



An
Bord
Pleanála

Inspector's Report

ABP-320020-24

Development

Removal of an existing 15.1 metres telecommunications support structure (overall height 19.6 metres) together with telecommunications equipment and replacement with a new 30 metres telecommunications support structure (overall height of 31.5 metres).

Location

Barrack Street, Gort, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

20/2010

Applicant(s)

Vodafone Ireland.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Vodafone Ireland.

Observer(s)

P. Piggott + Others.

Gort River Walk Development Group

E. Van Hout

Mount Fuji Development Group

Date of Site Inspection

1st October 2023

Inspector

Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site has a stated area of c.0.1ha and forms part of an existing telecommunication exchange compound and is accessed from Barraha Street, Gort, Co. Galway. The site is located to the rear of a terrace of three storey buildings which address Market Square and is separated by Slipper Street which is a one way road providing access from Market Street to Barrack Street.
- 1.2. The southern boundary of the site is shared with Gort Garda Station where there is a tower located to the east of the station.
- 1.3. The subject site comprises of a single-story utility structure, an exchange building and a c.15m telecommunications Mast. The site is provided with two access points – one from Slipper Street and the second from Barrack Street.

2.0 Proposed Development

- 2.1. This is an application for permission for the following:
 - The removal of an existing telecommunications support structure and telecommunications equipment on site. The structure has a maximum stated height of c.19.6m which includes for antennae mounted on top and a principal height of c.15.1m.
 - The construction of a c.30m high telecommunication support structure which is described as being lattice in nature. The proposed structure has a height of c.31.5m when all other infrastructure proposed is considered.
 - Antennas, dishes and associated equipment.
 - 4 no. ground cabinets.
 - C.2.4m high palisade fencing surrounding the proposed structure.
- 2.2. The applicant submitted a Technical Justification which was included as part of the cover statement and prepared by Towercom. The report states the following:

- The existing structure does not have a capability to provide for co-locations of Eir Mobile and Imagine Broadband who both require a site within the Gort Area.
- The existing Garda Lattice Structure is not available.
- Maps indicating the current indoor coverage and the predicted coverage in the event that the proposal is constructed.
- The need for the structure is to provide for an improved and essential service to the customers of EIR, Vodaphone and Imagine.

2.3. The application has been accompanied by letters of support from Eir and Imagine which both reiterate what has been included within the cover letter and their requirements for proposed development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to REFUSE planning permission on the 16th December 2021. The reasons was set out as follows;

1. *Notwithstanding the fact that the site is already occupied by a telecommunications support structure, the proposal is for a replacement structure of increased scale and bulk, and is a lattice type structure that would have a significantly increased and detrimental visual impact at this urban location on a small site. Having regard to the location of the proposed development within the town centre, the Telecommunication Guidelines issued by the Department of the Environment and Local Government, in particularly Section 4.3, and Objective ITC2¹ and DM Standard 32 of the Galway Development Plan, 2015 - 2021, it is considered that the proposed development would be visually obtrusive in this Class 3 Area of High Landscape Sensitivity, would seriously injure the amenities of the area and the value of property in the vicinity. Accordingly, to grant the proposed development would contravene materially the Telecommunications, Antennae and Support Structures Guidelines for Planning Authorities and policies and the development*

¹ This objective was not carried through to the new County Plan 2022-2028.

management standards of the Galway County Development Plan and would detract from the visual amenity of the area.²

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer (dated 23rd February 2021) notes:

- the site location,
- the planning history
- the principle of development.
- the site adjoins Gort Architectural Conservation Area and is in proximity to a number of Protected Structures, the Visual Impact Assessment submitted is not representative.
- Views from the Gort River Walkway have not been considered, nor have plans for its extension and that the design of the proposal should be reviewed.
- clarity is required on a number of issues with regard to the number of antennae proposed, as to why the applicant cannot co-locate on an existing structure.
- The report concludes that additional information is therefore required.

