



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320479-24

<b>Development</b>	Retention for a 23 metre high monopole structure and permission to extend remaining structure
<b>Location</b>	The ESB Telecoms Ltd. Compound (part of the former ESB Depot), Off Mill Lane/Main Street, Leixlip, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	24168
<b>Applicant</b>	ESB Telecoms Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	ESB Telecoms Limited
<b>Observers</b>	Serena McGiff
<b>Date of Site Inspection</b>	2 <sup>nd</sup> April 2025
<b>Inspector</b>	Jim Egan

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## **1.0 Site Location and Description**

- 1.1. The subject site is located on backland c. 40m to the north of intersection between Main Street, Mill Lane and Leixlip Road / R148 in Leixlip town, Co. Kildare, and directly due north of Leixlip Bridge, the main entry point to the town from the south / east.
- 1.2. The site is accessed via a gated track from Main Street to the south. The site is bounded to the west by the rear garden of a residential property, Ivy House (protected structure), to the east / northeast by an access track and greenfield land and to the south by a vacant commercial building fronting Main Street / Mill Lane.
- 1.3. The site comprises a telecommunications compound with a total area of 170sq.m and is enclosed by a 2.4m high palisade fence. There is an existing 30m high telecommunications monopole structure with radio telecommunication equipment attached and associated ground level equipment cabinets on the site.

## **2.0 Proposed Development**

- 2.1. Retention planning permission is sought for a 23m section of an existing 30m high monopole structure (removing the top 7m).
- 2.2. Planning permission is sought to extend the remaining structure with a 4m high headframe, resulting in the total height of the monopole to be 27m.
- 2.3. The altered structure would be shared with multiple operators and would carry antennae, communication dishes and ancillary equipment (including lightning finial), all within an existing palisade fenced compound along with associated ground-mounted equipment and associated groundworks.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused retention permission and permission for the following reasons:

- 1. Having regard to the location of the proposed development, within the Architectural Conservation Area (ACA) for Leixlip, and adjacent to the curtilage*

*of a protected structure, it is considered the development for which retention permission (and permission) has been sought would contravene objective EC O80 of the Kildare County Development Plan 2023-2029, which seeks 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'. Objective EC O82 Kildare County Development Plan 2023-2029 seeks to 'minimise the provision of overground masts and antenna with the areas of high amenity/sensitive landscape areas, areas within or adjoining the curtilage of protected structures, on or within the setting of archaeological sites'. Furthermore, Section 15.11.4 of the Kildare County Development Plan 2023-2029 states that telecommunication infrastructure should be 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. In addition, the structure would contravene Policy BH2 of the Leixlip Local Area Plan 2020-2026 which states 'It is the policy of the Council to preserve and enhance the historic character and visual setting of the Leixlip Architectural Conservation Area and to carefully consider any proposals for development that would affect the special value of the area'.*

*It is considered the development for which retention permission (and permission) has been sought, by reason of the scale and location would be injurious to the visual amenities of this area, and the Architectural Conservation Area for Leixlip, would materially contravene objectives EC O80, EC O82 and Section 15.11.4 of the Kildare County Development Plan 2023-2029 and Policy BH2 of the Leixlip Local Area Plan 2020-2026 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**

The report contains an assessment of the proposed development. Points of note include:

- The existing structure, which is unauthorised, is used by 3 no. mobile and broadband operators.
- Circular Letter PL 07/12 is noted.
- The information provided by the applicant in respect of identifying suitable alternative sites is noted.
- By reason of the site location within an ACA and adjoining the rear garden and curtilage of Ivy House, a protected structure, the proposed development for which retention permission is sought would contravene Objective EC O80 and Objective EC O82 of the CDP.
- The monopole structure has an overbearing impact on the ACA and is highly visible from Leixlip Bridge, a protected structure, and main access to the town.
- The proposal would contravene Section 15.11.4 of the CDP with respect to the impact on the special character and appearance of designated conservation areas, protected structures and sites of archaeological importance.
- Section 15.11.4 of the CDP states that for larger towns, operators should locate in industrial estates or on industrially zoned land.
- The proposal contravenes Policy BH2 and Objective BH2.1 of the Leixlip LAP in respect of the impact on the Architectural Conservation Area (ACA).
- The proposal contravenes Objective BH1.3 of the Leixlip LAP in respect of the impact on the landscape character, values, sensitivities, focal points and views in the town.
- Recommends that retention permission and permission be refused.

### 3.2.2. *Other Technical Reports*

Environment: Report dated 14<sup>th</sup> June 2024 raised no objection subject to conditions relating to the construction phase.

Chief Fire Officer: Report dated 20<sup>th</sup> June 2024 raised no objection.

Transport, Mobility and Open Space: Report dated 20<sup>th</sup> June 2024 raised no objection.

Water Services: Report dated 28<sup>th</sup> June 2024 raised no objection.

### 3.3. **Prescribed Bodies**

None.

### 3.4. Third Party Observations

2 no. observations were received during the statutory consultation period, summarised as follows:

Dr. Peter Harris and Prof. Hilary Hoey, 4 Main Street Lower, Leixlip

- Observer's dwelling, Ivy House, is a protected structure. The eastern boundary of the rear garden abuts the appeal site.
- To grant permission would require a material contravention of the 2010 Leixlip Area Plan, referring to Objectives T5 and T6.
- Planning authority's reasons for refusing a 2011 application are still valid.
- The mast overshadows the observer's house and gardens (photos included).
- The application site was originally part of the grounds of Ivy House (a protected structure) and is therefore similarly restricted with regards use.
- The mast overshadows the village, can be seen from all approach roads, destroys its character and sets a precedent for such structures.
- There are better locations for the mast, such as the site of the hydro-electric dam.
- Queries the legality of the initial erection of the mast in 2006.
- Concern with regards health hazards of electromagnetic waves.

