



An
Bord
Pleanála

Inspector's Report

ABP-318659-23

Development	Telecommunications street works solution.
Location	Rowan Avenue, Renmore, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	P.DC.23.05
Applicant(s)	Emerald Tower Ltd.
Type of Application	S254 Licence.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Emerald Tower Ltd.
Observer(s)	None.
Date of Site Inspection	1 st day of August 2024.
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The site is located along the western side of Rowan Avenue within the district of Renmore, a southeastern suburb of Galway city. The site is along the side of the public footpath which runs parallel with Rowan Avenue and is alongside the St James GAA pitches and pavilion and a number of residential developments, Emm Park on the opposite (eastern) side of Rowan Avenue and Chestnut Grove south-west of the subject site. There are a number of semi-mature trees located immediately west of the subject site, planted along the eastern perimeter of the Renmore playing pitches.
- 1.2. Rowan Avenue is a long, wide and relatively straight piece of carriageway (width approximately ten metres wide) and has footpaths along both sides. There are a number of mature trees, along the western side of the subject site, that form of the perimeter with the adjoining playing pitches.

2.0 Proposed Development

- 2.1. The development would comprise the installation of telecommunications infrastructure as detailed below:
- Installation of an 18-metre dual operator pole, associated equipment, ground-based equipment cabinets and all associated site development works for the provision of wireless data and broadband services.
 - 2 no. metal cabinets (painted green in colour with dimensions of (1.3 metres wide x 1.9 metres high x 0.8 metres deep).
- 2.2 The applicants submitted a planning statement as part of their planning documentation. The planning statement outlines the nature of the proposed development, provides a site context, a technical justification supporting the development at this particular location, consideration of alternative sites, consideration of natural and archaeological heritage, details of compliance with emission limits as set by the International Commission for non-ionising radiation

protection (ICNRP), a visual impact assessment including photomontages and details of compliance with national and local planning policy.

3.0 Planning Authority Decision

Decision

Decision to refuse the license request for the following reason:

Having regard to the proposed development, in particular its height, form and prominent location adjoining recreation open space alongside a local residential road within the established neighbourhood suburb of Renmore, it is considered that the proposed development would have a negative impact on the visual and residential amenities of the area and would constitute a visually intrusive element in the public realm. It would be contrary to Policy 9.13 Telecommunications of the current Galway City Development Plan 2023-29 which provides that the development and expansion of Telecommunications infrastructure within the city will only be supported where appropriate, subject to environmental, visual and residential amenity considerations and would be contrary to policy 3.5 Sustainable Neighbourhoods Established Suburbs to protect the residential amenities and the character of the Established Suburbs. The proposed development would, therefore, be contrary to the policies of the City Development Plan and be contrary to the proper planning and sustainable development of the area.

4.0 Planning Authority Reports

4.1 Planning Reports

- The Planning Authority (PA) set out that Section 9.13 and Policy 9.9 in the City Development Plan pertains to telecommunications infrastructure.
- The PA reference the Telecommunications Guidelines, 1996.
- The Planners noted that the applicants submitted a Planning Statement as part of their planning documentation providing a technical justification for the proposals.

- Details of alternative sites were submitted and set out that these alternative locations are not capable of providing the coverage required due to their separation distances, lack of capacity to cater for additional telecoms infrastructure.
- However, the PA considered that not all potential alternative sites were considered.
- The PA noted that the subject site is not located within an Architectural Conservation Area (ACA), nor is it designated as a protected view within the City Development Plan.
- A Visual Impact Assessment (VIA) including photomontages was submitted as part of the planning documentation.
- The VIA was prepared in accordance with the Guidelines for landscape and visual impact assessment (2013).
- Four viewpoints are assessed as part of the VIA, their sensitivity, magnitude and level of effect is assessed.
- The mast would have a significant impact upon the visual and residential amenities of the area by introducing almost industrial type structures into a residential public realm.
- Masts, heretofore, in the city have been located along major distributor roads, and key corridors and residential roads and areas.
- Reference is made to the Galway Urban Density and Building Heights Study 2021, which states that any increase in building height is directed to key corridors and routes in the established suburbs.
- Along distributor roads, the visual impact is tempered by the wider road width which allows for an increase in vertical height.
- In this case, the proposed 18 metre height abutting a local residential road where the surrounding built form comprises low profile two-storey dwellings/buildings and recreation space. The proposed location on a high point in the topography of the area and the absence of built and natural screening provided renders the mast a highly visible feature.

