

Planning and Development Acts 2000 to 2021

Planning Authority: Galway City Council

Planning Register Reference Number: 21/363

APPEAL by Signal Infrastructure Limited care of Indigo Telecom Group of Raheen Business Park, Limerick against the decision made on the 12th day of January, 2022 by Galway City Council to refuse permission to OnTower Ireland Limited care of Indigo of 4Site House, Raheen Business Park, Limerick.

Proposed Development: Installation of seven number antennas, two number transmission dishes on supporting poles, including remote radio units (RRUs), ballast frames together with associated equipment cabinet, cabling and associated site works at roof level, all at Citypoint, Prospect Hill, Bothar Na Mban and Bothar Irwin, Galway.

Decision

GRANT permission for the above proposed development for the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the scale of the proposed development, in an area where the land use zoning objective is 'City Centre (CC)', in which public utilities may be acceptable subject to such uses not having an undesirable consequence for prevailing use or amenity, as indicated in the Galway City Development Plan 2023-2029, and also having regard to the rooftop location on a tall city centre building in commercial and residential use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential or visual amenities of the area or on neighbouring commercial uses. Furthermore, the Board considered that the proposed development is supported by Policy 9.9 'Telecommunications and Smart Technology' of the Galway City Development Plan 2023-2029 and that the rooftop location on a tall city centre mixed-use building is the preferred option for locating such utilities as indicated in paragraph 3 of the said Policy 9.9, and as indicated in section 4.3 of the 'Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in July 1996 (updated by Circular Letter PL 07/12 dated 19th October 2012). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board, having regard to the nature, scale and rooftop location, and the need for such infrastructure to serve the area, considered that the proposed development would not adversely impact on the residential amenities of the apartments below and would improve telecommunications for residents and other users in the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority proposals in relation to the location of the outdoor cabinet, where possible locating this structure away from the roof edge in order to minimise its visual impact.

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

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

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

4. Within six months of the date of cessation of use, the telecommunications structures and ancillary structures shall be removed, and the site shall be reinstated at the developer's expense. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority prior to the date of cessation of the use of the structures.

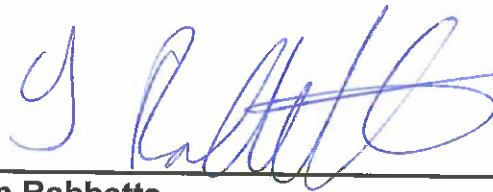
Reason: In the interest of protecting the visual amenities of the area.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

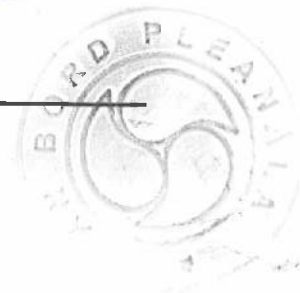
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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



Tom Rabbette

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



Dated this 14th day of June 2023.