



An
Bord
Pleanála

Inspector's Report ABP 316100-23

Development

Permission for the replacement of a 15 metre free-standing telecommunications stayed support structure with an 18-metre monopole support structure (overall height 19 metres) carrying equipment transferred from the existing structure with the addition of new telecommunications antennae, dishes and associated equipment, new ground equipment cabinets and all associated site works.

Location

Eir Exchange, Letterfrack. Co Galway.

Planning Authority

Galway County Council.

Planning Authority Reg. Ref.

22/61271

Applicant(s)

Towercom Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party(s) v Decision

Appellant(s)	Angela Williams & Others
Observer(s)	None.
Date of Site Inspection	15th day of February 2024
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site is located within the designated rural settlement of Letterfrack Co. Galway. The appeal site is located within the curtilage of an Eircom exchange site, east of the Main Street/Village centre (the N59), south of local road L-11030, north and north-east of the Atlantic Technological University (ATU) campus and a pre-school facility. There is a terrace of Protected Structures located immediately across the road (west) of the exchange building and an adjoining building to the south of the which is a protected structure, part of the Atlantic Technological University (ATU), Letterfrack campus.
- 1.2 The site is accessed from the adjoining roadway by a vehicular gate, inside of which is a hard surfaced driveway leading to the exchange building. The northern and eastern boundaries are formed by a low stone wall. the southern and western boundaries are enclosed by a post and wire fence and there are mature deciduous trees providing screening along the northern, southern and western site boundaries.
- 1.3 The applicant is the occupier of the site. A letter of consent from the landowner (Eir Ireland Ltd) has been submitted as part of the planning documentation.

2.0 Proposed Development

- 2.1 The development proposals would comprise:

The replacement of a 15-metre-high free-standing telecommunications stayed support structure with its attached equipment with a new 18 metre monopole support structure (overall height 19 metres) carrying equipment transferred from the existing structure with the addition of new telecommunications antennae, dishes and associated equipment, together with new ground equipment cabinets and all associated site development works.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted planning permission for the development subject to eleven conditions, mostly of a standard nature and included the following:

Condition number 2: Disposal of existing lattice structure in appropriate and authorised manner

Condition number 7: Make available the structure for co-location to other telecoms providers.

Condition number 9: Submit a traffic management plan for the construction and demolition works.

Condition number 11: Construction hours

3.2 Planning Authority Reports

3.2.1 Planning Report

The Planner's Report dated 21st day of February 2023, set out the following:

- The site is centrally located within the rural settlement of Letterfrack.
- The Planning Officer was satisfied that a technical justification had been submitted by the applicants in this instance to allow for more advanced 4G and 5G enhanced technologies which would result in significantly improved voice and mobile broadband data services being provided in the area.
- Coverage maps submitted demonstrate the existing weak levels of mobile and broadband coverage in the area for 4G and 5G customers.
- The site will be made available to other telecommunications providers for co-location purposes.
- The Planner recommended that a traffic management plan be implemented for the construction and demolition phases of the development.
- The appeal site is located within landscape area Class 3-Hard shore coastal unit with a sensitivity rating of special within the Development Plan.
- There are no protected views or archaeological remains located within or adjacent to the appeal site.
- Proposals would accord with the provisions of the Telecommunications Guidelines 1996 in terms of site consideration-choosing sites already developed for utilities should be considered.
- The appeal site has the benefit of mature tree planting which provide screening for the telecommunications infrastructure.

- The replacement structure will be visible intermittently from the local road network and within the local environment as established within the montages submitted by the applicants.
- Proposals acceptable on this site given its brownfield status and established use for the provision of utilities and the site is well screened.
- A grant of planning permission was issued as set out within Section 3.1 above.

3.2.2 Internal Referrals

No internal referrals.

3.3 Prescribed Bodies

Transport Infrastructure Ireland: No objections.

