

Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoc
Suíomh / Website: www.wicklow.ie

Rachel Lippiatt

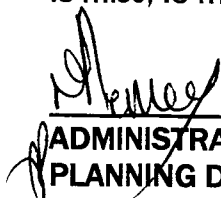
16th May 2023

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX19/2023

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Rachel Lippiatt

Location: Newcastle Middle, Newcastle, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/869/2023

A question has arisen as to whether “the erection of a telecommunication mast” at Newcastle Middle, Newcastle, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with this Section 5 Application.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- c) Class 31 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1. The mast structure has been erected by Eir Ltd who are a statutory undertaker authorised to provide a telecommunications service.
- 2. The structures in place are a wooden pole that is 12metres in height and 300mm in diameter, attached to the pole are 3 no. antenna support structures that are 2m long and not higher than the pole and a cabinet that is not greater than 2 cubic meters externally.
- 3. Part 1, Schedule 2, Class 31 (b) (f) (h) of the Planning and Development Regulations 2001 as amended.

The Planning Authority considers that “the erection of a telecommunication mast” at Newcastle Middle, Newcastle, Co. Wicklow, is development and is exempted development.

Signed: 

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Dated  May 2023





Comhairle Contae Chill Mhantáin Wicklow County Council

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Davmond Roberts

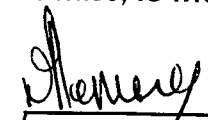
16th May 2023

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX19/2023

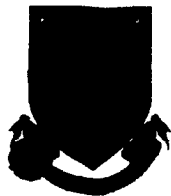
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Rachel Lippiatt

Location: Newcastle Middle, Newcastle, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/869/2023

A question has arisen as to whether “the erection of a telecommunication mast” at Newcastle Middle, Newcastle, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with this Section 5 Application.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- c) Class 31 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1. The mast structure has been erected by Eir Ltd who are a statutory undertaker authorised to provide a telecommunications service.
- 2. The structures in place are a wooden pole that is 12metres in height and 300mm in diameter, attached to the pole are 3 no. antenna support structures that are 2m long and not higher than the pole and a cabinet that is not greater than 2 cubic meters externally.
- 3. Part 1, Schedule 2, Class 31 (b) (f) (h) of the Planning and Development Regulations 2001 as amended.

The Planning Authority considers that “the erection of a telecommunication mast” at Newcastle Middle, Newcastle, Co. Wicklow, is development and is exempted development.

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 16th May 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/869/2023

Reference Number: EX 19/2023

Name of Applicant: Rachel Lippiatt

Nature of Application: Section 5 Referral as to whether "the erection of a telecommunication mast" is or is not exempted development.

Location of Subject Site: Newcastle Middle, Newcastle, Co. Wicklow

Report from Holly O'Connor, EP and Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the erection of a telecommunication mast" at Newcastle Middle, Newcastle, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- (a) The details submitted with this Section 5 Application.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Class 31 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

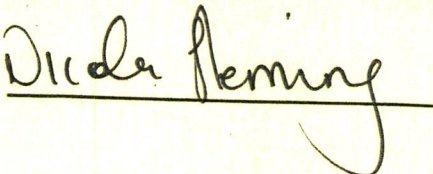
Main Reasons with respect to Section 5 Declaration:

1. The mast structure has been erected by Eir Ltd who are a statutory undertaker authorised to provide a telecommunications service.
2. The structures in place are a wooden pole that is 12metres in height and 300mm in diameter, attached to the pole are 3 no. antenna support structures that are 2m long and not higher than the pole and a cabinet that is not greater than 2 cubic meters externally.
3. Part 1, Schedule 2, Class 31 (b) (f) (h) of the Planning and Development Regulations 2001 as amended.

Recommendation

The Planning Authority considers that "the erection of a telecommunication mast" at Newcastle Middle, Newcastle, Co. Wicklow is development and is exempted development as recommended in the planning report.

Signed



Dated 16th day of May 2023

ORDER:

I HEREBY APPROVE that a declaration to issue stating:

That "the erection of a telecommunication mast" at Newcastle Middle, Newcastle, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____

**Director of Services
Planning Development & Environment**

^{41.}
Dated /6 day of May 2023

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO: FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 19/2023
DECISION DATE: 15/05/2023
APPLICANT: RACHEL LIPPIATT
ADDRESS: CHURCH LANE NEWCASTLE, CO.WICKLOW
EXEMPTION: TELECOMMUNICATIONS MAST

This application has been the subject of a further information request. This report should be read in conjunction with the previous planners report. Further information was requested from the applicant, the landowner and the developer on 06/04/2023 and responses were received on 12/04/2023 (owner), 21/04/2023 (applicant) and 26/04/2023 (developer).

