

Comhairle Contae Chill Mhantáin Ulicklow 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@wicklowcocc Suíomh / Website: www.wicklow.ie

Lungelo Nkosi Entrust Limited Unit 1D, Deerpark Business Park Oranmore Co. Galway H91 X599

November 2023

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX75/2023 – NBI Infrastructure DAC T/A National

Broadband Ireland (NBI)

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 Pleanala 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

ra — alikuwij





Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: NBI Infrastructure DAC T/A National Broadband Ireland (NBI

Location: Coolkenno and Killinure, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/2016/2023

A question has arisen as to whether "the installation of electronic communications apparatus/development inclusive of: A) a cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (length) x3m (width) x 3m (height) on concrete plinth. B) proposed green mesh fence to from 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide mesh gate and C) ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto" at Coolkenno and Killinure, Co. Wicklow" is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration Application.
- b) Section 2, 3, and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part 1: Class 11 and Class 31 of the Planning and Development Regulations 2001 (as amended

Main Reasons with respect to Section 5 Declaration:

- The works would consist of construction and installation, and would come with the definition set out within Section 3 of the Planning and Development Act 2000(as amended), and is therefore development.
- The installation of an electronic communications cabin would come within the description and limitations set out under Class 31(e): Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.
- The provision of fencing / a compound surrounding the cabin would come within the description and limitations set out under Class 11: Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption
- The installation of ducting, cabling, earth pits, cabinets, chambers, mini-pillar and all ancillary development would come within the description and limitations set out under Class 31(a) & (f): Part 1: Schedule 2 of the Planning and Development



Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.

The Planning Authority considers that "the installation of electronic communications apparatus/development inclusive of: A) a cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (length) x3m (width) x 3m (height) on concrete plinth. B) proposed green mesh fence to from 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide mesh gate and C) ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto" at Coolkenno and Killinure, Co. Wicklow is development and is exempted development.

Signed: 💟

ADMINISTRATIVE ÖFFICER

PLANNING DEVELOPMENT & ENVIRONMENT

Dated **3**0 | | 2023

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended) **SECTION 5**

CHIEF EXECUTIVE ORDER NO. CE/PDE/2016/2023

Reference Number:

EX 75/2023

Name of Applicant:

NBI Infrastructure DAC T/A National Broadband Ireland (NBI)

Nature of Application:

Section 5 Referral as to whether "the installation of electronic apparatus/development communications inclusive of: A) a cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (length) x3m (width) x 3m (height) on concrete plinth. B) proposed green mesh fence to from 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide mesh gate and C) ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto" is or is not exempted

development

Location of Subject Site:

Coolkenno and Killinure, Co. Wicklow

Report from Billy Slater, AP and Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the installation of electronic communications apparatus/development inclusive of: A) a cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (length) x3m (width) x 3m (height) on concrete plinth. B) proposed green mesh fence to from 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide mesh gate and C) ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto" at Coolkenno and Killinure, 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 the Section 5 Declaration Application.
- b) Section 2, 3, and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part 1: Class 11 and Class 31 of the Planning and Development Regulations 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- The works would consist of construction and installation, and would come with the definition set out within Section 3 of the Planning and Development Act 2000(as amended), and is therefore development.
- The installation of an electronic communications cabin would come within the description and limitations set out under Class 31(e): Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.

- The provision of fencing / a compound surrounding the cabin would come within the
 description and limitations set out under Class 11: Part 1: Schedule 2 of the Planning
 and Development Regulations 2001(as amended), and nothing within Article 9 would
 negate this exemption
- The installation of ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development would come within the description and limitations set out under Class 31(a) & (f): Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.

Recommendation

The Planning Authority considers that "the installation of electronic communications apparatus/development inclusive of: A) a cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (length) x3m (width) x 3m (height) on concrete plinth. B) proposed green mesh fence to from 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide mesh gate and C) ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto" at Coolkenno and Killinure, Co. Wicklow is development and is exempted development as recommended in the report by the SEP

Signed Vida Jem

Dated Iday of November 2023

ORDER:

I HEREBY DECLARE:

That "the installation of electronic communications apparatus/development inclusive of: A) a cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (length) x3m (width) x 3m (height) on concrete plinth. B) proposed green mesh fence to from 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide mesh gate and C) ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto" at Coolkenno and Killinure, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000

Signed:

Senior Engineer

Dated

30/1/2023

Planning Development & Environment



WICKLOW COUNTY COUNCIL PLANNING DEPARTMENT

To:

Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.

From:

Billy Slater A.P.

Type:

Section 5 Application

REF:

EX 75/2023

Applicant:

NBI Infrastructure DAC T/A National Broadband Ireland (NBI)

Date of Application: Decision Due Date: 10/11/2023 07/12/2023

Address:

Coolkenno, Kilinure, Co. Wicklow

Exemption Query:

Installation of electronic communications apparatus/development on behalf of National Broadband Ireland as follows:

- A cabin to be painted green to be located on the southern side of the R725 on disused open land.
- The cabin measure 3m (Length) x 3m (Width) x 3m (Height) on concrete plinth.
- Proposed green mesh fence to form 1.2m high compound on a all four sides.
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.
- Access to the site is gained by a proposed 1m wide steel mesh gate.

Application Site:

The subject site is located within the western parameters of the level 8 settlement of Coolkenno within a disused landholding formally occupied by the commercial operations of 'Redmond Tyres / Coolkenno Autos LTD'. The site is accessed via the R-725-43 regional public road.

Google Maps Image and Site Image





Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows.

Installation of electronic communications apparatus/development inclusive of:

- A. A cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (Length) x 3m (Width) x 3m (Height) on concrete plinth.
- B. Proposed green mesh fence to form 1.2m high compound on all four sides with access to the site gained by a proposed 1m wide steel mesh gate.
- C. Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

at Coolkenno, Kilinure, Co. Wicklow.

Planning History:

Subject Site:

No relevant planning history on site.

Ouestion:

The applicants have applied to see whether or not the:

Installation of electronic communications apparatus/development inclusive of:

- A. A cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (Length) x 3m (Width) x 3m (Height) on concrete plinth.
- B. Proposed green mesh fence to form 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide steel mesh gate.
- C. Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

at Coolkenno, Kilinure, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Legislative Context

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

"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
- (b) in relation to a protected structure or proposed protected structure, includes—
- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

"works" includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

Section 3(1) of the Act states the following in respect of 'development':

"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."

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and Development Regulations 2001(as amended)

Article 6 (1):

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1

Article 9 (1):

- (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
- (a) if the carrying out of such development would—
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

And so on.