- Policy 3.5 of the City Plan in relation to Sustainable Neighbourhoods Established suburbs seeks the reasonable protection of the residential amenities and character of the established suburbs. The placement of the mast will severely erode the visual and residential amenities and character of the established suburbs.
- The report from the Recreation and Amenity Department within the LA is noted which sets out the lack of capacity to absorb this visually tall structure, not located along a street wall as encouraged within Section 4.2 of DMURS document.
- The development would not merge into the surrounding built environment or with the surrounding vegetation and would be highly visible in the surrounding context.

4.2 Other Technical Reports

Recreation and Amenity Department: They raised a number of issues in relation to the scale of the proposals and visual impact that would arise within this residential area.

Transportation Section: No objection to the proposal.

4.3 Prescribed Bodies

None received.

4.4 Third Party Observations

None received.

5.0 Planning History

None in the immediate vicinity of the site although several similar Section 254 Licences are referenced in the applicants' grounds of appeal.

6.0 Legislative Context

6.1 Planning and Development Act, 2000

Section 254(1) (ee) of the Planning & Development Act, 2000 (as amended), states that a person shall not erect, construct, place or maintain overground electronic communications infrastructure and any associated physical infrastructure on, under, over or along a public road save in accordance with a licence under this section.

Section 254(6)(a) states that any person may appeal to the Board in relation to the granting, refusing, withdrawing, or continuing of a licence.

Section 254(5) states that, in considering an application for a licence, the planning authority, or the Board on appeal, shall have regard to:

- (a) The proper planning and sustainable development of the area,
- (b) Any relevant provisions of the development plan, or a local area plan,
- (c) The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road, and,
- (d) The convenience and safety of road users, including pedestrians.

7.0 Policy Context

7.1 National Guidance

7.1.1 Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities 1996

- Section 4.2: Design and Siting
- Section 4.3: Visual Impact
- Section 4.5: Sharing Facilities and Clustering

7.1.2 Circular PL07/12 updates sections 2.2 – 2.7 of the 1996 Guidelines. Of note, the 2012 Circular provided that:

- Health grounds should no longer be considered.
- Development contributions for broadband infrastructure should be waived.

- The request for bonds should be replaced with an appropriate condition requiring the removal of the mast.
- Conditions restricting the life of the permission should not be included.
- Separation distances between masts and houses or schools should not be included in development plans.

7.2 Galway City Development Plan 2023-2029

7.2.1 Zoning

The site is zoned RA-recreation and amenity where the objective is “To provide for and protect recreational uses, open space, amenity uses, natural heritage and biodiversity.

Uses which may contribute to the zoning objectives, dependent on the RA location and the scale of development include: Development of buildings of a recreational, cultural or educational nature or car parking areas related to and secondary to the primary use of land/water body for outdoor recreation, public utilities, burial grounds and associated services.

7.2.2 Section 9.11. Telecommunications

The availability of a high quality, efficient telecommunications network is an essential enabler of social and economic activity in the city. The continued development of telecommunications and digital infrastructure is critical to the ongoing development of the knowledge economy, digital innovation, the development of digital enterprises and to ensure the security of systems..... The roll out of the National Broadband Plan is a key focus of the NPF and RSES recognising its importance for enterprise, employment, innovation and education. It is an important part of the city's' infrastructure, and the Council will continue to facilitate improvements.... The advantages of a high-quality telecommunications network must, however, be balanced against the need to safeguard the environment and amenity of the city, particularly in sensitive areas where the impacts on residential amenity and visual amenity of areas will be required to be adequately assessed. The Council will have

regard to the guidelines issued by the Department of Telecommunications Antennae and Support Structures (DECLG, 1996) and Circular Letter PL07/12.

