



An
Bord
Pleanála

Inspector's Report

ABP-314308-22

Development

Permission for the replacement of a 12 metre high wooden pole with an 18 metre high telecommunications monopole, together with antennas, dishes and associated telecommunications equipment.

Location

Foals or Levallynearl, Aughrim, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

22649

Applicant(s)

Eircom Ltd. (t/a Eir)

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant

Eircom Ltd. (t/a Eir)

Observer(s)

Kevin & Ann Ryan

John Burke

John Burke Snr. & Others

Date of Site Inspection

7th February 2023

Inspector

Ian Campbell

DECISION QUASHED

1.0 Site Location and Description

- 1.1. The appeal site is located in the centre of Aughrim, Co. Galway (in the townland of Foats or Levallynearl). The appeal site has a stated area of 0.0215 ha (215 sqm) and is located on the eastern side of the main street within the village.
- 1.2. The appeal site accommodates a telecommunications compound and is bound by a low stone wall to the front/west, a c. 1.2 metre high block wall to the side/south and a wire fence to the side/north. The appeal site accommodates 2 no. wooden telecommunications structures, with respective heights of 10 and 12 metres and an exchange building.
- 1.3. There is a detached bungalow to the immediate south of the appeal site and a single storey health centre to the immediate north. A number of detached dwellings are situated to the north-east along a laneway which connects to Glebe National School. A appeal site is bound to the east by a shed structure which is located within the curtilage of an adjoining property. A playground is located opposite/west of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - The removal of an existing 12 metre high wooden telecommunications pole;
 - The construction/erection of an 18 metre high telecommunication structure (monopole structure). A 1.5 metre high lightning finial is attached to the top of the monopole. The proposal also includes;
 - Antennas, dishes, associated equipment;
 - Ground cabinets;
 - 2.4 metre high palisade fencing (green colour) enclosing the telecommunication structure and cabinets.
- 2.2. The planning application is accompanied by a cover letter outlining the technical justification for the proposal, specifically that;

- The existing infrastructure is no longer capable of accommodating Eir's coverage requirements and new telecommunications infrastructure is required.
- The proposed installation is required to address substandard coverage in Aughrim, the surrounding area, including a section of the M6. Current customer demand is not being met and upgraded infrastructure is required to rectify this.
- Aughrim has deficient 4G coverage, with its centre identified as having 'fringe' 4G coverage on ComReg's coverage maps. The area around the M6 experiences 'fair' coverage. The proposal will also facilitate 5G service.
- The proposed structure will accommodate Eir and Vodafone.
- Failure to secure permission for the proposal would result in enduring negative effects on local phone and broadband service provision.
- Eir currently transmit from the existing telecommunication installations in the wider area, Knockroe c. 3km north of the application site and Doocreggaun c. 0.9 km south of the application site, and as such the application site is the only realistic site available.
- Utilising the existing exchange site allows for the use of existing utilities and underground links, and mitigates the need for additional structures in the area. The site is the optimal location to roll out improved services and the proposal represents the minimum height for 3G and 4G propagation.
- The proposal will have minimal impact on the surrounding area, being located within an existing telecommunication compound.
- The proposed development accords with Development Plan policy, and also with the NDP 2020 – 2040; National Broadband Plan 2012; and Our Rural Future – Rural Development Policy 2021-2025.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 13th July 2022 for 1 no. reason which can be summarised as follows;

The proposal is located in close proximity to existing residential properties, and notwithstanding its location within an existing Eir Exchange compound, would be contrary to policy objectives ICT3, ICT6 and DM Standard 42 of the Galway County Development Plan 2022-2028. The proposed development would be a visually obtrusive feature and would seriously injure the amenities of the area and the value of property in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments.

- The site is visible from a number of vantage points.
- The Planning Authority do not consider the site suitable for the proposal, are not satisfied with the technical justification provided, and consider that there may be more appropriate locations for the proposal in the area.
- DM standard 42 (b) requires that base stations and masts are located away from residences and schools. The surrounding area is an established village. There is a school 154 metres from the subject site, and houses adjacent to the site.
- The proposal will have an adverse effect on the amenity of the area, would be visually obtrusive, overbearing, and would seriously injure the amenities of the area, and property in the vicinity.

