



An  
Bord  
Pleanála

## Amended Inspector's Report PL07.248955

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<b>Development</b>	30m Free Standing Telecommunications Structure
<b>Location</b>	Annagh Hill, Ballyguinn, Tuam, Go. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	17/681
<b>Applicant(s)</b>	Shared Access Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party V Grant
<b>Appellant(s)</b>	Annagh Hill National School
<b>Observer(s)</b>	Maura Harrington
<b>Date of Site Inspection</b>	12 <sup>th</sup> October 2017
<b>Inspector</b>	Rónán O'Connor

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## 1.0 Site Location and Description

- 1.1. The appeal site is located approximately 800m south-east of Annagh Cross and approximately 3.5 km south-east of Ballyglunin, Co. Galway. The site is located within an existing farm holding, within a field located approximately 300m south-east of the old N63 Road. It is accessed via an existing track to the side of a farmhouse. The old N63 road is now a cul-de-sac, having been truncated in order to construct the M17 motorway and the road now terminates approximately 115m south-west of the farmhouse. There is a pedestrian footbridge over the motorway.
- 1.2. The recently opened M17 motorway runs in a north-west to south-east direction close to the site, with the motorway embankment approximately 50m south-west from the proposed mast compound. The junction of the M17 and the N63 is located approximately 200m south-east of the mast compound.
- 1.3. The landscape in the immediate vicinity is undulating, although the site sits approximately 90m to the west of the highest point of Annagh Hill, close the 80m contour line, resulting in relatively extensive views towards the site.
- 1.4. The nearest residential property is the existing farmhouse, located approximately 300m north-west of the proposed mast compound. There is also a residential property located approximately 320m north-west of the site, close to the point where the old N63 terminates.
- 1.5. The south-eastern boundary of Annagh Hill National School (the Third Party Appellant) is located approximately 510m to the north-east of the proposed mast compound.

## 2.0 Proposed Development

- 2.1. 30m Free Standing Telecommunications Structure with associated equipment and 2.4m high compound fence.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Grant permission. Conditions of note are as follows:

- Condition 7 refers to independent monitoring of rational levels from the mast.
- Condition 9 refers to the fitting of a low intensity obstacle light.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Having regard to findings of the screening report, distance to the next closest SPA and small scale nature of the proposal, significant adverse impacts on the Natura network can be ruled out.
- Site located within a class 1 landscape. 3D visual assessment meets with the satisfaction of the planning authority - complies with DM32 of the CDP.
- Compliant with ICNIRP guidelines and is significantly buffered from existing development.
- Recommendation was to grant permission subject to conditions.

### 3.2.2. Other Technical Reports

Environment Section – No comment

## 3.3. **Prescribed Bodies**

### 3.3.1. Transport Infrastructure Ireland – No objection subject to conditions.

## 3.4. **Third Party Observations**

### 3.4.1. Submissions were received during the application period. The issues raised are covered in the grounds of appeal.

## 4.0 **Planning History**

None

## 5.0 Policy Context

### 5.1. Development Plan

#### Galway County Development Plan 2015-2021

5.1.1. Relevant provisions of the Galway County Development Plan 2015-2021 include:

- Policy ICT 1 – Information and Communications Technology Infrastructure
- Policy ICT 2 – Installation of Information and Communications Technology Infrastructure in High Amenity Areas
- Objective ICT 1 – Facilitates delivery of telecommunications, broadband and digital infrastructure
- Objective ICT 2 – Assimilation of Telecommunications Infrastructure into the Landscape
- Objective ICT 3 – Co-location of Telecommunications Infrastructure
- Objective DS 9 – Projects/Associated Improvement Works/Infrastructure and Appropriate Assessment
- Policy LCM1 – Preservation of Landscape Character
- Objective LCM1/LCM2 – refer to landscape conservation and management
- Objective FPV 1 – Development Management – Preserve the focal points and views as listed in Map FPV1
- DM Standard 32: Telecommunications Masts has regard to landscape sensitivity, amenity impacts, landscape impacts, co-location, security and redundancy. All planning applications shall be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines.

5.1.2. The appeal site is located within a Landscape that has a designation of Class 1 – Low Sensitivity.

5.1.3. The site is located within a Focal Point/View as identified on Map FPV1<sup>1</sup>. This Focal Point/View refers to Castle at Monivea (37) and Castle Ruins south of Monivea (38).

