



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319762-24**

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<b>Development</b>	24m high lattice tower and associated telecommunications equipment.
<b>Location</b>	Dreenane, Carbury, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2460209
<b>Applicant(s)</b>	Vantage Towers Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Vantage Towers Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	04/01/2025
<b>Inspector</b>	Catherine Hanly

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## 1.0 Site Location and Description

- 1.1. The site is located to the south-east of Derrinturn and is located approximately 124m from the town boundary. Existing residential development at Grace's Park is located approximately 163m to the west of the site. Undeveloped residential zoned "C" land is located approximately 124m to the north of the site.
- 1.2. The site is located within the lands associated with Woodstock Trees and Shrubs Wholesalers Ltd. The land surrounding the site is also in use by Woodstock Trees and Shrubs Wholesalers. A public road is positioned approximately 11.7m to the south-east of the site.
- 1.2.1. The site measures 0.018ha is located on a relatively flat area of ground. The site is accessed from the south-east, off the public road and via a farm gate and access track. A hedgerow abuts the southern boundary of the site. The site currently consists of an open field containing mounds of soil. The site is surrounded by young trees associated with the nursery. An access track runs to the north of the site and culminates at the vehicular entrance to Woodstock Trees and Shrubs.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Erect a 24m high Lattice tower together with headframe, antennas, dishes and associated telecommunications equipment.
  - The enclosure of the tower with security fencing.

## 3.0 Planning Authority Decision

- 3.1. Notification of the Decision to Refuse Permission was issued on the 30/04/2024 for 1no. reason, as follows:
  - 3.1.1. *"Having regard to the location of the proposed development, c100 m from the Derrinturn Town Boundary (Volume 2, Kildare County Development Plan 2023-2029, Volume 2, Map V2-1.2a), it is considered the proposed development would materially contravene objective EC O86 which seeks to avoid free-standing masts in the immediate surrounds of small towns and villages. The proposed development by*

*reason of the scale and location would be injurious to the visual amenities of this area, which lies in the Western Boglands Landscape Character Area and is deemed to be of high sensitivity (Class 3) and would therefore be contrary to the proper planning and sustainable development of the area.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

- There are concerns regarding the location of the proposed development and the consideration of alternatives. The subject site is located within the lands of Woodstock Trees and Shrubs Wholesalers Ltd and is c. 100m from the small town boundary of Derrinturn. The proposed development is considered to contravene objective ED 086 which seeks to avoid free standing masts in the immediate surrounds of small towns and villages.
- The subject site is located within the Western Boglands Landscape Character Area which is deemed to have reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.

#### **3.2.2. Other Technical Reports**

- Kildare Fire Service: No objection.
- Maynooth Municipal District Planning Report: No objection subject to conditions.
- Transport, Mobility and Open Spaces Department: No objection.
- Water Services: No Irish Water or Water Services Department Conditions.
- Environment Section: No objection.

### **3.3. Prescribed Bodies**

#### **3.3.1. None.**

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

#### **3.4.1. None.**

#### 4.0 Planning History

4.1. There is no planning history on the subject site.

4.2. Relevant planning history in the vicinity of the site:

- **Ref. 23/60323**, located approximately 200m to the north of the site. 2023 **Refusal** to Towers Limited due to the location of the site, c. 10m from the Derrinturn Town Boundary and new residential zoned land. The development was considered to materially contravene objective EC 086 of the Kildare County Development Plan 2023 – 2029 and would injure the amenities of the area which lies in the Western Boglands Landscape Character Area.
- **ABP Ref. 309070-21 & Ref. 201166**, located to the west of the site. **Refusal** in 2022 for 50 no. dwellings. Refused due to lack of capacity in the Derrinturn Waste Water Treatment Plant.
- **Ref. 19514**, located to the west of the site. 2019 **Refusal** of Extension of Duration of 06/2337 (extended by 14/380) for 31 no. dwellings. Refused as development had not commenced and substantial works have not been carried out.
- **Ref 12886**, located at ESB Carbury Hill. 2013 **Grant** for the continued use communications structure.