Response from land owner:

Letter received to clarify that Raymond Roberts is the owner of the subject folio. Stated that Mr. Roberts has licenced part of his property to Eir, who will make submission.

Response from applicant:

Letter received to state that

- a) The owner of the mas is Eir;
- b) The mast is for 2G voice and 3G/4G data. It is to communicate with a larger mast at the Farm in order to reduce rent payable on that mast.

Response from Developer:

Letter received from Eir Ltd to state:

- a) Eir carried out the works as a statutory undertaker under Class 31 of Part 1, Schedule 2 of the P&D Regulations 2001 (as amended);
- b) The structure was erected in 2022- in March 2023 works carried out to install 3 x 2metre long antenna;
- c) The structure is 12m in height and 300mm in diameter;
- d) The structure is wooden pole;
- e) The distance from the site boundaries are;
 - South = 4m
 - North = 138m
 - East = 130m
 - West = 136m
- f) The distance to the local road is 142m to center of road;
- g) The nearest dwelling is 193m
- h) The nearest HV power line is 100m
- i) Newcastle Aerodrome hanger is 2km, runway is 2.5km;
- j) A ground level cabinet is in place which does not exceed 2 cubic metres;

- k) There are no advertisements attached to the pole. A 1.5m stock proof fence has been erected around the site.

A Radio Emissions Statement has been submitted which details the requirements in relation to management of electromagnetic field radiation and the company monitoring of same.

Assessment:

The question has been asked as to whether:

The erection of a telecommunication mast at Newcastle Middle, Newcastle Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

“statutory undertaker” means a person, for the time being, authorised by or under any enactment or instrument under an enactment to— (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport, (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.

The mast was erected by Eir Ltd. Eir Ltd are an authorised statutory undertaker at this time.

The structure(s) in place are as follows:

Pole- 12m in height & 300mm in diameter

Antenna- 3 units@ 2m long- not above existing pole height

Cabinet- does not exceed 2 cubic meters

The relevant class is Class 31 and the relevant sections are (b) (f) and (h):

CLASS 31: The carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of—

(b) overhead telecommunications including the erection of poles or other support structures or the use of existing poles or other support structures,

(f) cabinets forming part of a telecommunications system,

(h) the attachment of additional antennae to an existing antenna support structure.

The conditions and limitations of Class 31 (b) (f) (h) are:

(b)

1. Poles or other support structures carrying overhead lines shall not exceed 12 metres in height.

2. Poles or other support structures carrying other equipment shall not exceed 12 metres in height and 0.6 metres in diameter measured at the widest point, where “other equipment” means 2 transmitting or receiving dishes (the diameter of which shall not exceed 0.6 metres), or 1 panel antenna (the dimensions of which shall not exceed 0.85 metres in length x 0.65 metres in width x 0.2 metres in depth) used for the provision of a specific telecommunications service and the provision of which would otherwise require an additional pole route carrying overhead wires.

3. Where a pole or poles or other support structures carry radio transmitting or receiving apparatus, the field strength of the non-ionising radiation emissions from that installation shall not exceed the limits specified by the Commission for Communications Regulation

(f)

The volume above the ground-level of any such cabinet shall not exceed 2 cubic metres measured externally.

(h)

1. (a) For structures under 15 metres antennae to an existing in height, the total number of antenna support structure, such antennae shall not exceed 12, of which not more than 8 antennae shall be dish type (whether shielded or not)

2. (a) The dimensions of any such antenna provided shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type already attached to the structure.

(b) In any other case, the dimensions of any such antenna provided shall not exceed—

(i) in the case of any panel type antenna, 3 metres in length x 0.6 metres in width x 0.2 metres in depth,

(ii) in the case of any co-linear type antenna, 5 metres in length x 0.1 metres in diameter, and

(iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.

3. The attachment of such antennae shall not result in the field strength of the non-ionising radiation emissions from the site exceeding limits specified by the Commission for Communications Regulation.

4. The attachment of such antennae may be carried out by way of a platform only where the antenna support structure already incorporates a platform.

