



An
Bord
Pleanála

Inspector's Report

ABP-319812-24

Development	Retention of 9 no. antennas and 6 transmission dishes.
Location	Kingston Hall, Kingston Road, Knocknacarra, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2460065
Applicant(s)	Cellnex Ireland Limited
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	Cellnex Ireland Limited
Observer(s)	S. O'Connor J.Toner Chairman, Carragh Residents Association .
Date of Site Inspection	17 th December 2024, 30 th January 2025
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The existing development is located at roof level of Kingston Hall, Kingston Road, Knocknacarra Co. Galway. Kingston Hall is a 4 storey mixed use building occupying a 0.3hectare site which fronts onto Kingston Road (R337) in the Knocknacarra area in the suburban area of Galway City.
- 1.2. The area surrounding the site is primarily residential with a variety of house types and architectural styles. The area immediately surrounding the site consists of detached houses on large plots with front and rear garden spaces. A shopping centre and tree lined park is located west of the site.

2.0 Proposed Development

- 2.1. Retention permission is sought to retain:
 - 9 no shrouded antenna
 - 6 no. transmission dishes on ballast mounted supporting poles
 - Equipment cabinets cabling and associated site works at the roof and basement level

3.0 Planning Authority Decision

- 3.1. **The planning authority issued a Decision to refuse permission for a single reason:**

The Galway City Development Plan 2023 – 2029 Section 9.13 “telecommunications’ states in Policy 9.9 that the council “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” However, the retention of this development would contrary to the above stated policy of the development plan, by reason of the proliferation of antenna and associated structures, their height, bulk and scale, all positioned in a significantly elevated location within public views and directly adjacent to a rooftop communal space and would, in addition to the above, be out of character with the

prevailing pattern and architectural symmetry of development within the area, would be visually intrusive features, seriously injured the residential amenities and depreciate the value of property on the vicinity by virtue of their location and would therefore be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. There is a single Planning Report on file the issues raised can be summarised as follows:

- The building was originally granted permission with the main communal space for the residential element located at roof level. In addition no antenna were proposed to be erected at roof level, it is noted the applicant refers to communications equipment permitted in 2002, however this reference is somewhat misleading, as that permission related to the old Pavillion Stores commercial building which was demolished and replaced with the current residential/retail block.
- With regards to the unauthorised erection of the masts and dishes, the applicant states they incorrectly assessed the building, believing the development erected was exempt, hence this application for retention.
- The applicant has submitted a justification, outlining in their opinion, why the masts and dishes are required and indicate that this is an important site to their network. However, their mistake and this alleged need does not permit, justify or exempt the applicant to illegally erect masts without planning permission to the roof of this building and such unauthorised works do not confer any rights to this unauthorised development.
- In this case the applicant has erected 9 antenna structures with a height of 3 metres above the surface they are located upon, and 6 no. transmission dishes. The masts are tall bulky structures which are positioned on top of the upper residential units and access points to the communal roof garden.
- With regards to impacts upon residents utilising the roof communal space, it is considered that the number of structures, their height location and scale are

both visually obtrusive, while their scale and mass and number are such that they would be an overbearing feature for any resident using the roof communal space, in this case these are not acceptable structures to be open for consideration in this location.

- With regards to wider views of the building, its setting and context, the number of antenna, their height, bulk and scale, located at roof level are a very obtrusive feature and are of a significant concern and would clearly impact upon wider views of the building and would be contrary to the above outlined policies of the development plan, therefore, permission should be refused.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

There are three third party observations on file. The issues raised overlap with the observations submitted with the appeal. A summary of observations is as follows:

- The granting of retention permission in this instance undermines the integrity of the planning process.
- The masts are a health and safety hazard, with some of the equipment having fallen/blown into neighbouring property
- The antenna are cause for concern for human health. The applicant required to provide proof that the installed equipment is in compliance with the limits as set by the Guidelines of the International Commission on Non-Ionising Radiation Protection
- The antenna has a significant negative visual impact