3.4 Third Party Submissions

Seven third party submissions were received by the Planning Authority. The issues raised within the submissions relate to the following issues and are similar to those raised within the third-party appeal submission:

- Adverse visual impact arising from the increased telecommunications structure height.
- Close proximity to pre-school facility, GAA pitch and playground.
- Potential for adverse health impacts from radiation emissions.
- Excessive scale of development.
- Devaluation of nearby properties.
- Drawings submitted do not accurately reflect the existing context.
- Existing mature trees within Eir exchange site could be removed.
- Proximity to residential and educational properties.
- Adequate justification for the proposal not submitted.
- More suitable alternative sites on edge of Letterfrack available.

4.0 Planning History

I am not aware of any recent relevant planning history pertaining to the appeal site.

5.0 Policy Context

5.1 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, 1996.

These Guidelines set the criteria for the assessment of telecommunications structures. Of relevance to the subject case is:

- An Authority should indicate where telecommunications installations would not be favoured or where special conditions would apply. Such locations might include high amenity lands or sites beside schools (Section 3.2).
- 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).
- The sharing of installations and clustering of antennae is encouraged as co-location will reduce the visual impact on the landscape (Section 4.5).

5.2 Circular Letter: PL07/12

The Circular Letter updated and revised elements of the 1996 Guidelines under Section 2.2 to 2.7. 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 advice 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.

5.3 Development Plan

5.3.1 Galway County Development Plan 2022-2028.

Within Section 2 of the Development Plan, Letterfrack is identified as a rural settlement. There are no specific land use zoning objectives pertaining to rural settlements. Therefore, the proposals will be considered on their individual merits in accordance with the proper planning and sustainable development of the area.

Section 7.8.2 of the Plan pertains to: Telecommunications Infrastructure, where the following is set out:

The provision of telecommunications information is considered to be important in terms of the economic development of the County. To ensure appropriate telecommunications infrastructure are provided within the county, the council will have regard to the guidelines issued by the Department of the Environment, Heritage and Local Government, 'Planning Guidelines for Telecommunications Antennae and Support Structures' (1996) and Circular Letter PL 07/12. The assessment of individual proposals will be governed by the guidelines and the controls scheduled in the Development Management Standards chapter of this plan.

The following policy objectives are set out in relation to telecommunications proposals:

ICT 2-National Broadband Plan

To support and facilitate delivery of the National Broadband Plan.

ICT 3-Telecommunications Antennae and Support Structures

To ensure the orderly development of telecommunications throughout the County in accordance with the requirements of the *Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996*, except where they conflict with Circular Letter PI07/12 which shall take precedence, and any subsequent revisions or expanded guidelines in this area.

ICT 4-Co-location of antennae

To require co-location of antennae, support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in proposals for new structures.

ICT 5-Siting and Design of Telecommunications Infrastructure

To require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes.

ICT 6-Visual Impact and Antennae Support Structures

To operate a presumption against the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations.

Section 8.13 of the Plan pertains to landscape.

The appeal site is located with a Class 3 landscape: Hard Shore coastal unit with a sensitivity rating of special. Sites in these landscape areas are deemed to be highly sensitive to change. There are no protected views or focal points within the appeal site or within its vicinity.

Relevant policies and objectives include the following:

LCM 1-Preservation of Landscape Character

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

LCM 2-Landscape Sensitivity Classification

The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan.

LCM 3- Landscape Sensitivity Ratings

Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

Section 12.5 of the Plan pertains to Architectural Heritage

The following policy objective is considered to be relevant to the proposals.

AH 1-Architectural Heritage

Ensure the protection of the architectural heritage of County Galway, which is a unique and special resource, having regard to the policy guidance contained in the Architectural Heritage Protection Guidelines 2011 (and any updated/superseding document).

