



An
Bord
Pleanála

Inspector's Report

ABP-318384-23

Development	Erect a 24 metre high lattice telecommunications support structure.
Location	Shessanagirba (Townland), Kinvara, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2360564
Applicant(s)	Vantage Towers Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Cormac Keane Pam Fleming & Others
Observer(s)	Michael O Dwyer and Michael Keane
Date of Site Inspection	4 th of September 2024
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1.1. The existing site is located in a greenfield agricultural field within the settlement boundary of Kinvara, the proposal is located approximately 330m south of Kinvara village, in the townland known as Shessanagirba, Kinvara, Co. Galway. The site shall be accessed off a single access track.
- 1.1.2. There are mature boundaries on site with native trees and hedging. The site area is .01825ha

2.0 Proposed Development

- 2.1. The proposed development comprises a 24 – meter high lattice structure with associated equipment within an 8.25m X 8.25m palisade fenced compound with a turning area in front. Access is gained via an existing track. The structure and compound are designed to house equipment for Vodafone and potentially other operators.

3.0 Planning Authority Decision

- 3.1.1. The planning authority issued a decision to a grant. The following conditions are of note:

C3 – The support structure, antennae and all ancillary structures should be demolished and removed from site if they become obsolete or are no longer required, and the site shall be reinstated on removal of the telecommunications structure and ancillary structures at the operators expense.

C7 -A system of independent monitoring of radiation levels from the mast shall be established/maintained and undertaken periodically to ensure compliance with such guidelines levels as may be set from time to time by the International Radiation Protection Association

C8 – The applicant/owner/operator shall provide and make available on reasonable terms other licensed mobile telecommunications operators to co-locate their antennae on the existing structure.

C12 – The developer shall pay €21,520 to the Planning Authority..... using the Development Contribution Scheme in accordance with the provisions of section 48 of the Planning and Development Act.

3.2.Planning Authority Reports

3.2.1. There are two Planning Reports on file the first planning report assessed the following and sought further information on the three latter points.

- The land use matrix table in the Small Growth Villages document of the Galway County Development Plan advises that development such as Utilities Infrastructure & Public Service Installations are Open to Consideration on land zoned for agriculture.
- Vodafone and other major operators will have access and use of the new telecommunication antenna.
- There are no Recorded Protected Structures on site
- A visual impact assessment is required to demonstrate potential visual impact from the perspective of Kinvara village.
- The applicant is required to demonstrate compliance with International Radiation Protection Association Guidelines to state that the antenna will not exceed those standards.
- An Appropriate Assessment Screening Report is required to determine likely potential impacts on qualifying interests of neighbouring European Sites

Upon receipt of further information, the planning authority concluded the following:

- Having regard to the visual impact assessment as submitted the planning authority is satisfied that the proposal would not be detrimental to the character of this part of Kinvara.
- The submitted screening report identifies no pathway to the nearest European Site – Galway Bay SAC- potential impacts can be screened out. AA is not required.
- A statement of compliance regarding potential radiation has been provided by Vodafone. It states that the proposal is designed to be in full compliance with

the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP), as expressed in the EU Council recommendation of 12 July 1999 “on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

There are a total of 15 submissions on file. Some of the issues raised overlap with the detail supplied at appeal stage. The items raised are summarised here as follows:

- Kinvara has adequate cellular coverage. Lack of need for the proposal.
- Principle of (as low as reasonably achievable) should be applied. Proposal will cause overshadowing –
- Applicant has failed to consider site sharing options, other masts in the vicinity. Reference to previously granted mast. Can an existing mast structure accommodated the proposal –
- Site is close to residential areas and to the village centre and will be unsightly. Impact on health.
- Negative Visual impact.
- Proposal would affect the setting of the Burren. Structure would be overbearing and incongruous.
- Depreciation of property.
- Impact on flora and fauna

4.0 Planning History

No recent Planning History

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 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

5.2 Development Plan

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

Development Zoned Agriculture in Kinvara Settlement Plan 2022 – 2028. The provisions of the Galway County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Policy Objective ICT1 : ICT Infrastructure

Support the delivery of high capacity Information Communications Technology Infrastructure, broadband connectivity and digital broadcasting, throughout the County in line with the Galway County Digital Strategy 2020 - 2023, in order to ensure economic competitiveness for the enterprise and commercial sectors and in enabling more flexible work practices i.e. remote working, smart hubs etc.

