



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

Vantage Towers Ltd
C/o Michael Foody
Charterhouse
Unit 2, HQ,
27 Market Street
Listowel
Co. Kerry

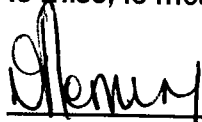
 September 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX49/2023**

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.**

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





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

Applicant: Vantage Towers Ltd

Location: Carrowbawn, Ashford, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1631/2023

A question has arisen as to whether “erection of telecommunication support structure with the subsequent removal of existing structure and the upgrade & extension of the access track” at Carrowbawn, Ashford, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted with this Section 5 Application and further details submitted on the 28th August 2023.
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Class 13 and 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:

- The removal and erection of a new communication support structure, and the upgrade and extension of an existing access track would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000 (as amended).
- The removal of the existing telecommunications structure and its replacement would come within the description and limitations set out under Class 31 :Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- The upgrade and extension of the access track would come within the description and limitations set out under Class 13 :Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that “erection of telecommunication support structure with the subsequent removal of existing structure and the upgrade & extension of the access track” at Carrowbawn, Ashford, Co. Wicklow is development and is exempted development.

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated  September 2023

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.

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WICKLOW COUNTY COUNCIL

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

CHIEF EXECUTIVE ORDER NO. CE/PDE/1631/2023

Reference Number: EX 49/2023

Name of Applicant: Vantage Towers Ltd

Nature of Application: Section 5 Referral as to whether "erection of telecommunication support structure with the subsequent removal of existing structure and the upgrade & extension of the access track" is or is not exempted development

Location of Subject Site: Carrowbawn, Ashford, Co. Wicklow

Report from Chris Garde, EP & Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "erection of telecommunication support structure with the subsequent removal of existing structure and the upgrade & extension of the access track" at Carrowbawn, Ashford, 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 and further details submitted on the 28th August 2023.
- (b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- (c) Class 13 and Class 31 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

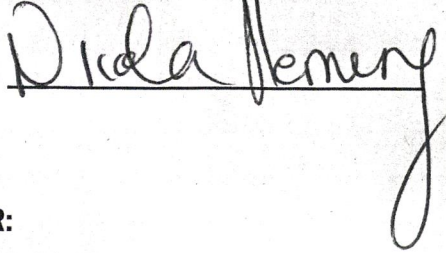
Main Reasons with respect to Section 5 Declaration:

- 1. The removal and erection of a new communication support structure , and the upgrade and extension of an existing access track would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended).
- 2. The removal of the existing telecommunications structure and its replacement would come within the description and limitations set out under Class 31 :Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- 3. The upgrade and extension of the access track would come within the description and limitations set out under Class 13 :Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "erection of telecommunication support structure with the subsequent removal of existing structure and the upgrade & extension of the access track" at Carrowbawn, Ashford, Co. Wicklow is development and is exempted development, as recommended in the report by the SEP.

Signed



Dated

18th

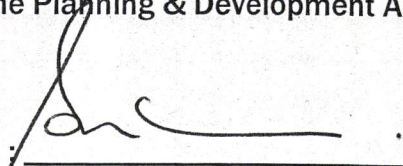
day of September 2023

ORDER:

I HEREBY DECLARE:

That "erection of telecommunication support structure with the subsequent removal of existing structure and the upgrade & extension of the access track" at Carrowbawn, Ashford, 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

Dated 18 day of September 2023

WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

TO: Fergal Keogh SE, Edel Bermingham SEP, Suzanne White SEP.
FROM: Chris Garde EP.
SUBJECT REF: EX 49/2023
DECISION DUE DATE: 14/08/2023
APPLICANT: Vantage Towers Ltd
ADDRESS: Carrowbawn, Ashford, Co. Wicklow
EXEMPTION QUERY: erection of telecommunication support structure with the subsequent removal of an existing structure.

This application has been subject to a further information request. This report should be read in conjunction with the previous planning reports.

Further Information was requested as follows:

Item 1

1. *Please confirm you have all consents from landowner(s) to make this exemption declaration application and carry out works as identified.*

Response

The applicant has submitted a cover letter and a set of drawings. The applicant has not been able to provide a letter of consent as it appears to be part of a contract.

Assessment

The proposed site appears to be provided by a third party. Taking the applicant's intention as being bona fide the response is acceptable.

Item 2

2. *You are requested to provide:*
 - a. *revised details indicating the maximum widths (measured at the base) of the existing and replacement structures.*

Response

The applicant states that the base of the existing structure is 1.56m and the proposed structure is to be 2.54m.

Assessment

The applicant now proposed structure is not more than twice the width of the existing structure and therefore is acceptable under Class 31(j)3.(b)(ii).

Item 3

3. *You are requested to provide:*
 - a. *A detailed list of the existing number of antennae (panel or dish) and light finials that the existing lattice tower holds,*
 - b. *A detailed list of the proposed number of antennae (panel or dish) and light finials that the proposed lattice tower is to hold.*

Response

A cover letter shows the number of antennae and dishes is to increase from 7No. to 11No. (with 3No. lightning finials). The proposed antennae and dishes are of similar size (although Ant 4, 5 and 6 appear to be wider and thicker).

Assessment

The detailed list provided is acceptable and clearly understood. The proposed increase does not appear to exceed limitation set under Class 31(j)4.(c).

Item 4

4. *You are requested to provide:*

a. *Clarification that the dimensions of any additional antenna for mobile telephony do not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure;*

b. *That if any dimensions of any additional antenna provided do exceed the existing antennae please clarify that the dimensions do 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.

Response

A cover letter and annotated photographs (a number of which appear to have been taken by an aerial drone). The applicant states that; as per the list provided under Item 3, the number of antennae and dishes has increased, however, do not exceed the limitations as listed within the FI requested.

Assessment

The detailed list provided is acceptable and clearly understood. The proposed increase in size of antennae and dishes does not appear to exceed limitation set under Class 31(j)5.

Item 5

5. *You are requested to provide details of the proposed access route shown on Drg No. WW015/S5/102. Please submit evidence that the tracks indicated comply with Class 13 of the Planning and Development Regulations 2001 (as amended).*

Response

A cover letter, plan and Appendix 3 of the response provides a short site visit report which includes photographs of the proposed access route. The report submitted indicates the typical works required to enable access to the site.

The applicant states that;

- *There will not be a footpath or paving included with the access track.*
- *The access route as shown on the plan comprises four sections.*
 - *The first section, indicated by green line and commencing from the public road is in good condition;*
 - *The second section indicated by yellow line is overgrown and requires clearance;*
 - *The third section indicated by orange line is very overgrown in need of ground clearance and repairs;*
 - *The final section to the site, shown by a red line, comprises a new track. For a more detailed explanation a site visit report is attached to Appendix 3 which includes*

Assessment

Based on assessment of the information submitted originally and the further information submitted it is considered that the applicant has addressed the concerns of the Planning Authority, therefore this aspect of the Section 5 shows that the proposed track is acceptable as it will not be a footpath or paving.

Conclusion

The proposed development appears to meet the conditions and limitations of Class 31 and Class 13.

Recommendation:

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

- The communication support structure proposed to replace the existing antenna support structure is or is not development and is or is not exempted development, and;
- The upgrade and extension of the access track leading to the proposed development is or is not development and is or is not exempted development,

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

The Planning Authority considers that:

- The communication support structure proposed to replace the existing antenna support structure is development and is exempted development, and;
- The upgrade and extension of the access track is development and is exempted development,

~~The works as detailed constitute development and constitute exempted development as per Class 31 and Class 13 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 and further details submitted on the 28th August 2023.
- (b) Sections 2, ~~and~~ 3 and 4 of the Planning and Development Act 2000 (as amended),
- (c) Class 13 and Class 31 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).
- ~~(d) Class 13 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 removal and erection of a new communication support structure, and the upgrade and extension of an existing access track would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended).
2. The removal of the existing telecommunications structure and its replacement would come within the description and limitations set out under Class 31 :Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended).

3. The upgrade and extension of the access track would come within the description and limitations set out under Class 13 :Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended).

