



An
Coimisiún
Pleanála

Inspector's Report

PL-500961-GY-26

Development

The erection of a 15m telecommunications structure. A Natura Impact Statement (NIS) has been prepared and submitted in support of this planning application.

Location

Inis Oírr, Lands at Castle Village, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2561838

Applicant(s)

NBI Infrastructure Designated Activity Company (National Broadband Ireland)

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

NBI Infrastructure Designated Activity Company (National Broadband Ireland)

Observer(s)

None

Date of Site Inspection

26th May 2026

Inspector

Sarah O'Mahony

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	4
4.0	Planning History.....	9
5.0	Policy Context.....	10
6.0	EIA Screening.....	13
7.0	The Appeal	14
8.0	Assessment	18
9.0	Appropriate Assessment.....	22
10.0	Water Framework Directive.....	23
11.0	Recommendation.....	23
Appendix 1: Form 1 EIA Pre-Screening		26
Appendix 2: Appropriate Assessment		29

1.0 Site Location and Description

- 1.1. The 0.006ha site is situated in the northeast of Inis Oírr which is the easternmost of the Aran Islands. It is situated in a field surrounded by drystone walls and adjacent to an existing small mass concrete outbuilding. It is also situated 60m southeast of an existing 10.5m tall telecoms support structure and an Eir Exchange building.
- 1.2. The field is accessed from an unsurfaced narrow lane enclosed with drystone walls which connects to a surfaced local road at the west. It is situated c.50 downhill from the highest point on the island and therefore has visibility to and from a wide area.
- 1.3. A ruined 15th century castle (O'Brien's castle Ref. SMR R126610) is situated 150m to the northwest and a Napoleonic communications tower (An Tur Faire Ref. SMR R126600) 50m to the west.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - erection of a 15m telecommunications structure supporting 4 no. receiving dishes, dual bay cabinet on concrete foundation, palisade fence with access gate, concrete plinth, white stone compound ground finish. and all ancillary development works.
 - The statutory notices state *'The development is required to carry the broadband data from the new high speed fibre broadband network on the island to the mainland by radio link to connect to the NBI national fibre network as part of the government's national broadband plan to provide high speed broadband to all parts of the country that are not available commercially, including the islands, at the same data speed'*.
- 2.2. The following documents were also submitted with the application together with all standard and statutory drawings, notices, letters of consent and application forms etc:
 - Natura Impact Statement
 - Appropriate Assessment Screening Report
 - Planning Statement/Cover letter

- Statement of compliance with international and national guidelines on Non-Ionising Radiation and Electromagnetic Fields.
- Landscape and Visual Assessment Report
- Photomontages
- Construction Management Plan
- Technical Justification Report

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway County Council issued a notification to refuse permission on 12th February 2026 for the following reasons:

1. The planning authority is not satisfied based on the details received, and with the application of the precautionary principle, that adverse impacts on the integrity and conservation objectives of the Inisheer Island SAC [001275], have been ruled out as a result of the proposed project. Based on the absence of a satisfactory assessment of the proposed development and all of the direct, indirect and cumulative impacts of the proposed development, notwithstanding proposed general mitigation measures, it is considered that, if permitted as proposed, the development has the potential to adversely affect the qualifying interests and conservation objectives of protected European sites for flora and fauna.
Furthermore, the proposed development would materially contravene Policy Objective NHB 1- Natural Heritage and Biodiversity of Designated Sites, Habitats and Species and Policy Objective NHB 2 - European Sites and Appropriate Assessment, Policy Objective NHB 3 Protection of European Sites and DM Standard 50 - Environmental Assessments, of the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area. The Planning Authority cannot be certain that the project will not adversely affect the integrity of the Inisheer Island SAC [001275] in light of conservation objectives which would contravene materially development management standards and Policy Objective ICT 1 in the Galway

County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

2. Policy Objective ICT 4 of the Galway County Development Plan 2022-2028 requires co-location of antennae support structures and sites where feasible, and for operators to submit documentary evidence as to the non-feasibility of this option in proposals for new structures. Policy Objective ICT 5 requires best practice in both siting and design in the interests of visual amenity. Having regard to:

- the presence of another telecommunications support structure in close proximity to the site and the lack of documentary evidence demonstrating its non-feasibility and
- The absence of any detailed assessment of alternative locations in the area on which to construct the mast,

