



An  
Bord  
Pleanála

## Inspector's Report ABP-315529-23

<b>Development</b>	Erection of a 36m high lattice support structure carrying antennas and dishes.		
<b>Location</b>	Seefin, Craughwell, Co. Galway.		
<b>Planning Authority Ref.</b>	2261021.		
<b>Applicant(s)</b>	Hibernian Cellular Networks Ltd.		
<b>Type of Application</b>	Permission.	<b>PA Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.	<b>Appellant</b>	Ruth Hegarty.
<b>Observer(s)</b>	John and Marion Keating, Geraldine Donohue.		
<b>Date of Site Inspection</b>	12 August 2023	<b>Inspector</b>	Stephen Rhys Thomas

**1. Site Location/ and Description.** The site is located in the townland of Seefin, south east of Craughwell, a large village in east County Galway. The site lies adjacent to a water services installation and shares a vehicular entrance from a minor country road. The surrounding agricultural landscape is broadly flat with a mature tree plantation to the south east of the site. The site is situated at a high point in the landscape. There are numerous detached houses all along the public road to the east and west. The site comprises an access route, a 12 metre by 12 metre compound in which the 36 metre high lattice framed mast and associated equipment cabinets will be accommodated. The tree plantation to the south of the

site comprises semi mature conifers with a belt of Ash trees, the Ash are in poor condition.

**2. Proposed development.** The erection of a 36m high lattice support structure carrying antennas and dishes, together with a fenced compound and associated equipment cabinets.

**3. PA's Decision:**

The planning authority issued a notification to grant permission subject to 10 conditions, all of standard or technical nature.

Planners Report: The Galway County Development Plan supports the provision of communication Infrastructure (Objective ICT3). The technical justification for the infrastructure is acceptable. The landscape sensitivity of the area is Class 1 (low) and archaeological monitoring is recommended. 32 submissions received; issues include those highlighted in the grounds of appeal.

Technical Reports: None

Prescribed Bodies: DAU, archaeological monitoring recommended.

**4. Planning History.** None.

**5.1. National/Regional/Local Planning Policy**

- Galway County Development Plan 2022-2028 was adopted by the PA on 9 may 2022. The overarching national framework is the National Planning Framework with three Regional Spatial and Economic Strategies providing for the implementation and delivery of the NPF. The county forms part of the North West Region and the RSES and includes a Galway Metropolitan Area Strategic Plan. The Development Plan has considered this policy framework and it has been set out in accordance therewith, specifically Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities 1996, and the National Landscape Strategy for Ireland 2015-2025.

*The site is located in the GCTPS.*

*ICT 3 Telecommunications Antennae and Support Structures*

*ICT 4 Co-location of antennae*

*ICT 5 Siting and Design of Telecommunications Infrastructure*

*ICT 6 Visual Impact and Antennae Support Structures*

*Chapter 8 Tourism and Landscape, LCM 1 and 2*

*DM Standard 42: Telecommunications Masts*

*DM Standard 46: Compliance with Landscape Sensitivity Designations:*

- Circular PL03/2018 Revision of Development Contribution Guidelines - This circular letter, PL03/2018 was published by the Department of Housing Planning and Local Government on the 3rd day of July 2018 and sets out that waivers for broadband infrastructure shall be extended to include mobile phone infrastructure. The following is specifically set out “Where mobile or broadband operators demonstrate to the satisfaction of the Planning Authority that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service, such infrastructure shall not attract development contributions. Furthermore, the waiver applies to masts, antennae, dishes and other apparatus, or equivalent being installed for such communications purposes”.
- **National Planning Framework ‘Project Ireland 2040:** National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.
- **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.

## **5.2 Natural Heritage Designations**

- There are no natural heritage designations, in the vicinity.

## **6. The Appeal**

### **6.1 Third Party Appeal.**

- Amenity Impact – there are existing houses and sites with planning permission in the vicinity of the site, the character of the residential area will be impacted upon.
- Archaeology and Heritage – the area is known as the hill of Seefin, the hanging place of Anthony Daly, the monument is located across the road. The mast will impact views from the monument. An archaeological monument is located at this point in the landscape. A Landscape Sensitivity Assessment has not been produced and the development will impact landscape and heritage.

- Visual Amenity – the woodland to the south of the site will not provide a backdrop to screen the mast, the mast will impact upon views.
- Lack of Drawings – the drawings submitted with the application do not detail context of the site, no photomontages have been submitted and no attempt is made to camouflage the structures on the site.
- Lack of Justification – the mast is unnecessary at this location, underground fibre cabling is available and other masts have been erected in the wider area, with 20 locations listed in a 10km radius. The development will contravene the National Landscape Strategy for Ireland 2015-2025.

The grounds of appeal refer to amenity impact, archaeology/heritage, visual amenity, a lack of drawings, the lack of justification and the appeal is accompanied by photographs and maps.

