



An
Bord
Pleanála

Inspector's Report ABP-311035-21.

Development	Section 254 application for the erection of a telecommunications structure
Location	Renmore Park, Renmore, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	LIC2021-02.
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Signal Infrastructure Ltd.
Observer(s)	None.
Date of Site Inspection	20/10/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located within the eastern environs of Galway City, and within the established suburb of Renmore. The subject site is located just off Renmore Road and is located on Renmore Park to the south-west of the Bon Secours Hospital in Galway. The site lies adjacent to the row of commercial units, which include a café, pharmacy and butchers shop, which face onto Renmore Road and Nolan Park / Renmore Playing Fields to the east of Renmore Road. This large public open space is unfenced and is bound by a large number of trees
- 1.2. The area from which the site is taken comprises a public green space which is located between the buildings and the public footpath which serves as access points into the residential area of Renmore Park. There is a further grass verge between the public footpath and the road. The actual location of the proposed monopole is to be located within a small triangular section of the open space area, which is bound by footpaths, and will be located immediately north of and adjacent to the primary footpath serving Renmore Park. The site will cover an area of 3.8m x 1.6m and will include the area associated with the proposed monopole and the cabinet.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, a licence under Section 254 application for the erection of a telecommunications structure, all at Renmore Park, Renmore, Co. Galway.
- 2.2. The application included a number of supporting documents including as follows;
 - Plans and particulars
 - Planning Statement
 - Photomontages
- 2.2.1. The proposed development comprises the erection of a free standing 15m monopole telecommunications structure with 1 no. alpha 2.0 shrouded antenna at azimuths 300o, 100o, 210o and 1 no. 300mm dish (to be included only if no fibre infrastructure in the area), along with ancillary cabinet (1.649m high x 1.168m wide x 0.793m deep).

- 2.2.2. The submitted Planning Statement sets out the detail of the proposed development and section 3.2 presents the technical justification for the infrastructure noting that the installation within the identified search ring will bring required coverage to the black spot. The Planning Statement also sets out the reasons why the site was chosen and identifies 5 other locations reviewed for the infrastructure in the area. With the infrastructure in place, there will be a substantial increase in coverage service levels in terms of indoor/in car coverage. The report further presents details of the existing Comreg Sites in the wider area and notes that the reasons why said sites are not appropriate for the proposed infrastructure.
- 2.2.3. The Planning Statement presents details of the applicants and sets out the planning context for the proposed infrastructure, noting the difference between the Section 254 legislation and the Class 31 exemptions in the Planning and Development Act 2000, as amended. The report identifies a number of permitted S254 Licences by the Board across the country and notes that the proposed development has similar characteristics to these permitted developments. Finally, the statement considers the visual impacts associated with the infrastructure, includes a paragraph on AA and sets out the ICNIRP compliance.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the following stated reasons:

1. The site of the proposed development of a 15-metre telecommunications monopole is located within residential neighbourhood designated an 'Established Suburb' in the current Galway City Development Plan 2017-2023. It is the policy for established Suburbs as set out in the Development Plan to ensure a balance between the reasonable protection of residential amenities of the Established Suburbs and the protection of the established character and the need to provide sustainable residential development. Having regard to the location of the proposed 15 metres telecommunications monopole within a residential neighbourhood, it is considered that the

proposed development would seriously injure the streetscape, visual and residential amenities of the area and would be contrary to policy no. 2.6 Established Suburbs which states that new development does not adversely affect the character and residential amenities of the neighbourhood area. The proposed development would, therefore, conflict with the policies of the City Development Plan and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposed development, a 15 metre telecommunications monopole, in particular its location on a highly prominent exposed open aspect green, open space location, which is highly visible to road users and pedestrians within the established neighbourhood area of Renmore, and its height and visual prominence, it is considered that the proposed development would have a negative impact on the visual amenities of the area and constitute a visually intrusive and overbearing element in the public realm. It would therefore, be contrary to Policy 9.13 Telecommunications of the current Galway City development Plan 2017-2023 which provides that development and expansion of telecommunications infrastructure within the city will only be supported where appropriate subject to environmental, visual and residential considerations, where any potential environmental impacts associated with installations are minimised and only when a number of other possibilities of the hierarchy of suitable locations set out in the Planning Guidelines for Telecommunications Antennae and Support Structures (DHPLG 1996 & 2012) have been exhausted, masts may be erected within or in immediate vicinity of residential areas. The proposed development would, therefore, conflict with the policies of the Development Plan and be contrary to the proper planning and sustainable development of the area.
3. The proposed development, being located in an area of public open space in an established residential neighbourhood would result in a significant reduction in the visual amenities of this green open space which is part of the City's green network of green, open, blue protected and community spaces. The proposed development would, therefore, be contrary to the policies under Section 4 of the City Development Plan 2017-2023 which promote a green network for the city that allows for sustainable use, management and protection

