An Coimisiún Pleanála

Ordú ón gCoimisiún
Commission Order
PL-500961-GY-26

Na hAchtanna um Pleanáil agus Forbairt, 2000, arna leasú
Planning and Development Acts 2000, as amended

Údarás Pleanála: Comhairle Contae na Gaillimhe
Planning Authority: Galway County Council

Uimhir Thagartha ar an gClár Pleanála: 2561838
Planning Register Reference Number: 2561838

ACHOMHARC ó NBI Infrastructure Designated Activity Company (National Broadband Ireland) in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe an 12ú lá de mhí Feabhra 2026 cead a dhiúltú don fhorbairt bheartaithe.

Forbairt Bheartaithe: Is é a bheidh i gceist leis an bhforbairt struchtúr teileachumarsáide 15 mhéadar a chur suas lena dtacófar le ceithre mhias glactha, caibinéad débhá ar bhunsraith choincréite, fál pailise a mbeidh geata rochtana aige, plionta coincréite, bailchríoch talún cumaisc cloiche báine, agus na hoibreacha forbartha coimhdeacha go léir. Tá an fhorbairt ag teastáil chun na sonraí leathanbhanda a iompar ón líonra leathanbhanda snáithín ardluais nua ar an oileán chuig an mórthír trí nasc raidió chun nascadh le líonra náisiúnta snáithín NBI mar chuid de phlean náisiúnta leathanbhanda an rialtais chun leathanbhanda ardluais a sholáthar do gach cuid den tír nach bhfuil ar fáil ar bhonn tráchtála, lena n-áirítear na hoileáin, ar an luas céanna sonraí. Ullmhaíodh Ráiteas Tionchair Natura agus cuireadh isteach é chun

tacú leis an iarratas pleanála seo. Beidh an fhorbairt ar fad suite ar thailte i Sráidbhaile an Chaisleáin, Inis Oírr, Contae na Gaillimhe.

Cinneadh

Cead a DHIÚLTÚ don fhorbairt bheartaithe thuas i gcomhréir leis na cúiseanna agus na cúinsí atá leagtha amach thíos.

Cúiseanna agus Cúinsí

1. Ceanglaítear le Cuspóir Beartais 1 (Oidhreacht Nádúrtha agus Bithéagsúlacht Láithreán, Gnáthóg agus Speiceas Ainmnithe) de Phlean Forbartha Chontae na Gaillimhe 2022-2028 go gcosnófar sláine Láithreán Eorpach, agus ceanglaítear le Cuspóir Beartais NHB 3 (Cosaint Láithreán Eorpach) nach gceadófar aon tionscadail is cúis le tionchair shuntasacha ar láithreáin Eorpacha a eascróidh as a dtógáil talún, as a riachtanais acmhainní, nó as aon éifeachtaí eile.

   Ag féachaint do shuíomh an láithreáin, mar aon le talamh tadhlach, laistigh de Limistéar Caomhantais Speisialta Inis Oírr (001275), meastar go mbeadh an fhorbairt bheartaithe ina cúis le caillteanas díreach Fraochmhánna Tirime Eorpacha [4030] agus Féarthailte tirime leathnádúrtha agus faiséise scrobarnaí ar ghnáthóga foshraitheanna cailcreacha (Festuco-Brometalia) (*láithreáin thábhachtacha magairlíní) [6210], atá ar áireamh in Iarscríbhinn I a ghabhann le Treoir an Aontais Eorpaigh um Ghnáthóga, 1992.

D'ainneoin an mhéid thuas, agus ag féachaint do na bearta beartaithe maidir le trasghluaiseacht agus feabhsú gnáthóg atá leagtha amach sa Ráiteas Tionchair Natura chun cúiteamh a dhéanamh i leith caillteanas gnáthóige, do láithreán sainaitheanta cúitimh/faighteora ar a bhféadfaí an ghnáthóg thrasghluaiste a lonnú a bheith in easnamh, do Phlean Bainistíochta Gnáthóige chun an ghnáthóg thrasghluaiste a bhainistiú go héifeachtach a bheith in easnamh, agus do mheasúnú ar éifeachtaí in éineacht chun tionchair charnacha fhéideartha a d'fhéadfadh dul i bhfeidhm ar an ngnáthóg thrasghluaiste a shainaithint a bheith in easnamh, ní deimhin leis an gCoimisiún, ar bhonn na n-aighneachtaí a rinneadh i ndáil leis an iarratas pleanála agus leis an achomharc, gur soláthraíodh faisnéis leordhóthanach maidir le tionchar na forbartha beartaithe laistigh den ghnáthóg atá san Iarscríbhinn agus maidir leis na himpleachtaí iarmhartacha don fhiadhúlra.

Dá bhrí sin, ní féidir leis an gCoimisiún a fháil amach, mar a cheanglaítear le Rialachán 27(3) de Rialacháin na gComhphobal Eorpach (Gnáthóga Nádúrtha), 1997, nach ndéanfaidh an fhorbairt bheartaithe dochar do shláine Láithreáin Eorpaigh agus meastar go mbeadh an fhorbairt bheartaithe contrártha do Chuspóir Beartais NHB 1 agus Cuspóir Beartais NHB 3 de Phlean Forbartha Chontae na Gaillimhe 2022-2028 agus, dá bhrí sin, go mbeadh sí contrártha do phleanáil chuí agus forbairt inchothaithe an limistéir.

