



An
Bord
Pleanála

Inspector's Addendum Report

ABP-321715-25

Development	24 metre high telecommunications tower and all associated works.
Location	Beechmount, Yellowbogcommon (Townland), Kilcullen, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460633
Applicant(s)	APW UK WIP Limited, t/a Icon Tower
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Eamonn Domican
Observer(s)	Gary Mallon and Ciara Domican
Date of Site Inspection	2 nd April 2024
Inspector	Emer Doyle

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-321715-25 dated 1st of May 2025.
- 1.2. The Board held a meeting on 16/05/2025 and made a decision on the case. Subsequently in the course of preparing and cross checking a Direction, it became uncertain whether the full file as submitted to the planning authority was copied digitally to An Bord Pleanála, in particular by reference to the totality of the photomontages as submitted to the planning authority by the applicant. To ensure no doubt as to the receipt of the full documentation, the Board reconvened at a Board meeting held on 21/05/2025 and determined as follows:

An Bord Pleanála to correspond with Kildare County Council to seek confirmation (or otherwise) of the full receipt of all documentation relating to this file. If it is confirmed that any file documentation has not been received by An Bord Pleanála to date, to secure this information from Kildare County Council and to return this file to inspectorate for an addendum report confirming that the full file has been received and assessed.

The Board also noted that an issue raised in the appellant's appeal correspondence, '4.2 Refusal to plant native Irish trees on landowners lands' and a subsequent response to this issue by the applicant in its correspondence to the Board dated 17/02/2025, may not have been specifically engaged with by the inspector in her report. Although the Board is satisfied as to its own review and engagement with this issue, it is considered that having regard to the fact that an addendum report has been sought, in relation to the completeness of the documentation received from the planning authority, that it would be appropriate also for an addendum report to engage with the tree issue referred to above.

- 1.3. The Planning Authority re-uploaded the digital file on 26/05/25 and confirmed the total number of documents. It was noted that a number of documents, including the totality of photomontages referenced in the Board Direction were not in the original file.

Photomontages

1.4. Following the re-uploading of the file by Kildare County Council, the following photomontages are included:

- Viewpoint 1 Photo location- Access road servicing the site c. 220m north of the site - current and proposed views.
- Viewpoint 2 Photo location – L6089 c. 430m north of site- current and proposed views.
- Viewpoint 3 Photo location Old Kilcullen Round Tower c. 1.2km north west of site - current and proposed views.
- Viewpoint 4 Photo location L6089 c. 0.5km north of site - current and proposed views.
- Viewpoint 5 Photo location Circle K Services Exit c. 910m south of the site - current and proposed views.

Viewpoints 4 and 5 were not included originally. I have printed all of the photomontages and they are included in the documentation pocket.

2.0 Assessment

The two matters raised in the Board Direction relate to the following:

2.1. Photomontages

- 2.1.1. A number of the photomontages uploaded digitally by Kildare County Council dated 26/05/25 were not on the file when I prepared my initial report dated 01/05/25. I have examined all of the submitted photomontages.
- 2.1.2. The photomontages indicate that the most significant impact visually will be from the private lane accessing the site and from the immediate vicinity of the site - See Viewpoint 1 in this regard. Viewpoint 2 shows the impact of the proposed development from a local road, c. 400m from the site. Viewpoint 3 is a long distance view with the Wicklow Mountains in the background. Viewpoint 4 which was not

included originally, shows that the mast will not be visible from this location.

Viewpoint 5 which was also not included originally shows that the mast will be visible in long distance views from M9 (c. 914m from the site).

