



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312548-22

#### Development

Removal of an existing 15.1 metre telecommunications support structure (overall height 19.6 metres) together with telecommunications equipment and replacement with a new 30 metre telecommunications support structure (overall height of 31.5 metres), antennas, dishes, associated equipment, ground cabinets and fencing.

#### Location

Gort , Co. Galway

#### Planning Authority

Galway County Council

#### Planning Authority Reg. Ref.

202010

#### Applicant

Vodafone Ireland Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Galway County Council

#### Type of Appeal

First Party

#### Appellant

Vodafone Ireland Ltd.

#### Observer(s)

P. Piggott & Others

Gort River Walk Development Group

E. van Hout

Mount Fuji Development Group

**Date of Site Inspection**

22<sup>nd</sup> June 2022

**Inspector**

Ian Campbell

## **1.0 Site Location and Description**

- 1.1. The appeal site comprises an area within an existing telecommunications exchange compound, located at Barrack Street, in the centre of Gort, Co. Galway. The appeal site is located to the rear/east of a row of three storey buildings which front onto Market Square. Slipper Street, a narrow one way street, separates the appeal site from these buildings.
- 1.2. The appeal site consists of a rectangular shaped compound surrounded by high walls. The appeal site accommodates a single storey exchange building and a 15 metre high lattice tower (which is to be removed). There are 2 no. entrances to the appeal site, via Slipper Street and Barrack Street.
- 1.3. Gort Garda Station is located to the immediate south of the appeal site and there is a c. 35 metre high lattice tower located within the rear yard of the Garda Station.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises;
  - The removal of an existing telecommunications support structure and telecommunication equipment. The existing structure has a stated height of 15.1 metres, or 19.6 metres when the antennae mounted on top of the structure are taken account of.
  - The construction/erection of a 30 metre high telecommunication support structure (lattice type tower). The proposed structure has a height of 31.5 metres when the lightning finials are taken account of. The proposal also includes;
    - Antennas, dishes, associated equipment;
    - 4 no. ground cabinets; and,
    - A 2.4 metre high palisade fencing surrounding the proposed structure.
- 2.2. The planning application is accompanied by a Technical Justification report. This report notes;

- The proposed installation will ensure continued radio network coverage for Vodafone, new wireless broadband services for Eir Mobile and Imagine Broadband, and improved telecommunications and broadband services in the region.
- Coverage mapping for the area proximate to the appeal site indicates no indoor service for Eir Mobile. The proposal is essential to improve coverage for customers.
- The existing site is of critical importance to Vodafone in this region. The existing structure and foundation are not capable of supporting two new operators which both require a site in this area. While there is capacity on the existing structure for new operators, it is at a level on the structure which is too low, noting the height of surrounding buildings. The proposal will provide opportunities for additional providers.
- The existing Garda telecommunication structure is not available.
- Letters of support have been included from Eir, who state that failure to progress the installation could have a negative impact on network subscribers, and Imagine, who state that they are seeking to expand broadband services in the area.
- A lattice tower is the preferred design type given that the structure which is being replaced is a lattice tower. The height of the proposed structure will future proof the site and will allow for other operators to co-locate on it. The proposed structure must be tall in order to provide the required level of coverage and for the technologies to work effectively. The proposal facilitates co-location, thereby reducing the total number of masts in the area in the future.

## **3.0 Planning Authority Decision**

### **3.1. Request for Further Information**

Prior to the decision of the Planning Authority to REFUSE permission for the proposed development, the Planning Authority requested Further Information.

#### **3.1.1 Further Information was requested on the 24<sup>th</sup> February 2021 as follows:**

- Reconsider the height and design of the proposed mast and submit a Visual Impact Assessment indicating the redesigned structure.
- Submit additional viewpoints from the Gort River Walk, roofscapes of Gort, Church Street, the R380, the R458, and Crowe Street.
- Submit details of existing provider's coverage in Gort and evidence that applicant has sought to co-locate.
- Confirm the number of antennae to be located on the proposed structure.