It is considered that, on the basis of the documentation submitted with the application, the applicant has not provided evidence for the need for the proposed telecommunications structure at this location, and that possible opportunities for co-location do not exist in the surrounding area. Accordingly, the proposed development would lead to an unnecessary proliferation of similar structures, which would be contrary to the Guidelines for Planning Authorities relating to Telecommunications Antennae and Support Structures, issued by the Department of the Environment and Local Government in July 1996 as well as the Galway County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Noting the site context, its capacity to absorb development and change, and the cumulative visual impact in conjunction with existing Telecommunications Infrastructure, in a Class 4 Iconic landscape sensitivity category area, the Planning Authority is not satisfied that the proposed development would effectively assimilate into this rural location. It is considered that the overall proliferation of telecommunication infrastructure and associated development, would not fit appropriately or integrate effectively into this rural location and would contravene materially Policy Objectives LCM 2 and LCM 3, and DM Standard 46 contained in

the Galway County Development Plan 2022-2028. Accordingly, to grant the proposal would interfere with the character of the landscape, would detract from the visual amenity of the area, would set an undesirable precedent for similar developments in the area, would militate against the preservation of the rural environment, would materially contravene a policy objective and a development management standard contained in the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area

4. The application drawings submitted with the application indicate a proposed access route, however it is not specified whether this is pedestrian or vehicular, furthermore noting that the access to the public road does not form part of the application boundary for which permission is sought. There is a lack of information and certainty regarding construction and operational access for this proposal including the layout, gradient, construction, finish and surface water management of the proposed access. In this regard, there is an absence of certainty to enable determination of the scale and extent of the proposed development and to assess impacts and interactions therefrom. The proposed development would, therefore, be contrary to policy objective NNR2 and NNR6 of the Galway County Development Plan 2022 -2028 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planner's recommendation to refuse permission is consistent with the decision which was issued.
- Environmental Impact Assessment issues were screened out.
- As highlighted in the refusal reason, the Planning Authority had concerns regarding Appropriate Assessment and the applicant's NIS. These centred on references to a Habitat Management Plan which was not submitted with the application, proposals to relocate compensatory qualifying interest habitat to an unidentified area and a lack of information regarding same, and a reliance on desktop assessments only.

- It noted policy support for a mast is provided under objective ICT 1 of the CDP but also noted a third party submission from owners of the adjacent existing mast which suggested there would be capacity available and that the mast is capable of being upgraded to accommodate more service providers. The Case Planner noted the applicant's claim that the existing mast is at 95% capacity, but suggested no evidence was submitted to support this claim. It also noted that no other specific alternatives were presented and that the justification submitted centred around a preference for own-site ownership for security and maintenance purposes.
- The report notes that the Planning Authority's preference for co-location or upgrading the existing structure as per objectives ICT 4 and ICT 5 was highlighted to the applicant during pre-planning consultation.
- It also states that insufficient information was submitted to demonstrate how the development would not impact residential amenity given that the closest dwelling is situated within 100m.
- Regarding transportation the report states '*The submitted site plan indicates a proposed access route in yellow. It is unknown whether this access is intended to be pedestrian or vehicular. As such, insufficient information in relation to access during construction and operation have been furnished to the Planning Authority to allow for a comprehensive assessment of traffic and transportation.*'
- With regard to landscape impacts the report states '*the Planning Authority has serious concerns regarding impact on visual and residential amenity as well as a negative impact on the landscape, in relation to the location of the structure adjacent to historically sensitive sites, an important area for tourism, in addition to its location within c.100m to a private residential dwelling to the northeast of the subject site. Furthermore, the planning authority has serious concerns regarding the potential intensification and the potential proliferation of telecoms structures and ancillary development in this sensitive area of the island.*'

3.2.2. Other Technical Reports

- The application was referred to the Heritage Officer and Municipal District Office who did not respond.

3.3. Prescribed Bodies

3.3.1. The application was referred to the following who did not respond:

- The Heritage Council
- Fáilte Ireland
- Údarás na Gaeltachta
- An Taisce
- Department of Rural and Community Development and the Gaeltacht

3.3.2. One response was received from the Development Applications Unit of the Department of Housing, Local Government and Heritage which states the following:

*This Department notes the inclusion of an Appropriate Assessment (AA) and Natura Impact Statement (NIS) and that the reports were carried out without a site visit. The AA Report states that the installation activities for the proposed project will take place in the qualifying interest (QI) habitats European dry heaths [4030] and Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210] within the Inisheer Island SAC with the total area of QI habitat predicted to be lost due to the proposed installation at 48m².*

This Department notes that the main mitigation measure proposed to offset the direct loss of QI habitat is to translocate the impacted habitat to another unidentified area. The report states that all details will be included in a Habitat Management Plan prepared in advance of construction.