- 2.1.3. In terms of the visual impact on scenic routes, I consider that photomontages 3 and 4 give a good representation of the impact of the proposed development from Scenic Route 2 as set out in the Development Plan. These photomontages are taken c. 0.5km and 1.2km to the north- west of the site.
- 2.1.4. As stated in the previous report, I travelled this scenic route during the site inspection. The views to the east of Yellowbogcommon are generally towards the ridgelines of the Wicklow Mountains. These are a significant distance away from the site. The terrain in the area is generally flat and open, and views are intermittent as there is significant tree and hedgerows in the area which limits the views.
- 2.1.5. I note that viewpoint 2 is the closest viewpoint to Scenic Route 1. This viewpoint is located c. 420m to the north of the site. Scenic Route 1 is located c. 2km to the north of the site. I examined the impact of the proposed development from this location on the site inspection. I do not consider that the proposed development would impact significantly on the views when viewed from the R418 at this location.
- 2.1.6. The photomontages submitted confirm that the impact of the proposed development will be most pronounced from the immediate vicinity of the site. The proposed structure is of a height that cannot be screened and will be visible from various locations in the vicinity of the site including the scenic routes and from the M9 motorway. However, the photomontages confirm that views will be intermittent given the high level of existing dwellings, the topography and significant tree coverage in the area. Accordingly, having regard to the siting and design of the proposed development in close proximity to the M9 in an area of moderate sensitivity with mature vegetation and natural screening, I am satisfied that the proposed development would not unduly interfere with the character of the landscape or form a visually obtrusive or incongruous feature.

2.2. Native Tree Area Scheme and Ecology

- 2.2.1. An issue was raised in the appeal and observation that the lands adjacent to the site were unsuitable for an afforestation grant under the Native Tree Area Scheme as it is mapped as being under the Breeding Wader Layer. The appellant and observer consider that the Board does not have enough information to make an informed decision on the application.
- 2.2.2. At the outset, I note that I did not specifically engage with this issue in my initial report. I did consider that impacts on Natura 2000 sites specifically in Section 7.6. of the report. I note that the subject site is not located within or adjacent to any European Site. The subject site is located c.10km to the south of Pollardstown Fen SAC Site Code 000396 and c.12km to the south of Mouds Bog SAC Site Code 02331. The Teagasc Native Tree Area Scheme is a scheme which supports the creation of small native forests on farmed land. The size and scale of development permitted under this scheme is substantially different from what is proposed under the current application. Tree planting areas must be between 0.1 and 1.0 hectares. The proposed development provides for site area of 0.006 hectares (60m²) which shall be enclosed by fencing. Within the compound, a concrete foundation is proposed on an area measuring 6m x 6m with a total area of 36m². As such, the size and scale of the proposed development varies considerably from the lowest area provided for under the Native Tree Area Scheme (1000m²).
- 2.2.3. The Wildlife Act 1976 (as amended) provides legal protection for breeding wader birds and their habitats. Section 40 of the Wildlife Act 1975 prohibits the cutting, grubbing, burning or other destruction of vegetation growing on 'any land not then cultivated between 1st March and 31st August annually. According to Section 22 of the Wildlife Act, it is also a criminal offence to wilfully destroy, injure, or mutilate the eggs or nest or a wild bird or to wilfully disturb a wild bird on or near a nest containing eggs or un-flown young birds at any time of the year. The Wildlife Act is under a separate regulatory code than the Planning Act.

- 2.2.4. The planting of forestry is an irrelevant consideration in relation to the proposed development having regard to the significant differences in the size and scale of both types of developments and their impacts on the breeding wader birds. In addition, I am satisfied that there is separate protection in place for the breeding wader birds under the Wildlife Act.
- 2.2.5. I am satisfied that having regard to the limited scale and nature of works in comparison to the type and scale of works involved in the native tree area scheme, the restrictions and protections under the Wildlife Act which is under a separate regulatory code than the Planning Act, and the absence of ecological and/or hydrological connections, and the physical separation distances to European Sites, the potential for impacts on breeding birds and ecology is minimal and can be managed by existing protections in place under the Wildlife Act.

3.0 Recommendation

- 3.1. I refer the Board to my report and recommendations on this application dated 1st of May 2025 and recommend that the Board grant permission for the proposed development subject to the conditions as set out in this report.

Emer Doyle
Planning Inspector

19th June 2025