



An
Bord
Pleanála

Inspector's Report ABP – 310180-21.

Development	Telecommunications Structure: 15 metres monopole Telecommunications Street-work solution.
Location	Circular Road, Galway
Planning Authority	Galway City Council
P. A. Reg. Ref.	LIC 2021 - 01
Applicant(s)	Signal Infrastructure Ltd. (Cellnex Telecoms)
Type of Application	Section 254 License.
Decision	Refuse License.
Type of Appeal	First Party X Refusal
Appellant	Signal Infrastructure Ltd. (Cellnex Telecoms)
Date of Site Inspection	23 rd June, 2021.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site is at the southern end of hard surfaced 'pull-in' setback area on the east side of the Circular Road (L1020). It adjoins the frontage of the Wildflower Park along the boundary of which there is a low stone wall and a vehicular entrance adjacent to the site location and a pedestrian entrance at the northern end. There is a telecommunication monopole structure, overhead lines within the park a short distance from the frontage and overhead cables supported by lattice structures across the Wildlife Park.
- 1.2. Circular Road and Wildlife Park and adjoining lands to the west and north are elevated and rise in a northerly direction. The area is generally characterised by low density residential development and some undeveloped (zoned) lands.
- 1.3. At the southern end of the hard surfaced pull-in area at the side of the road there are views eastward across to the city whereas towards the northern end, the views are out of range of a private car or pedestrian but may be visible from high level vehicles such as HGVs.

2.0 Proposed Development

Most of this goes under the appeal section.

- 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) In addition, 1 alpha 2.0 shrouded antenna at aximuths 330 degrees, 100 degrees, 210 degrees and 1 no 300 mm diam dish to be included if fibre is not available in the area along with an ancillary operator cabinet 1.64 m high.
- 2.2. *. A detailed written submission, details of prior similar installations applications along with images and a signal coverage map and a visual impact assessment with images are included in the application submission.*
- 2.3. The application, for a Section 254 License, has been made in accordance with the provisions of section 254 of the Planning and Development Act, as amended, having

regard to the Class 31 exemptions within the Planning and Development Regulations, 2001 as amended.

- 2.4. The current application is stated to be a relocation (from a site on Circular Road for which an application had been unsuccessful) to the southern end of a protected Panoramic view of the city and river from Circular Road and is stated in the submission to be satisfactory in providing for coverage without undue adverse impacts from the perspective of visual and residential amenities and public safety and convenience of road users.
- 2.5. A detailed written submission accompanies the application, the details of which are also within the appeal submission an account of which is set out in section 6.1 below.

3.0 Planning Authority Decision

3.1. Decision

By order, the planning authority decided to refuse a section 254 License for the development due to:

Impacts on V1 Panoramic Protected Views of the city and the river Corrib from the Circular Road and contravention of Policy 4.5.3 Community Spaces Protected Views of Special Amenity Value and Intersect in the CDP.

Having regard to the location adjacent to an area zoned “Established Suburbs”, conflict with the character and pattern on development in the vicinity and serious injury to the amenities of the area which is contrary to the policies of Chapter 2 Housing and sustainable neighbourhoods in the CDP and section 11.2 lands use zoning ‘General’ in that it is necessary to avoid development that is detrimental to environmentally sensitive zones.

Contravention of Policy 9.13 or the CDP Telecommunications providing for expansion of telecommunication infrastructure in the city where appropriate subject to visual environmental and residential considerations and with residential areas being considered where other possibilities of the hierarchy of suitable locations as identified *in Telecommunications*

Antennae and Support Structures (DOEHLG 1996 and 2012) in the guidelines have been exhausted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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3.2.2. Other Technical Reports

3.3. Prescribed Bodies

3.4. Third Party Observations

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 an area subject to the zoning objective; Recreational and Amenity having regard to the location outside the wildlife park and public utilities can be considered. "General" according to which, in boundary areas of adjoining zones it is necessary to avoid development which would be detrimental to the amenities of the more environmentally sensitive zones.

The surrounding area is primarily subject to the “R” (residential) zoning objective which provides 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.