#### **3.1.2 Further Information submitted on the 19/11/2021:**

- No change was made to the design of the proposal.
- 3 no. additional photomontages were submitted.

Confirmation that a total of 9 no. antennae will be located on the proposed structure.

- Reference was made to the initial technical justification for the proposal. The applicant noted the following;
  - It does not own any other infrastructure in Gort.
  - The proposal involves the use of the existing site, negating the requirement for an additional structure elsewhere.
  - An unimpeded 360 degree line of sight above buildings and tree clutter is required. Alternative options were ruled out due to technical constraints. An existing Vodafone site south of the application site was discounted as the site would not provide a clear unimpeded line of sight. The Garda Station mast was discounted on the basis that the structure is near maximum stress

and the site has constrained space at the base to install additional equipment.

- The proposal structure will be available to all mobile network operators.

The Planning Authority issued a Notification of Decision to REFUSE Permission on the 15<sup>th</sup> December 2021 for the following reason;

1. Notwithstanding the fact that the site is already occupied by a telecommunications support structure, the proposal is for a replacement structure of increased scale and bulk, and is a lattice type structure that would have a significantly increased and detrimental visual impact at this urban location on a small site. Having regard to the location of the proposed development within the town centre, the Telecommunication Guidelines issued by the Department of the Environment and Local Government, in particularly Section 4.3, and Objective ITC2 and DM Standard 32 of the Galway Development Plan, 2015 - 2021, it is considered that the proposed development would be visually obtrusive in this Class 3 Area of High Landscape Sensitivity, would seriously injure the amenities of the area and the value of property in the vicinity. Accordingly, to grant the proposed development would contravene materially the Telecommunications, Antennae and Support Structures Guidelines for Planning Authorities and policies and a development management standard of the Galway County Development Plan and would detract from the visual amenity of the area.

I note that the refusal reason included in the Notification of Decision to Refuse Permission issued by the Planning Authority makes reference to material contravention of the Galway County Development Plan 2015-2021. The Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan. As such, I do not therefore consider that the Board is bound by the provision of Section 37 (2) (b) of the Planning and Development Act 2000 (as amended).

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The first report of the Planning Officer (dated 23<sup>rd</sup> February 2021) includes the following comments;

- The site adjoins Gort Architectural Conservation Area and is in proximity to a number of Protected Structures.
- The Visual Impact Assessment submitted is not representative. Views from the Gort River Walkway have not been considered, nor have plans for its extension.
- The design of the proposal should be reviewed.
- Clarity is required in relation to the number of antennae on the proposed structure.
- Utilities and public service installations are open for consideration on town centre zoned lands.
- Justification as to why the applicant cannot co-locate on an existing structure has not been provided. Detail of the coverage of other providers has not been provided.
- The existing structure was constructed as exempted development. Development Contributions apply in the event of a grant of permission.

Further information recommended.

The second report of the Planning Officer (dated 14<sup>th</sup> December 2021) includes the following comments;

- Justification is proposed for the original design rather than addressing the specific visual impact concerns identified by the Planning Authority.
- It is unclear whether the 9 no. antennae to be accommodated on the structure have been factored into the Visual Impact Assessment.
- The revised Visual Impact Assessment provides limited information, with just one viewpoint along the Gort River Walkway provided.
- Regarding co-location, a willingness to offer co-location to other providers is indicated, however the applicant does not provide a clear assessment of the range of cover of the other operators in the area.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

### 3.2.2. Other Technical Reports

Conservation Officer – initial report seeks a more complete representation of the proposal in terms of the photomontages. Second report notes concerns in relation to increasing the number of masts visible from the Market Square and recommends that permission is refused.

### 3.3. Prescribed Bodies

None received.

### 3.4. Third Party Observations

None received.

## 4.0 Planning History

None.



## 5.0 Policy Context

### 5.1 National Policy

#### 5.1.1 National Planning Framework ‘Project Ireland 2040’:

National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.