This Department is not in a position to fully assess this application due to the lack of specific detail around the proposed location for the translocated habitat, lack of details of the translocation process and details on the future management of the habitat.

3.4. Third Party Observations

3.4.1. 3no. submissions were received from the following:

1. Pól Breathnach
2. Towercom

3. Peadar Poil

3.4.2. The following issues were raised:

- Lack of consultation
- Health impacts
- Landscape and visual impact including from historic sites closeby
- Appropriate Assessment
- Economic loss due to tourism impacts
- Proximity to dwellings
- Towercom manage the existing 10.5m high structure which they state is currently hosting third party operators, is capable of hosting more subject to a grant of planning permission, and will be made available to all interested parties.

4.0 Planning History

4.1. No relevant history on subject site.

4.2. 40m northwest at site of existing telecommunications structure:

- 2660736: Towercom Limited seeks planning permission for the replacement of an existing 10.5 metre telecommunications support structure with attached equipment with a proposed new 15 metre lattice tower support structure carrying equipment transferred from the existing structure and the addition of new telecommunications antennas, dishes and associated equipment, together with new equipment cabinets, and all associated site works including temporary construction access. **Note this is a live application and the decision due date is 07th July 2026.**
- 2560184: Permission sought for the erection of a 12m high wooden pole with a single receiver dish, a two bay cabinet, a wooden fence with poles and rails, an access gate, a fibre room, a concrete plinth and a trunk cover to run a duct and cable outlet up the defend pole at Aras Enna Arts Centre on Inis Oírr. Permission was **refused** due to proximity to dwellings and impacts to residential amenity.
- 2560185: Planning permission sought for or the erection of a 12m telecommunications structure with 2no. receiving dish, dual bay cabinet, concrete

post and chain link fence and access gate, fibre chamber, concrete plinth and trunking cover for duct exit and cable run up pole at Inis Oírr Aerodrome. A notification to grant permission was issued however this was appealed by third parties and the application was subsequently **withdrawn**.

5.0 Policy Context

5.1. National and Regional Guidance

5.1.1. Climate Action Plan (CAP) 2025

- CAP 2025 is to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.
- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

5.1.2. Harnessing Digital. The Digital Ireland Framework.

- Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

5.1.3. National Planning Framework 'Project Ireland 2040' First Revision (April 2025)

- National Policy Objective 31: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.

- National Policy Objective 62: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

5.1.4. National Development Plan 2021-2030

- The government recognises that access to quality high speed broadband is essential for today's economy and society.

5.1.5. 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.

5.1.6. Regional, Spatial and Economic Strategy, Northern & Western Regional Assembly 2020-2032

- Section 3.5: Telecommunication infrastructure is essential for accessing employment, education and healthcare lifelines.

5.1.7. Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996

- These guidelines were published in 1996 and provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.
- Section 4.2 provides guidance in relation to design and siting while Section 4.3 refers to the visual impact of such structures. The Guidelines acknowledge that the applicant will only have limited flexibility as regards selecting a location given the constraints arising from technical radio and engineering parameters. It states that visual impact will, by definition, vary with the general context of the proposed development and that some masts will remain quite noticeable in spite of best precautions.

- It states that 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 proposed structure 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 4.6 states:

“As part of their planning application operators should be required to furnish a statement of compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan) 1988) or the equivalent European Pre-standard 50166-2 which has been conditioned by the licensing arrangements with the Department of Transport, Energy and Communications and to furnish evidence that an installation of the type applied for complies with the above guidelines.”

5.1.8. 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.

5.1.9. Circular Letter PL07/12

- Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2. to 2.7 of the Telecommunications Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised including:
- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- 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.

5.2. **Development Plan**

- The site is governed by the policies and provisions contained in the Galway County Development Plan 2022-2028 (referred to hereafter as the CDP). The CDP identifies the site as being situated in the Island Landscape which is classified as having an iconic sensitivity.
- Chapter 7 refers to Infrastructure, Utilities and Environmental Protection and Section 7.8.2 therein refers specifically to Telecommunications. Policy Objectives ICT 1 through to ICT 6 are particularly relevant.
- Chapter 10 provides for Natural Heritage, Biodiversity and Green-blue Infrastructure. Policy Objective NHB 1 seeks to protect natural heritage and biodiversity related to designated sites, habitats and species. NHB 2 refers to European Sites and Appropriate Assessment while NHB 3 seeks to protect European Sites.
- Chapter 13 refers to the Gaeltacht and Islands. Policy Objectives IS 1 and 2 are noted as well as GIED 3 and 5.
- Chapter 15 of the CDP sets out Development Management Standards and DM Standard 42 sets out detailed requirements for any proposed telecommunication structure such as that proposed.