5. The height of the existing structure (including any antenna thereon) shall not be exceeded.

The development in place appears to meet the conditions and limitations of Class 31.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether:

The erection of a telecommunication mast at Newcastle Middle, Newcastle Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority considers that:

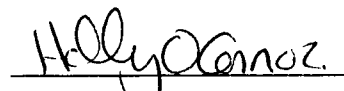
The works as detailed constitute development and constitute exempted development as per Class 31 of Part 1, Schedule 2 of the Planning & Development Regulations 2001 (as amended).

Main Considerations with respect to Section 5 Declaration:

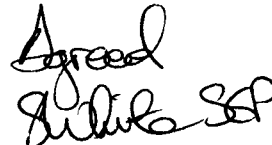

- (a) The details submitted with this Section 5 Application.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Class 31 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1. The mast structure has been erected by Eir Ltd who are a statutory undertaker authorised to provide a telecommunications service.
- 2. The structures in place are a wooden pole that is 12metres in height and 300mm in diameter, attached to the pole are 3 no. antenna support structures that are 2m long and not higher than the pole and a cabinet that is not greater than 2 cubic meters externally.
- 3. Part 1, Schedule 2, Class 31 (b) (f) (h) of the Planning and Development Regulations 2001 as amended.



Holly O'Connor E.P. Date: 15/05/2023


15/5/23
Bk
Dor.
16/5/23



2022 Bianconi Avenue
Citywest Business
Campus
Dublin 24 D24 HX03
T +353 1 671 4444
eir.ie

FAO: NICOLA FLEMING
PLANNING DEVELOPMENT & ENVIRONMENT
WICKLOW COUNTY COUNCIL
COUNCIL BUILDINGS
WICKLOW TOWN



26th April 2023

Our Ref: WW_3546
Your Ref No: EX19/2023

Re: eir pole installation The Lodge, Church Lane, Newcastle Upper, Co Wicklow

Dear Ms Fleming

Further to your letter dated 6th April 2023, issued under Section 5 of the Planning and Development Act 2000, as amended, in relation to the erection of a mast at the above lands.

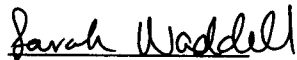
- a.** Eir carried out this development as a statutory undertaker authorised to provide a telecommunications service, under **Class 31 of Part 1 (Exempted Development), schedule 2 of the Planning and Development Regulations 2001 and subsequent (Amendment No. 3) Regulations 2018.**
- b.** The structure was erected in 2022
- c.** The pole is 12m in height and 300mm in diameter.
- d.** It is a wooden pole with specialist weather-proofing.
- e.** The distance of the structure from:
 - i. The site boundaries – South – 4m, North – 138m, East – 130m and West – 136m.
 - ii. The local road – assume Church Lane – 142m to the centre of the road
 - iii. The closest dwelling is 193m away
 - iv. The nearest HV power line is 100m away
 - v. Approx. 2km from the hangars at Newcastle Aerodrome and approx. 2.5 from the runway
- f.** In March 2023 eir added 3no x 2m long antennas for the provision of mobile and wireless broadband services, under **Class 31 (h)1. (a) of Part 1 (Exempted Development).**

Please find enclosed ICNIRP cert confirming that all eir sites are designed to be in full compliance with the radio frequency public exposure guidelines of the International Commission of Non-Ionising Radiation Protection (ICNIRP) as expressed in the EU recommendation on the limitation of exposure to the general public to electromagnetic fields (0Hz to 300Ghz).

- g. Eir have installed a ground level cabinet under **Class 31 Exempted Development Schedule 2 (f) of Part 1 (Exempted Development)**. This allows: *"cabinets forming part of a telecommunications system, the volume above the ground-level of any such cabinet shall not exceed 2 cubic meters measured externally."* The installed cabinet does not exceed 2 cubic meters when measured externally.
- h. There are no advertisements attached to the pole/mast. A 1.5m stock proof fence has been erected around the pole and cabinet to secure it from livestock.

If you have any further queries in relation to this installation please do not hesitate to contact me directly.

Yours sincerely,



Sarah Waddell

Site Acquisition Manager

E: sarah.waddell@eir.ie

P: 085 7117965

Encl. ICNIRP Cert for site at WW_3546

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Holly O'Connor
Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- EX 19/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Telecommunication mast erected within Newcastle Middle, Co Wicklow**

I enclose herewith for your attention application for Section 5 Declaration
Further Information requested has been received.