**6.2 P.A. Response:** None.

**6.3 Applicant Response:** a greenfield site, no residential units nearby and residential amenity will not be impacted upon, the development will not impact upon either archaeology or heritage, there will be no adverse visual impact, justification has been provided and the applicant references the Planners Report to support their comments.

**6.4 Observer:** Issues raised are similar to those highlighted in the grounds of appeal.

**7. EIA Screening** – Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the PDR's, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

**8. AA Screening** - Having regard to the modest nature and scale of development, location in an a rural area and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **2.0 Assessment**

2.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Residential Amenity
- Archaeology and Heritage
- Visual Amenity
- Drawings
- Justification

### **2.2. Residential Amenity**

2.2.1. The appellant and observers are concerned that the residential amenities associated with other houses and sites with planning permission in the area will be adversely affected by the proposed mast. The character of the entire residential area will be impacted upon too. The planning authority have not outlined any planning history associated with the site. However, the appellant has listed out recent planning permissions for a house, an extension and a garage in the area.

2.2.2. At present the area is characterised by numerous houses that align the narrow country road, the appellant refers to the character as a rural setting with ribbon density and I agree. The immediate vicinity of the site is defined by two elements, the Uisce Éireann installation and a maturing conifer plantation. The nearest houses are located 80 metres to the south west beyond a number of large water tanks and 70 metres to the north along the country road. I am satisfied that these separation distances are significant and adequate for the purpose of preserving existing residential amenities. The proposed mast will be located adjacent to an existing Uisce Éireann public utility compound comprising several above ground water tanks and service buildings. From my observations of the site and the immediate surrounds confirm that this location is characterised by public service utilities and the proposed mast will add to such uses. The proposed development will not result in any adverse impacts from overlooking, overshadowing, or overbearing appearance insofar as the proposal is for a telecoms mast that would not result in any of the standard elements that would traditionally impact upon residential amenity. Any

proposed mast must comply with standard operating parameters and so there are no issues associated with human health. Should permission be granted an appropriately worded condition with respect to the construction phase should be attached to ensure safe access and egress from the site and preserve residential amenity for residents along the road in the area.

### **2.3. Archaeology and Heritage**

- 2.3.1. Concerns are raised by the appellant that the location of a mast so close to known archaeology and the Anthony Daly monument will adversely impact upon these important heritage features. A Landscape Sensitivity Assessment has not been produced and the appellant is concerned that the development will impact upon the landscape and heritage in this area. The planning authority are not concerned about the interaction of the proposed mast and nearby archaeological and heritage items.
- 2.3.2. I note that Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage made a submission in relation to the development proposal and condition 2 of the planning authority's order sets out the DAU's requirements with regards to archaeology. A similar condition should be attached in the event of a grant of permission.
- 2.3.3. With reference to the Anthony Daly monument, I note that this structure is not listed on the county's Record of Protected Structures (RPS), nor is it listed in the National Inventory of Architectural Heritage for County Galway. The Anthony Daly monument is a self contained structure amidst the above ground remains of a ringfort at this location. The monument includes a pathway and stile to the public road, the location of the proposed mast is 75 metres to the south east of the monument. I do not anticipate any undue impacts to the proposed monument during construction or as a result of the mast when complete. I have assessed visual impacts under section 2.4 of my report and I am satisfied that the setting and context of the monument and the panoramic views that it affords will not be unduly impacted upon by the development as proposed.
- 2.3.4. Due to the public services character of the area and the separation distances involved, I am satisfied that the known archaeology and heritage of the area will not be adversely impacted upon by the development as proposed.

### **2.4. Visual Amenity**

- 2.4.1. The mast is located on high ground adjacent to a water services compound that contains above ground tanks and service buildings. A semi mature conifer plantation is located to the south of the site. The appellant and observers are concerned that given the scale and design of the mast, at 36 metres in height, the forestry plantation will provide very little screening. In addition, the hill top location for the mast will impact the wider landscape and views that can be had from the hill. Finally, concerns are expressed that the development will go against the National Landscape Strategy for Ireland 2015-2025. In this respect I note that the current development plan was written in the context of National Landscape Strategy for Ireland 2015-2025 and states that Chapter 8 Tourism and Landscape and the Landscape Character Assessment has taken cognisance of the National Landscape Strategy for Ireland 2015-2025 which recognises the importance of landscape protection and its interconnectivity with biodiversity and climate change. There are numerous policies and objectives to protect and preserve the landscape of County Galway and I specifically note that the landscape classification of the surrounding area is 'low sensitivity'.
- 2.4.2. Photomontages, computer generated images and contextual elevations may have helped to further inform the public. However, I note that the site is not located in a protected landscape area, it is situated on a hilltop in the Central Galway Complex and this is classified with a 'low' sensitivity, maps 8.1 and 8.2 of the county development plan refer. As such I would not expect to see any greater level of detail than that already submitted. The planning authority did not raise any concerns with regard to the visual impact of the proposed mast at this location.
- 2.4.3. From my observations of the site and its surrounds, the hilltop location does command views across the relatively flat agricultural landscape in the vicinity. In terms of the mast being visible from the plains below, this is unlikely give the lattice frame design, the maturing conifer plantation to the south and the large holding tanks to the west. As for the mast interrupting views from the hilltop and especially the platform of the Anthony Daly monument, I do not anticipate that this will be an issue. The panoramic views currently afforded from the monument to the west, north and east will remain uninterrupted. The views from the monument to the south are already interrupted by slightly rising ground, the Uisce Éireann tank farm and a maturing conifer plantation, the addition of a mast to the south of the Anthony Daly monument will not impact the views as they current exist.