However, prior to arriving at this decision additional information was sought on the 24th February 2021 for the following:

1. The subject site is located adjacent to the Gort Garda Barracks, a protected Structure and to the Architectural Conservation Area of Gort, which protects the character of the historic town of Gort. The Planning Authority have serious concerns regarding the visual impact of the proposed new mast which will replace an existing mast with an increase in height from 15.1m to 31.5m, owing to its significant height, design and numerous antenna structures and design of same. In this regard, the applicant is strongly advised to reconsider the

² This application was lodged with the Planning Authority on 22nd December 2020. The Galway County Development Plan 2015-2022 referred to within the reason for refusal has now since expired with the Galway County Development Plan 2022-2028 being adopted on the 20th June 2022 and on that basis this appeal will consider the relevant policies and objectives of such.

proposed height of the mast, the design of the mast and the design of the number of antennae to provide for a structure that is more appropriate to this visually sensitive site, in a Class 3 sensitivity designated landscape.

2. (a) The visual impact assessment provided indicates a thin red line as representing the proposed development, which is not representative of the structure in situ. Having regard to the redesign requirements as set out in the further information point 1 above, please submit a revised visual impact assessment with a structure representative of the completed design.

(b) Please submit a revised visual impact assessment with additional viewpoints as follows:

(i) From the most prominent locations along the existing Gort River Walk and also from the proposed various viewpoints along the proposed extension to this walkway which is subject to a current planning application;

(ii) Provide for a long distance view of the roofscape of Gort;

(iii) Provide a long distance viewpoint from Church Street;

(iv) A prominent viewpoint from R380 and the R458 and Crowe Street.

3. The application details indicate that the applicant is willing to provide for co-location on the proposed development and has submitted details of the extent of existing coverage with and without the proposal. However, the details submitted do not provide for any assessment of other providers in the area, the extent of their coverage and a rationale as to why the applicant cannot co-locate with existing providers in order to avail of the coverage required or evidence that same has been requested from other providers. Please comprehensively address these points concern with relevant plans/particulars and documentation.

4. Please confirm the number of antennae proposed to be facilitated on the mast, as numerous antennae contribute to the visual impact of the development.

Additional Information response

The applicant submitted a response to the request for additional information on the 19th November 2021 which included for:

- a cover letter response document,
- a photomontage which includes for 3 no. additional images which were not included as part of the original application documentation; and
- A technical report from Vodafone and a letter of support from Vodafone.

The response submitted does not provide for an alternative design solution. The applicant states that the proposed structure will allow for co-location and would be lower than that situated at the Garda Station. It was further stated that the engineer on behalf of the OPW (owner of the garda station and mast) stated that the mast at the garda station is nearing maximum stress and has limited capacity at ground level to provide for any additional development. The applicant states that they consider that the proposal will harmonise with the existing garda mast.

The technical report notes that the applicant does not own any other infrastructure within Gort and that the subject site, where infrastructure is already in place, will negate the requirement for an additional structure elsewhere.

The applicant also stated that there will be a total of 9 no. antennae on the proposed mast.

The second report of the Planning Officer (dated 14th December 2021) notes:

- The applicant has provided a justification for the original design rather than addressing the specific visual impact concerns identified by the Planning Authority.
- It remains unclear if the 9 no. antennae have been included within the Visual Impact Assessment submitted.
- Revised Visual Impact Assessment provides limited information, with just one viewpoint along the Gort River Walkway being provided.
- submission fails to provide a clear assessment of the range of cover of the other operators in the area.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Conservation Officer – The initial report sought further information by way of a more complete representation of the proposal in terms of the photomontages. The second report notes concerns in relation to increasing the number of masts visible from the Market Square and recommends that permission is refused.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

None received.

4.0 Planning History

None.

5.0 Policy Context

5.1. National Planning Framework ‘Project Ireland 2040’

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

5.2. 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).

5.3. 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.

5.4. 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', starts the following:

- *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'.*
- *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).

5.5. Circular Letter PL 03/2018

This circular 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.

5.6. 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; and
- Future development contribution schemes to include waivers for broadband infrastructure provision.

5.7. Galway County Development Plan 2022-2028

5.7.1. The subject site is identified within the county development plan as being located within an 'Urban Environs Landscape' as per Map 8.1 and an area of low sensitivity as per map 8.2 of the County Plan. Urban areas are described as having a low sensitivity to change.

- 5.7.2. The Slieve Aughty Scenic Route extends from the Market Square in Gort to Portumma.
- 5.7.3. There is a National Monument (GA 0719- Castle) located to the south of the appeal site. There are a number of Protected Structures located within the vicinity of the subject site with the closest being the Gort Garda Station (RPS No. 3458) which shares the south-west boundary of the site and a house (RPS no. 424) to the west of the appeal site. It is further noted that there are a cluster of buildings located on Market Square which are also protected but separated from the subject site via Slipper Street.
- 5.7.4. 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.