The due date on this declaration is the 9th May 2023.



Staff Officer
Planning Development & Environment



2022 Bianconi Avenue
Citywest Business Campus
Dublin 24 D24 HX03
T +353 1 671 4444
eir.ie

Radio Emissions Statement

As an operator of a Mobile Telecommunications Network *Eir Ltd* is aware of its requirements in relation to management of electromagnetic field radiation and are committed to management of risk to our employees, members of the public and any other groups who may be affected by our networks. All of the radio equipment on our network and our radio base stations are "Safe by Design" and are designed to meet international health and safety standards and best practice, including the relevant guidance from International Commission on Non-Ionizing Radiation Protection (ICNIRP) and from the Communications Regulator in Ireland.

Eir Ltd own and operate mobile telecommunications sites across Ireland. These sites are built and managed to operate within the limits for exposure to Electromagnetic Fields which are set by the Communications Regulator and are based on guidance from the International Council for Non-Ionising Radiation Protection (ICNIRP) and meet the requirements of directives from the European Commission. The issue of radiation from Mobile Phones has been a concern for many people since the introduction of this technology significant numbers of studies have been performed and have been reviewed by international experts. The World Health Organisation in their fact sheet on Electromagnetic fields and public health: mobile phones have stated that "A large number of studies have been undertaken on both acute and long-term effects from HF (High Frequency EMF Radiation) exposure typical of base stations. Research at these levels of exposure has provided no conclusive evidence of any related adverse health effects". <http://www.who.int/mediacentre/factsheets/fs193/en/> In their on line Q&A on Mobile Phones and Cancer the WHO also states "Studies to date provide no indication that environmental exposure to RF fields, such as from base stations, increases the risk of cancer or any other disease." <http://www.who.int/cancer/q&a/30/en/>

The International Council on Non Ionising Radiation Protection, who are the lead independent agency on non-ionising radiation safety have stated "A large number of studies have been undertaken on both acute and long-term effects from HF (High Frequency Non Ionising Radiation) exposure typical of base stations. Research at these levels of exposure has provided no conclusive evidence of any related adverse health effects." http://www.icnirp.org/en/applications/base_stations/index.html in late 2015 The European Commission's Scientific Committee on Emerging and Newly Identified Health Risks published a "Final Opinion on the Potential health effects of exposure to electromagnetic fields (EMF)" The expert opinion is based on the latest scientific studies and expert review. In its summary the Scientific Committee state that "The results of current scientific research show

that there are no evident adverse health effects if exposure remains below the levels recommended by the EU legislation.

Our antennae are well below this level) Overall, the epidemiological studies on radiofrequency EMF exposure do not show an increased risk of brain tumours. Furthermore, they do not indicate an increased risk for other cancers of the head and neck region.”

The maximum exposure levels that are set by ICNIRP for Public exposure to radiation in the mobile phone frequency range is 28 V/m. All of our sites are designed and maintained to operate well within these guideline limits. Independent compliance inspections that are carried out for our company and are published by the Communications Regulator on their website (www.sileviewer.ie) show that the levels of EMF radiation from mobile telecoms masts in Ireland ranges between 0.5-3V/m, well within the safe exposure limits advised by international experts.

We continue to monitor the advice and guidance given by Government, international experts and equipment manufacturers to ensure that the sites that we operate continue to operate well within the limits set for exposure of members of the public and for our employees and contractors who will work at your location.

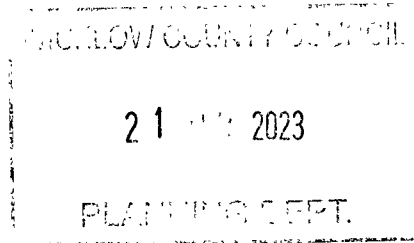
Internal Documentation References:

Meteor Mobile Communications Design and Build Specification and Guidelines
Standard Safe Operating practices - Mobile Network

Statement Prepared By: Donie Pardy, eir Group Head of Environment, Health and Safety

Date: 12/07/17

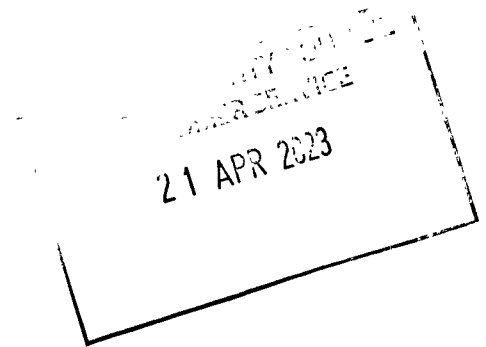
19/4/23



The Lodge
Church Lane
Newcastle Upper
Co Wicklow
A63 E439

Wicklow County Council
Planning Department
County Buildings
Whitegates
Wicklow Town
A67 FW96

Re: EX 19/2023



Dear Sir/Madam

I am responding to your letter of 6/4/23 requesting further information regarding the above application.