#### 5.1.2 Regional, Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES)

The weakness/absence of high-quality telecommunications infrastructure is identified as being an important issue for the region.

#### 5.1.3 National Broadband Plan 2020:

The National Broadband Plan (NBP) is the Government’s initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

#### 5.1.4 Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (Department of the Environment and Local Government):

The Guidelines provide relevant technical information in relation to installations and offer guidance on planning issues so that environmental impact is minimised and a consistent approach is adopted by Planning Authorities. Visual impact is noted as among the most important considerations in assessing applications for telecommunications structures but the Guidelines also note that generally, applicants have limited locational flexibility, given the constraints arising from radio planning parameters. The Guidelines place an emphasis on the principle of co-location.

Section 4.3 ‘Visual Impact’, provides that, *‘only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages. If*

*such 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’.*

Section 4.3 also notes that some masts will remain quite noticeable in spite of the best precautions and that the following considerations may need to be taken into account, specifically, whether a mast terminates a view; whether views of the mast are intermittent and incidental, and the presence of intermediate objects in the wider panorama (buildings, trees etc).

#### **5.1.5 Architectural Heritage Protection – Guidelines for Planning Authorities, 2011**

The Guidelines provide direction in relation to works affecting architectural heritage, specifically Protected Structures and Architectural Conservation Areas. Chapter 13 (Curtilage and Attendant Grounds) is of particular relevance.

#### **5.1.6 Circular Letter PL 03/2018**

Circular Letter PL 03/2018, dated 3<sup>rd</sup> July 2018 provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013, and specifically states that the waiver provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

### **5.2 Development Plan**

5.2.1. The proposed development was considered by the Planning Authority under the Galway County Development Plan 2015-2021 however the Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan.

5.2.2. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- DM Standard 42: Telecommunications Masts

- DM Standard 58: Protected or Proposed Protected Structures

5.2.3. The appeal site is located within an 'Urban Environs Landscape' (see Map 1) for the purpose of landscape type. Urban Areas are described as having a low sensitivity to change. The Slieve Aughty Scenic Route extends from the Market Square in Gort to Portumna.

5.2.4. There is a National Monument (GA 07192 – Castle) located to the south of the appeal site.

5.2.5. There are a number of Protected Structures in the vicinity of the appeal site, the closest of which is Gort Garda Station (RPS No. 3458) and a House (RPS No. 424) to the west of the appeal site. A number of the buildings fronting onto Market Square are also Protected Structures.

### 5.3. **Gort Local Area Plan 2013 – 2023**

5.3.1. The relevant LAP is the Gort Local Area Plan 2013 (extended until 25<sup>th</sup> June 2023). The appeal site is zoned 'C1' Town Centre/Commercial in the Gort Local Area Plan 2013 – 2023. Under the 'C1' zoning, utilities and public service installations are open for consideration.

5.3.2. The provisions of the Gort Local Area Plan 2013 – 2023 relevant to this assessment are as follows:

- Policy UI6 – Energy and Communications
- Objective UI20 – Broadband and Telecommunications
- Objective UD7 – Landscape, Townscape, Views and Prospects

### 5.4. **Natural Heritage Designations**

- Coole – Garryland Complex SAC (Site Code 000252) - c. 1.6 km west.
- Coole – Garryland SPA (Site Code 004107) - c. 1.6 km west.
- Coole – Garryland pNHA (Site Code 000252) - c. 1.6 km west.

## **5.5. EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and therefore is not subject to EIA requirements.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised under the following headings;

#### Need/Justification:

- The Eir exchange at Gort is of critical importance to Vodafone. The proposal is required for Vodafone's transmission links to provide 4G and 5G high speed broadband connectivity for Gort. The majority of Gort and the surrounding area have only 'fair/fringe' coverage.
- The existing telecommunication structure is not capable of supporting new equipment.

