



An
Bord
Pleanála

Inspector's Report

ABP-319922-24

Development	30 metres monopole telecommunications structure and all associated works.
Location	Ardclough GAA Club Grounds, Ardclough, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	24105
Applicant(s)	On Tower Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	On Tower Ireland Ltd.
Observer(s)	1. Mr. Vincent Kenny [on behalf of residents from Ardclough village who made submissions to the PA at application stage] 2. Councillor. Rupert Heather.

Date of Site Inspection

08/08/2024

Inspector

Paula Hanlon

1.0 Site Location and Description

- 1.1 The site (0.0166 ha) subject to this appeal (hereafter referred to as 'the site') is located within the established grounds of Ardclough GAA, in the townland of Ardclough, circa 3.6 kilometres from the southern end of Celbridge, Co. Kildare. The site is nestled on a narrow strip of land, between an established all-weather pitch to the east and a hurling wall and smaller all weather pitch to the west, both of which are enclosed by secure fencing. A GAA clubhouse facility and parking area is located further to the west of the site and the main grass surfaced pitch lies north of the site.
- 1.2 The Grand Canal pNHA bounds the southern boundary and it is aligned with an established row of mature trees and hedging. An established residential development bounds the northern and eastern boundaries of the GAA grounds.
- 1.4 The site sits within a generally lowlying, flat landscape.
- 1.5 It is located within the rural settlement boundary of Ardclough and its immediate area comprises a mix of uses including sport & recreation, residential and community uses.

2.0 Proposed Development

- 2.1 The proposal comprises the erection of a 30-metre-high monopole with headframe carrying antennas, dishes and remote radio units along with ground-based equipment cabinets and other associated equipment. The proposed development on a 160m² concrete base, would be enclosed with 2.4m high fencing and associated works.
- 2.2 Access would be provided via an established vehicular access off the L-2007 local road and established access track within the grounds of Ardclough GAA.
- 2.3 The application was accompanied by the following documentation of note –
 - Planning Statement
 - Photomontage Reports (dated 21/03/2024 and 26/03/24)
 - Letter of Support Ardclough GAA Club
 - Supporting Correspondence – Three Ireland (Hutchinson) Limited.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority decided to refuse permission on the 20th of May 2024 for two reasons as follows:

1. Having regard to the location of the proposed development, ca. 190m from Henry Bridge (B15-12) a protected structure and a scenic viewpoint, it is considered the proposed development would materially contravene objectives AH O21 which seeks to protect the curtilage, special character and settings of protected structures, and LR O32 which seeks to protect views of historical significance and cultural significance including those views listed in Table 13.5 – 13.7 of Kildare County Development Plan 2023-2029. The proposed development, therefore, by reason of its scale, siting and proximity to the protected structure would be injurious to the visual and heritage amenities of this area would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development, ca. 20m from the Ardclough Settlement Boundary (Volume 2, Kildare County Development Plan 2023-2029, Volume 2, Map V2-4.2), it is considered the proposed development would materially contravene objective EC O86 which seeks to avoid free-standing masts in the immediate surrounds of small towns and villages. The proposed development by reason of the scale and location would be injurious to the visual amenities of this area, would therefore be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports

One Planning Report dated 14/05/2024 is attached to the file. It recommends that permission be refused for 2 reasons which generally reflect the reasons for refusal stated within the decision of the PA.

The following is noted from the planning report: -

- The photomontages submitted do not comprehensively consider the visual impact on receptors (pedestrians/cyclists/drivers) standing or travelling over Henry Bridge (protected structure).
- The proposal due to its siting would contravene Objective EC 086 of the CDP which specifically seeks to avoid free-standing masts in the immediate surrounds of small towns and villages.

3.2.2 Other Technical Reports

- Municipal District Engineer (19/04/2024): Conditions recommended.
- Transport, Mobility & Open Spaces Department (24/04/2024): No objection.
- Fire Service (07/05/2024): No objection.
- Kildare NRO (22/04/24): No comment.

3.3 Prescribed Bodies

None received.

[Noted: The Planner's Report refers to a submission made by Irish Water, which states that IW has no objection to the proposed development, however this submission is not on file].