#### 5.0 Policy Context

##### 5.1. National Policy

##### 5.2. National Planning Framework (NPF) – Project Ireland 2040

- 5.2.1. 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.”*

##### 5.3. Regional Policy

##### 5.4. Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019 – 2031

5.4.1. Regional Policy Objective 8.25 seeks to support and facilitate the delivery of the National Broadband Plan.

5.5. **National Guidance**

5.6. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

5.6.1. The *Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996 Guidelines)* sets out government policy for the assessment of proposed new telecommunications structures.

5.6.2. Section 4.3 of the *1996 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.

5.6.3. The support structure should be kept to the minimum height consistent with effective operation. The *1996 Guidelines* also state that visual impact is among the more important considerations that should be considered assessing a particular application.

5.6.4. The *1996 Guidelines* state that “*in rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.*”

5.6.5. The *1996 Guidelines* state that some masts will remain quite noticeable despite best precautions.

5.6.6. The *1996 Guidelines* state that “*all applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share.*” The *1996 Guidelines* further states that “*where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered.*”

5.7. **Circular PL07/12 – Telecommunications Antennae & Support Structure Guidelines**

- 5.7.1. This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above *1996 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*”.

## **5.8. Kildare County Development Plan 2023 – 2029**

### **5.9. Land Use Zoning**

- 5.9.1. The site is un-zoned in the *Kildare County Development Plan 2023 – 2029* (herein referred to as the *Kildare CDP*) and it is located outside of the town boundary for Derrinturn.
- 5.9.2. The site is located in the Western Boglands Landscape Character Area which is classed as being an area of high sensitivity and is described as being “*areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors*.”
- 5.9.3. Table 13.1 in the *Kildare CDP* allocates the Western Boglands a landscape sensitivity rating of 3 which equates to high sensitivity.
- 5.9.4. Table 13.2 describes that the Western Boglands is an “*area with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors*.”

### **5.10. Energy and Communications**

- 5.10.1. Policy EC P20: “*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*.”

- 5.10.2. Objective EC 075: *“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.”*
- 5.10.3. Objective EC 076: *“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.”*
- 5.10.4. Objective EC 077: *“Co-operate with telecommunication service providers in the development of the service, having regard to proper planning and sustainable development.”*
- 5.10.5. Objective EC 078: *“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.”*
- 5.10.6. Objective EC 079: *“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.”*
- 5.10.7. Objective EC 080: *“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.”*
- 5.10.8. Objective EC 081: *“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.”*

5.10.9. Objective EC 082: *“Minimise the provision of overground masts and antennae within the following areas:*

- Areas of high amenity/sensitive landscape areas.*
- Areas within or adjoining the curtilage of protected structures.*
- On or within the setting of archaeological sites.”*

5.10.10. Objective EC 085: Co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have equitable access to a wide range of services and the latest technologies as they become available.

5.10.11. Objective EC 086: *“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.”*

5.10.12. Objective EC 087: *“Support the erection of additional masts in some areas to ensure the delivery of ‘smart metering’ to all areas.”*

5.10.13. Section 15.11.4 states the following in relation to Telecommunications and Supporting Infrastructure:

*“Planning applications for new facilities should include:*

- Details of the significance of the proposed development to the telecommunications network, including a map of the area and existing coverage in the area.*
- A technical explanation of the reasons why coverage cannot be provided by existing antennae.*
- Site sharing and clustering of equipment will be encouraged.*
- Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it is*

*not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered. A map showing the location of all existing structures within a minimum 2km radius of the proposed site shall be submitted.*

- Evidence of consideration of alternative sites and explanation of their unsuitability.*
- Visual impact assessment and mitigation measures (e.g., low and mid-level landscape screening, use of tree-type masts, colour treatment of masts / antennae.*