I provide the following information to the best of my knowledge.

- 1a. The owner of the telecommunications mast erected is Eir.
- b. The mast is for 2G voice and 3G/4G data. It is to communicate with the larger mast at Roberts Farm, Newcastle in order to reduce rent payable by Eir on that mast.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Lippiatt'.

Rachel Lippiatt

Tiglin
Newcastle
Co Wicklow

12th April 2023

Ms Nicola Fleming
Staff Officer
Planning, Development & Environment
Wicklow County Council
County Buildings
Wicklow

Re EX 19/2023

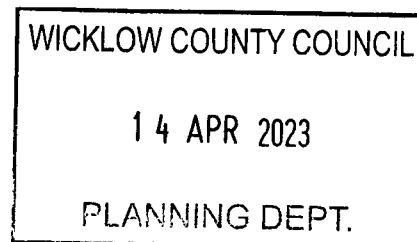
Dear Nicola,

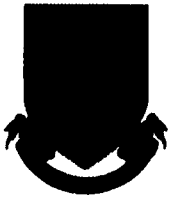
I write regarding your letter dated the 6th April 2023. I can confirm that I am the landowner of Folio WW37164F.

I have licensed part of my property to Eir, who have advised that they will contact you directly regarding this matter.

Yours Sincerely,


Raymond Roberts





Comhairle Contae Chill Mhantáin Wicklow County Council

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06/04/2023

Raymond Roberts

RE: EX 19/2023

**Telecommunication mast erected in field opposite The Lodge, Church Lane,
Newcastle Upper, Co. Wicklow**

A Chara

Wicklow County Council Planning Authority have received a Declaration on development and exempt development as provided for in Section 5 of the Planning & Development Act 2000 (as amended). The declaration is with respect to the erection of a telecommunication mast on lands at Church Lane in the townland of Newcastle Middle Co. Wicklow. Land registry records show that at this time you are the landowner of the lands referred to. As per Section 5(2) (c) of the Planning & Development Act 2000 (as amended), the Planning Authority consider it necessary to request persons in addition to the person who made a request to submit information in order to enable the authority to issue the declaration on the question. In this regard you are requested to submit details as follows;

- a) Confirmation that you are the landowner of Folio WW37164F lands in Newcastle Middle Co. Wicklow;
- b) Confirmation of the persons/ organisation responsible for the development i.e. who erected the telecommunication mast;
- c) Details of the purpose of the structure.

Mise, le meas

**NICOLA FLEMING
STAFF OFFICER**

PLANNING DEVELOPMENT AND ENVIRONMENT





Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
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06/04/2023

Rachel Lippiatt

RE: EX 19/2023

**Telecommunication mast erected in field opposite The Lodge, Church Lane,
Newcastle Upper, Co. Wicklow**

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 14th March 2023.

The Following Further information is required to fully assess the application: -

1. Insufficient details have been provided to allow the Planning Authority to carry out a full assessment of the development in order to assess the development against the Planning & Development Act 2000 (as amended) and the Planning & Development Regulations 2001 (as amended). In this regard you are requested to clarify the following;
 - a) Owner of the development i.e. persons/ organisation who erected the telecommunication mast;
 - b) The purpose of the structure;

Mise, le meas

NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT





Comhairle Contae Chill Mhantáin Wicklow County Council

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Suíomh / Website: www.wicklow.ie

06/04/2023

**Eir (Eircom Limited)
2022 Bianconi Avenue
Citywest Business Campus
Dublin 24
D24 HX03**

RE: EX 19/2023

**Telecommunication mast erected in field opposite The Lodge, Church Lane,
Newcastle Upper, Co. Wicklow**

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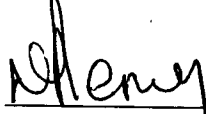
Wicklow County Council Planning Authority have received a Declaration on development and exempt development as provided for in Section 5 of the Planning & Development Act 2000 (as amended). The declaration is with respect to the erection of a telecommunication mast on lands at Church Lane in the townland of Newcastle Middle Co. Wicklow. During a site inspection it was found that the development may have been carried out by Eir (Eircom Limited). As per Section 5(2) (c) of the Planning & Development Act 2000 (as amended), the Planning Authority consider it necessary to request persons in addition to the person who made a request to submit information in order to enable the authority to issue the declaration on the question. In this regard you are requested to submit details as follows;