3.4 Third Party Observations

The Planning Authority received 60(no) submissions during the course of their determination which for the most part, were made by residents in the area. The content of the submissions received are considered within the Planning Officer's report. The key issues raised relate to siting, impacts on visual amenity, ecology, amenity value of the adjoining Grand Canal, property values, proximity to preschool, health risk and contrary to adopted policy.

4.0 Planning History

Overall Site of Ardclough GAA (of which the subject site forms part)

- Enforcement

UD-8308: Warning letter issued (26/03/2024) in regard to planting.

UD-8152: Enforcement notice issued (20/10/2022) in regard to removal of trees & hedgerow. Case closed.

- Planning Applications

21/578: Permission was granted 22/07/2021 for the replacement of a juvenile training pitch to an all-weather pitch, floodlighting columns to main playing pitch and other associated works.

20/487: Permission was granted 07/07/2020 for floodlighting columns to main playing pitch and other associated works.

10/534: Permission was granted 29/09/2010 for an all-weather surface training facility, hurling wall, mesh fencing, floodlights, pedestrian access with associated services and drainage works.

5.0 Policy Context

5.1 Kildare County Development Plan 2023-2029

5.1.1 The Kildare County Development Plan 2023-2029 (CDP) which came into effect 28 January 2023 is the operative Development Plan for County Kildare.

5.1.2 Ardclough is identified as a 'rural settlement' in the Core Strategy for Co. Kildare and is contained within the Ardclough Rural Settlement Map (Map V2-4.2) of the plan. The site is located within the delineated rural settlement boundary and on lands which are designated 'settlement core'.

5.1.3 The site is within Landscape Character Area - Northern Lowlands which has a Class 1 Low Sensitivity rating.

5.1.4 The proposed development is located c.200m east of designated Scenic Viewpoint GC2 at Henry Bridge, as set out within Table 13.7 - Views to and from bridges and is shown within the Ardclough Rural Settlement Map.

5.1.5 Relevant policies, objectives and standards are set out within Energy & Communications (Chapter 7, Section 7.15); Building & Cultural Heritage (Chapter 11); Landscape, Recreation & Amenity (Chapter 13; Section 13.5.2) and Development Management Standards (Chapter 15; Section 15.11.4).

5.1.6 The importance of improving telecommunications infrastructure for the social and economic progress of communities is supported by a number of policies and objectives within the CDP including Objectives EC O75, EC O77, EC O78 and Objective EC O85.

Policy EC P20: Support national policy for the provision of new and innovative telecommunications infrastructure and to recognise that the development of such infrastructure is a key component of future economic prosperity and social development of County Kildare.

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

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...

Objective EC O82: (Minimise the provision of overground masts and antennae within sensitive landscape areas or adjoining the curtilage of protected structures).

Objective EC O86: Avoid free-standing masts in the immediate surrounds of small towns and villages... Only as a last resort when all other alternatives have been exhausted should free standing masts be located in residential areas or close to schools and hospitals.

5.1.8 Other Relevant Policies and Objectives include:

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 O32: Ensure that new development will not adversely impact on the setting of a protected structure or obscure established views of its principal elevations.

Objective LR P1: Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

Objective LR 01: Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations.

Objective LR O9: Continue to support development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of local absorption opportunities provided by the landscape, landform and prevailing vegetation.

Objective LR O32: Avoid any development that could disrupt the vistas or have a disproportionate impact on the landscape character of the area, particularly upland views, river views, canal views, views across the Curragh, views of historical or cultural significance (including buildings and townscapes), views of natural beauty and specifically those views listed in Tables 13.5 – 13.7 of this plan.

Objective LR O34: Control development that will adversely affect the visual integrity of distinctive linear sections of water corridors....

5.2 Regional Spatial & Economic Strategy for the Eastern and Midland Region

The RSES recognises that telecommunications networks play a crucial role in enabling social and economic activity and outlines that it supports actions to strengthen communications links to develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis in co-operation with relevant departments in Northern Ireland.

5.3 National Planning Framework

National Policy Objective 24: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.

National Policy Objective 48: Supports the development of a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

5.4 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.
- Only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If such location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation.
- 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, with the support structure to the minimum height consistent with effective operation and be a monopole(s) structure.

5.5 Natural Heritage Designations

The appeal site is not located on or within proximity to any designated Natura 2000 site(s), with the nearest being Rye Water Valley/Carton SAC (001398) located approx. 9km north of the site. The Grand Canal proposed Natural Heritage Area (Site Code 002104) bounds the southern boundary of this site.