Policy Objective ICT2: National Broadband Plan

Policy Objective ICT3: 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.

Policy Objective ICT4: 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.

Policy Objective ICT5: 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.

Policy Objective ICT6: Visual Impact and Antenna 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.

Policy Objective LCM1: Preservation of Landscape Character.

Policy Objective LCM2: Landscape Character Classification.

DM Standard 42: Telecommunications Masts

5.2. Natural Heritage Designations

Galway Bay Complex SAC (000268)– 400m north of the proposed site

Inner Galway Bay SPA (002294)– 400m north of the proposed site

5.3. 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

Two Third Party appeals were received. The issues raised in both appeal can be grouped together for the purposes of clarity and summarised as follows:

- Negative Visual Impact – The proposal will have a significant negative visual impact on Kinvara which is on the wild Atlantic Way. It impacts negatively on Protected Views and Scenic Routes under Section 8.13 of the Galway County Development Plan. The mast will be extremely visible from Dungaire Castle. Mast will be visible from the Burren Nature Sanctuary
- Overshadowing – the proposal will overshadow landmarks in the local area
- The principle of Development clashes with Local and National Policies – Proliferation of masts should be avoided. National and Local Policies stipulate the requirement for the co-location of antenna support structures. There is ample other structures in the area to accommodate this infrastructure.
- Impact on neighbouring amenities – the proposal is in close proximity to a number school, residential medical and public amenities
- Negative Impact on environment and local ecology. Radiation from masts can have an impact on insect and bird populations and their orientation. Also a negative impact on plant health.
- Negative impact on the local lesser Horseshoe Bat Population as a result of electromagnetic radiation from the mast. The area is an active area for the lesser Horseshoe Bat.
- It will have an impact on other sites that are not protected by European Designations – Chapter 10 Natural Heritage of the Galway County

Development Plan states the need to protect Natural Heritage and Biodiversity

6.2. Applicant Response

A response to the appeal was received on behalf of the first party, which refutes the grounds of appeal. In summary,

- Outlines need for proposed development and justification for same including the issue of discounted structures
- Proposal meets with the requirements of the Development Plan and assimilates well into the landscape
- Is removed from any Protected Structures and does not negatively impact on their character or infringe their curtilage
- Is removed from Residential Development and other public infrastructures.

6.3. Planning Authority Response

- None

6.4. Observations

There is one joint third party observation on file from residents that reside in the fields adjacent to the proposed mast:

- The mast will be in very close proximity to future residential development namely zoned Residential Phase 1 lands as set out in the County Development Plan 2022 – 2028
- There are other telecommunication support structures this technology could be attached to, there is no justification for the positioning of a mast at this location.

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development/ Need for the structure – Co-location
- Visual Impact
- Other Issues
- Appropriate Assessment

7.1.1. Principle of Development/ Need for the structure – Co-location

7.1.2. The appellants have raised concerns that the applicant and the planning authority have not adequately adhered to the National and Local Policies pertaining to mast sharing, as outlined in the Department of the Environment's (DoE) Telecommunications Antennae and Support Structures Guidelines for Planning Authorities. Specifically, they argue that the applicant has failed to demonstrate conclusively that co-location with existing telecommunications towers in the Kinvara area is not feasible. Notably, one of these towers is located approximately 400 meters south of the proposed site.

