



An
Bord
Pleanála

Inspector's Report ABP-310185-21

Development

Development will consist of the removal of an existing 12 metres telecommunication support structure together with telecommunications equipment on it and replacement with a new 20 metres telecommunications support structure (overall height of 21.5metres) carrying antennas, dishes associated equipment, together with ground based equipment cabinets and new fencing for wireless data and broadband services.

Location

Eir Exchange, N59 Road, Rosscahill
West, Co. Galway

Galway County Council

Planning Authority

Planning Authority Reg. Ref.

20/1082

Applicant(s)

Eircom Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant permission

Type of Appeal	Third Party
Appellant(s)	James Moran
Observer(s)	None.
Date of Site Inspection	24/07/2021.
Inspector	Auriol Considine

1.0 Site Location and Description

- 1.1. The proposed development site is located within the existing Eir Exchange adjacent to the N59 – Galway to Clifden Road – to the north of the village of Rosscahill, Co. Galway. The site comprises the existing telecommunications compound at Rosscahill and there is an existing 12m high wooden pole support structure which has been in place on the site since at least 1999. The site also includes the various buildings, cabinets and associated equipment for the telecommunication infrastructure.
- 1.2. The site lies within a generally low-density rural area, located immediately adjacent to the public road and to an existing single storey house to the south-east, located to the south-eastern side of a track. To the west, rear of the site, there is a wooded area and Lough Naneevin lies approximately 330km to the west. Access to the site is currently via a pedestrian gate which fronts onto the footpath and N59.
- 1.3. The site has a stated area of 0.006ha and is well screened by mature trees.

2.0 Proposed Development

- 2.1.1. Permission is sought for a Development will consist of the removal of an existing 12 metres telecommunication support structure together with telecommunications equipment on it and replacement with a new 20 metres telecommunications support structure (overall height of 21.5metres) carrying antennas, dishes associated equipment, together with ground-based equipment cabinets and new fencing for wireless data and broadband services, all at the Eir Exchange, N59 Road, Rosscahill West, Co. Galway.
- 2.2. The application includes the relevant plans and particulars, as well as a cover letter setting out the justification for the structure. The report, prepared by Towercom, indicates that Imagine Broadband require a site in this area and that the existing 12m high wooden pole is inadequate for the network coverage requirements. It is also noted that the proposed structure will provide opportunity to additional operators to locate on the new support structure.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Initial Planning Report:

- The initial planning Report considered the principle of the development to comply with the CDP requirements given the existing use of the site.
- Notes that the existing 12m pole on the site, together with the antenna and equipment consists of exempted development, having regard to the expire permission and the provisions under the Planning and Development Regulations 2001 (as amended).
- No letter of consent from the owners of the overhead lines, which are to be diverted, has been submitted.
- Notes that the proposed development provides a greater visual impact to that currently existing.
- The applicant has not demonstrated if the proposed development could be accommodated by co-locating with other providers at other less prominent locations.

Further information required in relation to the following:

1. a technical justification to demonstrate that co-location is not a suitable or available option.
2. letter of consent to redirect power lines.
3. AA issues due to the site being located within the zone of influence of Ross Lake and Woods SAC, Lough Corrib SAC and Lough Corrib SPA.

- 3.2.2. Following the submission of the response to the further information request, the applicant clarified that there is no existing mast within 3.5km of the site so the proposal would not cause interference with other masts. It is submitted that a slimmer design could be requested as a compliance condition, and the colour such as dark fir green could be requested by condition. In terms of the power lines, ESB will issue a quotation for the works to relocate the poles. In addition, a Screening for AA report was submitted which concluded that significant effects on any European sites as a result of the proposed development can be ruled out and therefore, potential significant effects on European sites can be excluded at a preliminary screening stage.
- 3.2.3. The final planning officers report concluded that the proposed development was acceptable. A recommendation to grant, subject to 10 standard conditions is noted. This recommendation formed the basis the Planning Authority's decision to grant permission for the proposed development.

3.3. **Other Technical Reports**

None.