5.6 EIA Screening

Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such preliminary examination or an environmental impact assessment is not required.

6.0 The Appeal (First Party)

An appeal made by On Tower Ireland Ltd., being the applicant in this case has been received in relation to the PA's decision to refuse permission. A summary of the grounds submitted within the appeal submission is provided below.

6.1 Grounds of Appeal

- The site selection process including technical justification, siting & design and assessment of alternative sites is detailed.
- No significant visual impact is predicted from the Grand Canal, Henry Bridge (protected structure) and adjoining residents. An accompanying Visual Assessment supports this finding.
- A photomontage for Viewpoint 1 was already provided.
- Justification on design is given
- The established flood lights on GAA grounds would assist in the absorption of the proposed development into its surroundings.

- The site is not within a sensitive landscape in terms of ecology/heritage/scenic landscape.
- The CDP has no stated exclusions for development proposals near, or in proximity to a protected structure.
- Required minimum (separation) distances are not stated within national guidelines or in the CDP.
- Reference is made to the RSES for the Southern Region.
- The proposed development is a last resort in order to achieve the desired coverage for the surrounding area, as outlined in the Technical Justification provided.
- The Planner's report on the structure's siting is misleading, the proposal does not contravene objective EC O86.
- A balance in terms of the public benefits as opposed to the limited visual impact warrants consideration in the assessment of this case.
- The proposal complies with national guidelines and the CDP.

6.2 Planning Authority Response

A response has been received from the PA dated 11/07/2024. The PA confirms its decision to refuse permission and asks that reference is made to the reports of the Council and prescribed bodies reports in the assessment of this case.

6.3 Observations

2(no) observations were received as follows:

1. Mr. Vincent Kenny, on behalf of residents from Ardclough village who made submissions to the PA at application stage
2. Councillor Rupert Heather.

A summary of matters raised within these observations are as follows:

- The decision to refuse permission is requested be upheld.

- Existing telecommunication services are perfectly adequate.
- Reference to incorrect regional guidelines invalidates some points made.
- Concerns raised on the proposed location of the structure and its proximity to a playschool/creche, GAA facilities & residents, and also that it would devalue property.
- Concerns raised on impacts to visual amenity due to its siting and visibility from vantage points on the GAA grounds, surrounding residents homes and gardens, and users of the Grand Canal & Henry Bridge.
- Screening provided by existing mature trees is not sufficient & adjoining lights will make the structure more visible.
- The view provided from Henry Bridge is inadequate, the Visual Assessment provided is misleading and submitted photos are inadequate in fully assessing impacts on residents, main road into Wheatfield and from the correct vantage point of Henry Bridge.
- Concerns on potential impacts to the area's biodiversity, hedgerow bank and on the Grand Canal Greenway (pNHA).
- A precautionary approach should also be taken pending a full understanding of how telecommunication equipment affects bats.

7.0 Assessment

Having examined the application details and all other documentation on file, including the applicant's appeal submission, observations received, the report of the local authority, having inspected the site, and having regard to the relevant local/regional/national policy, objectives and guidance, I consider that the substantive issues in this appeal case to be considered are those raised in the Planning Authority's reasons for refusal.

The issues are addressed under the following headings:

- Location of Development/Alternative Sites
- Impact on a Protected Structure

- Impact on a Scenic Viewpoint
- Material Contravention
- Other Matters.

7.1 Location of Development/Alternative Sites

7.1.1 Technical Justification

A technical justification for the proposed development at the chosen location is provided within the documentation attached to this case. It is stated that the site needs to be sited in the cell search area (provided by Three Ireland) in order to achieve the radio coverage (3G, 4G, 5G) objectives for the local area and to maintain the communication transmission links for the mobile operators and meet both existing and future demands of its customers in this area, notably along the rail line, the residential housing in Ardclough village and local roads to Celbridge and Straffan.

Section 4.2 Figure 2, and Section 4.3 Figure 3 of the submitted Planning Statement detail existing and predicted 4G coverage which notably shows an increase in coverage in the local area which is the subject of this application in the event that permission is granted for the proposed development. The proposal provides for co-location, if required by other operators in the future.

