

An
Bord
Pleanála

Board Order ABP-317661-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 23/189

Appeal by Anne Ryan and others care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 4th day of July, 2023 by Galway County Council to grant subject to conditions a permission to On Tower Ireland Limited care of Indigo Telcom Group of Raheen Business Park, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a 33-metre lattice mobile and broadband tower with headframe carrying telecommunications equipment together with associated equipment and cabinets enclosed within a 2.4-metre palisade fence compound with access track, all at Cregmore, Claregalway, 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 National Planning Framework,
- (b) the Galway County Development Plan 2022-2028,
- (c) the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities 1996 and Circular Letter PL07/12, and
- (d) the scale and design of the proposed development,

it is considered that the proposed development would be in accordance with National Policy for Telecommunications Infrastructure and the Galway County Development Plan 2022-2028. It is also considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area and would not seriously injure the visual or residential amenities of the area. 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 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. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their antennae onto the subject structure.

Reason: In order to avoid the proliferation of telecommunications structures, in the interest of visual amenity.

4. Details of the specific colour finish for the proposed telecommunications structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Prior to commencement of development, the developer shall also submit to, and agree in writing with, the planning authority a landscaping scheme for the site which shall include an enhanced screen boundary.

Reason: In the interest of the visual amenities of the area and to protect residential amenity.

5. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with the planning application and, notwithstanding the provisions of the Planning and Development Act 2000, as amended, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

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 without a prior grant of planning permission.


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

7. On decommissioning of the telecommunications structure, the structure and all ancillary structures shall be removed, and the site reinstated at the developer's expense.

Reason: In the interest of clarity.

8. The construction of the proposed development shall be managed in accordance with the Construction Management Plan received by the planning authority on the 11th day of May, 2023.

Reason: In the interest of public safety and residential amenity.



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

Dated this 17th day of April 2024.