Serena McGiff, 334 Mill Lane, Leixlip

- Observer's dwelling is located east of the appeal site.
- Mast is unauthorised.
- Refers to Policies T5 and T6 of previous local area plan.
- Mast has an overbearing presence on observer's rear garden (photo included) and on surrounding residences and is not in keeping with established character or local heritage of the area.
- To grant the proposal would contravene LAP policy with respect to protected structures and ACAs.

- A reduction in height will not make any difference.
- Mast has devalued observer's property.
- Concern with regards health risks and the location of masts in residential areas.  
Refers to CDP Objective EC O86.

## 4.0 Planning History

### 4.1. Appeal site

**P.A. Ref. 71286** – refers to a 1971 grant of permission for the erection of self-supporting radio at the rear of the ESB premises

**P.A. Ref. 043138 / ABP Ref. PI 09.212160** – refers to a 2005 refusal of permission for a 30m high, free standing tree type communications structure, antennae and dishes and four ground containers.

**P.A. Ref. 06158 / ABP Ref. PI 09.217358** – refers to 2006 grant of permission for a temporary period of 5 years for a 30m high monopole communications structure (to replace a 30m high lattice steel tower), 4 equipment containers to replace existing steel tower.

#### Condition 1

*This permission is for a period of five years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.*

*Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the period of five years.*

**P.A. Ref. 11335 / ABP Ref. PI 09.239801** – refers to a 2012 grant of permission to retain, for a period of 3 years, the 30m high, free standing monopole communications structure carrying antennae and communication dishes.

#### Condition 1

*This permission is for a period of three years from the date of this order. The telecommunications structure and any ancillary structures shall then be*



*removed unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period on foot of an application which shall comprehensively examine alternative site locations for them.*

*Reason: To enable the impact of the development to be re-assessed.*

**P.A. Ref. 15334 / ABP Ref. PI 09.245086** – refers to a 2015 grant of permission to retain, for a period of 2 years, the 30m high, free standing monopole communications structure carrying antennae and communication dishes.

**Condition 2**

*This permission is for a period of two years from the date of this order. The telecommunications structure and any ancillary structures shall then be removed from site at the end of this period unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.*

*Reason: To enable the applicant to procure a suitable alternative site for the re-location of the telecommunications mast to provide for the continuation of mobile telephony service and to prevent disruption to service in the area in the interim period in the interests of the proper planning and sustainable development of the area.*

**P.A. Ref. 171216** – refers to a 2018 grant of permission to retain, for a period of 18 months, the 30m high, free standing monopole communications structure carrying antennae and communication dishes.

**Condition 2**

*This permission is for a period of 18 months from the date of the final grant of permission. The telecommunications structure and all ancillary structures shall be removed from site at the end of this period unless, prior to the end of the period, planning permission has been granted for a further period.*

*Reason: To enable the applicant to procure a suitable alternative site for the re-location of the telecommunications mast to provide for the continuation of mobile telephony service and to prevent disruption to service in the area in*

*the interim period in the interests of the proper planning and sustainable development of the area.*

**P.A. Ref. 19844** – refers to a 2019 grant of permission to retain, for a period of 12 months, the 30m high, free standing monopole communications structure carrying antennae and communication dishes.

**Condition 2**

*This permission is for a period of Twelve Months from the date of the final grant of permission. The telecommunications structure and all ancillary structures shall be removed from site at the end of this period unless, prior to the end of the period, planning permission has been granted for a further period.*

*Reason: To enable the applicant to procure a suitable alternative site for the re-location of the telecommunications mast to provide for the continuation of mobile telephony service and to prevent disruption to service in the area in the interim period in the interests of the proper planning and sustainable development of the area.*

#### **4.2. Adjoining Land**

**P.A. Ref. P82025-04** – refers to a Part 8 scheme to comprise demolition of the existing ESB building to the south of the site at Mill Lane, new entrance on Mill Lane and the construction of 36 apartments. Other works include new cladding to the fence and railing to the existing ESB mast and substation, traffic re-alignment and alterations to road junction at Mill Lane, Main Street and Leixlip Road, removal of 1 no. parking space at Leixlip Road to Main Street.

Note: The website of the local authority states that public consultation on the above Part 8 scheme was to run from 13<sup>th</sup> June 2025 to 11<sup>th</sup> July 2025, however plans and particulars are not available to view. The housing section of the local authority advised that public notice has been postponed until the end of July 2025.

## 5.0 Policy Context

### 5.1. National and Regional Guidance

#### Climate Action Plan (CAP) 2025 and 2024

- CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

#### Harnessing Digital. The Digital Ireland Framework

Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

#### National Planning Framework – First Revision, 2025

National Policy Objective 62: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

#### National Development Plan 2021-2030

The government recognises that access to quality high speed broadband is essential for today's economy and society.

#### National Broadband Plan 2020

The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland,

through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996

- These guidelines were published in 1996 and clarified by Circular Letter PL07/12 in October 2012.
- The competence for health matters in respect of telecommunications infrastructure is regulated by other codes.
- Visual impact is an important consideration when assessing proposals for communication structure and impact can vary with the general context of the proposed development. The sharing of facilities and clustering is promoted.
- In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land. The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts. It should also be noted that substations operated by the ESB may be suitable for the location of antennae support structures. This possibility should also be investigated.
- In urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. In urban areas the need for increased numbers of cells to cater for customer growth will lead more and more to the subdivision of existing cells and, in some instances to the introduction of “microcell” technology. Microcells will normally have their antennae located below roof level and will serve a very specific building (shopping centre, tunnel etc.) or be used to boost a weak signal. Microcells are not an alternative to normal cells.
- Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. 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 location. The support structure should be kept to the minimum height consistent with effective

operation and should be monopole (or poles) rather than a latticed tripod or square structure.

