



An
Bord
Pleanála

Board Order
ABP-317251-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/670

Appeal by Michael F. Dolan of Galway Road, Monivea, Athenry, County Galway and by Others against the decision made on the 10th day of May 2023 by Galway County Council to grant subject to conditions a permission to Monivea Rugby Football Club care of Ryehill Planning and Design of Caerlissakill, Monivea, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: a) Erection of a 24 metre high monopole support structure with three metres extension (overall height 27 metres above ground level) carrying telecommunications antennas, dishes and associated equipment, b) new ground equipment cabinets and landscaping, c) 2.4 metres high fence to perimeter of new telecommunications compound at Monivea Demesne, Monivea, Athenry, 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 DM Standard 42 Telecommunication Masts, Objective ICT 5 and Objective ICT 6,
- (b) The Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996, issued by the Department of Environment and Local Government as updated by circular letter PL 07/12 in 2012,
- (c) the low landscape sensitivity of the area,
- (d) the distance between the proposed telecommunications structure and sensitive receptors, including residential development and Monivea National School,
- (e) the nature and scale of the proposed telecommunication structure,
- (f) the demonstrated need for the telecommunications infrastructure at this location,

- (g) Circular Letter PL 03/2018 – Revision of Development Contributions Guidelines in respect of Telecommunications Infrastructure issued by the Department of Housing Planning and Local Government in July 2018,
- (h) the Appropriate Assessment Screening report submitted by the applicant,
- (i) the Ecological Impact Assessment submitted by the applicant, including the mitigation measures contained therein, and,
- (j) the Hydrology report submitted by the applicant,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injure 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. The proposed development 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 14th day of April 2023, 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 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 mitigation measures set out in the Ecological Impact Statement shall be implemented in full.

Reason: In the interest of protecting biodiversity.

5. 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.

6. 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.

7. Site development and building works shall be carried out only between the hours of 0700 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**



Dated this *19th* day of *September*, 2024