Policy 9.9: Telecommunications

- 1) Support the development and expansion of telecommunication infrastructure (including the broadband network) within the city where appropriate, subject to environmental, visual and residential amenity considerations.
- 2) Ensure that developers of masts facilitate the co-location of antennae with other operators in order to avoid an unnecessary proliferation of masts. Where this is not possible operators will be encouraged to co-locate so that masts and antennae may be clustered.
- 3) Ensure that development for telecommunication and mobile phone installations take cognisance of the Planning Guidelines for Telecommunications Antennae and Support (DECLG, Circular Letter PL07/12) and in relation specifically to new free standing masts and antennae, locations in the immediate proximity to residential areas, schools and other community facilities will only be considered where all other more suitable options, including opportunities to locate on tall buildings, rooftops and co-location with existing masts, have been exhausted following an evidenced based evaluation of potential sites.
- 4) Facilitate the rollout of digital infrastructure to implement a world class digital infrastructure and sensor network that will provide real time data and smart city solutions.
- 5) Support the actions of the draft Galway City Digital Strategy (2020-2024)

Section 11.18-Development Management Standards:

In considering applications for proposed telecommunication infrastructure and installations, the Council will have regard to the Planning Guidelines for Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG 1996 and Circular Letter PL07/12 2012 updating sections of

these guidelines. Proposed installations shall have cognisance of any existing aircraft flight paths, where appropriate.

7.3 Natural Heritage Designations

There are no European sites within the immediate vicinity of the site. The Galway Bay Special area of Conservation and the Inner Galway Bay Special Protection Area (SPA) are both located approximately 450 metres west of the subject site.

7.4 EIA Screening

The subject development does not fall within a class for which EIAR is required.

8.0 The Appeal

8.1 Grounds of Appeal

The grounds of appeal have been submitted by an agent on behalf of the applicant in relation to the refused licence. The issues raised are summarised below:

8.1.1 Planning Policy:

- The NPF is supportive of the development of the city of Galway, which is a target for consolidated growth, the delivery of necessary infrastructure, which includes high quality internet services which have become as essential as water services and electricity.
- Section 5.1 of the NPF states that a major focus will be on addressing connectivity gaps in communications infrastructure.
- The proposals support two off the ten goals of the NPF, namely improving digital connectivity and encouraging social interaction.
- Section 6.4 of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly relates to digital infrastructure which sets out “Ireland’s communications network is responsible for saving lives, encouraging economic growth as well as providing citizens with access to work, entertainment and social media. The strategy for this region is to fully support the delivery of the NBP ... Transport connectivity and

telecommunications connectivity is a key issue for accessing employment, education and healthcare lifelines”.

- Section 6.5 of the RSES sets out the following ‘We are seeing a proliferation of employment opportunities and positions that are less bound by physical location, such as an office in a particular town, but instead, require fast and efficient internet access. Both of these changes in the economy have seen an increase in people working from home, therefore, an understanding of the rates of broadband access across a region is key’.
- Policy 9.9 within the current Galway City Development Plan 2023-29 seeks to support the development and expansion of telecoms infrastructure (including the broadband network) within the city where appropriate, subject to environmental, visual and amenity considerations.
- The facilitation of co-location with other operators, that proposals take cognisance of the telecommunications Guidelines and planning circular PL07/12 in relation to consideration of alternatives have been exhausted and the facilitation of digital infrastructure.
- The subject site is zoned RA-recreation and amenity purposes. The Development Plan sets out that public utilities are uses which may contribute to the zoning objective, depending on the location of the RA lands and the scale of development.
- The search ring in this area is almost entirely residential with no industrial or commercial development where the proposed infrastructure could be located and none of the alternatives considered (seven) could facilitate additional infrastructure, due to four of the alternative sites already providing for two or more operators and the absence of capacity of rooftops of the other existing locations.
- The current proposal provides for the facilitation of co-location within at least one other telecoms provider.

8.1.2 Location of the site

- A site in the suburban area of Renmore is required for the continuing rollout of 2G, 3G and 4G network to improve voice and data services in this extensive

residential area. The current indoor service is patchy and poor resulting in missed calls and poor data speeds. The telecoms infrastructure will improve the service in the Rowan Avenue, Elm Park, Beech Park and surrounding areas.