#### Alternative Sites/Co-Location:

- The telecommunication structure at the Garda Station is not suitable to co-locate onto. The structure is near maximum stress at its base and in its legs.
- Replacing an existing structure means that there would be no increase in the number of masts in the area.
- The site was selected after analysing the requirements to provide new and improved 3G, 4G and 5G coverage. The site must be located within the cell search area, which in this case is Gort. All attempts were made to utilise existing telecommunication structures. After the mast at the Garda Station, which is not suitable, the next nearest mast is 3 km away, which is too far away to facilitate 4G and 5G technologies.
- A balance is required between planning requirements and the entitlement to modern communications.

#### Design of proposal:

- The height of the proposed structure is required to provide the required level of coverage given the local topography and to facilitate the equipment of providers who are seeking to co-locate onto the proposed structure.
- The existing mast at the Garda Station is c. 35 metres in height. A replacement structure of a lower height would appear awkward to the eye when viewed alongside the Garda Station mast.
- Telecommunication structures at this location are established features of the landscape of Gort.
- The proposal will not significantly affect the character of the townscape. The appeal site is not elevated and is screened by surrounding three storey buildings. The area is urban in nature and urban infrastructure will help to absorb some of the visual impact of the proposal. The proposal is also set back as much as possible within the appeal site.
- The proposal will not adversely affect the Garda Station, a Protected Structure, or Gort Architectural Conservation Area.

#### Compliance with applicable policy:

- The proposed development complies with the land use zoning for the site.
- The proposed development complies with the Report on the Mobile and Broadband Taskforce; Action Plan for Rural Development; and the Telecommunication Guidelines in terms of the facilitation of co-location, and with Circular PL07/12.
- The appeal site is not located within a residential area or next to a school<sup>1</sup>.

## **6.2. Planning Authority Response**

None received.

---

<sup>1</sup> Reference is made to Quigleys Point in the appeal submission. This appears to be a typographical error.

### 6.3. Observations

4 no. observations have been submitted in relation to the appeal. The issues raised in the observations are summarised as follows;

- Concerns in relation to the potential impact of the proposal on existing/planned residential development in the vicinity of the appeal site.
- The proposed structure is lattice in nature, and not monopole as required under the Telecommunication Guidelines. The proposal does not accord with Section 4.2 of the Telecommunication Guidelines. The Guidelines state that only as a last resort should free standing masts be located within or in the immediate surrounds of smaller towns or villages.
- Viewpoints and photomontages in the Visual Impact Assessment are inaccurate. The Visual Impact Assessment does not allow for an adequate assessment of potential impacts. The proposed development will be visually intrusive in the skyline.
- The proposed development would negatively impact the Gort River Walkway, and would not accord with the objectives contained in the Gort LAP in relation to the development of the Gort River Walkway.
- The proposed development would negatively impact tourism within Gort.
- The proposed development would negatively impact Gort Architectural Conservation Area, and Protected Structures in the vicinity.
- No details have been provided in relation to the size of antennae to be attached to the proposed structure.
- Concerns regarding potential health impacts arising from the proposed development. The precautionary principle should be applied and permission refused.
- It is questionable whether the appeal site is Vodafone's only option.
- There has been no consultation in relation to the proposal and documentation in respect of the proposed development has been difficult to find. The planning application was lodged during a period of lockdown and on the lead up to Christmas, potentially limiting public engagement in the planning process.

## 7.0 Assessment

7.1 I consider the main issues in the assessment of this appeal are as follows:

- Technical Justification/Appropriateness of Location.
- Impact on Visual Amenity.
- Impact on Residential Amenity.
- Impact on Built Heritage.
- Other Issues.
- Appropriate Assessment.