#### Circular Letter PL07/12

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised. Broadly these are:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances.
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses.
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit.
- Register or database of approved structures.
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds.
- The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

#### Architectural Heritage Protection – Guidelines for Planning Authorities, 2011

The guidelines provide guidance to planning authorities on determining planning applications in relation to a protected structure or the exterior of a building within an ACA.

#### Eastern & Midland Regional Spatial & Economic Strategy 2019-2031

Regional Policy Objective RPO 8.25: Local authorities shall: • Support and facilitate delivery of the National Broadband Plan. • Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland. • Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas. • Support the national objective to promote Ireland as a sustainable

international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations. • Promote Dublin as a demonstrator of 5G information and communication technology.

## **5.2. Kildare County Development Plan 2023-2029**

Relevant policies, objectives and standards are set out within Core Strategy & Settlement Strategy (Chapter 2), Energy & Communications (Chapter 7), Urban Centres and Retail (Chapter 8), Building & Cultural Heritage (Chapter 11), Landscape, Recreation & Amenity (Chapter 13) and Development Management Standards (Chapter 15).

### Core Strategy & Settlement Strategy (Chapter 2)

Leixlip is designated a 'Self-Sustaining Growth Town' under the county settlement hierarchy. Section 2.14 (settlement hierarchy) outlines that self-sustaining growth towns will continue to attract a moderate level of jobs and services through a range of employment types. Table 2.8 (Core Strategy) targets a population growth rate of 10.2% during the CDP period.

### Energy & Communications (Chapter 7)

The importance of improving telecommunications infrastructure for the social and economic progress of communities is supported by the following policies and objectives of the CDP.

**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.

**Objective 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.

The CDP also outlines a requirement in balancing this need with other planning considerations (residential, environmental, visual amenity, heritage):

**Objective EC O78:** 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.

**Objective 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 Architectural Conservation Areas.

**Objective 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.

**Objective EC O82:** 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.

**Objective EC O86:** 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.

Other Relevant Policies and Objectives include:

Building & Cultural Heritage (Chapter 11)

**Objective AH O21:** Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage.

**Objective AH O65:** Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.

#### Development Management Standards (Chapter 15)

Section 15.11.4 states that proposals for telecommunications antennae and support structures will be assessed in accordance with the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, DELG, (1996), as revised by Circular Letter PL 07 / 12.

Section 15.11.4 also sets out criteria to be considered with evaluating planning applications for the provision of telecommunication installations, including the consideration of residential and visual amenity, special character and appearance of designated conservation areas, protected structures and sites of archaeological importance, and for proposals in the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned land and that the use of existing structures is always preferable to the construction of an independent antennae support structure.

### **5.3. Leixlip Local Area Plan (LAP) 2020-2023 (extended to 2026)**

Under the Land Use Zoning Objectives Map, the site is zoned 'A: *Town Centre*', the objective of which is '*To protect, improve and provide for the future development of Town Centres*'.

The site is also identified as being within a '*Town Centre Regeneration Area*', the designation for which is directly aligned with the 'Town Centre' zoning boundary.

The southern half of the site is located within the Leixlip Architectural Conservation Area (ACA). Referring to the submitted drawings, the monopole structure is located on or marginally within the boundary of the ACA.

Relevant policies and objectives of the LAP are as follows:



### Town Centre Regeneration (Chapter 5)

The site is located within the 'North Main Street Backlands Regeneration' area as described under Section 5.3.1 of the LAP. The following objectives apply:

**Objective REG 1.1** To facilitate the redevelopment of North Main Street Backlands in a co-ordinated manner which facilitates a mix of residential/retail and commercial uses. The development of the site shall be subject to an agreed action plan with the planning authority for the entire site and shall be carried out in a phased manner.

**Objective REG 1.2** To support the provision of an entrance and egress onto Main Street via the new street which shall be subject to agreement with the Planning and Transportation Sections of Kildare County Council and shall include improvement measures along the R148 and at the R148 Junction at Mill Lane.

**Objective REG 1.3** The new street design shall provide pedestrian and cycle permeability through the site connecting to the main street to the south, to the west at Captain's Hill and north towards St. Mary's Park.

**Objective REG 1.4** The design of new buildings and land uses within this regeneration site shall be sympathetic to the existing adjoining properties while also being orientated in a manner that provides passive surveillance of the proposed new street and pedestrian/cycle connections through the site.

**Objective REG 1.5** The overall development shall provide for adequate parking provision for the various uses proposed within the site in accordance with the Car Parking Standards of the Kildare County Development Plan 2017-2023. The site shall also provide for sufficient lands for a new public town centre car park.

### Infrastructure and Environmental Services (Chapter 9)

**Policy I4:** It is the policy of the Council to promote and facilitate the development and renewal of energy and communications networks in Leixlip, while protecting the amenities of the town.

**Objective I4.2:** To support and facilitate the provision of telecommunications infrastructure in Leixlip, subject to safety and amenity requirements.

**Objective I4.5:** To support the ESB in identifying a suitable alternative site for the relocation of the existing telecommunications mast at Mill Lane

## Built Heritage and Archaeology (Chapter 10)

**Policy BH1:** It is the policy of the Council to preserve and enhance the buildings identified on the Record of Protected Structures and to carefully consider any proposals for development that would affect the special value of such structures, including their historic curtilage, both directly and indirectly.

**Policy BH2:** It is the policy of the Council to preserve and enhance the historic character and visual setting of the Leixlip Architectural Conservation Area and to carefully consider any proposals for development that would affect the special value of the area.

**Objective BH2.1:** To ensure that new development, including infill development, extensions and renovation works within or adjacent to the ACA preserve or enhance the special character and visual setting of the ACA including vistas, streetscapes, building line, fenestration patterns and architectural features.