~~4. The application is by Vantage Towers (formerly owned by Vodafone) who appear to be a statutory undertaker authorised to provide a telecommunications service.~~

~~5. The replacement tower/structures, antennae and dishes do not appear to exceed limitations as set under Part 1, Schedule 2, Class 31.~~

~~6. The upgrade and extension of the access track leading to the tower/structures do not appear to exceed limitations as set under Part 1, Schedule 2, Class 13.~~



Chris Garde
Executive Planner
Date: 14/09/2023



Agreed as modified

14/9/2023

Agreed
as
Amended
BK
DPS.
18/9/23



Comhairle Contae Chill Mhantáin Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Chris Garde
Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX 49/2023 – Vantage Towers Ltd**

I enclose herewith Further Information for application for Section 5
Declaration received 28th August 2023.

The due date on this declaration is 22nd September 2023



Staff Officer
Planning Development & Environment





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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20th July 2023

Vantage Towers Ltd
C/O Michael Foody, Charterhouse
Mountainview
Leopardstown
Dublin 18

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended).
Ex 49/2023 – Carrowbawn, Ashford, Co. Wicklow**

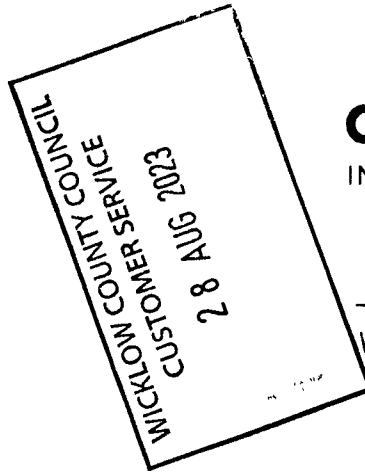
A Chara

I wish to acknowledge receipt of Further Information= supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 22nd September 2023.

Mise, le meas

NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT





charterhouse
INFRASTRUCTURE CONSULTANTS

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

WICKLOW COUNTY COUNCIL

28 AUG 2023

PLANNING DEPT.

25th August 2023

RESPONSE; EX 49/2C23

**Re: Application for Certificate of Exemption under Section 5,
for a proposed telecommunications support structure in place of an existing antenna support
structure at Carrowbawn, Ashford, Co. Wicklow.**

A Chara

In reply to your letter dated 14th July 2023 and queries raised please find our responses as follows;

1. Please confirm you have all consents from landowner(s) to make this exemption declaration application and carry out works as identified.

Usually we obtain a format Letter of Consent when applying for full planning. However as this is a section 5 query, we do not have such a letter. Nevertheless, there is an agreement in place with the site provider and Vantage Towers which is signed and witnessed by his solicitor. Each party has a copy of this agreement and it is subject to clarification of the Section 5 certification. It does enable Vantage Towers to undertake all the necessary works for the site and access route. We are unable to provide the agreement as it is a contract between the parties. However the agreed location and access route is marked on the attached drawing attached to Appendix 1. I trust this meets with your query.

2. You are requested to provide:

- a. revised details indicating the maximum widths (measured at the base) of the existing and replacement structures.

For your information the existing tower base face width is 1560mm and the replacement tower base face width will be 2540mm.

3. You are requested to provide:

- a. A detailed list of the existing number of antennae (panel or dish) and light finials that the existing lattice tower holds,
- b. A detailed list of the proposed number of antennae (panel or dish) and light finials that the proposed lattice tower will hold.

The schedules below lists the equipment details for each structure.

Existing Antenna and Dish Loading

Item	Description	Size
Ant1	Panel antenna - KAT 80010669	2532mm x 261mm x 146mm
Ant2	Panel antenna - KAT 80010669	2532mm x 261mm x 146mm
Ant3	Panel antenna - KAT 80010669	2532mm x 261mm x 146mm
D1	Dish	600mm
D2	Dish	600mm
D3	Dish	600mm
D4	Dish	300mm

Proposed Antenna and Dish Loading

Item	Description	Size
Ant1	Panel antenna - KAT 80010669	2532mm x 261mm x 146mm
Ant2	Panel antenna - KAT 80010669	2532mm x 261mm x 146mm
Ant3	Panel antenna - KAT 80010669	2532mm x 261mm x 146mm
Ant4	Panel antenna - Three	2688mm x 498mm x 197mm
Ant5	Panel antenna - Three	2688mm x 498mm x 197mm
Ant6	Panel antenna - Three	2688mm x 498mm x 197mm
D1	Dish	600mm
D2	Dish	600mm
D3	Dish	600mm
D4	Dish	300mm
D5	Dish - Three	600mm
L1	Lightning Finial	1200mm long
L2	Lightning Finial	1200mm long
L3	Lightning Finial	1200mm long

4. You are requested to provide:

- a. Clarification that the dimensions of any additional antenna for mobile telephony do not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure;
- b. That if any dimensions of any additional antenna provided do exceed the existing antennas please clarify that the dimensions do not exceed:
 - (i) in the case of any panel type antenna, 3 metres in length x 0.6 metres in width x C. 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.

In addition to the table above please find attached a photographic record of the existing structure and equipment attached to Appendix 2.

As detailed in the table above, the proposed new structure will include additional antennas. These do exceed the size of the existing antennas; however they do fall within the criteria referred.

5. You are requested to provide details of the proposed access route shown on Drg No. WW015/S5/102. Please submit evidence that the tracks indicated comply with Class 13 of the Planning and Development Regulations 2001 (as amended).

Class 13 refers;

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

The limitation being;

The width of any such private footpath or paving shall not exceed 3 metres.

There will not be a footpath or paving included with the access track.

The access route as shown on the plan comprises four sections. The first section, indicated by green line and commencing from the public road is in good condition. The second section indicated by yellow line is overgrown and requires clearance. The third section indicated by orange line is very overgrown in need of ground clearance and repairs. The final section to the site, shown by a red line, comprises a new track. For a more detailed explanation a site visit report is attached to Appendix 3 which includes photographs of the replaced access route.

We trust this answers the queries raised. However, if you have any further queries in relation to the matter, please contact us at your earliest convenience.

We look forward to receipt of the local authority's determination.

