022 recommending refusal of the licence for the reason cited above.
- Noted that an NTA project comprising a cycle lane would require the physical area occupied by the existing telecommunications monopole and related equipment.
- The cycle lane is required for connectivity purposes.

3.3. Third Party Observations

The Planning Authority received an observation from Vodafone. The key points are as follows:

- Vodafone supports the application.
- This site would provide better mobile telecommunication coverage for both voice and data services in the Newbridge area.
- A refusal of permission for the installation may have a negative impact on future coverage levels.

4.0 Policy Context

4.1. Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures, 1996

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

- 4.1.2. Section 4.3 of the Guidelines refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation. and should be a monopole (or poles) rather than a latticed tripod or square structure.
- 4.1.3. The Guidelines also state that visual impact is among the more important considerations that should be considered in arriving at a decision for a particular application. In most cases, the Applicant will only have limited flexibility as regards location, given the constraints arising from radio planning parameters, etc. Visual impact will, by definition, vary with the general context of the proposed development.
- 4.1.4. The Guidelines state that the approach will vary depending on whether a proposed development is in:
- a rural/agricultural area;
 - an upland/hilly, mountainous area;
 - a smaller settlement/village;
 - an industrial area/industrially zoned land; or
 - a suburban area of a larger town or city.
- 4.1.5. The Guidelines state that some masts will remain quite noticeable despite best precautions. For example, there will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive. This may include 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, lighting conditions, etc. Softening of the visual impact can be achieved through a judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

4.2. Circular Letter PL07/12

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

- Cease attaching time limiting conditions or issuing temporary durations to telecommunications masts, except in exceptional circumstances.
- Avoid including minimum separation distances between masts or schools and houses in Development Plans.
- Omit conditions on permissions requiring security (i.e. bond/cash deposits).
- Not include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- Include waivers on future development contribution schemes for the provision of broadband infrastructure.

4.3. Circular Letter PL11/2020

4.3.1. Circular Letter PL11/2020 'Telecommunications Services – Planning Exemptions and Section 254 Licences' was issued in December 2020. It advises Planning Authorities that:

- Section 254 of the Act outlines the provisions in relation to the licensing of appliances and cables etc on public roads. Where development of a type specified in section 254(1) of the Act is proposed to be carried out on a public road, approval for the works is required from a Planning Authority by means of the obtaining of a section 254 licence.
- A Section 254 Licence is required for overground electronic communications infrastructure and its associated works, and that such works are exempt from planning permission.
- The exemptions for telecommunications infrastructure along public roads do not apply:
 - (a) where the proposed development is in sensitive areas where there is a requirement for Appropriate Assessment.

- (b) where the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

Section 254(5) of the Act outlines the criteria to which the Planning Authority shall have regard in assessing such proposals:

- a) the proper planning and sustainable development of the area,
- b) any relevant provisions of the development plan, or a local area plan,
- c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d) the convenience and safety of road users including pedestrians.

4.4. Kildare County Development Plan 2023-2029

The following objectives from the Kildare County Development Plan 2023-2029 ('the Development Plan' or 'CDP') are considered relevant:

Chapter 7 Energy and Communications

Section 7.15 is in relation to 'Telecommunications Infrastructure'. It states that '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...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 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.'

The following policies and objectives are relevant:

Policies

- EC P20 is to '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 of County Kildare’.

Objectives

- EC O76 is to ‘co-operate and co-ordinate with relevant bodies regarding the laying of key infrastructural services within towns and villages and, where practicable, to encourage the efficient and shared use of said infrastructural services’.
- EC O77 is to ‘co-operate with telecommunication service providers in the development of the service, having regard to proper planning and sustainable development’.
- EC O78 seeks to ‘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’.
- EC O79 seeks to ‘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 Architectural Conservation Areas’.
- EC O80 is ‘to 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 O86 aims to ‘avoid free-standing masts 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 a last resort when all other alternatives have been exhausted should free standing masts be located in residential areas or close to schools and hospitals’.

Chapter 15 Development Management Standards

Section 15.11.4 is in relation to 'Telecommunications and Supporting Infrastructure'. It states that applications for new facilities should include certain details, assessments and supporting material to justify any such proposal. [Refer to Pages 568 – 569 of the County Development Plan.]

