



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306463-20

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<b>Development</b>	Replacement of telecommunications support structure together with adjacent equipment cabinet, previously granted under planning reference 13/436, with a proposed new lattice tower structure.
<b>Location</b>	Lios Uachtair (Lissoughter), Recess, Co Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	191669
<b>Applicant(s)</b>	Eircom Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Maire Ui Mhuirnin
<b>Date of Site Inspection</b>	04 <sup>th</sup> March 2020
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.0088 hectares, is located in Recess Galway approximately 56km to the north west of Galway City. The appeal site is on the northern side of the N59. The site is occupied by an existing ESB structure with a pitched roof and monopole telecommunications structure with enclosure defined by a palisade fence. There is layby on the northern side of the N59 to facilitate parking. The adjoining lands to the north, east and west is a wooded area. The nearest existing structures include Recess Garda station to the west and an existing two-storey dwelling to the east.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the replacement of telecommunications support structure together with adjacent equipment cabinet, with a 19m high lattice structure.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 9 conditions. The conditions are standard in nature.

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

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

Planning report (13/12/19): Having regard to the established principle for a telecommunications structure on site and its avoidance of focal points and ecological designations, the proposal was considered to comply with the County Development Plan. Permission was granted subject to the conditions outlined above.

### **3.3. Prescribed Bodies**

TII (25/11/20): No observations to make.

### 3.4. Third Party Observations

3.4.1 A submission was received from Maire UíMhuirnin, Pairc Thiar, An Spideal, Co. na Gaillimhe. The issues raised can be summarised as follows...

- Impact on biodiversity, location of application within Gaeltacht Area however applications is solely in English, no public consultation, failure to identify a National Monument in the vicinity, need for EIA, insufficient information regarding receiving environment, insufficient information regarding noise impact.

### 4.0 Planning History

4.1 13/436: Permission for the continued use of an existing 15m telecommunications monopole.

4.2 08/1635: Permission to construct a 15m support pole to carry 3 no. radio aerials for use by the emergency services.

### 5.0 Policy Context

#### 5.1. Development Plan

The relevant development plan is the Galway County Development Plan 2017-2023.

#### Policy 9.13 Telecommunications

Support the development and expansion of telecommunication infrastructure (including the broadband network) within the city where appropriate, subject to environmental, visual and residential considerations.

Ensure that development for telecommunication and mobile phone installations take cognisance of the Planning Guidelines for *Telecommunications Antennae and Support Structures* (DECLG, Circular Letter

PL07/12), so that any potential environmental impacts associated with installations are minimised.

Encourage the siting of new mobile phone installations to follow the hierarchy of suitable locations proposed in the DECLG Guidelines. Only when a number of other possibilities have been exhausted, masts may be erected within or in the immediate vicinity of residential areas.

Ensure that developers of masts facilitate the co-location of antennae with other operators in order to avoid an unnecessary proliferation of masts. Where this is not possible operators will be encouraged to co-locate so that masts and antennae may be clustered.

## 5.2 **National Policy**

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities

“Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure” (Circular Letter PL07/12).

## 5.3 **Natural Heritage Designations**

### 5.3.1 Designated Natura 2000 sites within 15km of the site...

Lough Corrib SAC (Site Code 000297)

Manurk Mountains SAC (Site Code 002008)

Conemanra Bog Complex SAC (Site Code 002034)

Kiltarnan Bay and Islands SAC (Site Code 002111)

The Twelve Bens/Garraun Complex SAC (Site Code 002031)

Rosroe Bog SAC (Site Code 000324)

Lough Corrib SPA (Site Code 004042)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Maire Uimhuirnin, Wild Ireland Defence CLG, the grounds of appeal are as follows...

- The appellant raises concerns regarding the environmental impact of the proposal.
- The site is located at a sensitive location amid a number of designated Natura 2000 sites. The Appropriate Assessment carried out by the Planning Authority is inadequate in that it fails to address the likely significant effects on the designated sites.
- The concerns raised by the appellant in her submission were not addressed in assessment of the proposals.
- Insufficient information was submitted in regards to construction, operation, maintenance and decommissioning works for the proposed development. The Council erred in granting permission in accordance with relevant permission regulations.
- The National Broadband Plan identifies numerous likely significant effects (LSE's) on the environment. The Council in assessing the proposal failed to identify any of the LSE's noted in the NBP and have erred in granting permission.
- Failure to conduct an EIA. The presence of LSE's on the environment triggers an obligation to carry out environmental assessments under the provision of the relevant legislation. The Council failed to conduct a screening or assessment.

### 6.2. Applicant Response

6.2.1 Response by Towercom on behalf of the applicant, Eircom Ltd.

- The Council carried out a screening assessment for AA identifying all designated site within 15km of the site. The assessment ruled out significant impact on the Natura 2000 network. The applicant notes that there is no evidence to indicate that the current or proposed telecommunication infrastructure will cause an impact on habitats or species of special conservation status. The proposed development does not require an Environmental Impact Assessment.
- The applicant notes that the issues raised in the third party submission were addressed in assessing the proposal.
- In relation to construction works it is noted that the proposal entails no removal of hedgerow or trees and construction management plan can be submitted and agreed with the Council prior to construction.
- The construction would have no adverse environmental impact or significant effects on designated sites
- The site has a planning history with previous applications granted under ref no.s 08/1635 and 13/436 for telecommunications structure and equipment.