- The site was carefully chosen, being a minimum of twenty metres from the nearest residential properties, it does not directly face or overlook any residential properties.
- There is no policy or objective within the Development Plan setting out minimum separation distances between dwellings and telecoms infrastructure.
- The photomontages submitted illustrate that the proposal is consistent with the character of the area, being an urbanised residential area with existing vertical infrastructure, in terms of street lighting polies, and semi-mature trees.
- The Photomontages submitted illustrate that the proposed development would result in a moderate to low change in the existing baseline character of the area.
- The visual assessment was conducted in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd edition) 2013.
- The photomontages illustrate the views from locations from where the proposed telecoms infrastructure would be theoretically visible.
- The viewpoints are locations which are publicly accessible and expose the development in its fullest form to ascertain the highest possible impact from the proposals.
- The viewpoint analysis is supported by the photomontage visualisations.
- The visual effects that would be experienced at four short-medium range viewpoints of the proposed development have been submitted to demonstrate the worst-case scenario.
- No significant visual effects are predicated. Two of the four viewpoints have a predicted negligible visual effect which is not significant. These images were taken from the nearest two residential developments, Elm Park and Yewland

Green. The proposals will not undermine nor detract from any of the surrounding residential development.

- A significant proportion of the local population is not adequately served as existing telecoms infrastructure is outdated and there is an ever-growing demand for high-speed broadband services and mobile coverage to serve modern living requirements.
- This area will not be served by upgrade works under the National Broadband Plan (NBP) and thus there is a need for private telecoms operators to provide these services.
- There is poor coverage for all of the operators in the Renmore Area and there are no commercial rooftops in the area suitable to accommodate telecoms equipment. The alternative would be to go further away from Renmore and provide a taller structure. Therefore, the current proposal represents the optimal solution to provide improved telecoms mobile call and data services without causing harm to the character of the area.
- The design and layout has been carefully considered with placemaking to the fore.
- Images submitted for the three main telecoms providers indicate poor coverage in the Renmore area and no coverage in certain instances.
- Customers have reported issues with telecoms connectivity in the area, including dropped calls.
- The proposals will provide improved coverage to the residential units surrounding the site, to users of the Renmore playing pitches and the Bon Secours hospital, further north-west of the subject site.
- In accordance with the provisions of the National Broadband Plan (NBP) which recommends that commercial operators should improve their services, the applicants are seeking to provide much needed network improvements which otherwise will not be delivered, essential for the 1,500 people living and working remotely in this area.

- The proposals will support the co-location of two different operators' equipment on the same pole, thus reducing the need for two separate poles in this area, thus adhering to the City Development Plan and provisions within the 1996 Telecommunications Guidelines.
- The operators will always seek to co-locate as the first option and has already done so at four nearby telecons sites. There are no suitable existing structures in this search area to locate the operator's equipment, due to intervening vegetation and built form and increasing capacity issues within the network.
- The subject site represents the optimal location in being as far away as possible from surrounding residential dwellings, in an area which is almost entirely residential in nature.
- The height chosen at 18 metres is the lowest possible height in order to gain the required coverage over surrounding trees and built form and to make it possible for two operators to share.
- The existing tree cover in proximity to the subject site will assist in partially screening the development.
- A lower height structure would not be strong enough to provide adequate wireless broadband and data services.
- All of the mobile operators in Ireland have an obligation to provide 100% coverage throughout the country, including through residential areas. The nearest existing sites are too far removed from the subject site to provide 4G and 5G coverage, due to the required data speeds for the social media apps, web browsing and downloading. The technology depends on the numbers of users can only be within several hundred metres of each other.
- Modern communications facilities have been classed by government as an essential public service like water and electricity, and these services are required in all areas.
- 4G and 5G technologies have a range of several hundred metres and, unlike 2G technology which had a range of up to ten kilometres.

