



An
Bord
Pleanála

Inspector's Report

ABP-320720-24

Development	18m high telecommunications tower and all associated works.
Location	Dunmurraghill (Townland), Staplestown, Donadea, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460571
Applicant(s)	Vantage Towers Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Donadea & District Community Group
Observer(s)	None
Date of Site Inspection	Wednesday 23 rd April
Inspector	Catherine Hanly

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Dunmurraghill in County Kildare. The site is positioned approximately 0.8 km to the north of the rural settlement at Staplestown. Donadea Forest Park is located approximately 668 m to the east of the site.
- 1.2. The site is accessed from an existing access track which connects to an existing cul de sac off the L5071, which is located to the west of the site. The road serves a number of dwellings. The site and the immediate surroundings of the site consist of agricultural lands. The wider landscape consists of farmlands, ribbon development and local businesses.
- 1.3. The site is positioned on the western slope of Dunmurraghill hill, approximately 3 m below its peak. The site measures 0.075 ha and is located on elevated agricultural lands. There is a fall in levels of approximately 28 m between the L5071 to the west and the location of the proposed mast. Shrubs are located along the western boundary of the proposed mast.
- 1.4. The site is located approximately 650m to the east of the River Blackwater.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - To erect an 18 metre high lattice tower
 - Together with antennas, dishes and associated telecommunications equipment
 - All enclosed by security fencing
 - An extension to an existing access track

3.0 Planning Authority Decision

- 3.1. Notification of the Decision to Grant Permission issued on 14/08/2024, subject to 23 no. conditions. The following conditions are of note:
- 3.2. Condition no. 2 requires that the development comply with European Communities Regulations 2000, ICNIRP guidelines for public exposure to electromagnetic fields.

- 3.3. Condition no. 7 requires the installation of a low intensity fixed red obstacle light on the mast with details to be agreed prior to the commencement of development.
- 3.4. Condition no. 12 requires that prior to the commencement of development the applicant shall submit details for agreement with the Planning Authority of screening the fencing, cabinets and lower sections of the communications structure with native hedges and trees.
- 3.5. Condition no. 13 requires that an archaeologist is engaged to monitor site clearance works, topsoil stripping, groundworks, dredging and or the implementation of agreed preservation in-situ measures.
- 3.6. Condition 14 requires the preparation of a Construction and Demolition Resource Waste Management Plan.
- 3.7. Condition no. 15 requires that noise from the construction stages shall not give rise to sound pressure levels which exceed 70 dB(A) (LAeq 1 hour) between specific hours.
- 3.8. Condition no. 16 requires that noise from the operational stages shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 55 dB(A) between the hours of 08:00 and 18:00 Monday to Friday inclusive and 45 dB(A) at any other time. This condition also requires the submission of a detailed Noise Study for the consent of the Planning Authority.
- 3.9. Condition no. 23 requires the payment of €1,125.00 as a Section 48 Development Contribution.

3.10. Planning Authority Reports

3.10.1. Planning Reports

- The proposed lattice structure would have a height of 18m. This consists of a 12m decrease in height from previous application **ref. 24/6067** and is a welcomed alteration.
- The site is c. 450 m to the northeast from the rural settlement boundary of Staplestown and is not considered to be in the immediate surrounds.

- The application included 7 no. photomontages which give a clear indication of the potential visual impact on the receiving environment. This information was omitted in **ref. 24/6067** and was part of the reason for refusal.
- The application lacks mitigation measures such as planting or screening. This was also included in the reason for refusal under **ref. 24/6067**. However, this can be addressed by way of condition in the event of a recommendation to grant.
- The site's proximity to Donadea Forest Park and a wide variety of Record of Monuments and Place sites nearby, in combination with the proposed height, make the site a sensitive location.
- The site is currently in agricultural use for dry stock beef and tillage. At the time of the site inspection, the site was host to a mature bean crop. The receiving environment of the site and immediate surrounds has been subject to intensive agricultural practices. Therefore, when considering the works proposed, and the location of the site outside the buffer zone of archaeological potential, the works are considered acceptable. The works will need to be observed by an archaeologist.
- Both 18 m and 30 m have been referenced on the drawing labels in the application drawings. The elevation drawings and denoted measurements are 18 m for the height of the tower. These measurements have been cross referenced with a measuring tool as part of the assessment.
- An Appropriate Assessment Screening Report and Conclusion Statement identified that the site was located approximately 3.4 km from Ballynafagh Lakes SAC and 4.2 m from Ballynafagh Bog SAC. The Assessment concluded that there are no potential significant effects and that Appropriate Assessment is not required. It further stated that having regard to the proximity of the nearest SAC and given the location, nature and extent of the proposed development, it is not considered there would be potential to negatively affect the ecological integrity or conservation objectives of European Sites.

3.10.2. Other Technical Reports

- Environment: Recommends the inclusion of 5 no. conditions in the event of a grant of permission.
- Maynooth Municipal District Planning Report: No objection subject to 4 no. conditions.
- Roads: No objection.

3.11. Prescribed Bodies

3.11.1. Irish Water:

- There are no Uisce Eireann abstraction points in the locality.
- The applicant shall comply with the Water Framework Directive and River Basin Management Plan.
- The applicant shall meet the requirements of EIS Directive 2014/52/EU, the Groundwater Directive, Article 6(1) of Directive 2000/60/EC and the best practice Groundwater Protection Schemes set in the GSI Groundwater Protection Schemes.
- Where the applicant proposes to connect to a public water/ wastewater network operated by Uisce Eireann, the applicant shall sign a connection agreement prior to the commencement of the development.
- Uisce Eireann Infrastructure capacity requirements and proposed connections will be subject to the constraints of the Uisce Eireann Capital Investment Programme.
- All development shall be carried out in compliance with Uisce Eireann's Standard details and Codes of Practice.
- Standard Condition: All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce

Éireann prior to any works commencing. Reason: To provide adequate water and wastewater facilities.

