

An
Bord
Pleanála

Board Order
ABP-314308-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/649

Appeal by Eircom Limited (trading as eir) care of Towercom Limited of Usher House, Main Street, Dundrum, Dublin against the decision made on the 13th day of July, 2022 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Replace a 12 metre high wooden pole with an 18 metre high telecommunications monopole together with antennas, dishes and associated telecommunications equipment at the eir Exchange, Foats or Levallynearl, Aughrim, County Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) the Galway County Development Plan 2022–2028, including policy objectives ICT5 - Siting and Design of Telecommunications Infrastructure, and ICT6 - Visual Impact and Antennae Support Structures,
- (b) the low landscape sensitivity of the area,
- (c) the Department of the Environment, Heritage and Local Government, Section 28 Statutory Guidelines; Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, as updated by circular letter PL 07/12 in 2012,
- (d) Circular Letter PL 03/2018,
- (e) the distance between the proposed telecommunications structure and sensitive receptors, including residential development, the adjoining health centre and Glebe National School,
- (f) the nature and scale of the proposed telecommunication structure, and
- (g) the demonstrated need for the telecommunications infrastructure at this location,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health, would not have a significant impact on ecology or on European sites in the vicinity, and would

be in accordance with the proper planning and sustainable development of the area.

The Board concurred with the Inspector that the development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Board has concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination or Environmental Impact Assessment is required.

Conditions

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

Reason: In the interest of clarity.

2. The developer shall provide and make available at reasonable terms, the proposed support structure for the provision of mobile telecommunications antenna of third-party licenced telecommunications operators.

Reason: In the interest of the avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.



3. Within six months of the cessation of the use of the telecommunications structure, all structures permitted under this permission shall be removed from the site, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the planning authority as soon as practicable.

Reason: In the interest of protecting the landscape.

4. The 12 metre high wooden pole shall be removed from the site within six months of the new monopole becoming operational.

Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

5. Prior to commencement of development, details of tree planting along the front/western boundary of the site, shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

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

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

7. 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.

Reason: In the interest of public safety.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

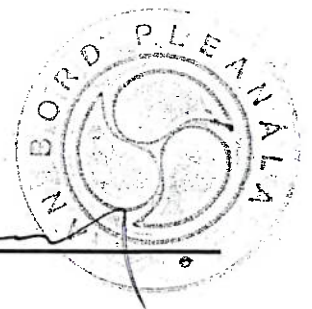
Reason: In the interest of the visual amenities of the area.

9. 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 and public holidays. Deviation from these times will 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.


Martina Hennessy

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



Dated this 26th day of October 2023.

DECISION QUASHED