of such spaces in an integrated manner and consequentially would be contrary to the proper planning and development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report sets out the planning legislation context for the proposed development and notes that the applicant is authorised to provide electronic communications network or service in accordance with the terms of Regulation 5 of the European Communities (Electronic Communications) (Authorisation) Regulations 2011. The report further considered the proposed development in the context of the details submitted with the application, internal technical reports and the City Development Plan policies and objectives. The report does not include an Appropriate Assessment Screening Report.

The planning report notes the concerns of the Recreation and Amenity Department of Section of Galway City Council and concludes that the issuing of a S254 licence for the 15m monopole telecommunications should be refused. This Planning Report formed the basis of the Planning Authority's decision to issue a refusal of the licence.

3.2.2. **Other Technical Reports**

Recreation and Amenity Department: The report acknowledges the demonstrated need for the infrastructure but considers that the exact chosen location could be improved upon in the interests of visual and residential considerations, and in the interest of sustainable development. The location proposed is not suitable and should be located further back from the pathway edge, closer to the gable wall of the adjacent commercial unit. The pole & antenna could be mounted on the gable end of the commercial unit therefore removing it from the open space entirely.

The report sets out a number of appropriate solutions to address the concerns raised in the report and a number of issues in relation to the quality of the photomontages are also noted. In terms of recommendations to the applicant, the report advises as follows:

- Relocate the development away from the centre of the open space and explore positioning it closer to the building edge of the commercial unit or mount on the gable of the unit, removing it from the open space entirely.
- Based on the new location of the development, the applicant should produce photomontages for the visual impact assessment using photos taken at eye level (not Google map images), and taken in the winter months so that the full impact of the development can be assessed.

3.2.3. **Prescribed Bodies**

None.

3.2.4. **Third Party Submissions**

None.

4.0 **Planning History**

No relevant planning history pertaining to the subject site.

The Board will note that permission was granted for the erection of a 15m telecommunications mast at Castlepark Road, Ballybane, Galway, approximately 1.6km to the north-east of the subject site, ABP-306440-20 refers.

5.0 **Legislative Context**

- 5.1. Section 254(1)(ee) of the Planning & Development Act, 2000 (as amended), states that a person shall not erect, construct, place or maintain overground electronic communications infrastructure and any associated physical infrastructure on, under, over or along a public road save in accordance with a licence under this section.
- 5.2. Section 254(6)(a) states that any person may appeal to the Board in relation to the granting, refusing, withdrawing or continuing of a licence.
- 5.3. Section 254(5) states that, in considering an application for a licence, the planning authority, or the Board on appeal, shall have regard to:

- (a) The proper planning and sustainable development of the area,
- (b) Any relevant provisions of the development plan, or a local area plan,
- (c) The number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and,
- (d) The convenience and safety of road users, including pedestrians.

6.0 Policy and Context

6.1. Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities 1996:

- 6.1.1. These guidelines establish a policy framework and provide general guidance on relevant planning issues for planning authorities, telecommunications providers and the general public. The following themes are relevant to the subject proposed development:

In the vicinity of larger towns and in city suburbs, operators should endeavour to locate in industrial estates or on industrially zoned land. The possibilities offered by some commercial or retail areas and ESB substations should be explored. In urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.

The guidelines further 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 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.’

- 6.1.2. The guideline document provides guidance for the assessment of telecommunication structures and were substantially updated by the DoEHLG Circular Letter PL07/12.

6.2. **Circular letter PL07/12:**

6.2.1. Circular PL07/12 updates sections 2.2 – 2.7 of the 1996 Guidelines. 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.

6.3. **Development Plan**

6.3.1. The Galway City Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. The site is zoned R - Residential where it is the stated objective of the zoning 'To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'.

6.3.2. Chapter 9 of the City Development Plan deals with Environment and Infrastructure, and section 9.13 deals with telecommunications. The Plan notes that 'good and effective telecommunications infrastructure and services are essential for the continuing socioeconomic and cultural development of the city, strengthening its role as a centre of enterprise and urban life.' With regard to other telecommunication installations, the Council will ensure that development for mobile phone installations take cognisance of the updated Planning Guidelines for Telecommunications Antennae and Support Structures (DECLG, Circular Letter PL07/12), so that any potential environmental impacts associated with installations are minimised. The need for a high-quality telecommunications network will be balanced against the need to protect the visual and residential amenities of the city.

