



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322548-25

|                                     |                                                                                                      |
|-------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Section 254 licence for the installation of a 15m operator pole with ground-based equipment cabinet. |
| <b>Location</b>                     | Curragh Grange, Newbridge, Co. Kildare.                                                              |
| <b>Planning Authority</b>           | Kildare County Council                                                                               |
| <b>Planning Authority Reg. Ref.</b> | S254L/000841.                                                                                        |
| <b>Applicant(s)</b>                 | Shared Access Limited.                                                                               |
| <b>Type of Application</b>          | S.254 Licence.                                                                                       |
| <b>Planning Authority Decision</b>  | Refuse.                                                                                              |
| <b>Type of Appeal</b>               | First Party                                                                                          |
| <b>Appellant(s)</b>                 | Shared Access Limited.                                                                               |
| <b>Observer(s)</b>                  | None.                                                                                                |
| <b>Date of Site Inspection</b>      | 15 <sup>th</sup> December 2025.                                                                      |
| <b>Inspector</b>                    | Terence McLellan.                                                                                    |

## 1.0 Site Location and Description

- 1.1. The appeal site is a grass verge on the southern side of Curragh Grange Road which is in a suburban area of Newbridge, County Kildare. Located approximately 1.5km from Newbridge town centre, the area is generally residential in nature, however, lands to the immediate south of the subject site are in industrial use.
- 1.2. Curragh Grange is a single carriageway road running east to west, linking Green Road to the Newbridge Relief Road. The site is on a grass verge adjacent to the footpath which in turn is separated from the carriageway by another grass verge planted with semi-mature trees. The M7 Motorway is accessed roughly 2.5km to the southwest via Junction 12. The site is owned by Kildare County Council.

## 2.0 Proposed Development

- 2.1. A Section 254 Licence is sought for a 15m high freestanding telecommunications monopole together with antenna, dish, GPS transmitter and ancillary equipment cabinet. Whilst the monopole and equipment are primarily for Three, the design is capable of incorporating multiple operators who may wish to deploy antennae at the site. The monopole would be 15m in height and 406mm in diameter. The associated equipment cabinet would be 1,998mm in width, 88mm in depth and 1,652mm in height. An initial three-year licence is sought.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Kildare County Council refused to grant a licence on 21<sup>st</sup> March 2025 for the following reason:

*The Kildare Newbridge Municipal District Office wish to reserve the grassed verges on the Curragh Grange Road for the possible future provision of increased width pedestrian footpaths and possible cycle track infrastructure. The Curragh Grange Road is a strategic pedestrian link connecting Newbridge town/the numerous housing developments in the Curragh Grange area with schools on the Green Road.*

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

- 3.2.1. There is no Planner's Report available.

### 3.3. **Other Technical Reports**

- 3.3.1. Newbridge Municipal District Office (13.03.2025): Object to the proposal on the basis of reserving the grassed verges on the Curragh Grange Road for the possible future provision of increased width pedestrian footpaths and possible cycle track infrastructure.

### 3.4. **Prescribed Bodies**

- 3.4.1. None.

### 3.5. **Third Party Observations**

- 3.5.1. None.

## 4.0 **Planning History**

#### *Subject Site*

- 4.1. A previous S254 Licence application was refused by the Council under reference S254L/000828. No details or information on this application are available on the Council's website or provided by the Council as part of the current appeal. I note from the Applicant's submission that the reason for refusal related to the desire to potentially widen the footpath.

#### *Surrounding Area*

- 4.2. Curragh Grange c. 130 metres to the north-east of the subject site

**ACP reference ABP-319024-24/ Planning Authority reference S254L/000701**: The Commission granted a S. 254 Licence in December 2024 for the provision of a 15m high telecommunications mast and associated equipment cabinet.

## 5.0 **Policy Context**

### **National and Regional Guidance**

#### 5.1. Climate Action Plan (CAP) 2025

- 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 Commission to make all decisions in a manner that is consistent with the current CAP.

#### 5.2. 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.

#### 5.3. National Planning Framework 'Project Ireland 2040' First Revision (April 2025)

- National Policy Objective 31: 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.
- 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.