Chapter 15 of the Plan includes Development Management Standards as follows:

DM Standard 42: Telecommunications Masts

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

a) Landscape Sensitivity

In instances where telecommunications masts are essentially required in landscape sensitivity Class 3(Special) or Class 4 (Iconic), a Visual Impact Assessment shall be required with all planning applications for these locations.

b) Amenity Impacts

Masts and associated base station facilities should be located away from existing residences and schools.

c) Landscape Impacts

Masts should be designed and located so as to cause minimum impact on the landscape. If possible, sites should be located within forest plantations. Access roads shall be permitted only where essential. Where provided, they should not scar the landscape on which they are located. Roads should follow the natural contours of the site in order to minimise their visual intrusion and should be bordered with shrubs after construction. Masts should be sited to avoid the location of such structures in sensitive landscapes, in nature conservation areas, in highly sensitive landscapes and where views are to be preserved.

d) Co-Location

Licensees shall be required to co-locate their services by sharing a single mast or, if necessary, locating additional masts in cluster form. Co-location agreements to be provided where possible. Where new facilities are proposed applicants will be required to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters.

e) Security

Mast compounds should have security fencing and anti-climbing devices designed to local aesthetic and safety requirements.

f) Redundancy

In the event of the discontinuance of any mast installation, the mast and its equipment shall be removed from the site and the land shall be reinstated.

All planning applications shall be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2 in the interest of health and safety.

5.4 Natural Heritage Designations

5.4.1 The appeal site is located approximately 200 metres west and north of the Twelve Bens/Garraun Complex SAC (site code 002031) and approximately 1.75 kilometres metres south-east of the illaunnaon SPA (site code 004221).

The site is located approximately 200 metres west of the Twelve Bens/Garraun Complex pNHA (site code 002031).

5.5 Environmental Impact Assessment (EIA) Preliminary Screening

5.5.1 Having regard to the nature and scale of the replacement telecommunications infrastructure on a brownfield site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of the third-party appeal may be summarised as follows:

Visual Impact:

- The appeal site is located within a class 3-sensitive landscape.
- A Visual Impact Statement was not submitted as part of the planning documentation.

- The proposals would adversely impact upon their surroundings, and this is represented within the photographic imagery submitted by the appellants.
- The photographic imagery submitted by the applicants would not constitute photo montages.

Design, Siting, and layout:

- A design statement was not submitted as part of the planning documentation.

Heritage and Conservation:

- The appeal site is located in close proximity to protected structures including the former industrial school and two Quaker built terraces.
- The Planning Authority did not consult the Heritage Division within the Local Authority in relation to the proposals.

Alternative sites considered:

- There are more suitable locations for the proposal, within forested or industrial areas and away from the village centre.

Other Issues:

- No Appropriate Assessment nor Environmental Impact Assessments were submitted.
- The observations submitted by local residents to the Planning Authority were ignored and disregarded.
- The Planning Authority exercised favourable and lenient treatment to the applicants in its assessment.

6.2 Planning Authority Response

6.2.1 The Planning Authority made no comment in relation to the planning appeal:

6.3 First party response to issues raised within third party appeal submission.

6.3.1 The applicants issued a response to the issues raised within the third-party appeal submission which set out the following:

Technical Siting considerations:

- The site is needed for the applicants to continue the rollout of 4G and 5G network services.
- The proposals would provide for improved voice and broadband services for the homes, businesses and educational facilities within Letterfrack and the surrounding areas detailed by the third-party appellants.
- The existing Vodafone coverage does not provide a reliable indoor voice service or support high speed mobile broadband in the village of Letterfrack and its hinterland.
- The proposals would improve the standard of mobile coverage and service, thus eliminating the coverage blackspot within the settlement of Letterfrack.
- The development at the subject site would represent the replacement of an existing telecommunications installation.
- The development has been designed to facilitate co-location with other telecommunication providers of mobile and broadband services to deliver service to customers in the area, as provided for under condition number 7 of the Planning Authority decision.
- The increase in height proposed (an additional three metres) is the minimum increase required in order to provide improved mobile and broadband services and facilitate co-location with other telecommunications providers.

Visual Impact:

- A slimline monopole structure is proposed to replace the existing lattice type stayed support structure to reduce the visual impact of the proposals.