5.3. **Natural Heritage Designations**

The site is situated within Inisheer Island Special Area of Conservation and proposed Natural Heritage Area.

6.0 **EIA Screening**

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is

also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

- The Local Authority has focussed on local issues entirely at the expense of broader strategic corporate and planning policy issues.
- A need for the development is set out in the original submission and highlights how landline connectivity has almost discontinued as poles and cables have fallen into disrepair while mobile connectivity is sporadic.
- Many of the concerns raised in the refusal reasons relate to clarifications of proposed development which are submitted and addressed within the appeal.
- The AA screening report and NIS were prepared outside of the optimal habitat and flora survey season and therefore it was not possible to conduct botanical surveys at that time and a precautionary worst-case scenario approach was adopted which assumed Annex I habitats comprising semi-natural dry grassland and scrubland as well as European dry heaths were present. The mitigation strategy included translocation measures to compensate for the loss of these habitats and the preparation of a Habitat Management Plan (HMP).
- The appeal states that the HMP will be prepared in May 2026 during the appropriate survey season and will confirm the presence or absence of Annex 1 habitat on the site. This will then inform the requirements to translocate the habitat and the location of the proposed donor site.
- The applicant requests that An Coimisiún issues a Section 132 request for further information in the event it considers additional survey work is required to inform the decision as the subject case is appropriate having regard to the national importance of the project in the context of the National Broadband Plan. The appeal states that *'In doing so it is expected that the survey results together with the proposed mitigation measures will result in Reason for Refusal No. 1 being disregarded.'*

- A preliminary site survey was undertaken in March 2026 and the species present did not indicate the presence of Annex 1 habitats on the site. An addendum report was submitted with the appeal suggesting that all potential impacts were assessed in the documentation submitted with the application and that the preliminary survey findings do not alter the conclusions of the earlier NIS.
- Refusal reason no. 2 relates to policy objectives ICT 4 and ICT 5 which require co-location and best practice in siting and design. The appeal suggests the proposed structure has been carefully considered, designed and positioned in an area that best facilitates the provision of essential telecommunications infrastructure. It states that the applicant liaised with the owner of the existing structure but was unable to receive written confirmation as to the capacity status of that tower however visual observation indicates that it is at 100% capacity with no ability to accommodate further equipment.
- The applicant's technical requirements cannot be achieved at the site without significant structural modification. Further, the existing structure as operated by Towercom does not have an identifiable planning file and any redevelopment/modification would require a grant of planning permission which has not been sought. The appellant's objective is to provide broadband to all islanders by the end of 2026 and this delivery timeline would not be achieved if relying upon redevelopment of the existing tower. Reason for refusal no. 2 placed too much emphasis on the Towercom submission and every effort was made to investigate the potential for co-location on the existing tower.
- The appeal sets out a detailed alternative location assessment and community consultation. 15no. sites were assessed and commentary is provided as to why 14 were omitted and the subject site put forward. The appeal states that the proposed new freestanding structure is in a last resort location.
- The appeal submits that the term proliferation is an incorrect description of what would amount to an increase by 1no. structure in conjunction with 1no. existing structure. It suggests that the opposite is actually the case as clustering will occur close to the existing structure.
- The decision does not reference any specific section of the Telecommunications Guidelines which were allegedly contravened. The appeal states '*it is submitted that*

the addition of a second telecommunications structure in proximity to an existing mast represents a consolidation of infrastructure rather than a proliferation of structures across the wider landscape’.

- Regarding refusal reason no. 3 and landscape impacts, the appeal submits that the development can be accommodated within the receiving landscape without giving rise to unacceptable landscape or visual impacts.
- The Case Planner’s report does not meaningfully consider national policy for telecommunication and broadband provision and did not reference the National Broadband Plan. The importance of reliable broadband is acute for residents as reflected in the policy framework. This was not reflected in the Local Authority’s assessment which focussed on localised visual considerations. The Telecoms Guidelines recognise the need to balance environmental impacts against technical requirements. The Local Authority’s assessment focused on landscape and visual impacts without acknowledging the pragmatic technical reasons for locating on that site.
- The appeal states that the applicant fundamentally disagrees with reason no. 3 and that the Planning Authority’s *‘unfiltered view of the proposal, in which they disregard the broader socio-economic and planning policy agenda, and the key technical considerations pertaining to this proposal, has contributed to disproportionately negative conclusions’.*
- The appeal suggests that in the view of planning policy support for the development, it *‘strikes the right balance between delivering on the National Broadband Plan for Inis Oírr and minimising any visual impacts’.* The Landscape and Visual Impact assessment submitted with the application concluded that five of the seven viewpoints would have a moderate impact and the remaining two negligible.
- It contends that the Planning Authority viewed clustering close to the existing structure as a negative issue however it can be considered that *‘the proximity of the existing telecoms structure to the proposed site can be considered positively, given the scale and nature of the subject proposed structure is similar’.*