### **5.4. Natural Heritage Designations**

The site is not located within or adjacent to any designated sites. The closest European Site is the Rye Water Valley / Carton SAC (Site Code: 001398), c. 430m to the southwest.

The Rye Water Valley / Carton pNHA (Site Code: 001398) is c. 430m to the southwest and the Liffey Valley pNHA (Site Code: 000128) is c. 200m to the southeast.

## **6.0 The Appeal**

A first party appeal has been received from ESB Telecoms Limited in relation to the planning authority's decision to refuse permission. A summary of the grounds of appeal is provided below.

### **6.1. Grounds of Appeal**

- The monopole has been on the site for c. 18 years and carries the communication equipment for 3 Irish network providers, namely Eir Mobile, Three Ireland and Vodafone.

- Refers to letters of support and technical information provided by the three operators (Eir Mobile, Three Ireland and Vodafone), as submitted to the planning authority with the planning application.
- The removal of the monopole would cause a significant gap in the network and leave the centre of Leixlip town with significantly reduced coverage.
- The planning authority has not considered the implications of a refusal in terms of maintaining mobile and broadband services in the town, and the impact of the loss of services on businesses, residents and visitors to the town.
- Retention of the structure would avoid the proliferation of mobile operators' installations.
- Since 2016, efforts have been made to identify alternative sites. No suitable alternative site is available.
- The monopole design remains the most appropriate design solution for the site. Tower design and mobile technologies have not advanced to such an extent to change this view.
- The proposal should be regarded as being of strategic and national importance, with reference to Section 37(2) of the Planning and Development Act 2000 (as amended) in the context of proposals which may materially contravene a county development plan.
- The proposal complies with the *Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996* updated by Ministerial Circular PL07/12 on the basis that the no suitable alternative site has been identified and that the proposed structure, with a reduced height to the minimum required for operating purposes, facilitates shared operators thus reducing the need for alternative sites in the vicinity.
- With respect to Objective EC O80 of the CDP, the proposal includes a reduction in the height of the monopole to a minimum height required for operational viability.
- In the context of Objective EC O82 of the CDP, applications should be assessed on their own merits and where no suitable alternative site is available

this objective should be balanced against the policy framework that supports telecommunications industry.

- By reference to the description of Ivy House in the Record of Protected Structures including that the front façade is the element that contributes to its character, along with the setback of the appeal site from the street, the proposal does not adversely affect the character of Ivy House as a protected structure. Refers to commentary on visual impact contained in the planner's report for P.A. Ref. 11/335.
- In the context of Policy BH2 of the LAP, the proposal seeks to preserve the visual setting of the ACA by minimising the scale of the proposed structure.
- The submitted Visual Impact Statement demonstrates that the altered monopole would not cause undue harm to the visual amenities of the immediate area and wider locality.
- The proposal, by reason of reduced height, is a reasonable and balanced approach to ensure mobile and data services in Leixlip are maintained.
- Should the Board consider a temporary grant of permission in more appropriate, a 5-year permission is requested, which would justify the investment required to carry out the proposed alterations to the monopole.

## **6.2. Planning Authority Response**

A response, received on the 2<sup>nd</sup> September 2024, notes the appeal, confirms its decision to refuse permission and refers the Board to the planning reports, other internal department reports and prescribed bodies reports in relation to the assessment of the planning application.

## **6.3. Observations**

An observation to the appeal has been received from Serena McGiff, 334 Mill Lane, Leixlip. Whilst broadly similar to the points made in the observer's initial submission to the planning authority, the observation is summarised as follows:

- Mast is unauthorised since 2019. Temporary permission granted to allow an alternative location to the found. 5 years passed with no action.

- Using planning system to undermine local authority decisions.
- Leixlip is an industrious town with many suitable areas for such telecommunication structures away from the houses and conservation areas.
- Leixlip is designated an ACA and site is adjacent to Ivy House, a protected structure.
- Proposal has an overbearing presence on the surrounding area. Reduction in height will not make a difference.
- Health risks associated with masts.

#### **6.4. Prescribed Bodies**

A report received on the 9<sup>th</sup> October 2024 from the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage, concurred with the planning authority's conclusion that the proposal would contravene policies and objectives in the context of architectural heritage designations. The report also requested that regard is had to the *Architectural Heritage Protection – Guidelines for Planning Authorities, 2011*.

### **7.0 Assessment**

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

- Principle of Development
- Technical Justification for Location
- Last Resort Test and Alternative Sites
- Visual Impact Assessment
- Impact on Residential Amenity
- Health and Safety

The issue of appropriate assessment, EIA and Water Framework Directive screening also need to be addressed.

## **7.2. Principle of Development**

- 7.2.1. The provision of telecommunications infrastructure is supported at national, regional and county level in the interest of enhancing economic and social development. Policy EC P20 of the Kildare CDP recognises that the development of such infrastructure is a key component of future economic prosperity and social development of County Kildare. Policy I4 and Objective I4.2 of the Leixlip LAP support and facilitate the provision of telecommunications infrastructure in the town subject to safety and amenity requirements.
- 7.2.2. Under the Leixlip LAP, the appeal site is zoned 'TC - Town Centre', the objective of which is *'To protect, improve and provide for the future development of Town Centres.'* Under Table 13-1 (land use zoning matrix), the use of land for telecommunications infrastructure is not specifically listed. Table 13-2 states that proposed land uses not listed in the matrix will be considered on the merits of the individual planning application, with reference to the most appropriate use of a similar nature indicated in the table and in relation to the general policies and zoning objectives for the area. The most appropriate use of a similar nature is 'Utility Structures', which is listed as being 'Open for Consideration' on land zoned Town Centre. Under the LAP 'Open for Consideration' uses may be acceptable in circumstances where the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses.
- 7.2.3. On the basis of the foregoing, from a high-level policy framework and land use zoning perspective, I consider the proposal to be acceptable in principle subject to assessment against other planning matters.

