



An  
Bord  
Pleanála

## Inspector's Report ABP-306183-19

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<b>Development</b>	Installation of 6 antenna and 2 transmission dishes on supporting poles together with associated equipment cabinets.
<b>Location</b>	Clifden, Co Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	191553
<b>Applicant(s)</b>	Signal Infrastructure Limited.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Signal Infrastructure Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19/02/2020
<b>Inspector</b>	Gillian Kane

## **1.0 Site Location and Description**

- 1.1. The subject site refers to Christ Church, Church of Ireland, in the centre of Clifden in western Galway. The existing church sits on an elevated site, with views across the town.

## **2.0 Proposed Development**

- 2.1. On the 7<sup>th</sup> October 2019, planning permission was sought to install 6 no. antenna and 2 no. transmission dishes on the bell tower of Christ Church – a protected structure.
- 2.2. The application was accompanied by a Planning Statement, an Archaeological Impact Assessment and a Visual Impact Assessment.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 26<sup>th</sup> November 2019, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:
  - 1 The proposed development having regard to its contemporary nature, the protected and historical status of the insitu building on site and its elevated and exposed setting in the context of the wider settlement of Clifden would seriously detract from the visual setting and integrity of the Christ Church, Church of Ireland (RPS no. 585) and in doing so it would be contrary to the local planning policy provisions, in particular Section 3.6.7 and Objectives HC2, 4 & 8 of the Clifden Local Area Plan 2018-2024 which seek to protect as well as ensure that any development respects the character of existing historic buildings and townscape character. Accordingly to grant the proposed development would interfere with the character of the protected structure, would materially contravene a policy, development objectives and standards contained in the current Clifden Local Area Plan 2018-2024, would detract from the visual amenity of the area, would militate against the preservation of the setting of the protected structure, would set an undesirable precedent for future similar development in the area, potentially depreciate the value of property in the vicinity of the site and therefore be contrary to the proper planning and sustainable development of the area.

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

- 3.2.1. **Conservation Officer:** Proposed development, in size and placement are a major intrusion to the visual amenity of the prominent landmark building which is Christ Church, and it is recommended that the proposal is refused.
- 3.2.2. **Planning Report:** Having regards to the Conservation officers report, refusal recommended. The planning report notes "Comments of TII noted" but the Board will note that there is no TII report on the file, nor is one expected given the nature of the proposed development.

### 4.0 **Planning History**

- 4.1.1. Planning Authority reg. ref. 15/9: Permission granted for works to the Church.

### 5.0 **Policy Context**

#### 5.1. **Clifden Local Area Plan 2018-2024**

- 5.1.1. The subject Church is located in an area zoned CF: Community Facilities, which has the stated objective is to promote the development of community facilities on suitable lands, with a high level of access to the local community, including educational, community, civic, public, institutional, recreational, cultural and other complementary uses, as appropriate.
- 5.1.2. **Section 3.6.7** of the LAP refers to Telecommunications, Energy Infrastructure & Renewable Energy. It states that developments require adequate power, energy and telecommunications services, including electricity, gas supply, telephone services and broadband, which are provided in Clifden by various service providers. The plan aims to seek a balance between the need to maintain and develop energy & telecommunications infrastructure while having regard to amenities, protected areas and sensitive landscapes.
- 5.1.3. **Policy EC 1 – Energy and Communications:** It is the policy of Galway County Council to support the provision of adequate energy and communications infrastructure to service developments including gas, electricity, broadband, and telephone services. In particular, the Council supports the increased use of renewable energy and the aims of sustainable energy use and conservation in building design and construction.

- 5.1.4. **Objective EC 1 – Broadband & Telecommunications:** Facilitate the provision of adequate telecommunication infrastructure within the plan area, including telephone and broadband services, to the requirements of the relevant service providers and in accordance with the principles of proper planning and sustainable development.
- 5.1.5. Christ Church is a Protected Structure (RPS no. 585). Policies of relevance include:
- 5.1.6. **Policy HC 1 – Built Heritage:** It is the policy of Galway County Council to support the protection and conservation of the architectural and archaeological heritage in the plan area, including the Protected Structures, Architectural Conservation Area, Recorded Monuments and Places and other important features of architectural or archaeological heritage. Galway County Council will ensure the implementation of the legislative, statutory and policy provisions relevant to the conservation of the built heritage including the following (and any updated/superseding documents)  
Legislative provisions in the Planning and Development Act 2000 (as amended) and National Monuments Act 1930 (as amended). Statutory provisions in the Galway County Development Plan, including the Record of Protected Structures. Policy guidance in Government Policy on Architecture 2009-2015, the Architectural Heritage Protection Guidelines 2004/2011, and the Archaeology and Development: Guidelines for Good Practice for Developers.
- 5.1.7. **Objective HC 2 – Protected Structures:** Ensure the protection and sympathetic enhancement of structures included and proposed for inclusion in the Record of Protected Structures that are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, together with the integrity of their character and setting
- 5.1.8. **Objective HC 4 – Development Relating to Protected Structures and ACAs** Ensure that any development, modifications, alterations, or extensions materially affecting the character of a protected structure, or structure adjoining a protected structure, or structure within or adjacent to the Architectural Conservation Area, is sited and designed appropriately and is not detrimental to the character or setting of the protected structure, or the Architectural Conservation Area. This will include the following:

- Works materially affecting the character of a protected structure or the exterior of a building/structure within an Architectural Conservation Area will require planning permission.
- Any works/development carried out to a protected structure or the exterior of a building/structure within an Architectural Conservation Area shall be in accordance with best conservation practice and use sustainable and appropriate materials.
- Works/development within the Architectural Conservation Area shall ensure the conservation of traditional features and building elements which contribute to the character of the area.
- New proposals shall have appropriate regard to scale, plot, form, mass, design, materials, colours and function.