Yours sincerely,


Michael Foody

Charterhouse,

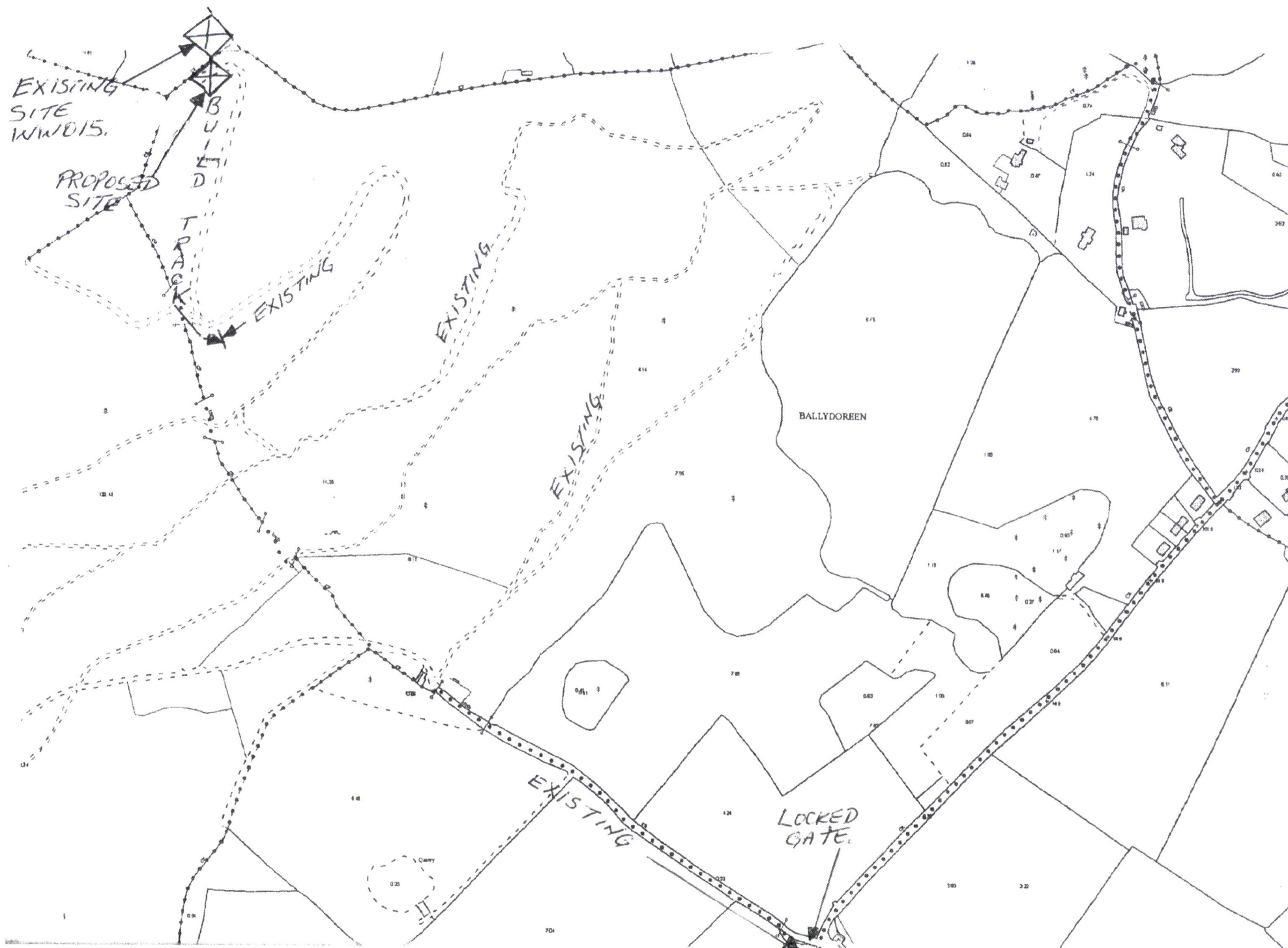
Agent for Vantage Towers

Appendix 1; Agreed location and access route between the parties.



Appendix 2; Photographic record of the existing structure and equipment

Appendix 3; Site visit report

Appendix 1; Agreed location and access route between the parties.



Appendix 2; Photographic record of the existing structure and equipment

	Document Prepared by: Kieran Mc Dermott	Document title: Vantage Towers Climbdown Report	Print Information: Page 1 of 6 
	Document Generated: 27-03-2021	Revision: Rev A	

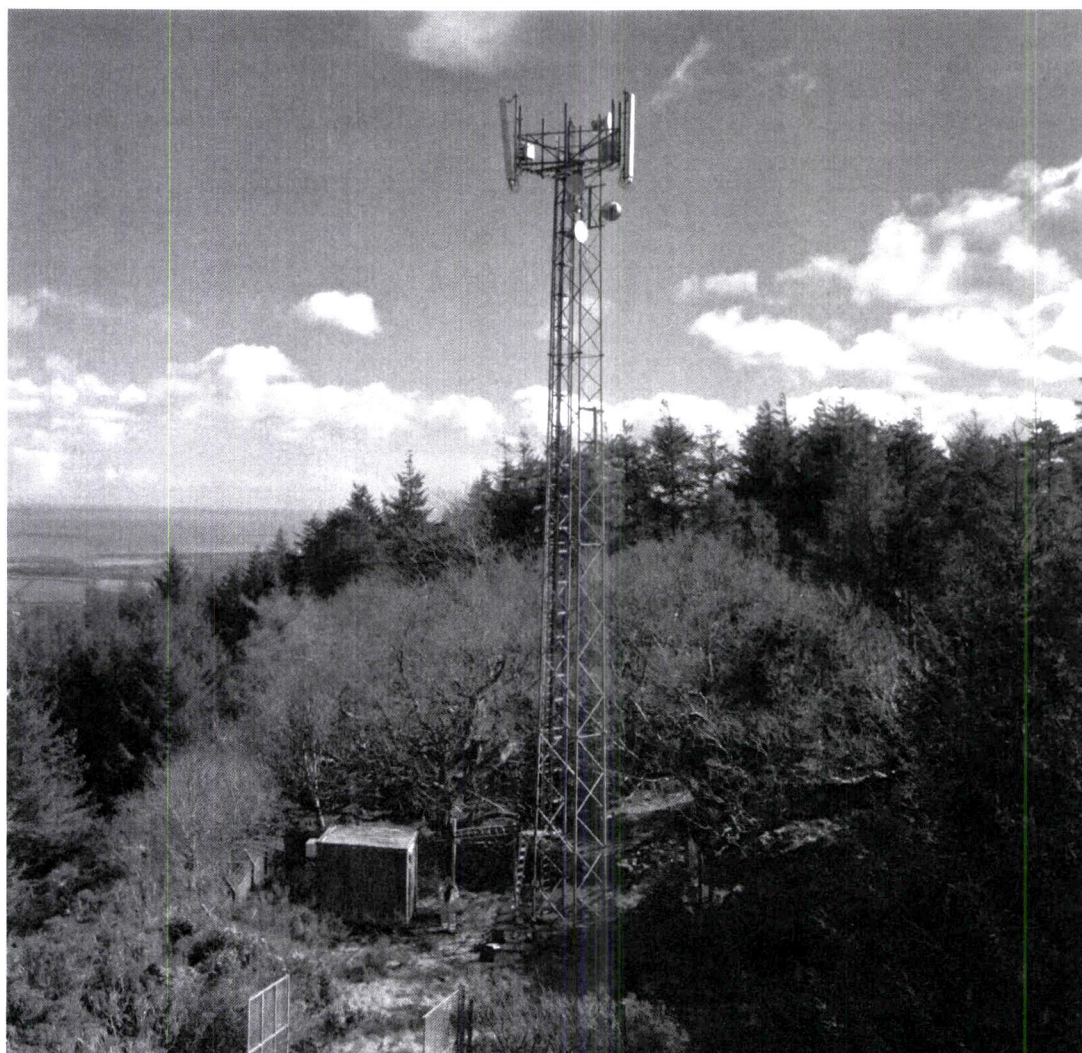
NEAR END SITE



Survey by: Kieran Mc Dermott.

Site Name :	Carrowbawn.		Site Owner:	Vantage Towers.
Site ID:	WW015		Site Address:	Ashford
NGR Easting/Northing:	325100	200172	County:	Wicklow
Building Type/Height (m):	NA	NA	Vantage Property Rep	NA
Tower Type / Height (m):	Lattice	26m	Vantage Construction Rep	NA
Weather conditions	Good		Vantage TX Rep	Carla Burke- Vodafone
Survey Date	26-03-2021		Height for Hire (Y/N)	No

The purpose of this climb down survey at Carrowbawn was to identify all existing links & Antennas on the Communications Tower.

This survey confirms the current equipment positions and is cross referenced where possible with associated IDUs.



	Document Prepared by: Kieran Mc Dermott	Document title: Vantage Towers Climbdown Report	Print Information: Page 2 of 6 
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Remote Sites

Site	ID	Working	Notes
Vodafone Links			
Ballyguile	WWBAG	Yes	Brg 143 degrees 9.75km, 0.6m SIAE 1+1 on tower. This link is working through space in trees and it is advised that the dish be raised to 25m on proposed new tower.
Ballynahinch O2	WW009	Yes	Brg 343 degrees, 4.94km 0.3m SIAE 1+0 on tower.
Roundwood Eircom Pole	WW014	Yes	Brg 296 degrees 6.59km, 0.6m SIAE 1+0 on tower.
Turlough Hill Reservoir	WWETH	Yes	Brg 267 degrees 18.2km, 0.6m SIAE 1+0 on tower. This link is working close to tree level and it is advised that the dish be raised to 24m on proposed new tower.
Trooperstown RTE	WW017	Yes	Brg 247 degrees 9.6km, 0.6m SIAE 1+0 on tower. This link is working very close to tree level and it is advised that the dish be raised to 26m on proposed new tower.
Vodafone Panels			
	SEC 1	Yes	Panel 80010669 & 2 x RET
	SEC 2	Yes	Panel 80010669 & 2 x RET
	SEC 3	Yes	Panel 80010669 & 2 x RET
VF RRUs			
	SEC 1	Yes	2 x Ericsson RRU: 800 & 900
	SEC 2	Yes	2 x Ericsson RRU: 800 & 900
	SEC 3	Yes	2 x Ericsson RRU: 800 & 900
H3Gi Links	NA		
H3Gi Panels	NA		
EIR Links	NA		
EIR Panels	NA		
Airspeed Links	NA		
Tetra Links	NA		
Tetra Omnis	NA		
Other..	NA		