#### 5.4. National Development Plan 2021-2030

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

#### 5.5. 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.

5.6. Regional, Spatial and Economic Strategy Eastern & Midland 2019-2031

- Table 3.1: Enable infrastructure growth through collaboration with providers to deliver telecommunications infrastructure.

5.7. Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996

- 5.7.1. These guidelines were published in 1996 and provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

5.8. Circular Letter PL 03/2018

- 5.8.1. This circular provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013 and specifically states that the waiver provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

5.9. Circular Letter PL07/12

- 5.9.1. 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; and
- The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

## 5.10. Kildare County Development Plan 2023-2029

### Chapter 7 Energy and Communications

5.10.1. Section 7.15 is in relation to 'Telecommunications Infrastructure'. It states that 'Government policy for the development of telecommunications infrastructure is set out in Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996), and in circular letter PL07/1. The planning authority will have regard to the Guidelines and to such other publications and material as may be relevant in the consideration of planning applications for such structures. Free-standing masts should be avoided in the immediate surrounds of small towns and villages. In the vicinity of larger towns communications providers should endeavour to locate infrastructure in industrial estates on industrial zoned land. Only as last resort when all other alternatives have been exhausted should free standing masts be located in residential areas or close to schools and hospitals.'

5.10.2. The following policies and objectives are of relevance:

- Policy EC P20: To support national policy for the provision of new and innovative telecommunications infrastructure and to recognise that the development of such infrastructure is a key component of future economic prosperity and social development of County Kildare.
- Objective EC O76: To 'co-operate and co-ordinate with relevant bodies regarding the laying of key infrastructural services within towns and villages and, where practicable, to encourage the efficient and shared use of said infrastructural services'.
- Objective EC O77: To 'co-operate with telecommunication service providers in the development of the service, having regard to proper planning and sustainable development'.

- Objective EC O78: To 'have regard to the provisions of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) and circular letter PL07/12 and to such other publications and material as may be relevant during the period of the Plan'.
- Objective EC O79: To 'achieve a balance between facilitating the provision of telecommunications infrastructure in the interests of social and economic progress and sustaining residential amenity and environmental quality including to protect the visual amenity of town centres and in particular Heritage Towns and Architectural Conservation Areas'.
- Objective EC O80: To 'ensure that the location of telecommunications structures minimises and/or mitigates any adverse impacts on communities, public rights of way, historical sites, or amenities, and the built or natural environment, innovative design solutions will be encouraged'.
- Objective EC O86: To 'avoid free-standing masts in the immediate surrounds of small towns and villages. In the vicinity of larger towns communications providers should endeavour to locate infrastructure in industrial estates or on industrial zoned land. Only as a last resort when all other alternatives have been exhausted should free standing masts be located in residential areas or close to schools and hospitals'.

#### Chapter 15 Development Management Standards

- Section 15.11.4 is in relation to 'Telecommunications and Supporting Infrastructure'. It states that applications for new facilities should include certain details, assessments and supporting material to justify any such proposal.

### **5.11. Natural Heritage Designations**

#### **5.11.1. None of relevance.**

## **6.0 The Appeal**

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

6.1.1. A First Party appeal has been received from Pegasus Group, for and on behalf of the Applicant, Shared Access Limited. The grounds of appeal can be summarised as follows:

- The Planning Authority has not objected to the proposal on the grounds of scale, massing, appearance, location, or need. The site is appropriately located and will generally protect visual amenity and should be considered sustainable development.
- The proposal addresses the previous refusal in terms of impacts on a potential pathway/cycleway and careful consideration was given to potential upgrade works to provide active travel facilities.
- The cabinet and pole have been moved closer to the fence, providing a 6m gap from the edge of the grass verge to the cabinet which is suitable to achieve the minimum width for shared active travel as detailed in the Cycle Design Manual.
- The development has been designed and positioned to provide sufficient width for active travel infrastructure.
- Changes to the width of the grass verge further down Curragh Grange Road as well as a change in levels is such that a potential footway cycleway would only be able to extend 125m which is not viable/feasible.
- If a footway/cycleway was to extend beyond this, substantial changes to levels would be required which would have negative impacts on the neighbouring dwellings.
- There is no evidence of an application for an active travel scheme, and no reference to such within the County Development Plan or Local Area Plan.
- It is unreasonable to refuse an application on the grounds that an active travel scheme may come forward. This is the only reason put forward by the Council, and it is requested that the appeal is allowed.