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

Policy Objective LCM2: Landscape Character Classification.

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

Policy Object AH1: Architectural Heritage

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

Policy Objective AH 2 Protected Structures

Policy Objective AH 4 Architectural Conservation Areas

DM Standard 42: Telecommunications Masts

While it is noted that the Planning Authority within their reports make reference to the Gort Local Area Plan (LAP) 2013-2023. This LAP has now since expired and as such will not be considered as part of my assessment.

5.8. Natural Heritage Designations

The subject site is located c.1.6km to the south-east of the Coole-Garryland Complex SAC and Coole-Garryland pNHa. The site is also located c.1.488km to the south-east of the Coole-Garryland SPA.

5.9. 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, received from Entrust Planning and Environment Consultants on behalf of Vodafone Ireland, against the decision to refuse permission. The grounds for appeal can be summarised as follows:

1. Requirements and justification

- The subject site is of critical importance to appellant and is an existing and established utilities property.
- Existing infrastructure is operating at capacity and cannot support any new equipment which is required by the appellant to provide for 3G, 4G, and 5G services.
- The infrastructure is relied upon by many clients both private individuals and businesses operating in the rural area.
- Current service of broadband being provided is sub-standard. The existing Vodafone structure is no longer providing broadband.

- There is a requirement for a balance between planning requirements and peoples entitlement to modern communication facilities.

2. Location and Alternatives considered.

- There is already a mast at this location and within the vicinity located on the adjoining Garda Station site. This mast does not have any capacity on the structure or at ground level for any additional infrastructure.
- The proposal is seeking to replace an existing mast with a new one will not increase the number of vertical structures.
- The structure needs to be sited within the cell search area -which has been identified as Gort. The next nearest mast is located 3km away and as such would not be suitable to provide for the required services – 4G and 5G.
- Review was undertaken of Com Reg website register to locate masts within the vicinity – the nearest being the Garda station. Given this has no capacity the next would be located 3km to the south of Gort.
- Table 1 of the 1st part appeal together with Figures 1-3 provide for details of the alternative sites considered as part of the site selection process.
- Height is required to meet the need of the providers to serve the area of Gort and to the north of the Town specifically.

3. Design/Visual Impact

- Proposal will bring the existing antenna to a similar height as the existing mast at Gort Garda station which will allow them to be viewed in harmony.
- Proposed structure will sit 5m below the height of the existing structure at the Garda Station.
- This application is seeking permission for the replacement of an existing feature which has an established feature on the Gort townscape.
- Photomontages demonstrate that it won't impact upon the townscape.
- Proposal is of a similar height of other utility infrastructure within the town centre such as lamp posts and telephone poles.

4. Policy Context

- The land use zoning supports the proposed development.
- The proposal complies with all objectives within the County Development Plan for such infrastructure.
- The proposed development complies with the Report on the Mobile and Broadband Taskforce; Action Plan for Rural Development; and the Telecommunication Guidelines in terms of the facilitation of co-location, and with Circular PL07/12.
- Section 2.3 of Circular PL07/12 states that Planning Authorities should not include separation distances as they can inadvertently have a major impact on the roll out of a viable and effective telecommunications network.
- The appeal site is not located within a residential area or next to a school.

It is noted that the appellant in their original submission makes reference to Quigly's point. This is considered to be a clerical error.

6.2. Planning Authority Response

None received.

6.3. Observations

The following observations were received in respect of the appeal:

P. Piggott & Others

- Negative visual impact on general view-scape of Gort Town and the Gort River Walk.
- Not appropriate in the context of the Architectural Conservation Area and the historic town scape of Gort.
- Questionable if this is the only option as the town is served with optic fibre broadband and also option to locate outside of town.
- The Board is requested to apply the 'Precautionary Principle' regarding possible future health impacts.

- There has been no public consultation and impossible to find out about the application to submit an observation in time.