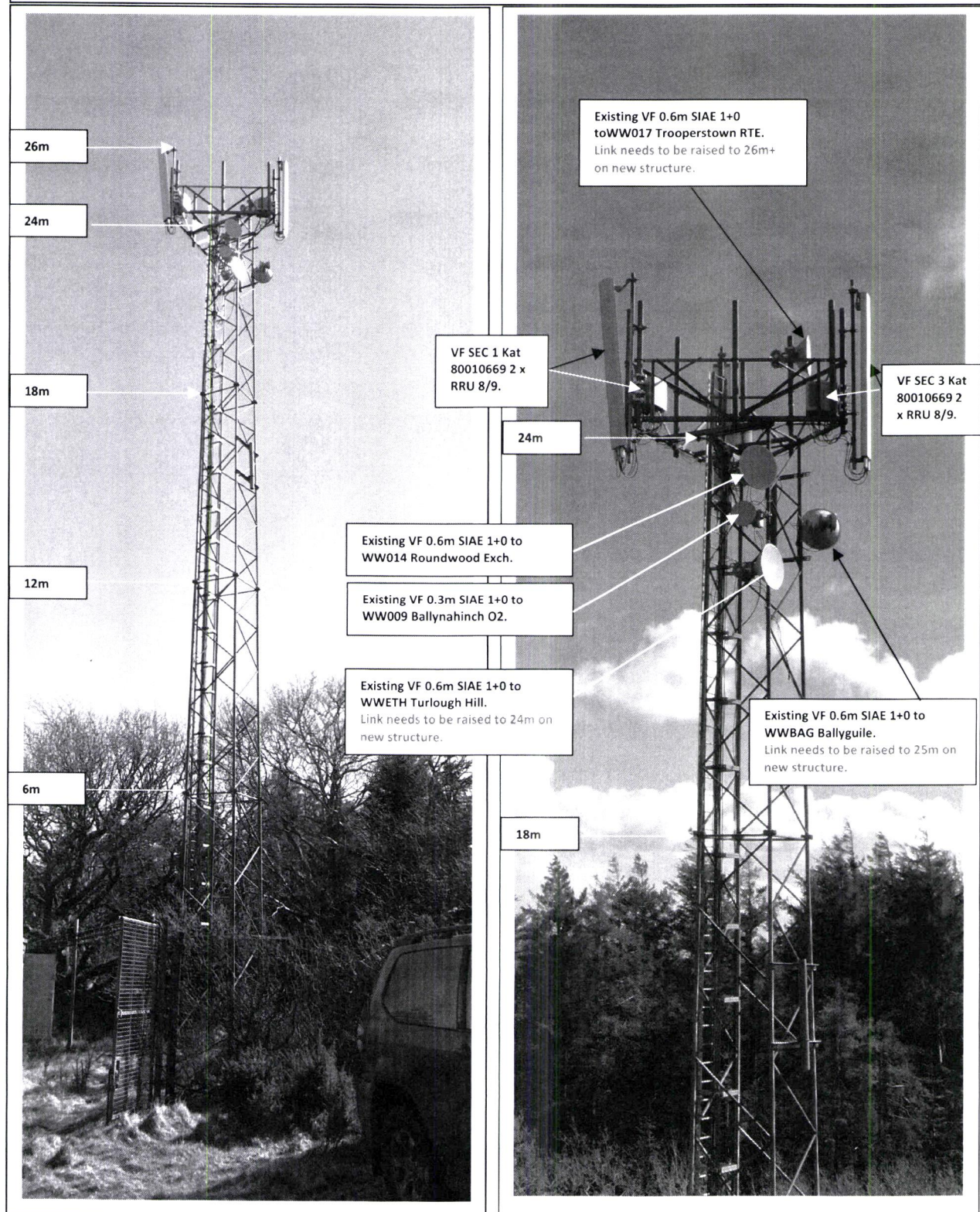
NOTES:-



Three existing links to Ballyguile Towercom, Turlough Hill Reservoir and Trooperstown RTE are working very close to surrounding tree levels and will need to be installed at greater height on the proposed new structure. See also LOS Report dated 26-03-2021.

Other link dishes can be re-installed on the new tower at existing levels with no new near end obstructions.

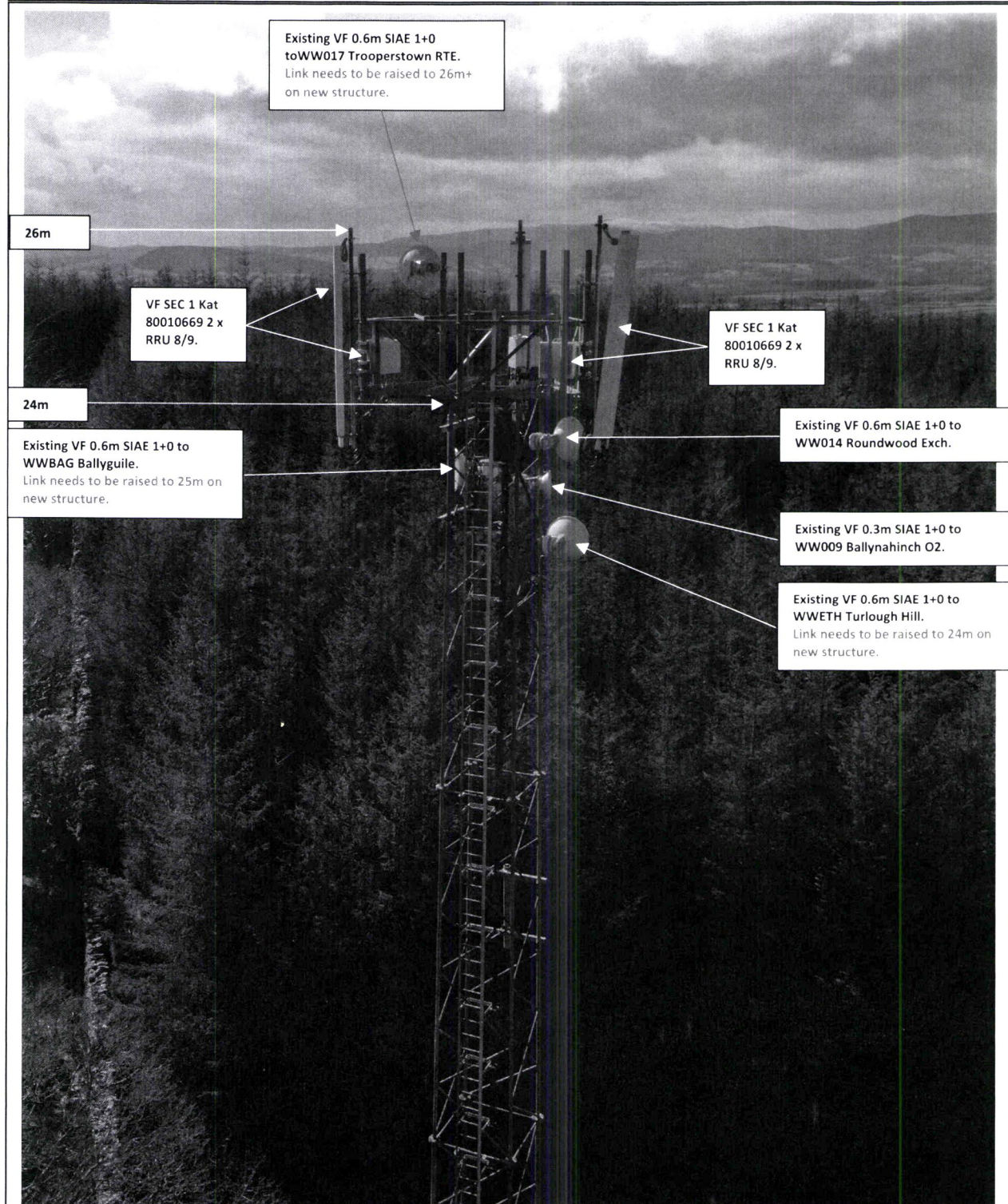
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Tower Face- North West.