- A sequential approach was adopted to selecting the subject site in accordance with the City Development Plan Guidance and that offered with in the Telecommunications Guidelines 1996. The operator has already collocated on the 4 of the seven nearest existing telecoms sites. Alternative sites must be within the cell search area, in order to provide adequate wireless broadband coverage. Other characteristics is site selection include to protect residential amenity as much as possible, that the site affords sufficient space to be developed and avoids underground utilities and overhead cables, sufficient pavement space in order to cater for passing wheelchairs or buggies and that there is available power and fibre connections nearby.
- The operator has been unable to find a suitable existing structure in the area to co-locate or an industrial or commercial building.
- The PA in their refusal have failed to fully appreciate the technical requirements of the operators.
- The proposed operator (Eir) is already co-locating at 4 existing telecoms nearby sites at the Liam Mellows GAA pitch, 735 metres south of the subject site, on the Lough Atalia Road, approximately 2kms west of the subject site, at the Galwegians Rugby complex, approximately 460 metres north of the subject site and at the Connacht Hotel approximately 760 metres north of the subject site.
- The other three existing operating telecoms sites considered by the applicants were ruled out on the basis that they are operating on rooftops of commercial/industrial/civic buildings and the rooftops would not have sufficient capacity to cater for additional telecoms equipment.
- There are a number of vertical features in this vicinity including streetlights along the Rowan Avenue carriageway, semi-mature deciduous trees up to a height of 8 metres which would partially screen the development, and the GAA goalposts associated with the Renmore playing pitches. There are residential dwellings in the area, which mainly back and side on to the subject lands, many dwellings are surrounded with perimeter boundary walls which will partially screen the development.

- The decision for over concentration is considered unreasonable in the absence of any visual impact assessment.
- The use of a search ring (i.e., c.400m radius) has been used to choose the location of the site.
- The site is on the edge of a residential development rather than in it, there is adequate space to access, it will blend with the street poles, will not interfere with the existing services and will not be in direct eye-line of any dwelling.
- For operators to serve their blackspots in their network, the location of the telecommunications infrastructure must be located at the site identified.

8.1.3 Design and Layout:

- The telecoms support pole would have height of 18 metres and a diameter of 0.406 metres.
- The height of the two cabinets would be 1.9 metres, a length of 1.3 metres and a depth of 0.8 metres and finished in a dark fir green colour.
- The slender pole design has the added benefit of blending with the tree screening provided adjacent to the subject site.
- The appearance of the proposed structure would not seriously impact the visual or residential amenity of the area nor form an obtrusive feature within the surrounding area.
- The proposals provide for an appropriate balance between environmental/visual impact and technical and operational considerations.
- The proposals would not be discordant within the local environment.

8.1.4 Planning Precedent

- A number of precedents for the construction of telecoms structures have been permitted in the established suburbs of Galway City at Dangan, Galway in 2023 by Galway City Council (GCC) under planning reference LIC 2023-01. In 2023 by the Board at Circular Road, Galway, under Board reference 310180-21, in 2023, at Cappagh Road Galway by the Board under reference 308661-

20 and in 2021 at Fort Lorenzo by the Board under Bord reference 311298 in 2022,

- The stated reason for refusal in terms of the height, and form adjoining recreation open space alongside a residential road in the established suburbs, concerns are vastly overstated and exaggerated, considering other similar telecoms developments have been permitted within the established suburbs within Galway City, similar to that proposed within the subject site.
- The Development Plan does not state that telecoms structures cannot be developed within the established suburbs.

9.0 Applicant Response

The applicant is the appellant.

10.0 Planning Authority Response

The Planning Authority did not issue any comments in relation to the matters raised within the appeal statement submitted by the applicants.

11.0 Observations

None received.

12.0 Assessment

I consider the main issues relevant to the assessment include:

- Compliance with Section 254 Criteria
- Appropriate Assessment

13.0 Compliance with Section 254 Criteria

13.1 Introduction

- 13.1.1 The subject site is located along the edge of a public road and footpath on the western side of Rowan Avenue), within the established suburb of Renmore,

approximately 1.5 kilometres south-east of Galway city centre. The proposal provides for the erection of a slimline telecommunications pole structure and associated cabinets which are to be located on the eastern perimeter of the Renmore playing pitches. The telecoms infrastructure would be located within a grass margin area between the footpath and playing pitches, adjacent to the Elm Park, Chestnut Close and Yewland Green residential developments located east, west and south of the subject site. The lands rise immediately west of the subject site and the Renmore playing pitches are elevated approximately two metres above the level of Rowan Avenue.