Schedule 2: Part 1 outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

CLASS 11

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of —

- (a) any fence (not being a hoarding or sheet metal fence), or
- (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Limitations

- 1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.
- 2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

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),
- (f) cabinets forming part of a telecommunications system,

Limitations

- 1. The volume above the ground-level of any such cabinet shall not exceed 2 cubic metres measured externally.
- (e) Permanent telecommunications exchange and radio station containers,

Limitations

- 1. The equipment housed in the container shall be used exclusively for the purposes of concentrating and re-routing calls and the container shall not have attached to it or within it, whether visible or not, any antennae for the direct transmission or reception of mobile telephony or other telecommunications signals in such a way that the container would act as an antennae support structure.
- 2. No such container shall exceed 10 metres in length, 3 metres in width or 3 metres in height.
- 3. No such container shall be situated within 10 metres of the curtilage of a house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.
- 4. The field strength of the non-ionising radiation emissions from the radio station container shall not exceed the limits specified by the Director of Telecommunications Regulation.

Assessment

The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

Installation of electronic communications apparatus/development inclusive of:

- A. A cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (Length) x 3m (Width) x 3m (Height) on concrete plinth.
- B. Proposed green mesh fence to form 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide steel mesh gate.
- C. Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

at Coolkenno, Kilinure, Co. Wicklow.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

<u>"development"</u> 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.

It should be noted that Section 2 of the Act defines works as:

<u>"works"</u> includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

I am satisfied that the above elements would involve <u>works</u> in the form of construction and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

A. A cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (Length) x 3m (Width) x 3m (Height) on concrete plinth.

The electronic communications cabin would fall under the description of Class 31 (e) of the P & D Regulations 2001(as amended) as a 'permanent telecommunications exchange and radio station container'. The following limitations apply

1. The equipment housed in the container shall be used exclusively for the purposes of concentrating and re-routing calls and the container shall not have attached to it or within it, whether visible or not, any antennae for the direct transmission or reception of mobile telephony or other telecommunications signals in such a way that the container would act as an antennae support structure.	It is stated that the equipment housed in the cabin shall be used exclusively for the purpose of transmitting, receiving and processing data for a wired network. There will be no antennas on or within the proposed NBI cabin.
2. No such container shall exceed 10 metres in length, 3 metres in width or 3 metres in height	Container is 3m x 3m x 3m in size.
3. No such container shall be situated within 10 metres of the curtilage of a house save	Structure is located in excess of 10m from any structure.

with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.	
	It is stated that the field strength of the non- ionising radiation emissions from the cabin do not exceed the limits specified by the Director of Telecommunications Regulation.

B. Proposed green mesh fence to form 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide steel mesh gate.

The proposed fence would fall under the description of Class 11of the P & D Regulations 2001(as amended). The following limitations apply

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.	Proposed fence is denoted as 1.2m in height.
2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.	N/A

C. Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

Concerning the installation of ancillary ducting, cabling and earth pits, said works would fall under the description of Class 31(a) of the P & D Regulations 2001(as amended) which is inclusive of 'underground telecommunications structures or other underground telecommunications works (including the laying of mains and cables and the installation underground of any apparatus or equipment).'

Regarding the proposed ancillary cabinits, chambers and mini pillars, said development would fall under the description of Class 31(f) of the P & D Regulations 2001(as amended) 'cabinets forming part of a telecommunications system' subject to compliance with the following limitation.

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

The proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per Article 9 (1).

It is noted that the application highlights the proximity of a protected structure (Killinure House ID:346) and recorded monument (Enclosure ID:WI01858) both located to the west of the application site. Given the limited visual impact of the proposed development and separation distance in excess of 450m from the protected structure and 250m from the recorded monument, it is considered that the exemption of the proposed works would not be negated by article 9(1) in this regard.

Article 9(1)(iii) states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users. Concerning the risk of traffic hazard deriving from the proposed developments pedestrian access onto the R-725-43 regional public road, it is considered due to the infrequency of required access to the site, the provision of a pedestrian footpath to the opposite side of the road and siting within the settlement of Coolkenno, as well as standard operational procedure regarding the maintenance of such communications infrastructure and associated traffic management, that the exemption of the proposed development would not be negated under Article 9 (1)(iii) for reason of traffic hazard.

Recommendation:

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

Installation of electronic communications apparatus/development inclusive of:

- A. A cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (Length) x 3m (Width) x 3m (Height) on concrete plinth.
- B. Proposed green mesh fence to form 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide steel mesh gate.
- C. Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

at Coolkenno, Kilinure, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that:

- A. A cabin to be painted green to be located on the southern side of the R725 on disused open land measuring 3m (Length) x 3m (Width) x 3m (Height) on concrete plinth is development and is exempted development.
- B. Proposed green mesh fence to form 1.2m high compound on all four sides with access to the site is gained by a proposed 1m wide steel mesh gate is development and is exempted development.
- C. Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration Application.
- b) Section 2, 3, and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part 1: Class 11 and Class 31 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

• The works would consist of construction and installation, and would come with the definition set out within Section 3 of the Planning and Development Act 2000(as amended), and is therefore development.

- The installation of an electronic communications cabin would come within the description and limitations set out under Class 31(e): Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.
- The provision of fencing / a compound surrounding the cabin would come within the description and limitations set out under Class 11: Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption
- The installation of ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development would come within the description and limitations set out under Class 31(a) & (f): Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.

I Soe 3 1/1/27

Billy Slater A.P. 22/11/2023

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Comhairle Contae Chill Mhantáin Ulicklow 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

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater

Assistant Planner

FROM:

Nicola Fleming

Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX75/2023 – NBI Infrastructure DAC

I enclose herewith application for Section 5 Declaration received 10th November 2023.

The due date on this declaration is 7th December 2023.

Staff Office/

Planning Development & Environment





Comhairle Contae Chill Mhantáin Uicklow 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

14th November 2023

Lungelo Nkosi Entrust Limited Unit 1D, Deerpark Business Centre Oranmore Co. Galway H91 X599

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 75/2023

NBI Infrastructure DAC T/A National Broadband Ireland (NBI)

A Chara

I wish to acknowledge receipt of Further Information on 10/11/2023 in respect of the above Section 5 application. A decision is due in respect of this application by 07/12/2023

Mise le meas

NICOLA FLEMING STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT





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WICKLOW COUNTY COUNCIL
CUSTOMER SERVICE
1 0 NOV 2023

National Broadband Ireland c/o Entrust Planning & Environmental Unit 1D Deerpark Business Centre Oranmore Co. Galway H91 X599

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

Our Ref: NBI 80913, Coolkenno

REGISTERED POST

Dear Sir or Madam.

10 NOV 2023
PLANNING DEPT.

08/11/2023

APPLICATION FOR DECLARATION OF EXEMPT DEVELOPMENT - NATIONAL BROADBAND IRELAND

APPLICATION BY THE STATUTORY UNDERTAKER OF A PROPOSED DEVELOPMENT IN ACCORDANCE WITH THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED) TO UTILISE EXEMPT DEVELOPMENT RIGHTS.

INSTALLATION AT: COOLKENNO, KILLINURE, COUNTY WICKLOW (ITM E: 693104, N: 672132).

We write in connection with a proposal to carry out exempt development by NBI Infrastructure DAC T/A National Broadband Ireland (NBI) at the above-named location, for use by NBI. This letter forms part of the request for a Declaration of Exempt Development by NBI Infrastructure DAC T/A National Broadband Ireland (NBI) to utilise exempt development rights to install electronic communications apparatus at this site, which has been chosen as a suitable network point in the design of its fibre broadband network for the area.