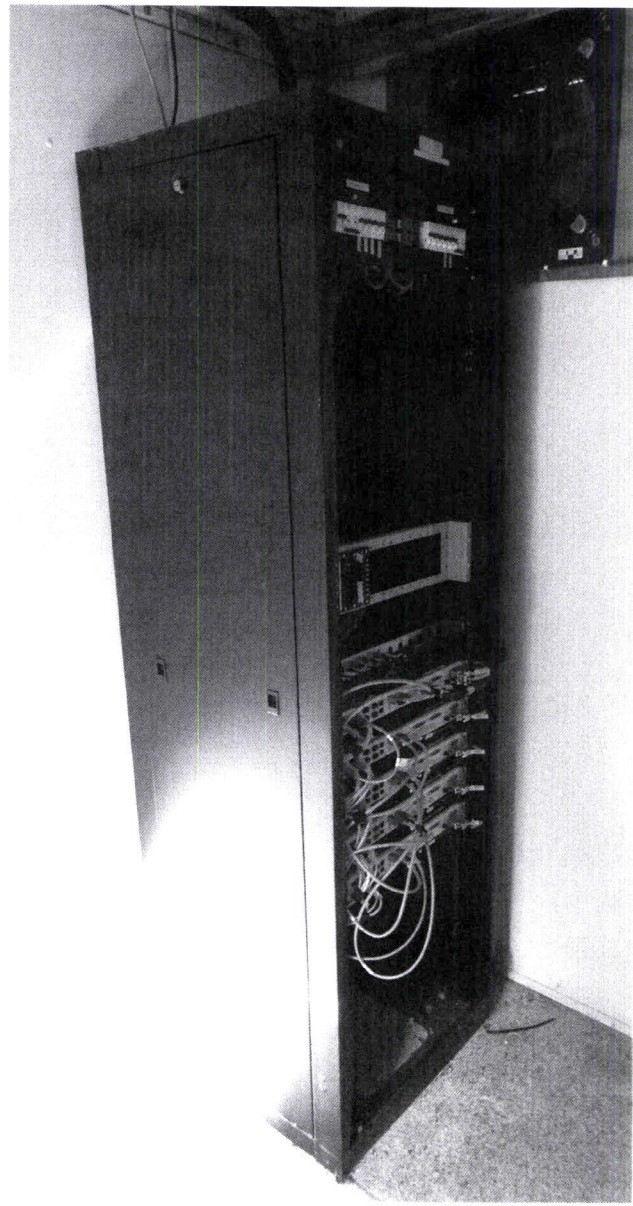


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Tower Face- East.

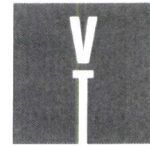


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VODAFONE TRANSMISSION RACK	
	Headrail
	DDF
	CF
	SIAE 1+1 to WWBAG Ballyguile.
	SIAE 1+0 WW009 Ballynahinch O2
	SIAE 1+0 WWETH Turlough Hill
	SIAE 1+0 WW014 Roundwood Exch
	SIAE 1+0 WW017 Trooperstown RTE

Appendix 3; Site visit report

SITE VISIT REPORT



Near End Site Name:	Carrowbawn	Near End Site Code:	WW015	Survey Date:	21-06-2023
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General Survey Information:

Report prepared by	Lukasz Milejski
Design Company	Indigo
Site Address:	Carrowbawn, Co. Wicklow
Site Coordinates:	53.037838°, -6.135552°

Site Owner Details:

Site Owner Name.	Vodafone	Main Contact.	N/A
Contact Number.	N/A	Other	N/A

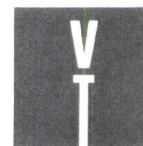
Survey Details

Operator / Client	Vodafone
Near End Site Type:	TBC
Weather Conditions:	Clear, good visibility

Site Photo



SITE VISIT REPORT

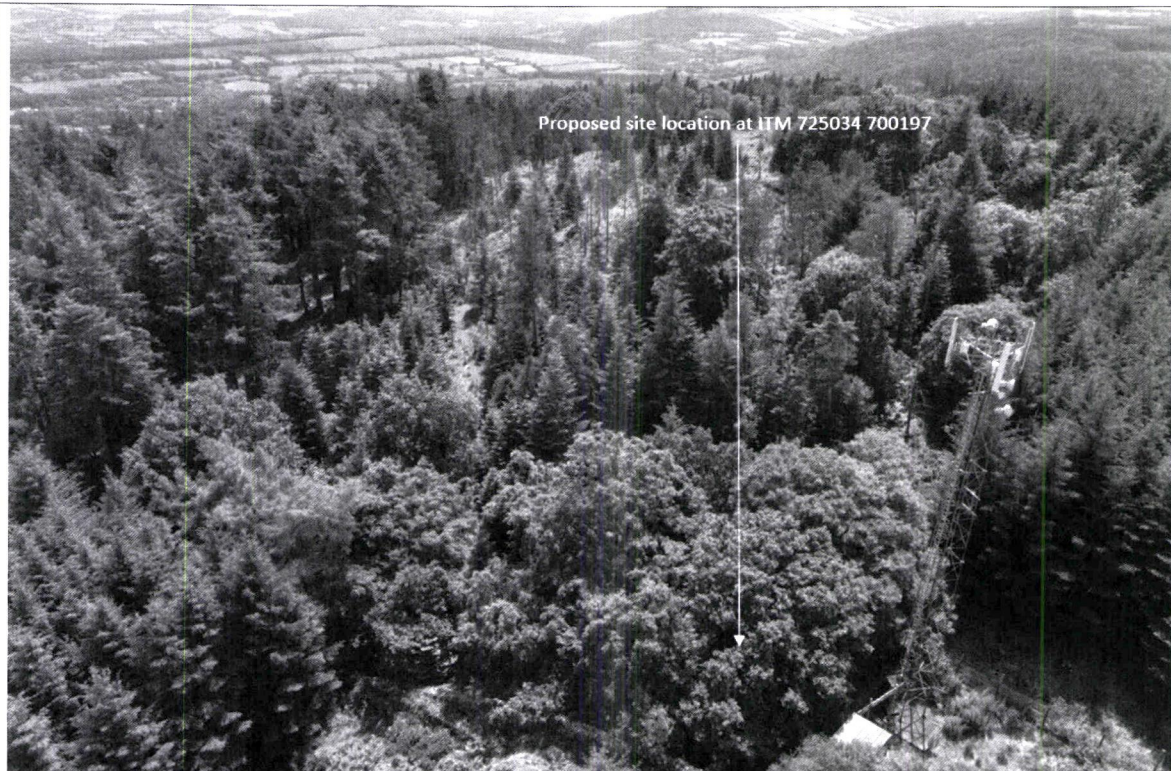


Proposed site location:

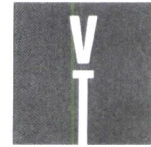
Proposed to replace existing structure with new DEL6 24m structure within 20m radius from existing one (planning exempt) on adjacent land at ITM 725034 700197.

Link to Panoramic view on proposed site location below:

<https://kuula.co/share/50P9h?logo=1&info=1&fs=1&vr=0&zoom=1&sd=1&thumbs=1>



SITE VISIT REPORT



Access track:

Access point from the main road noted at ITM 725712 699193. There is 2753m access track, see breakdown below:

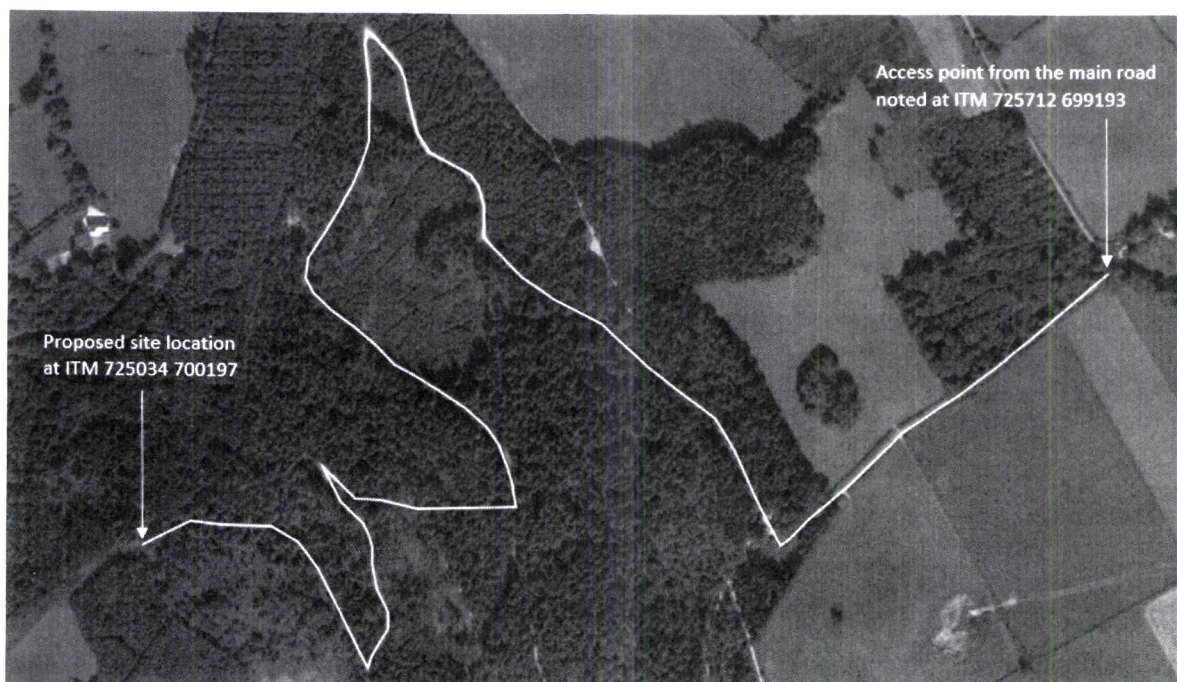
Total access track: 2753m

Track to be improved: 715m (100mm stone layer required)

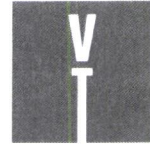
Track to be improved/build: 235m (track highly overground that need to be cleared)

Track to be build: 150m (track to be built on forestry area)

Access track video taken on survey day however due to large size of the file available on request.