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

- 3.5.1. Two third party objections to the proposed development are noted on the PA file. The issues raised are summarised as follows:

- The most recent grant of permission for the existing structure is 04/05/2007 which was for a period of 5 years. The existing mast is therefore unauthorised and cannot be dealt with under a normal planning application.
- The application is therefore invalid.
- Roads and traffic issues relating to the maintenance of the site where vehicles block the road and vision of drivers on the public road.
- Health impacts associated with the proposed development.

- Impact on the existing residential amenity of adjacent homes.
- Impact on the value of property.

4.0 Planning History

4.1.1. The following is the relevant planning history pertaining to this site.

ABP ref: PL07.116765 (PA ref: 99/3296): Permission granted for the retention of support pole and antennae.

PA ref 07/481: Permission granted to Vodafone Ireland Ltd. for a 14m high (wooden pole) antennae support structure with a 5m high antenna on top of pole and equipment cabinets in exchange building.

The Board will note that permission was granted for a structure on the site with an overall height of 19m.

5.0 Policy Context

5.1. National Policy & Guidelines

5.1.1. National Development Plan 2018 – 2027 (NDP)

The NDP states that

“A fundamental underlying objective of the NDP is, therefore, to focus on continued investment to yield a public infrastructure that facilitates priorities such as high-speed broadband and public transport in better cities and better communities.”

5.1.2. Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities 1996 & Circular Letter PL07/12:

This document provides guidance for the assessment of telecommunication structures and were substantially updated by the DoEHLG Circular Letter PL07/12. Of note, the 2012 Circular provided that:

- Health grounds should no longer be considered.
- Development contributions for broadband infrastructure should be waived.

- The request for bonds should be replaced with an appropriate condition requiring the removal of the mast
- Conditions restricting the life of the permission should not be included
- Separation distances between masts and houses or schools should not be included in development plans.

5.2. Development Plan

5.2.1. The Galway County Development Plan 2015-2021 is the relevant policy document pertaining to this appeal.

5.2.2. Chapter 7 of the plan deals with Energy / Renewable Energies & Communications Technology, with Section 7.6 of the plan dealing with Information and Communications Technology. The Plan notes that government policy is to hasten the pace of advancement in terms of the roll out of quality, reliable and fast broadband connections throughout the country. Section 7.7 of the Plan sets out the relevant policies and objectives associated with information and communication technology and the following are considered relevant:

- **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.

- **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.

5.2.3. Chapter 13 of the Plan deals with Development Management Standards while Section 13.9 provides guidelines for infrastructure and services. DM Standard 32: Telecommunications Masts states as follows:

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 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.

- 5.2.4. In terms of landscape character area, the site is located within the East Connemara Mountains which has a Class 3 landscape sensitivity. The Galway County Development Plan provides that in Class 3 landscapes, 'development should not protrude above the existing ridgelines in order to maintain long distant views of the Connemara Mountains.

5.3. **Development Contribution Scheme 2016**

- 5.3.1. The Development Contribution Scheme was revised with effect from August 1st, 2019. The Scheme identifies classes of development for which Development Contributions are payable and Part 2 deals with Industrial and Commercial development, including Telecommunication Masts. The scheme notes:

A charge of €21,520 shall apply for the first permission issued for the mast and an extra fee of €10,760 shall be charged for each co-location on that mast.

- 5.3.2. The Scheme also provides for exemptions, Part 4 where Broadband Development is noted as follows:

No development contribution levies shall be payable for development (antennae and masts) associated with the roll out of the National Broadband Plan across the County.

5.4. **Natural Heritage Designations**

The subject site is not located within any designated site. The closest Natura 2000 site Gortnandarragh Limestone Pavement SAC (Site Code: 001271) lies approximately 1.2km to the west. The Ross Lake and Woods SAC, Site Code 001312 is located approximately 1.3km to the south-east of the site and Lough Corrib (Site Code: 000297) lies approximately 1.7km to the west.