National Broadband Ireland

The National Broadband Plan (NBP) is the largest ever telecommunications project undertaken by the Irish State. It aims to radically transform the country's broadband landscape through the delivery of quality, affordable high-speed broadband to all parts of Ireland where such services are not available commercially.

The NBP will ensure that all people and businesses have access to high-speed broadband, no matter here they live or work. Once completed, all parts of Ireland will have access to a modern and reliable broadband network, capable of supporting the communications, information, education and entertainment requirements of current and future generations. It will make its services available to 23% of the population in about approximately 544,000 homes, farms,

schools and businesses.

NBI infrastructure Designated Activity Company 3009 Lake Drive, Citywest, Dublin 24, D24 H6RR

E contactus@nbi.ie WWW.NBI.IE



Proposal

The proposal is to install electronic communications apparatus/development on behalf of National Broadband Ireland as follows:

Description of Development:

- A cabin to be painted green to be located on the southern side the R725 on disused open land.
- The cabin measures 3 m (Length) x 3 m (Width) x 3 m (Height) on concrete plinth.
- Proposed green mesh fence to form 1.2m high compound on a all four sides.
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.
- Access to the site is gained from the proposed 1m wide steel mesh gate.

Planning Designations:

The proposal is located approximately 516 m from the closest NIAH (Detached three-bay two-storey 'L'-plan house with projecting porch and service wing, c.1840., Reg No: 16404203), in the W direction. The proposal is located approximately 250 m from the closest scheduled monument (SMR No: WI042-006) Classification: ENCL, which is located in the NW direction. The next closest scheduled monument is located 1 km (SMR No: WI042-007) Classification: Pit-burial in the NE direction.

Given the small-scale nature of the proposal in terms of its footprint at 3 m x 3 m and its height at 3 m, its green colour and the location of the proposal, benefits from existing gradient and natural screening from the closest Protected Structure to the W direction by way of a large semi-mature trees which effectively blocks visibility of the proposed small-scale development. Given the significant distance away from the Scheduled Monuments to the northwest and similarly to the east along with the intervening vegetation screening, means there will be no visual impact on these heritage assets. Given the existing vegetation screening from the aforementioned heritage assets means there will be no visibility of the proposal from these heritage assets and therefore no visual or other impact resulting from the proposal on the heritage assets. As such it is considered the proposal will have no impact on the Protected Structures and Scheduled Monument in proximity to the proposal whatsoever.

The proposal will not have any impact whatsoever on any heritage, ecological or landscape designations as shown in the map overleaf as it is not within or close to any designated areas.

NBI Infrastructure Designated Activity Company 3009 Lake Drive, Citywest, Dublin 24, D24 H6RR



Exempt Development



Please accept this submission as a formal application for a Declaration for Exempt Development under Section 5 (1) of the Planning and Development Act 2000 (as amended).

It is considered that this proposal is exempt development in accordance with the Planning & Development Regulations 2001 (as amended). The table below demonstrates the proposed development's compliance with SI No. 600, 2001, Schedule 2, Part 1, Class 31 (E) for development consisting of 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 network.

NBI Infrastructure Designated Activity Company 3009 Lake Drive. Citywest, Dublin 24, D24 H6RR



Conditions and Limitations SI No. 31, 2001-2020 (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.	Compliance with Conditions and Limitations SI No. 31, 2001-2020 (e)
1. The equipment housed in the container shall be used exclusively for the purposes of concentrating and re-routing calls or for transmitting, receiving and processing telecoms data for both wireless or wired networks and the container shall not have attached to it or within it, whether visible or not, any antennae for the direct transmission or reception of mobile telephony or other telecommunications signals in such a way that the container would act as an antennae support structure.	The equipment housed in the NBI cabin shall be used exclusively for the purposes of transmitting, receiving and processing of telecoms data for a wired network. There will be no antennas on or within the proposed NBI cabin.
2. No such container shall exceed 10 metres in length, 3 metres in width or 3 metres in height.	The proposed NBI cabin will measure 3 m (Length) x 3 m (Width) x 3 m (Height).
3. No such container shall be situated within 10 metres of the curtilage of a house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.	The NBI cabin is to be located in excess of 10 metres of the curtilage of a house and window of a workroom of any other structure.
4. The field strength of the non-ionising radiation emissions from the radio station container shall not exceed the limits specified by the Director of Telecommunications Regulation.	The field strength of the non-ionising radiation emissions from the NBI cabin do not exceed the limits specified by the Director of Telecommunications Regulation.
Class 11, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended.	The proposed green mesh fence on three sides is 1.2 m high.
Class 31 (F) Part 1, Schedule 2 of the Planning and Development Regulations 2001.	The cabinets, chambers, mini pillars come within scope.
Class 31 (a) Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended.	The installation of ducting, cabling and earth pits come within scope.

NBI Infrastructure Designated Activity Company 3009 Lake Drive. Citywest, Dublin 24, D24 H6RR



Yours Sincerely,

LUNGELO NKOSI BTech, MCRP Entrust Limited for Obelisk Limited

On behalf of NBI

Email: lungelo@entrust-services.com

Tel: 091 342 517

Enclosures:

- Cover Letter (this document).
- · Application Form.
- · Plans & Drawings.
- Cheque for €80.
- Drawings.

Drawing No.	Drawing Title	Scale
80913/001/00	Location Maps & Photos	1:50 000
80913/001/01	Proposed Site Location Map	1:1 000
80913/001/02	Proposed Site Location Map	1:350
80913/001/03	Proposed Site Layout Plan	1:250
80913/001/04	Proposed Site Layout Plan	1:100
80913/001/05	Proposed Site Elevation	1:50
80913/001/06	Proposed Cabin Setting Out	1:50
80913/001/07	Proposed Earthing Layout	1:50
80913/001/08	Proposed Access Gate Details	
70000/002/01	Proposed NBI Cabin Layout	1:50

NBI Infrastructure Designated Activity Company 3009 Lake Drive, Citywest, Dublin 24, D24 H6RR

W. w County Council County Buildings Wicklow 0404-20100

10/11/2023 09 38 12

Receipt No L1/0/321321

NATIONAL BROADBAND IRELAND CO ENTRUST PLANNING & ENVIRONEMEN UNIT 1D DERRPARK BUSINESS CENTRE ORANMORE CO GALWAY

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

Total 80 00 EUR

Tendered Cheque 80 00

Change 0.00

Issued By Charlie Redmond From Customer Service Hub Vat reg No 0015233H



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

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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

(a)	Name of applicant:	NBI Infrastructure DAC T/A National Broadband Ireland (NBI)
	Address of applicant:	3009 Lake Drive, Citywest
		Dublin, D24 H6RR
<u>voic</u>	Thore number and ema	il to be filled in on separate page.
	ents Details (Where A	
2. Ag	ents Details (Where Aj	
	ents Details (Where Ar Name of Agent (where	pplicable)