7.1.3. The applicant has submitted a site justification form, accompanied by supporting maps, which highlight the necessity for the proposed structure in response to the limited 4G and 5G coverage in the Kinvara area. According to the ComReg outdoor mobile coverage maps, Kinvara is classified as a “weak” coverage area. It is important to note that these coverage maps reflect outdoor coverage only and do not illustrate indoor coverage, which is a significant advantage provided by 4G and 5G technologies. While other telecommunications structures do exist within a reasonable distance from the proposed site, they do not facilitate effective 4G and 5G coverage into residential areas of Kinvara. Moreover, as technology is utilised the effective range of coverage for antennas diminishes, emphasizing the need for a dedicated mast in this specific location to ensure uninterrupted service.

7.1.4. The proposed site is situated within the settlement boundary of Kinvara in an area designated for Agricultural use. The zoning matrix for Kinvara classifies the installation

of communication antennas as "Open for Consideration" on agricultural lands. This indicates that the principle of establishing a telecommunications antenna is generally acceptable within this zoning framework.

7.1.5. National policy guidance concerning telecommunications infrastructure is captured in the DoE guidelines, which address aspects such as visual impact, potential site locations, and co-location. The relevant policy objectives from the Galway County Development Plan include:

- ICT 1: ICT Infrastructure
- ICT 3: Telecommunications Antennae and Support Structures
- ICT 4: Co-location of Antennae

7.1.6. Upon evaluation, it is determined that the applicant has provided a satisfactory justification for the proposed development's location. The introduction of 4G and 5G broadband services aligns with national directives and public policy, supporting the objectives outlined in the Galway County Development Plan for the period of 2022 - 2028. On the basis of the existing level of service within Kinvara for 4g and 5g services, which is classified as "weak" on ComReg's mobile coverage mapping, I consider that the proposal is justified. Additionally, the topography of the area, with its steep slopes descending from south to Kinvara Bay in the north, and the mix of buildings, complicates coverage. The proposed structure at the suggested location is well-positioned to address these coverage challenges effectively.

7.1.7. In terms of spatial considerations around sensitive receptors, it is noted that there are no prescribed distance limitations for telecommunications structures from residential or educational facilities. The DoECLG Circular Letter PL07/12 indicates a trend where certain development plans have set minimum separation distances (such as up to 1 km) between telecommunications infrastructure and sensitive uses. Imposing stringent separation criteria without allowing for case-by-case flexibility can obstruct the identification of suitable sites for new infrastructure, negatively impacting the viability and effectiveness of telecommunications networks. Notwithstanding the above, DM Standard 42 (b) of the Galway County Development Plan requires that masts and associated base station facilities are located away from existing residences and schools. I note that the Galway County Development Plan does not specify a minimum separation distance, as per the advice contained in Circular 07/12. The

proposed structure will be located c. 150 metres from the closest dwelling. Kinvara Secondary School is located 250 metres from the proposed structure. Noting the separation distance between the proposed structure and the closest dwelling and the national school I am satisfied that the proposed development accords with DM Standard 42 (b) of the Galway County Development Plan. Furthermore, I note that the design of the support structure is a monopole structure, as recommended by the Guidelines for sensitive locations, and that the height of the proposed structure allows for providers to co-locate onto the structure, as proposed. On this basis I consider the appeal site to be appropriate for the proposed development of a telecommunication structure in the context of the Telecommunication Guidelines.

7.1.8. In summary, the proposed telecommunications antenna complies with both local and national policy requirements. The applicant has demonstrated a clear need for the structure to enhance mobile communication services in Kinvara, with adequate justification regarding its location. Therefore, it is concluded that the proposal should be supported as essential infrastructure for the development of telecommunications in the area and is accordance with Development Plan polices ICT 1, ICT 3 and ICT 4.

7.2. Visual Impact

7.2.1. The primary concern regarding the appeal centres on the visual impact of the proposed telecommunications structure on the town of Kinvara and its significant landmarks, as well as its potential effects on the Burren area. In response to Further Information requested, the applicant has submitted a series of photomontages depicting the proposed structure from various viewpoints around Kinvara. However, the appellants argue that these photomontages do not adequately represent the potential negative visual impact.