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

None referenced in report of the Planning Officer.

3.3. Prescribed Bodies

None referenced in report of the Planning Officer.

3.4. Third Party Observations

The Planning Officer's report refers to 2 no. submissions/observations having been received in relation to the planning application, one of which is accompanied by a petition. The report of the Planning Officer provides a summary of the main issues raised in the third-party observations, which are as follows;

- Health impacts.
- Visual impact concerns.
- Proximity of site to schools, residences, churches, shops, and playgrounds.
- Proposal is incompatible with the historical setting of the village.
- More suitable sites available for proposed development.

4.0 Planning History

Appeal Site

None.

DECISION QUASHED

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 (see page 232 RSES).

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 states, 'only as a last resort, and if the alternatives 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 structures 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 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 Circular Letter PL 03/2018

Circular Letter PL 03/2018, dated 3rd 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.

5.1.6 Circular Letter PL 07/12

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the 1996 Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It advises Planning Authorities to:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Reiterates advise not to include monitoring arrangements on health and safety or to determine planning applications on health grounds;
- Future development contribution schemes to include waivers for broadband infrastructure provision.

5.2 Development Plan

5.2.1. The Galway County Development Plan 2022-2028 is the relevant development plan.

5.2.2. The appeal site is not subject to any specific land use zoning. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- Policy Objective ICT1 : ICT Infrastructure
- Policy Objective ICT2: National Broadband Plan
- Policy Objective ICT3: Telecommunications Antennae and Support Structures

- Policy Objective ICT4: Co-location of Antennae
- Policy Objective ICT5: Siting and Design of Telecommunications Infrastructure
- Policy Objective ICT6: Visual Impact and Antenna Support Structures
- DM Standard 42: Telecommunications Masts

5.2.3. The appeal site is located within the 'Central Galway Complex Landscape' (see Map 1 of Landscape Character Assessment, Appendix 4 of Galway County Development Plan 2022-2028) for the purpose of landscape type. The 'Central Galway Complex Landscape' (see Map 6) is described as having a 'low' sensitivity. There are no scenic routes in the vicinity of the appeal site. Protected View 43, of Aughrim Church spire (see Map 8 – Appendix 4 of the Galway County Development Plan 2022-2028), is within the vicinity of the appeal site.

5.3. Natural Heritage Designations

The appeal site is not located within or close to any European Site.

5.4. 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;

Visual Impact

- Telecommunication use is an established and accepted use on the site. The existing structure is no longer adequate and must be replaced, with an increase in height, which will also facilitate additional users/co-location. The height of the structure is at the lower end of telecommunication infrastructure.

- Some visual impact from the proposal will occur but views of the structure will be intermittent and will be within a context where there are other vertical structures such as the 10 metre high wooden pole and streetlighting. The proposal will not seriously injure the visual amenities of the area.
- The proposed structure is intended to serve Aughrim and therefore must be located in the vicinity of the village. The surrounding environment assists with screening the proposal. Landscaping is proposed along the front/western boundary of the site.
- The proposal has regard to relevant national and local planning policy, specifically, it is the minimal height necessary to ensure coverage is replacing existing infrastructure and is monopole design.
- Should the Board consider it acceptable, the 10 metre wooden telecommunication structure, which carries antenna for the emergency services, could be removed, and its equipment accommodated on the proposed structure. This would increase the height of the structure however. Also, the proposed structure could be painted a dark colour, to present a more familiar structure in the streetscape.

Site Suitability

- The site's existing use as a utility compound make it suitable for the proposal.
- Circular Letter PL07/12 states that Planning Authorities should not include separation distances from telecommunications structures as this can inadvertently have a major impact on the roll out of the telecommunication network. National Guidance for telecommunications provides no restrictions in relation to distances between telecommunications structures and dwellings. The presence of dwellings and community uses justifies telecommunication structures as there will be an increase in the demand for the service.
- The proposal is the most appropriate location as it entails the replacement of an existing structure, is located at an established telecommunications site, which is advocated by the Telecommunication Guidelines 1996, facilitates co-location and reduces the potential number of free-standing structures in the area.

