



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304988-19

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<b>Development</b>	Erection of 30m height lattice structure together with associated antennas, dishes and ground based equipment.
<b>Location</b>	Caherateemore South, Co Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	19717
<b>Applicant(s)</b>	Vodafone Ireland Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	David Quinn and Family
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> October 2019
<b>Inspector</b>	Irené McCormack

## 1.0 Site Location and Description

- 1.1. The subject site is located on agricultural lands 70m west of the M17 in the townland of Caherateemore South approx. 5.5km north west of Athenry Town. The landscape is relatively flat and characterised by agricultural lands. The M17 cuts through the landscape to the east of the site and is located well below the ground level of the site.
- 1.2. Access to the site is from an existing agricultural road which connects to a local road to the north of the site. The access road is approx. 3m in width and is partially tarred to the north of the site with the remainder of the surface consisting of crushed stone.
- 1.3. The site is embedded in an agricultural field, 600m south of the public road and 100m west of the M17.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a 30m high lattice structure together with associated antennas, dishes and ground base equipment enclosed in security fencing.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 7 no. conditions. The relevant conditions are noted below:

#### **Condition no. 6**

(i) A system of independent monitoring of radiation levels from the mast shall be established/maintained and undertaken periodically to ensure compliance with such guideline levels as may be set from time to time by the International Radiation Protection Association.

(ii) The development shall comply with the terms and conditions of the public expose guidelines of the international commission on non-ionizing radiation protection.

Reason: To safeguard the amenities of the area.

**Condition no. 7** refers to provision for third party licenced mobile telecommunications operators.

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

3.2.2. The Area Planners report (4<sup>th</sup> July 2019) noted the recent relevant planning history in the vicinity of the site for the refusal of a 30m high telecommunication mast. The report notes the relevant policy objectives as set out in the Galway County Development Plan 2015-2021, which support telecommunication infrastructure and DoEHLG, Planning Guidelines for Telecommunications Antennae and Support Structures (1996) and Circular letter PL 07/12. It was recommended that permission be granted subject to conditions.

#### 3.2.3. **Other Technical Reports**

None

### 3.3. **Prescribed Bodies**

**Transport Infrastructure Ireland (TII)** – In their submission dated 30<sup>th</sup> May 2019 the TII set out that they have no observations to make.

### 3.4. **Third Party Observations**

An objection was received from David Quinn and Family. The concerns raised include the following: -

- The access road to the site is outside the ownership boundary. Additional site notice requested.
- The maps provided are incomplete and do not show the accurate location of the mast.
- The development is in direct conflict with Policy ICT 1 of the Development Plan.
- There is no evidence of a pre-planning discussion

- No effort has been made to reduce the visual impact of the structure in accordance with Section 4.1 of the Telecommunications Antennae and Support Structures (1996) and DECLG Circular PI07/12.
- The development will devalue and reduce the enjoyment of property.
- Alternative option available such as bridges, ESB pylons and eircom poles.
- The applicant has failed to furnish a statement of compliance with the international Radiation Protection Association Guidelines.
- The application requires an Environmental Impact Statement.
- Health Implications and monitoring of mast sharing.

## 4.0 Planning History

*Site*

None

*Surrounding*

GCC Ref. Reg. 18/1242- Vodafone Irelands Ltd – Planning permission refused for the erection of a 30m high lattice structure together with associated antennas, dishes and ground base equipment enclosed in security fencing having regard to the proximity to the M17.

The site was located 65m to the east of the subject site immediately adjacent to the motorway boundary.

## 5.0 Policy Context

### 5.1. Circular Letter: PL 07/12 – Telecommunication Antennae and Support Structures Guidelines.

This Circular Letter revised the Telecommunication Antenna and Support Structures Guidelines, 1996. The circular advises that Planning Authorities should cease attaching time limit conditions to telecommunications masts, except in exceptional circumstances. With regard to Health and Safety Aspects it states the following: -

*'The 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning*

*applications on health grounds. This Circular Letter reiterates that advice to local planning authorities. Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process’.*

It is also a requirement that Contribution Schemes include waivers for broadband infrastructure provision.

## 5.2. Galway County Development Plan 2015-2021

The site is located in Landscape Sensitivity Class 1, where landscape sensitivity is low.

### 5.2.1. Chapter 7 Energy/Renewable Energies & Communications Technology

Section 7.7 Information and Communications Technology Policies and Objectives

#### **Policy ICT 1 – Information and Communications Technology Infrastructure**

It is a policy of the Council to achieve a balance between facilitating the provision of telecommunications infrastructure, in the interests of social and economic progress and sustaining residential amenity and the protection of the built and natural environment.

#### **Policy ICT 2 – Installation of Information and Communications Technology Infrastructure in High Amenity Areas**

It is a policy of the Council that where feasible proposed developments pertaining to the installation of potentially obtrusive information and communications technology infrastructure shall be located in landscape categories 1-3. Where they must be located on sensitive landscapes (those being a Class 4 (Special) or 5 (Unique) landscape category areas or in proximity to a National Monument, Protected Structure/Architectural Conservation Areas or within a focal point/view) they shall be accompanied by visual impact assessments as part of the planning application process.