## 5.2. **National Policy**

### 5.2.1. National Guidelines

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, July 1996

- The guidelines essentially support the development of telecommunication services in the country and provide guidance on site selection and minimising environmental impacts.

### 5.2.2. Circular Letter: PL 07/12

This circular letter was issued in the context of the rollout of next generation broadband (4G). This document sought to address issues that had arisen in the intervening period since the publication of the “Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities” published in July 1996 and to amend them. Section 2.3 of the letter states that the Development Plan should not specify minimum distances in the Development Plan as they can have a major impact on the roll out of a viable and effective telecommunications network. Section 2.6 reiterates the advice given in the 1996 guidelines that planning authorities should not include monitoring arrangements as part of the planning permission conditions nor determine planning applications on health grounds.

## 5.3. **Natural Heritage Designations**

5.3.1. None.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal, as submitted by the Third Party Appellant (Annagh Hill National School), are as follows:

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<sup>1</sup> GIS version of map accessed on 01/11/17 <https://data.gov.ie/dataset/galway-county-protected-focal-points-and-views65cd4>

- Site notice positioned so as to minimise the possibility of the local community becoming aware of the proposed development.
- Newspaper notice was in the Irish Times – low readership in the area.
- Four days before the deadline for objections before the proposed development came to the attention of the Annagh Hill National School board of management.
- School or community were not consulted in any form – first communication was made after planning permission was granted.
- Deadline for objections also coincided with the closure of the school for summer holidays.
- Major concern is the proximity of the school to the proposed mast – distance of 500m.
- This raises health concerns.
- Condition 7 refers to how radiation levels must be evaluated and monitored – highlights health and safety concerns.
- Other LPAs do not allow the erection of masts that fall within certain distances – 1km of smaller towns, villages, residential areas, schools, hospitals, child-care centres or nursing homes and not within 400m of a private dwelling.
- Planning process goes against EU and Irish Law.
- Community were denied their say, opinion or input – no meeting with the planning authorities.
- Puts forward a number of questions including:
  - Who is liable if Vodafone sell out?
  - Can be matter be judicially reviewed?
  - Is the Board satisfied with the matter of liability?
  - What consideration is given to the proximity of other masts? There are 250 masts in the Tuam Region- why is there a need for a cluster of masts in this area?

- Previous refusal in Rialto, Dublin 8 by the Board on health grounds.
- Does not meet the objective ICT2 of the CDP.
- Area is archeologically rich.
- Expert opinion is more easily available for those who have money to fund it.
- Parents have indicated that they will move their children to other schools in the locality of the mast goes ahead.
- Will lead to job losses.

6.1.2. The Third Party Appeal submission also includes submissions from other parties objecting to the proposed development, including a list of signatures of parents and local residents opposed to the planning decision, as well as a list of parents, residents, TDs and Councillors who attended a meeting to support the appeal. Also included is a submission from the owner of the Montessori and Afterschool Care, run from the National School, and a submission from the principal of the National School. There is a submission by a pupil of the school, signed by a parent. Those issues, which have not been raised above, are as follows:

- With the N63 road closure, school drop off is safer with less pollutants from cars.
- Provision of the Breakfast Club, Montessori and After School Club has ensure the school is attractive for parents.
- Parents will remove their children from the school if mast is allowed.
- Cannot invest in the Montessori as number of pupils will reduce.
- Mast in Knockroe Abbeyknockmoy already quite close to the school.
- Has caused stress, worry and uncertainty.

## 6.2. Applicant Response

6.2.1. A response to the Third Party Appeal was submitted on behalf of the applicant. This is summarised as follows:

- Guidelines advise that planning authorities should not include any monitoring arrangements nor determine planning applications on health grounds.