5.5. **Environmental Impact Assessment**

The proposed development is not of a class which requires mandatory EIA. Having regard to the nature and scale of the proposed development, 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. This is a third-Party appeal, submitted by James Moran, against the decision of the PA to grant planning permission for the development. The issues raised in the appeal reflect those issues raised during the PAs assessment of the proposed development and are summarised as follows:

- The development which occurs on the site has been unauthorised for in excess of 8 years.
- The current proposal is significantly larger and more obtrusive than the previous arrangement for a pole and antennae which ceased to have permission in May 2012.
- The response to the further information request did not satisfactorily or adequately deal with the queries raised.
- Raises questions as to the likelihood of the operators complying with conditions given the past performance.
- Notes that the council has granted an open-ended permission. The loss of amenity to residential property is significant.
- Issues raised with regard to lack of car parking giving rise to traffic hazard.

It is requested that all aspects of data enclosed is considered. There are a number of enclosures with the appeal including personal letters from residents in the area, and a valuation from DNG Property Advisors noting a reduction in value with the mast in place.

6.2. First Party Response to Third Party Appeal

None.

6.3. **Planning Authority Response**

The Planning Authority has not responded to this appeal.

6.4. **Observations**

There are no observations noted.

7.0 **Assessment**

7.1. Having regard to the nature of the proposed development, together with the information presented in support of the proposed development, I consider it appropriate to assess the proposal under the following headings:

- Principle of the proposed development & compliance with the Development Plan
- Planning History
- Other Issues
- Appropriate Assessment

7.2. **Principle of the proposed development & compliance with the Development Plan.**

7.2.1. The proposed development will consist of the removal of an existing 12 metres telecommunication support structure together with telecommunications equipment on it and replacement with a new 20 metres telecommunications support structure (overall height of 21.5metres) carrying antennas, dishes associated equipment, together with ground-based equipment cabinets and new fencing for wireless data and broadband services, all at the Eir Exchange, N59 Road, Rosscahill West, Co. Galway. The existing site is occupied by a wooden pole mast which rises to 12m as well as the various buildings, cabinets and associated equipment for the telecommunication infrastructure. The mast has been in place since at least 1999. The site is located within a rural area which has an identified landscape class 3 classification afforded to it.

7.2.2. The Galway County Development Plan 2015-2021 is the relevant policy document pertaining to this appeal. Chapter 7 of the plan deals with Energy / Renewable Energies & Communications Technology, with Section 7.6 of the plan dealing with Information and Communications Technology. The Plan notes that government policy is to hasten the pace of advancement in terms of the roll out of quality, reliable and fast broadband connections throughout the country. Section 7.7 of the Plan sets out the relevant policies and objectives associated with information and communication technology and the following are considered relevant:

- **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.....

7.2.3. In this regard, I consider that the proposed development accords with the stated policy requirements of the County Development Plan. I am further satisfied that the principle of the development is acceptable in terms of the longstanding presence of a mast at this site.

7.2.4. I would note that the Telecommunication Guidelines, at Section 4 deal with development control matters and section 4.2 deals with design and siting and section 4.3 dealing with visual impact. While I acknowledge the preference for monopoles, the Guidelines note that the design of the support structure will be dictated by radio and engineering parameters, with limited scope for requesting changes in design.

7.2.5. I note the submission of the applicant in response to the further information request, indicated that a slimmer design of the structure could be requested by way of

condition of permission in order to minimise the visual impact of the development. The proposed development provides for a support structure which will have a diameter of approximately 1.5m, extending to approximately 3.2m with the antennae in place. While the existing mast on the site is located to the south of the existing exchange building on the site, the proposed mast is to be located 2m to the east of the building with the ground equipment to be located to the north and east of the mast, and closer to the adjacent residential property. In this regard, the Board may consider the proposal to provide a slimmer structure appropriate. I also note the proposal with regard to the colour of the structure. In the event of a grant of planning permission, I recommend that these issues be dealt with by way of condition.