Whilst I note the comments made by third parties in regard to the adequacy of existing services provided in this area, due to recent upgrades to antennae on the roof of Ardclough GAA and the introduction of fibre broadband, I also note the comments made by the provider in terms of both transmission links and the level of coverage required in the identified local area. Based on the information provided, I am satisfied that the proposal would improve the availability of telecommunications and broadband services in the identified area and that it would therefore accord with adopted policy in this regard (most notably Policy EC P20). I also note that the NPF seeks to strengthen rural economies and communities through improved connectivity, broadband and associated rural economic development and that the proposal is consistent with this.

7.1.2 'Last Resort' Test

The PA in its refusal stated that the proposal would be contrary to Objective EC O86 of the Development Plan. This objective provides that free-standing masts in the immediate surrounds of small towns and villages be avoided. It also provides that 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. The applicant contends that the content within the Planner's report on the structure's siting, relative to the Rural Settlement Boundary is misleading and that the proposal does not contravene objective EC O86. I submit that the subject site is located within the rural settlement boundary of Ardclough (reference Map V2-4.2, CDP) and that access to the proposed development is via an established entrance off the adjoining local approach road into Ardclough (west). The wider site of Ardclough GAA is surrounded by residential development and a preschool is located approximately 200m NW of the site. I am satisfied that Objective EC O86 is therefore relevant in the assessment of the proposed development. The Telecommunications Guidelines (1996) are also relevant, in that the guidelines set out that free standing masts should only be located within or in the immediate surrounds of smaller towns or villages as a last resort.

In assessing this proposal in the context of determining whether the proposed site constitutes a last resort, I note that the documentation provided outlines that there were no suitable structures or masts identified in reasonable distance from the site derived from the operator's search area, which would be capable of providing both the transmission links and the level of coverage required in this case. Table 1 contained within the Planning Statement details existing telecommunication sites/nearby telecommunication structures and reasons in which they were discounted in terms of providing the required transmission links and the level of 3G, 4G and 5G coverage required in this instance. Based on the information provided, the nearest is a rooftop site with telecoms antenna on the adjoining Ardclough GAA club building. It is stated that it is not possible to upgrade this 3G only shared site due to the structural reasons of the building rooftop. Similarly, in the case of the other two nearest sites, it is outlined that the erection of equipment at these locations would not meet coverage objectives at Ardclough due to distance, with the existing provider at Athgoe, Newcastle, approximately 3.72km SE and existing provider at the Kildare Hotel & Country Club, Straffan, approximately 4.1km NW from the subject site.

Having fully assessed the details submitted in the context of the last resort test, I am of the view that the applicant has not examined all alternatives in this case, as the assessment of alternative sites is limited to established telecommunication locations. In the absence of a detailed assessment of alternative site(s) outside of the settlement of Ardclough and its approach, I consider that the proposed development does not meet the requirements in justifying its siting as a 'last resort' and would therefore be contrary to objective EC O86 of the CDP and to the Telecommunication Guidelines (Section 4.3).

7.2 Impact on a Protected Structure

The PA in their assessment of this application refer to associated concerns arising from the proposed development on Henry Bridge - a protected structure. The PA in their decision to refuse permission, considered that the proposed development would materially contravene objective AH O21 of the CDP which seeks to protect the curtilage, setting or special character of a protected structure from inappropriate development and included same as part of its reason for refusal.

I note that Henry Bridge (RPS Ref. No. B15-12) which is dated 1796 passes over the Grand Canal, approximately 200m west of the site. It is appraised as a single-arch squared rubble stone humpback road bridge that forms an imposing feature over the Grand canal and is one of a group of bridges on the section of canal that passes through Co. Kildare. The bridge is of historical and social significance in terms of the canal network development in Ireland.

Having examined the plans and particulars submitted and following a site inspection, I do not concur with the PA that the proposed development would impact on the setting of this protected structure. The site is not located within the curtilage or attendant grounds of Henry Bridge. Furthermore, in my view, the appeal site which is contained within the established grounds of Ardclough GAA are not intrinsic to the function, setting and/or appreciation of Henry Bridge. Whilst I have concerns regarding the visual impact of the proposal due to its siting, within such close proximity to the Grand Canal (a landscape feature of which the bridge is integral to), I do not consider that the proposal would mar views of the bridge or its relationship with the canal, as a separation distance of approximately 200m would be achieved between the proposed

development and the protected structure. Furthermore, the established mature trees and hedgerow which align the northern side of the Grand Canal would provide an appropriate physical buffer between the site and the proposed development, the later of which is located within a wider lowlying landscape.