- A number of photomontages have been submitted illustrating the extent of visual impact the development would have from a number of local vantage points to the north, east, west and south-east amongst others and from varying distances ranging from 34 metres distant to 468 metres distant from the appeal site.
- The structure will be visible from some locations in the area. However, it would not unduly impact upon the visual amenity of the area by reason of its design and height.
- The structure will be visible from certain views. However, these views would be intermittent, and the structure would not have a significant adverse visual impact within the area and, therefore, would be consistent with the provisions of the Telecommunication Guidelines, 1996.
- The Eir exchange site has a high capacity for absorbing the development given the presence of the existing telecoms structure and exchange building within the site.
- The removal of the existing broader support structure would balance any negative impacts arising from the taller monopole structure.
- There is already some established infrastructure within the village in the form of street lighting and electricity poles and transmission lines all within the vicinity of the appeal site.
- These vertical structures along with the natural screening provided by the mature trees and the built environment all assist in screening the development to some extent.

Design, Siting, and layout:

- The Telecommunications Guidelines 1996 set out that sites already developed for utilities should be considered and that installations should be designed and adapted for their specific location.
- The existing telecommunications infrastructure on site is not capable of accommodating multi operators' equipment and hence, the need to replace it with a more favourable free-standing infrastructure.
- The site is used as a telecommunications site by Vodafone and is an established utility location for Eir.

- The proposals would accord with the telecommunications policies as set out within the current Galway County Development Plan.
- When designing the structure for this site, the Radio Engineers required height to provide a signal over the surrounding area and to provide potential to become a shared facility with other telecommunication providers.
- The accommodation of co-location is a requirement of the Galway County Development Plan, hence the need for the 18-metre height.
- Telecommunications structures are often located in proximity to residential development and very common in urban environments in Ireland.
- There are no minimum separation distances required to be set out from telecommunications structure as provided for under Section 2.3 within planning circular PL07/12 as separation distances can inadvertently have an adverse impact on the roll out of a viable and effective telecommunications network.
- The presence of dwellings, educational facilities, businesses and tourism amenities in an area increase's the justification for the development of the proposals as there is an increased demand for improved telecommunications network services.
- The infrastructure would provide for improved opportunities for businesses and working from home initiatives which have become increasingly popular in recent years.
- The proposals are necessary in the interest of avoidance of a multiplicity of telecommunication structures in the area.

Alternative sites considered:

- The appeal site has been used by Eir as a communications installation for a long number of years. Therefore, the proposal is consolidating an existing use on the site for the provision of utility services, thereby conforming with local and national planning policy.

Other Issues:

- Demand for such services has increased with advances in technology. Users expect the availability of reliable broadband connectivity in their vicinity.

- In terms of health and safety, the development will be fully compliant with the relevant health and safety legislation and will be operated within the guidance set out by the Commission for the Regulation of telecommunications (ComReg).
- In terms of Appropriate Assessment (AA), the site is not located within any European site nor is there any ecological connectivity between the appeal site and any European site.
- Based on the established use within the site and the proposals relate to the replacement of telecommunications infrastructure, it is not deemed necessary to conduct an AA screening exercise, a view that was supported the Planning Authority in its assessment.
- There is no evidence to suggest that the existing or proposed telecommunications infrastructure has or will adversely impact upon any habitats or species listed as conservation objectives associated with nearby European sites.
- The need for EIA was screened out by the Planning Authority given the scale of the development, on a brownfield site and the fact that the development relates to replacement telecommunications infrastructure.
- There has been no supporting evidence submitted to substantiate the claim that the proposals would result in a devaluation of local property.
- Board reference number 236307 set out that there is no evidence that a development of this nature would have an adverse impact upon property values.

7.0 Assessment

7.1 The main issues raised within the third-party appeal and the response to same issued by the applicants will be addressed under the headings set out below. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development.
- Site Selection.

- Design and layout
- Landscape and Visual impact.
- Other issues.
- Appropriate Assessment.