## **7.3. Technical Justification for Location**

- 7.3.1. The planning authority's reason for refusal is centred on the visual impact of the development in the context of the site being located within the Leixlip Architectural Conservation Area (ACA) and its proximity to Ivy House, a protected structure.
- 7.3.2. The appellant's justification for the continued operation of the development at the appeal site location is based on the absence of any available alternative site to provide the same level of mobile coverage to the target area.

- 7.3.3. In terms of mobile communication coverage, the first party appeal submission outlines the structure of a mobile telecommunications network generally including the function of a base station (such as that on the subject site) to serve a coverage area known as a 'cell'. With reference to the publicly accessible online ComReg Site Viewer and Coverage Viewer mapping tool, the appeal seeks to link the 'Very Good' 5G technology coverage experienced in the vicinity of the site to the appeal site base station by showing the relatively peripheral location of other base stations serving the town. As such, the appeal contends that the loss of the base station on the appeal site would lead to a drop in coverage in the vicinity of the site and across the Leixlip town area. I note that the coverage viewer map extracts used in the appeal submission indicate the appeal site location to be in the vicinity of St. Mary's Park some 300m north of the actual site location. However, I am satisfied that the coverage information contained in the appeal submission is broadly accurate, with the area in the vicinity of the site experiencing either 'Good' or 'Very Good' 5G coverage for all three networks operating from the site, namely Eir Mobile, Three Ireland and Vodafone.
- 7.3.4. The appeal also includes technical reports provided by Eir Mobile, Three Ireland and Vodafone in support of the application. The reports break down the coverage data to a more granular level, specific to each operator's services in the town including the coverage area (cell) served by existing infrastructure on the appeal site. The coverage area specific to the appeal site appears to be generally consistent across all three operators, covering an area that extends to the east as far as the wastewater treatment plant, north to include Riverdale and St. Mary's Park housing estates, west to include part of main street and the Rye River housing estates west of Captain's Hill, and south / southeast to include Leixlip bridge and some land south of the River Liffey. The Vodafone report outlines that the loss of the appeal site facility would have very significant impact on coverage and service to the commercial centre of the town and the residential areas of Rye River, Riverdale, St. Mary's Park and Castle Park, a statement which, in my view, is reflected by, and consistent with, the maps submitted by each of the operators.
- 7.3.5. The Vodafone report also refers to the cover of trees on higher ground to the north and commercial buildings fronting Captain's Hill to the west and the implications of same on the required height of the monopole to provide coverage to the target areas of Riverdale and St. Mary's Park housing estates to the north and Captain's Hill, Leixlip

House Hotel and Rye River housing estate to the west. The report states that the required coverage can be achieved by the revised arrangement (monopole height of 23m with 4m high headframe) but no lower than that.

- 7.3.6. On the basis of the above, I am satisfied that the applicant has provided a reasonable technical justification for the proposal.

#### **7.4. Last Resort Test and Alternative Sites**

- 7.4.1. In considering visual impact and the 'last resort test', the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996), (referred to as the Telecommunications Guidelines henceforth) refer to two categories of settlement, namely 'small towns and villages' and 'larger towns and city suburbs'. Leixlip had a population of 16,733 persons at Census 2022. Under the CDP, Leixlip is designated a 'Self-Sustaining Growth Town' in the county settlement hierarchy and a Level 3 Town in the retail hierarchy. Furthermore, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 identifies large towns as those towns with a population of greater than 5,000 persons. I consider that for the purpose of assessment against the Telecommunications Guidelines, Leixlip is categorised as a 'Larger Town'.
- 7.4.2. Objective EC O86 of the CDP, which is generally consistent with the Telecommunications Guidelines, requires that in the vicinity of larger towns communications providers should endeavour to locate infrastructure in industrial estates or on industrial zoned land, and only as a last resort when all other alternatives have been exhausted should free standing masts be located in a residential area or beside schools.
- 7.4.3. In this case, and as outlined in the previous section, the target coverage area comprises part of the town centre and adjoining residential estates. Having regard to the settlement pattern of the town and with reference to the LAP zoning map, industrial estates and industrial zoned land is located to the northwest and southwest of the town, some distance from the town centre. The River Liffey south of the town forms the boundary with South Dublin County Council. With reference to the South Dublin County Development Plan 2022-2028, the land to the south of the River Liffey is zoned 'HA-LV', a high amenity open space zone. As such, in this case, the location for



telecommunications infrastructure within or adjoining the town centre and associated target coverage area, and thus outside of an industrial area, is, in my view, justified. The Guidelines acknowledge that in urban areas the need for increased numbers of cells to cater for customer growth will lead more and more to the subdivision of existing cells. Town centre sites as locations for telecommunication masts are not precluded by the CDP or the Telecommunications Guidelines, rather where the location is necessary masts and antennae should be designed and adapted for the specific location.

- 7.4.4. The first party appeal refers to the consideration of alternative sites as submitted with the initial application to the planning authority. 6 no. sites were considered, namely (1) the council owned back land immediately adjoining the site to the northeast, (2) the fire station site on Mill Lane, c. 130m east of the appeal site, (3) ESB substation site, south of the River Liffey and R148, c. 335m from the appeal site, (4) Leixlip Power Station, south of the River Liffey, c. 460m southwest of the appeal site, (5) Leixlip Wastewater Treatment Plant, c. 600m east of the appeal site, and (6) Leixlip water treatment plant, south of the River Liffey c. 300m south of the appeal site.
- 7.4.5. The applicant's documentation includes details of coverage requirements for the target area and indicates that the alternative sites considered within the search area are not suitable.
- 7.4.6. In terms of planning history, the existing monopole structure was approved by An Bord Pleanála in 2006 on a 5-year temporary permission. An Bord Pleanála then granted a further 3-year temporary permission in 2012, followed by a 2-year temporary permission in 2015. The planning authority granted a further 18-month temporary permission in 2018, and a 12-month temporary permission in 2019. There is no record of any further grants of permission. Technically speaking, the monopole structure has been unauthorised since c. 2020.
- 7.4.7. The basis for the 2006 and 2012 temporary permissions was to allow subsequent assessment of the visual impact of the structure having regard to changes in technology and design in the specified period to follow. The basis for the 2015, 2018 and 2020 temporary permissions was to enable the applicant to procure a suitable alternative site for the re-location of the telecommunications mast and also to prevent disruption to service in the area in the interim period.