**Objective ICT 1 – Facilitate the Delivery of Telecommunications, Broadband and Digital Infrastructure.** Support and facilitate the delivery of high capacity ICT

infrastructure, broadband networks and digital broadcasting in the County having regard to the Government Guidelines *Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996* (DoEHLG) and Circular Letter PL 07/12 (including any updated/superseding documents) and where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network.

**Objective ICT 2 – Assimilation of Telecommunications Infrastructure into the Landscape.** Seek to locate telecommunication masts in non-scenic amenity areas, having regard to the Landscape Sensitivity Rating Assessment of the County. In instances where their location is essential in a Class 4 (Special) or 5 (Unique) landscape category areas or in proximity to a National Monument, Protected Structure/Architectural Conservation Area or within a focal point/view, it shall be necessary to minimise their obtrusiveness in as far as is practically possible.

**Objective ICT 3 – Co-Location of Telecommunications Infrastructure** .Avoid a proliferation of communications masts and antennae in the open countryside and facilitate the potential for future mast sharing and co-location.

## 5.2.2. Chapter 13 – Development Management

### DM Standard 32: Telecommunications Masts

In order to facilitate the evaluation of development proposals for the erection of antennae and support structure with regard to the *DoEHLG, Planning Guidelines for Telecommunications Antennae and Support Structures* (1996 including any updated/superseding document) and DECLG Circular PI 07/12 regarding the 1996 Planning Guidelines. While the current state of technology requires the construction of masts and antennae in the countryside the following standards will apply:

- a) Landscape Sensitivity -In instances where telecommunications masts are essentially required in landscape sensitivity Class 4 (Special) or Class 5 (Unique), a Visual Impact Assessment shall be required with all planning applications for these locations.
- b) Amenity Impacts - Masts and associated base station facilities should be located away from existing residences and schools.

c) Landscape Impacts - Masts should be designed and located so 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.

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.

e) Security -Mast compounds should have security fencing and anti-climbing devices designed to local aesthetic and safety requirements.

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.

All 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.

### **5.3. Natural Heritage Designations**

There are no relevant designated areas in the immediate vicinity of the site. Lough Corrib SAC (site code 000297) is located 4.5km west of the site.

### **5.4. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal submitted by David Quinn and Family are as summarised below:

- It is set out that insufficient information submitted with the planning application in terms of compliance with Section 4.6 of the Telecommunications Antennae and Support Structures Guidelines (1996) which states that: -  
*“As part of their planning application operators should be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan) 1988) or the equivalent European Pre-standard 50166-2 which has been conditioned by the licensing arrangements with the Department of Transport, Energy and Communications and to furnish evidence that an installation of the type applied for complies with the above guidelines”.*
- The maps provided are incomplete and do not show the accurate location of the mast.
- It is set out that condition no. 6 of the decision of the planning authority acknowledges that there will be radiation emissions from the structure. The requirement for an Environmental Impact Assessment is queried.
- It is asserted that potential health implications and the impact of radiation emissions have not been demonstrated by the applicant and/or mitigation measures proposed.
- The wording of the reason of condition no. 6 to protect the amenities of the area is queried in so far as people are not amenities! It is argued that the condition is open ended, and this should not be the case.
- It is set out that the mast would represent an unsightly tower and eyesore in front of the appellants home in the middle of an open field, which contravenes all aspects of proper planning and development.

### 6.2. Applicant Response

A detailed submission was submitted by Charter House Infrastructure Consultants on behalf of Vodafone Ireland Limited. The submission focuses on the original third-



party observation to the planning authority in addition to the contents of the appeal submission.

- The submission notes the error in their original submission miss-referencing the M17 at the M7 and corrects and clarifies this error.
- It is set out that the maps and drawings accompanying the planning application comply with Article 22 and Article 23 of the Planning and Development Regulations 2001( as amended) and the structure location is clearly set out.
- In referencing third party's original submission to the planning authority, it is set out that the development is situated 400m southwest of the appellants property and not in the direct line of site. The M17 motorway is positioned between the appellants house and the proposed structure and there are bands of trees and hedgerows between the structure and the appellants dwelling. The development is consistent with the provisions of Policy ICT1 of the Galway County Development Plan.
- It is set out that pre-planning discussions are not mandatory, and a pre-planning meeting was not deemed necessary.
- The development will confer improved data and voice connectivity and speeds in the surrounding townlands, and this is a positive social development and the development will not devalue property.
- In relation to the design of the structure, it is set out that this is a typical example of such structures Ireland and the structure must have sufficient height to reach coverage blackspots. The structure has the capacity to accommodate other operators for co-location purposes. The view is softened by the presence of hedgerow to the south and north and by significant vegetation in the broader site vicinity.
- It is set out that the first preference is to site share wherever possible. A review of existing available infrastructure in the vicinity of the site determined that the available options were not suitable for reason such as location, access and distance.