4.0 Planning History

- PA reg ref 15/187: Granted (1) permission for change of use from office to ancillary restaurant bar at Unit No. 2, to form an extension to the existing restaurant at Unit No. 1, (2) permission to extend outdoor seating area together with all associated site works and services
- PA reg ref 12/363: Granted permission for projecting signage and an outdoor seating area together with all associated site services at Capones Restaurant
- PA reg ref 09/432: Granted Permission for the following amendments to previously approved planning permission (reg. ref. 09/77), change of use of Unit 1 from permitted retail use to restaurant use, at ground floor level, including all associated site works.
- PA reg ref 09/77: Granted permission for the following amendments to previously approved planning permission (reg. ref. 07/1009), a) sub-division of permitted office unit 4 into unit 4A and unit 4B b) change of use of office unit 4B into local Doctors Surgery, all at ground floor level, including all associated site works.
- PA reg ref 07/1009: Granted permission for the following amendments to previously approved planning permission (reg. ref. 05/351), a) change of use of permitted crèche unit into financial retail unit with revisions to curved element of elevations along Kingston Road and site access road, b) change of use of permitted office unit 3, 4 and 5 into local retail units, c) combination of permitted office unit 1 and 2 into one office unit, all at ground floor level, including additional surface level car spaces to rear with landscaped podium over, d) signage panels above retail/office units, e) change of two, two bedroom apartments to two, one bedroom plus study apartments at first floor level, f) additional external storage room at ground floor level to house gas meters.
- PA reg ref 05/351: Galway City Council Granted permission for a mixed use development comprising of a crèche and 5 no. offices units on ground floor level with 34 two bed and 1 one bed apartments on first, second and third floor levels. Provision is made for 83 no. car parking spaces at basement level

and 5 no. surface car parking spaces and all ancillary site works including an ESB sub station and switch room.

5.0 Policy Context

National Planning Framework

- 5.1.1. National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.

Regional, Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES):

The weakness/absence of high-quality telecommunications infrastructure is identified as being an important issue for the region (see page 232 RSES).

5.1.2 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.

5.1.3 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).

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.

5.1.4 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

5.1.5 The Galway City Council Development Plan 2023-2029

Section 9.13 'Telecommunications', Policy No. 9.9

- 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.
- 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.
- 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.

- 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.

Section 11.18 'Telecommunications', states:

"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".

5.2. Natural Heritage Designations

Galway Bay Complex SAC 400m to the southwest of the site

Inner Galway Bay SPA 400m southwest of the 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

This is a first party appeal against the decision of Galway City Council to refuse permission for the retention of existing development

- The applicant has set out a justification for the development. At 16m high the rooftop solution of Kingston Hall allows the site to accommodate multiple technologies. The operators Three Ireland limited, Eircom Limited and Vodafone Ireland limited have each provided additional technical justification including reference to coverage maps. Kingston Hall is providing coverage to significant area where there would be high demand for wireless communications services for residents and businesses in this area.
- The proposal as set out is in accordance with Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996). Alternative locations were examined as potential alternative sites to the development. The only other commercial building is a shopping centre located to the west. This is two storey in height only and discounted on this basis as the height of the building would not permit extended coverage. Rooftop locations are preferred over standalone masts. Antennas that are positioned on rooftops of commercial buildings are generally considered to be acceptable on commercial buildings within the surrounds of residential areas and are normally erected on buildings under the provisions of exempted development that are provided for in the Planning and Development Regulations 2001.
- Regarding visual impact, a level of visual impact can be expected given the height of the building. While the antenna will be visual from public and private perspective it is not considered that they will be dominant or overly intrusive from the views of residents. A degree of visual impact is inevitable owing to the height of the structures. It is not always possible to find and secure a site which meets the preferred locational requirements of the regulatory system and therefore as the guidelines allow there are occasions where development within a residential area may be permissible.,

- The proposal is supported by National Policy and Galway City Development Plan.
- Alternative locations were examined and ruled out on the basis of distance and height of support structures. Where the applicant were to apply for an alternative structure in this location ,a support structure of 25-30m would be required in order to ensure adequate coverage.