Gort River Walk Development

- Important to protect River walk from negative impact of development.
- Responses to Additional Information for additional photomontages did not satisfy request- only 1 viewpoint was provided from river walk and none were given along the proposed extension to the river walk.
- A sufficient Visual Impact Assessment was not undertaken.
- Photomontages were very bad quality – taken from wide angle with many obstructions.
- Technical drawings indicate that proposed structure is twice as wide as existing mast.
- Fully support the refusal from Galway County Council.
- Contravenes Objective ED4 of the Gort Local Area Plan (Impact negatively on tourism).
- The site is located within the town centre and a Architectural Conservation Area. The proposal will not only be visible from the street but also from cafés and restaurants.
- Lack of detail on the size of the antennae to be included.
- No health and safety assessment provided- this should have been included and considered the proximity to the garda mast.
- Site is proximate to protected structures
- Gort Town Centre First plan should be considered. The proposal would negatively impact the key elements of the plan.³
- Galway Athlone Cycle Route – proposal would dominate Gort skyline and puts more impact on visitor perception of their experience.

E Van Hout

³ Raised within the second observation received on the 9th August 2024.

- Visual impact underestimated by the applicant. The proposal will only draw more attention to the existing mast.
- Response to additional information – viewpoints provided are very limited.
- Proposal will detract from the natural beauty of the River Walk.
- Agree with the reason put forward for refusal by Galway County Council – request ABP consider the negative impact not only on the town streetscape but also on the river walk.
- Proposals will ruin efforts of others to retain Gort's heritage and attractiveness for visitors.
- Contest that there is no alternative site available.
- Question whether there is local want or a need to expand services.
- Impact on health not assessed.
- Request ABP apply the precautionary principle considering the health and wellbeing of the people of Gort.
- No public consultation.

Additional Concerns Raised within submission received on the 9th August 2024.

Gort Town Centre First plan needs to be considered as part of this assessment.

- Consideration needs to be given the policy and objective's of the Galway County Development Plan 2022-2028 relating to Archaeology
- Land adjacent to the subject site has been identified within the Town Centre First plan as being a possible site to provide residential development - the proposal may impact on the development potential.
- The ownership of the site has not been considered or examined.
- Vodafone is not present on the current site – ComReg indicates that Vodafone is actually located on the corner of Barrack Street.
- Confusion over role of Vodafone in the planning process.

- The planning status of the existing mast needs to be considered.
- The applicant on the application form under question 17C selected yes and no with regard to valid planning applications.
- Substantial changes to the mast have been undertaken over the years without the benefit of planning. No enforcement taken.
- The site is proximate to residential properties on Market Sq., Barrack Square and Slipper st.
- No reference made to noise levels of proposed ground cabinets.

Mount Fuji Development Group

- Proposal is contrary to proper planning guidelines.
- Visually intrusive structure on the Gort Skyline and surrounding apartment units
- Structures like this should not be located proximate to residential units as per the Telecommunication Antenna and Support Structures Guidelines for Planning Authorities.
- Having regard to scale of the structure it will have a significant impact on the character of the town.

6.4. Further Responses

None received.

7.0 Assessment

- 7.1. I note that following the decision of the High Court, H.JR.2023.000806 on the 13th of May 2024, the appellant submitted an additional 1st part appeal to An Bord Pleanála on the 9th of August 2024. The amended appeal submission reflects that of the original submission with the exception that the Galway Development Plan 2022-2028 was considered as opposed to the 2015-2021 plan, which has now expired. Please refer

to Section 5.7 of my report which sets out the relevant policies and objectives of the 2022-2028 Development Plan.

I consider the main issues in the assessment of this appeal are as follows:

- Technical Justification/Appropriateness of Location.
- Planning Status of the existing Structure
- Impact on Visual Amenity and Design
- Impact on Built Heritage
- Impact on Residential Amenity.
- Other Issues.

7.2. Technical Justification/Appropriateness of Location

- 7.2.1. The first party states that the proposed development is required at this location in order to address specific service/coverage deficiencies in Gort and the surrounding area. The first party has submitted ComReg coverage maps indicating existing coverage for each of the three operators who are co-locating on the proposed structure. The appellant is proposing to replace the existing mast in order to be able to not only provide for a 5g mobile service but co-locate with other operators to provide not only mobile but broadband services. The appellant has submitted letters from both EIR and Imagine to this extent.
- 7.2.2. I have consulted ComReg's coverage maps for outdoor coverage, on the 17th October 2024, and note that the maps indicate that both Eir and Vodafone have 'Fair Coverage'⁴. With regard to 5G, the mapping system has indicated that Vodafone has no coverage in the Town centre or surrounding area. I consider that in light of the forgoing, and the details set out within the appellants submission, there is a requirement to upgrade the current mobile and internet services in the Gort area.
- 7.2.3. The appeal submission has set out a detailed assessment of all alternative sites within the vicinity and demonstrated clearly as to why they would not be suitable to provide the proposed development. The most notable option would be the mast located on the adjoining site at the Gort Garda Station Barricks. Details have been submitted to