- a) Confirmation if you are the persons/organisation responsible for the development i.e. who erected the telecommunication mast;
- b) The period of which the structure has been erected;
- c) The height and diameter (at the widest point) of the structure;
- d) The materials and finish of the structure;
- e) The distance of the structure from;
 - i. the site boundaries/ party boundaries,
 - ii. the Local Road L50501-0,
 - iii. dwellings within 5km,
 - iv. electrical and non-electrical overhead cables,
 - v. electricity distribution lines,
 - vi. aerodrome or airport facilities designated by the Irish Aviation Authority within 5km,
- f) Details of whether the structures are carrying radio transmitting or receiving apparatus, and confirmation that the field strength of the non-ionising radiation emissions from that installation does not exceed the limits specified by the Commission for Communications Regulation;



- g) Details of any kiosk, container or ground level cabinet;
- h) Details of any advertisements or object for the functioning of safety of the mast which are attached to or exhibited on the mast.

Mise, le meas



NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO: FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 19/2023
DECISION DATE: 10/04/2023
APPLICANT: RACHEL LIPPIATT
ADDRESS: CHURCH LANE NEWCASTLE, CO.WICKLOW
EXEMPTION: TELECOMMUNICATIONS MAST

Site Location:

The site is located within the rural townland of Newcastle Middle, c.1km to the west of Newcastle Village as the crow flies. The site is along Church lane, Local Road L50501-0. The subject site consists of a Greenfield under grass which slopes to the north.

Planning History:

None on subject site.

Adjoining site

17/306: Planning permission for dwelling- withdrawn
16/1345: Planning permission for dwelling- withdrawn

Relevant legislation:Planning and Development Act 2000 (as amended)

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

Section 3:

(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Planning and Development Regulations 2001(as amended)

"telecommunications network" means the whole of the telecommunications infrastructure and any associated physical infrastructure of any network operator;

"telecommunications service" means services which consist wholly or partly in the transmission or routing of signals on a telecommunications network or both transmission and routing;

Article 6(1) states that certain classes of development which are specified in Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Part 1- Exempt Development Classes of Use

CLASS 31

The carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of;

(a) underground telecommunications structures or other underground telecommunications works (including the laying of mains and cables and the installation underground of any apparatus or equipment),

(b) overhead telecommunications including the erection of poles or other support structures or the use of existing poles or other support structures

(bb) The attachment to a pole or other support structure referred to in paragraph (b) above of any bracket, clamp or other fixture required for the carrying or support of any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing, or required for the carrying or support of any device containing any such cable, wire, tube, pipe, duct or similar thing, and the attachment to such fixture of—

(i) any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing (including its casing or coating) or any device containing any of the foregoing,

(ii) any other equipment or apparatus used for telecommunications purposes, which is exempted development for the purposes of Article 6 and this Class,

(The dimensions of any such device should not exceed 0.50 cubic metres measured externally).

(bbb) the attachment to any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing of any device containing any such cable, wire, tube, pipe, duct or similar thing. (The dimensions of any such device should not exceed 0.25 cubic metres measured externally).

(c) telephone kiosks or other telephone facilities in a public place not being on, over or along a public road,

(d) equipment for transmitting or receiving signals from satellites in space,

(e) permanent telecommunications exchange and radio station containers, including containers for electronic equipment required for transmitting, receiving and processing telecoms data for both wireless or wired networks,

(f) cabinets forming part of a telecommunications system,

(g) transportable radio installation,

(h) the attachment of additional antennae to an existing antenna support structure,

- (i) antennae for high capacity transmission links by way of attachment to existing high capacity antennae support structures,
- (j) an antenna support structure in place of an existing antenna support structure,
- (k) antennae, including small cell antennae, attached to the following existing structures—
 - (i) public or commercial buildings (other than education facilities, childcare facilities or hospitals) by way of attachment to roofs, facades, chimneys, chimney pots or vent pipes;
 - (ii) electricity pylons;
 - (iii) agricultural storage buildings;
 - (iv) water towers.
- (l) small cell antennae attached to the following existing structures— (i) electricity poles, telegraph poles, lamp posts, lighting structures, flag poles, CCTV poles; (ii) phone kiosks and bus shelters.