7.2 Principle of Development

- 7.2.1 The Governments' aim in developing and improving telephony and broadband infrastructural services is set out in the 1996 Telecommunications Guidelines, and the revisions/updates to these Guidelines within Planning Circular PL 07/12. More recently, the National Broadband Plan (NBP), was published in 2020 and reflects the Government's ambition to ensure that the opportunities presented by this digital transformation (provided by the NBP) are available to every community in Ireland. The delivery of the NBP will play a major role in empowering rural communities through greater digital connectivity, which will support enterprise development, employment growth and diversification of the rural economy.
- 7.2.3 The Telecommunication Guidelines set out the need for the facilitation of a high-quality telecommunications service and set out the issues for consideration within planning assessments including location, access, co-location / shared facilities, design, visual impact, health, and safety. The Galway County Development Plan policy on telecommunications structures is set out within Section 7.8.2 and is reflective of the Guidelines. Policy Objectives ICT 2-6 inclusive are supportive of the facilitation and improvement of broadband services and securing the implementation of the NBP, to ensure the orderly development of telecommunications infrastructure, to require co-location where possible subject to a number of caveats, including that no significant adverse impact on the surrounding area and receiving environment would arise.
- 7.2.4 The proposal to improve telecommunications and broadband services is consistent with the policies and objectives as set out in the Development Plan, referenced in the paragraph above and the guidance as set out within the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996).

7.2.5 The appeal site is located within the rural settlement boundary of Letterfrack as set out within the Galway County Development Plan 2022-2028. Given that broadband and communications are now considered an important aspect of utility services in terms of supporting education, business and residential uses and that the appeal site is located within the curtilage of an established Eir exchange, which presently supports telecommunication services.

7.2.6 On balance, I consider that the replacement telecommunications structure, would be acceptable in principle at this location.

7.3 **Site Selection**

7.3.1 Specific policy objectives ICT 2-6 within the Development Plan seek to promote best practice in siting and a high quality of design of telecommunications infrastructure. The Telecommunication Guidelines and Planning Circular PL07/12 seek to encourage co-location of antennae on existing support structures. It also states that the shared use of existing structures will be required where the numbers of masts located in any single area is considered to have an excessive concentration. Similarly, 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. If such locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location.

7.3.2 The applicants state that they are a long-established telecommunications infrastructure provider, and the proposed telecommunications structure would provide for and facilitate co-location of other telecommunications providers. This requirement necessitates the development of the 18-metre height proposed, which would allow additional antennae to be attached to the monopole structure by other providers and to facilitate the improvement of mobile and data services in the Letterfrack area.

7.3.3 The service currently provided within Letterfrack is not adequate for high-speed 5G broadband and mobile telephony in and around the village, necessary for business, educational, tourism and residential customers. The applicants have included a section on site justification and site selection as part of its planning justification, submitted as part of their planning appeal submission. This section includes existing and predicted coverage footprint mapping. The existing coverage within Letterfrack Village for 4G users is classified as being very good, however there is no coverage available in Letterfrack for 5G users. The absence of 5G coverage in Letterfrack results in dropped/blocked calls and

data sessions in the area. The predicted mobile coverage mapping sets out the benefit to mobile call and data sessions that would accrue to businesses, students, tourists, and residents of Letterfrack in terms of significantly improving coverage services. There is no substantive evidence within the application or appeal regarding any alternative available and suitable sites within the wider Letterfrack area. It is apparent that the development is necessary to provide improved mobile coverage in the rural settlement of Letterfrack and surrounding area in order to cater for the significant increase in demand for high-speed data in recent years. Having reviewed the information submitted, I am satisfied that the applicant has demonstrated an adequate technical justification for the proposed development.

7.3.4 Having regard to the demonstrated need for improved telecommunications services in the Letterfrack area, the lack of viable alternatives for co-location within the vicinity of the appeal site, and the proposal to locate within the site of an existing Eir telecoms exchange facility and on the site of an established mobile telephony structure, I consider that the proposed development at this specific location is justified. The key issue is, therefore, whether the appeal site is a suitable site for such a development. From the planning documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would contribute to providing a more reliable telephony and broadband service for commercial and residential customers in the Letterfrack area. This is supported by the data included within the outdoor mobile coverage mapping on the ComReg website, where it is apparent that telecommunications coverage in this area is not strong nor reliable, particularly for 5G customers. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area, would assist in supporting the implementation of National guidance and local policy for the facilitation and improvement of telecommunication coverage and systems in this locality.