- 7.4.8. The retention application pertaining to the 2015 permission included consideration of 4 no. alternative sites, corresponding directly with the first 4 numbered sites outlined above. The application pertaining to the 2018 permission included consideration for two additional sites, corresponding directly with Sites 5 and 6 outlined above. Based on the current appeal submission, during pre-planning discussions held in 2017 the planning authority recommended that the applicant consider Sites 5 and 6. The applicant has referenced the same 6 no. sites, more or less verbatim, in the 2019 and 2024 applications. The applicant does however provide updated commentary on the backland site which adjoins the appeal site, referring to more recent discussions with the planning authority with regards a land swap, noting no resolution in that regard. I would refer again to the Part 8 housing scheme for the adjoining land that is referenced on the Kildare County Council consultation portal however no details are available as yet.
- 7.4.9. While the consideration of 6 no. alternative sites is noteworthy and may suggest an exhaustive exercise, I would have concern that all the alternative sites are located south or east of the appeal site with no apparent consideration for sites west or north of the site, either in the form of new structures or other design solutions. The target coverage area includes housing estates to the north and northwest and, as noted earlier in my report, the technical report from Vodafone submitted with the application refers to a minimum monopole height required on the appeal site to reach those areas due to intervening topography and tree cover. As such, it would appear that the design of the structure in terms of height alone has been determined by those areas to the north and northwest within the target coverage area. In my view, a complete assessment of alternatives would include consideration of sites within the full coverage area. The appeal submission refers to the 'on-going search' for alternative sites and solutions however besides the sites suggested by the planning authority in 2017, there is no evidence that the applicant has examined other options in the period since the 2015 temporary permission was granted. Furthermore, the submitted Vodafone report refers to an exercise itself carried out to identify other possible locations however no further details of this exercise are provided.
- 7.4.10. However, while it could be argued that the applicant could have included more information in relation to the question of alternative sites, it would be difficult, in my

view, to adjudicate on such an exercise and decide when exactly such might be sufficient.

## **7.5. Visual Impact Assessment**

- 7.5.1. The key concern of the planning authority was the visual impact of the development in the context of the Leixlip ACA and proximity to a protected structure, Ivy House. Similar concerns were raised by the observer to the appeal, while the submission received by the Board from the Department of Housing, Local Government and Heritage concurs with the decision of the planning authority.
- 7.5.2. The site is located on backland to the north of the intersection between Main Street, Mill Lane and Leixlip Road. The southern half of the site is located within the Leixlip Architectural Conservation Area (ACA). Referring to the submitted drawings, the monopole structure is located on or marginally within the boundary of the ACA. The LAP provides a rationale for the designation of the Leixlip ACA including reference to the 'attractive buildings that form a strong streetscape within the Town Centre'. It is an Action of the CDP to prepare a Statement of Character for ACAs, including Leixlip. There is no record that this has happened.
- 7.5.3. The site also adjoins the eastern side boundary of the rear garden of Ivy House (a protected structure), which comprises a two-storey dwelling fronting Main Street, partially set back from the street. The National Inventory of Architectural Heritage (NIAH) appraisal of Ivy House includes that the building remains an attractive feature on the streetscape of Main Street, forming a landmark in the centre of the town when entered over Leixlip Bridge to the south. Ivy House is abutted to the west by 2 no. mid-terrace two-storey buildings built to the street edge, both protected structures. The NIAH appraises these buildings as being attractive features on the streetscape of Main Street and contributes to regular quality of the roofline in the historic core of Leixlip. A further protected structure, a detached two-storey house, is located further west.
- 7.5.4. The Telecommunications Guidelines state that visual impact is an important consideration when assessing proposals for communication structures. Section 3.10.1 of the *Architectural Heritage Protection - Guidelines for Planning Authorities, 2011*, states that when it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance; that generally it is preferable to minimise

the visual impact of the proposed structure on its setting; and that the scale of new structures should be appropriate to the general scale of the area and not its biggest buildings.

- 7.5.5. Objective EC O79 of the CDP seeks to protect the special character and visual amenity of Architectural Conservation Areas, Objective EC O82 specifically seeks to minimise the provision of overground masts and antennae within sensitive areas including areas within or adjoining the curtilage of protected structures, while Objective AH O21 seeks to protect the curtilage of protected structures from inappropriate development.
- 7.5.6. Objective BH2.1 of the Leixlip LAP seeks to preserve and enhance the historic character and visual setting of the Leixlip Architectural Conservation Area. Furthermore, Objective I4.5 of the Leixlip LAP is specific to the appeal site seeking to support the ESB in identifying a suitable alternative site for the relocation of the existing telecommunications mast.
- 7.5.7. Section 15.11.4 (development management standards) of the CDP sets out criteria to be considered with evaluating planning applications for the provision of telecommunication installations, including the consideration of residential and visual amenity, special character and appearance of designated conservation areas and protected structures.
- 7.5.8. The existing structure is c. 30m high with a headframe that covers a height of c. 10.5m on the top of the monopole. The headframe comprises 3 no. sections which appear to be uniform in height, each c. 3m high x c. 1.8m wide with equipment attached. In an effort to reduce the visual impact of the structure, the applicant proposes to reduce the overall height of the monopole by 3m, down from 30m to 27m, which according to the applicant, is the minimum height required to achieve coverage for the target area. The proposal also includes the removal of the existing headframe structure and installation of a new headframe covering the top 4m of the monopole. The submitted drawings indicate that the headframe with equipment will extend to c. 3.15m in width / diameter.
- 7.5.9. The first party appeal refers to the visual impact assessment submitted with the application, which examines 13 no. viewpoints, comprising an existing and proposed / rendered image in each case. It is unclear whether the assessment is based on verifiable views and in this respect there appears to be inconsistencies in how the applicant has depicted the mast height and headframe in the proposed / rendered