3.12. Third Party Observations

3.12.1. Twenty four observations were received by the Planning Authority. The points raised are summarised as follows:

Landscape

- The site is in a sensitive rural location.
- The development is located beside a number of sites on the record of Monuments and Places and 600m to the west of Donadea Forest Park.
- No visual impact assessment was submitted.
- The development would contravene objective AH O4 of the Kildare County Development Plan 2023 – 2029 (*Kildare CDP*).
- There is no planting proposed to screen the tower.
- The site is used by children for playing.
- Access to the site is very narrow and unsuitable.
- The proposed access road crosses a historic mass path which is a right of way from the local catholic church at Staplestown to St. Peter's Well located to the north side of the hill. This was not shown on the site location map.
- The development defies EC 079 in the *Kildare CDP*.
- Additional properties have been constructed in the area since the photomontages were produced.
- No arboricultural report or tree survey has been submitted.

Communication

- No engagement with local residents.

Site Selection

- No evidence of alternative mast sites which have been considered.
- No evidence of attempts made for mast sharing with other operators.

- No proposals to upgrade current Vodafone operated Telecommunication masts.
- An alternative site should be considered.
- The site is in the immediate surrounds of Staplestown.

Visual Amenities

- The development would be injurious to the visual amenities of the area.
- The development does not accord with design standards in section 15.11.4 of the *Kildare CDP*.

Other Matters

- The development could negatively impact property values.
- There are concerns about health risks associated with living close to a mast and on wildlife.
- The mast could interfere with birds and bats.
- There are inconsistencies on the drawings regarding the proposed height.
- There has been inadequate time to comment on the application.
- The ground in the area has been disturbed by a quarry.
- The area is within the flight path for training in Baldonnell Aerodrome and in the outer holding area of Dublin Airport.
- 5G could be used for malign activity.
- The application does not outline any benefit to the local community.
- Noise pollution from the cooling unit.
- Dimension for the dishes and antenna have not been provided in the elevation drawings. Inadequate coverage will be achieved given the height and topography to the east.
- Approving the development will set a negative precedent.
- No International Radiation Protection Association compliance statement has been submitted.

4.0 Planning History

4.1. Relevant Planning History on the Subject Site

- 4.1.1. P.A Ref. **24/60167**. Erection of a 30 metre high lattice tower and extension to an existing access track. 2024 **Refusal**. The application was refused for the following reason:
- 4.1.2. *“Having regard to the location of the site, in close proximity to a number of sites on the Record of Monuments and Places, and c. 600 m west of the Donadea Forest Park, a proposed National Heritage Area, the lack of information submitted detailing the impact of the proposed development including a visual impact assessment and mitigation measures, required under Section 15.11.4 of the Kildare County Development Plan 2023-2029, it is considered the proposed development would contravene objective AH O4 of the Kildare County Development Plan 2023-2029 and by reason of the scale and location would be injurious to the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area”.*

5.0 Policy Context

5.1. Kildare County Development Plan 2023 – 2029

5.2. Land Use Zoning

- 5.2.1. The subject site is located on unzoned land and is positioned outside the rural settlement boundary of Staplestown.
- 5.2.2. The site and the majority of the site and the access track are located in the Northern Lowlands landscape character area. Table 13.1 in the *Kildare CDP* allocated the Northern Lowlands as class 1 which equates to low sensitivity. Table 13.2 in the *Kildare CDP* describes the Northern Lowlands as an area with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.
- 5.2.3. A portion of the access route lies in the Western Boglands Landscape Character Area which is classed as being an area of high sensitivity and is described as being *“areas with reduced capacity to accommodate uses without significant adverse*

effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.”

- 5.2.4. Table 13.1 in the *Kildare CDP* allocates the Western Boglands a landscape sensitivity rating of 3 which equates to high sensitivity.

5.3. Energy and Communications

- 5.3.1. 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.”*
- 5.3.2. Objective EC 075: *“Promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other technologies within the county. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.”*
- 5.3.3. Objective EC 076: *“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.”*
- 5.3.4. Objective EC 077: *“Co-operate with telecommunication service providers in the development of the service, having regard to proper planning and sustainable development.”*
- 5.3.5. Objective EC 078: *“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.”*
- 5.3.6. Objective EC 079: *“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.”*

- 5.3.7. Objective EC 080: *“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.”*
- 5.3.8. Objective EC 081: *“Promote co-location to minimise the number of masts and their visual impact on the environment, by continuing to facilitate appropriate development in a clustered manner, where feasible, respecting the scale, character and sensitivities of the local landscape, whilst recognising the need for economic activity within the county. It will be a requirement for applicants to satisfy the planning authority, through the development management process, that a reasonable effort has been made to share installations. In situations where it is not possible to share a support structure, masts and antennae shall be clustered.”*
- 5.3.9. Objective EC 082: *“Minimise the provision of overground masts and antennae within the following areas:*
- *Areas of high amenity/sensitive landscape areas.*
 - *Areas within or adjoining the curtilage of protected structures.*
 - *On or within the setting of archaeological sites.”*
- 5.3.10. Objective EC 085: Co-operate with service providers in securing a greater range and coverage of telecommunications services in order to ensure that people and businesses have equitable access to a wide range of services and the latest technologies as they become available.
- 5.3.11. Objective EC 086: *“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.”*
- 5.3.12. Objective EC 087: *“Support the erection of additional masts in some areas to ensure the delivery of ‘smart metering’ to all areas.”*
- 5.3.13. Section 15.11.4 states the following in relation to Telecommunications and Supporting Infrastructure:
- “Planning applications for new facilities should include:*