- Regarding the iconic Class 4 landscape, the appeal suggests that as the entire island is subject to the same classification, and as the island is inhabited and not *'some pristine wilderness'*, the proposal does not contravene the CDP as there is flexibility to allow essential infrastructure on a site by site basis. Further, the government mandated provision of broadband infrastructure for island residents acknowledges that there will be some limited visual impact for consideration which must be balanced against significant socio-economic benefits. The appeal states that the socio-economic benefits outweigh any negative visual impacts at this optimum location.
- The appeal submitted an alternative revised proposal which reduced the height of the proposal from 15m to 12m which the applicant states is a meaningful modification aimed at reducing the visual prominence of the structure *'while still maintaining the absolute minimum technical functionality required for the telecommunications link'*. Revised photomontages and a revised LVIA report are submitted which assess this reduced scale proposal and conclude that significant effects will not occur and the appeal states *'the presence of existing vertical infrastructure within the landscape establishes a supported area within which the proposed development can be visually accommodated.'*
- The revised proposal demonstrates the applicant's willingness to reduce impacts and also that the development complies with relevant CDP policy objectives.
- Regarding refusal reason no. 4 relating to access, no works are proposed to the existing access track which has a right of way extended to the applicant. This 3.2m wide route is utilised frequently by residents and tourists alike and is stated to be adequate for most machinery. A revised CEMP has been submitted to provide detailed information regarding construction and traffic management such as laying trackway to protect the ground, barriers to protect the walls and control deliveries and plant/machinery movements. Ultimately the scale of works will be modest due to the nature of the development requiring limited construction access and deliveries.
- The appeal requests An Coimisiún to grant permanent permission in the context of circular PL07/2012.

- The appeal requests that development contributions are waived in the context of circular PL03/2018 and as highlighted under appeal ref. ACP-3308859-21.
- The appeal sets out policy support for the development.

7.2. **Planning Authority Response**

None

7.3. **Observations**

None

7.4. **Further Responses**

None

8.0 **Assessment**

8.1. **Introduction**

8.1.1. The policy section of this report set outs significant support for the proposed development, and I note that further justification including a technical and socio-economic need is set out in the applicant's documentation. In this regard I consider the principle of development is established subject to more detailed technical assessments as discussed later.

8.1.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Site Selection and Visual and Landscape Impacts
- Habitat Surveys and Appropriate Assessment
- Access

8.2. **Site Selection and Visual and Landscape Impacts**

8.2.1. The appeal demonstrates how alternative locations were considered and assessed. It also highlights how the entire island is subject to the iconic Class 4 sensitivity

designation and emphasises how the infrastructure is required in order to serve the local community. It suggests that the Planning Authority dismissed the need for the development in lieu of prioritising protection of the landscape. In terms of the need of the development and landscape and visual impacts, I do not consider that one issue takes precedence over the other as the applicant suggests, however I do acknowledge and agree that as the entire island is subject to a highly sensitive landscape designation, some degree of landscape and visual impact is likely to occur in order to provide the necessary infrastructure. The balanced solution to this matter is to thoroughly explore alternative options.

- 8.2.2. Having inspected the site I note there is a valid concurrent planning application to replace the existing mast structure situated 60m northwest of the subject site. The decision for that proposed development is not due until 07th July 2026 and the owner/operator of that structure made a submission to this subject application stating the existing structure hosts third party infrastructure and that subject to a grant of planning permission, there would be capacity to accommodate further third parties. The entire field in which this existing structure is situated, and all lands to the north of the existing unsurfaced track (proposed construction route) are situated outside of the SAC.
- 8.2.3. The appeal's alternatives assessment suggests that awaiting redevelopment of that existing site would result in the delay of delivering the infrastructure itself which is mandated to be in place by the end of 2026 however I consider this is not a planning matter and is outside the scope of the appeal. Given the clear need for high quality communications infrastructure in the first place, but also particularly so when regard is had to the applicant's two previous attempts to obtain planning permission on different sites on the island as detailed earlier in this report, as well as the applicant's detailed alternative assessment, I consider it evident that the applicant has made significant effort to deliver the proposed development.
- 8.2.4. However, I consider a scenario where both structures are erected would be inappropriate and unjustified in the context of the significant visual sensitivity of the island including the iconic landscape characterisation, the proximity to two built heritage sites, the visibility of the site from the main village and the dependence of tourism on the island for economic benefits. I note the applicant's stance regarding

clustering and agree that the 60m separation does lend itself to the principle of clustering, however I consider the application documents have not satisfactorily demonstrated that the proposed new mast on the subject site is the last resort.