⁴ According to ComReg's website, areas with fringe coverage are described as 'marginal or poor connections/data speeds with disconnections likely to occur'.

demonstrate that there is no capacity on this mast to provide for any additional services. In addition, it was further noted that there is no space available within the compound to provide for any ground structures. Therefore, this option was discounted as part of the assessment. It is noted that this statement was supported by a letter from an Engineer from the Office of Public Works who are responsible for upkeep and monitoring of the subject mast.

- 7.2.4. Having ruled out the adjoining site the next closest facility was identified as a co-location site 3km from Gort Town centre. However, this facility was discounted as it would not have the requirements to meet the required target area where the service is currently lacking. Therefore, the appellant states that the most appropriate approach is to remove the current structure on the subject site and provide for a new mast with an increased height which in turn will, as stated, 'negate the requirements for an additional telecommunications structure elsewhere in the area.'
- 7.2.5. Section 4.3 of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 provide that '*only as a last resort should free-standing masts be located within or in the immediate surrounds of smaller towns or villages, and 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*', and.... '*the support structure should be kept to the minimum height consistent with effective operation*'. Furthermore, Policy Objective ICT4 of the Galway Development Plan 2022-2028 requires the co-location of antennae support structures and sites where feasible.
- 7.2.6. In light of the aforementioned with regard to the alternative sites considered by the appellant and the support provided by alternative operators who are also proposing to co-locate on the proposed structure I consider that a robust argument has been set out by the appellant which justifies the location of the proposal on the subject site. I consider that in order for the appellant to provide the services required they have demonstrated that any location outside of the town would not be feasible. In addition, in light of Objective Policy Objective ICT4 the appellant has clearly demonstrated that they are proposing to co-locate and allow other operators to utilise the proposed structure.

7.2.7. In conclusion, I consider that the appellant has undertaken a robust analysis with regard to site selection with the purpose of co-location which justifies the use of the subject site for the proposed development. In addition, having regard to both national and regional policy I consider that the proposed development accords with the requirements of both the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, 1996 and all relevant policies and objectives of the Galway Development Plan 2022-2028.

7.3. Planning Status of Existing Structure

7.3.1. Concern has been raised with regard to the Planning Status of the existing telecommunications structure located on the subject site within observations received. It is stated that the current structure has no planning status and recent works which were undertaken to the subject structure were done so without the benefit of planning permission.

7.3.2. The appellant has noted both within the appeal documentation and planning application documentation that the proposed mast was constructed under exempted development. The Planning Officer noted same in their report and makes reference to an application, PA Reg Ref 63805 which granted permission to extend the existing building on site. This file is not available to view on the Galway County Council planning search tool.

7.3.3. The appellant has not made specific reference to when the existing structure was erected on site and to what legislation it would be deemed exempt under. Under Schedule 2 Class 31 of the Planning and Development Regulations 2001, as amended, it is considered that the existing mast would not be deemed exempt as it extends beyond 12m in height as per the limitations and conditions of the exemption. Prior to the 2001 Regulations, Class 25B of the Local Government (Planning and Development) (Postal and Telecommunications) (Exempted Development) Regulations, 1983 prescribed that equipment for transmitting or receiving telecommunications messages from satellites in space which do not exceed 10m in height shall be considered exempt. As such, I am unsure as to what legislation the appellant considered to de-exempt the existing mast on site.

7.3.4. However, notwithstanding the above, the existing structure may have benefitted from permission which may be historic and therefore not included on the current on-line

planning search system. In any instance, I consider that given that the applicant is now seeking permission to remove said structure and replace it with a new mast and associated telecommunications structures, which in turn in the instance that this appeal is successful, would benefit from any permission.

- 7.3.5. With regard to the comments of ongoing works outside the benefit of permission, it is noted that this is an issue for enforcement which is a function of the Local Authority.