6.2. Planning Authority Response

- None

6.3. Observations

There are two observations on file, the issues raised can be summarised as follows:

- The Cellnex appeal documentation does not acknowledge that the application is in reference to an existing unauthorised development and not a “proposed development” The appeal documentation does not reference in any real way the issues raised in relation to structures overlooking and overshadowing the roof communal space of Kingston Hall and adjacent houses on Knocknacarra Road and Carragh Hill. The applicant does not acknowledge any redress for the part of the unauthorised development that was blown onto adjacent gardens on Knocknacarra Road during a storm in January 2024. No analysis of impact on residential amenities has been carried out.
- There is a requirement to uphold the integrity of the planning system, whereby to grant permission where by there has been unauthorised development undermines the system. The original development design of Kingston Hall went through the planning process and subject to consultation. All residents in the locality understood what the final design detail was, the erection of the antennae and transmission dishes changing the appearance of the building was done without planning permission.
- There are health and safety considerations regarding the equipment used as some of the equipment has blown into an adjacent garden during a storm.

6.4. 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. While not raised as a ground of appeal, the appropriateness of the site's location is a key consideration in assessing the visual impact and overall acceptability of the development. The applicant has provided substantial justification for the retention of the telecommunications infrastructure, citing compliance with both local and national policy. Conversely, third-party observations raise concerns regarding the visual impact, health and safety risks—including reports of apparatus falling into neighbouring properties—and the extent of unauthorised structures on site.

7.1.3. The development for retention consists of nine shrouded antennas and six transmission dishes, mounted on ballast-supported poles on the rooftop of Kingston Hall, Kingston Road, Knocknacarra, Galway City. The highest point of the existing building is 13.9m, with the antennas increasing the overall height by 2.992m. These structures, dispersed across the roof, serve three different telecommunications operators. All antennas are shrouded and finished in a neutral colour to mitigate visual intrusion. The Planning Authority refused permission on the basis of visual and residential amenity concerns, citing conflict with Policy 9.9 of the Galway City Development Plan.

- 7.1.4. The applicant has submitted a site justification form, supported by coverage mapping, demonstrating a need for the infrastructure. The area targeted for coverage includes the residential neighbourhoods of Kingston Gardens, Knocknacarra, Brooklawn, Clybaun, Oldfield, Hillcrest, and Pollnaroona, as well as nearby businesses. Radio engineers' coverage maps indicate that removal of the site would result in "poor" outdoor mobile coverage.
- 7.1.5. The site is zoned for residential development, with a zoning objective that allows for associated support services. Under this framework, public utility infrastructure, including telecommunications, is "open for consideration," provided it is appropriately scaled and sited. The principle of a telecommunications installation at this location is generally acceptable.
- 7.1.6. National policy on telecommunications infrastructure, as outlined in the Department of the Environment (DoE) guidelines, addresses key issues such as site selection, visual impact, and co-location. Relevant provisions in the Galway City Development Plan include Section 9.13 'Telecommunications' and Policy 9.9, which emphasise the importance of co-location and the minimisation of visual impacts.
- 7.1.7. The applicant has undertaken a comprehensive site selection process in accordance with Policy 9.9 and national guidance. Alternative sites within the designated search ring were considered but deemed unsuitable due to distance or insufficient building height. The Telecommunications Antennae and Support Structures Guidelines (1996) recommend that free-standing masts should only be deployed in residential areas as a last resort, where no alternative sites exist. In this case, the development involves rooftop-mounted antennas rather than a stand-alone mast. The applicant states that, if the current site were not available, a free-standing mast in the vicinity would likely be required to maintain network coverage. Furthermore, the existing installation accommodates multiple operators, thereby aligning with national and local policy objectives that promote co-location.
- 7.1.8. With respect to residential amenity, there are no statutory separation distances between telecommunications structures and residential or educational buildings. The DoECLG Circular Letter PL07/12 advises against rigid separation distances, as such restrictions may unduly limit the availability of suitable sites and undermine network

functionality. The flexible approach advocated in national guidance supports the view that the proposed development is appropriately sited.