Part 3 –Exempt Development Rural- Temporary Structures and Uses

CLASS 19

The erection of a mast for mapping meteorological conditions.

1. No such masts shall be erected for a period exceeding 15 months in any 24 month period.
2. The total mast height shall not exceed 80 metres.
3. The mast shall be a distance of not less than:
 - (a) the total structure height plus:
 - (i) 5 metres from any party boundary,
 - (ii) 20 metres from any nonelectrical overhead cables,
 - (iii) 20 metres from any 38kV electricity distribution lines,
 - (iv) 30 metres from the centrelines of any electricity transmission lines of 110kV or more.
 - (b) 5 kilometres from the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting.
4. Not more than one such mast shall be erected within the site.
5. All mast components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunications signals.
6. No sign, advertisement or object, not required for the functioning or safety of the mast shall be attached to or exhibited on the mast

Article 9(1) (a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act, specifically (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Submission:

The applicants are applying for a Section 5 Exemption in relation to the following;
Is the erection of telecommunications mast on site exempted development.

Assessment:

A mast has been erected within lands, c.300m from the nearest residential dwelling. No information has been provided as to who erected the mast, the exact purpose of same, the height, the finish etc. From a review of the regulations it appears that such a structure may be erected;
by a statutory undertaker authorised to provide a telecommunications services under Classs 31 subject to the conditions and limitations of same,

or

in a rural area, such a structure may be erected temporarily for mapping meteorological conditions.

The submission does not provide sufficient details to allow the Planning Authority to carry out an assessment. In this regard I consider that further information is required and it is necessary for the Planning Authority to seek further information from additional persons in order to enable the authority to issue the declaration on the question as per Section 5(2)(c) of the Planning & Development Act 2000 (as amended). The Planning Authority shall seek further information from the applicant, the land owner and Eir (Eircom Limited).

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether:

The erection of a telecommunication mast at Newcastle Middle, Newcastle Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority considers that:

Further information is required from the applicant as per Section 5(2)(b) and further information is required by the land owner and Eir (Eircom Limited) as per section (5) (c).


Further information is required from the applicant as follows:

1. Insufficient details have been provided to allow the Planning Authority to carry out a full assessment of the development in order to assess the development against the Planning & Development Act 2000 (as amended) and the Planning & Development Regulations 2001 (as amended). In this regard you are requested to clarify the following;
 - a) Owner of the development i.e. persons/ organisation who erected the telecommunication mast;
 - b) The purpose of the structure;
2. Land owner Raymond Roberts, Tiglin Newcastle County Wicklow. Further information is required from the land owner as follows:

Wicklow County Council Planning Authority have received a Declaration on development and exempt development as provided for in Section 5 of the Planning & Development Act

2000 (as amended). The declaration is with respect to the erection of a telecommunication mast on lands at Church Lane in the townland of Newcastle Middle Co. Wicklow. Land registry records show that at this time you are the landowner of the lands referred to. As per Section 5(2) (c) of the Planning & Development Act 2000 (as amended), the Planning Authority consider it necessary to request persons in addition to the person who made a request to submit information in order to enable the authority to issue the declaration on the question. In this regard you are requested to submit details as follows;

- a) Confirmation that you are the landowner of Folio WW37164F lands in Newcastle Middle Co. Wicklow;
- b) Confirmation of the persons/ organisation responsible for the development i.e. who erected the telecommunication mast;
- c) Details of the purpose of the structure.

Note: Please send map attached to this report to the landowner. 