7.2.6. With regard to the visual and residential amenity impacts associated with the proposed development, I would acknowledge the location of the site adjacent to an existing residential property. The subject site includes a number of mature trees which are to be retained as part of the current proposal. In this regard, the existing structures on the site are well screened. The increase in height of the structure will result in the mast being more visible across a wider area. I note that the planning history associated with this site indicates that permission has been granted for the construction of a telecommunications structure with an overall height of 19m, being a 14m pole and 5m antennae above. As such, I do not consider that the proposed additional height of 2.5m in total above that permitted height is excessive, and particularly as the top 1.5m is associated with the proposed lightning finial. I also note that the subject site is not located within a landscape which requires the submission of a visual impact assessment. Given the presence of an existing mast on the site, I am satisfied that the visual impacts associated with the proposed development are acceptable in this instance.

7.2.7. In terms of impacts on property values, and acknowledging that the proposed development is a departure from the existing telecommunications infrastructure on the site, I note the number of years the site has been used for this purpose. The proposed development will see the retention of the existing trees which will minimise the visual impacts associated with the proposed mast.

7.2.8. In terms of the principle of co-location, the Board will note that the applicant submitted an assessment of the relevant existing masts in the wider area, noting none within 3.5km of the subject site. The report also notes that the subject site is an

existing established infrastructure/utilities location. I am satisfied that the development has been justified in this instance.

- 7.2.9. Overall, and having regard to all of the information available, together with the context of the site and the existing screening in the vicinity, I am satisfied that the visual impacts associated with the proposed development are acceptable and that the development as proposed, seeks to progress national policy to secure the implementation of the National Broadband Plan and seek to ensure that fast and effective broadband facilities are available in all parts of the county. In this regard, I consider that the proposed development is acceptable.

7.3. Planning History

- 7.3.1. The Board will note the third-party submission in relation to the planning history of the site. I would note that permission was granted for a mast at the site in 1999 and subsequent temporary permissions have meant that permission expired on the 13th of May 2012.
- 7.3.2. I refer the Board to Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001 as amended, and Class 31 (b) which relates to the carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of overhead telecommunications infrastructure. The Regulations provide details of conditions and limitations associated with the exempted development Classes. Having regard to the nature of the development existing on the subject site, I am satisfied that there is no issue arising in terms of unauthorised development.

7.4. Other Issues

- 7.4.1. I also note the issues raised in relation to roads and traffic. In this regard, I note that the servicing of the telecommunications infrastructure will not give rise to any additional traffic, and if the proposed development is refused, the existing mast on the site will likely continue to be serviced.
- 7.4.2. The National Broadband Plan, 2012 Department of Communication, Energy and Natural Resources (DCENR), seeks to change the broadband landscape in Ireland through a combination of commercial and State led investment, and the purpose of

the Report of the Mobile Phone and Broadband Taskforce is to deliver the Plan in the shortest time possible time. In terms of the proposed development, I am satisfied that the applicant has presented a reasonable justification for the proposed infrastructure.

- 7.4.3. While I note the third-party comments with regard to the health implications associated with masts, I refer to the provisions of Circular Letters PL07/12 and PL01/2018. As such, these are not matters for the Board.

7.4.4. **Development Contribution**

The proposed development seeks to essentially replace an existing telecommunications mast on the site. The current Galway County Council Development Contribution Scheme identifies classes of development for which Development Contributions are payable. While the scheme notes a charge of €21,520 shall apply for the first permission issued for the mast, Part 4 of the Scheme provides that 'no development contribution levies shall be payable for development (antennae and masts) associated with the roll out of the National Broadband Plan across the county.

In terms of the above text, it would appear that the proposed development should not be subject to a development contribution as the mast will provide for broadband services. I note that the planning authority did not seek a development contribution Scheme. In this regard, and in accordance with DoEHLG Circular Letter PL07/12, I am satisfied that the payment of a development contribution for the development, under the provision of the Galway County Councils Development Contribution Scheme should not be applied.

7.5. **Appropriate Assessment**

- 7.5.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The Board will

note that the subject site comprises a developed site and that the proposed development seeks to replace the telecommunications mast on the site.