13.1.2 Section 254 (5): In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to the items listed under subsection 254 (5).

- a) The proper planning and sustainable development of the area,
- b) Any relevant provisions of the development plan, or local area plan,
- c) The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road.
- d) The convenience and safety of road users, including pedestrians.

13.2 The proper planning and sustainable development of the area.

13.2.1 The site is located along the edge of a public footpath on lands which are zoned RA- Recreation and Amenity in the current Galway City Development Plan 2023-2029. Public utilities are among the uses that can be considered on lands zoned for recreation and amenity purposes. Therefore, the principle of the development is permitted in principle subject to other development management criteria being adhered to, as will be detailed within the assessment below. The proposed development includes the erection of a slimline telecoms pole and associated cabinets and the erection of telecoms antennae and dishes. It is stated that the pole structure can facilitate up to two telecommunications providers.

13.2.2 A Planning Statement and a visual impact assessment including photographic images were submitted as part of the planning documentation. The impact on the residential and visual amenity has been assessed by the Planning Authority (PA). The PA considered the proposal would have a significant adverse visual impact upon

the established suburb of Renmore and the residential amenity of the surrounding properties. I note the illustrations submitted which include views from 4 locations, including from within the adjoining residential developments and from further north and south along Rowan Avenue. The level of effect within the local environment was assessed by the applicants as varying between moderate/low to negligible. The magnitude of change varied from being partially changed, to barely distinguishable to discernible within the local urban landscape, due to the presence of the existing built environment, the existence of the semi-mature trees and existing vertical infrastructure including streetlight columns and goalpost. On balance, I do not consider these illustrations indicate any significant negative impact on the visual amenity of the surrounding area.

- 13.2.3 The Section 254 Licence was refused by the PA for the reason of negative impact on the visual and residential amenities of the area and that the infrastructure would constitute a visually obtrusive element in the public realm. The PA did not reference an overconcentration of telecommunications infrastructure in the vicinity of the site. However, consideration of alternative telecommunication sites was considered in detail by the applicants and the PA. This issue of existing alternative telecoms sites in this vicinity will be addressed in Section 13.4 below.
- 13.2.4 The applicants set out that the appeal site is not particularly prominent, on the edge of a local carriageway and footpath, in proximity to an existing streetlight column and semi-mature trees with a height of up to 8 metres. They also state that the proposals would by virtue of the slimline design of the telecoms supporting pole structure and the relatively modest scale of the associated telecoms cabinets, antennae and dish infrastructure which would also facilitate another telecoms operator, that the proposals would not adversely impact upon the visual amenity of the area. No dwelling directly overlooks the site, the adjacent dwellings either back or are located side-on to the subject site and are surrounded by planting or by perimeter boundary wall.
- 13.2.5 The PA was not satisfied with the applicant's visual assessment and considered that the telecoms proposals would adversely impact the visual and residential amenities of the area and refused the licence for reasons of adverse visual and residential amenity. The Planning Authority considered that the proposals would be contrary to

Policy 9.13 within the City Development Plan and contrary to policy 3.5 regarding sustainable neighbourhoods established suburbs.

13.2.6 I note the existence of the semi-mature trees immediately west and north-west of the development and I consider that by virtue of their height, up to eight metres and I note that these trees are located on more elevated ground that these will provide partial screening of the development, particularly from the west. There are other vertical structures in proximity to the subject site in the form of streetlight columns and the goalposts associated with the Renmore playing pitches and, therefore, I do not consider that the slimline support structure would represent an overly prominent feature within the local streetscape. I am satisfied that the proposed telecoms infrastructure would not represent a visually obtrusive element within the local public realm. I also consider that the proposals will result in additional benefits to the area in terms of providing greater certainty and reliability in terms of broadband connectivity and mobile calls for local residents which they state at present is patchy and not reliable and will afford local users greater levels of mobile data and call service, which at present are poor. 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 stated to be Fair, and, therefore, not strong nor reliable, particularly for 4G and 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, including policy 9.9 regarding supporting telecoms infrastructure and would provide for the facilitation and improvement of telecommunications coverage and systems in this locality.