7.4. Impact on Visual Amenity and Design

- 7.4.1. The principal reason for the decision of the Planning Authority considered that the proposal would be detrimental to the visual amenity of the Town Centre of Gort and the associated Architectural Conservation Area which the subject site forms a boundary with.
- 7.4.2. The appellant states within their submission that the proposed development is replacing an existing structure albeit slightly higher but is lower than the existing mast on the adjoining site at the Garda Station. It is further stated that the proposal will bring the existing mast to a similar, albeit lower, height of that of the mast on the adjoining site which will allow for the two masts to be viewed in harmony.
- 7.4.3. The Planning Authority together with the observers have all raised concern over the visual impact the proposal may have upon the Gort River walk which has recently been permitted to be extended.
- 7.4.4. In considering the impact the proposed development would have upon the visual amenities of the area it is first important to have cognisance of the context of the surrounding area and the site itself. The site forms part of an existing infrastructure exchange site which has been in operation for many years and can be described as backland in nature. The site is provided with access from two points – one from Slipper Street which is a narrow one way street and the second from Barrack Street. The most notable point to remember is that there is an existing telecommunications structure which is c.15m in height located on the site. The site shares its south-western boundary with the Gort Garda station where there is a second mast which is c.35m in height.
- 7.4.5. From undertaking a site visit I note that the existing infrastructure on the adjoining garda compound site is readily visible from a number of points within the surrounding

landscape most notably from Market Square. As such, I consider that the telecommunications infrastructure is now an established part of the Gort Townscape/landscape.

- 7.4.6. Concern was raised within the assessment of the Planning Authority and within the observations received by An Bord Pleanála over the accuracies of the Photomontages submitted by the applicant. I note that the first images submitted, in which the proposed structure was represented by a single red line, did not provide an accurate representation of the proposal.
- 7.4.7. The applicant on foot of the further information request submitted amended images which provided 6 no. viewpoints of the proposed structure which allowed for the consideration of the impact on both the Townscape and the surrounding wider landscape. Having reviewed the images submitted I consider these images to be representative and accurate.
- 7.4.8. While I consider that the telecommunication structure the Garda Station has established that such structures feature within the wider landscape and townscape of Gort, the impacts on the visual amenities on both need to be considered.
- 7.4.9. In terms of the townscape, the most sensitive area to be considered is the impact upon Market Square/Market Street, where the foot fall within the town can be considered the greatest. Market square is separated from the subject site by Slipper Street and three storey buildings which address the eastern side of the square area. These buildings provide for a mix of uses. I noted that this area does form part of the Gort Architectural Conservation Area, and I will address this within the next section of my report.
- 7.4.10. From undertaking a site visit I note that the existing telecommunication infrastructure at the Garda Compound is readily visible from a number of points on the square. As such, it is considered that the proposed new mast will not alter this visual appearance or negatively impact upon the townscape as the existing infrastructure has already become an established part of such.
- 7.4.11. With regard to the wider landscape, concern has been raised within the Planners Report and also within observations received, relating to the negative impact the proposal would have upon the Gort River Walk and the wider area. From the onset I note that the subject site is located in an 'Urban Environs Landscape' as per the

Galway Development Plan 2022-2028 with the wider area being designated as 'Central Galway Complex Landscape' which is also recognised as having a low sensitivity as per Map 8.2 of the current plan.

- 7.4.12. Map 8.4 of the Galway County Development plan 2022-2028 identifies a number of protected views within the administrative area of the County Council. I note that there are no protected views within Gort Town or the surrounding environs.
- 7.4.13. The Gort River Walk is located to the east of the town and travels in the north-eastern direction following the Cannahowna River. There are a number of points along the Gort River Walk where the rear elevations of buildings within the town area are visible. In addition, the existing mast structure at the Garda compound is also readily visible at a number of points where there is a break in mature planting. As such, I do not consider that the proposed mast would have a significant negative impact upon the river walk as the walkers who utilise this amenity are already subject to a vista in which telecommunication infrastructure is an established feature.
- 7.4.14. The Slieve Aughty Scenic Route, as identified on map 8.3 of the County Plan, starts at Market Square and continues in an eastern direction along the R353. Part of this route is located to the southeast of the subject site and runs along the R380/Loughrea Road. On visiting the site, I noted that there are some points where the existing mast located at the Garda Compound is visible but these views are intermittent. However, the further east I travelled, outside of the Gort Town area, the view of the existing mast structures disappeared. As such, I do not consider that the proposed development would give rise to any negative undue visual impacts on the qualities which designated this route to be one of being scenic in nature.
- 7.4.15. Overall to summarise, I am satisfied that having regard to the urban context of the subject site and surrounding area, the low sensitivity landscape as designated by the Galway County Development Plan 2022-2028, the separation distance from Market Square and screening provided by the buildings located on Market Street and to the existing telecommunication infrastructure not only on the subject site but also at the adjoining Garda Compound which have become an established part of the Gort Townscape/landscape, that to permit permission for the proposed development would not be incongruous with or negatively impact upon the visual amenities, the Townscape or the wider landscape of Gort Town and its environs.