Co-location

- It is national policy to facilitate co-location. The increase in the height of the structure provides opportunities for co-location. The Galway County Development Plan 2022-2028 also encourage co-location.

Property Values

- It would be impossible to provide coverage to towns, villages and residential areas without locating infrastructure in proximity to residential development towns and villages. An Bord Pleanála have previously determined that there is no evidence that development of this nature impacts the value of property.

Proximity to Residential Area

- Circular Letter PL07/12, which modified the 'Telecommunication Antennae and Support Structures – Guidelines for Planning Authorities' 1996, advises against the inclusion of minimum separation distances between telecommunications structures and dwellings as this can inadvertently have a major impact on the roll out of the telecommunication network, and given the dispersed nature of population within Ireland it would be impossible to provide telecommunication infrastructure without locating such infrastructure in proximity to dwellings, towns and villages.
- The proposed development will ensure continued network coverage in the area.

Planning Precedent

- Telecommunications structures of a similar height and design are not uncommon for utility providers, including at locations in proximity to towns, village and residential areas. A list of decisions relating to decisions for telecommunication structures is provided, including instances where An Bord Pleanála have permitted such development.

A letter of support from Tetra Ireland Communications Ltd. accompanies the appeal submission.

6.2. Planning Authority Response

None received.

6.3. Observations

The following observations were received in respect of the appeal.

Kevin & Ann Ryan

- Health concern's in relation to 5G EMF radiation. Eir have not undertaken a risk assessment for radiation emissions.
- The proposal is in proximity to schools, a pre-school, Brothers of Charity residence, a nursing home, shops, a park, playground and a health centre.
- The proposal would be visually intrusive, overbearing and would devalue property.

John Burke (includes signed petition)

- Permission has been refused by Galway County Council with regard to the location of the proposal in proximity to residences, its design and overbearing nature.
- The proposal will be visually obtrusive, and would seriously injure the historic village setting, and devalue property in the vicinity.
- Health concern's in relation to 5G EMF radiation. Eir have not undertaken a risk assessment for radiation emissions, noise, and insurance against health liability.
- The proposal is in proximity to residences, schools, pre-school, Brothers of Charity residence, a nursing home, shops, a park, playground, health centre, a visitor centre, public houses, restaurants, a hostel, village hall and GAA pitch.
- There are more suitable locations for the proposal, including less than 1 mile from the site.

John Burke Snr. & Others (includes signed petition)

- Health concern's in relation to 5G EMF radiation. Eir have not undertaken a risk assessment for radiation emissions, noise, and insurance against health liability.

- The proposal is in proximity to residences, schools, pre-school, Brothers of Charity residence, a nursing home, shops, a park, playground, health centre, a visitor centre, public houses, restaurants, a hostel, village hall and GAA pitch.
- The proposal will be obtrusive within a small village. The proposal would not be compatible with the historic village setting. No AHIA was undertaken.
- There are more suitable locations for the proposal, including at Curragh, Aughrim.
- The proposal is contrary to the Galway County Development Plan 2022-2028, in particular Policy Objective ICT3, ICT6 and DM Standard 42.
- The proposal should be located away from residences.

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.
- Other Issues.
- Appropriate Assessment.

7.2. Technical Justification/Appropriateness of Location

7.2.1. The first party states in the information submitted with the planning application that the existing infrastructure on the appeal site is no longer capable of accommodating Eir's coverage requirements, and that the proposed development is required at this location in order to address specific service/coverage deficiencies in Aughrim, and the surrounding area. The first party has submitted a ComReg coverage map indicating that Eir has 'fringe' 4G coverage in Aughrim. I have consulted ComReg's coverage maps and note that Aughrim is identified as having 'good coverage' for Eir's 4G services and 'fair' 5G coverage for the village. According to ComReg's website, areas with 'good' 4G coverage 'experience strong signal with good data speeds' whilst areas with 'fair' coverage experience 'fast and reliable data speeds, but marginal data with drop-outs is possible at weaker signal levels'. Notwithstanding the discrepancy

between the reference to 'fringe' and 'good' 4G coverage within Aughrim, noting that the proposal is also intended to provide 5G coverage, which I note is indicated on ComReg's coverage maps as 'fair', with likely improvements to 4G coverage also, I am satisfied that the proposal will improve service provision in Aughrim and the surrounding area and on this basis I consider that the proposal is therefore justified.