- 7.1.9. The proposed retention of telecommunications infrastructure is in accordance with both national and local policy objectives. The applicant has provided sufficient justification for the development in terms of network coverage requirements, site selection, and compliance with co-location policies. On balance, the site is considered appropriate for telecommunications infrastructure, contributing to essential network improvements while aligning with Policy 9.9 of the Galway City Development Plan and national guidelines.

7.2. Visual Impact

- 7.2.1. Galway City Council refused the application on the basis that the development would contravene Section 9.13 and Policy 9.9 of the Galway City Development Plan due to the proliferation of antennae and associated structures, their significantly elevated position within the public realm, and their proximity to a communal rooftop space.
- 7.2.2. The development consists of shrouded antennae finished in a neutral colour, designed to minimise contrast with the building and mitigate visual impact. While the increased height of 2.992m alters the overall roof profile, design measures have been incorporated to reduce its prominence. The most notable visual impact is from Kingston Road and the rear of residential properties on Knocknacarra Road, with additional potential visibility from Carragh Hill estate to the south.
- 7.2.3. The development will be intermittently visible from several locations within the surrounding area. However, it does not terminate any key views and is partially screened within a broader urban context. Importantly, the site is not located within an Architectural Conservation Area (ACA) or in proximity to any protected structures. The existing building is part of a commercial development within a suburban environment, and as such, the rooftop infrastructure does not appear unduly intrusive or dominant within the landscape.
- 7.2.4. The use of shrouds in a neutral colour scheme aids in integrating the structures into the building's architectural profile. While the surrounding area is primarily residential, Kingston Hall is a mixed-use development incorporating commercial, office, gym, and residential elements. Its scale and appearance differ from adjacent residential properties, reflecting its commercial and mixed-use function. While the

telecommunications equipment is visible atop the building, it does not significantly detract from the residential amenity of the area and aligns with the broader urban character of the site.

7.2.5. Although the development results in a moderate visual impact, measures have been implemented to mitigate this effect. The consistent approach to the design and finish of the equipment, particularly the shrouding, aligns with the upper storey of the building. National and local policy recognise telecommunications infrastructure as a critical public utility that supports both residential and business needs. The applicant has provided a detailed justification for the necessity of the infrastructure and has pursued a logical co-location strategy, minimising the need for additional standalone structures elsewhere.

7.2.6. While the development is visible, this impact must be considered in balance with:

- The demonstrated need for telecommunications infrastructure in the area.
- The zoning designation, which permits such infrastructure in principle.
- The design approach taken to reduce visual impact.

7.2.7. Having regard to the above considerations, I am satisfied that the visual impact of the development is not of such significance as to warrant refusal of planning permission. The proposal aligns with national and local policy objectives, and while some visual intrusion occurs, it is moderate and appropriately mitigated within the existing built environment. Overall I consider the proposal is in keeping with Section 9.13 and Policy 9.9 of the Galway City Development Plan 2023 to 2029. Overall, I am satisfied that the visual impact is not so significant or harmful that it would warrant refusal of planning permission.

7.3. Other Issues

7.3.1. Location of antenna adjacent to communal open space

7.3.2. Galway City Council's refusal reason includes concerns regarding the proliferation of antennae adjacent to the rooftop communal space, stating that such development would be out of character with the area. The planning authority considered that impacts upon residents utilising the roof communal space, as a result of the number of structures, their height location and scale are both visually obtrusive, while their scale and mass and number are such that they would be an overbearing feature for any resident using the roof communal space. In this case these are not considered acceptable structures to be open for consideration in this location.

7.3.3. Kingston Hall was granted planning permission in 2005 as a mixed-use commercial and residential development, including 34 one- and two-bedroom apartments. While minor modifications have been made to the original scheme, these have not altered the residential component. The approved development included a rooftop terrace, designed with planting and 1.5m-high screening. The telecommunications infrastructure proposed for retention is positioned adjacent to, but not within, the designated rooftop terrace. The antenna are primarily ontop of access points and stairwells to the rooftop terrace. The communal space remains accessible and available for use by residents.