- *Details of the significance of the proposed development to the telecommunications network, including a map of the area and existing coverage in the area.*
- *A technical explanation of the reasons why coverage cannot be provided by existing antennae.*
- *Site sharing and clustering of equipment will be encouraged.*
- *Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it is not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered. A map showing the location of all existing structures within a minimum 2km radius of the proposed site shall be submitted.*
- *Evidence of consideration of alternative sites and explanation of their unsuitability.*
- *Visual impact assessment and mitigation measures (e.g., low and mid-level landscape screening, use of tree-type masts, colour treatment of masts / antennae.*

When evaluating planning applications for the provision of such infrastructural installations, the Council will seek to ensure that:

- *The preservation of residential and visual amenity is considered.*
- *The telecommunications infrastructure is 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.*
- *The location of commercial masts on State buildings will be discouraged. All masts on State buildings shall have regard to national and Council policies regarding schools and residential areas.*
- *Only as a last resort will masts be permitted within or in the immediate surrounds of smaller towns or villages, in a residential area or near a school, hospital or residential care home. 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 locations. The support structure should be kept to the minimum height consistent with effective operation. At such locations the*

support structure should be monopole or poles rather than a latticed tripod or square structure.

- In the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned land. The use of existing structures is always preferable to the construction of an independent antennae support structure. The possibilities offered by some commercial or retail areas should be explored in terms of potential locations for “disguised” masts. Tall buildings and rooftops, where antennae can be treated to blend in with surroundings, should be considered.*
- In rural areas, the visual absorption opportunities provided by existing topography and vegetation should be taken into account. The possibility of placing towers and masts in forestry plantations should be considered, provided of course that the antennae are clear of obstructions. Where masts are located outside of forested areas, applicants will be required to indicate the technical reasons why forest areas are unsuitable. The design and visual appearance of masts, antennae and satellite dishes and their associated equipment, shall be as unobtrusive as possible. Sensitive design, painting of masts and screening will be expected to minimise visual impact. Green or black is a preferred colour at ground level.*
- Within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished / removed, and the site reinstated at the operator’s expense. This will be a condition of planning permission.*
- In accordance with the Habitats Directive, any project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the sites’ conservation objectives.”*

5.4. Built & Cultural Heritage

- 5.4.1. Objective AH O4: *It is the policy of the Council to 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 prepared by a suitably qualified archaeologist. 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, objects and areas of underwater archaeological heritage.

5.5. Sustainable Mobility & Transport

- 5.5.1. Objective TM O140: *Require an aviation analysis to be provided for any proposed development within the areas coloured dark grey on the CDP “Map of Areas of Aviation Significance”, and to require aviation analysis for development of over 15m in height (above ground level) within the areas coloured light grey on the same map, and for development of over 30m in height above ground level in all other areas (and this analysis should take into account the elevations-OD/AMSL (a) of the proposed development, and (b) of the ground levels on the site, and (c) of any relevant aviation ‘obstacle limitation surfaces’. Please see Map Ref. 5.2.*

5.6. Kildare Development Contribution Scheme 2023 – 2029

- 5.6.1. Section 10.5 states that telecommunication infrastructure both mobile and broadband deployed as part of a Government endorsed telecommunications strategy shall be exempt from a contribution.

5.7. National Policy

5.8. Revised National Planning Framework – Project Ireland 2040 (2025)

- 5.8.1. 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.”*

5.9. National Biodiversity Action Plan 2023 - 2030

- 5.9.1. Objective Two – *“Meet urgent conservation and restoration needs”.*
- 5.9.2. Objective Four – *“Enhance the evidence base for action on biodiversity”.*

5.10. Regional Policy

5.11. Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019 – 2031

5.11.1. Regional Policy Objective 8.25 seeks to support and facilitate the delivery of the National Broadband Plan.

5.12. **National Guidance**

5.13. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

5.13.1. The *Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996 Guidelines)* sets out government policy for the assessment of proposed new telecommunications structures.

5.13.2. Section 4.3 of the *1996 Guidelines* refers to visual impact and states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location.

5.13.3. The support structure should be kept to the minimum height consistent with effective operation. The *1996 Guidelines* also state that visual impact is among the more important considerations that should be considered assessing a particular application.

5.13.4. The *1996 Guidelines* state that “*in rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.*”

5.13.5. The *1996 Guidelines* state that some masts will remain quite noticeable despite best precautions.

5.13.6. The *1996 Guidelines* state that “*all applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share.*” The *1996 Guidelines* further states that “*where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered.*”

5.14. **Circular PL07/12 – Telecommunications Antennae & Support Structure Guidelines**

5.14.1. This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above *1996 Guidelines* including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the *1996 Guidelines* that planning authorities should not determine planning applications on health grounds and states that, “*Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process*”.

5.15. Circular PL 03/2018 – Revision of Development Contribution Guidelines in Respect of Telecommunications Infrastructure

5.15.1. This circular states that waivers shall be applied to Development Contribution Schemes to include any telecommunications infrastructure.

5.16. Natural Heritage Designations

5.16.1. The following distances are noted between the site and natural heritage designations:

Site	Distance from the Subject Site
Donadea Wood Proposed Natural Heritage Area	0.663 km
Hodgestown Bog Natural Heritage Area	2.7 km
Ballynafagh Lake Special Area of Conservation	3.2 km
Ballynafagh Bog Special Area of Conservation and Proposed Natural Heritage Area	4 km

5.17. EIA Screening

5.17.1. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening of this report.

5.17.2. The proposed development is not a class for the purposes of EIA as per the classes of development set out in schedule 5 of the Planning and Development Regulations

2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One Third-Party appeal has been lodged by Donadea and District Community Group.
- 6.1.2. The grounds of the appeal can be summarised as follows:

Visual Amenities

- New development needs to respect the character and design of the established built heritage.
- The development will dominate the only vantage point in the village.
- The development will be out of harmony with the rural character of the area and will be visually obtrusive.
- The development contravenes EC 079 in the *Kildare CDP*.
- There is a potential that the photomontages are subjective.