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

- The preservation of residential and visual amenity is considered.*
- 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.*
- The location of commercial masts on State buildings will be discouraged. All masts on State buildings shall have regard to national and Council policies regarding schools and residential areas.*
- 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 the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned land. The use of existing structures is always preferable to the construction of an independent antennae support structure. The possibilities offered by some commercial or retail areas should be explored in terms of potential locations for “disguised” masts. Tall buildings and rooftops, where antennae can be treated to blend in with surroundings, should be considered.*

- *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.*
- *Within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished / removed, and the site reinstated at the operator's expense. This will be a condition of planning permission.*
- *In accordance with the Habitats Directive, any project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the sites' conservation objectives."*

#### **5.11. Kildare Development Contribution Scheme 2023 – 2029**

- 5.11.1. Section 10.5 states that telecommunication infrastructure both mobile and broadband deployed as part of a Government endorsed telecommunications strategy shall be exempt from a contribution.

#### **5.12. Natural Heritage Designations**

- 5.12.1. The site is positioned approximately 3.1m to the south of the Carbury Bog Natural Heritage Area (site code 001388).
- 5.12.2. The site is positioned approximately 4.7km to the north-east of The Long Derries, Edenderry Special Area of Conservation (site code 000925).
- 5.12.3. The is located approximately 2.4km to the north-east of the Grand Canal proposed Natural Heritage Area (site code 002104).

#### **5.13. EIA Screening**

- 5.13.1. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening of this report.

5.13.2. Having regard to the 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 any 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**

6.1.1. A First-Party appeal has been lodged in this instance. The grounds of appeal can be summarised as follows:

- Significance of the Application
  - The application is by Vantage Towers which was created by the Vodafone Group. Vantage Towers manages infrastructure for Vodafone.
  - Permission should be granted having regard to Section 37 (2) (b) (i), (iii) and (iv).
- Operator Requirement
  - Vodafone seeks to enhance services in Derrinturn village and the surrounding area. The development will improve coverage and capacity in the target catchment area of Carbury.
  - Coverage maps identifying 2G, 4G and 5G service coverage in the area show that Vodafone's service coverage is inadequate. To rectify this, a new structure within the area is required.
- Site Location
  - The wider landscape requires access to very good 4G and 5G coverage.
- Proposed Development
  - The development consists of a 24 m high lattice tower with associated equipment within an 8.25 metre square compound surrounded by 2.4 m high palisade fencing.

- The structure and compound are designed to house equipment for Vodafone and potentially other operators in the future.
- Discounted Structures
  - Clonkeen Coillte, Carbury; this structure was discounted as the structure is too far away to provide quality 4G and 5G indoor coverage across the town. Secondly, the ground height is 5m below Derrinturn and reduces the scope of the tower to extend coverage into Derrinturn and east of Derrinturn where the ground height continues to rise. Thirdly, the top 9 m of this tower is allocated to Three and Eir's equipment. The remaining space on the tower is too low to give Vodafone effective service coverage extending into Derrinturn. Fourthly, the woodland surrounding the tower negatively impacts the on the coverage.
  - ESB Carbury Hill Site, Carbury: This tower is 3m to the northwest of the application site (most recent planning reference no. **12886**). Imagine and EIR transmit from the 7.6m tower at this location. The tower is too far away to provide the necessary service.
  - Carbury Parish Church: This site is located 3.3 km from the application site and Vodafone transmits 2G services from a rooftop installation at this location. The site only provides for localised coverage and is insufficient to provide suitable coverage for the target catchment area of Carbury.
- Consideration of Other Sites:
  - Due to the mature nature of the current Vodafone network both in respect of signal propagation, coverage overlap and links for line of sight, the area suitable for a new structure is very limited.
  - A previous application was refused for an alternative site on the grounds of Woodstock Wholesalers (Planning Ref. **2360323**).
  - For technical requirements, the site needs to be close to Derrinturn and above it. The revised site is considered to be the optimum available to meet both requirements.
  - There is no other alternative structure or location that will achieve the coverage objectives.