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

3. Declaration Details

	Location of Development subject of Declaration Coolkenno, Kilinure, County Wid ITM E: 693104 N: 672132		
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 o occupier		
	Pat and Karl Timmons		
	Killinure, Coolkenno, Tullow, Co Carlow.		
v.	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, an 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		
	exempted development, within the meaning of this act, any person may, ar 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		
	exempted development, within the meaning of this act, any person may, ar 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		
	exempted development, within the meaning of this act, any person may, ar 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		
/·	exempted development, within the meaning of this act, any person may, ar 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 Please see attached Cover Letter		

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

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 - Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

Ordnance Survey Map Scale 1:50000 Ballyconnell Darcy's Cross Rds Ľumčloon 10) Cross Standing Killinure/ Støne Coolkenna Drawing No. Cúil Uí 80913/001/00 Chionaoith 80913/001/01 80913/001/02 80913/001/03 80913/001/04 80913/001/05 Killinure 80913/001/06 Br. 80913/001/07

Site Photographs

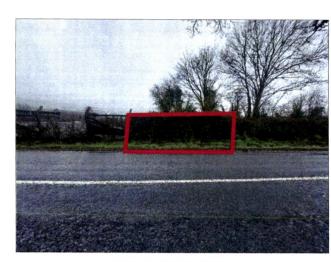
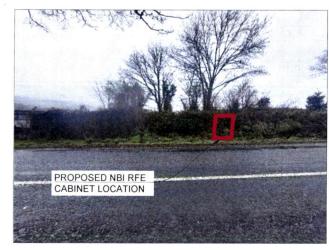


FIG. 1: ELEVATION





Reproduced from the OS Discovery Maps, 1:50000 with the permission of

Ordnance Survey Ireland Government of Ireland Copyright Reference: CYAL50311179

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moe specified.	Α	Initial Issue
	loc	De