7.2.2. In terms of the consideration of alternative sites, I note that Eir already operate from the two closest installations in the vicinity, and as such I agree with the first party that the upgrade of existing infrastructure is appropriate and that the basis for proposing a replacement structure on the appeal site is therefore justified.

7.2.3. Regarding the appropriateness of the appeal site for the proposed development, paragraph 4.3 of 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 and 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'*. The Guidelines also state, *'only as a last resort, and if alternatives 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 structures 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'*. The site is an existing telecommunication compound and in my opinion has the capacity to absorb the proposal. Furthermore, I note that the design of the support structure is a monopole structure, as recommended by the Guidelines for sensitive locations. I also note that the height of the proposed structure allows for other providers to co-locate onto the structure. On this basis I consider the appeal site to be appropriate for the proposed development of a telecommunication 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 – 2028¹, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities in relation to the location of installations.

7.3. Impact on Visual Amenity

- 7.3.1. The appeal site is located within the 'Central Galway Complex Landscape' for the purpose of landscape type. The 'Central Galway Complex Landscape' is described as containing *'the majority of the county's population with associated high levels of urban generated rural housing, roads and settlements. These range from large to small settlements with associated infrastructure, services and commercial activity'*. Regarding significance, many areas within the 'Central Galway Complex Landscape' are described as having local sensitivities, often on account of local amenities or historic sites. The 'Central Galway Complex Landscape' landscape character area is described as having a 'low' sensitivity.
- 7.3.2. The appeal site is located within a village where telecommunications and other utility structures are common. The appeal site accommodates an existing telecommunications compound with a utility building and 2 no. wooden telecommunications poles with respective heights of 10 and 12 metres. As such, telecommunications infrastructure at this location is an established feature of the village's landscape. Based on my site inspection I consider that the proposal will be intermittently visible in the surrounding landscape from a number of locations, however the proposed structure does not terminate any view and will be perceived within a wider context which includes buildings up to two storeys and telephone/electricity poles. As such, I do not consider that the proposed structure would dominate or be intrusive within the landscape at this location. Noting the established use of the compound and the existing telecommunication structures on the appeal site, I do not consider that the proposed structure would represent a discordant feature at this location, and having regard to the developed nature of the landscape in the vicinity of the appeal site, and to the design of the proposed structure, comprising a monopole,

¹ Compliance with Development Plan policy in respect of the location of telecommunication structures is further addressed at paragraph 7.4.

I am of the view that the proposal would not be incongruous within the immediate landscape and I consider that the overall visual impact of the proposal would be satisfactory in the context of the visual amenities of the area.

7.3.3. There are no scenic routes in the vicinity of the appeal site. Protected View 43, of Aughrim Church spire (see Map 8 – Appendix 4 of the Galway County Development Plan 2022-2028) is within the vicinity of the appeal site. The arc/origin of this view point is located north of the appeal site and I am satisfied that the proposed development does not impact the view of the spire of Aughrim Church from the location as indicated in the Development Plan.

7.3.4. The proposal comprises a monopole structure with a height of 18 metres (or 19.5 metres when the finial is considered). The first party has stated that it is amenable to permitting other operators to co-locate on the structure and I note that the height of the structure, at 18 metres, will facilitate co-location with other operators, thereby avoiding the need for other antennae in the area. 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.

7.4. Impact on Residential Amenity

7.4.1. The Planning Authority cite proximity to the residences as one of principle reasons for refusing permission for the proposed development. Observers to the appeal also raise concerns in respect of potential impacts on residential amenity as a result of the proposed structure being located in proximity to adjacent dwellings.