- Kildare County Development Plan 2023 – 2029
  - The proposed structure is approximately 750 m from the village and within a garden nursery area and close to trees.
  - The proposed development substantially meets the following policies: EC P20, EC 075, EC 077, EC 078, EC 079, EC 080, EC 081, EC 082, EC 083, EC 084 and EC 085.
  - Every effort has been made to meet the requirements set out in section 15.11 of the Kildare CDP.
- Telecommunications, Antennae & Support Structures – Guidelines for Planning Authorities 1996 (1996 Guidelines)
  - Design: A lattice structure is proposed which shall integrate with other objects on the broader panorama. The structure is for use by Vodafone. The height of 24m is the lowest height Vodafone can secure coverage and line of sight needed for links.
  - Visual Impact: There will be some visual impact. The location is not unduly obtrusive and is not within a protected area. The visual impact is reduced by the topography surrounding the road network, manmade infrastructure and vegetation. Views of the structure will be intermittent and incidental.
  - Access: The proposed development will be accessed from the public road via an established entrance.
  - Site Sharing and Clustering: Vantage is an independent provider of infrastructure and has a facility-sharing policy. The subject design allows for multi-operator use.
- Circular PL07/12
  - Permanent Permission: A permanent grant of permission is requested.
- Circular PL 03/2018
  - It is now a requirement that waivers for broadband infrastructure (masts and antennae) be extended to include mobile phone infrastructure. This was recently highlighted under appeal reference **ABP 308859-21** which removed a condition requiring a contribution payment.

- Health and Safety
  - Vantage has stringent Health and Safety policies and codes for its maintenance crews and for the public.
  - Circular 07/12 states that should be concerned with the location and design of telecommunications structure and do not have the competence for health and safety matters.
- Designated Areas
  - The Cushaling and Grand Canal proposed Natural Heritage Area is 2.65 km southwest from the site. The Long Derries, Edenderry Special Area of Conservation and proposed Natural Heritage Areas are located to the southwest of the Cushaling and Grand Canal proposed Natural Heritage Area. Due to the distance between these sites and the proposed development, it is submitted that they will not be impacted by the proposed development.
- Landscape Sensitivity
  - The site falls within the area known as Western Boglands which is a class 3, high sensitivity area.
  - The closest areas with sensitivity factors to the site are a mixed forest and a Peat Bog. The eastern boundaries of the Peat Bog and mixed forest are 1.1km west of the site. The nearest tower referenced above is situated within this area.
  - The area of high sensitivity covers a substantial landmass of County Kildare. It is not possible to secure coverage for Derrinturn without entering this area.
  - The proposed site is within lands occupied by a wholesale specialising in trees and other plants. The proposed site is the most appropriate site when considering the landscape designation.
- Impact of Development on Landscape
  - Table 13.3 from the *Kildare CDP* does not include telecommunications as a development class.

- Objective LR01 is referenced. It is stated that the lattice structure can be absorbed into the landscape.
- Objective LR 02 is referenced. It is stated that none of the factors listed under LR 02 relate to the application as it is not within 300m of Landscape Sensitivity Factors, not within a class 4 or 5 landscape sensitivity, nor is it within 500m of a route or a view.
- A telecommunications tower can be developed at the site without conflicting with or inuring the amenity of the class 3 Western Boglands Special landscape designation.
- Protected Structures
  - The closest Protected Structures in Derrinturn include KD008-034 (holy well), 11900803 (Catholic Church of the Holy Trinity), 11900804 (detached house) and 11900805 (Derrinturn House).
- Zoning
  - The site has relocated away from the residential zoned lands following the refusal of ref. **23/60323**.
  - Visibility of the structure will be limited to incidental or intermittent views of the structure.
  - The site is 160 m from the nearest house to the east and a similar distance to the nearest housing estate to the west.
  - Existing trees and hedgerows provide visual screening between the nearest housing and future housing. The structure is at an oblique angle to existing housing.
  - St Conleth's National School is 750m from the proposed structure and there are no hospitals nearby.
- Photomontages
  - Photomontages are attached to the appeal.
  - Any views of the structure will be intermittent.
  - The First-Party outlines the methodology for verified views.



## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority confirms its decision and requests that An Bord Pleanála refer to the Planning Reports, internal department reports and prescribed bodies reports in relation to the assessment of the application.

## **6.3. Observations**

- 6.3.1. None.

## **7.0 Assessment**

- 7.1. Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Site Selection
- Material Contravention
- Visual Impact

## **7.2. Principle of Development**

- 7.2.1. The subject site is located on un-zoned land and is positioned outside the town boundary of Derrinturn in the *Kildare CDP*. I note that there is no guidance in relation to development proposals on unzoned lands in the *Kildare CDP*. In the following sections, I will therefore examine the proposal in accordance with the policies and objectives of the plan. I will also have regard to the compatibility of the development with adjacent land-uses and zonings.

## **7.3. Site Selection**

### Co-Location

- 7.3.1. The Planner's Report from Kildare County Council (KCC) stated that they had concerns regarding the consideration of alternative sites.

- 7.3.2. The First-Party has identified that there are 3 no. sites in the wider area, at Carbury Parish Church, ESB Carbury and Clonkeen Coillte which provide telecommunications infrastructure. I note the reasonings presented, which are summarised above in section 6.1.1, as to why the 3 no. sites are not suitable for the co-location of equipment. I am therefore satisfied that the applicant has suitably justified their reasonings as to why the co-location of equipment is not suitable at any of the existing 3 no. sites.

“Last Resort” Test

- 7.3.3. Kildare County Council’s reason for refusal outlines that having regard to the location of the site, c. 100 m from the Derrinturn Town Boundary, it is considered that the development would materially contravene objective EC 086 which seeks to avoid free-standing masts in the immediate surrounds of small towns and villages.
- 7.3.4. The zoning map for Derrinturn is located within Volume 2 Part 1 for Small Towns and Environs in the *Kildare CDP*. As such, Derrinturn is considered a small town. I have measured the distance from the site to the Derrinturn Town Boundary and note that the site is located approximately 124 m from the Derrinturn Town Boundary. As such, I agree with the Planning Authority that the site is located within the immediate surrounds of Derrinturn.
- 7.3.5. In the reason for refusal, KCC have stated that the proposed development materially contravenes objective EC 086. In the case of the subject application, it is proposed to construct a free-standing mast in the immediate surrounds of Derrinturn, which is a small town. I therefore agree with the Planning Authority that the proposed development would contravene Objective EC 086. The materiality of the contravention will be assessed in section 7.4 of this report.
- 7.3.6. The *1996 Guidelines* are also relevant to this assessment. The *1996 Guidelines* state under section 4.3 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 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.*”

- 7.3.7. In assessing this proposal in the context of determining whether the proposed site constitutes a last resort, I note the documentation submitted which outlines that the 3 no. sites in the vicinity of Derrinturn are unsuitable. As noted above, I am satisfied that the applicant has suitably justified their reasonings as to why the co-location of equipment is not suitable at any of the existing 3 no. sites.
- 7.3.8. The First-Party outlines that the area suitable for a new structure is very limited. The First-Party states that for technical requirements, the site needs to be close to Derrinturn and above it. As such, the First-Party outlines that the site in question is considered to be the optimal available site and that there is no other site available which will achieve the coverage objectives. However, I note that no supporting documentation has been submitted to support this statement which would identify alternative suitable sites and the reasonings as to why they were discounted.
- 7.3.9. The First-Party has outlined that the proposed development will allow for the clustering of other telecommunication infrastructure and for site sharing. I note that this accords with section 15.11.4 of the *Kildare CDP*.
- 7.3.10. I note the ComReg maps which identify Vodafone's current coverage in the area. I also note the previous application by the applicant which was refused by KCC on the land to the north under reference no. **23/60323**. However, I am of the view that the applicant has not examined all alternatives in this case, as the assessment of alternative sites is limited to established telecommunication locations. In the absence of a detailed assessment of alternative sites outside of the settlement of Derrinturn, I consider that the proposed development does not meet the requirements in justifying its siting as a "last resort". The development is therefore contrary to Objective EC 086 and to the *1996 Guidelines*.