- 8.2.5. In light of the concurrent planning application to redevelop the existing structure, I consider the applicant has not adequately demonstrated that the proposed new stand alone structure is the only viable solution to meeting the requirements of the National Broadband Plan. I also consider it has not been demonstrated that a new mast cannot be situated adjacent to the existing one, outside the SAC and resulting in a more clustered approach. Lastly, I consider the applicant's revised proposed submitted in the appeal to reduce the scale of the structure from 15m down to 12m suggests another alternative which was not presented earlier. The applicant's Technical Justification Report submitted with the original application states '*surveys have shown that a structure of 15 metres is required to mount telecoms equipment at a suitable height for line of sight*' however the appeal later states that 12m is the lowest height technically feasible. This lower height was also not presented in the alternatives assessment.
- 8.2.6. In this regard I consider the proposed development is premature and has not satisfactorily demonstrated compliance with policy objective ICT 4 which requires documentary evidence as to the non-feasibility of co-location and ICT 5 which requires 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, as well as DM Standard 42 which similarly requires applicants for new facilities to satisfy the Council regarding co-location and clustering.
- 8.2.7. Further, Section 4.3 of the Telecommunications Guidelines states '*Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools. 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 and should be monopole (or poles) rather than a latticed tripod or square structure.*' The subject site is situated within 100m of a dwelling with more

dwelling situated within 200m and as detailed above, satisfactory alternatives have not been explored to justify the provision of a standalone mast. I therefore recommend permission is also refused in accordance with the guidelines.

8.3. Access

- 8.3.1. Permission was refused due to a lack of information regarding construction stage access however the appeal has demonstrated how that route is existing, operational and that no works are proposed beyond the placement of barriers to protect the stone wall boundaries and matting/trackway to protect the ground underfoot as it is not surfaced.
- 8.3.2. Having inspected the route I am satisfied that it is operational and suitable to provide access during the construction stage for a scheme of this scale.

8.4. Habitat Surveys and Appropriate Assessment

- 8.4.1. The site is situated in within Inisheer Island SAC and the development requires removal of habitat with compensatory measures proposed to translocate the habitat to an unidentified location. The applicant's NIS was based on a desktop survey with no site inspection or habitat survey carried out due to timeline constraints and a requirement to deliver the infrastructure by the end of 2026. I note the applicant's previous two unsuccessful applications for the same proposal on different sites on the island and I also note the precautionary approach set out in the NIS which takes a worst case scenario, presuming there is Annex 1 habitat on the site requiring translocation, however the compensation/recipient site and timing of such works is unidentified. The NIS states it would be prepared in a Habitat Management Plan to be submitted at a later date.
- 8.4.2. The Development Applications Unit of DoH LGH made a submission stating: *'This Department is not in a position to fully assess this application due to the lack of specific detail around the proposed location for the translocated habitat, lack of details of the translocation process and details on the future management of the habitat.'*
- 8.4.3. The appeal states that preliminary habitat surveys were carried out in March 2026 which did not indicate the presence of any Annex 1 habitat or qualifying interest flora species on the site. However, further botanic surveys would be carried out in May

2026 during the appropriate period for such surveys. The appeal requests An Coimisiún to issue a Section 132 further information request enabling the applicant to submit the subsequent Habitat Management Plan detailing the species on the site and if necessary, the recipient site to receive the translocated habitat and all associated timings and monitoring etc.

- 8.4.4. The absence of an informed site inspection, habitat survey and particularly the proposed location to establish the translocated habitat all comprises notable lacunae in the NIS in my view. I consider this information is integral to enable a determination on appropriate assessment and agree with the DAU's position.
- 8.4.5. While I note issuing a Section 132 request could potentially resolve the matter and provide all the missing information, I do not recommend this approach is adopted having regard to the aforementioned substantive reason for refusal regarding siting and location. I recommend that planning permission is refused having regard to scientific doubt and the absence of certainty regarding the proposed compensatory measures.