Consultations:

- 7.5.2. The Board will note that no issues relating to AA arose in any third-party submission. Galway County Council raised a concern with regard to the proposed development given the location of Natura 2000 sites and the potential impact the structure may have on the qualifying interests, namely community and foraging birds and bats. It was concluded that in the absence of AA Screening, likely significant impact on European Sites could not be ruled out. The further information request which issued from Galway County Council included a request for AA Screening.

Screening for Appropriate Assessment:

- 7.5.3. The Board will note that the response to the planning authority's FI request included a Screening for Appropriate Assessment. The document identifies 7 Natura 2000 within the zone of impact of the proposed development as follows:

- Gortnandarragh Limestone Pavement SAC (Site Code: 001271)
- Ross Lake and Woods SAC (Site Code 001312)
- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)
- Connemara Bog Complex SAC (Site Code: 002034)
- Connemara Bog Complex SPA (Site Code: 002034)
- Cloughmoyne SAC (Site Code: 000479)

- 7.5.4. The AA Screening notes that:

- All Natura 2000 sites are located over 1km from the site.
- There are no pathways or connectivity to any sites
- The subject site has been previously development and the proposed increase in height will not affect flight lines or commuting birds given its proximity to the N59 and the distance from suitable habitats for the species.

- 7.5.5. The AA Screening concludes that having regard to the nature of the proposed development and location of the site, no AA issues arise, and the proposed

development would likely not have a significant effect individually or in combination with other plans and projects on a European Site.

Qualifying Interests for Natura 2000 Sites within Zone of Influence

7.5.6. The subject site is not located within any designated site. The closest Natura 2000 site Gortnandarragh Limestone Pavement SAC (Site Code: 001271) lies approximately 1.2km to the west. The Ross Lake and Woods SAC (Site Code 001312) is located approximately 1.3km to the south-east of the site and Lough Corrib SAC (Site Code: 000297) lies approximately 1.7km to the west and the Lough Corrib SPA (Site Code: 004042) lies approximately 2.6km to the north of the site.

The following table sets out the qualifying interests for each of these sites:

European Site	Qualifying Interests
<p>Gortnandarragh Limestone Pavement SAC (Site Code: 001271)</p> <p>Located approx. 1.2km to the west of the site.</p>	<ul style="list-style-type: none"> • Limestone pavements [8240]
<p>Ross Lake and Woods SAC (Site Code 001312)</p> <p>Located approx. 1.3km to the south-east of the site</p>	<ul style="list-style-type: none"> • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]
<p>Lough Corrib SAC (Site Code: 000297)</p> <p>Located approx. 1.7km to the west of the site.</p>	<ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]

	<ul style="list-style-type: none"> • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150] • Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] • Limestone pavements [8240] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Bog woodland [91D0] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Salmo salar (Salmon) [1106] • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] • Lutra lutra (Otter) [1355] • Najas flexilis (Slender Naiad) [1833] • Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]
<p>Lough Corrib SPA (Site Code: 004042) Located approx 2.6km to the north of the site</p>	<ul style="list-style-type: none"> • Gadwall (Anas strepera) [A051] • Shoveler (Anas clypeata) [A056] • Pochard (Aythya ferina) [A059] • Tufted Duck (Aythya fuligula) [A061]

	<ul style="list-style-type: none"> • Common Scoter (<i>Melanitta nigra</i>) [A065] • Hen Harrier (<i>Circus cyaneus</i>) [A082] • Coot (<i>Fulica atra</i>) [A125] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] • Wetland and Waterbirds [A999]
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7.5.7. The subject development site is not a greenfield site and is already developed for telecommunications infrastructure, and therefore, does not contain any of the habitats or species associated with any Natura 2000 site. It is noted that the subject development site is located outside all of the Natura 2000 sites identified above, and therefore there is no potential for direct effects to any designated site.