#### **7.4. Material Contravention**

- 7.4.1. KCC in their refusal considered that the development would materially contravene objective EC 086, which seeks to avoid free-standing masts in the immediate surrounds of small towns and villages. As addressed above under section 7.3, I consider that the proposed development would contravene Objective EC 086. However, in my opinion, Objective EC 086 is not sufficiently specific so as to justify the use of the term "*materially contravene*" in terms of normal planning practice.

7.4.2. Notwithstanding this conclusion, I have assessed the development against the four criteria outlined under Section 37(2)(b) of the Planning and Development Act 2000, as amended, which is the criteria that allows the Board to grant permission in the event of a material contravention.

i. The development is of strategic or national importance.

7.4.3. There is national policy to support the provision of broadband to rural communities, as set out above in Objective 24 in the *NPF*. However, I consider that the proposed development is not in itself of strategic or national importance.

ii. There are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned.

7.4.4. I consider that there are conflicting objectives in the *Kildare CDP*, as the proposed development is concerned. This is evident in Policy EC P20 and Objectives EC 075, EC 085 and EC 086. Policy EC P20 and Objectives EC 75 and EC 085 support telecommunication infrastructure. Meanwhile Objective EC 086 states that free-standing masts should be avoided in the immediate surrounds of small towns and villages. Therefore, it may be difficult to provide adequate indoor provision of broadband if these sites are not available.

iii. Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.

7.4.5. Regional Policy Objective (RPO) 8.25 of the *Regional Spatial Economic Strategy for the Eastern and Midland Regional Assembly* seeks to support and facilitate the delivery of the National Broadband Plan. *The 1996 Guidelines* and *Circular Letter: PL 07/12* support government policy on the roll out of a high-quality telecommunications service and provide guidelines on design and siting. Having regard to the contents of these documents, I do not consider that they would warrant an overriding of the *Kildare CDP* policies and objectives regarding the protection of the landscape.

- iv. Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.4.6. The *Kildare CDP* took effect in January 2023 and having regard to the pattern of development in the area, I note that there are no permissions granted in the area for the erection of such infrastructure.

7.4.7. To conclude, I do not consider that the development materially contravenes objective EC 086 in the *Kildare CDP*. However, notwithstanding my concerns in relation to the visual impact of the development, which are set out in section 7.5 of this report, should the Board consider that the development does materially contravene objective EC 086 and wish to grant planning permission, I consider that the Board is entitled to grant permission under section 37(2)(b). I consider that there are conflicting objectives in the *Kildare CDP*. As such, having regard to section 37(2)(b)(ii), I consider that the Board is entitled to grant planning permission under section 37(2)(a) of the Planning and Development Act, as amended.

## 7.5. Visual Impact

### Residential Development

7.5.1. The site is positioned approximately 124m to the east of the Derrinturn town boundary. "New Residential" zoned land is located to the west of the subject site. As noted above the proposed development is for a 24m high lattice tower. The First-Party states that the height of 24m is the lowest height Vodafone can secure the coverage and line of sight needed for links. However, I consider that the site is located in a sensitive location, in a rural area adjacent to existing and future urban housing. As such, I have concerns regarding the visual impact of the development given the height, scale and bulk of the design proposed. Given the relatively flat topography, the positioning of the mast near the roadside, and the use of adjacent fields by the nursery which contain young trees and as agricultural land, I consider that the scale of the mast will appear overbearing in the landscape.