Planning History

- A previous application was refused on the site under **ref. 24/60167**.
- In comparison to the subject application, the proposed development is in the same location, same proximity to a number of sites on the Record of Monuments and Places, is located 600 m to the west of Donadea Forest Park, the scale and location of the development is still injurious to visual amenities and the development is contrary to proper planning and sustainable development of the area.

- The Planning Authority under **ref. 24/60167** had concerns regarding the impact of the structure on Donadea Forest Park and given that there was no screening around the elevated site.

Built and Natural Heritage

- The site is positioned in proximity to a number of Recorded Monuments and Places in the area including Dunmurraghill Early Church Site, a childrens burial ground, metalworking site, 3 no. enclosures, a standing stone, a barrow and a ritual holy well.

Justification

- The applicant has not provided any technical explanation as to why coverage cannot be provided by the masts in the locality.
- The applicant has not provided evidence of consultations with other operators with regards to sharing of sites.

Biodiversity and Sensitivity of the Landscape

- Kildare County Council and the applicant failed to address the issue that the proposed access route lies within the Western Boglands Landscape Character.
- The development is c. 3.4 km from Ballynafagh Lake SAC and 4.2 km from Ballynafagh Bog SAC. Due to the location, biodiversity may be impacted through a hydrological or bird foraging connection.
- There are 4 no. Natural Heritage Areas within 4 km of the site: Hodgestown Bog, Donadea Forest Park (pNHA), Ballynafagh Bog and Ballynafagh Lake.

Health

- Condition no. 2 in the Notification of Decision to Grant Permission requires the development to comply with European Communities Regulations 2000, ICNIRP guidelines for public exposure to electromagnetic fields. Are Kildare County Council acknowledging that the local community will potential be exposed to radiation? There are concerns regarding who monitors the ICNIRP Guidelines.

- No International Radiation Protection Association (IPA) compliance statement was submitted.

Policy

- The development is contrary to section 7.15 in the *Kildare CDP* and the Telecommunication, Antennae and Support Structures, Guidelines for Planning Authorities. Only as a last resort should masts be permitted within or in the immediate surrounds of smaller towns and villages. Sites already developed for utilities should be considered. The site is located less than 500 m from a site with permission for 15 no. houses which is under construction.

Other Matters

- There are discrepancies on the planning drawings.
- The appeal included copies of the submissions made to Kildare County Council from Shauna Bracken on behalf of Donadea & District Community Group, St Mochuas Historical Society Staplestown and Scoil Naomh Mhuire Board of Management. The issues raised in these submissions have been summarised in section 3.10.1 above.

6.2. Planning Authority Response to Third-Party Appeal

- The Planning Authority confirms its decision and asks that An Bord Pleanála please refer to the Planning Reports, Internal Department Reports and reports from the Prescribed Bodies in relation to the assessment of the application.

6.3. Applicant Response to Third-Party Appeal

- 6.3.1. The applicant's response to the grounds of appeal can be summarised as follows:

Justification for the Development

- In order to achieve line of sight, the link dishes needs to be located above the surroundings.
- The structure is proposed to provide coverage for Vodafone and potentially other operators in the future for Donadea, including Staplestown Village.
- Investment in 5G is important for the economy.

- 3G has been closed down by Vodafone. The immediate and short term future is 4G and 5G. New applications are being designed with 5G compatibility.
- The ComReg maps are based on outdoor coverage levels.
- Kildare is experiencing a growth in population.
- Kildare has a young population and is one of the most urban counties in the state.

Topography

- The location of the site on the hill enables the structure to secure 360 degrees coverage over a wide area.
- There is a small difference between the ground height of the proposed site at 96 m ASL and areas of Staplestown at 86 m ASL. In order to provide coverage, the site needs to be above the catchment area.
- The proposal is at a minimum height for Vodafone to secure the target coverage area.

Coverage

- The coverage maps show that Vodafone service coverage for all the bands is inadequate in the area, particularly in Staplestown which shows no coverage in large parts for 4G and 5G services.
- Coverage deficiencies have negative effects on the community.

Discounted Structures

- O'Brien Fine Foods, Cloona is located c. 4.4 m from the site and is insufficient to provide suitable coverage to the target area.
- Betaghstown, Co. Kildare is located c. 3.11 km from the site and is positioned too far away to provide the required services to the target area.
- Painstown, County Kildare is located 7.6 km to the north of the site. This site is too far away to provide target coverage.

Policy

- The development accords with section 7.15 of the *Kildare CDP* as the site is away from the village, in an agricultural area and close to a cluster of trees.
- The development accords with the following policy from the *Kildare CDP*: EC P20, EC O75, EC O77, EC O78, EC O79, EC O80, EC O81, EC O82, EC O83, EC O84, EC O85.

Design & Siting

- The lattice design is the preferred option as it accommodates a greater amount of equipment and sits better with the rural landscape.
- For a structure as low as 18 m, the need for dishes at the higher point is essential to secure links into the network.
- The design allows for multi-operator use to accommodate other licensed users.

Visual Impact

- The nature of the topography surrounding the road network and manmade infrastructure including farm sheds, bushes and trees all act to reduce visual impact. Any views of the structure are intermittent and incidental.
- The Planning Authority concluded that the visual impact would be acceptable to the environment.
- The photomontages were produced by a specialist company and are not a marketing company.
- The site will be accessed by an extension to an existing farm track. Due to infrequent use, the track will quickly grass over.

Impact on Education and Residential Development

- The proposed development is not within proximity to the school or a residential area.
- The Inspector's Report under **ABP Ref. PL26.247800** addresses concerns with regard to the proximity of telecommunications to housing and states that there is no restriction in terms of distances between such structures and dwelling.