13.2.7 In conclusion and on balance, having regard to the characteristics of the proposed works, along with the location removed from the dwellings, a minimum of twenty metres separation distance from the nearest dwellings, on the edge of a wide public road (ten metres in width, akin to the carriageway width of a distributor road), the absence of a direct view from dwellings to the subject site, it is not considered the proposal will have an adverse visual impact on the surrounding area and, therefore, that the proposals would accord with the proper planning and sustainable development of the area.

13.3 Any relevant provisions of the development plan, or local area plan,

- 13.3.1 Section 9.11 and Policy 9.9 of the current city development plan provides guidance for the appropriate location of telecommunications infrastructure. In this regard any proposal is required to:
- Facilitate co-location of antennae with other operators.
 - Ensure that telecommunications installations take cognisance of the Planning Guidelines Planning Guidelines for Telecommunications Antennae and Support (DECLG, Circular Letter PL07/12) and in relation specifically to new free standing masts and antennae, locations in the immediate proximity to residential areas, schools and other community facilities will only be considered where all other more suitable options, including opportunities to locate on tall buildings, rooftops and co-location with existing masts, have been exhausted following an evidenced based evaluation of potential sites. comply with national guidelines.
- 13.3.2 The application was accompanied by a planning statement which includes a map of existing telecommunications infrastructure within the vicinity of the appeal site. Seven existing telecom sites are identified, ranging in distance from 220 metres from the subject site and up to two kilometres from the appeal site. The planning statement provides information of compliance with the national, regional and local planning policy.
- 13.3.3 The proposed development will not be in a location to cause any obstruction to pedestrians or road users. In addition, a visual impact assessment, including photomontages was submitted as part of the planning documentation clearly illustrates no significant adverse impact on the surrounding area.
- 13.3.4 Overall, I am satisfied that the proposed development complies with the guidance in Section 9.13 of the current city development plan 2023-2029, in relation to environmental, residential and visual amenity considerations being taken into consideration, in compliance with policy 9.9 regarding supporting the development and expansion of telecommunications infrastructure, facilitating co-location and that the proposals would be in compliance with the provisions of the Telecommunications Guidelines, 1996 and the Planning Circular PL07.12.
- 13.4 The number and location of existing appliances, apparatuses, or structures on, under, over or along the public road.

13.4.1 Rowan Avenue is a relatively long straight and wide road. Aside from the standard public lighting poles along the western side of Rowan Avenue, there are a number of semi-mature trees, stated to be approximately 8 metres in height and GAA goalposts further north-west of the site, on more elevated ground within the Renmore playing pitches. The applicants set out that there are a number of established vertical features adjacent to the subject site, albeit that the building height in the area is largely two storeys, that being within the adjacent residential developments.

13.4.2 The applicant submitted a detailed assessment of seven existing alternative telecommunication sites and an appraisal of the merits of each site. The applicants set out that at four of the existing potential alternative sites, that the operator (Eir Ireland Ltd) is already co-locating and that they are located outside of the search ring of c.400m in order to achieve the 4G and 5G high speed data and voice call requirements that customers expect. Therefore, these sites could not be considered further. The other three existing alternative sites considered are all operating from rooftops associated with commercial and/or civic buildings and these locations were discounted on the basis that they would not have capacity to cater for additional telecoms infrastructure. The locations of the existing potential alternative sites considered are set out below:

- Fuschia Drive, Renmore (H91 N446) c. 220 metres south of the subject site,
- Ballyloughane Road, Renmore (H91 TW6Y), c. 735 metres south of the subject site,
- Renmore Barracks (H91 F88O), c. 960 metres south of the subject site,
- Lough Atalia Road (H91 CDD8), c. two kilometres west of the subject site,
- Galwegians RFC (H91 VP7V), c. 460 metres north of the subject site,
- Connacht Hotel (H91 F62K), c. 780 metres north of the subject site,
- The Huntsman Inn, H91 PC81), c. 1.47 kilometres west of the subject site,

13.4.3 The PA were not satisfied with the applicant's visual assessment and referenced the absence of leaf cover at certain times of the year and that the proposals are akin to 'industrial' type structures. The Planners report references 'The urban density and buildings heights study 2021', however, I am not aware that this document references 'telecommunications structures' and, therefore, reference to this

document is not particularly relevant in this instance. I understand that telecoms structures are encouraged to be located along distributor roads, however, I note that the carriageway width along Rowan Avenue is approximately ten metres at this location, considerably wider than that of a distributor road and, therefore, I consider the carriageway width along this section of Rowan Avenue facilitates the capacity to absorb the height of the telecom's infrastructure in this instance.