3. Further information is required from Eir (Eircom Limited) Eircom Limited, 2022 Bianconi Avenue, Citywest Business Campus, Dublin 24 D24 HX03 as follows:

Wicklow County Council Planning Authority have received a Declaration on development and exempt development as provided for in Section 5 of the Planning & Development Act 2000 (as amended). The declaration is with respect to the erection of a telecommunication mast on lands at Church Lane in the townland of Newcastle Middle Co. Wicklow. During a site inspection it was found that the development may have been carried out by Eir (Eircom Limited). As per Section 5(2) (c) of the Planning & Development Act 2000 (as amended), the Planning Authority consider it necessary to request persons in addition to the person who made a request to submit information in order to enable the authority to issue the declaration on the question. In this regard you are requested to submit details as follows;

- a) Confirmation if you are the persons/organisation responsible for the development i.e. who erected the telecommunication mast;
- b) The period of which the structure has been erected;
- c) The height and diameter (at the widest point) of the structure;
- d) The materials and finish of the structure;
- e) The distance of the structure from;
 - i. the site boundaries/ party boundaries,
 - ii. the Local Road L50501-0,
 - iii. dwellings within 5km,
 - iv. electrical and non-electrical overhead cables,
 - v. electricity distribution lines,
 - vi. aerodrome or airport facilities designated by the Irish Aviation Authority within 5km,
- f) Details of whether the structures are carrying radio transmitting or receiving apparatus, and confirmation that the field strength of the non-ionising radiation emissions from that installation does not exceed the limits specified by the Commission for Communications Regulation;
- g) Details of any kiosk, container or ground level cabinet;

- h) Details of any advertisements or object for the functioning of safety of the mast which are attached to or exhibited on the mast.

Note: Please send map attached to this report to Eircom Limited.

ref done

Holly O'Connor

Holly O'Connor A.P. Date: 06/04/2023.

*Agreed
Fg/T Mj L SE
06/04/23*

Appendix 1-Site Location Map



MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Holly O'Connor
Executive Planner

FROM: Crystal White
Assistant Staff Officer

**RE:- EX 19/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Telecommunication mast erected within Newcastle Middle, Co Wicklow**

I enclose herewith for your attention application for Section 5 Declaration
received 14th of March 2023.

The due date on this declaration is the 10th of April 2023.

Yp 

Senior Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

14/03/2023

Rachel Lippiatt

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 19/2023
Telecommunication mast erected within Newcastle Middle, Co Wicklow

A Chara

I wish to acknowledge receipt on the 14th of March 2023 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 10/04/2023.

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SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404-20100

14/03/2023 10 13 49

Receipt No L1/0/310257
***** REPRINT *****

RACHEL LIPPIATT
THE LODGE
CHURCH LANE
NEWCASTLE UPPER
CO WICKLOW
A63 E439

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Cheque	80 00

Change	0 00
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Issued By Cashier5MW
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: RACHEL LIPPIATT
Address of applicant: _____

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) N/A
Address of Agent : _____

Note Phone number and email to be filled in on separate page.

Wicklow County Council

14 MAR 2023

PLANNING DEPT.

3. Declaration Details

i. Location of Development subject of Declaration MAST ERECTED IN FIELD
OPPOSITE THE LODGE, CHURCH LANE, NEWCASTLE UPPER
CO. WICKLOW A63 E439

ii. Are you the owner and/or occupier of these lands at the location under i. above? ~~Yes~~
No.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or
occupier RAYMOND ROBERTS, ROBERTS FARM
NEWCASTLE, CO. WICKLOW

iv. Section 5 of the Planning and Development Act provides that : If any question arises
as to what, in any particular case, is or is not development and is or is not exempted
development, within the meaning of this act, any person may, on payment of the
prescribed fee, request in writing from the relevant planning authority a declaration
on that question. You should therefore set out the query for which you seek the
Section 5 Declaration TELECOMMUNICATIONS MAST ERECTED
IN FEBRUARY/MARCH 2023. NO PLANNING APPLICATION
NOTICE HAS BEEN POSTED AT THE SITE, NOR ANY
APPLICATION SUBMITTED ON W.C.C.'S PUBLIC SITE.
I WISH TO BE INFORMED AS TO WHETHER THIS IS

Additional details may be submitted by way of separate submission.
PERMITTED EXEMPTED PLANNING OR NOT.

v. Indication of the Sections of the Planning and Development Act or Planning
Regulations you consider relevant to the Declaration TELECOMMUNICATIONS MASTS

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? NO

vii. List of Plans, Drawings submitted with this Declaration Application LOCATION MAP OF SITE AND PHOTOGRAPH OF MAST.

viii. Fee of € 80 Attached ? €80 CHEQUE ATTACHED

Signed : W. J. J. J. Dated : 9/3/23

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
 - Floor area of structure in question - whether proposed or existing.
 - Floor area of all relevant structures e.g. previous extensions.
 - Floor plans and elevations of relevant structures.
 - Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

Search mail



1 of 17

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