- Health and safety aspects are regulated by other codes.
- ICNIRP certificate was submitted with the application.
- Board has consistently taken the view that there is no conclusive evidence of adverse health impacts from mobile phone masts.
- Also consistent with ABP decision reference PL06D.246153.
- Would not be appropriate to refuse on health and safety grounds.
- Landscape Sensitivity is Class 1 – Low sensitivity area - CDP permits development in the area in line with Policy ICT 1.
- Site is located in close proximity to 20 existing 9m lights located on the overpass and two roundabouts all within 300m from the proposed development – visual impact would therefore be mitigated by the presence of these existing structures.
- Location was chosen to provide coverage for the new M17 motorway.
- There are no other telecommunications structures or commercial structures along this section of the new M17 motorway that would meet Vodafone's service provision obligations.
- Would not be possible to secure an alternative site that satisfies the requirements of the Galway County Development Plan.
- Applicant has made provisions to accommodate co-location – other providers have stated that they would be willing to install equipment on the proposed structure.
- Attempted to arrange a meeting with the School's Board of Management.
- Application as lodged on 12<sup>th</sup> May 2017 with final date for submissions on 15<sup>th</sup> June 2017 - school closed for the holidays on 30<sup>th</sup> June 2017.
- Recent excavations in the area did not highlight any archaeological findings that would have given any concern to the Council.
- Larger telecommunications structure has been deemed to comply with the CDP and relevant guidelines.

- ICNIRP Certificate and letters of support from other service providers included with submission.

### 6.3. **Planning Authority Response**

6.3.1. None

### 6.4. **Observations**

6.4.1. One observation received from Maura Harrington, Doohoma, Ballina, Co. Mayo. This is summarised as follows:

- Grandchildren attend Annagh Hill National School.
- Health and safety of children is paramount in any proper consideration of sustainable development.
- Little or no consultation with the community.
- Proposed community should be given their opportunity to have their say at an Oral Hearing.
- In excess of 250 masts in Co. Galway – 29 masts in the Tuam Area and 25 in the Athenry Area – need for the mast is questioned
- Proliferation of masts with attended as yet unproven health consequences
- No social, environmental or economic imperative for the mast
- Who is liable for potential future health consequences?
- Impact on archaeology – Battle of Knockdoe was fought in the area – this site may form part of the wider battle area.
- Regard should be had to the recent decision of Mr Justice Humphryes in Judicial Review Proceedings 2014 No 476JR - Precautionary principle should apply.

### 6.5. **Further Responses**

6.5.1. None

## 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of the proposed development
- Visual amenity/Development Plan policy
- Justification/co-location/National policy
- Health and Safety
- Archaeology
- Other Issues
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The proposal is for a 30m high telecommunications mast with associated equipment and 2.4m high compound fence located at Annagh Hill within an existing farmland holding. The proposal is by a company that provides mobile and broadband communications and is looking to ensure mobile and broadband coverage in this area. The need to facilitate improved telecommunications infrastructure is advocated under the CDP and under the National Guidelines in the form of the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities (1996) and Circular Letter: PL 07/12.

7.2.2. As such the principle of a telecommunications mast is acceptable, subject to the detailed considerations below.

### 7.3. Visual amenity/Development Plan policy

7.3.1. The appeal site is located within a Landscape that has a Designation of Class 1 – Low Sensitivity. Policy ICT 2 of the CDP seeks to located communications technology infrastructure within less sensitive landscapes (Classes 1 to 3).

7.3.2. DM Standard 32 ‘Telecommunication Masts’ sets out a number of criteria in relation to Telecommunication Masts. It is stated that while the current state of technology

requires the construction of masts and antennae in the countryside, the following standards will apply:

- 7.3.3. *a) Landscape Sensitivity – A Visual Impact Assessment shall be requested for Class 4 (Special) or Class 5 (Unique) landscape sensitivity.*
- 7.3.4. Given the location of the appeal site within a Class 1 Landscape, which is low sensitivity, a Visual Impact Assessment is not required in this instance.
- 7.3.5. *b) Amenity Impacts- Masts and associated base station facilities should be located away from existing residences and schools.*
- 7.3.6. The closest residential dwelling is located approximately 310m to the north-west of the proposed mast. The south-west boundary of Annagh Hill National School (the Third Party Appellant) is approximately 510m to the north-east of the proposed mast. While the CDP does not specify acceptable distances, it is my view that the mast, and associated compound, is located at a sufficient distance from both the surrounding residences, and from Annagh Hill National School, so as not to result in amenity impacts.
- 7.3.7. *c) Landscape Impacts – Masts should be designed and located as to cause minimum impact on the landscape. If possible, sites should be located within forest plantations. Access roads shall be permitted only where essential. Where provided, they should not scar the landscape on which they are located. Roads should follow the natural contours of the site in order to minimise their visual intrusion, and should be bordered with shrubs after construction.*
- 7.3.8. The applicants have not submitted a Visual Impact Assessment in this case but have submitted a Photomontage document showing the proposed mast in place from a total of 5 different viewpoints.
- 7.3.9. The mast will be most visible from both the old N63 Road, and from the new N63 road and junction to the south of the site (V1). However, views from both of these roads are fleeting as traffic travelling along these roads will not be facing directly towards the site of the proposed mast. From locations further to the north-east along the old N63 Road, I do not consider that there will be a large degree of visibility towards the mast as the road curves and falls in elevation, hence obscuring any potential shorter/medium distance views towards the mast. Longer distance views