7.3.5 In conclusion, I accept the planning justification set out by the applicants, that the appeal site is appropriate for the erection of the e[placement telecommunications infrastructure, having regard to the brownfield nature of the utilities site, the existence of the mature vegetation and trees in the vicinity of the site and the lack of availability of tall buildings within the settlement suitable for the siting of telecoms infrastructure.

7.4 Design and Layout

7.4.1 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 and that if such locations should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific location. It is stated within the applicants' appeal response that the structure has been specifically designed for the site, having regard to the vegetation and mature trees in the area. The structure would be located on the site of an existing telecommunications structure, albeit that the existing structure is three metres lower in height. The increased height will make it easier to connect to provide a more reliable high-speed fibre broadband service. The location of the infrastructure in the rural settlement of Letterfrack, would serve the mobile coverage and broadband requirements of the village, and therefore, needs to be located in proximity to the village centre.

7.4.2 Planning Circular PL07/12 recommended that Development Plans should avoid the inclusion of minimum separation distances between telecommunication installations, schools, and residences, as provided for under the 1996 Guidelines. Regarding the nearest residential property, I note that the telecommunications structure would be located approximately 23 metres distant from the dwelling to the north of the site on the opposite side of local road, L-11030 and approximately 26 metres distant from the terrace of residential and educational structures east of the site. and would not have a direct viewpoint of the telecommunications structure, given the existence of the mature tree cover along the site boundaries and its location to the rear of the exchange building. The structure would be located no closer to or further from these properties than the existing telecommunications structure on site. I also note that the former Letterfrack industrial school structure, to the south of the appeal site (also a protected structure), backs onto the appeal site and does not have a direct aspect towards the telecommunications structure, having regard to the existence of mature boundary treatment along the perimeter of the Letterfrack telecoms exchange. Having regard to the separation distance and the lack of a direct aspect towards the telecommunications structure, and the existence of mature trees in the vicinity of the appeal site, I do not consider that the design and layout of the development could be considered to constitute an overly dominant or overbearing feature within the local built environment.

7.4.3 From the documentation submitted, it is apparent that the development of telecommunications infrastructure on this site would contribute to providing a reliable telephony and broadband Service for commercial and residential customers in the Letterfrack area, which has been demonstrated, is not reliable at present. This is supported by the data included within the outdoor mobile coverage mapping on the ComReg website, where it is apparent that telecommunications coverage in this area is not strong nor reliable, particularly for 5G users. Therefore, I am satisfied that the current proposals would facilitate the improvement of mobile telephony and broadband services in this area and would assist in supporting the implementation of National guidance and local policy for the facilitation and improvement of telecommunication coverage and systems in this locality.

7.4.4 In conclusion, I consider that the proposal to locate the new structure within the same site as an existing telecoms exchange building and on the same site as an existing lattice telecommunication structure, and the proposals to make it available for co-location by multiple operators is generally consistent with the provisions of the Development Plan and the national guidance and I consider the design and layout of the development to be acceptable, subject to consideration of its landscape and visual impact.

7.5 **Landscape and Visual Impact**

7.5.1 The appellants consider that the proposed development would interfere with the character of the local village scape and would seriously injure the visual amenities of the area.

7.5.2 Regarding the visual amenities of the area, the proposed telecommunications support structure and compound would be centrally located within the rural settlement of Letterfrack, on the site of an established Eir exchange and established telecommunications lattice structure. The appeal site comprises the footprint of the existing exchange site and the replacement telecommunications compound would be located to its rear(west). No additional landscaping or mitigation works are proposed within the appeal site; however, a condition should be included whereby the mature tree planting along the perimeter of the appeal site should be retained to minimise any adverse visual impact within the local village.