## 6.2. Planning Authority Response

6.2.1. The Planning Authority response raises no substantive issues.

## 6.3. Observations

6.3.1. None.

## 6.4. Further Responses

6.4.1. None.

## 7.0 Assessment

7.1. The proposed development is brought forward under section 254(1) of the Planning and Development Act 2000 (as amended).

7.2. The licensing provisions set out in section 254 of the Planning and Development Act 2000 (as amended), require persons seeking to erect overground telecommunications infrastructure to obtain a licence from a Planning Authority where it is intended to erect such infrastructure on, under, over or along a public road. Section 2 of the Act states that “public road” has the same meaning as in the Roads Act, 1993 and Section 2 of the Roads Act 1993 states that a “public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority. In addition, the Roads Act states that ‘road’ includes (inter alia) any *street, lane, footpath, square, court, alley or passage*.

7.3. In this instance, the telecommunication structures are proposed on public lands contiguous to a public footpath. As such, I am satisfied that the works can be considered as being ‘*along a public road*’ and that the provisions of Section 254 of the Planning and Development Act as it relates to an application for a licence is the appropriate consent mechanism for the subject development.

7.4. In their consideration of the development, under section 254(5) of the Act, the Commission is required to have regard to:

- a) the proper planning and sustainable development of the area,
- b) any relevant provisions of the development plan, or a local area plan,

- c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d) the convenience and safety of road users including pedestrians.

- 7.5. At the outset I would note that the Planning Authority have raised no objections to the development in terms of its overall location, need, visual amenity, or compliance with the development plan. Whilst these matters are not raised as part of the appeal I have given consideration to them in my assessment.
- 7.6. I note that there is a demonstrable need for telecommunications' network improvements in the vicinity of the appeal site for Three in relation to indoor coverage. Evidence in this regard has been provided in the RF Technical Justification Report and supported by the online ComReg mapping system which I have also reviewed, noting that this provides detail on outdoor coverage only and the proposal seeks to address sub-optimal indoor coverage levels. The Applicant's map-based images illustrate the existing indoor coverage in and around the search area and the predicted new indoor coverage that would be provided with the aid of the proposed telecommunications structure, demonstrating that the proposed telecommunication structure would result in an improvement to indoor coverage in the area.
- 7.7. In terms of co-location, I note the Applicant's search exercise and that five sites were considered, two of which are within the 500m search ring for the site, all of which were ultimately discounted as being unsuitable and incapable of providing the coverage required. I note that the Applicant has considered the existing telecoms mast on Curragh Grange approximately 130m to the north-east but that this is unable to support an additional operator, and that the existing rooftop masts on the industrial estate to the south of the subject site, where Three is already represented, are of insufficient height to provide coverage to the target area. I am satisfied that the Applicant has demonstrated a need for improved telecommunication infrastructure in the area and that the matter of co-location has been adequately addressed.
- 7.8. In terms of visual amenity, I am of the view that the proposed location is acceptable. Having regard to the existing streetscape and receiving environment, I do not consider that the proposed monopole, cabinet, or ancillary works would have any significant adverse visual or residential amenity impacts. I acknowledge that the structure would be visible, however it would be well screened by the existing trees which line both

sides of Curragh Grange Road and, when considering other infrastructure like lighting columns, it would not be so obtrusive or discordant that it would seriously injure the visual or residential amenity of the receiving environment. It is not directly outside any house or entrance to a residential estate, it would partially be viewed in the context of the industrial lands to the south and, in considering the existing mast to the north side of Curragh Grange Road, the separation distance of 130 metres and the intervening environment, change in levels, and landscaping, is such that the proposed mast would not be read in the same context nor would it contribute to the perception of visual clutter.