GOR 21.07.23 GOR 16:03.23 By Date Description

80913/001/08

As Shown

Drawing Title

Location Map & Photos

Site Location Map 1:350

Site Layout Plan 1:250

Site Layout Plan 1:100

Prop. Cabin Setting Out

Proposed Earthing Layout

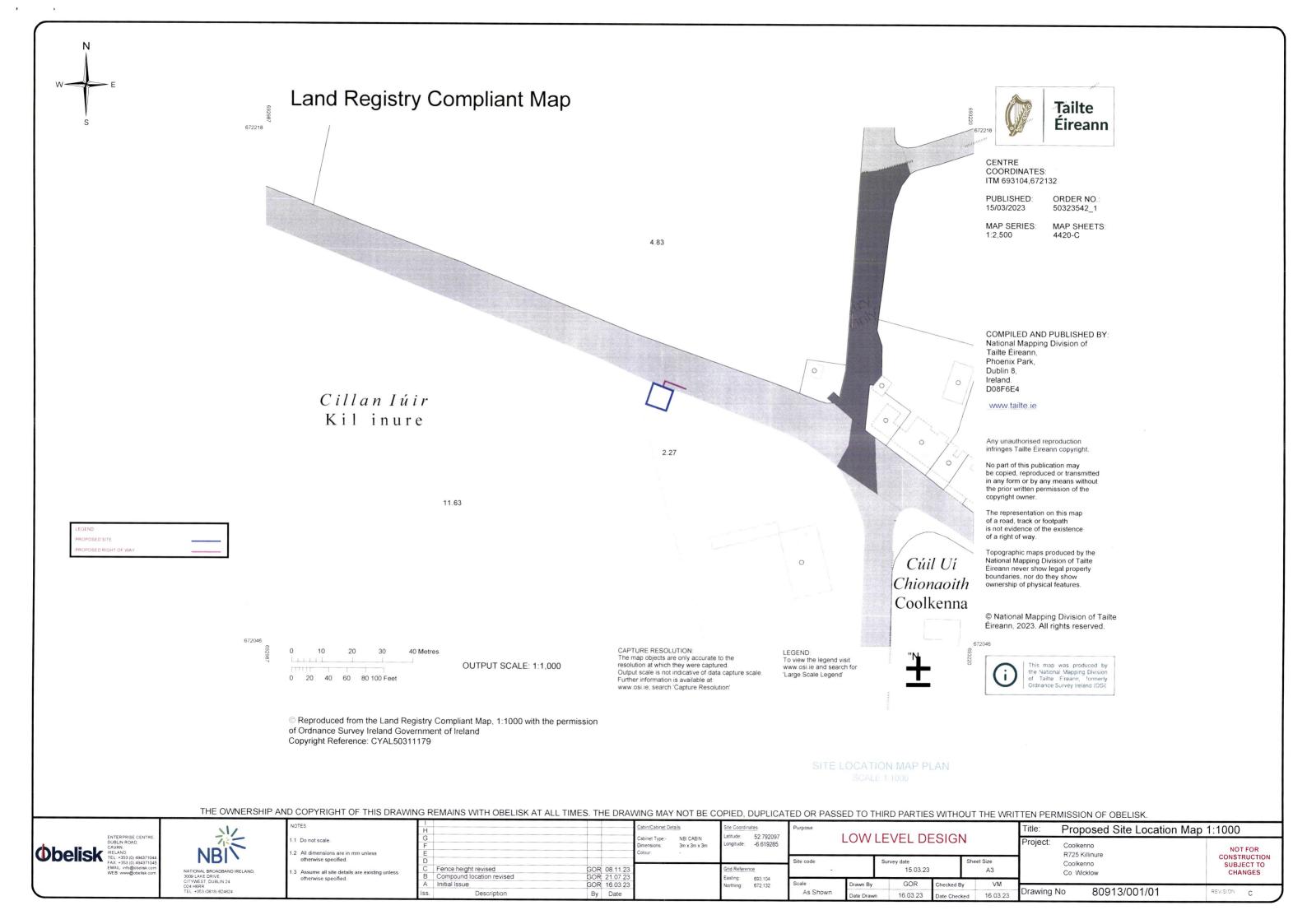
Prop. Fence & Access Gate

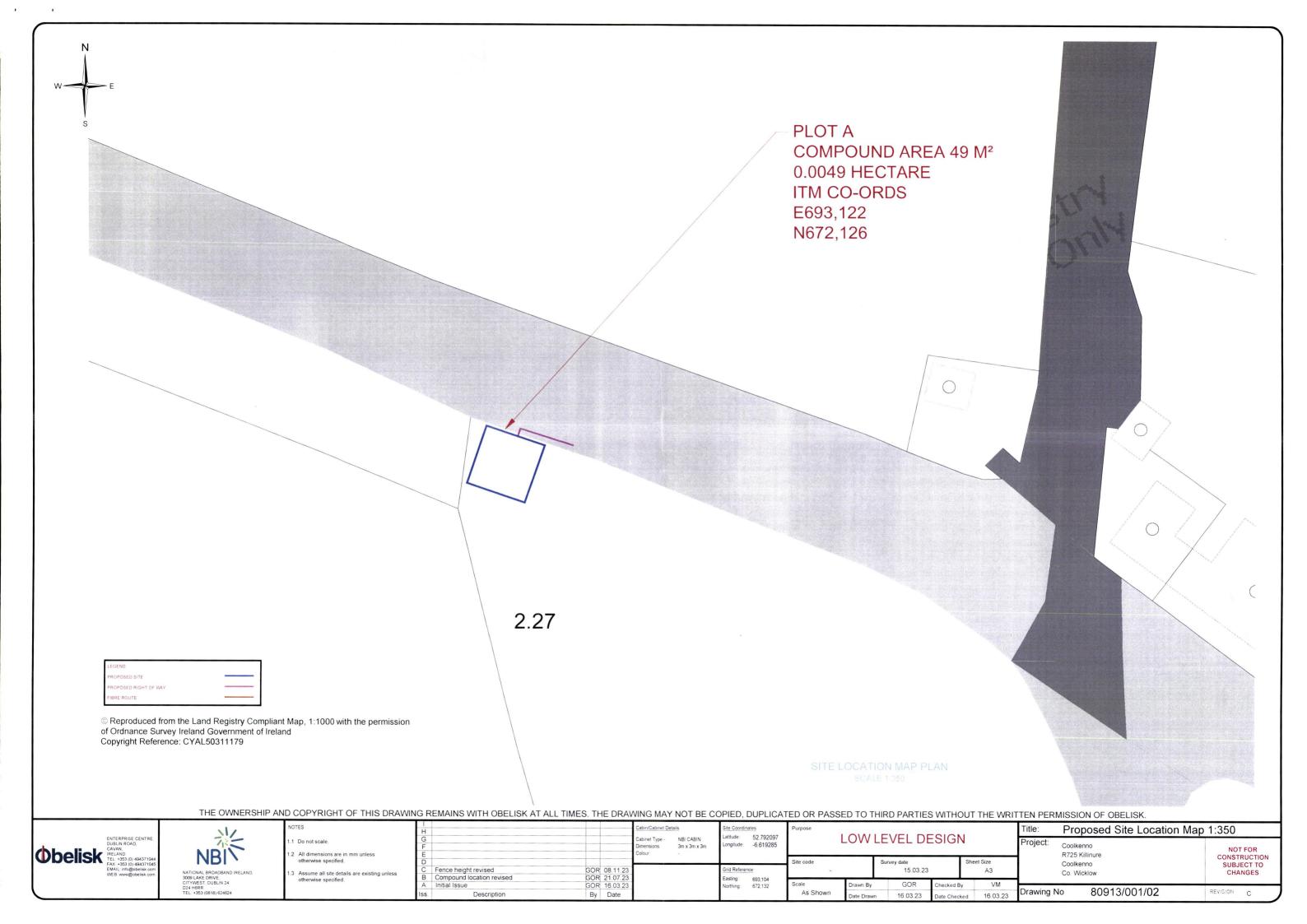
Proposed Elevation