13.4.4 In terms of the proposals representing an incongruous feature within the established residential suburb of Renmore. I consider that the applicants have addressed the issue in terms of their technical justification supporting this particular location, in terms of data and mobile call coverage and that that no dwellings would have a direct aspect towards the telecoms infrastructure and that any views are blocked by the existing built environment and the existing adjacent semi-mature tree planting. The colour of the fir green cabinets and pole structure will also assist in assimilating the telecoms infrastructure into the local environment. The local residents will also benefit in terms of improved broadband and mobile call coverage, which will benefit those working from home, facilitate improved browsing on the web and students studying at home.

13.4.5 The PA's report includes reasons to "discount" those existing telecommunications. Reasons for not locating on existing sites include the lack of technology for high capacity, multi operator slimline infrastructure and the unavailability of sufficient coverage outside the search ring. I consider these are reasonable reasons to discount those existing sites for use and to justify the current location.

13.4.6 The grounds of appeal include a significant amount of information on similar structures within the established suburbs within Galway, where both Galway City Council and An Bord Pleanála have permitted similar type of telecommunications infrastructure. However, each proposal must be assessed on its individual planning merits. That aside, I consider there is sufficient information on the file to undertake a detailed assessment of the proposed works.

13.5 The convenience and safety of road users, including pedestrians.

13.5.1 The proposed pole and associated cabinet infrastructure will be set back from the public footpath, adjacent to the wall. It is not considered the location of the

infrastructure will cause any hazard to either pedestrians or road users. The Roads Department have no objection to the proposed development.

13.6 Conclusion

- 13.6.1 Therefore, having regard to the policies and objectives set out within the city development plan, specifically Policy 9.9 and Section 9.13 regarding telecommunications infrastructure and having regard to the policy provisions set out within the NPF, the Telecommunications Guidelines 1997 and planning Circular PL07.12, and the siting of the proposed telecommunications improvement works adjoining Rowan Avenue with a carriageway width of ten metres and the existence of semi-mature trees and vertical structures in the vicinity of the subject site, the applicant's justification for locating the proposal at this location and absence adverse negative visual or residential impact, I consider the proposals to be acceptable.

14.0 **Appropriate Assessment**

- 14.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 450 metres east of the nearest European sites, namely the Inner Galway Bay Special Protection Area (SPA) (site code 004051) and the Galway Bay Special Area of Conservation (SAC) (site code 000268). The development description was set out within Section 2 of the report above. No nature conservation concerns were raised in the planning appeal.
- 14.2 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 [insert as relevant:
- The modest scale of the works proposed.
 - The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- 14.3 I conclude, that on the basis of objective information, that the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and,

therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

15.0 Recommendation

15.1 I recommend that permission is granted for the proposed licence in accordance with the following reasons and considerations.

16.0 Reasons and Considerations

Having regard to the provisions of Section 254 of the Planning and Development Act, 2000, as amended, national, regional and local policy objectives, as represented in the Galway City Development Plan 2023-2029 and 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, it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously obtrusive to the amenities of the area or the residential amenities of properties in the vicinity and, would be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the Planning Authority on the 15th day of September 2023 and by the further plans and particulars submitted to the Board on the 7th day of December 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenity of the area.</p>
3.	<p>Details of the proposed colour scheme for the pole, antennas, equipment containers shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenity of the area.</p>
4.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>
5.	<p>In the event of the telecommunications structure and related ancillary structures becoming obsolete and being decommissioned, following discussions with the Area Engineer regarding the relocation of the public light contained upon the pole, the developer shall remove the pole and associated structures and return the site to its original condition, at their own expense.</p> <p>Reason: To ensure satisfactory reinstatement of the site upon decommissioning of the structure</p>

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.

Fergal Ó Bric
Planning Inspectorate

29th day of October 2024