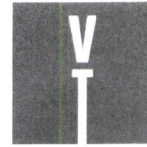
SITE VISIT REPORT



Track to be improved: 715m (100mm stone layer required), sample photos below:

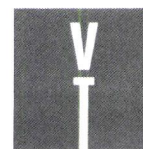


SITE VISIT REPORT





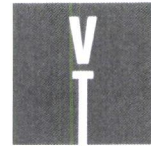
SITE VISIT REPORT



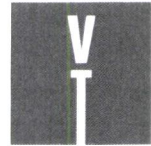
Track to be improved/build: 235m (track highly overground), according to SP there is hardcore access track under grass/debris

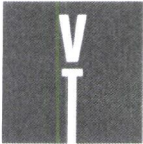


SITE VISIT REPORT

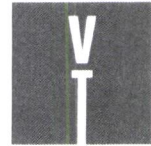


SITE VISIT REPORT



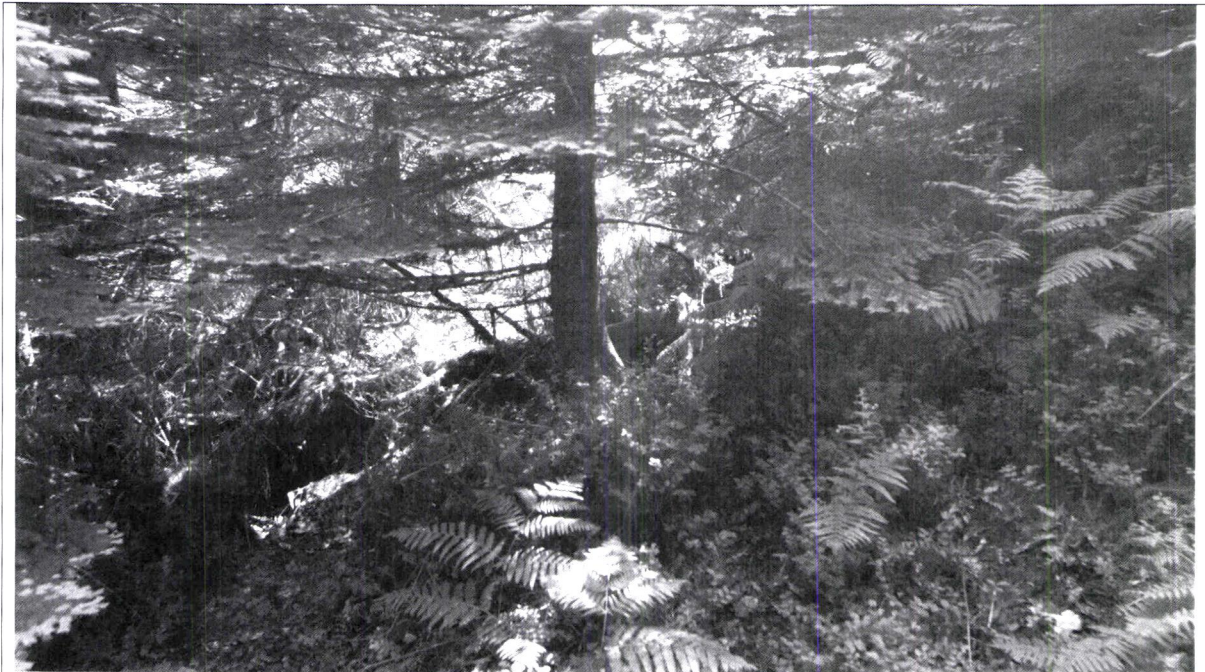
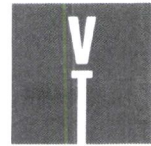


SITE VISIT REPORT

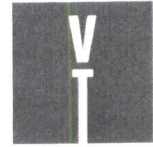


Track to be build: 150m (track to be built on forestry area), sample photos below:



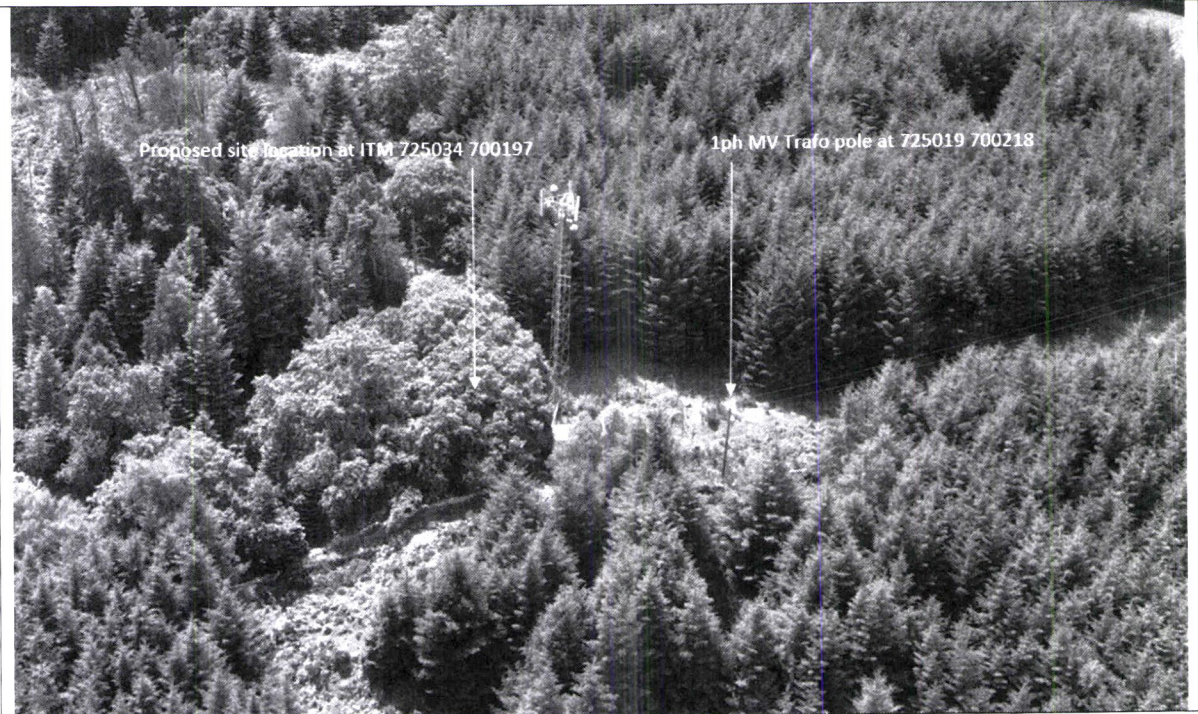


SITE VISIT REPORT



Power:

Nearest 1ph MV Transformer pole is located at ITM 725019 700218, approx. 25m from proposed site location on adjacent land.