7.2.2. The site in question is classified between a "Coastal Landscape" and a "Karst Landscape" according to Map 8.1 of the Galway Landscape Character Areas. Map 8.2 categorises the site within the "High" landscape sensitivity class. Landscape Character Measures (LCM) 1 and 3 of the Galway County Development Plan emphasise the importance of preserving the character of these landscapes and highlight that landscape sensitivity should play a crucial role in determining development within specific areas of the County. This sensitivity must be considered alongside the imperative to develop essential strategic infrastructure to fulfil the overarching goals of

the development plan. ICT 6 of the County Development Plan states that there will be 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.

7.2.3. In my evaluation of the proposed development, I reviewed all relevant information, including the photomontages submitted as part of the Further Information request and conducted a site visit. While the appellants claim that the photomontages do not provide a comprehensive visual assessment, I find them to be adequately representative for my analysis. I note the applicant has provided the basis for each photomontage including the height from which the photograph was taken, the distance to the proposed structure, coordinates etc. Whilst the structure will likely be visible from additional locations in the vicinity it would not be feasible or reasonable in my opinion to require each and every location from which the proposal will be visible from to be illustrated in photomontages. I further note the Visual Impact Assessments are only required under DM Standard 42 (b) Galway County Development Plan 2022 – 2028 for sites located in landscape sensitivity rates of 3 (Special) or 4 (Iconic). The proposed site is located in sensitivity class 2 (High). In my opinion the purpose of the photomontage is to provide a representation of the proposal within the wider landscape and I consider that the photomontages which have been submitted provide a reasonable representation of the proposal

7.2.4. The proposed development will be visible from certain vantage points, notably along Gort Road, travelling northwest toward Kinvara. However, in consideration of the views outlined in Map 8.4 of the Galway County Development Plan, which depicts protected views extending from Kinvara toward Galway Bay, I do not perceive this viewpoint to be significant. The appellants further express concerns regarding the visual impact of the mast from Dunguaire Castle in Kinvara. The submitted photomontage from sea level indicates that the mast is not visible from this vantage point. While it is acknowledged that the mast may be seen from an elevated position at Dunguaire Castle, it is situated over a kilometre away, significantly reducing its visual impact due to the distance and scale. Considering the Scenic Routes and Protected Views detailed in Maps 8.3 and 8.4, it is clear that the protected routes and views extend northwest from Kinvara, away from the direction of the proposed mast.

7.2.5. I consider that the proposal will be intermittently visible in the surrounding landscape from a number of locations, however I also note that the proposed structure does not

terminate any view and will be screened within a wider context. As such, I do not consider that the proposed structure would dominate or be unduly intrusive within the landscape at this location. Furthermore, the proposed colour scheme can be regulated through a planning condition, facilitating better integration of the mast into the landscape.

7.2.6. Noting the nature of the landscape in the vicinity of the appeal site, the presence of screening around the boundaries of the site, and the design of the proposed structure, comprising a monopole, I am satisfied that the proposal would not be incongruous within the immediate landscape, that the overall visual impact of the proposal would be satisfactory in the context of the visual amenities of the area, that the proposal accords with Objective ICT5 (re. siting and design in relation to the erection of communication antennae and support infrastructure) and DM Standard 42 (c), of the Galway County Development Plan 2022 – 2028. I consider that the mast as proposed is designed and located to cause minimum impact on the landscape, and that a refusal of permission on the basis of visual impact would therefore not be warranted.

7.3. Other Issues

Electromagnetic Radiation – Potential risks to Flora and Fauna

7.3.1. The appellants state that there is a potential risks to Flora and Fauna as a result of Electromagnetic Radiation. It is stated that the research is not conclusive on the effects of electromagnetic radiation of wildlife and a precautionary principle should be taken. Its further stated that the development and its construction would cause disturbance to and destruction of and significant interference to the local habitat. The habitat is an important breeding ground for up to 5 pairs of migratory Cuckoo's which return to this area every year. (Reference to Articles have been supplied that indicate Electromagnetic radiation from power lines and phone masts pose a credible threat to wildlife)

7.3.2. As part of the response to Further information the applicant has supplied a letter from Vodafone who will be the operator of the Antenna stating that it is designed to be in full compliance with the requirements the International Commission on Non-Ionizing Radiation (ICNIRP), as expressed in the EU Council recommendation of 12 July 1999

“on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)”.