There is a protected view and prospect over the city and river Corrib from Circular Road

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

An appeal was received from David Mulcahy on behalf of the applicant on 5th May, 2021 and it includes several images to illustrate coverage in the area in support of the case made for the proposed development. According to the appeal:

- The type of Street works communications infrastructure at roadside locations such as the current proposal is very commonplace and acceptable as a

solution within several jurisdictions throughout Europe and the UK including Northern Ireland. Guidance and examples are available in, “*Guidance on the Potential Location of Overground Telecommunications Infrastructure on Public Roads* (April 2015) Dept DCCAE, (“The Greenbook”) The development proposal is consistent with the recommendations and examples provided, with statutory guidance, *Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*, 1996 which was updated in 2012 in a Circular. (PL07/12) and with Circular PL11/2020 in which ii clarified that a license is required for overground infrastructure that is otherwise exempt development.

- The proposed development is in accordance with National Policy, Project Ireland 2020 National Planning Framework, the Northern and Western Regional Spatial Economic Strategy, 2020-2023 and the CDP.
- With regard to the CDP the proposed development accords with section 9.1 providing for enhancement of infrastructure, section 9.13 for strengthening telecommunications infrastructure to high standards but balanced with the need to protect visual and residential amenities in accordance with the standards in the statutory Guidelines. Section 5.1 identifying the city as the economic driver for development in the region and the zoning objective Recreational and Amenity which provides for public utilities which contribute to the zoning objective as well as the protected panoramic view over the city and the river corrib.
- The proposed development is relocation of a development for which permission was refused for a different location at the southern end of the protected view prospect. The panoramic views are less extensive at the proposed location and the development would not interfere with primary views. The view is already compromised by an existing CCTV pole and the current proposal would not compromise this existing view.
- CGI images were included with the application for 12 reference points. The VIA demonstrates that the proposal does not have material impact on the visual amenities of the area and will read as a typical utility structures which is not conspicuous. The visual impact statement conclusion is that structure and

and cabinet sensitively addresses the streetscape and meets the objectives of the applicant.

Views 1 and 4 (Circular Rd) are slight to moderate in impact and the structure reads as street furniture and not as an incongruous insertion into the street scape.

Views 3 and 6 (Circular Rd) an Cnoc an Oir are slight in impact with the top only of the structure being visible.

View 2 (Circular Road) is slight in impact with views of the pole being partial.

Views 8 (Carn Ard,) 10 (Ard Cluainin) and 12 (Hybrasil Couurt) are slight with the structure being partially visible behind trees.

Views, 5,7 9 and 11. The structure would not be visible.

- Reference is also made to a previous decision to refuse permission which was overturned following appeal under PL 306440 (Ballybane) whereby the Inspector advised that the structure is non-descript in character and design and not dissimilar to a lamp standard or traffic light. And that it is not visually obtrusive or an incongruous element to a suburban area.
- A Justification Form was prepared in which the applicant seeks to demonstrate that other locations within the Search Ring for the development are not feasible. Alternative locations within the Search Ring were considered were very limited. Consent was not given, (by Vodafone) for use, for co-location of equipment at a stie at McGrath's Salvage Yard and there are no alternative rooftop locations. Two other sites, 550 and 660 km from the application site and outside the search ring were considered but were found to be unsuitable for the applicant's coverage needs.
- The proposed location was selected due to location within the Search Ring, suitable space for the installation and availability of connectivity to fibre in the network which also has no overhead cables and no possible interference with existing services. There is no road junction or cross-roads that would cause obstruction and there is minimal impact on residential properties from which there are no direct views.

- The current proposal is a street network solution utilising the Alpha pole which is acceptable to many planning authorities and is consistent with the pattern and character of the public realm around circular road. The structure will provide optimum coverage, does not interfere with traffic and pedestrian circulation, there is no negative impact visually.
- The selected site is suitable and will meet the needs of Eir in expanding and upgrading the network in Galway. The height is determined by network requirements. The 'do something approach' my means of the proposed installation will provide necessary upgraded higher quality indoor service to residents. A 'do nothing' approach will result in continuation of the substandard service in the area to the north-west and south-west of the site location.
- The proposed development accords with Health and Safety legislation and the limits of the ICNIRP
- With Regard to Reason 2 the proposed development is not out of character with the pattern of development and would not seriously injure the amenities of the area given that there is established precedent for similar development in the form of the CCTV pole and lattice pylon structures supporting overhead wires in the wildflower park. The structure is consistent with utility structures commonplace in urban landscapes.
- With regard to Reason 3, it is not clear what the planning authority's fundamental concern is regarding environmental residential and visual considerations. It is demonstrated in the application that all possible alternatives were considered and the current proposal for public owned land was the only viable option for coverage purposes. If the development is not accepted coverage in the area will be inadequate for residents needs and a balanced approach is required. The proposed development at the location, although somewhat sensitive is not disproportionate or unreasonable where a balanced approach is to be considered in protecting amenities and providing for high quality coverage. In the network.
- The current street network solution does not interfere with safety and convenience of road users with regard to traffic and pedestrian circulation

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. Details of several previously determined prior applications for a Section 254 License within the administrative area of Galway City Council and administrative areas of other local authorities are provided in the appeal.