6.3.3. Policy 9.13 Telecommunications states as follows:

- Support the development and expansion of telecommunication infrastructure (including the broadband network) within the city where appropriate, subject to environmental, visual and residential considerations.
- Ensure that development for telecommunication and mobile phone installations take cognisance of the Planning Guidelines for *Telecommunications Antennae and Support Structures* (DECLG, Circular Letter PL07/12), so that any potential environmental impacts associated with installations are minimised.
- Encourage the siting of new mobile phone installations to follow the hierarchy of suitable locations proposed in the DECLG Guidelines. Only when a number of other possibilities have been exhausted, masts may be erected within or in the immediate vicinity of residential areas.
- Ensure that developers of masts facilitate the co-location of antennae with other operators in order to avoid an unnecessary proliferation of masts. Where this is not possible operators will be encouraged to co-locate so that masts and antennae may be clustered.

6.3.4. Chapter 11 of the CDP deals with Development Standards and section 11.17 deals with Telecommunication Infrastructure and Installations and state 'In considering applications for proposed telecommunication infrastructure and installations, the Council will have regard to the Planning Guidelines for Telecommunications Antennae and Support Structures and DECLG, Circular Letter PL07/12 2012 updating sections of these guidelines. Proposed installations shall have cognisance of any existing aircraft flight paths, where appropriate.'

6.4. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) which are located approximately 300m to the west of the site. The Lough Corrib SAC (Site Code: 000297) is located approximately 1.9km to the west.

6.5. EIA Screening

- 6.5.1. The subject appeal does not relate to a class of development which requires mandatory EIA.
- 6.5.2. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development is not of a scale or nature which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.
- 6.5.3. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 6.5.4. Having regard to:
- (a) the nature and scale of the development, and
 - (b) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse a licence for the proposed telecommunications structure. The submitted appeal document includes the details as submitted in the Planning Statement submitted with the application which I don't propose to restate here. The appeal also includes updated CGI images. The grounds of appeal are summarised as follows:

Reason No. 1:

- Policy 2.6 of the CDP acknowledges that establish suburbs may require additional community and amenity services which will be encouraged along main roads and in existing mixed-use areas. It is submitted that the principle of the proposed development is allowable under this policy.
- The updated Visual Impact Assessment (VIA) demonstrates that the development will be largely obscured by existing development in the surrounding area. While it will be fully visible in the immediate vicinity, this is not a fundamental concern.
- The appellant notes the concerns raised in relation to the integrity of the VIA in terms of the use of Google Streetview. It is submitted that the aim of the VIA is to provide a reasonable understanding of the what the proposed development will look like from various locations. It is not meant to be a fully verifiable assessment and there is no accompanying statement to infer same.
- If the leaves on the trees were removed, it is submitted that the visual impact would not be materially different.
- The applicant has no issue with a condition requiring the setting back of the development from the road should the Board consider this to be more favourable.
- It is submitted that the amenity value of the area of green space is at the lower end of important green spaces within the city. It could be described as space left over after planning and is not landscaped.

- It is submitted that while the proposed development may have a pronounced visual impact when it is initially installed, this will quickly fade over time as it becomes just another part of the street furniture.

Reason No. 2:

- It is considered that the visual impact is the key issue in relation to reason for refusal no. 2 which is dealt with above.

Reason No. 3:

- It is considered that the visual impact is the key issue in relation to reasons for refusal no. 1 and 2 which is dealt with above.

7.1.2. It is submitted that the location for the development was carefully chosen because it is located adjacent to a commercial area, is not in the direct eye-line of any house as well as being the optimum location to provide the coverage to the houses in the vicinity. The open space area where it is located is not of high value and the development will read as a typical element of the street furniture in the area.

7.1.3. It is requested that the proposed street work solution accords with the pattern and character of the public realm in the area of Renmore Park and Renmore Road. The proposed Alpha 2.0 pole has been accepted by numerous planning authorities and ABP since the enactment of the legislation. The proposed development will not interfere with the use of the hard standing verge for pedestrians, cyclists or parking and will provide an appropriate setting for the proposed pole and cabinet.

7.2. Planning Authority Response

None.

7.3. Observations

None.