images which, in my view, is an important consideration in the assessment of visual impact. Despite this, the in-situ structure and the proposed rendered images do provide assistance in understanding visual impact of the proposed development.

- 7.5.10. The applicant's assessment includes views northwards from the southern side of the bridge on the R148 Leixlip Road, views westwards along Mill Lane, eastwards on Main Street and southeast and eastwards from the lower end of Captain's Hill. The applicant concludes that by reason of its reduced height, the proposed monopole will be less intrusive on the street scene and, by association, less intrusive on the ACA. The appeal also contends that the proposal would not adversely affect the character of Ivy House, a protected structure, by reason of the setback of the monopole from the street and by reason of the front façade of Ivy House being the main contributory element to its significance.
- 7.5.11. In the context of the ACA and protected structures in the vicinity of the site, I consider the most relevant viewpoints are the approach road into the town from the south, via Leixlip Bridge / R148; the route east through the town centre along Main Street and the route west along Mill Lane towards the town centre.
- 7.5.12. Main Street constitutes the main thoroughfare and urban core of the town and apart from Leixlip Castle to the southwest, is the primary focus of the ACA. Main Street is characterised by its intact historical built form of two-storey buildings, comprising a mix of residential and town centre commercial / retail uses. As noted above, there are 4 no. protected structures located southwest of the appeal site, including Ivy House. The ACA extends the full length of Main Street and on its eastern end extends further east to include properties on the north side of Mill Lane, and south as far as Leixlip Bridge to include properties on both sides of Leixlip Road.
- 7.5.13. The visual impact assessment examines views eastwards along Main Street, concluding that by reason of a reduced height, the revised monopole, compared to the existing structure, would result in a significant improvement in terms of visual impact on the ACA. The majority of Main Street is aligned on a southwest to northeast axis, however the eastern end doglegs east to create a slight bend in the road, with the appeal site, in general terms, located on the outside of this bend. During a site inspection I observed that by reason of this dogleg in Main Street at that specific location, together with the relatively low rise nature of buildings in the town, the

monopole structure is positioned within a natural line of sight and highly visible within the eastward viewscape on Main Street, and in the context of the ACA and location of protected structures on the north side of Main Street, in my view, the proposed structure would continue to represent a dominant and obtrusive feature in the streetscape.

7.5.14. The applicant's assessment examines one viewpoint on Leixlip Road (R148) from the south, with this view taken from a point north of the Salmon Leap pub and south of the bridge (it also being a protected structure). The assessment of the view concludes that the proposed structure blends within the treeline present within the foreground of the view. The submitted 'photo location map' indicates a second viewpoint along the bridge however assessment of this view was not included. During a site visit, I observed that when approaching the town via the R148 / Leixlip Road and crossing over the bridge, and by reason of the relatively low-rise nature of buildings, the existing monopole structure is highly visible and positioned within a natural line of sight. In the context of the ACA and location of protected structures on the north side of Main Street, in my view, the proposed structure would continue to represent a dominant and obtrusive feature in the streetscape.

7.5.15. Furthermore, the Leixlip LAP identifies the appeal site as being part of a larger regeneration site (referred to as North Main Street Backlands Regeneration) and includes a suite of specific objectives to guide its development. In this regard, I note that the local authority's consultation webpage provides details of a forthcoming Part 8 application for an age friendly social housing scheme on part of the aforementioned backland site, with the scheme to comprise demolition of the former ESB building that fronts Main Street to the south, a new entrance off Main Street / Mill Lane, construction of 36 no. apartments in four blocks, with reference also made to new cladding to the ESB mast site compound fence. Plans and particulars of the scheme were not available at the time of writing this report. However, the proposal, which includes the demolition of the former ESB building fronting Main Street, being an element that aligns with the intent of the LAP, would have the effect of making the monopole structure increasingly visible from the southern approach to the town. While the formal Part 8 process for the project has not yet commenced, the Board may wish to take account of the intent by the local authority in this regard.

- 7.5.16. The visual impact assessment also includes an examination of views westwards from Mill Lane towards the site and the town centre. Mill Lane comprises a partial continuation of town centre uses on its southern side but otherwise is predominantly residential. A row of detached and semi-detached single storey dwellings on the north side of Mill Lane are located within the eastern end of the ACA. These houses are set on relatively large plots with generous front setbacks to the street. The viewpoints in the applicant's visual impact assessment are taken east of the fire station with the assessment concluding that by reason of the tree line at the backdrop, the proposed monopole will not unduly impact on visual amenity. During a site inspection, I observed that as per the views evaluated within the applicant's visual impact assessment, longer views on Mill Lane show that the monopole does not represent a significant feature within the viewscape by reason of trees in the backdrop and intervening street furniture, however closer to the town centre, west of the fire station, the monopole structure is highly visible within the vicinity of the aforementioned single storey dwellings and thus within the ACA, and, in my view, within this context, the proposal, notwithstanding the lower height, would continue to represent a dominant and obtrusive feature in the streetscape.
- 7.5.17. In conclusion, based on the documentation submitted with the application and appeal, it is my view that the proposed altered structure, while lower in height, would continue to represent a dominant and obtrusive feature within the three viewscales discussed above, and thus would result in an adverse impact on the visual amenity of the Leixlip ACA, contrary to Objectives EC O79 and EC O82 of the CDP and Objective BH2.1 of the Leixlip LAP, and would also result in an adverse impact on the setting of nearby protected structures in the context of their contribution to the streetscape and the ACA, contrary to Objective AH O21 of the CDP.
- 7.5.18. It is noteworthy that the proposal facilitates a number of operators, thereby reducing the requirement for individual telecommunication structures to cover the same target coverage area, a measure encouraged under the Telecommunications Guidelines, however I consider that visual impact must be a determining factor in the context of the site location within an ACA and proximity to protected structures.