2. Ceanglaítear le Cuspóir Beartais ICT 4 (Comhlonnú aeróg) de Phlean Forbartha Chontae na Gaillimhe 2022-2028 go ndéanfar struchtúir tacaíochta aeróg agus láithreáin a chomhlonnú i gcás gurb indéanta, agus go gcuirfidh oibritheoirí fianaise dhoiciméadach isteach maidir le neamh-indéantacht na rogha sin i dtograí le haghaidh struchtúir nua. Ceanglaítear le Cuspóir Beartais ICT 5 (Suíomh agus Dearadh an Bhonneagair Teileachumarsáide) an dea-chleachtas maidir le suíomh agus le dearadh araon ar mhaithe le taitneamhacht amhairc, agus ceanglaítear le Caighdeán DM 42 freisin ar iarratasóirí ar shaoráidí nua an Chomhairle a shásamh go bhfuil iarracht réasúnach déanta acu saoráidí a chomhroinnt nó saoráidí a lonnú i mbraislí. Ag féachaint do struchtúr eile tacaíochta teileachumarsáide a bheith i láthair i ndlúthghaireacht don láithreán, agus don easpa fianaise dhoiciméadach lena léirítear nach bhfuil sé indéanta é a chomhlonnú nó a bhraisliú, meastar, ar bhonn na n-aighneachtaí a rinneadh i ndáil leis an iarratas agus leis an achomharc, go bhfuil deiseanna féideartha ann le haghaidh comhlonnú nó braisliú sa limistéar. Dá réir sin, bheadh an fhorbairt bheartaithe ina cúis le leathadh neamhriachtanach struchtúr comhchosúil, rud a bheadh contrártha do na Treoirlínte d'Údaráis Phleanála a bhaineann le hAeróga Teileachumarsáide agus Struchtúir Thacaíochta, arna n-eisiúint ag an Roinn Comhshaoil agus Rialtais Áitiúil i mí Iúil 1996, agus do Phlean Forbartha Chontae na Gaillimhe 2022-2028.

Mheas an Coimisiún go bhfuil an fhorbairt bheartaithe ina tionscadal chun críocha na Treorach maidir le Measúnacht Tionchair Timpeallachta. Tháinig an Coimisiún ar an gconclúid, áfach, nach dtagann an fhorbairt bheartaithe faoi aon aicme forbartha atá leagtha amach i gCuid 1 nó i gCuid 2 de Sceideal 5 a ghabhann leis na Rialacháin um Pleanáil agus Forbairt, 2001, arna leasú, agus, dá bhrí sin, ní cheanglaítear aon réamhscrúdú, aon scagadh le haghaidh measúnacht tionchair timpeallachta, ná aon mheasúnacht tionchair timpeallachta.

APPEAL by NBI Infrastructure Designated Activity Company (National Broadband Ireland) against the decision made on the 12th day of February 2026 by Galway County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of the erection of a 15-metre telecommunications structure supporting four number receiving dishes, dual bay cabinet on concrete foundation, palisade fence with access gate, concrete plinth, white stone compound ground finish and all ancillary development works. The development is required to carry the broadband data from the new high speed fibre broadband network on the island to the mainland by radio link to connect to the NBI national fibre network as part of the government's national broadband plan to provide high speed broadband to all parts of the country that are not available commercially, including the islands, at the same data speed. A Natura Impact Statement (NIS) has been prepared and submitted in support of this planning application. All on Lands at Castle Village, Inis Oirr (Inisheer) Island, County Galway.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Policy Objective 1 (Natural Heritage and Biodiversity of Designated Sites, Habitats and Species) of the Galway County Development Plan 2022 - 2028 requires the protection of the integrity of European Sites, while Policy Objective NHB 3 (Protection of European Sites) requires that no projects giving rise to significant impacts on European sites arising from their land take, resource requirements or from any other effects shall be permitted.

   Having regard to the location of the site, together with adjoining land, within Inisheer Special Area of Conservation (001275), it is considered that the proposed development would result in the direct loss of European Dry Heaths [4030] and Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210] habitat, which are included on Annex I of the European Union Habitats Directive of 1992.

   Notwithstanding the above, and having regard to proposed habitat translocation and enhancement measures set out in the Natura Impact Statement to compensate from habitat loss as well as the absence of an identified compensation/recipient site on which to locate the translocated habitat, the absence of a Habitat Management Plan to effectively manage the translocated habitat and the absence of an assessment of in-combination effects to identify potential cumulative impacts which may affect the translocated habitat, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the proposed development within the Annexed habitat and the resulting implications for wildlife.

The Commission, therefore, is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would contravene Policy Objective NHB 1 and Policy Objective NHB 3 of the Galway County Development Plan 2022 - 2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Policy Objective ICT 4 (Co-location of antennae) of the Galway County Development Plan 2022 - 2028 requires co-location of antennae support structures and sites where feasible, and for operators to submit documentary evidence as to the non-feasibility of this option in proposals for new structures. Policy Objective ICT 5 (Siting and Design of Telecommunications Infrastructure) requires best practice in both siting and design in the interest of visual amenity while DM Standard 42 also requires applicants for new facilities to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters. Having regard to the presence of another telecommunications support structure in close proximity to the site, and the lack of documentary evidence demonstrating its non-feasibility for co-location or clustering, it is considered that, on the basis of the submissions made in connection with the application and appeal, possible opportunities for co-location or clustering exist in the area. Accordingly, the proposed development would lead to an unnecessary proliferation of similar structures, which would be contrary to the Guidelines for Planning Authorities relating to Telecommunications Antennae and Support Structures, issued by the Department of the Environment and Local Government in July 1996, as well as the Galway County Development Plan 2022 - 2028.

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission 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.

Declan Moore

Coimisinéir Pleanála den Choimisiún Pleanála atá údaraithe go cuí chun séala an Choimisiún a fhíordheimhniú	**Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.**

Arna dhátú an 14th **lá seo de** Iúil **2026.**