



An
Bord
Pleanála

Inspector's Report ABP 308661-20

Development	Installation of ground electronic communications infrastructure comprising fifteen metres high and 324 mm diam galvanised monopole telecommunications street pole, (slim line Alpha pole) and operator cabinet 1.49 metres high x 0.739 metres wide.
Location	An Cimin Mor Cappagh Road, Galway.
Planning Authority	Galway City Council.
P. A. Reg. Ref.	LIC 202006
Applicant	Signal Infrastructure Ltd. (Cellnex Telecoms)
Type of Application	Section 254 License.
Decision	Refuse License.
Appellant	Signal Infrastructure Ltd.
Date of Site Inspection	13 th March, 2021.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The proposed site location is on a grass verge located between the public footpath and public road close to fibre and power services and storage cabinets in a residential area at An Cimin Mor circa three hundred metres from Cappagh Road to the west in the Knocknacarra area in outer suburbs of Galway city. Two storey housing at An Cimin Mor is located to the south along with a primary level school, Gaelscoil Mhic Amlaigh to the north and Dun Alainn a duplex block to the north east at the Cappagh Road junction and to the north west there is a field enclosed by hedgerow. There is a tree lined road frontage to Duinn Alain along the roadside boundary. The ground level falls in a southerly direction from the north and is steeper to the east side.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority for a Section 254 License indicates proposals for erection of a fifteen metres' high and 324 mm diam galvanised monopole telecommunications street pole, (slim line Alpha pole) and operator cabinet 1.49 metres high x 0.739 metres wide at the site location.
- 2.2. The communications infrastructure installation is stated to be necessary to provide coverage in that there are deficiencies at present in internal and in site car coverage for mobile and wireless broadband. A detailed written submission, details of prior similar installations applications along with images and a signal coverage map are included in the application submission.

3.0 Planning Authority Decision

3.1. Decision

By order, the planning authority decided to refuse a section 254 License for the development based on the following reason.

“The site of the proposed development of a 15-metre telecommunications monopole is located within residential neighbourhood designated an ‘Outer Suburb’ in the current Galway City Development Plan 2017-2023. It is the

policy for ‘Outer Suburbs’ as set out in the Development Plan to ensure a balance between the reasonable protection of residential amenities of the Outer Suburbs and the protection of the established character and the need to provide sustainable residential development. Having regard to the location of the proposed 15 metres telecommunications monopole within a residential neighbourhood, in proximity to existing residential properties and a school alongside a local residential access road, and its height and visual prominence, it is considered that the proposed development would seriously injure the residential amenities of the area and would depreciate the value of property of adjacent residences and would be contrary to policy no. 2.5 ‘Outer Suburbs’ that seeks that new development does not adversely affect the character and residential amenities of the neighbourhood area. The proposed development would, therefore, be contrary with the policies of the Development Plan and be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

The planning officer, having considered the proposed development the site context and statutory and local policy, indicated a recommendation in his report for refusal of a License based on the reasoning reproduced above under section 3.1

4.0 Planning History

There is no record of planning history for the site location.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Galway City Development Plan, 2017-2023. The site location is within the outer suburban neighbourhood of Knocknacarra and subject to the zoning objective “R” (Residential): *“To provide for residential development and for associated support development, which will ensure the*

protection of existing residential amenity and will contribute to sustainable residential neighbourhoods’ and as provided for under section 2.5 of the CDP.

Section 9.13 provides support for effective telecommunications infrastructure and services at a high quality which is balanced against the need for protection of visual and residential amenities and which is consistent with the statutory guidance.

Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities, 1996 which was updated in 2012 in a Circular. (PL07/12) according to which:

“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”.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from the applicant on its own behalf on 11th November, 2021. The written submission includes an account of the Section 254 license process and recommendations in the programme for government’s mobile phone and broadband Task Force advocating removal of barriers to investment and a review of statutory planning guidance in conjunction with stake holders and comments on distinctions between section 254 licensing and Class 31 development, and, the spirit of the relevant planning legislation and, national local and regional planning policy and prior applications for similar development within the administrative areas of Galway City Council and the administrative areas of other local authorities.

