



An
Bord
Pleanála

Inspector's Report

ABP-309754-21

Development	Removal of an existing 15 metres telecommunications support structure and replacement with a new 24 metres telecommunications support structure and all associated works
Location	Main Street, Oranmore, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	202012
Applicant(s)	Vodafone Ireland Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Vodafone Ireland Limited
Observer(s)	1) Pierce & Eoin Butler, 2) Gerry Kearney, 3) A.M Lavery (Oranmore, Maree Planning and Environmental Group). 4) Residents of Cloonarkin Drive

5) Oranmore Community Development
Association CLG

Date of Site Inspection

11th June 2021

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.01 hectares, is located to the south of Oranmore village and on the eastern side of the Main Street. The appeal site is part of a larger site housing an existing telecommunication exchange with an existing single-storey structure and an existing lattice type telecommunication support structure. Adjoining uses include a single-storey dwelling immediately to the north, single-storey dwelling within Cloonarkin Drive to the south.

2.0 Proposed Development

- 2.1. Permission is sought for the removal of an existing 15m telecommunication support structure (overall height 19m) together with telecommunications equipment on it and replacement with a new 24m telecommunications support structure (overall height 25.5m) carrying antennas, dishes, associated equipment, together with ground equipment cabinets and new fencing for wireless data and broadband services.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based for two reasons...

1. Having regard to the location of the proposed development, the guidelines relating to telecommunication s antennae and support structures, which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, particularly in respect of Sections 4.3, the design and overbearing nature of the proposed structure, the proximity of the site to existing residential properties, and polices ITC1, ITC2 and Objective ITC2, along with DM Standard 32 of the Galway Development Plan, 2015 – 2021, it is considered that the proposed development would be visually obtrusive feature in this Class 3 Area of High Landscape Sensitivity. Would seriously injure the amenities of the area and the value of property in the vicinity. Accordingly to grant the proposed development would contravene materially the Telecommunications, Antennae and Support Structures Guidelines for Planning Authorities and policies and a development management

standard of the Galway County development Plan, would detract from the visual amenity of the area and seriously injure the amenities and endanger the health and safety of persons occupying property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed new telecommunications structure is located in very close proximity to residential properties and notwithstanding its location within an Eir Exchange compound would be contrary to policy ICT1 and DM Standard 32 as set out in the Galway County development Plan 2015-2021 which discourages the location of masts close to residential areas and to the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities which were issued by the Department of the Environment and Local Government in July, 1996. The proposed development would, therefore, be contrary to the provisions of the said development plan and guidelines, would seriously injure amenities of residential property in the vicinity and would be contrary to proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The proposal was considered to be contrary Development Plan and national policy in terms of location of telecommunications structures. The visual impact of the proposal was considered unacceptable and the location close proximity to existing dwellings inappropriate. It was also considered that insufficient technical justification has been provided for the proposal. Refusal was recommended based on the reasons outlined above.

3.3. Prescribed Bodies

3.3.1 None.

3.4. **Third Party Observations**

3.4.1 Seven submission were received. The issues raised can be summarised as follows...

- Inappropriate location, no technical justification, proximity to dwellings, visual impact safety issues, failure to comply with Development Plan policy and national policy.

4.0 **Planning History**

4.1 11/1736: Grant of permission for renovation of single-storey extension to the side of no. 28 Cloonarkin Drive.

4.2 07/1721: Permission refused to construct office accommodation in a single-storey building.

4.3 06/5070: Permission granted to construct office accommodation and construct a domestic garage.

5.0 **Policy Context**

5.1. **Development Plan**

The appeal site is within the boundary of the Oranmore Local Area Plan. The appeal site is zoned OS Open Space/Recreation & Amenity.

Objective LU 3 Residential – Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of the area.

Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area

Utilities Infrastructure & Public Service Installations are noted as being 'Open for Consideration' within this zoning.

Galway County Development plan 2015-2021.

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. Natural Heritage Designations

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.

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 DM Standard 30: Wind Farm Developments DM Standard 31: Electricity Transmission Lines DM Standard 32:

Telecommunications Masts Chapter 13 // Development Management Standards & Guidelines Plean Forbartha Chontae na Gaillimhe // Galway County Development Plan 233 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.

5.2. National Policy

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities

Section 4.2 Design and Siting

“The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”.

“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 mast 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”.