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

Justification for the proposed development.

Impact on Residential amenities.

Impact on Visual amenities.

Traffic safety and convenience

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.3. **Justification for the proposed development**

7.4. The selection of locations in or in the vicinity of residential areas 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, 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 for

network coverage for the area. In principle, the applicant's case with regard to its requirements within the local network for the area is accepted.

7.5. Residential amenities.

7.6. The surrounding environment on Circular Road is that of road frontage development in the immediate vicinity, to the north and south and to the west on the opposite side of the road with relatively low density suburban residential estates such as Cnoc an OIr and Ard Cam a short distance from the site location. It is considered reasonable for development of the nature proposed, namely the slim line alpha pole to be accepted within an outer suburban environment. In the visual impact assessment (verified images from which are available) the views from these areas were found to be of slight impact which is considered reasonable. The proposed structure would not be directly at the centre of views from road frontage development on the west side of Circular Road across the Wildlife Park. There are no schools within the vicinity of the site.

7.7. It is therefore considered that the proposed development would not give rise to undue adverse impact on residential amenities or property value and that the proposal would not be at variance with the guidance and objective within the CDP or *Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*, 1996 which was updated in 2012 in a Circular. (PL07/12) in this regard.

7.8. Impact on Visual amenities.

7.8.1. The lower end of the Circular Road is elevated and rises towards the north beyond the site location at the southern end of the pull in area to the front of the Wildlife Park which is the least prominent location approach from the north and benefits from being setback behind the carriageway edge on approach from the south. By virtue of the location, it is not a central focus within views across the Wildlife Park and down towards the city and river Corrib. These views are attainable only attainable only at the southern end of the pull in area and carriageway but may be more visible in wintertime when meadow and vegetation are lower in height within the Wildlife Park.

7.8.2. The lattice supported overhead cables which are across the Wildlife Par and slimline pole supporting CCTV facilities within the park a short distance from the frontage at the southern end of the pull in area are very conspicuous features in the views into

and across the Wildlife Park resulting in the characteristics amounting to a combination of open meadow and utilities. The proposed slimline Alpha pole (street pole) would extend to and carry equipment at a considerable height and would not result in a clustering effect.

- 7.8.3. It is considered that the significance of the visual impact at slight to moderate for views from vantage points on Circular Road indicated in the Visual Impact Assessment are acceptable having regard to the corresponding national and local policy objectives relating to the facilitation of communications infrastructure services and development. It is considered reasonable to allow for acceptance of the proposed development for a period of limited duration so that there is an opportunity for further review of its impacts and continued justification for otherwise from the perspective of coverage requirements.

7.9. Traffic safety and convenience

- 7.9.1. Given the location at the end of the pull in area, it is considered that issues as to risk to the public safety of road users, whether pedestrians using the road or Wildlife Park, cyclists or motorists on the carriageway or stopping off at the pull in area is negligible. Other than for construction and maintenance purposes the structure there would be little or no trip generation or additional turning movements onto and off the carriageway along which alignment and surface conditions are good.

7.10. Environmental Impact Assessment Screening.

- 7.10.1. 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.

7.11. Appropriate Assessment Screening.

- 7.12. 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 for a limited period of three years from the date of the order so that there is an opportunity for further review.

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 Panoramic Views over the city and River Corrib, a protected view and prospect, 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 licence shall be valid for three years from the date of this order. The telecommunications structure and related ancillary structures including any access arrangements shall then be removed and the site lands shall be reinstated on removal of the telecommunications structure and ancillary structures unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

2. **Reason:** To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

2. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application for the Licence 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.

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. 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.

5. Details of the proposed colour scheme for the pole, antennas equipment containers and perimeter fencing 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.

6. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with planning authority prior to the 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 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
25th June, 2021.