7.3 Impact on a Scenic Viewpoint

- 7.3.1 Whilst there is strong policy support for improvements in the telecommunications sector, there is also an emphasis in the guidelines with respect to suitable siting. I acknowledge that the site is not locally elevated or visually prominent and that it is contained within a landscape which is classified in the CDP as being of low sensitivity (Class 1). Notwithstanding, it is also located with the area of Scenic Viewpoint GC2. This scenic viewpoint is denoted at Henry Bridge within the Ardclough Rural Settlement Map (Map V2-4.2) and is included within Table 13.7 - Views to and from bridges of the CDP. The site is located c.200m east of the Bridge and the scenic viewpoint as detailed encompasses all views which emanate from and all views towards the bridge. Whilst the site is contained within the grounds of the GAA, it immediately adjoins the Grand Canal which is an important amenity to the local community and visitors to this area.
- 7.3.2 I have examined the Photomontage Reports attached to this application and note that the applicant provides a predicted negligible visual impact in 5 out of 7 viewpoints and a moderate-low impact in 2 viewpoints, due to the screening provided by mature trees which abut the site. I generally concur with the findings of this report, apart from the findings associated with Viewpoint 1 which is the relevant in terms of assessing visual impacts connected to designated Scenic Viewpoint (GC2).
- 7.3.3 It is contended by observers that the view taken from Henry Bridge, below the hump of the bridge on the Baronrath side is inadequate as the hump of the bridge hides any view of the canal from the Baronrath viewpoint and this matter is similarly raised by the PA in its decision to refuse. The vista extends eastwards from Henry Bridge towards the Cliff at Lyons estate. The applicant in its appeal submission argues that that the proposed development would not be visually prominent due to existing screening by mature trees (21m-26m in height) however, no further evidence in the form of additional photomontage have been provided.

7.3.4 Whilst it could be argued that the proposed structure would be visible but yet is not a terminating view and that existing mature trees and hedging provide substantial screening, it is my opinion that it would constitute a discordant feature at this location, given its siting, immediately adjacent to the Grand canal, the height of the structure proposed which will tower over existing trees and hedging within a wider lowlying landscape and that views of this structure will be heightened when the adjoining deciduous trees are not in foliage. It would therefore be contrary to Objective LR O32 of the CDP.

7.4 Other Matters

7.4.1 RSES

Whilst I note that the applicant incorrectly refers to the RSES for the Southern Region, I am satisfied that this matter is not material to the assessment of this case. The improvement in telecommunications infrastructure for the social and economic progress of communities is mandated within the NPF and all RSES's, including the RSES for the Eastern and Midland Region.

7.4.2 Biodiversity & Ecology

I note that matters of concern were raised by the observers in regard to potential impacts to the area's biodiversity, hedgerow bank and on the Grand Canal Greenway (pNHA). In my view, there will be no significant loss of local biodiversity or ecological devaluation in this case. The extent of works would be contained within an already developed site, outside of the delineated pNHA Grand Canal and no tree/hedgerow removal is sought as part of the proposed development. I note that an observation submission makes reference to the need for a precautionary approach to be taken pending a full understanding of how telecommunication equipment affects bats. All bats are protected species under national and EU legislation. There is no evidence provided to support the case that the proposed development will negatively impact on bat species. Furthermore, there is a separate process which the applicant is required to undertake with the NPWS which requires that a derogation license be issued, should any change in circumstance arise or where any works undertaken would capture or kill, or disturb bats at important parts of their life cycle.