will be obtained from surrounding roads, including at viewpoints V2, V3, V4 and V5 but the distance from such viewpoints is such that the visual impact is very limited.

- 7.3.10. I also note that the context of the appeal site has changed considerably since the production of the photo montage views, with the M17 motorway and the associated N63 junction now built and in operation. Associated with the new roads are lighting columns and signage. As such there is a degree of visual intrusion on the landscape as existing. While the proposed mast will be higher than the above cited lighting columns and signage, and will only be partially screened by the existing hedgerows and trees, it is set well back from the surrounding roads, mitigating the visual impact of the mast.
- 7.3.11. I note the site lies within Focal Point/Views No's 37 and 38 as identified in Map FPV1 of the CDP. This refers to Castle at Monivea (Focal Point/View 37) and Castle ruins south of Monivea (Focal Point/View 38). The appeal site is located approximately 10km from Monivea Castle and as such I do not consider that there will be an impact on the Focal Point/Views identified above.
- 7.3.12. In relation to a possible location with a forest plantation, given the justified need for sufficient coverage in this area (see Section 7.4 below), and the lack of suitable forested locations in the immediate vicinity, it is not possible to fulfil this criteria.
- 7.3.13. In relation to the access road, this will utilise existing access track for approximately 300m, with an additional 90m being constructed from the existing access to the site of the compound. The new track will be relatively screened by the hedgerow to the north-west of the site and will also be set back sufficiently from surrounding roads so as to ensure that there will be no adverse visual impact associated with this element of the proposal.
- 7.3.14. Overall, I consider that the proposal would be acceptable in regards to its overall visual impact.
- 7.3.15. *d) Co-Location - Licensees shall be required to co-locate their services by sharing a single mast or, if necessary, locating additional masts in cluster form.*
- 7.3.16. This issue is considered in paragraphs 7.4.2 and 7.4.3 below.
- 7.3.17. *e) Security - Mast compounds should have security fencing and anti-climbing devices designed to local aesthetic and safety requirements.*

- 7.3.18. 2.4m high Palisade fencing is provided around the base station compound. This will only have a very limited visual impact given the existing screening provided by the hedgerow and the setback from surrounding roads. I consider that the fencing provides sufficient security for the compound.
- 7.3.19. *f) Redundancy - In the event of the discontinuance of any mast installation the mast and its equipment shall be removed from the site and the land shall be reinstated.*
- 7.3.20. If the Board is minded to grant permission, a condition can be imposed requiring the removal of the mast and equipment, and the reinstatement of the site, should the mast become redundant.
- 7.3.21. DM Standard 32 also requires that planning applications shall be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2 in the interest of health and safety. This has been provided and this issue is considered further in Section 7.5 below.

#### 7.4. **Justification/co-location/National policy**

- 7.4.1. In terms of justification, the application documentation states that the location was chosen to provide mobile and broadband coverage for the new M17 motorway and that without this site there will be a significant loss of services to customers and a very high risk of creating a coverage blackspot. Coverage maps are shown within the documentation, with before and after scenarios. The closest masts to the appeal site are also shown, with the closest mast located 5.4km north-east of the appeal site. I consider that there is sufficient justification within the submitted documentation for the proposed mast.
- 7.4.2. Section 4.5 of the Guidelines regarding Telecommunication Antennae and Support Structures refers to the sharing of facilities and the clustering of antenna and it is recommended that applicants should be encouraged to share facilities and that they satisfy the planning authority that they have endeavoured to do so when lodging an application.
- 7.4.3. DM Standard 32 and Objective ICT 3 of the CDP also require co-location. In this regard I note there are no other masts in the immediate area that could be shared and used to provide the required coverage. It is further noted that letters have been

submitted in this regard from other providers stating that they are willing to erect equipment on this proposed mast.

