



An
Bord
Pleanála

Inspector's Report ABP-300237-17

Development	To construct a 21m high telecommunications monopole support structure carrying antennas and transmission dishes, with associated equipment units, security fencing and access track.
Location	Kildare Town AFC, Rathbride Road, Kildare Town, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/977
Applicant(s)	Three Ireland.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Three Ireland (Hutchinson) Ltd.
Observer(s)	None
Date of Site Inspection	14 th February 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The site is located to the north-east of Kildare town, Co. Kildare, within the Kildare Town AFC sports ground. Kildare Town AFC is c.1.8km from the centre of Kildare Town, c.800m north of the railway line, and c.3.8km west of the Curragh Racecourse.
- 1.2. The R415 road bounds the sports ground to the west, and a minor cul-de-sac road leading to Currabeg stables and a small number of residential dwellings bounds the sports ground to the north. Access into the playing pitches and the club house is off this local access road. Agricultural lands lie to the west of the club across the R415 road. The Cill Dara Golf Club and the Kildare Flying Club lie further north, to the east of the R415 road.
- 1.3. The site is in the transition area between the urban areas of Kildare Town and the rural area of the Curragh beyond. The area is generally flat but there is reasonably mature hedgerows along the boundaries of the club. An overhead powerline runs along the west of the R415 road, past the sports ground with double wooden polesets and an angle mast opposite the entrance to the Golf Club.
- 1.4. The proposed site for the telecoms mast is to the east/south-east of the sports ground and abuts the boundary.
- 1.5. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is for the installation of a 21m high telecommunications monopole support structure, carrying antennas and transmission dishes with associated ground equipment units, security fencing and access track.
- 2.2. It is stated that the monopole support structure will carry 3 no. 2.5m high panel antennas and 1 no. 0.3m radio transmission link dish. A ground equipment cabinet will be located within a 10m x 10m compound which will be surrounded by a 2.4m high palisade fence.
- 2.3. It is stated that the compound size allows space for multiple operators' ground equipment cabinets and cabins.

2.4. A Technical Justification Report and photomontages accompany the application.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for 4 reasons. In summary they are:

1. Having regard to section 17.11.3 of the County Development Plan, and to the nature, scale and extent of proposal, proximity to established equine facilities and zoning of the site as National Stud/Greenbelt, it is considered proposal would be contrary to the provisions of the Plan which seeks to direct such development into industrial zoned areas.
2. Having regard to proximity to existing and new residential areas, the development would seriously injure the residential and visual amenities and depreciate the value of property. It would conflict with Section 17.11.3 of the Plan and set an undesirable precedent.
3. It is in close proximity to a series of archaeological monuments which would conflict with section 17.11.3 of the Plan. In the absence of an archaeological assessment and having regard to policy AH4, the proposal would conflict with the policy.
4. Having regard to the proximity to the Curragh and to the scale, bulk and height of the proposal which relies on screening from third party lands, to permit would be contrary to Policy CU1, CU4 and objective LO5 and would set an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Notes applicant assessed three other alternatives and that there is already a mast at Round Towers GAA c.1.5km to the south-west of the site, which does not provide coverage.

- It is noted that the location of the structure is along the boundary with a dwelling which is c.80m away. It is noted that there are other dwellings and stables located to the east, south and south-west within c.70-100m of the site.
- Notes policy TL9 seeks to minimise the provision of overground masts within areas of high amenity/sensitive landscape; areas within or adjoining curtilage of protected structures; and, on or within the setting of archaeological sites.
- Refers to Section 17.11.3 of the Plan which outlines Development Management standards. Notes proposal is located on lands zoned M (*sic*) – National Stud/Greenbelt, not industrial in nature but in close proximity to dwellings.
- Notes location of archaeological features c.200-600m away and refers to policy AH2 and AH4.
- Refers to section 14.5.1 of the Plan which relates to the Curragh and Environs. Notes the unique national asset of the Curragh and the extensive views throughout. Notes policies CU1, CU4 and Objective LO5.
- Lists issues of concern including: Land not appropriately zoned for such development; proximity to permitted and existing residential development; proximity to significant equine/horse racing stable yard/proximity of archaeological sites; proximity of the Curragh; proposed use of third party vegetation which will only provide coverage during full season cover; and existence of a mast 1.5km away.
- Considers principle of development is unacceptable.
- Recommends proposal should be refused permission.

The decision was in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Area Engineer:** No objection subject to conditions
- **Environment:** No objection
- **Water Services:** No objection
- **Transportation:** No objection subject to conditions
- **Heritage:** Seeks Further Information. Considers that the photomontages have been taken when trees are in full leaf. Revised photos should be taken in winter to

assess visual impact particularly in light of the Kildare Town Architectural Conservation Area statement of significance.