Section 4.3 Visual Impact

“Whatever the general visual context, great care will have to be taken when dealing with fragile or sensitive landscapes, with other areas designated or scheduled under planning and other legislation, for example, Special Amenity Areas, Special Protection Areas, the proposed Natural Heritage Areas and Special Areas of Conservation and National Parks. Proximity to listed buildings, archaeological sites and other monuments should be avoided.

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

Some masts will remain quite noticeable in spite of the best precautions. The following considerations may need to be taken into account:

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly along such routes, 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 of prospect

- There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline, weather and lighting conditions, etc.

5.3 Natural Heritage Designations

Galway Bay Complex SAC 000268 within 1km of the site.

Inner Galway Bay SPA 004031 within 1km of the site.

5.4 EIA Screening

- 5.4.1 Having regard to nature and scale of the development, which is an increased height support structure replacing an existing lower elevation structure, 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 A first party appeal has been lodged by Towercom Limited on behalf of the applicant, Vodafone Ireland Limited.

- The proposal is to facilitate other telecommunications operators/co-location.
- In response to the reason for refusal an amended proposal has been submitted with appeal reducing the support structure to 20m in height (21.5m to light finial) meaning a more modest increase in height of 2.5m over the existing. It is considered that its location with an urban area with existing structure in the vicinity and the context of use of the site for telecommunications structure would mean the visual impact would be acceptable.

- The need for the proposal is to facilitate improved telecommunications infrastructure and capacity with increased demand for such in the area as well as the fact that the site has been long established for the purposes of telecommunication infrastructure. The proposal is compliant with both Development Plan and National policy for such structures.
- The proposal is compliant with national policy and objectives including the report for Mobile and Broadband taskforce and Action Plan for Rural Development with the proposal improving infrastructure to facilitate other operators and new technology. The proposal is consistent with the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in that it is of an established site and improvement of the existing structure to facilitate co-location.
- It is considered that the proposal is consistent with Policy ICT1 and ICT2 as the proposal is an improvement of telecommunication infrastructure, uses an established site and is satisfactory in the context of visual amenity. It is considered proposal meets the balance between facilitating improved telecommunication infrastructure and protecting the built and natural environment.
- It is considered that fact the site is an established site with existing support structure that the replacement structure will not significantly impact on landscape character.
- In relation adjoining amenity it is noted that it impossible to provide improved telecommunications service without locating structures within urban areas and that the Board has ruled that the location of such structure would not devalue property (reference to PL02.243341, PL02.236307 and PL02.216361).
- There are planning precedents for similar structures of similar scale and reference is made to a decision by Galway County Council to grant a and extension to an existing lattice structure up to 21.5m (ref no. 200118) in an urban area. Reference is also made to another grant of permission by Galway County Council for similar development at an Eir exchange at Kilcolgan (ref no. 201080).

6.2. Planning Authority Response

No response.

6.3. Observations

6.3.1 An observation has been submitted by...

Pierce & Eoin Butler, 28 Cloonarkin Drive, Oranmore, Co. Galway.

Gerry Kearney, 58 Clonnarkin Drive, Oranmore, Co. Galway.

A.M Lavery (Oranmore, Maree Planning and Environmental Group).

Residents of Cloonarkin Drive

Oranmore Community Development Association CLG

- Lack of acknowledgement that the site is zoned residential.
- Lack of information regarding the level and number of antennae, dishes and associated equipment to be carried on the structure.
- Failure to address the fact that there are other structures and alternatives to facilitate other operators with failure to provide a technical justification for the proposal.
- Overall visual impact of the existing structure is detrimental to visual and adjoining amenities due to proximity to existing dwellings and lack of screening with the proposal for an increased height and bulk have a significant adverse impact in both regards.

7.0 Assessment

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

Appropriateness of the location, technical justification

Visual Impact

Adjoining Amenity

Development Plan policy/Section 37(2)(b)

7.2 Appropriateness of location, technical justification:

7.2.1 The proposal was refused for two reasons which relate to the location of the structure within an urban area in close proximity to dwellings. The proposal was considered to be contrary to ITC1, ITC2 and Objective ITC2, along with DM Standard 32 as well as contrary to the National policy under the Planning Guidelines for Telecommunications Antennae and Support Structures. There is an existing 15m high lattice support structure on site (19m to top of the existing physical structure including antennae and finial). For the purposes of telecommunication infrastructure and this is to be replaced by a 24m high lattice support structure with antenna (25.5m to top of lighting finials). The site is zoned R (Residential).

Telecommunication structures would fall under the category of utilities infrastructure & public service installations, which are open for consideration within this zoning.