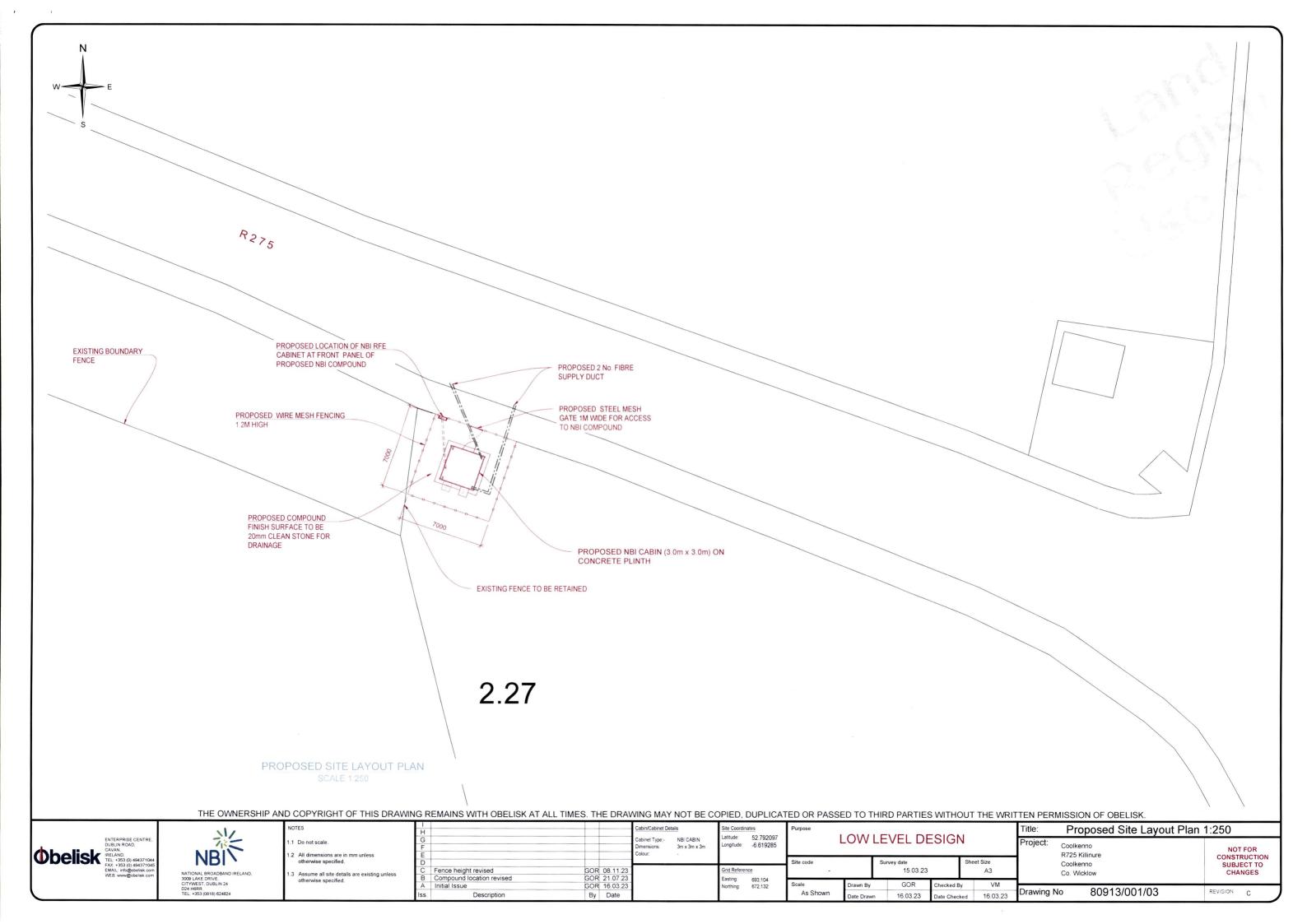
Site Location Map

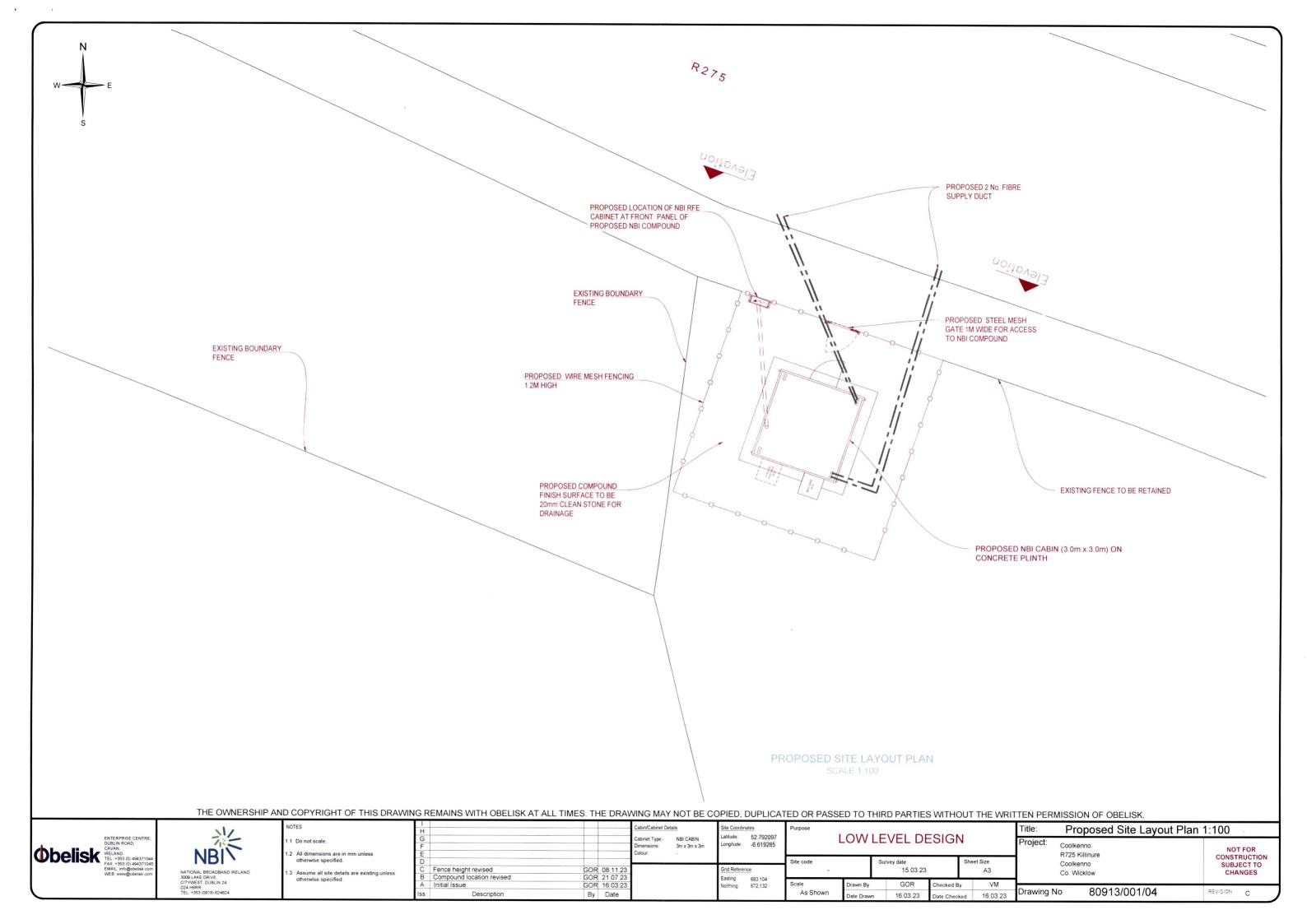
LOW LEVEL DESIGN Survey date 15.03.23 АЗ necked By 16.03.23 16.03.23

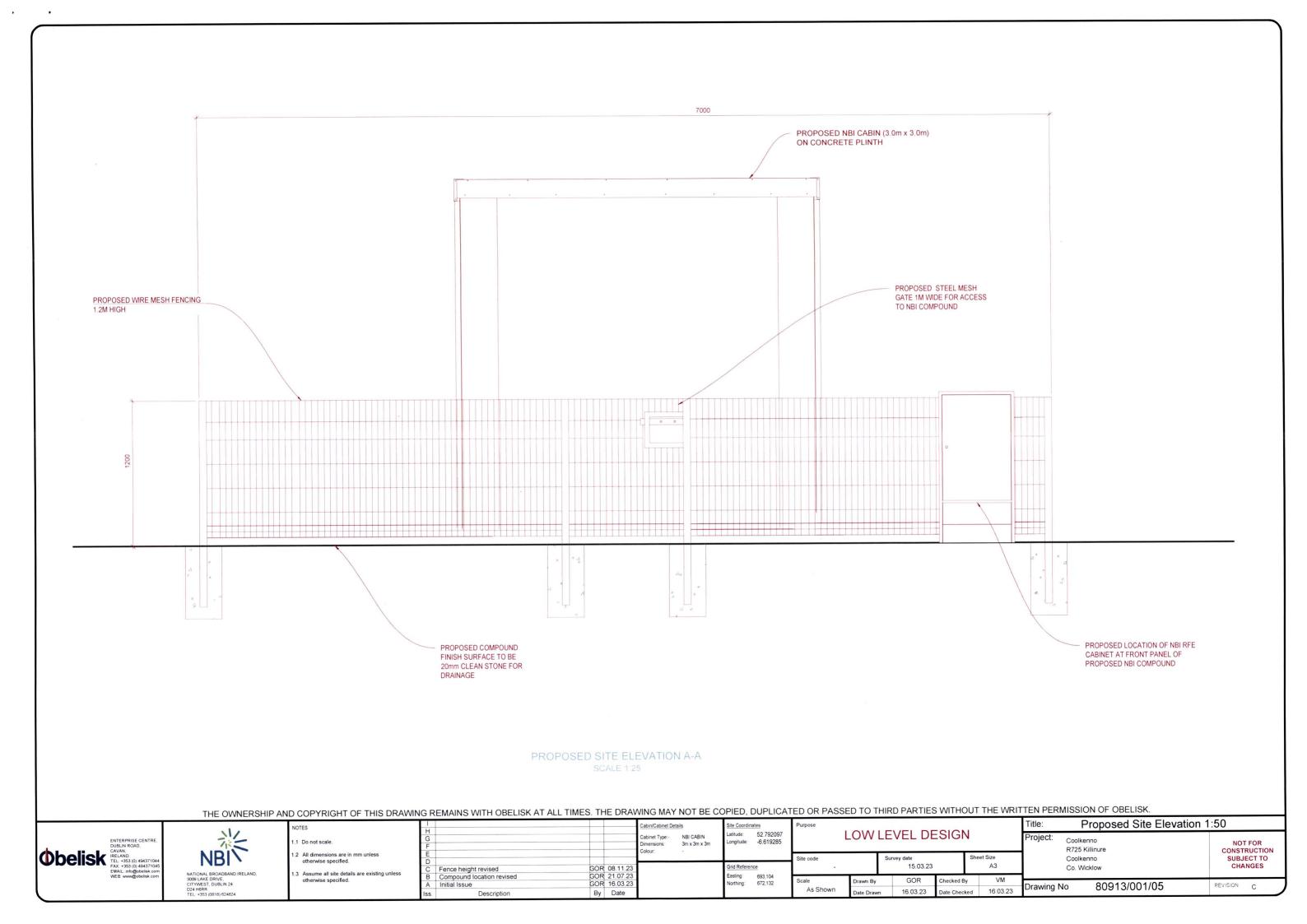
Location Map & Photographs Coolkenno R725 Killinure NOT FOR CONSTRUCTION SUBJECT TO CHANGES Coolkenno Co. Wicklow 80913/001/00 Drawing No REVISION