3.3. **Third Party Observations**

There were four third party observations. Observations raised concerns with visual impact, the Curragh NHA and the Pollardstown Fen SAC, location on the greenbelt/national stud lands, inadequate photomontages, possibly detrimental to the business of training racehorses, impact on views of the round tower and spires in Kildare, proximity to garden, proximity to new housing scheme, and health and safety concerns.

4.0 **Planning History**

There is no planning history associated with the subject site.

In the vicinity, there are recent permissions for housing developments.

- **Reg. Ref. 17/597:** Permission was granted for 7 no. detached two storey houses in January 2018 immediately to the south of the AFC grounds. These houses are an extension of a housing development of which a number of dwellings have been built.
- **Reg. Ref. 16/1227:** Permission was granted in September 2017 for 33 dwellings and a crèche including the undergrounding of ESB wires and provision of a new pylon on a site to the west of the R415. The site is located to the south-west of the site on the western side of the R415.

5.0 **Policy Context**

5.1. **Kildare County Development Plan 2017 – 2023**

- 5.1.1. Chapter 8 of the Plan refers to Energy & Communications, Chapter 12 refers to Architectural and Archaeological Heritage, Chapter 14 refers to Landscape, Recreation and Amenity, and Chapter 17 refers to Development Management Standards.
- 5.1.2. Section 8.13 refers to Telecommunications Infrastructure.

Policy TL 1 states:

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.

TL 4 states:

Co-operate with telecommunication service providers in the development of the service, having regard to proper planning and sustainable development.

TL 9 states:

Minimise the provision of overground masts and antennae within the following areas:

Areas of high amenity/sensitive landscape areas (refer to Chapter 14);

Areas within or adjoining the curtilage of protected structures;

On or within the setting of archaeological sites.

- 5.1.3. Map 12.9 of Chapter 12 indicates the location of the Architectural Conservation Area of Kildare Town which is located within the town centre – the subject site is not located within it.

With respect to archaeology, **Policy AH4** states:

Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed developments are subject to an archaeological assessment. Such an assessment will seek to ensure that the development can be sited and designed in such a way as to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features and objects.

- 5.1.4. Table 14.1 of Chapter 14 indicates that the Central Undulating Lands (which site is stated as being within) have a Class 1 Low sensitivity landscape character area. The Curragh is noted as being Class 5 – Unique sensitivity.

Table 14.2 provides a Landscape Classification to Landscape Character area. Class 1 is described as ‘Areas with the capacity to generally accommodate a wide range of

uses without significant adverse effects on the appearance or character of the area'. Class 5 is described as 'Areas with little or no capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to unique and special sensitivity factors'.

Section 14.5.1 refers to the Curragh and Environs. It states (inter alia):

The Curragh, located between Newbridge and Kildare Town, is the largest area of unenclosed natural grassland in the country and provides a valuable amenity area for the surrounding towns of Kildare, Newbridge and Kilcullen., The Curragh constitutes a unique national asset from the point of view of landscape and geomorphology..... Extensive views can be obtained from the south-east of the site, at St. Ledgers Bottoms, around much of the perimeter of the site.

The Curragh is of conservation value for a number of reasons. It is most unusual in an Irish and European context, in that it is an extensive open plain area of lowland acidic grassland, succeeding to dry heath in places.

Policy CU1 states:

Restrict development, particularly on the Curragh edge, or where it obtrudes on the skyline as viewed from the Curragh Plains and to avoid the over development of the edge of the Curragh.

Policy CU4 states:

Restrict the development of vertical structures within the Curragh Plains including advertising signs, hoardings, fencing etc. which create visual clutter and disrupt the open nature of the Plains.

Objective LO5 states:

Preserve the character of all important views and prospects, particularly upland, river, canal views, views across the Curragh, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty.

5.1.5. Section 17.11.3 of Chapter 17 refers to Telecommunications and Supporting Infrastructure. This section provides applicants with a list of information which must accompany planning applications, including: details of significance to the network,

reasons why coverage cannot be provided by existing antennae, details of efforts made to share, consideration of alternative sites, and visual impact assessment.

The section continues with information regarding what the Council will seek to ensure from applications. The list includes (inter alia):

The preservation of residential and visual amenity; 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; Only as a last resort will masts be permitted within or in the immediate surrounds of smaller towns or villages; In the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned land; In rural areas, the visual absorption opportunities provided by existing topography and vegetation should be taken into account; and the Habitats Directive.