Notwithstanding such the appeal site is already in use for telecommunication infrastructure with principle of use established on site so I do not consider there are any zoning issues.

7.2.2 The motivation for the application is to provide a support structure that can facilitate co-location of other operators with indication on the file that the proposal is to facilitate Imagine Broadband services in the area (letter of support with the appeal submission). The application and appeal is not accompanied by any technical justification for the proposal such as a demonstration of existing deficiencies in the area or an examination of alternative options to demonstrate that the proposal is justified on the basis of being a required development to improve capacity and coverage.

7.2.3 The reason for refusal highlights the location of the proposed development in close proximity to residential development and what is considered to be a visually

obtrusive impact at a location classified as a Class 3 Area of High Landscape Sensitivity. National policy under Section 4.2 states that “the design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”.

“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 mast 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”.

7.2.4 The proposal is compliant with national policy in that it proposes use of an established site housing telecommunication infrastructure. I would however have some concerns regarding the overall visual impact of the proposal in part due to fact that the site is located in an urban area in close proximity to existing urban development including residential properties and on the basis that the proposed replacement structure would have a significant visual impact due to the location of the site in close proximity to the public road, on a site lacking any screening, a site small in size and in close proximity to urban development. The replacement structure is a lattice type structure of increased bulk and height and has a much more prominent visual impact than the existing structure on site. National policy clearly state that “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 mast 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”.

7.2.5 The applicant/appellant has proposed an amended design with a reduced scale if considered necessary with a reduced height structure to 20m with a total height of 21.5m to the top of the finial. I would still consider that the design and increased physical bulk of the replacement structure would have a detrimental visual impact at this location I would be of the view that the design of the new structure is unacceptable and would have detrimental visual impact over and above that of the existing structure on site. I do not consider that sufficient technical justification for such has been provided or demonstrated or any information provided to indicate that alternative options are not available. I would consider that the proposal would be contrary to the recommendation of the national guidelines in relation location and siting of telecommunications structure and that insufficient justification has been provided for the proposed replacement structure at this location.

7.3 Visual Impact:

7.3.1 One of the main aspects of the decision to refuse relates to visual impact at this location due to its location in an area adjacent residential development. There is an existing 15m high lattice support structure on site (19m to top of the existing physical structure including antennae and finial) for the purposes of telecommunication infrastructure) and this is to be replaced by an 24m high lattice support structure with antenna (25.5m to top of lighting finials). The applicant/appellant has provided alternative plans for a reduced scale development in response to the refusal reason with a reduction to 20m in height (21.5m to light finial) meaning a more modest increase in height of 2.5m over the existing. The area is described as Class 3 Area of High Landscape Sensitivity. I would consider that the area is not particular sensitive in relation to landscape character and is an urban area, however I would have concerns that the original proposal provides a structure of significant scale and bulk with a prominent visual impact at this location. As noted above the increased visual impact would be contrary national policy.

7.3.2 The amended proposal reducing scale is welcome, however the proposal still provides for a taller and bulkier lattice structure on site, which would have a significant visual impact at this location and be detrimental to the visual amenities of the area. On the basis of the failure to provide adequate justification, the proposal would be contrary to national policy and contrary to the proper planning and sustainable development of the area.

7.4 Adjoining Amenity:

7.4.1 The observations raise concerns regarding the proximity of the proposal to existing residential development. In this regard the appeal site is currently in use for telecommunications infrastructure and the proposal although an increased scale of structure does not alter the nature of use being carried out on site. I am of the view that the proposal does not have a materially different impact over and above the existing established use on site and in this regard no adverse impact on residential amenities.

7.4.2 I would note that subject to the proposed infrastructure being installed, operated and maintained so that there is compliance with the international standards relating to emission of non-ionising radiation, the safety standards under COMReg and relevant guidance, standards and legislation no issues with regard to risk to public health from a planning perspective should arise.

8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to 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.

9.0 Recommendation

9.1. I recommend refusal of permission subject to the following reason:

10.0 Reasons and Considerations

1. Under Section 4.2 of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities it is stated that “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 mast 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”. Notwithstanding the fact that the site is already occupied by a telecommunications support structure, the proposal is for replacement structure of increased scale and bulk and is a lattice type structure that would have a significantly increased and detrimental visual impact at this urban location on a small site lacking screening. In addition the applicant has failed to provide a technical justification for the proposed replacement infrastructure or any demonstration that alternative options less prominent in visual impact are not available in this area. The proposed development would be contrary to national policy in relation telecommunication infrastructure and would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

05th July 2021