



An
Bord
Pleanála

Board Order ABP-315192-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: P/DC/22/22

Appeal by Emerald Towers Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 2nd day of November, 2022 by Galway City Council to refuse a licence.

Licence Application: Section 254 Licence for a 15-metre dual operator pole, associated equipment, together with ground-based equipment cabinets and all associated site development works for wireless data and broadband services at Tirellan Heights, Headford Road, Ballinfoile, Galway.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act 2000, as amended, An Bord Pleanála, directs the planning authority to GRANT a licence based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the provisions of Section 254 of the Planning and Development Act 2000, as amended,
- (b) the National Development Plan 2018-2027,
- (c) Objective 48 of the National Planning Framework Project Ireland 2040,
- (d) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities published by the Department of the Environment and Local Government in July 1996, as updated by circular letter PL 07/12, and
- (e) Policy 9.9 (Telecommunications and Smart Technology) of the Galway City Development Plan 2023-2029,

it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the roll out of broadband services in accordance with national and local policies and objectives, would not seriously injure the visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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

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. Details of the proposed colour scheme for the telecommunications structure and ancillary structure 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.

3. Prior to the erection of the proposed development, the name and qualifications of an arborist or landscape architect who will supervise the works on site during the construction phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to ensure that trees adjacent to the site are protected.

4. (a) This licence shall apply for a period of five years from the date of this order. The telecommunications structure and related ancillary structure shall then be removed unless, prior to the end of the period, a license shall have been granted for their retention for a further period.
- (b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this license.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period, and any emerging proposals for Headford Road.



Liam Bergin

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

Dated this 21st day of December 2023.