## **7.5. Health and Safety**

- 7.5.1. I note the appellants and the observer have raised the issue of health impacts associated with telecommunications masts and note the proximity of the school to the mast (approximately 500m north-east of the proposed mast). Concerns are raised in relation to the potential impact on the health and safety of the children attending the school, from this mast as well as from the proliferation of masts in the area. The issue of monitoring of radiation levels was also raised by the appellants, and reference is made to Condition No. 7 of the decision of the Planning Authority, which requires monitoring of radiation levels.
- 7.5.2. The applicant, in their response to the appeal, state that the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, July 1996' advise that planning authorities should not include any monitoring arrangements, nor determine planning applications on health grounds. The applicants further state that health and safety aspects are regulated by other codes.
- 7.5.3. The 1996 Guidelines advise that planning authorities should not include any monitoring arrangements as part planning permission nor determine planning applications on health grounds. Section 2.6 of Circular Letter PL07/12 is unambiguous in stating that planning authorities do not have competence for health and safety aspects associated with telecommunication masts and these are regulated by other codes and such matters should not be additionally regulated by the planning process.
- 7.5.4. An ICNIRP certificate was submitted with the application. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) is an independent scientific body, which has produced an international set of guidelines for public exposure to radio frequency waves. Section 7.8 of the 'Development Management Consultation Guidelines for Planning Authorities' DoEHLG, 2007, states that it is inappropriate to deal with matters which are the subject of other controls. The Board has consistently taken the view that based on the information available, there is no conclusive evidence of adverse health effects from mobile phone masts. Therefore, I

do not consider it would be appropriate to refuse permission on health and safety grounds.

## **7.6. Archaeology**

- 7.6.1. In relation to archaeology, I note that the boundary of the appeal site is located approximately 100m from two features of archaeological interest, GA057-01001 Enclosure and GA057-010003 House (located to the east of the appeal site). Both features are listed for inclusion in the next revision of the RMP. I note the appeal site falls outside the 'Zone of Notification' for each of these features. While I note the comments of the appellant and the observer, there is no additional evidence on file indicating that there is significant archaeology present at the appeal site. As such I do not consider it reasonable to impose a condition relating to archaeology in this instance.

## **7.7. Other Issues**

- 7.7.1. In relation to the issue of consultation, the appellant contends that insufficient consultation on the proposals was carried out and that the site notice was positioned so as to minimise the possibility of the local community becoming aware of the proposed development and that the newspaper notice was in the Irish Times, which has low readership in the area. Furthermore, it is stated the school or community were not consulted in any form and that first communication from the applicant was made after planning permission was granted. It was also noted that the deadline for objections also coincided with the closure of the school for summer holidays
- 7.7.2. The applicants state that they attempted to arrange a meeting with the Board's School of Management but this was not facilitated. It is further noted that the application was lodged on 12th May 2017 with a final date for submissions on 15th June 2017, with the school closing for the holidays on 30th June 2017.
- 7.7.3. In relation to this issue, I note the Planning Authority was satisfied with the location of the site notice, and with the newspaper notice, as the application was considered to be valid. The timing of the submission of the application is a matter for the applicant, and I do not wish to comment on same.
- 7.7.4. I note the comments made by the observer in relation to a request from the applicant for an Oral Hearing. No formal request for an Oral Hearing was received however.



The observer also considers an Oral Hearing should be held. However, the observer is not a party to the appeal and as such this request cannot be entertained.