9.0 Appropriate Assessment

- 9.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Inisheer Island SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.
- 9.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Inisheer Island SAC cannot be excluded in view of the conservation objectives of these sites and that scientific doubt remains as to the absence of such effects.
- 9.3. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts
 - Absence of site inspection to identify habitats on the site

- Absence of an identified habitat compensation/recipient site in the control or ownership of the applicant to ensure successful establishment of translocated habitat
- Absence of a Habitat Management Plan
- Insufficient in-combination effect assessment having regard to the absence of an identified habitat compensation/recipient site.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.2. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

- 11.1. I recommend that planning permission is refused for the following reasons:
1. Policy Objective 1 (Natural Heritage and Biodiversity of Designated Sites, Habitats and Species) of the Galway County Development Plan 2022-2028 requires the protection of the integrity of European Sites. Policy Objective NHB 3 (Protection of European Sites) requires that no projects giving rise to significant impacts on European sites arising from their land take, resource requirements or from any other effects shall be permitted.

Having regard to the location of the site, together with adjoining land, within Inisheer Special Area of Conservation (001275), it is considered that the proposed development would result in the direct loss of European Dry Heaths [4030] and Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] habitat, which are included on Annex I of the European Union Habitats Directive of 1992.

Notwithstanding the above and having regard to proposed habitat translocation and enhancement measures set out in the NIS to compensate from habitat loss as well as the absence of an identified compensation/recipient site on which to locate the translocated habitat, the absence of a Habitat Management Plan to effectively manage the translocated habitat and the absence of an assessment of in-combination effects to identify potential cumulative impacts which may affect the translocated habitat, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the proposed development within the Annexed habitat and the resulting implications for wildlife.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would contravene Policy Objective NHB 1 and Policy Objective NHB 3 of the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

2. Policy Objective ICT 4 (Co-location of antennae) of the Galway County Development Plan 2022-2028 requires co-location of antennae support structures and sites where feasible, and for operators to submit documentary evidence as to the non-feasibility of this option in proposals for new structures. Policy Objective ICT 5 (Siting and Design of Telecommunications Infrastructure) requires best practice in both siting and design in the interest of

visual amenity while DM Standard 42 also requires applicants for new facilities to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters. Having regard to the presence of another telecommunications support structure in close proximity to the site and the lack of documentary evidence demonstrating its non-feasibility for co-location or clustering, it is considered that on the basis of the submissions made in connection with the application and appeal, that possible opportunities for co-location or clustering exist in the area. Accordingly, the proposed development would lead to an unnecessary proliferation of similar structures, which would be contrary to the Guidelines for Planning Authorities relating to Telecommunications Antennae and Support Structures, issued by the Department of the Environment and Local Government in July 1996 as well as the Galway County Development Plan 2022-2028. The proposed development would, therefore, be contrary to 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Sarah O'Mahony
Planning Inspector

11th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	ACP-500961-GY-26
Proposed Development Summary	15m telecommunications structure.
Development Address	Inis Oírr, Lands at Castle Village, Co. Galway
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☐ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)

No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____ Date: _____

Appendix 2: Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: ACP-500961-GY-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	The erection of a 15m telecommunications structure.
Brief description of development site characteristics and potential impact mechanisms	The 0.006ha site is situated in a field surrounded by drystone walls and adjacent to an existing small mass concrete outbuilding all of which are situated within Inisheer Island SAC. The development would have a small footprint requiring removal of soils and overburden in order to construct a 5x5m concrete base, 1.2m depth, to hold the main 15m structure and a second smaller plinth to house the ancillary cabinet and a 600mm x 600mm manhole/chamber. The 15m structure will be delivered in sections and assembled on the site. No water connections are proposed and surface water will discharge directly to ground. The 8x6m final compound will be surrounded by a palisade fence and gate and dressed with a weed prevention Terram layer and gravel. A tracked mini-excavator or a wheeled backhoe such as a JCB will excavate a trench to a trench depth of 750 millimetres to install the fibre cable. The samples programme of works suggests works would be completed in 17 working days.
Screening report	Yes
Natura Impact Statement	Yes

Relevant submissions	One response was received from the Development Applications Unit of the Department of Housing, Local Government and Heritage which states the following: This Department notes the inclusion of an Appropriate Assessment (AA) and Natura Impact Statement (NIS) and that the reports were carried out without a site visit. The AA Report states that the installation activities for the proposed project will take place in the qualifying interest (QI) habitats European dry heaths [4030] and Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210] within the Inisheer Island SAC with the total area of QI habitat predicted to be lost due to the proposed installation at 48m². This Department notes that the main mitigation measure proposed to offset the direct loss of QI habitat is to translocate the impacted habitat to another unidentified area. The report states that all details will be included in a Habitat Management Plan prepared in advance of construction. This Department is not in a position to fully assess this application due to the lack of specific detail around the proposed location for the translocated habitat, lack of details of the translocation process and details on the future management of the habitat.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N