- In relation to the devaluation of property, the Inspector's Report under **PL02.243341** is referenced. The report states that it would depend on the subjective opinion of a potential purchaser.
- An Bord Pleanála have previously ruled that there is no evidence that development of this nature can have an impact on the value of property (ref. nos. **PL02.236307** and **PL02.216361**).

Planning History

- Two previous applications were made for an alternative site at Gilltown, reference numbers **23618** and **23447**. Due to a number of factors, a revised search was undertaken, and the new location was identified.
- Permission was refused for a 30 m tower on the subject site under reference number **2460167**. In comparison to the refused application, the height of the tower has been reduced from 30 to 18 m. The reduction in height secures the minimum target coverage area for Vodafone and also secures the line of sight necessary to link to the network. The reduced height will impact site share coverage area. In relation to objective AH 04, the development is on intensely farmed lands and will not impact any of the surrounding protected structures. The Planning Authority also included a condition requiring archaeologist observation during works. The photomontages identify that any impact from the development on Donadea Forest Park will be minimal.

Protected Structures and Monuments

- The mast can be removed in the future and is not necessarily a permanent feature on the landscape.
- An extract from the NIAH mapping portal has been included which identifies monuments and protected structures in the vicinity of the site.
- The church in ruins, a graveyard, two fonts, a tomb castle tower, fortified house and armorial plaque are all located within Donadea Wood. The proposed structure will not be seen, and this is shown in viewpoint nos. 6 and 7.

Proposed Natural Heritage Area

- Donadea Forest is located to the east of the site and is a proposed Natural Heritage Area.
- Due to the distance from the site which is on the west and below the peak of a hill, the topography of the site, the proposal will not impact Donadea Forest.

Kildare County Council's Planning Report

- The Planning Report took into account the farming on site, screening, access route, proximity to Donadea Forest Park and the Recorded Monuments and Place sites and attached relevant conditions.
- Condition no. 12 imposes further visual mitigation matters through screening with native hedges and trees.
- Condition no. 13 relates to archaeological monitoring.
- Condition no. 14 relates to a Construction and Demolition Resource Waste Management Plan.
- Condition no. 23 relates to a development contribution in accordance with Section 48 of the Planning and Development Act. Circular PL 03/2018 sets out that there are waivers for broadband infrastructure and mobile phone infrastructure.

Biodiversity

- The Planning Report from Kildare County Council stated that significant impacts can be ruled out for habitats and bird species.
- The Planning Report from Kildare County Council stated that EIA Screening or an EIA is not required.

Other Matters

- There were discrepancies in the drawings as the lattice was identified as being 30 m. The drawings themselves are correct.
- The Commission for Communications Regulations monitors and regulates the ICNIRP guidelines for telecommunication infrastructure. The proposed development will be fully compliant with the relevant Health and Safety

legislation and will be operated in accordance with ComReg Guidelines.

Circular Letter PL07/12 reminds Planning Authorities that health issues are not a planning consideration in relation to telecommunication structures with such structures required to meet standards in regard to non-ionising radiation.

- There is no obligation for public consultation.
- The applicant has included a Vodafone Radio Networks report and photomontages.

6.4. Observations

- None

6.5. Planning Authority Response to First-Party Response to the Appeal

- The Planning Authority confirms its decision and asks An Bord Pleanála to refer to the Planning Reports, internal department reports and prescribed bodies reports in relation to the assessment of the planning application.

6.6. Third-Party Response to First Party Response to the Appeal

Vodafone Network

- Information on all current Vodafone installation is not readily available in the public domain and is crucial to this appeal.
- Ten masts are operational in the area, six of which are operated by Vodafone. The applicant has not addressed site sharing. The application is based on profit.

Visual Impact

- The development will have a visual impact.

Biodiversity and Local Heritage

- Concern regarding the granting of permission for the proposed development in a highly sensitive area afforded both statutory and EU protection.

Policy

- The development is contrary to section 7.15 in the *Kildare CDP* and the Telecommunication, Antennae and Support Structures Guidelines, as there is no evidence that this mast application is the only viable option for Vodafone. Only as a last resort should masts be permitted within or in the immediate surrounds of smaller towns and villages. The First-Party has identified that the application is less than 600m from local residences, 700m from the school and 800m from the GAA club.

7.0 Assessment

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

- Principle of Development
- Site Selection
- Impact on Amenities
- Impact on Record of Monuments and Place Sites
- Other Matters

7.2. Principle of Development

7.2.1. The subject site is located on un-zoned land and is positioned outside the rural settlement boundary of Staplestown in the *Kildare CDP*. I note that there is no guidance in relation to development proposals on unzoned lands in the *Kildare CDP*. In the following sections, I will therefore examine the proposal in accordance with the policies and objectives of the plan. I will also have regard to the compatibility of the development with adjacent land-uses and zonings.

7.3. Site Selection

Co-Location

- 7.3.1. The grounds of appeal raise concern that the First-Party has not provided any technical explanation as to why coverage cannot be provided by the masts in the locality. The Third-Party also considers that evidence of consultations with other operators with regards to the sharing of sites should be submitted.
- 7.3.2. The First-Party has identified that there are 3 no. sites in the wider area at O'Brien Fine Foods in Cloona, Betaghstown and Painstown which provide telecommunications infrastructure. I note the reasonings presented, which are summarised above in section 6.3.1, as to why the 3 no. sites are not suitable for the co-location of equipment. I am therefore satisfied that the applicant has suitably justified their reasonings as to why the co-location of equipment is not suitable at any of the existing 3 no. sites.
- 7.3.3. The Third-Party has identified additional masts in the wider area. I note that these masts are located further distances from the subject site than the 3 no. sites which were discounted due to the distances involved. As such, I am satisfied that these sites have not been examined further.