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

14/07/2023

**Vantage Towers Ltd
C/o Michael Foody, Charterhouse
Mountainview
Leopardstown
Dublin 18**

**RE: EX 49/2023
Application for Certificate of Exemption under Section 5 of the Planning &
Development Acts 2000 (as amended) – at Carrowbawn, Ashford, Co. Wicklow**

A Chara

I refer to your application under Section 5 of the Planning & Development Acts 2000 (as amended) and to advise that further information is required as follows:

1. Please confirm you have all consents from landowner(s) to make this exemption declaration application and carry out works as identified.
2. You are requested to provide:
 - a. revised details indicating the maximum widths (measured at the base) of the existing and replacement structures.
3. You are requested to provide:
 - a. A detailed list of the existing number of antennae (panel or dish) and light finials that the existing lattice tower holds,
 - b. A detailed list of the proposed number of antennae (panel or dish) and light finials that the proposed lattice tower is to hold.
4. You are requested to provide:
 - a. Clarification that the dimensions of any additional antenna for mobile telephony do not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure;
 - b. That if any dimensions of any additional antenna provided do exceed the existing antennae please clarify that the dimensions do 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.

5. You are requested to provide details of the proposed access route shown on Drg No. WW015/S5/102. Please submit evidence that the tracks indicated comply with Class 13 of the Planning and Development Regulations 2001 (as amended).

Mise, le meas

A handwritten signature in black ink, appearing to read 'Nicola Fleming', written over a horizontal line.

NICOLA FLEMING

STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT

WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

TO: Fergal Keogh SE, Edel Bermingham SEP, Suzanne White SEP.
FROM: Chris Garde EP.
SUBJECT REF: EX 49/2023
DECISION DUE DATE: 14/08/2023
APPLICANT: Vantage Towers Ltd
ADDRESS: Carrowbawn, Ashford, Co. Wicklow
EXEMPTION QUERY: erection of telecommunication support structure with the subsequent removal of an existing structure.

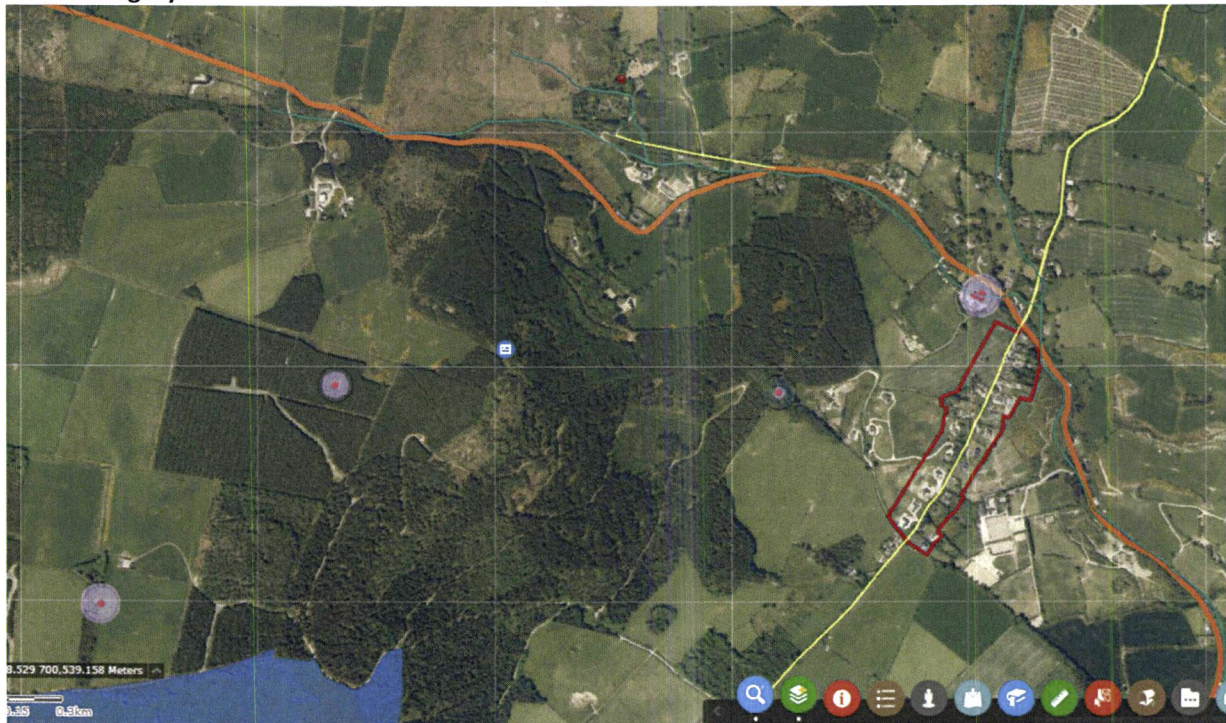
Site description:

The subject site is located at the top of a hill in the townland of Fauna, c.1.5Km west of the settlement of Kiliskey. The hill rises to a height of c.301m above sea level, and forms part of a ridge extending from the northeast running towards southwest. Most of the hill is covered by coniferous forestry plantations.

The site was originally accessed off a forest track linked to the R764 road (which lies to the north). A revised access route is proposed to be linked via c. 1Km of a new and an improved forest tracks, which in turn link to an existing forest track which connects to a private road and onto the L-5063-0 road (which lies to the southeast).

The site has on it a 27m high telecommunications support structure, antennas, equipment container and associated equipment within a fenced compound and access track.

Aerial imagery:



Relevant Planning History:

14/1348: Vodafone Ireland Ltd - Retention permission (08/1368) for existing 27m high telecommunications support structure, antennas, and equipment container and associated equipment within a fenced compound and access track. The development form a part of Vodafone Ireland Ltd's existing broadband GSM and 3G broadband telecommunications network. – **Grant** with 4 conditions.

Conditions Follow:

Pursuant to the Planning & Development Act 2000 - 2010, permission is hereby granted, having regard to

- a) The national strategy regarding the improvement of telecommunications infrastructure.*
- b) The guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to Planning Authorities in July, 1996,*
- c) The Department of Environment's, circular letter PL07/12 October 2012*
- d) The provisions of the current County Development Plan for the area in relation to the provision telecommunications infrastructure*

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

- 1. This permission refers to the development as described in the documents lodged, save, as the conditions hereunder require.*

REASON: *For clarification.*

- 2. This structure shall be made available for co-location with other users. The cost of sharing the mast with other operators shall be reasonable and in the event of a dispute, will be determined by an independent arbitrator who is agreeable to both Vodafone and Wicklow County Council or failing agreement, shall be determined by An Bord Pleanala.*

REASON: *In order to minimise the need for additional masts in this area, in the interests of proper planning and development and landscape preservation*

- 3. The site shall be fully reinstated upon the removal of the telecommunications structure and ancillary structures.*

REASON: *In the interests of orderly development.*

- 4. The facility shall be operated and maintained to ensure that any emissions arising from the development remain within the International Commission on Non Ionising Radiation Protection Guidelines.*

REASON: *In the interest of public health.*

08/1368: *Vodafone Ireland Ltd - Retention of 27 metre high telecommunications support structure, antennas, equipment container and associated equipment within a fenced compound and access track (Ref No 03/9368) – Grant*

03/9368: *Planning permission was granted for Retention of a 27m antennae support structure associated equipment shelter at Carrowbawn, Ashford, Co Wicklow to Vodafone Ltd – Grant with 3 conditions.*

96/4774: *Planning permission was granted for the erection of 27m antennae structure and associated site works to Telecom Eireann – Grant subject to 5 conditions.*

Relevant legislation:

Planning and Development Act 2000 (as amended)

Section 2:

"In this Act, except where the context otherwise requires –

'statutory undertaker' means a person, for the time being, authorised by or under any enactment or instrument under an enactment to – (b) provide or carry out works for the provisions 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.

'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...."

Section 3:

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.

Section 4:

(1) The following shall be exempted developments for the purposes of this Act—

(g) development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires or other apparatus, including the excavation of any street or other land for that purpose.

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Section 4(2) provides that:

The Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Planning and Development Regulations 2001(as amended)

Article 6(1) states that certain classes of development which are specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations. The relevant conditions and limitations are set out in the schedule below:

Description of Development	Conditions and Limitations
<i>Development by statutory undertakers</i> CLASS 31 The carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of—	
(f) cabinets forming part of a telecommunications system,	The volume above the ground-level of any such cabinet shall not exceed 2 cubic metres measured externally.
(j) an antenna support structure in place of an existing antenna support structure	1. The replaced structure shall be removed no later than 4 weeks following its decommissioning. 2. Where, for reasons of the integrity of the network or other operational reasons, the structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).