7.3.4. There are no statutory separation distances between telecommunications structures and residential or educational buildings. National guidance, as set out in the DoECLG Circular Letter PL07/12, advises against the imposition of rigid separation distances, as such restrictions can constrain the identification of suitable sites and impact the effectiveness of telecommunications networks. Instead, a flexible, case-by-case assessment is recommended. Furthermore the 1996 Guidelines advise that planning authorities should not include monitoring arrangements as part of planning permission conditions nor determine planning applications on health grounds.

7.3.5. While the location of the antennae in close proximity to the rooftop terrace is not ideal, it does not physically encroach upon or restrict the use of the space. Residents retain full access to the communal area, and the infrastructure does not obstruct movement or usability. Regarding overbearing and overshadowing as stated by the

local authority, I do not perceive this to be a factor in limiting use of the rooftop terrace. The antenna are primarily located to the east of the building, potentially limiting morning sun, there would be no impact on afternoon or evening sun as a result of the structures. Therefore, I do not agree with the argument that the structures would be overbearing or cause significant overshadowing.

Having regard to the above, I do not consider the proximity of the telecommunications equipment to the rooftop terrace to be a substantive issue warranting refusal. The proposal complies with local and national guidance, and the rooftop terrace remains functional and accessible. While not the optimal solution, the siting of the infrastructure is reasonable within the context of the development and the wider policy framework.

7.3.6. Non – Ionising Radiation Protection

Section 4.6 of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 (Department of the Environment and Local Government) states the operators should furnish with their planning application a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European pre-standard and furnish evidence that an installation of the type applied for complies with the Guidelines. The observer on file states that the applicant has not furnished such evidence but has merely provided a statement to indicate that the antenna provided comply with the guidelines. The applicant has stated in page 12 of the planning statement within the application the following: *“In relation to health impacts the applicant, wish to advise the Council that the proposed equipment and installation, as detailed in the attached planning application, is designed to be in full compliance with the limits set by the Guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP). The site meets the radiation standards as set by ComReg and the associated licence conditions applied to the Operator’s who use the site as part of its Network”* Having examined the guidelines, in my view the above statement demonstrates compliance with the Guidelines as required.

7.3.7. While I note concerns of the appellants in relation to non- Ionising radiation protection, 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 emission limits are controlled through other legislative powers and are not a matter for the Board in this instance.

7.3.8. Health and Safety

Observers have expressed concerns regarding the structural integrity of the existing telecommunications infrastructure, citing a storm event in January 2024, during which a section of antenna shrouding became detached and landed on a neighbouring property. However, matters relating to the structural integrity and safety of such infrastructure fall under the remit of separate regulatory frameworks and are not within the scope of the planning process. The applicant remains solely responsible for ensuring that all structures are properly maintained and securely installed in accordance with relevant safety and engineering standards.

8.0 **AA Screening**

- 8.1.1. I have considered the retention development at Kingston Road, Knocknacarra, Co. Galway in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is located c. 400m North 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 development for retention comprises telecommunications structures and ground equipment cabinets associated with an existing mix use building.

8.1.3. 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 determination by the Planning Authority.

8.1.4. 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. 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, I recommend that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the retention development is in accordance with 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, DoECLG Circular Letter PL07/12, Section 9.13 and Policy 9.9 of the Galway City Development Plan 2023 to 2029. The Board has considered that the development for retention would not seriously, or disproportionately, injure the amenities of the area or of property in the vicinity, or detract to an undue degree from the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. In the event of the proposed structures becoming obsolete and being decommissioned, the developers shall, at their own expense remove the telecommunications structures and associated equipment.

Reason: In the interest of orderly development.

3. The antennae type and mounting configuration shall be in accordance with the details submitted with this application, and notwithstanding the provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of permitted development to which this permission relates and to facilitate a full assessment of any future alterations.

4. The developer shall provide and make available on reasonable terms the proposed support structure for the provision of mobile telecommunications antenna of third party licenced telecommunications operators.

Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.

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

31st January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319812-24		
Proposed Development Summary	Retention of 9 no. antennas and 6 transmission dishes.		
Development Address	Kingston Road, Knocknacarra, 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	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