4.5. Newbridge Local Area Plan 2013-2019 (as extended to 22nd December 2021)

- 4.5.1. The Newbridge Local Area Plan 2013-2019 (as extended to 22nd December 2021) (LAP).
- 4.5.2. The forthcoming Newbridge Local Area Plan 2025 – 2031 is at pre-draft stage.

4.6. Natural Heritage Designations

- 4.6.1. No designations apply to the subject site.

5.0 The Appeal

5.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The proposed development would not prejudice the delivery of the proposed NTA project (i.e., cycle lane).
- The S.254 Licence is short term by its nature and it can be terminated or renewed at the end of each licence term.
- The proposal for a cycle lane is far from being implemented. It has not been possible to find a timetable for the delivery of cycle routes in this area and it appears that very little progress has been made in terms of its delivery.
- The construction of a cycle lane is not practical or economically feasible on this side of the safety barrier or road. This is due to the topography and fall in gradient. A more appropriate cycle lane could be achieved by widening the existing path over the verge, or by placing it on the opposite side of the road.

- The Applicant is prepared to remove the structure in the future, if that is required, to facilitate installation of a cycle track and would lodge a bond to guarantee this.
- The proposed structure has been built due to an error made by the appointed contractor for these works. It is not currently in operation.
- The proposed monopole is acceptable from a design and siting perspective. It would not negatively impact the existing landscape or look out of place given the presence of other similar infrastructure in the area (for example, streetlights).

6.0 **Assessment**

The main planning considerations relevant to this appeal case are:

- Delivery of Future Cycle Lane
- Appropriate Assessment

6.1. **Delivery of Future Cycle Lane**

Status of Cycle Lane

- 6.1.1. The Planning Authority's reason for refusal is that the proposed monopole and cabinet would impede the delivery of future planned cycle infrastructure in this area. It is stated that the laneway is a project being progressed by the NTA.
- 6.1.2. I have reviewed the material on file and note that there is very limited detail in relation to the future planned upgrade of the road in this location to accommodate a future cycle lane. There is no observation or submission from the NTA. There is also no interdepartmental report by the Council's Transportation Department.
- 6.1.3. I note that the Applicant states in their appeal that the specific nature of the proposed cycle lane and a possible timeframe for its delivery is not known. I have also been unable to determine when these works might take place or if they form part of an agreed strategic plan to improve connectivity or active transport options in this part of Newbridge. Furthermore, there is no information either in any of the Council correspondence I reviewed on the file which suggests there is a defined programme

for the implementation of such works. There also does not appear to be any detailed design work publicly available, not least that I am aware of, or which has been provided by the local authority, or otherwise.

- 6.1.4. There is no reference in local planning policy to a specific map-based roads' objective, cycle lane objective, or any other such similar type of designation that might indicate future planned road upgrades are anticipated for this section of the Curragh Grange road. It is also unclear if funding has been applied for, or secured, for any such road improvements. Having regard to this, I consider that the future planned road improvements are likely at inception stage only and that the timeframe for delivery is undefined and, to that end, open-ended.
- 6.1.5. I do not doubt that the Council and, potentially, the NTA have genuine intentions of upgrading this part of public road network for improved cycling purposes. The area is suburban housing in nature and within cycling distance of Newbridge town centre and train station – it makes sense for a dedicated cycleway to be implemented in this area. The delivery of such works would improve the existing road and pedestrian network, in my opinion, be beneficial for the surrounding environment, and make this stretch of road safer and more comfortable for users, particularly cyclists.

Network Coverage and Amenity Impact

- 6.1.6. There is a clear and demonstrable requirement for telecommunications' network improvements in the vicinity of the appeal site. This is evidenced in the documentation submitted with the application and supported by the online ComReg mapping system. I have reviewed the ComReg coverage mapping and see that there is a drop-off in the quality of signal for the envisaged service provider who intends to use the facility ('Vodafone'). I note that national and local planning policy seek to support and encourage new telecommunications infrastructure in such instances.
- 6.1.7. I note also that the legislation allows for the licence to be retracted by Kildare County Council 'where in the opinion of the planning authority by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing withdraw the licence and require the licensee to remove the appliance, apparatus or structure at his or her

own expense’ (emphasis added). This option is available to the Planning Authority and could readily be invoked when, or if, the future planned road improvements progress to a more advanced stage.