7.4.3 Proximity to Residences, Pre-School and GAA Facility (used by young children)

The observers raise concern regarding potential impacts associated with this development given its proximity to residences, pre-school and GAA facility. The site which forms part of a wider site of Ardclough GAA is surrounded by residential development. I note that the nearest dwelling is located approximately 90m SE of the site and that the canal itself and associated mature planting along both boundaries, physically separates this dwelling from the subject site. Lishandra Manor is approx. 99m to the NE from the nearest rear garden to the subject site and residences within Wheatfield Upper are a distance of over 120m north of the site. I note that the front elevation of residences within this established housing scheme face towards the proposed development, with the Main GAA playing field providing a buffer between the site and the adjoining houses. An established detached dwelling is also located approx. 129m to the west of this site. I note concerns raised regarding the site's proximity to a preschool which is located approximately 200m from this site and that the site is located within the grounds of Ardclough GAA. Whilst it is policy and also outlined within national guidelines that this type of development be located on lands close to residential/school only as a last resort, I also acknowledge that there are no stated required minimum separation distances set out within national guidelines or within the CDP. I concur with the applicant that existing vertical lighting columns on the GAA grounds will assist in the absorption of this development when viewed from adjoining residences. I wish to further highlight that the competence for health & safety matters in respect of telecommunications infrastructure lies outside of the planning process.

7.4.4 Devalue Property

I note the concern raised in an observation received in respect of the devaluation of neighbouring property. Given the nature and scale of the development and separation distances to adjoining residential properties, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.5 Material Contravention

There are three matters of relevance in this appeal in respect of material contravention. Having considered the proposed development and the relevant provisions of the CDP, in my opinion the Board should not consider itself restrained by section 37(2), having regard to the analysis set out above.

Firstly, the Board will note that the PA in their reason for refusal states that the proposed development would materially contravene AH O21 which seeks to protect the curtilage, special character and settings of protected structures. I refer the Board to Section 7.2 of my assessment in this case and my reasoned determination that the proposal will not impact on the curtilage, special character or setting of a protected structure. In this regard, I am satisfied that the proposal will not materially contravene objective AH O21 of the plan.

The PA in their refusal decision also states that the proposed development would materially contravene objective LR O32 which seeks to protect views of historical significance and cultural significance including those views listed in Table 13.5 - 13.7 of the CDP and objective EC O86 of the plan which seeks to avoid free-standing masts in the immediate surrounds of small towns and villages if permitted. I consider that the proposed development if permitted would be contrary to these objectives for reasons stated within Section 7 of this report, however, they are not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice.

With respect to the criteria set down in legislation relevant to cases where the Board has refused permission based on a material contravention, I submit the following:

- The development would not be considered to be of strategic or national importance.
- There are no conflicting objectives or objectives which are not clearly stated – I am satisfied that this conclusion may be drawn notwithstanding the general policy support for the development of telecommunications infrastructure.

- The development is not necessary to meet regional planning objectives or other obligations. I do not consider that this criterion would be considered relevant to a single monopole structure and ancillary equipment which could be sited elsewhere.
- The pattern of development in the area is unaltered and no significant relevant permissions have been granted since the adoption of the development plan.

8.0 AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Rye Water Valley/Carlton SAC (001398), located approximately 9kms north of the proposed development. The proposed development is located within an established sports grounds and comprises the installation of a 30m monopole telecommunications structure and all associated works.

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:

- Scale and nature of the development
- The location of the development within an established rural settlement, distance from European Sites and the absence of any ecological or hydrological pathways to any 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.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. Having regard to the siting of the proposed development within the settlement boundary of Ardclough, it is considered that a sufficient examination of alternative sites and justification for the proposed development at this location as a 'last resort' has not been undertaken. Accordingly, the development proposed if permitted would be contrary to the Telecommunications Antennae and Support Structures Guidelines (1996) and to Objective EC O80 of the Kildare County Development Plan 2023-2029 which seeks to avoid free-standing masts in the immediate surrounds of small towns and villages. The development therefore would be contrary to the proper planning and sustainable development of the area.
2. Given the siting and overall height of the proposed development, immediately adjacent to the Grand Canal, it is considered that the proposed telecommunications structure would constitute a discordant feature in the local landscape and would conflict with Scenic Viewpoint GC2 of the Development Plan. Therefore, the development proposed, if permitted would be contrary to Objective LR O32 of the Kildare County Development Plan 2023-2029 which seeks to avoid any development that could disrupt the vistas or have a disproportionate impact on the landscape character of the area, and would be contrary to the proper planning and sustainable development of the area.

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

Paula Hanlon
Planning
Inspector

30 August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319922-24		
Proposed Development Summary	30 metres monopole telecommunications structure and all associated site development works		
Development Address	Ardclough GAA Club Grounds, Ardclough, Co. Kildare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X		No EIAR or Preliminary Examination required
Yes			

4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____