## **5.2. Natural Heritage Designations**

5.2.1. The subject site is 0.2km from The Twelve Bens/Garraun Complex SAC, 002031.

## **5.3. EIA Screening**

5.3.1. Having regard to nature and scale of the proposed development in a built-up urban area, it is considered that 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 at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

6.1.1. The applicant has appealed the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal is accompanied by an Architectural Heritage Impact Assessment, Architectural Heritage Impact Assessment Options Report and an Archaeological Impact Assessment. The grounds of the appeal can be summarised as follows:

- The predicted effects on the visual amenity of the area are imperceptible to moderate.

- Mitigation measures are proposed which will conceal the radio antenna with stone facings to match the material on the church tower and secure the antenna and dishes tight to the tower to reduce the level of extrusion.
- A revised photomontage is submitted with the appeal.
- Antennas that are façade mounted and are painted to match the background texture have successfully been incorporated onto church steeples without significant impacts. Photo submitted.
- The Architectural Heritage Impact report concluded that the proposed works will have a minimal impact on the protected structure. The design being proposed followed an extensive process of options, in consultation with the conservation officer of Galway County Council.
- The proposed development will not set an undesirable precedent as each application must be assessed on its own merits.
- There is a known and demonstrable coverage deficit in a particular part of Clifden. The proposed installation will provide services to the area for the foreseeable future. It is unlikely there will be a need for more equipment in the medium to short term.
- The proposed development provides accommodation for telecoms equipment with minor impacts, improve the service in this busy tourist area and provides an income stream to the Church.
- Given the nature and scale of the proposed development, the suggestion that property will depreciate in value is unjustified.
- The Board is requested to grant permission.

## **6.2. Planning Authority Response**

6.2.1. None on file.

## **6.3. Observations**

6.3.1. None on file.

#### **6.4. Prescribed Bodies**

##### **6.4.1. DAU of the Dept. of Culture, Heritage and the Gaeltacht:**

Archaeology: the proposed development will only affect the upstanding C19th church building. There will be no impact on the protected archaeological features at this location, i.e. a non-extant earlier church and the associated graveyard. The Dept. concur with the findings of the report that there are no further archaeological requirements in respect of this development.

#### **7.0 Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site.
- 7.1.2. Permission is sought for the installation of 6 no. antenna and 2 no. transmission dishes on supporting poles on the bell tower of Christ Church, Church of Ireland. Having regard to policy and objective EC1 of the Clifden LAP, both of which seek to support the provision of adequate telecoms infrastructure, the proposed development is acceptable in principle.
- 7.1.3. I note and concur with the assessment of the proposed development by the DAU that there are no impacts on the archaeological sensitivity of the area. I am satisfied that the single issue is the impact of the proposed development on the visual amenity and the protected structure status of the Church.
- 7.1.4. The applicant has submitted a series of photomontages and a Visual Impact Assessment. The report notes that notwithstanding the elevated site of the Church, the zone of visibility is limited in range due to the undulating topography and the heavy vegetation. Views from the west extend further. Mitigation measures are proposed, namely concealing the stone facings to match the material on the church tower and fitting the antenna so that they sit tightly to the tower. These measures will reduce the visual impact to imperceptible to moderate. The conclusion of the report is that in most viewpoints only one face of the tower potentially undergoing change is visible, with the exception of views 4, 13, 17 and 18 – from a close range. Longer ranges will not experience the same impact.
- 7.1.5. The Architectural Heritage Impact assessment concludes that the proposed works will have a minimal impact on the protected structure. Predicted impacts as set out in section 6.2 of the report are potential damage to the stone work. The worst case

scenario would occur if the proposed works were undertaken badly and the structural integrity of the tower was compromised. Mitigation measures are proposed in section 7.0 of the report. All works on site are to be supervised on an ongoing basis by a Surveyor and an Archaeologist.

7.1.6. It is considered that the proposed works have been robustly assessed in terms of the visual impact and the impact on the historic integrity of the protected structure. I concur with the findings of both the Visual Impact Assessment and the Historic Impact assess that the scale and extent of the proposed development is such that no significant impacts will arise. The use of structures such as Christ Church for telecoms infrastructure is not uncommon. I am satisfied that the proposed development can be successfully integrated on the existing bell tower without significant or undue visual or other impact. It is considered that the proposed development is in accordance with policies EC1 and HC1 of the Clifden Local Area Plan.

7.1.7. I note that the Planning Authority's reason for refusal states that the proposed development materially contravenes a policy in the LAP but does not refer to any policy in their reason for refusal. The single reason for refusal refers to section 3.6.7 of the LAP and three Objectives – HC 2,4 and 8 of the LAP. I find no evidence in the Planning Authority's assessment of the proposed development that the proposed development materially contravenes the development plan. Given the serious implications of such a statement, it cannot be made without justification. I am satisfied that as that the proposed development complies with policies EC1 and HC1 of the development plan, there is no need for the Board to demonstrate compliance with section 37(4)(2) in this instance.

## **8.0 Recommendation**

8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

## **9.0 Reasons and Considerations**

9.1.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not



seriously injure the visual amenities of the protected structure, or any property in the vicinity. The proposed development for which permission is sought 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 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 Prior to commencement of development, the developer shall provide for the following the appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works. All works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric

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Gillian Kane  
Senior Planning Inspector

16 March 2020