"Last Resort" Test

- 7.3.4. The grounds of appeal state that the application is contrary to the *Kildare CDP* and the *1996 Guidelines* as only as a last resort should masts be permitted within or in the immediate surrounds of smaller towns and villages.
- 7.3.5. I note Section 4.3 of the *1996 Guidelines* which states that only as a last resort should free-standing masts be located within, or in the immediate surrounds, of smaller towns or villages. The *1996 Guidelines* further states that if such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location. I note that this is reiterated in Objective EC 086 in the *Kildare CDP*.
- 7.3.6. The report from the Planning Authority identified that the site is positioned approximately 430 m to the northeast of the rural settlement boundary of Staplestown and is not considered to be in the immediate surrounds of the village.
- 7.3.7. I have examined the positioning of the rural settlement boundary of Staplestown against the positioning of the proposed development. I agree with the Planning Authority that the site is positioned approximately 430 m to the northeast of the rural

settlement boundary of Staplestown. I am therefore satisfied that the location of the proposed development is not in the immediate surrounds of Staplestown. As such, there is no requirement on the First-Party to satisfy the Board that the subject site is the last resort. I therefore consider that the development accords with Objective EC 086, as the development does not propose to provide a mast in the immediate surrounds of Staplestown.

7.4. Impact on Amenities

Visual Impact

- 7.4.1. The grounds of appeal raise concern that the development will be visually obtrusive and will be out of character with the area. It further states that the development contravenes objective EC 079 in the *Kildare CDP* and that the photomontages are subjective.
- 7.4.2. The First-Party states that given the topography of the road network, positioning of buildings and landscaping, that any views of the structure will be intermittent and incidental. The First-Party also highlights that the photomontages were produced by a specialist company.
- 7.4.3. The Planning Authority in their assessment considered that the photomontages gave a clear indication of the potential visual impact on the receiving environment. I note that this addresses in part the reason for refusal under ref. **24/60167**. The Planning Authority did consider that the application lacked mitigation measures such as planting and considered that this could be addressed by way of condition.
- 7.4.4. I have reviewed the photomontages, and I am satisfied that they are accurate and give a clear indication of the siting of the proposed development and its visibility in the wider area.
- 7.4.5. The lattice tower is proposed at a height of 18 m and is positioned on the western slope of Dunmurragh hill. I note that the height of the tower has reduced from 30 m which was refused permission by the Planning Authority under ref. **24/60167**.
- 7.4.6. I note that there is a fall in levels of approximately 28 m between the L5071 to the west and the proposed tower. Having regard to the submitted photomontages, it is evident that the proposed development will be visible in the wider area. However, I consider that the height of the tower in combination with the positioning of the site

approximately 430 m to the northeast of the rural settlement boundary of Staplestown both assist in reducing the scale of the development proposed when viewed from within the settlement boundary.

7.4.7. In terms of landscaping character, the majority of the site and the access track are located in the Northern Lowlands landscape character area which is characterised as an area of low sensitivity in the *Kildare CDP*. I note table 13.2 in the *Kildare CDP* describes the Northern Lowlands as an area with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area. Having inspected the site and the surrounding area, noting the proposed height at 18 m and the presence of existing telephone poles and wires in the area, taken into account with the fact that views of the development are likely to be partial and intermittent due to existing vegetation and structures, I consider that the proposal would not have a significant or negative visual impact at this location or in the wider area. I note a portion of the access track is located in the Western Boglands landscape character area. However having regard to the proposed use of this land as an access track, I consider that the impact on this portion of the landscape will be minimal. I therefore consider that the development accords with objective EC 079 in the *Kildare CDP*, in that it achieves a balance between facilitating the provision of telecommunications infrastructure and protecting the visual amenity of the area.

7.4.8. The Planning Authority included condition no. 12 in the notification of the Decision to Grant Permission which required the agreement of screening details with native hedges and trees. Whilst I note that there are some bushes and shrubs to the west of the proposed structure, I consider that landscape screening would greatly assist in softening the appearance of the structure, particularly when viewed from the east and south. I note that this planting would be outside the red line of the application. However, having regard to the extent of the blue ownership line, I consider that there is sufficient space for planting around the fencing. Should the Board consider granting permission, I recommend that this is addressed by way of condition.

Residential Amenities

7.4.9. The grounds of appeal state that the development is proposed to be located less than 500 m from where new dwellings are being constructed. The Third-Party has

not stated where these houses in question are located. From my site visit I noted that new dwellings were recently constructed to the west of St. Kevin's GAA. I note that this area is located within the Rural Settlement Boundary of Staplestown. The fact that houses have recently been constructed within the Rural Settlement Boundary of Staplestown is not a reason for refusal. The national guidelines provide no restriction in terms of distances between telecommunication masts and dwellings. I note that it is not uncommon for such structures to be in close proximity to residential development, particularly in urban areas and there is no requirement for a set separation distance. To conclude, having regard to the design of the mast, the location of the development on a rural site and the proximity of adjacent residential dwellings, I do not consider that the development will impact the residential amenities of adjacent properties.

7.5. Impact on Record of Monuments and Place Sites

7.5.1. The grounds of appeal raise concern regarding the impact of the development on a number of Recorded Monuments and Places which are in close proximity to the site.