### 7.2. Technical Justification/Appropriateness of Location

- 7.2.1. The first party states that the proposed development is required at this location in order to address specific service/coverage deficiencies in Gort and the surrounding area. I have verified the existing level of mobile coverage for this area using ComReg's coverage maps and note that for a number of providers, including Vodafone and Eir, the outskirts of Gort is identified as having 'fair coverage' for 3G and 4G services. According to ComReg's website, in areas with fair coverage, *'fast and reliable data speeds may be attained, but marginal data with drop-outs is possible at weaker signal levels'*. I also note that Vodafone have no 5G coverage in Gort.
- 7.2.2. In terms of the consideration of alternative sites where the first party could co-locate on an existing installation, details of existing telecommunication installations in the wider area were examined as an alternative to the provision of replacement telecommunications structure on the appeal site. The first party has provided details of existing sites/installations in the area for the purpose of co-location. The option of co-locating onto the existing telecommunication mast at the Garda Station was discounted on the basis that it is not structurally capable of accommodating additional operators. Based on the information submitted, the next closest site/installation where co-location would be an option is 3 km from Gort and the first party has discounted this site on the basis of being too far from target area. The applicant contends that the replacement of the existing structure on the appeal site, which is required as the structure cannot accommodate any additional operators, is appropriate and will negate

the requirement for an additional telecommunication structure elsewhere in the area. Having regard to the forgoing, I consider that the applicant has evaluated alternative sites for the purpose of co-locating the structure, that the basis for discounting these sites is reasonable and that the justification for the proposed structure is acceptable.

7.2.3. The Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 provide that *‘only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, and if such location should become necessary, sites already developed for utilities should be considered....masts and antennae should be designed and adapted for the specific location’*, and.... *‘the support structure should be kept to the minimum height consistent with effective operation’*. Regarding the appropriateness of the appeal site for the proposed development, the site is an existing telecommunication compound and as such I consider that the proposal accords with the requirements of the Guidelines in this regard. I also note that the proposal is set back as far as possible within the appeal site from the Market Square. The support structure is of lattice type design and not a monopole structure, as recommended by the Guidelines for sensitive locations. However, I note that the proposed structure is designed to cater for multiple operators and, given the requirement to be of a height to achieve an unimpeded line of sight above the three storey buildings in the area I consider that on balance a lattice design is acceptable in this instance. Should the Board be minded to grant permission for the proposed development I recommend that a planning condition is attached requiring the applicant to facilitate other operators to co-locate onto the structure.

7.2.4. Based on the information submitted, I consider that there is a technical justification for the proposal at this location. I am also satisfied that the appeal site is appropriate for such a development and that the proposed development accords with the provisions of the Galway County Development Plan 2022 – 2028, the Gort LAP 2013 – 2013, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in relation to the location of installations within urban areas.

### 7.3. **Impact on Visual Amenity**

7.3.1. Given the nature of the proposal, and its location, the structure will be visible from some locations within the town and from locations on approach roads. In assessing



the impact of the proposal on the visual amenity of the area it is important to consider the context of the appeal site and the proposal. In this regard I note that the appeal site is located within an urban area where telecommunications and other utility structures are common. The appeal site comprises a telecommunications exchange/compound with an existing telecommunications structure of c. 15 metres in height (19.6 metres when the antennae mounted on top of the structure are taken account of). There is a c. 35 metre high lattice telecommunication structure within the curtilage of the Garda Station which immediately adjoins the appeal site. As such, I consider that telecommunication infrastructure is an established feature of the Gort's landscape.

7.3.2. Photomontages of the proposed development have been submitted. I consider these photomontages to be representative and accurate. In the context of the current proposal I consider that impacts on visual amenity may be considered in terms of impact on the local streetscape and impact on the wider landscape.