7.5. Impact on Built Heritage

- 7.5.1. The subject site shares its western and southern boundary with Gort Architectural Conservation Area (ACA). The report of the Planning Officer together with the report received from the Conservation Officer noted concern over the proximity of the proposal to the ACA and also a number of protected structures within the immediate vicinity. This was also reiterated by observers to this appeal.
- 7.5.2. The statement of significance for the Gort ACA states that Gort's principal significance lies in the arrangement of its street pattern, plot sizes, architectural coherence, distinctive landmark buildings or groups and countryside setting. The combination of architecturally coherent buildings, narrow lanes with overhead carriage arches, extant military structures and traditional shop fronts mark Gort's unique significance.
- 7.5.3. Having reviewed the character statement of the ACA I consider that the proposed development will not impact negatively upon any of the vernacular style building or street arrangements which all contribute to the Architectural Conservation Area.
- 7.5.4. Currently the existing 15m high mast is located immediately adjacent to the southern boundary of the site which is shared with the boundary of the ACA. The proposed development would see this mast being removed and replaced with a larger mast which is to be re-located on the site 40m to the east of the shared boundary.
- 7.5.5. As this report has already established, the mast at the Garda Station has contributed to the established character of the area. This can therefore be included as the character of the ACA designation. Therefore, having regard to the location of the proposed mast, which has been set back on the site as far as possible from the boundary with the ACA and the existing mast on the Garad Site, I do not consider that the proposal would be detrimental to the Gort ACA
- 7.5.6. With regard to the Protected Structures within the vicinity, again it is noted that the appellant is seeking permission to replace an existing mast with one that is taller but does not extend beyond that located at the Garda compound.
- 7.5.7. The closest protected structure is that of the Garda Station (RPS 3458) which is described within the Record of Protected Structures as "a Detached three-bay two-storey former RIC barracks, Barrack Street, built c.1850, having two side (north-east) elevation, and five-bay full-height return connecting to two-storey block to north-west".

- 7.5.8. Objective standard DM58 of the Galway County Development Plan 2022-2028 states with regard to works on sites adjoining Protected Structures: “.....(c) *Adjoining Development: Development on sites adjoining a protected structure will be required to demonstrate that: It will have no adverse impacts on the character or integrity of the protected structure or views to and from it;.....*”.
- 7.5.9. I consider that the proposed development would not be detrimental to the adjoining protected structure but rather be in keeping with the pattern of development given that there is an existing telecommunication mast structure which is taller than that being proposed located within the direct curtilage of the Garda Station (RPS 3458).
- 7.5.10. With regard to the Protected Structure located to the west, the proposed development will be located within an established telecommunication compound which, on foot of permission being granted, will allow for a greater separation distance from the mast to the protected building.
- 7.5.11. In addition to the Protected Structures within the immediate vicinity of the site, there is a large concentration of Protected Structures on Market Square which is located to the west of the subject site. While the proposal may be visible from the square, having regard to the separation distance together with the height of the buildings which address Market Square, I do not consider that the proposal would undermine these historic buildings. Overall, I consider that the proposed development would comply with the requirements of Objective Standard 58 of the County Plan.
- 7.5.12. With regard to National Monuments, I note that the closest of such is located c.50m from the subject site. This is referenced as GA 07192 – Castle. Having regard to the separation distance I do not consider that the proposal would give rise to any undue negative impact on any National Monuments within the vicinity.

7.6. Impact on Residential Amenity

- 7.6.1. 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 which states that Planning Authorities should not include such separation distances as they can

inadvertently have a major impact on the roll out of a viable and effective telecommunications network.