### 6.3. Planning Authority Response

6.3.1 No response.

## 7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development, Development Plan and national policy

Environmental Impact

Appropriate Assessment

7.2. Principle of the proposed development, Development Plan and national policy:

7.2.1 Permission is sought for the replacement of telecommunications support structure together with adjacent equipment cabinet, with a proposed new lattice tower structure. The existing structure is a 15m monopole structure with the new structure a 19m high lattice structure. The site is an established location for telecommunications infrastructure with the proposal a replacement support structure. The current support structure is unable to facilitate additional users and equipment with the new structure facilitating additional users. The applicants also note that there are coverage deficiencies for mobile services in the area that will be addressed by provision of the proposed development.

7.2.2 The proposal would be consistent with both the objectives of the Galway County Development Plan 2017-2023 and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (as amended by Circular PL07/12). The proposal entails the improvement of telecommunications infrastructure and subsequent delivery of improved mobile and broadband infrastructure. The proposal entail use of an established site for telecommunications infrastructure and would facilitate more co-location of providers in keeping with the recommendations of the national guidelines.

7.3 Environmental Impact:

7.3.1 The appeal submission indicate that the proposal should be subject to an EIA. The category of development subject to mandatory EIA are listed under Part 2, Section 10(iv) of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The proposed development does not fall into any of the categories for mandatory EIA.

7.3.2 As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where

no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is, therefore, precluded and a screening determination is not required.

#### 7.4 Appropriate Assessment:

7.4.1 Appropriate Assessment (AA) considers whether the plan or project in combination with other projects and plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. This determination must be carried out before a decision is made or consent given for the proposed development alone or in combination with other plans and projects would not adversely affect the integrity of a European site in view of the site's conservation objectives.

7.4.2 Guidance on appropriate assessment is set out in the European Commission's Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2002) and in the Department of the Environments' Appropriate Assessment of Plans and Projects Ireland, Guidance for Planning Authorities (December 2009, revised February 2010).

7.4.3 There are a number of Natura 2000 site within 15km of the site and are listed below.

Lough Corrib SAC (Site Code 000297)

Manuturk Mountains SAC (Site Code 002008)

Connemara Bog Complex SAC (Site Code 002034)

Kiltarnan Bay and Islands SAC (Site Code 002111)

The Twelve Bens/Garraun Complex SAC (Site Code 002031)



Rosroe Bog SAC (Site Code 000324)

Lough Corrib SPA (Site Code 004042)

Connemara Bog Complex SPA (Site Code 002034)

The appeal site is not located within any of the designated site with nearest sites being the Manuturk Mountains SAC located to the north, north east and north west of site. I would note that the The Twelve Berns/Garraun Complex SAC, Rosroe Bog SAC and Kiltarnan Bay and Islands SAC can be screened out as they are remote from the site in terms of distance and there are no source pathway links between the site and the designated sites. The same is the case with the Connemara Bog Complex SAC and SPA and the Lough Corrib SAC, which are also remote from the site and located on the southern side of the N59, which is significant physical barrier between the appeal site and the designated sites. As is the case with all of the designated site there are no source pathway links between the appeal site and the designated sites.

In the case of the nearest designated site, The Manuturk Mountains SAC the following are the qualifying interests...

1106 Salmon *Salmo salar*

1833 Slender Naiad *Najas flexilis*

3110 Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)

4010 Northern Atlantic wet heaths with *Erika tetralix*

4060 Alpine and Boreal heaths

7130 Blanket bogs (\* if active bog)

7150 Depressions on peat substrates of the Rhynchosporion

8220 Siliceous rocky slopes with chasmophytic vegetation

7.4.4 The conservation objectives in all case is to maintain favourable conservation condition of each of the qualifying interests. The appeal site is sufficient distance from the designated site and is unlikely to have any significant effects on the

qualifying interests of the site. There are no source pathway linkages between the appeal site and the designated site. The nature of the proposed development is already established on site and the proposal entails the replacement of an existing monopole telecommunications structure with a new lattice structure. The proposed development has a limited physical impact in size and scale and entails no emissions or discharges that would result in significant effects. I am satisfied that subject to adequate construction management that the works to carry out the proposed development would cause no significant effects.

7.4.5 I would consider that 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 or in combination with other plans or projects would not be likely to have a significant effect on any of the European Site in the vicinity, or any other European site, and a Stage 2 Appropriate Assessment is not therefore required.

## 8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan, 2017-2023 and the DOEHLG Section 28 Statutory Guidelines; "*Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health 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. (a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on 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 at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

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

3. 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

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. 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.

6. Details of the proposed colour scheme for the telecommunications structure, ancillary structures shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

7. 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.

8. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

**Reason:** In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

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Colin McBride  
Planning Inspector

14<sup>th</sup> April 2020