Conservation Objectives:

7.5.8. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
<p>Gortnandarragh Limestone Pavement SAC (Site Code: 001271) Located approx. 1.2km to the west of the site.</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Limestone pavements [8240]
<p>Ross Lake and Woods SAC (Site Code 001312) Located approx. 1.3km to the south-east of the site.</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following habitats and species listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]

	<ul style="list-style-type: none"> ○ Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]
<p>Lough Corrib SAC (Site Code: 000297)</p> <p>Located approx. 1.7km to the west of the site.</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following habitats listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] ○ Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] ○ Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] ○ Active raised bogs [7110] ○ Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] ○ Petromyzon marinus (Sea Lamprey) [1095] ○ Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] ○ Hamatocaulis vernicosus (Slender Green Feather-moss) [6216] • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following habitats listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] ○ Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] ○ Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]

	<ul style="list-style-type: none"> ○ Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] ○ Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] ○ Alkaline fens [7230] ○ Limestone pavements [8240] ○ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] ○ Bog woodland [91D0] ○ <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] ○ <i>Lampetra planeri</i> (Brook Lamprey) [1096] ○ <i>Salmo salar</i> (Salmon) [1106] ○ <i>Lutra lutra</i> (Otter) [1355] ○ <i>Najas flexilis</i> (Slender Naiad) [1833] <ul style="list-style-type: none"> • The long-term aim for Degraded raised bogs still capable of natural regeneration [7120] is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Corrib SAC. • Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Corrib SAC
<p>Lough Corrib SPA (Site Code: 004042)</p> <p>Located approx 2.6km to the north of the site</p>	<ul style="list-style-type: none"> • To maintain or restore the favourable conservation condition of the bird species listed as Qualifying Interests. <p>A second objective is included as the SPA has been designated for wintering waterbirds and the SPA contains a wetland site of significant importance to one or more of the Species of Special Conservation Interest as follows:</p>

	<ul style="list-style-type: none"> • To maintain or restore the favourable conservation condition of the wetland habitat at Lough Corrib SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
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Potential Significant Effects

7.5.9. In order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of from the boundary of any designated site. The trees on the site are to be retained. The site is currently built on and as such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies within a rural environment but immediately adjacent to the N59 national road. The Board will note that the AA Screening Report submitted by the applicant indicated that the report was prepared as a desk top study which included a site visit. The writer did not indicate that any protected species were identified at the site. Having regard to the fact that the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the existing development on the site and the nature of the works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.
- **Water Quality:** The proposed development does not include proposals to connect to water services. Therefore, there is no potential impact on the overall water quality of Natura 2000 sites within the wider area.

In Combination / Cumulative Effects

7.5.10. In relation to in-combination impacts, I am generally satisfied, having regard to the limited scale of the proposed development, that the proposed development,

individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 site which lies within the zone of influence of the proposed development site.

Conclusion on Stage 1 Screening:

- 7.5.11. I have considered the AA Screening Report submitted in response to the PAs request for further information, and I note the satisfaction of the Planning Authority in this regard. In addition, I have considered the available information with respect to the Natura 2000 sites in the vicinity of the site, the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites.
- 7.5.12. It is reasonable to conclude that on the basis of the above, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

8.0 Recommendation

- 8.1. It is recommended that the proposed development be granted for the following stated reasons and considerations and subject to the stated conditions.

9.0 Reasons and Considerations

Having regard to the following matters:

- (a) the provisions of the Galway County Development Plan 2015 – 2021,
- (b) the guidelines relating to Telecommunications Antennae and Support Structures which were issued by the Department of the Environment and Local Government to planning authorities in July 1996,

- (c) Circular Letter PL/07/12, issued by the Department of the Environment, Community and Local Government in October 2012,
- (d) Circular Letter PL/01/2018, issued by the Department of the Environment, Community and Local Government in February 2018,
- (e) the planning history of the site,
- (f) the nature and scale of the proposed development,
- (g) the submissions and observations received, and
- (h) the planning officers report and decision of the planning authority,

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the visual amenity of the area and would not seriously injure the residential amenities of adjoining properties. The proposed development, 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, and further information submitted on the 19th March 2021, 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 proposed development shall be amended as follows:
 - (a) The design of the support structure shall be amended to provide a monopole or slimmer structure
 - (b) The colour of the support structure shall be dark fir green

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. All trees and existing stone wall boundaries shall be retained and maintained on the site and shall be protected during the construction works.

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

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. 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.

A. Considine

Planning Inspector

25th July, 2021