7.5.2. I note the positioning of the site in relation to the following structures:

Reference Number	Structure	Approximate Distance from the Site
KD009-38	Barrow	97 m
KD009-011003	Children's Burial Ground	337 m
KD009-011002	Graveyard	270 m
KD009-012	Metalworking site	329 m
KD009-026	Enclosure	322 m
KD009-013	Standing Stone	517 m
KD009-023	Enclosure	584 m
KD009-024	Ritual Site – Holy Well	629 m

- 7.5.3. Under ref. **24/60167**, the application was refused by the Planning Authority, as the development was considered to contravene objective AH O4 of the *Kildare CDP*. Objective AH O4 requires that development in the vicinity of a site of archaeological interest is not to be detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing. I note that the proposed development is located in the same location as that refused under ref. **24/60167**.
- 7.5.4. Under the subject application, I note the report from the Planning Authority which noted that the site is located adjacent to Donadea Forest Park (pNHA), the wide variety of Record of Monuments and Place (RMP) sites and the height of the site. The report further states that having regard to the current use of the land as part of an agricultural enterprise, located outside the zone of archaeological potential of nearby sites, the works are considered acceptable.
- 7.5.5. I note that objective AH O4 of the *Kildare CDP* requires the submission of an archaeological assessment for developments in the vicinity of a site of archaeological interest. I note that an archaeological assessment was not prepared as part of the subject appeal or application.
- 7.5.6. During my site inspection, I noted that the site has been subject to intense agricultural practices. As such, having regard to the receiving environment of the site and given the distances between the site and the adjacent RMP sites as set out above in section 7.5.2, I am satisfied that the submission of an archaeological assessment was not required in this instance. Furthermore, having regard to the distances between the site and the RMP sites, I consider that the need for archaeological testing is not required on the subject site. However, I recommend the inclusion of an archaeological condition to monitor topsoil stripping as an appropriate response given the site's context.
- 7.5.7. Furthermore, having regard to the positioning of the RMP sites and the design and siting of the proposed development, I consider that the development will accord with Objective AH O4 of the *Kildare CDP*.

7.6. **Other Matters**

Health

- 7.6.1. Potential health impacts are raised in both the Third-Party appeal and the observations submitted to the Planning Authority. In response to the third-party appeal, the applicant has stated that the proposed development will be fully compliant with the relevant Health and Safety legislation and will be operated in accordance with ComReg Guidelines.
- 7.6.2. I note that Circular PL07/12 states that health and safety matters surrounding telecommunication structures are regulated by other codes and as such should not be regulated by the planning process.
- 7.6.3. I also note however that section 4.6 of the *1996 Guidelines*, states that as part of an application, operators should be required to furnish a statement of compliance with the International Radiation Protection Association Guidelines and to furnish evidence that the installation complies with these Guidelines.
- 7.6.4. I note the Planning Authority included condition no. 2 in the Notification of Decision to Grant Permission. Condition no. 2 states that the development shall comply with European Communities Regulations 2000, ICNIRP guidelines for public exposure to electromagnetic fields. If the Board chose to grant planning permission, I recommend that this condition is included.

Devaluation of Property

- 7.6.5. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, 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.

Discrepancies on the Drawings

The grounds of appeal raise concern that there are discrepancies on the drawings. The First-Party has responded and stated that the lattice was incorrectly identified as being 30 m instead of 18 m and that the drawings themselves are correct.

I have examined the drawings, and I note that the drawings contain a label titled “*Structure Details*” which state that the height of the structure is 30 m. I note however that the drawings also contain measurements and height references identifying the

structure as 18 m. The public notices also referenced development as being 18 m in height.

The Planning Authority considered that this was a minor error. I have examined the documents submitted with the planning application and appeal and I am satisfied that the height proposed is 18 m. Whilst the structure details label is confusing and contradictory, I note that it is included in the title block at the bottom of the drawing and is not immediately obvious. I therefore agree with the Planning Authority, that this discrepancy is a minor error, and I do not consider it a reason to refuse permission.

Communication

- 7.6.6. The third-party observations submitted to the Planning Authority state that the First-Party did not communicate the proposed development with the local community. I note that there is no requirement for applicants to conduct public consultations with the public. The application was advertised as part of the planning process which offers the public an opportunity to make a submission on the development. I note that 24 no. observations were submitted to the Planning Authority. As such, I am satisfied that the application was advertised correctly, and that the public were afforded an opportunity to comment on the application.

Impact on Special Areas of Conservation and Proposed Natural Heritage Areas

- 7.6.7. The grounds of appeal raise concern that given the site's proximity to Ballynafagh Lake SAC (3.4 km) and Ballynafagh Bog SAC (4.2 km), biodiversity may be impacted through a hydrological, bat or bird foraging connection.
- 7.6.8. The grounds of appeal also highlight the site's proximity to Hodgestown Bog NHA and Donadea Wood pNHA. Having regard to the fact that there are no hydrological pathways and the distance between the development and Hodgestown Bog NHA and Donadea Wood pNHA, I am satisfied that the proposed development would not have a likely significant effect on Hodgestown Bog NHA and Donadea Wood pNHA.
- 7.6.9. In relation to bird and bat foraging connections, I note that bats generally fly along hedgerows for foraging purposes and hedgerows are an important landscape element for feeding for birds. I note that the proposed development is not impacting on any hedgerows and the development does not have an extensive footprint which

would displace foraging creatures. As such, I am satisfied that the development will not impact any bat or bird foraging connections.

- 7.6.10. With regards to hydrological connections, there are no links between the site and any Natura 2000 sites, Natural Heritage Areas or proposed Natural Heritage Areas. Furthermore, any surface water generated by the development will be limited and will go to ground.

Aviation

- 7.6.11. The observations submitted to the Planning Authority raise concern regarding the proximity of the subject site to flight paths at Baldonnell Aerodrome and Dublin Airport. I note that this is a new issue in the context of the appeal.
- 7.6.12. I note that the Planning Authority did not raise any concern in this regard in their assessment and included condition no. 7 in their Notification of Decision to Grant planning permission. Condition no. 7 requires the installation of a low intensity fixed red obstacle light on the mast.
- 7.6.13. I have examined the maps included in chapter 5 of the *Kildare CDP* and I note that Staplestown is located outside the Dublin Airport Outer Horizontal Surface 212 m O.D area. I further note that Staplestown is located outside the approach and take-off climb surfaces for the Casement Aerodrome at Baldonnell. With regards to map ref V1-5.2, I note that Staplestown is located in an area identified as a military operating area (MOA4) and EI-R16. I note objective TM O140 in the *Kildare CDP* which states the following:
- 7.6.14. *“Require an aviation analysis to be provided for any proposed development within the areas coloured dark grey on the CDP “Map of Areas of Aviation Significance”, and to require aviation analysis for development of over 15m in height (above ground level) within the areas coloured light grey on the same map, and for development of over 30m in height above ground level in all other areas (and this analysis should take into account the elevations-OD/AMSL (a) of the proposed development, and (b) of the ground levels on the site, and (c) of any relevant aviation ‘obstacle limitation surfaces’. Please see Map Ref. 5.2.”*