7.3.3. In relation to the impact of the proposed development on the streetscape of Gort, I consider the most sensitive areas of the town, as indicated by the concentration of Protected Structures, the extent of the Architectural Conservation Area, and the area of the town where I observed the highest footfall, to be the area in the vicinity of the Market Square. I note that the proposed telecommunication structure will be located in excess of 100 metres from Market Square, and c. 40 metres further east compared to the location of the existing telecommunication structure on the site. The eastern perimeter of Market Square is defined by three storey buildings. The appeal site is located within a high walled compound to the rear/east of these buildings. Based on the photomontages submitted with the planning application and appeal, and on my observations of the area during my site visit, where I was able to estimate the likely visibility of the proposal using the existing Garda Station Mast, which is taller than the proposal and located closer to the Market Square, I note that a significant portion of the proposed telecommunication structure will be screened when viewed from the central part of Market Square. The proposed structure will come into view when viewed from the westmost part of Market Square however this coincides with a more distant view of the structure where it will be experienced in the context of a wider panorama. Whilst views of the proposed structure will be possible from locations north and south

of the centre of Gort, the proposed structure will not terminate views, and given the nature of the intervening urban environment the proposal will be viewed within the context of the panorama of a town centre, which includes buildings of up to three storeys and other vertical structures, including the mast at the Garda Station.

7.3.4. In relation to the landscape impacts arising from the proposed development, I note that the area at Market Square is the start of Slieve Aughty Scenic Route indicated in the Galway County Development Plan 2022 - 2028, which extends to Portumna. A section of this scenic route is located to the south-east of the appeal site, along the R380/Loughrea Road. I have driven along this road and I note that there are intermittent views of the existing Garda Station mast at locations proximate to the town, with the structure disappearing from view the further one travels out/north of Gort. I also note that the locations along the R380 where the existing Garda Station mast is visible there is roadside development, resulting in intermittent views. I would anticipate that intermittent views would also therefore be possible of the proposed structure along this route. In my opinion, when the proposed structure is viewed from the R380 at locations close to Gort, the proposal would not have a significant negative impact on the scenic qualities of this route.

7.3.5. Concerns are raised in relation to the potential impact of the proposed development on the visual amenity of areas along Gort River, and associated walkway, and in relation to the skyline in general. I note that Objective UD7 of the Gort LAP seeks to 'ensure that new developments are responsive to the high and special sensitivity of the Cannahowna/Gort River and surrounds'. I note that the landscape character of the lands in this immediate area is 'Urban Environs Landscape' and 'Central Galway Complex Landscape' further east. Both of these landscape character types have a low sensitivity. The Gort River is largely located to the rear/east of the centre of Gort, and as such the most prevalent views from the river and the walkway are the rear of buildings. Noting the views available at this part of Gort, and in the context of the wider panorama at this location, I do not consider that the proposed development would have a significant negative impact on the amenity of the walkway along Gort River. Additionally, I note that users of this area currently experience the existing telecommunication masts which are an established feature of this part of Gort.

7.3.6. In summation, having regard to the developed nature, and urban landscape of the area in the vicinity of the appeal site, the low landscape sensitivity of the centre of Gort and its environs, the degree to which the proposed structure is set back behind Market Square, the screening afforded by the three storey buildings within Market Square, and to the existing pattern of development at this location where telecommunication structure are an established feature in the landscape, I do not consider that the proposed development would represent a discordant feature at this location of Gort, nor do I consider that the proposal would have a significant negative impact on the visual amenities of the area such to warrant a refusal of permission.

#### **7.4. Impact on Residential Amenity**

7.4.1. The appeal site does not immediately adjoin any existing or planned residence, and given the distance between the site of the proposed structure and the closest dwelling, at c. 70 metres, I do not consider that there would be any significant overbearing or visual intrusion arising from the proposed development and I am satisfied that the proposed development would not result in significant negative impacts on the amenity of residential property in the vicinity of the appeal site.

#### **7.5. Impact on Built Heritage**

7.5.1. Concerns are raised by the Planning Authority and observers to the appeal in relation to the potential impact of the proposed development on the built heritage of Gort. I note that the appeal site is bound by, but is not located within Gort Architectural Conservation Area, and is proximate to a number of Protected Structures.