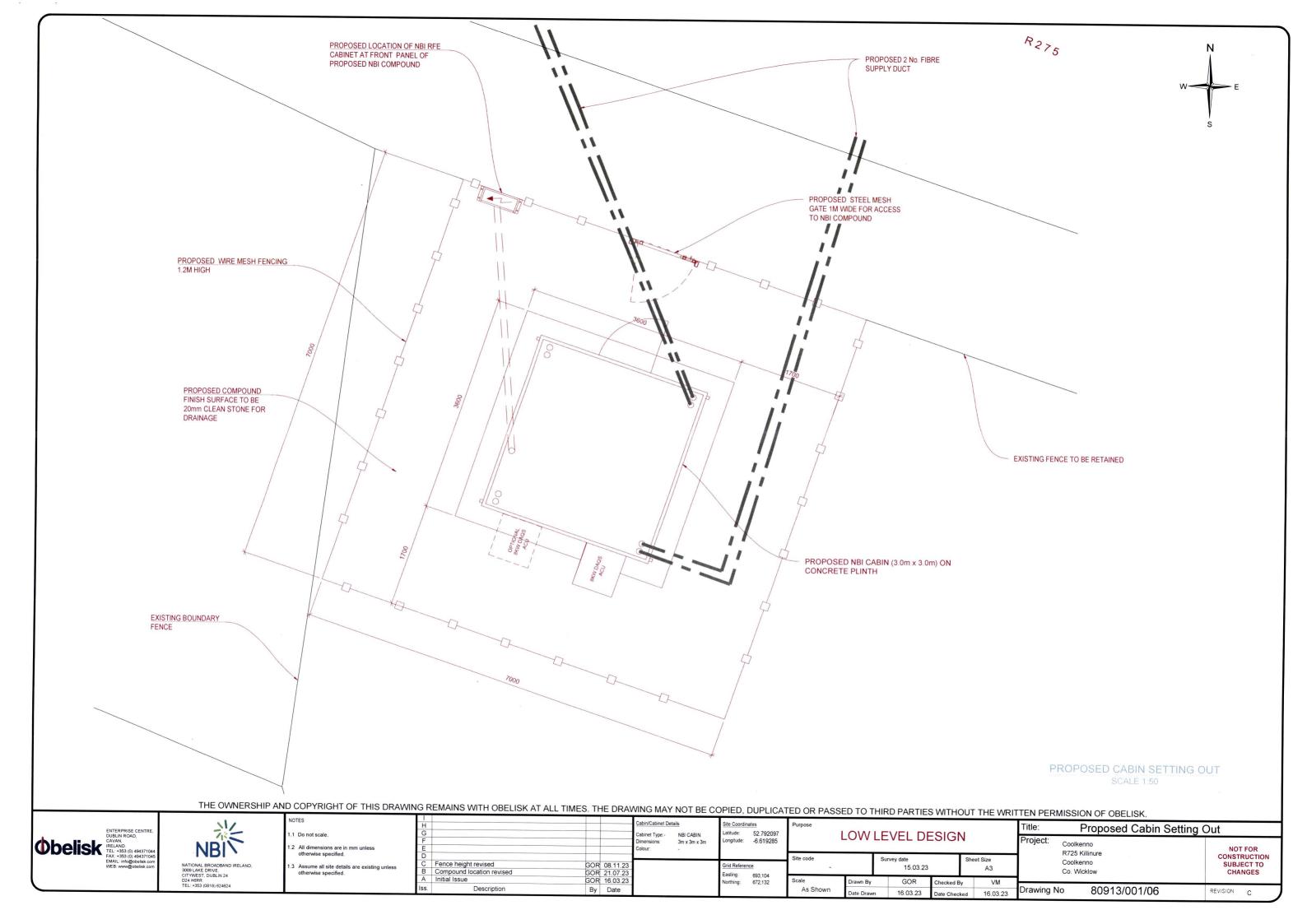


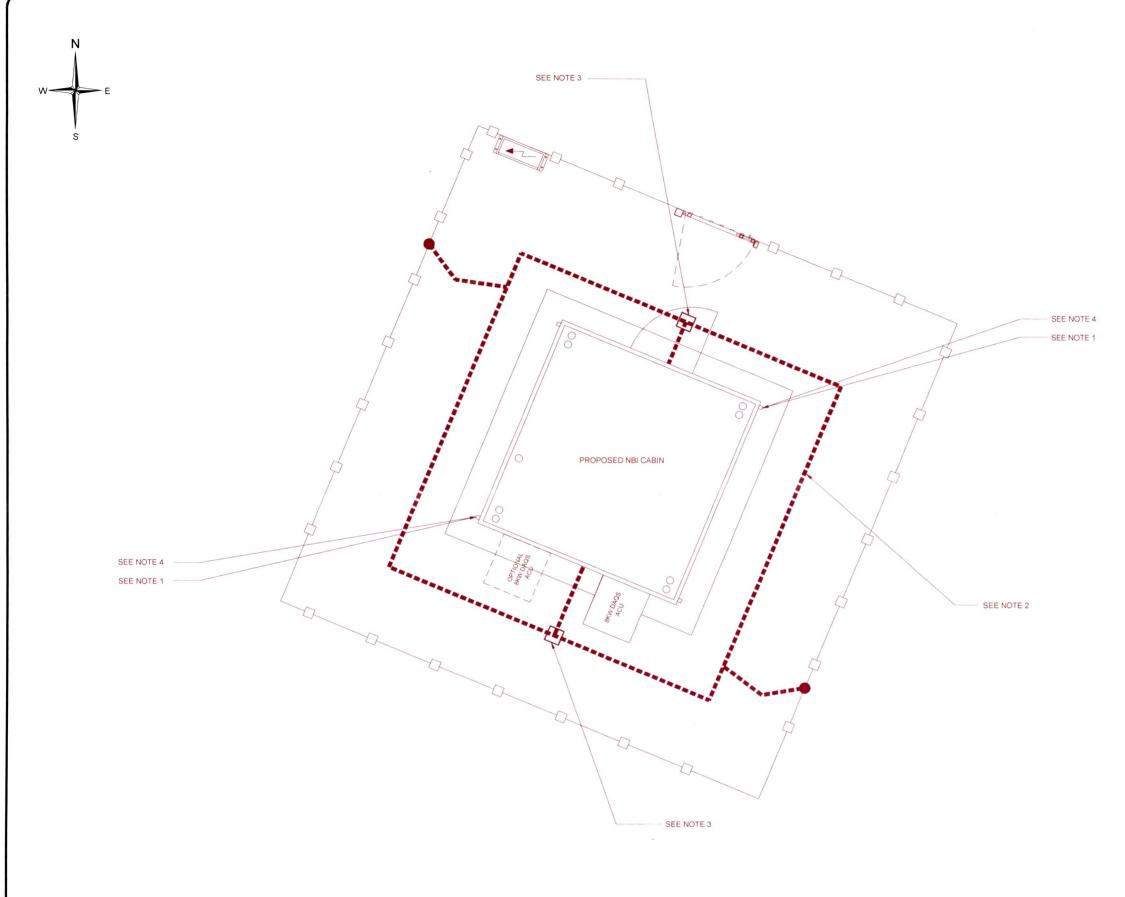












NOTES:

- PROPOSED CABIN CONNECTED TO INNER EARTH RING AT DESIGNATED POINTS ON CABINS. (INDICATED BY CIRCLE). FOR DETAILS THE CABIN EARTH POINTS PLEASE REFER TO MANUFACTURERS SPECIFICATION. ALUMINIUM TAPE OR CABLE TAIL TO BE LEFT FOR CONNECTION TO CABIN. OVERGROUND EARTH CONNECTION TO BE INSULATED.
- 2. LINE OF EARTH RING. EARTH SYSTEM TO CONSIST OF CABLE OR BARE COPPER TAPE 50 SQ LAID INTO TRENCH.
- 3. POSITION OF EARTH PIT AND EARTH RODS. BI-METALLIC CONNECTORS TO BE LOCATED IN EARTH PITS. GROUND TO BE CLEAR OF ANY UNDERGROUND CABLES IN VICINITY OF EARTH PITS AND BI-METALLIC CONNECTORS. №. OF CONNECTORS RELATES TO GROUND CONDITIONS. CONDITION OF GROUND TO BE CHECKED ON SITE BEFORE COMMENCEMENT.
- 4. 50mm DUCT IN BASE SLAB FOR EARTH TO CONNECT TO CABIN EARTH POINT TO BE SEALED WITH EXPANDING FOAM

PROPOSED EARTHING LAYOUT

checked By

Sheet Size

Date Checked 16.03.23

A3

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.1 Do not scale.

2 All dimensions are in mm unless otherwise specified.

3 Assume all site details are existing unless otherwise specified.

ininCabinet Details Site C
innet Type:- NBI CABIN
ensions: 3m x 3m x 3m
Dur:
Grid R

Latitude: 52.792097
Longitude: -6.619285

As Shown

LOW LEVEL DESIGN

Survey date
15.03.23

GOR

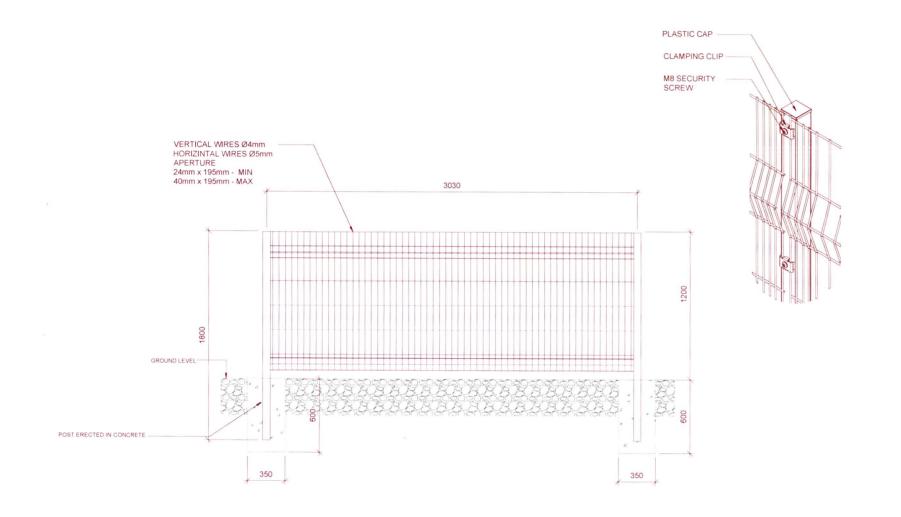
16.03.23

de: Proposed Earthing Layout

pject: Coolkenno
R725 Killinure
Coolkenno
Co. Wicklow

NOT FOR CONSTRUCTION SUBJECT TO CHANGES

Drawing No 80913/001/07 REVISION



SLAM PANEL TO PREVENT
GATE FROM OPENING INWARDS

15-mile PER HOLE FOR PACILOCX
(PACILOCK PROTECTOR (SHROUD)
NOT SHOWN FOR CLARITY

PADLOCK PROTECTOR
DETAIL (SHROUD)

12-mil DIA HOLE IN POST AND
FRAME FOR EARTH STRAP

200x100x50mm
ABOVE & BELOW
GROUND LEVEL &
HARDCORE UNDER

SINGLE GATE ELEVATION

1200

TYPICAL KINSALE MESH FENCE - COMPOUND ELEVATION

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NBI CABIN 3m x 3m x 3m Site Coordinates

Grid Reference

Latitude: 52.792097 Longitude: -6.619285

> 693,104 672,132





OTES			
1	Do not scale.		
2	All dimensions are in mm unless otherwise specified.		
3	Assume all site details are existing unless otherwise specified.		

1	
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С	Fence height revis
В	Compound location
Α	Initial Issue

		Cabin/Cabinet Deta
		Cabinet Type:- Dimensions: Colour:
GOR	08.11.23	
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LOW LEVEL DESIGN					
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60x60x3mm SHS BOX SECTION GATE -PIER

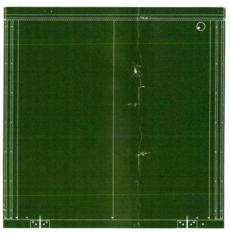
le:	Proposed Access Gate Details				
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3000

PLAN VIEW

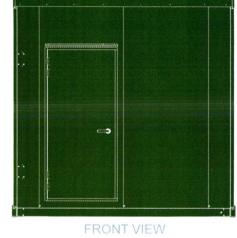






NOTES:

- CABIN IS ENTIRELY DOUBLE SKINNED
 INSULATED WITH EXTRA FIRE RETARDANT POLYSTYRENE
 CABIN IS IP55 RATED
 INTERNAL DIMENSIONS: 2787mm LONG x 2787mm WIDE x 2700mm HIGH



RIGHT VIEW

PROPOSED NBI CABIN DETAILS

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1.1 Do not scale. All dimensions are in mm unless otherwise specified. 1.3 Assume all site details are existing unless otherwise specified.



Latitude: -Longitude: -Grid Reference

PLANNING Sheet Size N/A XX.XX.XX A3 GOR VM rawn By Checked By As Shown 01.06.21 01.06.21 Title: Proposed NBI Cabin Layout Project: NOT FOR CONSTRUCTION SUBJECT TO CHANGES NBI ROLLOUT 70000/002/01 REVISION A Drawing No