5.2. Kildare Town Local Area Plan 2012 – 2018.

- 5.2.1. Section 7.11.13 refers to Archaeological Heritage. It states '*There are 12 archaeological features of significance identified on the Record of Monuments and Places, which are within the town development boundary. Kildare town also includes a Zone of Archaeological Potential (KD022–02901). This zone of archaeological potential is an area where significant archaeology has been found and there is a high likelihood of further findings. The plan boundary on the eastern side also adjoins the archaeological complex of the Curragh (KD022-071--)*'.
- 5.2.2. Table 14 refers to land uses. The site is on lands zoned 'G – National Stud/Green Belt'. The zoning objective is '*To protect and enhance the development of the National Stud and established agricultural and bloodstock uses in this area and to protect the physical, environmental, natural and heritage resources of these areas*'. Utility Structures are *Permitted in Principle* in this zoning.
- 5.2.3. Map 8.3 indicates a number of items of archaeological heritage adjacent to the site – RMP 40 - KD022-040 - Barrow – Ring-Barrow possible; RMP 65 - KD022-065001- Barrow – Ring-Barrow; and, RMP 71 - KD022-071-- Archaeological Complex.
- 5.2.4. Map 8.3A indicates Built Heritage Items and the Zone of Archaeology potential which does not include the subject area.

5.2.5. Map 8.5 indicates Views and Prospects in Kildare Town. There are no views towards the identified landmarks adjacent to the subject site.

5.3. Telecommunication Guidelines

The aim of the “Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996” is to offer general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

Section 4.3 of the Guidelines states with respect to Visual Impact:

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- *Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental*
- *Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect*
- *There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.*

5.4. Natural Heritage Designations

Pollardstown Fen SAC (Site Code 000396) is c.5km to the north-east. Mouds Bog SAC (Site Code 002331) is c.7.5km to the north-east. The River Barrow and River Nore SAC (Site Code 002162) is c.11km to the west and south-west.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has lodged a first party appeal against the Planning Authority's decision to refuse permission. In summary, it includes:

- Applicant considers the reason for refusal was unreasonable, failed to consider adequately the totality of the information, and believes the development is not contrary to the provisions of the County Development Plan.
- Development would not impact the equine and bloodstock industry. Guidance in Section 17.11.3 of the Plan encourages operators to locate in industrial zoned areas, but there are no industrial zoned areas north of the railway line.
- Out of the 4 zonings in the search area, the land zoned G is considered most appropriate. Under this zoning Utility Structures are permitted in principle,
- Both the bloodstock and equine industries in the area will benefit from the development. The Planner had concerns with the fact that the site is located in close proximity to a significant equine/horse racing stable yard but fails to outline how the proposal will have a negative impact on this facility some 185m away, or why this industry needs to be protected from the development. The Plan does not place a prohibition on locating masts within such areas. There is no evidence to suggest that masts have any impact on animal welfare. Believe concern is unjustified and should not have warranted a refusal reason.
- The proposal will not seriously injure the residential amenities or depreciate the value of property. The statutory plans, as well as the 2012 Circular on Telecommunications Guidelines, do not place a separation distance between masts and dwellings. The 2012 Circular states that Planning Authorities should not include separation distances as they can have a major impact on the roll out of a viable network. The minimum distance in this case is 80m from a dwelling.

- There is no evidence countrywide to show that there is a significant property devaluation from the presence of telecommunications in an area. The example of RTE transmission mast of 110m high in Donnybrook is cited.
- The proposal is not located in the vicinity of any archaeological monuments. The series of monuments are located c.200-600m north of the site. It seems unreasonable to suggest that these would be impacted and it cannot be considered to be within the zone of archaeological potential. The football pitch, training pitch, club dressing rooms and the local road are all located between the proposal and the national monuments.
- The proposal is not visually intrusive and will not have a negative impact on the Curragh. Contend that while the proposal will be visible from certain locations, it will not seriously injure the visual amenities and cannot be considered to be visually obtrusive on the Curragh landscape.
- Mature hedging encloses the football grounds on all sides. Only the upper sections of the monopole will be visible to the surrounding area. Panoramic photos taken at 20m high are included in the appeal showing the level of screening available.
- Refers to photomontages. Proposal will only be visible in 1 of 6 locations. Views are sporadic, fleeting in nature, and cannot be considered to be overly noticeable or a terminating view.
- A slimline monopole design is proposed over the bulkier lattice type design.
- Area is ranked as a Class 1 low sensitivity landscape which has the capacity to accommodate a wide range of uses. It does border the Curragh Class 5 sensitivity, but it will not overly obtrude on the skyline or create visual clutter.
- Restates the importance of the proposed installation to the Three network in the Kildare Town North Area. Currently coverage is sub-optimal.