7.6.2. Some observers to this appeal have highlighted concern that there are residential units located on the upper floors of some of the three storey buildings located on Market Square. I do not consider that the proposal would be detrimental to residential amenity enjoyed at the location as it would not be overbearing or intrusive given the location of the existing masts within the vicinity of these dwellings.

7.6.3. There are no schools located within the vicinity of the subject site. I am satisfied that the proposed development accords with DM Standard 42 (b) of the Galway County Development Plan 2022-2028.

7.7. Other Issues.

7.7.1. Health

The issue of the health impacts of the proposed development was raised in the observations to this appeal. In respect of issues concerning health and telecommunications structures, Circular Letter: PL 07/12 states that, '*Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process*'. Accordingly, I consider that this issue is outside the scope of this appeal.

DM Standard 42 of the Galway County Development Plan 2022 – 2028 requires that all planning applications shall be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines or the equivalent European Pre-Standard 50166-2 in the interest of health and safety. I note that the applicants cover letter (see Section 7.0) submitted with the planning application refers to the requirement that telecommunication equipment comply with ICNIRP standards and states that the proposed installation at Gort will comply with ICNIRP standards.

In addition, a declaration of confirmation with ICNIRP dated the 1st August 2024 has been submitted by the appellant.

I am satisfied that the proposal complies with the requirements of DM Standard 42 of the Galway County Development Plan 2022 – 2028 in this regard.

7.7.2. Gort Local Area Plan

Some observers to this appeal make reference to the Gort Local Area Plan 2013 - 2023 and that the Planning Authority in their assessment and reason for refusal also reference such. I note that this Local Area Plan expired on the 25th of June 2023 and as such was not considered as part of my assessment.

7.7.3. Development Plan

I note that when this application was originally assessed by Galway County Council it was within the previous development period - 2015-2022. The Planning Authority within their reason for refusal referenced Objective ITC2 which sought *“to locate telecommunication masts in non scenic amenity areas, having regard to the Landscape Sensitivity Rating Assessment of the County. In instances where their location is essential in a Class 4 (Special) or 5 (Unique) landscape category areas or in proximity to a National Monument, Protected Structure/Architectural Conservation Area or within a focal point/view, it shall be necessary to minimise their obtrusiveness in as far as is practically possible”*. I note that this policy objective was not carried over to the current development plan, under which this application is being assessed.

Furthermore, reference is made within the reason for refusal to the site being located within a Class 3 Area of High Landscape Sensitivity’ as per the previous development plan. I note that this designation was also not carried over to the new current development plan and the site has now been designated ‘Urban Environs Landscape’ as per Map 8.1 in an area of ‘low sensitivity’ (map 8.2). This has all been detailed as set out within section 5.7.1 of my report, above.

7.7.4. 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 Appropriate Assessment

- 8.1. Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site

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.

10.0 Reasons and Considerations

It is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or impact negatively upon the built heritage of Gort Architectural Conservation Area and the protected structures within the vicinity, would provide for a required improved service and infrastructure, would accord with Policy Objective ITC4 and DM Standard 42 of the Galway County Development Plan 2022 – 2028, would not be prejudicial to public health or seriously injurious to the residential amenities of properties in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and additional information submitted on the 19th November 2021, 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>
2.	<p>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.</p> <p>Reason: In the interest of avoidance of multiplicity of telecommunications structures in the area, in the interest of visual amenity and proper planning and sustainable development.</p>
3.	<p>Within six months of the cessation of the use of the telecommunications structure, all structures shall be removed from the site, and the site shall be reinstated at the operator's expense in accordance with a scheme to be agreed in writing with the Planning Authority as soon as practicable.</p> <p>Reason: In the interest of protecting the landscape.</p>
4.	<p>A low intensity fixed red obstacle light shall be fitted as close to the top of the mast as practicable and shall be visible from all angles in azimuth.</p> <p>Reason: In the interest of public safety</p>
5.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

6.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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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.

Kathy Tuck
Planning Inspector

xxx 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320020-24		
Proposed Development Summary	Removal of an existing 15.1 metres telecommunications support structure (overall height 19.6 metres) together with telecommunications equipment and replacement with a new 30 metres telecommunications support structure (overall height of 31.5 metres).		
Development Address	Barrack Street, Gort, 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			EIA Mandatory EIAR required
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)
No		N/A	No EIAR or Preliminary Examination required
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: _____