8.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Section 254 Application
2. Location of Infrastructure & Impact on Amenities of the Area
3. Technical Justification & Location
4. Other Issues
5. Appropriate Assessment

8.1. Section 254 Application

- 8.1.1. The subject site lies immediately adjacent to the public footpath, in a small triangular area of grass verge at Renmore Park. The public road lies to the south of the site and is separated from the public footpath by a grass verge. In terms of the subject appeal, it is appropriate to consider whether the application for and assessment of the proposal by the planning authority by way of an application for a license under section 254 of the Act as opposed to a planning application under section 35 of the Act, is appropriate.
- 8.1.2. The licensing provisions set out in section 254 of the Planning and Development Act 2000, as amended require persons seeking to erect overground telecommunications infrastructure to obtain a licence from a planning authority where it is intended to erect such infrastructure on, under, over or along a public road. Section 2 of the Act states that “public road” has the same meaning as in the Roads Act, 1993 and Section 2 of the Roads Act 1993 states that a “public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority. In addition, the Roads Act states that ‘road’ includes:

- (a) any street, lane, footpath, square, court, alley or passage,

- (b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,
- (c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channeller, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and
- (d) any other structure or thing forming part of the road and—
 - (i) necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or
 - (ii) prescribed by the Minister;

8.1.3. Having regard to the recommendations of the Mobile Phone and Broadband Task Force, together with the proposed location of the monopole on a grass margin alongside the public footpath, I am generally satisfied that the provisions of Section 254 of the Planning and Development Act as it relates to an application for a licence is considered to be the appropriate consent mechanism for the subject development.

8.1.4. That decided, the Board is required, Section 254(5) of the Act, to have regard to:

- a. the proper planning and sustainable development of the area,
- b. any relevant provisions of the development plan, or a local area plan,
- c. the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- d. the convenience and safety of road users including pedestrians.

8.1.5. I propose to address these matters, and the PAs reasons for refusal, further below.

8.2. **Location of Infrastructure & Impact on Amenities of the Area:**

8.2.1. The Board will note that the main areas of concern arising in the PAs decision to refuse permission relate to impact on the character and amenities of the residential

area as well as the visual impact associated with the telecommunications monopole and its location on an area of public open space. The site, as described above, is located within a small triangular area of public open space which is bound on all sides by a public footpath, and adjacent to the grassed verge and public road, and all within an established suburb, as defined in the Galway City Development Plan. The zoning objective afforded to the site is 'R - Residential' and I note that the Plan does not specifically provide guidance in relation to telecommunications infrastructure on such zoned lands. The zoning does, however, provide that 'public utilities' are 'uses which may contribute to the zoning objective, dependent on the R and LDR location and scale of development'. In this regard, I consider that the principle of the proposed development is acceptable in terms of the zoning afforded to the site.

8.2.2. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities, together with Circular Letter PL07/12, set out the national policy for such structures. In city suburbs guidelines promote the location of such telecommunication infrastructure in industrial or in industrially zoned land or commercial or retail areas. It is noted 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 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".

8.2.3. I note the inclusion by the applicant, the ComRegs site map which identifies existing telecommunications structures in the vicinity of the site. Of the 5 sites noted, only 1 is located within a residential area, being identified Site C, with the others located at commercial businesses (Site A – The Connacht Hotel & Site B – Flannery's Hotel) as well as recreational areas (Site D – Liam Mellows GAA Club) and community zoned land (Site E - Renmore Barracks). The equipment at Site C is discrete and mounted to the chimney stack of the commercial building within the residential area and at sites A and B, the equipment is mounted to the roofs of the hotels, rather than being a stand-alone structure as currently proposed. The GAA site appears to have incorporated the equipment into the support pole for the ball net behind the goals

while the mast at Renmore Barracks appears to be the only mast type structure in this area of Galway City. In this regard, I would question the appropriateness of the proposed infrastructure at the subject site in terms of the design, given the other infrastructure identified in the vicinity.