7.4.2. DM Standard 42 (b) of the Galway County Development Plan 2022 – 2028 states that *'masts and base stations should be located away from existing residences and schools'*. In accordance with the guidance set out under Circular PL07/12, DM Standard 42 does not refer to a minimum separation distance between telecommunications structures and residences. I note the separation distance between the proposed structure and the dwelling to the south at c. 16 metres, and the dwelling to the east at c. 20 metres. The proposed structure is not positioned forward of the front wall of either of the adjoining dwellings. I am satisfied that the separation

distances between the proposed structure and the dwelling to the immediate south and east, and also to dwellings in the vicinity, to be adequate to ensure that there would be no significant overbearing or visual intrusion arising from the proposed development. Having regard to the forgoing, I am satisfied that the proposed development would not result in significant negative impacts on the amenity of residential property adjoining the appeal site, or in the vicinity of the appeal site, and that the proposed development accords with DM Standard 42 of the Galway County Development Plan 2022-2028.

7.5. Other Issues

Health

- 7.5.1. The issue of the health impacts of the proposed development was raised in observations to this appeal. 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.

Suggested Amendments

- 7.5.2. The first party suggests that the existing 10 metre high pole on the appeal site could be removed, and that the proposed new monopole could accommodate its antenna, which would result in an increase in the height of the proposed monopole. In my opinion this proposal would be materially different compared to the current proposal and as such I do not recommend that the Board consider it.

Development Contributions

- 7.5.3. 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 (masts and antennae) in their development contribution schemes so as to contribute to the promotion of economic activity. Additionally, Part 4 of the adopted Galway County Council Development Contribution Scheme (as revised 1st August 2019) states that 'no development contribution levies shall be payable for development (antennae and masts) associated with the roll out of the National Broadband Plan across the County'. Having regard to the forgoing, should the Board be minded to grant permission for the proposed development, I do not consider it necessary to attach a condition requiring the payment of a development contribution in respect of the proposed development.

Devaluation

- 7.5.4. I note that the issue of the devaluation of properties in the vicinity was raised in observations to this appeal. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Proximity to School

- 7.5.5. DM Standard 42 (b) of the Galway County Development Plan 2022 – 2028 states that '*masts and base stations should be located away from existing residences and schools*'. The proposed development will be located in excess of 130 metres from a school (Glebe National School) and having regard to nature and extent of the proposed development and the separation distance concerned, I am satisfied that the proposed development will not have any significant adverse effects on the school, and that the proposed development accords with DM Standard 42 of the Galway County Development Plan 2022-2028, specifically in relation to the location of the proposed development relative to Glebe National School.

Screening/Trees

- 7.5.6. Supplementary screening is proposed along the front/western boundary of the appeal site. In my opinion this would assist with screening the base of the proposed structure

and the security fencing. Should the Board be minded to grant permission for the proposed development I recommend that details of this screening should be agreed with the Planning Authority.

7.5.7. Impact on adjoining Health Centre

The proposed structure will be located c. 9 metres from the adjoining health centre. Having regard to position of the proposed structure, which is to the rear of the health centre, and to the separation distance concerned, I am satisfied that the proposed development will not have any significant adverse effects on the health centre.

7.6. **Appropriate Assessment**

- 7.6.1. 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**

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 low landscape sensitivity of the area,

- (d) The distance between the proposed telecommunications structure and sensitive receptors, including residential development, the adjoining health centre and Glebe National School,
- (e) The nature and scale of the proposed telecommunication structure,
- (f) The demonstrated need for the telecommunications infrastructure at this location,
- (g) Circular Letter PL 03/2018,

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, would not have a significant impact on ecology or on European sites in the vicinity, 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.	<p>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.</p> <p>Reason: 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>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.</p>

3.	<p>Within six months of the cessation of the use of the telecommunications structure, all structures permitted under this permission 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>Reason: In the interest of protecting the landscape.</p>
4.	<p>The 12 metre high wooden pole shall be removed from the site within 6 months of the new monopole becoming operational.</p> <p>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.</p>
5.	<p>Prior to commencement of development, details of tree planting along the front/western boundary of the site, shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<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>Reason: In the interest of the visual amenities of the area.</p>
7.	<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>Reason: In the interest of public safety.</p>
8.	<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>Reason: In the interest of the visual amenities of the area.</p>
9.	<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>

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Ian Campbell
Planning Inspector

31st May 2023

DECISION QUASHED

DECISION QUASHED