## **7.6. Impact on Residential Amenity**

- 7.6.1. The observer to the appeal raised the issue of residential amenity, contending that the monopole has an overbearing presence on surrounding properties.
- 7.6.2. The Telecommunications Guidelines states that only as a last resort should free-standing masts be located in a residential area or beside schools and that 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 location. In a similar vein, Objective EC O79 of the CDP seeks to achieve a balance between facilitating the provision of telecommunications infrastructure while also protecting amenity including residential amenity.
- 7.6.3. Whilst the appeal site is zoned 'Town Centre' under the Leixlip LAP, it is within close proximity to land zoned 'Existing / Infill Residential'. Table 13-2 of the LAP states that in such situations, it is necessary to avoid developments that would be detrimental to amenity, and that in zones abutting residential areas, particular attention will be paid to the uses, scale, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.
- 7.6.4. In this case, the proposed structure, comprising a c. 27m high monopole, the height of which includes an attached headframe of stated height of c. 4m and stated width / diameter of c. 3.1m, located within c. 3m of the east side boundary of the rear garden of a dwelling, Ivy House, which is located on land zoned Town Centre, and within c. 12m of the west side boundary of the rear garden of No. 333 Mill Lane to the east / southeast, zoned 'Existing / Infill Residential'. Due to its height and scale and location proximate to the rear gardens of residential properties, the proposed structure, in my view, would continue to have an adverse overbearing impact on surrounding residential properties, contrary to Objective EC O79 of the CDP.

## **7.7. Health and Safety**

- 7.7.1. The observer to the first party appeal also raised the issue of potential human health impacts arising from the proposed development.



- 7.7.2. In relation to health considerations, Circular Letter 07/12, issued by the then DoECLG, reiterates the advice contained in the Telecommunication Guidelines, specifically that planning authorities should not determine planning applications on health grounds, 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 matters are regulated by other codes and such matters should not be additionally regulated by the planning process.

## **8.0 EIA Screening**

Refer to Form 1 in Appendix 1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

## **9.0 Appropriate Assessment**

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **10.0 Water Framework Directive**

Refer to Appendix 3. On the basis of objective information, I consider that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

I recommend that retention permission and permission be refused for the reasons outlined below.

## 12.0 Reasons and Considerations

1. Having regard to the site location within the Leixlip Architectural Conservation Area and location proximate to Protected Structures, it is considered that the proposed development, by reason of its height and overall design and visibility from the surrounding area, would be out of scale with its surroundings, would seriously detract from the setting of the Leixlip Architectural Conservation Area, the adjoining streetscapes generally and the setting of nearby protected structures, Ivy House (RPS. Ref. B11-51), No. 8 Main Street (RPS. Ref. B11-80) and No. 10 Main Street (RPS. Ref. B11-81), in the context of the contribution that these protected structures make to the streetscape and the Leixlip Architectural Conservation Area. The proposed development would therefore be contrary to national guidance - the *Telecommunications Antennae & Support Structure - Guidelines for Planning Authorities 1996* and the *Architectural Heritage Protection - Guidelines for Planning Authorities 2011*, contrary to Objectives EC O79, EC O82 and AH O21 of the Kildare County Development Plan 2023-2029 and contrary to Objective BH2.1 of the Leixlip Local Area Plan 2020-2023 (extended to 2026), and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to Objective EC O79 and Section 15.11.4 of the Kildare County Development Plan 2023-2029 regarding the evaluation criteria for telecommunications structures, and having regard to its very close proximity, the proposed development would have a significant overbearing impact and would seriously injure the residential amenities of adjoining and nearby houses. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Jim Egan

Planning Inspector

19<sup>th</sup> June 2025

## Appendix 1 – EIA Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-320479-24		
<b>Proposed Development Summary</b>	Retention for a 23 metre high monopole structure and permission to extend remaining structure		
<b>Development Address</b>	The ESB Telecoms Ltd. Compound (part of the former ESB Depot), Off Mill Lane/Main Street, Leixlip, 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>	√
		<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>	√		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>			
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>			
<b>Yes</b>			

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

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

## **Appendix 2 – Appropriate Assessment Screening**

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network, the site is the Rye Water Valley / Carton SAC (Site Code: 001398), c. 430m to the southwest.

The proposed development is located within an urban settlement and comprises the retention of part of a telecommunications monopole and extension of the remaining element. The development would not require connections to public services such as water and sewerage.

The Planning Authority concluded that AA is not required.

Having considered the nature, scale and location of the proposed development, and having regard to the AA Screening carried out by the Planning Authority, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

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.

## **Appendix 3 – Water Framework Directive Screening**

### **Screening the need for Water Framework Directive Assessment Determination.**

The subject site is located on backland to the north of Main Street / Mill Lane in Leixlip town, and c. 175m north of the River Liffey.

The proposed development comprises retention for part of an existing telecommunications monopole structure and extension of the remaining section.

I have assessed the application and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of the development
- Urban location and location in the context of the nearest water bodies.

#### **Conclusion**

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.