7.5.2. I note the character statement for Gort ACA, in particular that the principal significance of Gort lies in the arrangement of its street pattern, plot sizes, architectural coherence, distinctive landmark buildings, and its countryside setting. In my opinion, the proposal will not affect the defining characterises of Gort ACA, and given the location of the appeal site to the rear of the main area of the ACA, I do not consider any significant negative impacts on landmark buildings or the architectural coherence of buildings within the ACA. The existing telecommunication structure on the site and the structure on the adjoining site have contributed to the established character of the area over

time, including the ACA and I do not consider that the proposed development would significantly affect the character of Gort ACA when considered in the context of the existing situation.

7.5.3. In relation to Protected Structures, I note the requirements of DM Standard 58 of the Galway County Development Plan 2022 – 2028, in relation to development adjoining Protected Structures, specifically the requirement to avoid adverse impacts on the character or integrity of Protected Structure, or views to and from Protected Structures. The closest Protected Structure to the appeal site is the Garda Station to the south. Noting the existing telecommunication structure within the curtilage of the Garda Station, I do not consider that the proposed development would have a significant adverse impact on the character or integrity of this Protected Structure. The appeal site is located to the rear of Market Square where there is a concentration of Protected Structures. I also note the Protected Structure to the west of the appeal site. The proposed structure will be located within an existing telecommunication compound and will not be sited directly adjacent to a Protected Structure, nor in my opinion will the proposed structure affect views of a Protected Structure. Given the established character of the area, where there are two existing telecommunication structures, and notwithstanding the proposed increase in the height of the proposed structure compared to the height of the structure which currently exists on the appeal site, I do not consider that the proposed development would result in significant negative impact on the character or setting of any Protected Structures in the vicinity.

7.5.4. Noting the distance between the appeal site and National Monuments in the vicinity of the appeal site, with the closest (GA 07192 – Castle) being c. 50 metres from the appeal site, I do not consider that the proposed development would result in any significant negative impacts on National Monuments in the area.

## **7.6. Other Issues**

7.6.1. The issue of the health impacts of the proposed development was raised in observations submitted. In respect of issues concerning health and telecommunications structures, Circular Letter: PL 07/12 states that, 'Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety

matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'. Accordingly, I consider that this issue is outside the scope of this appeal.

- 7.6.2. Regarding development contributions, I note that the report of Galway County Council refers to the proposal attracting the payment of a development contribution. The Development Contribution, Guidelines for Planning Authorities, published in 2013 by the then Department of Environment, Community and Local Government, as updated by Circular Letter 03/2018, provides that planning authorities are required to include waivers for broadband infrastructure and mobile services in their development contribution schemes so as to contribute to the promotion of, economic activity. I note that the Galway County Council Development Contribution Scheme 2016 provides that development contributions apply in cases of a first permission for telecommunication masts and also provides an exemption for broadband development (antennae and masts) associated with the rollout of the National Broadband Plan. The proposed development will facilitate broadband provision and I note that Gort is included in the National Broadband Plan. Having regard to the forgoing, I do not consider that the proposed development should attract a development contribution.

## **7.7. Appropriate Assessment**

- 7.7.1. Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

## **8.0 Recommendation**

- 8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

## 9.0 Reasons and Considerations

### 9.1 Having regard to:

- (a) 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,
- (b) The Galway County Development Plan 2022 – 2028,
- (c) The Gort Local Area Plan 2013 – 2023,
- (d) The low landscape sensitivity of the area,
- (e) The nature and scale of the proposed telecommunication structure,
- (f) The existing use of the site, and the pattern of development in the area,
- (g) The demonstrated need for the telecommunications infrastructure at this location,

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. 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, 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
----	--

	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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.</p> <p><b>Reason:</b> 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.</p>
3.	<p>Within six months of the cessation of the use of the telecommunications structure, all structures shall be removed from the site, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the Planning Authority as soon as practicable.</p> <p><b>Reason:</b> In the interest of protecting the landscape.</p>
4.	<p>Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
5.	<p>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.</p> <p><b>Reason:</b> In the interest of public safety</p>
6.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation</p>

	<p>from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
--	--

---

Ian Campbell  
Planning Inspector

23<sup>rd</sup> September 2022