### Western Boglands Landscape Character Area

- 7.5.2. The site is located in the Western Boglands Landscape Character Area. I have included an extract of the Landscape Character Areas map from the *Kildare CDP* along with my site photographs for the Board.
- 7.5.3. I note from the *Kildare CDP* that the Western Boglands has a landscape sensitivity rating of 3 which equates to high sensitivity and that it is “*an area with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.*”
- 7.5.4. The *Kildare CDP* contains Table 13.3 titled “*Likely Compatibility between a Range of Land-Uses and Principal Landscape Areas*”. Whilst there is no development type specifically stating telecommunications equipment, I am satisfied that “*Major Powerlines – Infrastructure*” is applicable to the proposed development. I note that table 13.3 identifies that “*major powerlines – infrastructure*” developments have medium compatibility with the Western Boglands. The proposed development is for a 24m high lattice tower. Table 13.4 lists landscape sensitivity factors and their likely compatibility with a range of land uses. I note that within 300m of the site, agricultural land with natural vegetation is present, which is identified as being likely to be compatible with great care to major powerline developments.
- 7.5.5. I note the justification from the First-Party that the height and form of the structure are standard and that the lattice structure is visually preferable to a monopole structure. The First-Party claims that lattice structures have better capacity to be absorbed into the landscape as opposed to monopole structures.
- 7.5.6. A series of photomontages were submitted as part of the application to KCC. I note that the same photomontages have been submitted with the First-Party Appeal. I accept that from views 3 and 4, the proposed mast would not appear overly dominant on the landscape. However, I disagree with the First-Party’s justification that lattice structures have a better capacity to be absorbed into the landscape as opposed to a monopole structure. This is evident in photomontage views 1 and 2, which identify the tower beside electricity poles. By virtue of the tower’s height, design and positioning adjacent to the roadside with low-level screening from planting, I consider that the tower would cause visual intrusion and appear bulky. Considering the sensitive nature of the site, as recognised by the *Kildare CDP*, I agree with the Planning Authority and consider that the proposed development

would negatively impact the visual amenities of the area. Whilst I acknowledge the importance of high-quality telecommunications infrastructure for the town of Derrinturn, this should not be to the detriment of the landscape.

- 7.5.7. Notwithstanding policy EC P20 and objectives EC 075 and EC 077 in the *Kildare CDP* and the arguments put forward by the Applicant, I have serious concerns with the proposed development. I note objective EC 082 which seeks to minimise the provision of masts in sensitive landscape areas. Having regard to the site's location, its positioning close to the roadside, low-level screening from hedgerows and the nursery and the positioning of the site in the Western Boglands Landscape Character Area, which is deemed to be a high sensitivity landscape, I consider that the development will result in a significant alteration to the appearance of this area.

## 8.0 AA Screening

- 8.1. Having regard to the nature of the development, to the absence of any hydrological connection to any European Site and the distance from European Sites, I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

1. Having regard to the siting of the proposed development *approximately* 124 m from the Derrinturn Town Boundary, it is considered that a sufficient examination of alternative sites and justification for the proposed development at this location as a "last resort" has not been undertaken. Accordingly, the development proposed if permitted would be contrary to the Telecommunications Antennae and Support Structures Guidelines (1996) and to Objective EC 080 of the Kildare County Development Plan 2023 – 2029 which seeks to avoid free-standing masts in the immediate surrounds of small

towns and villages. The development would therefore be contrary to the proper planning and sustainable development of the area.

2. Given the siting, design and overall height of the proposed development, in the Western Boglands Landscape Character Area, which is deemed to be high sensitivity (class 3), it is considered that the proposed telecommunications structure would constitute a discordant feature in the local landscape and would seriously injure the visual amenities of the area. Therefore, the development proposed, if permitted would conflict with policy objective EC 082 of the Kildare County Development Plan 2023 – 2029 which seeks to minimise the provision of masts in sensitive landscape areas, and would 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.

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Catherine Hanly

Planning Inspector

6<sup>th</sup> February 2025



# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-319762-24		
<b>Proposed Development Summary</b>	24m high lattice tower and associated telecommunications equipment.		
<b>Development Address</b>	Dreenane, Carbury, Co. Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	X		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X	N/A	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
N/A	N/A		Preliminary examination required (Form 2)

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

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_