7.5.3 There is an existing low wall and pedestrian gate along the roadside (northern) and eastern site boundaries, and mature deciduous trees along the western and northern

site boundaries, and a 1.5 metre post and wire fence along the southern site boundary. These trees range in height from approximately thirteen to eighteen metres. Having regard to the existence of the mature screening along the perimeter of the appeal site, I am satisfied that the telecommunications support structure would not be unduly visually prominent within the local built environment. The associated cabinets and fenced compound would similarly not be highly visible, given their low-level height, adjacent to the exchange building. I, therefore, consider that the proposed development would not have an adverse visual impact within the locality.

- 7.5.4 In terms of impact upon the landscape, levels on site are consistent with those of the adjoining public roadway, the L11030 and slightly elevated above the adjacent educational buildings. Policy objective LCM2 seeks to achieve: a balance between facilitating the provision of mobile telecommunications infrastructure and the need to protect residential, visual amenity and the natural and built environment. This section of the Development Plan also refers to the need to work with and support key stakeholders to secure the implementation of key infrastructure NBP and to ensure that fast and effective broadband facilities are available in all parts of the County. Therefore, a balance needs to be struck between the protection to be afforded to the landscape within secondary amenity areas and the telecommunications infrastructure policies and objectives set out within Section 8.13.
- 7.5.5 The applicant also submitted photomontages of the development from a number of local viewpoints (four viewpoints), where they state that there would be no adverse visual impact largely due to the existence of the mature trees along the perimeter of the appeal site and the existing built environment. I would concur that these form a reasonably representative sample of the views of the structure from the selected viewpoints. I consider that its visibility and visual intrusiveness would not be significant from the vicinity of the selected viewpoints given the separation distance, the general built form within Letterfrack with its varied roofscape, telephone and public lighting poles and wires and mature vegetation.
- 7.5.6 Where the structure will be visible within the settlement and the locality due to its 18-metre height, it will generally be seen against a backdrop of the mature trees and the built environment in which the appeal site is set. Having regard to these characteristics of the appeal site and the wider area and noting that the 18 metre height is required to effectively function over as large an area as possible to facilitate co-location with other telecoms providers and to improve coverage for mobile

telephony and data services, I do not consider that the magnitude of the impact of the proposed development on the visual amenities of the area would be so significant as to warrant refusal.

- 7.5.7 It is acknowledged that the telecommunications installation would impact upon the local landscape by virtue of the height of the monopole structure. However, sections 7.8.2 of the Plan set out that telecommunications proposals will be facilitated where no significant adverse impact on the surrounding area and local receiving environment arises. On balance, while I acknowledge that the proposals will impact upon the local landscape, I am satisfied that the impact would not be a significantly or materially adverse one, to warrant a refusal of planning permission.
- 7.5.8 In terms of impact upon a local protected structure, Letterfrack industrial school (Protected structure number 544) as per the Development Plan, there is a separation distance of approximately 15 metres between the appeal site and former Letterfrack Industrial School, now part of the ATU campus, south of the appeal site. By virtue of the separation distances involved and noting that the former industrial school backs onto the appeal site and given there is existing telecommunications infrastructure on site, I consider that any impact upon the protected structure will not be increased as a result of the proposal. Also, the lack of intervisibility between them, due to the existence of mature tree planting in this vicinity, it is not considered that the current proposals would adversely impact upon the character or setting of the protected structure.
- 7.5.9 In conclusion. I do not recommend that permission be refused on grounds relating to landscape or visual impact.

7.6 Other Issues

7.6.1 Impact upon human health

The observers at both application stage and appeal stage raised the issue of potential human health impacts arising from the proposed development. Circular Letter PL07/12 issued by the Minister under Section 28 of the Planning and Development Act 2000, as amended, 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. It goes on to state that these are regulated by

other codes and such matters should not be additionally regulated by the planning process. The applicants have submitted a report in this regard outlining that latest international research and studies have been undertaken on both acute and long-term effects from high frequency EMF and non-ionising radiation exposure, typical of base stations. Research has provided no conclusive evidence of any related adverse health impacts arising from these installations. The applicants have set out compliance with emissions limits is regulated by ComReg and subject to being granted a license by the regulation authority. The issue of health and safety is, therefore, not considered further.

