



An
Bord
Pleanála

Inspector's Report

ABP-311583-21

Development

Removal of 1 no. existing 10 metre telecommunication support structure with attached omni antenna (overall height of 13 metres) and its replacement with 1 no. new 18 metre telecommunication support structure (overall height of 21metres) and all associated equipment and site works.

Location

Portumna , Co.Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

201965

Applicant(s)

Eir (Eircom Limited)

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Signal Infrastructure Ltd

Date of Site Inspection

12th November 2021

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0144 hectares, is located in Portumna town centre on the north eastern side of St. Brendan's St. The appeal site is located within the existing Eir Exchange and is occupied by a 10m high telecommunications support structure. The appeal site is within an open area to the rear of the exchange premises. To the south west are existing structures with the exchange premises. To the the south east are a number of properties fronting Abbey Street including a Garda Station. To the north east is a housing development (Castle Court) consisting of two-storey dwellings. To the north west is a detached single-storey dwelling on a large site.

2.0 Proposed Development

2.1. Permission is sought for the removal of 1 no. existing 10 metre telecommunications support structure with attached omni antenna (overall height of 13 metres) and its replacement with 1 no. new 18 metre telecommunication support structure (overall height of 21 metres) carrying equipment transferred from the existing structure and the addition of new telecommunication antennae, dishes and associated equipment, together with new ground based equipment cabinets, new fencing and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 10 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (20/02/21): Further information required including provision of a technical justification for the proposal and a visual impact assessment.

Planning Report (12/09/21): It is was considered that the applicant had provided technical justification and that the visual impact of the proposal would be satisfactory. A grant of permission was recommended subject to the conditions outlined above.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1 A submission was received from Signal Infrastructure Ltd, the issues raised can be summarised as follows....

- The observer owns and operate an existing in situ 25m high multiuser telecommunication support structure c.750m north of the proposed development and is capable for catering for other users.

4.0 **Planning History**

No planning history.

5.0 **Policy Context**

5.1.

5.1.1 Development Plan

The relevant plan is the Portumna Local Area Plan 2016-2022. The appeal site is zoned C1 Town Centre/Commercial.

Galway County Development Plan 2015-2021

Policy ICT 1 – Information and Communications Technology Infrastructure It is a policy of the Council to achieve a balance between facilitating the provision of telecommunications infrastructure, in the interests of social and economic progress

and sustaining residential amenity and the protection of the built and natural environment.

Policy ICT 2 – Installation of Information and Communications Technology Infrastructure in High Amenity Areas It is a policy of the Council that where feasible proposed developments pertaining to the installation of potentially obtrusive information and communications technology infrastructure shall be located in landscape categories 1-3. Where they must be located on sensitive landscapes (those being a Class 4 (Special) or 5 (Unique) landscape category areas or in proximity to a National Monument, Protected Structure/Architectural Conservation Areas or within a focal point/view) they shall be accompanied by visual impact assessments as part of the planning application process. Natural Heritage

Designations Objective ICT 1 – Facilitate the Delivery of Telecommunications, Broadband and Digital Infrastructure Support and facilitate the delivery of high capacity ICT infrastructure, broadband networks and digital broadcasting in the County having regard to the Government Guidelines Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities 1996 (DoEHLG) and Circular Letter PL 07/12 (including any updated/superseding documents) and where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network.

Objective ICT 2 – Assimilation of Telecommunications Infrastructure into the Landscape Seek to locate telecommunication masts in non-scenic amenity areas, having regard to the Landscape Sensitivity Rating Assessment of the County. In instances where their location is essential in a Class 4 (Special) or 5 (Unique) landscape category areas or in proximity to a National Monument, Protected Structure/Architectural Conservation Area or within a focal point/view, it shall be necessary to minimise their obtrusiveness in as far as is practically possible.

Objective ICT 3 – Co-Location of Telecommunications Infrastructure Avoid a proliferation of communications masts and antennae in the open countryside and facilitate the potential for future mast sharing and co-location.

DM Standard 32: Telecommunications Masts In order to facilitate the evaluation of development proposals for the erection of antennae and support structure with regard to the DoEHLG, Planning Guidelines for Telecommunications Antennae and Support Structures (1996 including any updated/superseding document) and DECLG Circular PI 07/12 regarding the 1996 Planning Guidelines. While the current state of technology requires the construction of masts and antennae in the countryside the following standards will apply:

- a) Landscape Sensitivity In instances where telecommunications masts are essentially required in landscape sensitivity Class 4 (Special) or Class 5 (Unique), a Visual Impact Assessment shall be required with all planning applications for these locations.
- b) Amenity Impacts Masts and associated base station facilities should be located away from existing residences and schools.
- c) Landscape Impacts Masts should be designed and located so as to cause minimum impact on the landscape. If possible, sites 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.

5.1.2 National Policy

Telecommunications Antennae and Support Structures Guidelines for Planning Authorities Section 4.2 Design and Siting “The design of the antennae support structure and to a great extent of the antennae and other “dishes” will be dictated by radio and engineering parameters. There may be only limited scope in requesting changes in design. However, the applicant should be asked to explore the possibilities of using other available designs where these might be an improvement. Similarly, location will be substantially influenced by radio engineering factors. In endeavouring to achieve a balance some of the considerations which follow are relevant”. “Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. If such a location should become necessary, sites already developed for utilities should be considered and mast and antennae should be designed and adapted for the specific location. The support structure should be kept to the minimum height consistent with effective operation and should be monopole (or poles) rather than a latticed tripod or square structure”.