6.2. Planning Authority Response

- The Planning Authority refer to the Planning Report. The Board are advised that the Heritage Officer was not satisfied with the proposal and the submitted

photomontages. The Heritage Officer's Further Information request is attached which seeks images in winter.

- The Planning Authority consider that there are a number of issues of concern in relation to the proposed location.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Development Plan land use policy
- Residential and Visual Amenities
- Archaeology and Kildare Town Architectural Conservation Area
- Impact on the Curragh
- Appropriate Assessment

7.1. **Development Plan land use policy**

- 7.1.1. I will address policies and objectives of the various Plans below. In the first instance, it is appropriate to consider whether the location of a mast in the subject zoning accords with that land use zoning objective.
- 7.1.2. The site is located in the land use zoning 'G – National Stud/Greenbelt' which wraps around the eastern side of Kildare Town. It is just inside the town Local Area Plan boundary. Beyond the local access road lies unzoned lands of the Curragh.
- 7.1.3. The zoning objective seeks to protect and enhance the development of the National Stud and established agricultural and bloodstock uses in this area. Utility Structures are permitted in principle in this zoning. The applicant states that the Planner has failed to explain how the proposal will have a negative impact on the equine facility located c.185m to the east, and that no information has been put forward to support this, or if there are health concerns for the horses. The applicant states that there is no evidence or research carried out to suggest that telecommunications has any

impact on animal welfare in either the equine or bloodstock industries. Having regard to the nature, scale and distance from Currabeg Stables, I am satisfied that the proposal in this location is acceptable.

- 7.1.4. Reason no.1 for refusal by the Planning Authority refers to the Development Plan which seeks to direct such developments into industrial zoned lands. The applicant states that there are no industrial zoned lands north of the railway line. Having regard to the land use zoning map, the nearest industrial zoned lands are all south of the railway line where a mast already exists and where coverage is not an issue. I note that the Development Plan states that in the vicinity of larger towns, it seeks to *encourage* operators to locate in industrial estates or on industrially zoned land. Such structures are not prohibited outside of this zoning. Lands north of the railway line are zoned residential, agricultural, national stud/greenbelt, community and commercial. I am satisfied that in the absence of industrial zoning, alternatives are acceptable and in this instance, having regard to the fact that utility structures are 'permitted in principle', the proposed development is acceptable in principle. I am satisfied that the proposal is not contrary to the provisions of the Development Plan with respect to the zoning objectives for the site.

7.2. Residential and Visual Amenities

- 7.2.1. Reason no.2 for refusal refers to the location of the development in close proximity to existing and new residential development. The Planning Authority considered that the proposed development would seriously injure the residential amenities and depreciate the value of property in the vicinity by reason of visual impact. Having visited the site, I can confirm to the Board that there is new residential development of 7 houses under construction to the south of the sports grounds. The rear façade of 5 of the dwellings will overlook the sports pitches. The nearest dwelling will be c.80m away. The mast is positioned in a corner and out of direct line of sight of the dwellings.
- 7.2.2. I accept that it will be visible at certain times during the year from various locations, but consider that improved landscaping between the boundary of the sports ground and the residential dwellings will serve to improve screening and reduce the visual impact. I have also had regard to the fact that an angle mast is located just beyond the sports ground and overhead powerlines on double polesets run parallel to the

Rathbride Road. Utility structures in this part of the town are already an established feature.

- 7.2.3. I am satisfied that with additional landscaping both around the mast and the sports grounds, there will not be a seriously negative impact on visual and residential amenities of new and existing dwellings.
- 7.2.4. No information has been provided to support the reason for refusal stating that its existence will cause a depreciation in the value of property.
- 7.2.5. The reason for refusal states that the proposal will conflict with Section 17.11.3 of the Plan. Section 17.11.3 refers to (inter alia) the preservation of residential and visual amenity, development to be sited so as not to cause a negative impact on the special character and appearance of designated conservation areas, and to be located in industrial zoned areas. I am satisfied that the proposal will not seriously negatively impact on the amenities and there are no appropriately zoned lands north of the railway. Section 17.11.3 also states that in rural areas, the visual absorption opportunities provided by existing topography and vegetation should be taken into account. The existing vegetation and the location set within the sports ground, away from the edge of the road, will mitigate against a seriously negative visual impact.
- 7.2.6. I am satisfied that the proposal will not conflict with the provisions of Section 17.11.3 and consider a condition to increase landscaping should be appended, should the Board consider granting permission.