6.1.2. According to the appeal:

- It is demonstrated that there is a technical justification for the proposed development in that the area is under serviced and there is poor 'in-building' coverage within a search ring within 500 metres' radius of the site location.
- Four alternative sites also assessed and were deemed unsuitable due to being outside the required search ring and therefore of no additional benefit in achieving the coverage requirements. A further three sites were considered and were found unsuitable for reasons of limited coverage, unsuitable support structure options and incompatibility with surrounding residential development.
- The submission includes a copy of a visual impact assessment with photomontages (nine vantage points) for a visibility envelope of one hundred metres radius from the site location and along the road at An Cimin Mor. in Appendix C. (It is concluded that there is no sighting from three of the vantage points with the visual impacts of two being slight, two being 'slight' to moderate and the remaining two of the other six being 'moderate'.) The visual impacts are not negative for the visual amenities of the area and they are normal for the urban public realm environment. It is therefore the applicant's case that there would be no detrimental impact on the visual amenities of the area or amenities of the public realm and that lighting and the existing backdrop development, furnishings and vegetation would absorb the structure.
- The pole and cabinet proposed are streamlined and is a utility structure that is sensitive to the streetscape. Reference is made to favourable remarks of the inspector who assessed a previous proposal for similar development for which permission was granted following appeal. (PL 306440 refers.)
- There is no direct line of sight or potential direct overlooking of the proposed structure from front of dwellings in the immediate environs the site context and visibility envelope being the local environment of the public road. Rear first floor oblique views only from No 27 An Cimin Mor and No 22 Cappagh Road which are possible are considered insignificant. There is no negative impact on the residential or community amenities.

- Co-location is not possible as there is no existing installation within the search ring and alternative sites considered were ruled out. The proposed development on the subject site is ideal for technical requirements in providing optimal coverage and it enables the applicant to provide optimum coverage in a high density developed area on zoned land. which accords with section 9.13 of the CDP.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. Given the recommendations in the Programme for Government's mobile phone and broadband Task Force, the proposed location on public land in the verge adjacent to a public road, it is agreed that it is appropriate for the proposal to be considered in accordance with the provisions for consideration of a License in accordance with section 254 of the Planning and Development Act, 2000 as amended. The previously determined prior applications for a Section 254 License within the administrative area of Galway City Council and administrative areas of other local authorities referred to in the appeal are of not in this regard.

7.2. The issues central to the determination of a decision can be considered under the following subheadings:

Justification for the proposed development.

Residential amenities.

Visual amenities.

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.3. **Justification for the proposed development**

7.3.1. The selection of locations in residential areas and adjacent to schools is discouraged, and should only be considered, as a last resort, according to the statutory guidance: "*Telecommunications Antennae and Support Structures*

Guidelines for Planning Authorities”, 1996, it is considered that This consideration has been comprehensively addressed in the current instance by the applicant in that it has been submitted that the consideration of alternative site locations demonstrated lack of suitability mainly as to delivery of the necessary technical requirements and coverage within the search ring.

7.4. Impact on Residential Amenities.

7.4.1. The receiving environment is suburban residential area served by a public road network. There are no landscape sensitivity issues and as such there is considerable capacity to accept development of the nature proposed within the public realm in the area. The receiving environment in has high capacity to accept the proposed development, given the established characteristics, existing utilities, the slim line design of the pole and the cabinet itself. It is reasonable for roadside locations adjacent to public footpaths where below ground and above services tend to be located, to be considered with a view to selection where no landscape sensitivity issues arise. Furthermore, communications infrastructure and other utilities should be regarded as coming within associated support development within a residential area and is functional to residential amenities along with all services and facilities.

7.4.2. The school, (Gaelscoil Mhic Amlaigh) to the north east is not beside the selected location for the proposed development as there is a separation distance of over one hundred metres no issues from a planning perspective would arise.

7.4.3. Impact on Visual Amenities.

7.4.4. Given the suburban character and high capacity of the receiving environment as discussed above the planning officer’s view as to the proposed development being negative in impact on the public realm is not accepted. The fifteen metres’ height of the pole, which is reasonably described as a ‘street pole’ is well in excess of the prevailing height of suburban housing development but this is ameliorated by its slenderness and galvanised finish resulting in a similar appearance to telegraph poles. The operator cabinet is a relatively low-profile installation common to similar cabinets installed at roadside locations.

7.4.5. It is agreed, bearing in mind the topography and sloped nature of the lands, suburban characteristics further to review of the submitted VIA and photomontages, that the proposed development is acceptable within the views from the nine vantage

points the selection of which is considered reasonable and rejection or modification or mitigation of visual impacts is not required.

7.5. Environmental Impact Assessment Screening.

7.5.1. Having regard to the nature of the proposed development and its location in a serviced inner suburban area in the city, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. Appropriate Assessment Screening.

7.7. Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In view of the foregoing, it is recommended that the planning authority decision be overturned and that a License be Granted in accordance with the provisions of Section 254 of the Planning and Development Act, 2000 as amended. Draft Reasons and Considerations and conditions follow.

9.0 Reasons and Considerations

Having regard to the provisions of section 254 of the Planning and Development Act, 2000, as amended, national, regional and local policy objectives, as represented in the Galway City 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 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 the application. 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. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health and to prevent flooding.

4. Details of the proposed colour scheme for the street pole, antennas and operator cabinet shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

5. No advertisement or advertisement structure shall be erected or displayed on the proposed structure 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

Jane Dennehy
Senior Planning Inspector
18th March, 2021.