- 6.1.8. The Licence Application Form (dated 20th December 2021) indicates that a five-year period is sought for the duration of the licence. In this regard, I note that Section 2.2 of Circular Letter PL 07/12 states that ‘attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease’ except in exceptional circumstances. I consider the subject development an exceptional circumstance, but that a two-year licence is reasonable on the basis the Council has indicated there are future planned road / cycleway improvements planned for the area. This timeframe is sufficient, in my view, to allow the parties to review the matter and for any anticipated road improvements to be advanced.
- 6.1.9. In relation to the physical context and receiving environment, I consider the location of the site acceptable. Having completed a site inspection of the area and walked sections of the surrounding street network and parts of housing estates in the vicinity, I do not consider that the proposed monopole, cabinet, or ancillary works would have any undue adverse amenity impacts. I accept that the proposed structure would be more visible than some of the existing structures in the area, including lamp standards. However, the development would not be so visually incongruous or jarring that it would seriously injure the visual or residential amenity of the receiving environment. It is not directly outside any house or entrance to a residential estate.
- 6.1.10. The existing telecoms equipment takes up a relatively small footprint and I note that the 1996 Guidelines state that some masts will remain quite noticeable, despite best precautions. There would be reduced views of the proposed development due to the presence of trees on either side of the public road and the location of the equipment behind a crash barrier and amongst low-lying vegetation.
- 6.2. I note that the Applicant has inspected several alternative sites as part of their site selection assessment. These are shown in Section 4.1 of their original Planning Report and include sites comprising a Citizen’s Information Bureau, Newbridge Business Park, various commercial premises, amongst others. However, these were

ultimately discounted due to being either unavailable or unsuitable due to distance from the required location. Therefore, having examined the information contained within the application, appeal submission, and given the apparent deficit in network coverage for this area, I am satisfied that the issue of alternative sites has been duly considered by the Applicant and the proposal is justified in this setting.

6.3. Appropriate Assessment

- 6.3.1. Given the nature and scale of the development proposed, which is for a telecommunications support structure, equipment cabinet, and ancillary works, and the separation distance from the nearest Natura 2000 site, it is considered that the proposal would not be likely to have a significant effect individually or in combination with other plans and projects on a European site. There is no requirement for a Stage 2 Appropriate Assessment.

7.0 Recommendation

- 7.1. I recommend that a licence be granted subject to conditions, for the reasons and considerations as set out below.

8.0 Reasons and Considerations

- 8.1. Having regard to section 254 of the Planning & Development Act, 2000 (as amended), the provisions of the Kildare County Development Plan 2023-2029, including Section 15.11.4 'Telecommunications and Supporting Infrastructure' and Policy EC P20, and the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020, respectively); it is considered that subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard, be visually intrusive, or seriously injurious to the visual or residential amenity of the area or of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

9.0 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 license shall be valid for two years from the date of this order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.</p> <p>Reason: To enable the impact of the development to be re-assessed, having regard to the potential future delivery of a cycleway in 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 interest of public safety.</p>
4.	<p>In the event of the licence for the telecommunications structure and ancillary structures expiring, the structures shall be removed, and the site shall be reinstated within three months of their removal. Details regarding the removal of the structures and the reinstatement of the site shall be submitted to, and agreed in writing, within one months of the structures ceasing to operate, and the site shall be reinstated in accordance with details submitted to the planning authority at the expense of the operator.</p> <p>Reason: In the interest of the visual amenities of the area.</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.

Ian Boyle
Planning Inspector

25th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319024		
Proposed Development Summary	The Applicant is seeking approval for a Section 254 Licence, comprising an 15m high freestanding telecommunications monopole together with antenna, internal cabling, dish, and ancillary cabinet and operating works.		
Development Address	The appeal site is in a suburban area in Newbridge, Co. Kildare. It is on the northern side of Curragh Grange (road) and sits behind a road safety barrier. It is roughly 1.2km south of Newbridge town centre.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		NA – Not a class.	EIA Mandatory EIAR required
No	✓	NA – Not a class.	Proceed to Q.3
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		NA – Not a class.	

No	✓	NA – Not a class.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		NA – Not a class.	

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____