**7.8. Appropriate Assessment**

- 7.8.1. A Stage 1 Screening Assessment was submitted with the application, in regard to the potential for the proposed development to impact upon the integrity of each of the designated Nature 2000 sites identified within a 15km radius of the site.
- 7.8.2. The Screening reports concludes that the works will not impact on any Natura 2000 sites.
- 7.8.3. The Board, as a competent authority, shall only agree to a plan or project only after having ascertained that it will not adversely affect the integrity of a Natura 2000 site. In this regard it is appropriate to carry out a stage 1 screening assessment and then if necessary a stage 2 appropriate assessment.
- 7.8.4. I have considered those sites within 15km of the appeal site and the impacts of the development which is under consideration here.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

- 7.8.5. The appeal site is not currently designated for any nature conservation purposes under national or international legislation but a number of Natura 2000 sites (SAC/SPA) are within a 15km radius of the subject site. These are set out in the table below:

Site Code, Site Name and Designation	Approx. distance from the appeal site	Qualifying Habitats and Species
000297 Lough Corrib SAC	1.6km N	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. Water courses of plain to

		<p>montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i></p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>Alkaline fens</p> <p>Limestone pavements</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Bog woodland</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel)</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish)</p> <p><i>Petromyzon marinus</i> (Sea Lamprey)</p> <p><i>Lampetra planeri</i> (Brook</p>
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		<p>Lamprey)</p> <p>Salmo salar (Salmon)</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat)</p> <p>Lutra lutra (Otter)</p> <p>Drepanocladus vernicosus (Slender Green Feather-moss)</p> <p>Najas flexilis (Slender Naiad)</p>
002352 Monivea Bog SAC	9.1km SW	<p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration</p> <p>Depressions on peat substrates of the Rhynchosporion</p>
000295 Levally Lough SAC	15km NE	Turloughs
000268 Galway Bay Complex SAC		<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Coastal lagoons</p> <p>Large shallow inlets and bays</p> <p>Reefs</p> <p>Perennial vegetation of stony banks</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima)</p> <p>Mediterranean salt meadows (Juncetalia maritimi)</p> <p>Turloughs</p> <p>Juniperus communis formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on</p>

		calcareous substrates (Festuco-Brometalia) (* important orchid sites) Calcareous fens with Cladium mariscus and species of the Caricion davallianae Alkaline fens Limestone pavements Lutra lutra (Otter) Phoca vitulina (Harbour Seal)
004042 Lough Corrib SPA	14.2km W	Gadwall (Anas strepera) Shoveler (Anas clypeata) Pochard (Aythya farina) Tufted Duck (Aythya fuligula) Common Scoter (Melanitta nigra) Hen Harrier (Circus cyaneus) Coot (Fulica atra) Golden Plover (Pluvialis apricaria) Black-headed Gull Chroicocephalus ridibundus Common Gull (Larus canus) Common Tern (Sterna hirundo) Arctic Tern (Sterna paradisaea) Greenland White-fronted Goose (Anser albifrons flavirostris)

7.8.6. I note the site is not located on or near a Natura 2000 site. However, the site is approximately 1.6km south of the Abbert River, which is designated as part of the Lough Corrib SAC (Site Code 000297). There is no direct hydrological connection to the Abbert River from the site and I note the site does not support the species or habitats listed for the Lough Corrib SAC. There are no other identifiable source-pathways between the appeal site and the Lough Corrib SAC and as such I do not

consider the proposal will have direct, indirect or in-combination impacts on the Lough Corrib SAC

- 7.8.7. In relation to impacts on other Natura 2000 sites, given the nature and scale of the subject mast and compound, the distance to other Natura 2000 sites and the lack of identifiable source-pathways between the appeal site and these sites, I do not consider that it has any impacts upon the conservation objectives of these sites.

#### Screening Statement and Conclusions

- 7.8.8. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

I recommend that permission be granted for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to:

- a) the nature and extent of the proposed development,
- b) the national strategy regarding the improvement of mobile communications services,
- c) the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July 1996, and Circular Letter: PL 07/12,
- d) the policies and objectives of the Galway County Development Plan 2015-2021,
- e) the proximity of the nearest residential dwellings and the proximity of Annagh Hill National School,
- d) the general topography of the site,

e) the existing character and pattern of development in the vicinity,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, would not impact on any identified focal points or views, would not adversely impact upon existing archaeology, and would not result in significant adverse impacts on any Natura 2000 sites. It would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out 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 transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, 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.

3. The site shall be reinstated on the 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 as soon as practicable.

**Reason:** In the interest of orderly development.

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

5. 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.

6. 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. Details of this light, its location and period of operation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Rónán O'Connor  
Planning Inspector

31<sup>st</sup> May 2018