Inishmore Island SAC (000213)	16no. aquatic, wetland and terrestrial habitats Narrow-mouthed Whorl Snail Harbour Porpoise Conservation Objectives dated December 2024	8km	None	No
Inishmaan Island SAC (000212)	10no. aquatic, wetland and terrestrial habitats Conservation Objectives dated December 2014	4.15km	None	No
Inisheer Island SAC (001275)	6no. aquatic, wetland and terrestrial habitats Conservation Objectives dated September 2014	0km	Habitat loss	Yes
Black Head-Poulsallagh Complex SAC (000020)	11no. aquatic, wetland and terrestrial habitats and 1no. flora species Conservation Objectives dated March 2026	8km	None	No
Inishmore SPA (004152)	4no. bird species Conservation Objectives dated June 2025	8km	None	No
Cliffs of Moher SPA (004005)	6no. bird species Conservation Objectives dated May 2025	10km	None	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Inisheer Island SAC (001275) Coastal lagoons [1150] Reefs [1170] European dry heaths [4030] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Limestone pavements [8240]	Direct: Works within SAC Indirect None	Habitat loss/ modification
Likelihood of significant effects from proposed development (alone): Yes		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A		
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		

It is not possible to exclude the possibility that proposed development alone would result significant effects on Inisheer Island SAC from effects associated with habitat loss.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on Inisheer Island SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The location of the site within the SAC
- The construction methodology specified in the AASR
- The Conservation Objectives associated with the site.

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a telecommunications mast in view of the relevant conservation objectives of Inisheer Island SAC based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by Enviroguide
- The application documents including a Construction Management Plan

I am not satisfied that the information provided is adequate to allow for Appropriate Assessment. I am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

NAME OF SAC/ SPA (SITE CODE): Inisheer Island SAC

Summary of Key issues that could give rise to adverse effects (from screening stage):

Habitat loss

See Tables 4 and 5 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary) NIS SECTION 2.4
European dry heaths [4030]	To maintain favourable conservation condition.	Habitat loss or alteration of qualifying interest habitat.	Best practice pollution control measures and application of industry standard controls such as materials handling and storage, protection of soils and groundwater etc. Section 2.4.2.1.1 sets out a proposal to translocate and enhance the habitat which will require removal from the subject site. It states ' <i>The compensation site will be a size equal to</i>

			<i>or greater than the lost area of approximately 8mx6m.</i> <i>Target areas for the compensation and enhancement will be marked and mapped by a suitably trained Ecologist and agreed with the Construction Manager prior to works commencing.'</i> Enhancement works include removing bracken beyond the minimum area on the compensation site. All enhancement and compensation measures are to be supervised by an Ecologist and details will be presented in a Habitat Management Plan to be prepared in advance of works commencing. Post-construction monitoring is proposed to determine the success of the compensation site. The monitoring process will be outlined in full within the Habitat Management Plan including the person responsible, frequency, and duration of monitoring tasks.
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	To maintain favourable conservation condition.		
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.			
Assessment of issues that could give rise to adverse effects view of conservation objectives (i) Habitat Loss or alteration of qualifying interest habitat. <u>Mitigation measures and conditions</u> Section 1.7 of the NIS outlines how no site inspections were undertaken but that the precautionary principle and desk top assessments enabled a robust conclusion to be			

drawn. No detail provided regarding the location or character of the proposed compensation/recipient site or the detail of timings of these works. The absence of site inspections to inform habitat surveys and locations of the compensation/recipient site, as well as the Habitat Management Plan setting out timings, management and monitoring details are all crucial factors to determine the success of the proposed translocation or even if suitable recipient sites are available on the island in the first instance within the control or ownership of the applicant for long term management and establishment. The absence of this information comprises notable lacunae in the NIS and does not represent best available scientific information.

In-combination effects

Section 2.3.3 of the NIS states no large or medium scale planning applications were identified in within 250m of the subject site. However, having regard to the requirement to identify a suitable recipient site to which the qualifying interest habitat could/would be translocated, I consider a wider search of projects on the entire island should have been undertaken, or at a minimum projects within the zone of influence of the proposed recipient site.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Inisheer Island SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Inisheer Island SAC cannot be excluded in view of the conservation objectives of these sites and that scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts
- Absence of site inspection to identify habitats on the site
- Absence of an identified habitat compensation/recipient site in the control or ownership of the applicant to ensure successful establishment of translocated habitat

- Absence of a Habitat Management Plan
- Insufficient in-combination effect assessment having regard to the absence of an identified habitat compensation/recipient site.