- 8.2.4. In terms of the impact of the monopole on the area of public open space, which is stated by the PA to form part of the City's green network of green open, blue protected and community spaces, I would note that there is only 1 ESB wooden pole within the open space in this area. This pole is set back from the footpath edge and is located proximate to the commercial building. I also note that the café has located a number of tables and chairs outside the building, and along the green space adjacent to, and within approximately 4.5m of the subject site. As such, the area would appear to be well used by the public, which gives the space some amenity value.
- 8.2.5. I note the positive planning precedents cited in the appeal document in an effort to show the acceptance of the proposed telecommunications poles, but I would advise that the context of those cases cited differ from the subject site. While I note the submission in the appeal document that the applicant would have no issue with a condition requiring the proposed development to be setback further from the road, should the Board consider this to be more favourable, I would not consider such a condition to be appropriate given the tight development site boundary identified in the licence application.
- 8.2.6. Permission is sought for a 15m high free standing street pole, which has a diameter of 324mm at its narrowest and widening to 406mm from 11.3m in its height. I would accept that the infrastructure has considered the residential setting. The development is sited within an open space area, adjacent to the footpath which is separated from the public road by a grass verge. While I would accept that the proposed location of the structure does not lie to the front of any dwelling, it will be directly visible from inside the house to the south of Renmore Park, due to the location of gable windows at ground floor level.
- 8.2.7. I note the photomontages submitted with the application and appeal, and while I would agree with the concerns of Galway City Councils Recreation and Amenity Department regarding the quality of same, I am generally satisfied that they depict

the impact of the proposed structure. While I would accept the design of the proposed street pole, I consider that the visual impacts associated with the proposed structure will dominate views in the immediate area.

- 8.2.8. I do not consider that the site as selected is acceptable in terms of the general amenity or character of the area and would, if permitted, impact on the convenience and safety of road users, in particular pedestrians, as well as the patrons of the café, and as such, would conflict with government policy which seeks to direct such development away from residential areas and would, therefore, be contrary to the proper planning and sustainable development of the area.

8.3. Technical Justification & Need for the Infrastructure:

- 8.3.1. The Board will note that the applicant included a detailed technical justification of the proposed development at the subject location advising that the site is required in order to improve Eir's network indoor / in car coverage in addition to outdoor mobile and wireless broadband cover in the area. The search ring area was identified by radio engineers who advised that an installation within the area would bring the required coverage to the black spot area. Section 3.2.2 of the Planning Statement sets out the reasons for the location being chosen and includes details of other locations considered. Figure 5 of the document demonstrates the improvements to the coverage levels in this area of Galway City with the proposed monopole in place. The report also assesses the existing established sites within a 2km radius of the proposed development site and sets out the reasons these were discounted.
- 8.3.2. While I note an error in the address within the document submitted by the applicant (both at PA stage and at appeal stage), referring to Circular Road rather than Renmore Park (being the location of the subject appeal site) I would acknowledge that there is sufficient technical information presented, including a logical rationale, for the site selection. That said, I have raised concerns regarding the overall design and scale of the proposed street pole in the context of the use of the public open space in this area.

8.4. Other Issues

8.4.1. Duration of Licence:

In the event of a grant of permission for the licence sought, the Board will note that Circular PL 07/12 states that the attachment of conditions to permissions for telecommunication masts and antennae which limit their life to a set temporary period should cease.

However, given that this appeal relates to a Section 254 licence application for development on public land, it is considered reasonable that should the Board be so minded to grant the licence, it should be granted for a specified duration as provided for under Section 254(4) of the Planning and Development Act, 2000, as amended. This will enable the Planning Authority to re-assess the suitability of proposed development at the end of the appropriate period in light of any changed circumstances pertaining at that time. I would also note that the Board has specified a period of 3 years in similar recently decided appeal cases. This matter could be addressed by way of condition.

8.4.2. Development Contribution

In accordance with the DoEHLG Circular Letter PL07/12, I am satisfied that the payment of a development contribution for the development should not be applied and as such, no condition to this effect should be included in any grant of planning permission.

8.4.3. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) which are located approximately 300m to the west of the site. The Lough Corrib SAC (Site Code: 000297) is located approximately 1.9km to the west.

Overall, and having regard to the nature and scale of the development proposed, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not

adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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

I recommend that planning permission be refused for the proposed development for the following stated reason.

10.0 Reasons and Considerations

Having regard to the government's guidelines on Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DoE, 1996, policies of the Galway City Development Plan 2017-2023, the nature and height of the proposed development and its location within an open space area within a residential area, it is considered that insufficient evidence has been provided in respect of alternative sites, to support the location of the development.

It is considered, therefore, that the proposed development would negatively impact on the general amenity and character of the area, including the value of this public space which includes an area of outdoor dining space associated with the adjacent café and would, if permitted, impact on the convenience and safety of road users, in particular pedestrians and patrons of the café. The development would therefore, conflict with government policy which seeks to direct such development away from residential areas and would be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

28th November 2021