- With respect to health considerations, the applicant has included a statement of compliance confirming that the proposed structure will comply with the International Radiation Protection Association.
- It is set out that the proposed development does not fall within the threshold requirements for EIAR in accordance with Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- In respect of cumulative emission levels in the event of site sharing, health considerations and on-going monitoring the applicant refers to Circular Letter PL. 07/12 which sets out that health and safety matters in respect of telecommunications infrastructure are regulated by other codes and such matters should not be additionally regulated by the planning process.
- It is set out that the development will remedy poor coverage in this vicinity and the site is the most suitable location for the development.

### 6.3. Planning Authority Response

None

## 7.0 Assessment

- 7.1.1. Concerns are raised in the appeal that the electromagnetic field emitted by the telecommunication structure will negatively impact on the health of local residents. The applicant has stated that the proposed structure will fully comply with the relevant Health and Safety legislation. Circular Letter PL07/12 states that planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. It also notes that telecommunication infrastructure is regulated by other codes and such matters should not be additionally regulated by the planning process. The issue of health and safety and associated conditions applied by the planning authority will therefore not be considered any further.
- 7.1.2. In relation to the third-party reference to the requirement to carry out an Environmental Assessment. I note that proposed development does not fall within

the threshold requirements for EIAR in accordance with Schedule 5 of the Planning and Development Regulations 2001 (as amended).

7.1.3. The main issues of the appeal relate to residential and visual amenities. The issue of Appropriate Assessment will also be addressed. I am satisfied that no other substantial issues arise. The main planning issues can be dealt with under the following headings:

- Residential and Visual Amenities
- Other Matters
- Appropriate Assessment

## **7.2. Residential and Visual Amenities**

7.2.1. The proposed 30m high telecommunications structure is a lattice steel frame with panel antennas and link antennas. An additional equipment container is located at ground level within a fenced compound. The compound is approx. 10m in width by 10m in depth and bound by a palisade fence. The applicant has stated that the development will remedy poor coverage in the area and structure will accommodate other operators for co-location purposes, in accordance with Development Plan policy.

7.2.2. The appellants assert that the proposed structure will represent an unsightly tower and an eyesore in front of their home in the middle of an open field, which contravenes all aspects of proper planning and development. The appellants house has not been identified but it would appear to be located to the east of the site on the opposite side of the M17 motorway. The closest dwelling to the proposed telecommunication structure is approx. 340m. In referencing the third-party submission, the applicant states that the development is situated 400m southwest of the appellants property and not in the direct line of site. The M17 motorway is positioned between the appellants house and the proposed structure and there are bands of trees and hedgerows between the structure and the appellants dwelling.

7.2.3. The site is not subject to any landscape designations for natural heritage or scenic amenity. The landscape is relatively flat and characterised by agricultural lands. The M17 cuts through the landscape to the east of the site and sits well below the ground level of the site. The site is embedded in an agricultural field, 600m south of the

public road to the north of the site and 100m west of the M17. Whilst there is no immediate vegetation to screen the site, the view is softened by the presence trees and mature hedgerow in the wider landscape context which will assist in assimilating the structure into the landscape. I note that the structure will not be visible from the M17 due to the site elevation above the road. I further note that the Telecommunication Guidelines provides that 'views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view or prospect'. Therefore, I am satisfied that due to the site location and set back from the public road, the separation distance from the adjoining houses and the wider landscape screening, the structure will not injure the character of the rural area or the visual amenities of area. The development is consistent with the provisions of Policy ICT1 of the Galway County Development Plan which seeks to achieve a balance between facilitating the provision of telecommunications infrastructure, in the interests of social and economic progress and sustaining residential amenity and the protection of the built and natural environment.

### **7.3. Other Matters**

- 7.3.1. The third-party assert that the maps provided are incomplete and do not show the accurate location of the mast. I have reviewed the maps and drawings accompanying the planning application and I am satisfied that the maps and drawings comply with Article 22 and Article 23 of the Planning and Development Regulations 2001( as amended) and the location of the structure is clearly set out.

### **7.4. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

It is recommended that the proposed development be granted for the following stated reasons and considerations and subject to the stated conditions.

## 9.0 Reasons and Considerations

Having regard to:

- a) National strategy regarding the improvement of mobile communications services and the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996 issued by the Department of the Environment and Local Government,
- b) The Galway County Development Plan 2015-2021
- c) The general topography and landscape features in the vicinity of the site,
- d) The separation distance and landscaping between it and residential development, and
- e) The existing pattern of development in the vicinity,

it is considered that subject to conditions, the proposed development would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The 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 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 nonfuture 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.

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Irené McCormack  
Planning Inspector

29<sup>th</sup> October 2019