7.3.3. While I note concerns of the appellants in relation to health impacts on local biodiversity, I draw the boards attention to Section 2.6 of the DoECLG Circular Letter PL07/12 letter which refers to Health and Safety Aspects and reiterates the advice of the 1996 Guidelines that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds. 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. In my view the above Circular also applies to potential impacts of Electromagnetic Radiation and therefore its emission limits are controlled through other legislative powers and are not a matter for the Board in this instance.

7.4. Bat/ Bird Population

The appellants refer to the presence of the lesser Horseshoe Bat in the area and the potential disturbance this structure may have on the local bat population. I note the proposal is for a limited area and no trees or hedgerows are to be removed as a result of the proposed development. I note the application has been referred to the relevant prescribed bodies and the NPWS and no comment has been made or received with regard to the presence of the Lesser Horseshoe Bat on site. I also note the lack of favoured Lesser Horseshoe Bat habitat in the area with the notable lack of old buildings and stone walls on the site. Having consulted the NPWS and the National Biodiversity DATA centre records, I note that the area is potentially a presence for the Lesser Horseshoe Bat, however owing to the lack of favourable roosting spots on site, I do not consider the likelihood for interference with bat roosts to be likely as a result of the proposed development. Therefore, I do not consider that there is reasonable grounds to issue a refusal based on potential impacts on the local bat population.

7.4.1. Reference is also made in relation to migratory Cuckoo attending the area and the potential for impact on same. Having consulted the National Biodiversity Data centre

records, I note the higher-than-normal presence of the cuckoo at this location, however I note healthy populations are evident throughout Ireland. As stated in Section 7.4.1 above there shall be no removal of trees or hedgerows to facilitate the development which is a standalone structure. In this regard I do not foresee that impacts will be so significant so as to warrant a refusal reason in this instance.

7.5. Development Contributions

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.

8.0 AA Screening

- 8.1.1. I have considered the proposed development at Shessanagirba (Townland), Kinvara, Co. Galway in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is located c. 400m South of Galway Bay Complex SAC (Site Code 000268) and inner Galway Bay SPA (Site Code 004031). There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process. The NHAs and pNHAs are located outside the Zone of Influence, with the exception of those which share the boundaries of the Galway Bay Complex SAC

and Inner Galway Bay SPA. Accordingly, the Galway Bay Complex pNHA is considered under its higher conservation status as a European site.

- 8.1.2. The proposed development comprises a telecommunications structure and ground equipment cabinets enclosed by a perimeter fence within a small enclosure.
- 8.1.3. The applicant's has submitted an Appropriate Assessment Screening in response to the Further Information request of Galway County Council and concluded that as a result of lack of pathways or connectivity with any European Sites via surface water or groundwater and as a result of no predicted emissions to air, water or the environment during the construction or operational phases it is concluded that there is no significant effects on any European Site.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows;
- The nature and small scale of the development,
 - The location of the development site and distance from nearest European site(s), and the weakness of connectivity between the development site and European sites.
 - Taking account of the screening report/determination by the Planning Authority.
- 8.1.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

9.0 Recommendation

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

Reasons and Considerations

It is considered that subject to compliance with the conditions set out below, the proposed development would be in compliance with national policy as set out under 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, and local Policy as set out under the county Development Plan namely ICT 1, ICT 3 and ICT 5 and DM Standard 42 Telecommunications Masts. It is considered that the development would not be visually intrusive to the local area or seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity, would, 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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the An Bord Pleanála on the 3rd of November 2023, 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.

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 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.

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. 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.

6. 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.

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.

Darragh Ryan
Planning Inspector

6th of September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318384 - 23			
Proposed Development Summary	Erect a 24 metre high lattice telecommunications support structure			
Development Address	Shessanagriba (Townland) , Kinvara, Co.Galway			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No	X	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes				
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No				
Yes	X	Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