- 2.4.4. The support structure is of lattice type design and not a monopole structure, as recommended by the Guidelines for sensitive locations. The site and the surrounding countryside is not designated in the development plan as a sensitive landscape. In addition, I note that the proposed structure is designed to cater for multiple operators and, given the requirement to be of a height to achieve unimpeded lines of sight above 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.
- 2.4.5. I am satisfied that the visual amenities currently provided in the vicinity of the proposed mast will not be adversely impacted upon. The current development plan outlines objectives in relation to the sensitive siting of telecoms infrastructure, ICT 5 and 6 refer. Given the design and 36 metre height of the proposed mast, the maturing conifer plantation to the south, the existing Uisce Éireann water infrastructure compound and the nature and ability of the low sensitivity surrounding landscape to absorb certain types of development, I anticipate no adverse visual impacts from development as proposed.

## **2.5. Drawings**

- 2.5.1. The appellant is critical of the drawings that have been submitted with the application, insofar as there are no contextual views that show development in the area. No photomontages have been submitted to illustrate what the finished mast would look like and there have been no attempts to camouflage the mast and other structures on the site.
- 2.5.2. The application is supported by the full suite of drawings that are required by the Planning and Development Regulations 2001 (as amended), the planning application was validated by the planning authority. I am satisfied that the drawings submitted are clear and to an appropriate scale to allow a complete planning assessment.

## **2.6. Justification**

- 2.6.1. The appellant points out that there is already fibre cabling in the area and other masts have been erected in the wider area. There is no need for the proposed mast and a lack of serious justification has been provided by the applicant to demonstrate the need for a mast at this particular location. The applicant has prepared a Planning Statement that includes a section on the need for the development, section 2 of the



report refers. The applicant's report points out that there are coverage deficits in the area of Craughwell and that the location selected was the optimal site to improve 4G coverage. Figures 2.1 to 2.5 of the report show area coverage for different providers. Other sites were assessed for suitability but are not shown in the report. The report concludes that the development meets national, regional and local policy objectives and that this site adequately meets the criteria as set out in table 2.1 of the report.

- 2.6.2. From the maps set out in the report, I note that the red pin detailed on the maps is shown to be located at the village of Craughwell. The actual position of the site is some distance south east of Craughwell and this can be correctly ascertained by using the live *Outdoor Mobile Coverage Map* provided by the Commission for Communications Regulation. However, the maps provided in the report do accurately detail 4G 'fringe' coverage in the area of the site and the 'good' coverage for 3G communications. The applicant has set out a reasonable assessment for the provision of a mast at this location and the rationale is based upon the coverage maps prepared by the Commission for Communications Regulation (CCR). A more informative approach would have been to detail all mast locations, existing and permitted, and the likely coverage this mast would give. I am however satisfied, that reliance on the CCR mapping and the identification of coverage deficits is adequate for the purposes of this justification report. It is apparent that there are 4G coverage deficits in the area of the proposed mast and the resultant mast if permitted would improve digital communications and provide support for rural areas as outlined by objectives set out in the national, regional and local policy environment.

### **3.0 Recommendation**

- 3.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

### **4.0 Reasons & 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 nature and scale of the proposed telecommunication structure,
- (e) The existing use of the site, and the pattern of development in the area,
- (f) 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.

## **5.0 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. 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.

3. 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.

Reason: In the interest of protecting the landscape.

4. 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.

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

5. 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.

Reason: In the interest of public safety

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.

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

7. 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 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.

8. (i) Prior to commencement of development, a traffic management plan for the construction phase of the development shall be submitted and agreed in writing with the planning authority. It shall include details of construction traffic routing, the number of trips generated for deliveries and collections of materials from the site, provision for a storage compound and parking provision within the site, wheel washing and measures for control of dust and other pollutant materials the installation of which shall be the responsibility of the applicant.

(ii) Sight distance triangles shall be maintained and kept free from vegetation or obstructions that would reduce the minimum visibility required.

(iii) The applicant shall obtain a road opening licence (from the Municipal District Office) concerning the works adjacent to the public road.

(iv) All necessary measures shall be taken by the applicant to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

REASON: In the interest of traffic safety and to preserve residential amenity.

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.

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Stephen Rhys Thomas  
Senior Planning Inspector

15 August 2023