- 7.9. The single matter raised in the Planning Authority's refusal and the appeal relates to the potential impact of the proposed telecommunications infrastructure on the ability of the Council to deliver the potential future provision of increased pedestrian footpath widths and possible cycle track infrastructure. As noted by the Applicant, no detail on this potential project is provided by the Planning Authority nor is any information available on the Council's website. No reference is made to these improvements in either the CDP or the Newbridge Local Area Plan, which I note has expired.
- 7.10. It would appear to me that the provision of increased pedestrian footpath widths and the provision of cycle lanes along this stretch of Curragh Grange is aspirational at this stage, with no clear timeline to delivery, albeit noting that this type of project would be commendable and beneficial to the residential communities that line this road. I agree with the Applicant that a licence should not be withheld on this basis.
- 7.11. In any event, I note that the Applicant has demonstrated that the location of the mast and equipment would safeguard the provision of footpath and cycle way improvements and that minimum widths would be comfortably achieved. Furthermore, I note that the legislation allows for the licence to be retracted by Kildare County Council 'where in the opinion of the planning authority by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing withdraw the licence and require the licensee to remove the appliance, apparatus or structure at his or her own expense' (emphasis added). The Planning Authority would therefore have the ability to revisit the licence in the future if planned active travel improvements progress to delivery stage.

7.12. I would also note to the Commission that the Licence Application Form indicates that a five-year period is sought for the duration of the licence and that the grounds of appeal further advise that a temporary three-year period is sought. With this in mind, I note that Section 2.2 of Circular Letter PL 07/12 states that 'attaching a condition to a permission for telecommunication masts and antennae which limit their life to a set temporary period should cease' except in exceptional circumstances. Given the ambiguity regarding the potential delivery of future improvements to footpath widths and cycleways, I find that the proposal would represent an exceptional circumstance and that a three-year licence would be reasonable to allow the Council to make further progress on potential active travel improvements/delivery.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The proposed development is located within a residential area and comprises an 15m high telecommunications mast with associated equipment cabinet.
- 8.1.2. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The nature and scale of the development proposed.
  - The location of the site in a serviced urban area, the distance from European Sites, the urban nature of intervening habitats, and the absence of meaningful ecological pathways to any European Site.
- 8.1.3. 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 Water Framework Directive**

- 9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises a telecoms mast and associated equipment cabinet. No water

deterioration concerns were raised in the planning appeal. I have assessed the proposed development 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.

9.2. 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:

- The nature and scale of the works;
- The location of the site in a serviced urban area and the distance from nearest Water bodies and lack of direct hydrological connections.

9.3. 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.

## **10.0 Recommendation**

10.1. I recommend that a licence be granted for the proposed development subject to the conditions set out below.

## **11.0 Reasons and Considerations**

11.1. Having regard to the provisions of Section 254 of the Planning and Development Act 2000 (as amended), to national, regional and local policy objectives, as represented in the Kildare County Development Plan 2023-2029, including Section 15.11.4 'Telecommunications and Supporting Infrastructure' and Policy EC P20, to the Department of Environment, Heritage and Local Government section 28 Statutory Guidelines, "Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996," as updated by circular letter PL 07/12 in 2012, and to the nature and scale of the development, it is considered that, subject to compliance with

the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. This licence is for one 15 m freestanding pole and antennae and associated operator cabinet only in accordance with the details submitted to the Planning Authority on the 29<sup>th</sup> November 2024.

**Reason:** To clarify the nature and extent of the permitted development to which this licence relates and to facilitate a full assessment of any future alterations.

3. (a) The licence shall be valid for a period of three years only 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, a further Section 254 licence has been granted for their retention for a further period.  
  
(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this licence.

**Reason:** To enable the impact and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.

4. No additional dishes, antennae or other equipment, other than indicated on the drawings received by the Planning Authority with the proposed licence application, shall be attached to the pole or otherwise erected on the site without first obtaining the written consent of the Planning Authority and no advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.

**Reason:** In the interest of the visual amenities 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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Terence McLellan  
Senior Planning Inspector

22<sup>nd</sup> December 2025