7.3. Archaeology and Kildare Town Architectural Conservation Area

- 7.3.1. Reason no.3 for refusal refers to the provisions of Section 17.11.13 of the Plan which seeks to ensure that developments do not have a negative impact on sites of archaeological importance.
- 7.3.2. There are a number of Built Heritage items on the Records of Monuments and Places in the vicinity of the sports grounds. The Planning Authority consider that in the absence of an archaeological assessment and having regard to policy AH4 to permit the proposal would conflict with policy AH4. Policy AH4 seeks to ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the site or its setting by reason of its location, scale, bulk or detailing

and to ensure that such proposed developments are subject to an archaeological assessment.

7.3.3. Having regard to the distance between the proposal and the archaeological site, and the existence of the clubhouse, the football pitches, and the local road in between, I am satisfied that there will not be an impact on its setting. With an appropriate condition requiring archaeological monitoring, I am satisfied that there will not be an undesirable precedent set.

7.3.4. The Heritage Officer expressed concerns with the impact of the structure on the Kildare Town ACA. The Kildare Town ACA is identified on Map 8.3 of the Development Plan. Having regard to the distance from the ACA and the intervening topography, I am satisfied that there will not be a seriously negative impact on the ACA.

7.4. Impact on the Curragh

7.4.1. The fourth reason for refusal refers to the proximity of the site to the Curragh. It states that the proposal would be contrary to policy CU1, CU4 and objective LO5, each of which seek to protect the Curragh from developments with a negative visual impact.

7.4.2. The subject site is located at the northern edge of Kildare town and on the edge of the Curragh. Policy CU1 seeks to restrict development on the Curragh edge, or where it obtrudes on the skyline as viewed from the Curragh Plains. As part of my site visit I drove along the R415, the Rathbride Road and along the R413. There are long distance views from the R413 over the Curragh plains but the view towards the subject site is towards trees and the railway line. I am satisfied that the mast will not be seen from great distances due to the tree coverage in this general direction.

7.4.3. The mast will be seen fleetingly from the R415 travelling towards Kildare Town but it will be set against a backdrop of trees and will not be a terminating view. As stated in the Telecommunication Guidelines *views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect.* I am satisfied that as travellers drive towards the

town, it will not overly intrude on the general view or prospect. I am satisfied that it will not obtrude on the skyline and will not be contrary to policy CU1.

7.4.4. Policy CU4 seeks to restrict the development of vertical structures within the Curragh Plains which create visual clutter and disrupt the open nature of the Plains. Having regard to the location of the mast within the town boundary of Kildare town and on the edge of the Curragh, and with the screening provided by the trees and hedgerows, I am satisfied that it will not be contrary to policy CU4 or objective LO5 which seeks to preserve the character of all important views and prospects including views across the Curragh.

7.4.5. I also draw the Board's attention to the fact that it is located within Class 1 Landscape Classification which is described as '*Areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area*'. I fully accept that it is adjacent to the Curragh but as noted above, I am satisfied having regard to the screening, the topography and the existence of utility structures in the vicinity, the subject proposal is not contrary to the policies and objectives for the Curragh.

7.5. **Conclusion**

7.5.1. I am satisfied that the proposal is not contrary to the Development Plan policies and objectives relating to residential and visual impact, impact on the Curragh or archaeology. While there are policies and objectives relating to the above, I have also had regard to the fact that there are policies at both national and local level to support the development and roll out of broadband infrastructure. The Development Plan includes policies to support such infrastructure, including TL1 which seeks 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.*

7.5.2. I acknowledge that there will be fleeting views of the mast from various locations but I am satisfied that these will be sporadic and it will not be a terminating view. I have had regard to the intermediate objects from the Curragh Plains (railway line, trees etc.), as well as the scale of the object in the wider landscape and I am satisfied that

there will not be a seriously negative visual impact contrary to the policies and Development Plan provisions of section 17.11.13.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to:

- a) National strategy regarding the improvement of mobile communications services and the *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996* issued by the Department of the Environment and Local Government,
- b) The location of the proposed development which is not in a Zone of Archaeological Potential,
- c) The general topography and landscape features in the vicinity of the site,
- d) The separation distance and landscaping between it and residential development, and
- e) The existing pattern of development in the vicinity,

it is considered that subject to conditions, the proposed development would not seriously injure the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

10.0 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 interest of clarity.

2. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

3. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed during the construction of the pedestrian access

track with respect to boundary hedgerow.

Reason: In the interests of public safety and residential amenity.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and

- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the

Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Ciara Kellett
Inspectorate

22nd February 2018