7.7 Appropriate Assessment-Screening

7.7.1 The appeal site is located approximately 200 metres west and north of the Twelve Bens/Garraun Complex SAC (site code 002031) and approximately 1.75 kilometres metres south-east of the illlaunnaon SPA (site code 004221).

7.7.2 There are no surface water drains or watercourses within the appeal site boundary. Therefore, there are no surface water pathways linking the appeal site to any European site. I am satisfied that by virtue of the modest scale of the replacement and upgraded telecommunications infrastructure proposals and the separation distances involved and the lack of hydrological connectivity between the appeal site and the Twelve Bens/Garraun Complex SAC (site code 002031) and approximately 1.75 kilometres metres south-east of the illlaunnaon SPA (site code 004221), that it is unlikely that the proposals would adversely impact upon these European sites qualifying interests or adversely impact upon water quality and, therefore, these two sites can be screened out.

7.7.3 I am satisfied that the subject site is located sufficiently far away from the Natura 2000 sites in question to ensure that no adverse impact arises during the construction phase to the qualifying interests associated with the Natura 2000 sites identified. There is no surface water hydrological or ecological connectivity between the subject site and the Natura 2000 sites referred to above. I am, therefore, satisfied that the proposal will not pose a risk to any of the qualifying interests associated with the Natura 2000 sites during the construction phase. During the

operational phase, the only discharge arising from the proposed project will be surface water runoff and any such surface water would discharge to ground. On this basis, I am satisfied that the proposed development will not give rise to any adverse impacts on the qualifying interests associated with the two European sites.

Therefore, having regard to the relatively modest nature and scale of the proposed development and the nature of the receiving environment together with the separation distance to the nearest European sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually, or in combination with other plans or projects on a European site.

7.7.4 I also consider that with the implementation of the best practice construction measures and the pollution control measures included in the design of the development, it is not expected that the development would give rise to any direct, indirect or secondary impacts on the Twelve Bens/Garraun Complex SAC nor the illlaunnaon SPA (site code 004221).

7.7.5 In conclusion, having regard to the location of the development on a brownfield site within an existing telecommunications exchange compound and the fact that the proposals relate to replacement telecommunications infrastructure, albeit up to four metres taller, where there is no requirement for watermain or foul sewer services, the lack of suitable habitat within the appeal site boundary and the separation distance from Natura 2000 sites and absence of ecological/hydrological connectivity to any European site via surface or groundwater,, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites'

conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

8.1 I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to:

- a. the Guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July 1996, as updated by Circular Letter PL/07/12 issued by the Department of the Environment, Community and Local Government on the 19th day of October 2012,
- b. The policy objectives of the planning authority, as set out in the Galway County Development Plan 2022-2028, to support the provision of telecommunications infrastructure,
- c. The established telecommunications use on the site.
- d. The general topography and landscape features in the vicinity of the site,
- e. The existing pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the development proposed would not adversely impact upon the amenities of the area and would 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 and particulars submitted to the Planning Authority on the 19th day of December 2022, 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 Details of the colour scheme for the telecommunications structure, ancillary telecommunications infrastructure and fencing 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.

- 3 Any additional panels or structures proposed to be attached to the monopole structure exceeding 1.3 metres in dimension, shall be the subject of a separate planning application.

Reason: To regulate and control the layout of the development and in the interest of orderly development.

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

Reason: In the interest of public health.

- 5 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management during the construction phase, details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, as well as protective measures to be employed with respect to the boundary hedgerows.

Reason: In the interests of public safety and visual and residential amenity.

- 6 Within six months of the cessation of use the telecommunications structure and ancillary structures shall be removed and the site shall be reinstated. Details

relating to the removal and reinstatement 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.

7 All trees within and on the boundaries of the appeal site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.

(b) Trees which are agreed in writing by the planning authority to be dead, dying, or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction and demolition works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged, or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

Fergal Ó Bric
Planning Inspectorate

29th day of February 2024