7.6.15. In relation to Objective TM O140, I note that the subject site is not within an area coloured dark grey or light grey on map ref. 5.2. Furthermore, the development is proposed at a height of 18 m. As such, I am satisfied that the development will not impact any flight paths. Given the site's location within the Military Operating Area and noting the site's position on an elevated site, I recommend that a similar condition to condition no. 7 should be included in any grant of planning permission, in relation to the installation of a low intensity fixed red obstacle light on the mast.

Services

7.6.16. I note the report from Uisce Eireann which recommends the inclusion of a condition requiring that the development shall be carried out in compliance with Uisce Eireann's Standard Details and Codes of Practice. The report also recommends that if the applicant proposes to build over or divert existing water or wastewater services that they shall have receipt of a Confirmation of Feasibility of Diversion. I have examined the application, and I note that no drainage drawings have been submitted and that no works to existing water or wastewater services are proposed. Should the Board consider granting planning permission, I do not consider it necessary to include the condition recommended by Uisce Eireann.

Development Contributions

- 7.6.17. Condition no. 23 in the Notification of Decision to Grant Permission requires the payment of €1,125.00 as a Section 48 Development Contribution. In response to the Third-Party appeal, the First-Party states that Circular PL 03/2018 sets out that there are waivers for broadband infrastructure and mobile phone infrastructure.
- 7.6.18. I note that Circular PL 03/2018 states that waivers shall be applied to Development Contribution Schemes to include any telecommunications infrastructure.
- 7.6.19. Furthermore, I note that section 10.5 in the Kildare Development Contribution Scheme 2023 – 2029 states that telecommunication infrastructure for both mobile and broadband deployed as part of a Government endorsed telecommunications strategy shall be exempt from a contribution. Therefore, should the Board consider granting planning permission, I recommend that a condition requiring the payment of a section 48 Development Contribution is not required.

8.0 AA Screening

- 8.1. I have considered case ABP 320720-24 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The proposed development is located on an elevated agricultural site and comprises the construction of an 18 m lattice tower, enclosed by security fencing together with antennas, dishes and associated telecommunications equipment and an extension to an existing access track.
- 8.3. The closest European Sites, part of the Natura 2000 Network, is Ballynafagh Lake Special Area of Conservation which is located approximately 3.2 km from the site, and the Ballynafagh Bog Special Area of Conservation which is located approximately 4 km from the site.
- 8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.5. The reason for this conclusion is as follows:
- The distance from the European Sites.
 - The absence of ecological pathways to any European Site.
 - Taking into account the Screening Report from the Planning Authority.
- 8.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be granted for the following reasons and considerations, subject to conditions.

10.0 Reasons and Considerations

10.1. 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 and to the nature and scale of the proposed telecommunications structure, the Board considers 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.

11.0 Conditions

1.	<p>The development shall be carried out 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>(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,</p>

	<p>Alder, Willow, Whitethorn, Blackthorn, Irish Whitebeam, Rowan). Exotic species such as Cypress Leylandii, Rhododendron or Laurel, shall not be used.</p> <p>(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.</p> <p>(c) Any plants which die, are removed or become seriously damaged or diseased, within a period of 3 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.</p> <p>(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.</p> <p>Reason: To protect existing character of the area, to assist in the screening of the proposal and in the interests of visual amenity and biodiversity.</p>
4.	<p>Prior to the commencement of development, the applicant shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) in accordance with Appendix C of the "EPA Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)" including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>

5.	<p>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.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>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.</p> <p>Reason: In the interest of public safety.</p>
7.	<p>The development shall comply with European Communities (Electronic Communications (Authorisation) Regulations 2000, ICNIRP guidelines for public exposure to electromagnetic fields.</p> <p>Reason: In the interests of proper planning and sustainable development of the area.</p>
8.	<p>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.</p> <p>Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.</p>
9.	<p>The Applicant shall notify the Planning Authority of any change of ownership, transfer to a new operator or any subsequent agreements to share the development.</p> <p>Reason: To ensure that the development shall be in accordance with the permission granted and the effective control is maintained.</p>

10.	<p>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).</p> <p>Reason: In the interest of the visual amenities of the area.</p>
11.	<p>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.</p> <p>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.</p>
12.	<p>(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.</p> <p>(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].</p> <p>(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.</p> <p>(d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning</p>

	<p>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.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
13.	<p>Noise from the construction stages of the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 70 dB(A) (LAeq 1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels from site development works shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.</p> <p>Reason: In the interest of public health, to avoid pollution, and to ensure proper development.</p>
14.	<p>Noise from the operational stages of the planned development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits: a. 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time, and b. There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location. A detailed Noise Study, with recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and at any other time as may be specified by Kildare Co. Council. The Noise Study shall be submitted for the consent of the Planning Authority.</p> <p>Reason: In the interest of public health, to avoid pollution, and to ensure proper development.</p>

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.

Catherine Hanly

Planning Inspector

15th May 2025

12.0 Appendix 1 Form 1 - EIA Pre-Screening

An Bord Pleanála	ABP 320720-24		
Case Reference			
Proposed Development Summary	18m high telecommunications tower and all associated works		
Development Address	Dunmurraghill (Townland), Staplestown, Donadea, 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)?			
Yes			
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No		N/A	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	N/A		Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____