Section 4.3 Visual Impact

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

In rural areas towers and masts can be placed in forestry plantations provided of course that the antennae are clear of obstructions. This will involve clearing of the site but in the overall will reduce visual intrusion. Softening of the visual impact can

be achieved through judicious choice of colour scheme and through the planting of shrubs, trees etc as a screen or backdrop.

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

- Along major roads or tourist routes, or viewed from traditional walking routes, masts may be visible but yet are not terminating views. In such cases it might be decided that the impact is not seriously detrimental
- Similarly along such routes, views of the mast may be intermittent and incidental, in that for most of the time viewers may not be facing the mast. In these circumstances, while the mast may be visible or noticeable, it may not intrude overly on the general view of prospect

5.2. Natural Heritage Designations

None in the vicinity.

5.3. EIA Screening

The proposed development is not of a class (Schedule 5, Part 2(10) of the Planning and Development Regulations, 2001 (as amended)). No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Cignal Infrastructure Limited. The grounds of appeal are as follows...

- The appellant owns and operate an existing in situ 25m high multiuser telecommunication support structure c.750m north of the proposed development and is capable for catering for other users.
- The justification for the structure submitted by the applicant did not consider this existing structure and the applicant has failed to provide sufficient

justification and fails to comply with national guidance in relation to sharing facilities and co-location, which is also a policy in the County Development Plan (DM32).

6.2. **Planning Authority Response**

No response.

6.3 **Further response**

Response by the applicant Eir (Eircom Limited)

- The response indicates the need for additional infrastructure to improve coverage in the area and that such is in line with the Council policies and objectives in terms of telecommunication infrastructure. The site is a suitable location for such and the failure to implement such would hamper future service provision in the area.

7.0 **Assessment**

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

Appropriateness of the location, technical justification

Visual Impact

7.2 Appropriateness of location, technical justification:

7.2.1 The appeal concerns the technical justification for the proposal with the appellant indicating that the applicant failed to provide such and that there is an existing support structure located 750m from the site that facilitates multiusers/co-location. The appellant indicates that the development would be contrary national guidance in relation to sharing facilities and co-location as well as policy in the County Development Plan (DM32). The initial submission with the application on technical justification stated that the proposal will provide for a multiuser support structure and would replace an existing structure, which is too low in elevation to provide for such.

The technical justification submitted includes details of existing coverage maps for the various operators indicating that there is room for improvement in terms of coverage. The applicant did refer to the existing support structure 750m to the north west of the site. The Planning Authority requested further information including a detailed technical justification and demonstration that the proposal would not impact upon the functionality of operating equipment on other structures in the vicinity.

7.2.2 The applicant's response refers to the existing support structure belonging to the appellant. The response indicated that Eir mobile are located on the existing structure and due to its position to the north of the town it only allows one sector to cover for all of the town resulting in limited coverage and capacity. It is also stated that its location relative to the town centre means poor indoor coverage in the middle of the town. The proposal in question allows for even distribution and improved coverage and capacity.

7.2.3 In my view that the application includes technical justification for the proposed development indicating that there are service/coverage deficiencies in the area the proposal is set to address. The information on file also provides detail of existing support structures examined as an alternative to the provision of new support structure in the area. It is indicated that these structure do not facilitate the provision of the necessary coverage for the area in question due to issues such as capacity and location. I would consider based on the information submitted that there is a technical justification for the proposal and that the provision of such would be consistent with Development Plan policy in regards to improved telecommunications provision. I am also satisfied the applicant has submitted sufficient information to demonstrate the need for an additional telecommunication support infrastructure and has complied with Development Plan policy and the provisions of Telecommunications Antennae and Support Structures Guidelines for Planning Authorities. In addition I would note that the site is an established location for telecommunication infrastructure and not a new location with a long established history for such development at this location.

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

7.3 Visual Impact:

7.3.1 Visual impact is not an issue raised by the third party appeal. The applicant was request to provide a visual assessment of the proposal by way of further information and submitted photomontages illustrating the visual impact of the proposal from viewpoints in the surrounding area. The existing structure on site, which is a 10m high (13m with attached antennae) is already visible in the area. The proposal is for an 18m support structure (21m high with antennae). I would be of the view that despite the increased height the overall visual impact of the proposal in the surrounding area would be acceptable and such is illustrated in the photomontages submitted. Views of the proposed structure are partial views and obstructed by existing structures in the vicinity. In addition I would note that the type of structure proposed is a monopole structure in keeping with the recommendations of national guidance for new structures within urban areas. I am satisfied that the proposal is acceptable in the context of the visual amenities of the area.

8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan 2015-2021, the Portumna Local Area Plan 2016-2020 and the DOEHLG Section 28 Statutory Guidelines; “*Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities*, 1996, as updated by circular letter PL 07/12 in 2012, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

(a) In the event of the proposed structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

(b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and

the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

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

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

5. Details of the proposed colour scheme for the telecommunications structure, ancillary structures shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

6. 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.

7. The developer shall provide and make available at reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Senior Planning Inspector

24th November 2021