

An
Bord
Pleanála

Board Order
ABP-320720-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 24/60571

Appeal by Donadea and District Community Group care of Rosemary Flannery of Staplestown, Donadea, County Kildare against the decision made on the 14th day of August, 2024 by Kildare County Council to grant subject to conditions a permission to Vantage Towers Limited care of Charterhouse Infrastructure Consultants of HQ, 27 Market Street, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: To erect an 18 metre high lattice tower together with antennas, dishes and associated telecommunications equipment, all enclosed by security fencing with an extension to an existing access track at Dunmurraghill (Townland), Staplestown, Donadea, County Kildare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the national strategy regarding the provision of mobile communication services, the provisions of the Kildare County Development Plan 2023 – 2029, the existing agricultural use on the site, to the nature and scale of the proposed telecommunications structure and to the separation distances between the proposed structure and existing and permitted dwellings in the wider area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, landscape character, cultural heritage or biodiversity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination, screening for environmental impact assessment, or environmental impact assessment is required.'

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars submitted with the planning application, except as may be otherwise 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 interest of clarity.

2. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.

Reason: In the interest of the visual amenities of the area.

3. (a) The proposed fencing, cabinets and lower sections of the communications structure shall be screened from the surrounding countryside with native hedges and trees, such as: Native Evergreens (Holly and Scots Pine), Native Deciduous (Oak, Elm, Ash, Birch, Hazel, Alder, Willow, Whitethorn, Blackthorn, Irish Whitebeam, Rowan). Exotic species such as Cypress Leylandii, Rhododendron or Laurel, shall not be used.
- (b) Details of the screening shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. The planting shall be carried out in accordance with the said details.
- (c) Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (d) Existing hedgerows trees and shrubs on site shall be retained, preserved and maintained on site, unless their removal is required to achieve sight visibility lines.

Reason: To protect the existing character of the area, to assist in the screening of the proposal and in the interests of visual amenity and biodiversity.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

5. A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety.

6. In the event of obsolescence, the communications structure and related ancillary structures shall be demolished, removed and the site re-instated to the written satisfaction of the planning authority and at the Applicant's expense.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

7. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of the visual amenities of the area.

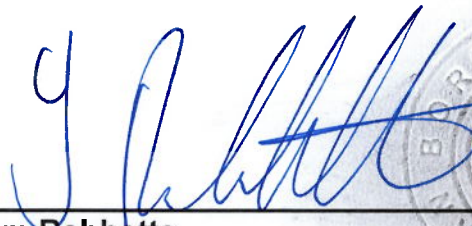
8. The applicant shall provide and make available at reasonable terms the proposed telecommunications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.

Reason: In the interest of the avoidance of a multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.

9. (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. [specify, as appropriate, following consultation with NMS]. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].
- (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.



Tom Rabbette

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board**

Dated this 28th day of Mar 2025