	<p>3. (a) The height of the replacement structure shall not exceed the height of the replaced structure.</p> <p>(b) (i) Subject to sub-paragraph (ii), the width of the replacement structure shall not exceed the width of the replaced structure.</p> <p>(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.</p> <p>(c) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.</p> <p>4. (a) Subject to sub-paragraphs (b) and (c), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.</p> <p>(b) For structure under 15 metres in height, an additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 antennae shall be of the dish type (whether shielded or not).</p> <p>(c) For structures of 15 metres or over in height, an additional 18 antennae for mobile telephony may be attached to the replacement structure, of which not more than 12 of the additional 18 antennae shall be of the dish type (whether shielded or not).</p> <p>5. (a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure.</p> <p>(b) In any other case, the dimensions of any antenna provided shall not exceed:</p> <p>(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,</p> <p>(ii) in the case of any co-linear type antenna, 5 metres in length x 0.1 metres in diameter, and</p> <p>(iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.</p> <p>6. The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Commission for Communications Regulation.</p>
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<p>CLASS 13</p> <p>The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.</p>	<p>The width of any such private footpath or paving shall not exceed 3 metres.</p>
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Article 9 sets out restrictions on exempted development, including instances where: a condition of planning permission has been contravened; an access would be created to certain types of road; public safety would be endangered by reason of a traffic hazard; development would extend forward of the building line; development would interfere with the character of a landscape, view or prospect; heritage features would be altered or demolished; an unauthorised structure would be altered or extended; a public right of way or publicly accessible land would be obstructed or enclosed etc.

Submission

The query set out in the application form for which a Section 5 Declaration is sought is as follows:

“proposed upgrade of and construction of an access track and associated works comprising the replacement of the existing telecommunication support structure with a more robust structure of equal height”

The referral seeks:

“the local authority’s declaration under Section 5 of the Planning Development Act 2000 (as amended) on whether the proposed to the communication support structure in place of an existing antenna support structure is or is not development and is or is not exempted development.”

“on whether the upgrade and extension of the access track leading to the proposed development is or is not development and is or is not exempted development.”

The submitted covering letter refers to the following detailed works:

- Replacement of 27m high lattice tower (base width c.1.4m (measured from Drg No. WW015/S5/104)) with 27m high lattice tower (base width c.2.7m (measured from Drg No. WW015/S5/104))
- the new structure will be positioned within 20 meters of the current telecommunications support structure. The latter will be decommissioned and removed upon completion of the new structure.
- the new structure will be the same height as the existing, in accordance with section 3(a), and within the width parameters to comply with section 3b (ii). The result is a slightly more robust structure which provides greater stability.
- The access route shown on Drg No. WW015/S5/102 comprises four sections.
 - o First section, indicated by green line and commencing from the public road is in good condition.
 - o Second section indicated by yellow line is overgrown and requires clearance.
 - o Third section indicated by orange line is very overgrown in need of ground clearance and repairs.
 - o Fourth section to the site, shown by a red line, comprises a new track.

A declaration on the access track is also sought.

Assessment

The Section 5 application seeks a declaration as to whether the proposed work is or is not exempted development. The first issue to be decided is whether the proposal is or is not development. In this regard it is considered that the proposed works would come within the meaning of "works" as set out under Section 2 of the Planning and Development Act 2000 (as amended) and as such would come within the meaning of "development" as set out under Section 3 of the Planning and Development Act 2000 (as amended).

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

In relation to:

1. proposed removal and replacement of the existing authorised structure and equipment upgrade

- a) The existing antenna support structure and associated works were permitted under PRR 14/1348. There are four standard conditions attached to PRR 14/1348 which would not restrict exempted development rights with the exception of making good the original site (PRR 14/1348 Condition 4).
- b) The existing antenna support structure and associated works (including access tracks) are located on, different tracts of land. The applicant states they are the occupier of the lands at this location in Carrowbawn, Ashford, however, have not provided any proof of consent relating to the proposed new location and access routes. The applicant will be asked to land ownership/consent to carry out works (including demolition and removal of existing lattice structure; through a request for further information.
- c) Schedule 2, Part 1, CLASS 31 (j) of the Planning and Development Regulations 2001 (as amended) allows the replacement of an antenna support structure by a statutory undertaker authorised to provide a telecommunications service, subject to conditions. Confirmation of authorisation of Vantage Towers Ltd. under Regulation 5 of the European Communities (Electronic Communications) (Authorisation) Regulations 2011 by the Commission for Communications Regulation to provide electronics communications networks has **not** been provided as part of the submission. However, it is noted that Vantage Towers Ltd. appears to be owned primarily by Vodafone and is, according to their webpage, accessed on 08/08/2023, (<https://www.vantagetowers.com/en/our-european-markets/ireland>) a leading TowerCo in Ireland, with the second largest market share by number of sites. On this basis, Vantage Towers Ltd., is likely to constitute a 'statutory undertaker authorised to provide a telecommunications service', to which Class 31 would apply. However, the applicant will be asked to state that they are a 'statutory undertaker authorised to provide a telecommunications service' through a request for further information.

The replacement of an antenna support structure by an authorised statutory undertaker is exempted development, subject to conditions. The proposed development is considered against the conditions of Schedule 2, Part 1, CLASS 31 (j) in turn below. It is note that the applicant includes a copy of the Schedule 2, Part 1, CLASS 31 (j) (Column 2 Conditions and Limitations) as an Appendix 1 to their submission.

1. *The replaced structure shall be removed no later than 4 weeks following its decommissioning.*

The covering letter submitted with the application states that the existing infrastructure will be decommissioned and removed upon completion of the new structure. On this basis, the proposed works would comply with Condition 1 of Class 31(j). However, it is unclear if this included the cabin, palisade fencing etc.

2. *Where, for reasons of the integrity of the network or other operational reasons, the structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).*

From the Drg No. WW015/S5/102 the replacement structure will be located within 20m of the existing lattice tower. On this basis, the proposed works would comply with Condition 2 of Class 31(j).

3. *(a) The height of the replacement structure shall not exceed the height of the replaced structure.*

(b) (i) Subject to sub-paragraph (ii), the width of the replacement structure shall not exceed the width of the replaced structure.

(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.

(a) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.

The height of the replacement structure would be equal in height to that of the existing structure to be replaced, in accordance with Condition 3(a).

The maximum widths of the existing and replacement structures are not clearly detailed. The applicant will be asked to provide revised drawings indicating what the maximum widths of the existing and replacement structures are and that the new structure will not be more than twice the width of the replaced structure, in compliance with Condition 3(b).

No antenna platform appears to be proposed. The applicant will be asked to clarify same.

4. *(a) Subject to sub-paragraphs (b) and (c), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.*

(b) For structure under 15 metres in height, an additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 antennae shall be of the dish type (whether shielded or not).

(c) For structures of 15 metres or over in height, an additional 18 antennae for mobile telephony may be attached to the replacement structure, of which not more than 12 of the additional 18 antennae shall be of the dish type (whether shielded or not).

The applicant has not provided detailed list of the number of antennae or light finials that the existing lattice tower holds nor the proposed number of additional panel and dish antennae.

5. *(a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure.*

(b) In any other case, the dimensions of any 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.

The 6no. panel antennae and 2no. dish antennae on the existing monopole would be transferred to the new monopole. The proposed additional antennae would not exceed the length, width or depth of the existing antennae. The dimensions of the existing and proposed antennae would not exceed the limits for panel or dish type antenna, as set out in Condition 5(b) above.

6. *The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Commission for Communications Regulation.*

The covering letter submitted with the application states that *"the subject site has been built in accordance to current Health and Safety legislation and International Guidelines, with which the replacement site will continue to adhere. The transmitter power output, antenna types and mounting configuration are consistent with modern technologies and comply with all recognised standards"*. The Commission for Communications Regulation monitors non-ionising radiation levels on telecommunications sites.

Having regard to the works proposed it is considered that such works would be exempt under Schedule 2, Part 1, Class 31(j) of the Planning and Development Regulations 2001 (as amended) and that no restrictions under Article 9 of the Regulations would apply.

2. Installation of cabinet

An additional cabinet is proposed to be installed within the existing telecoms compound.

Schedule 2, Part 1, CLASS 31 (f) of the Planning and Development Regulations 2001 (as amended) allows the provision of cabinets forming part of a telecommunications system by a statutory undertaker, subject to the condition that the volume of the cabinet above ground shall not exceed 2 cubic metres measured externally. The cubic volume of the proposed cabinet is not provided and as such cannot be assessed to be within the limitations of Class 31 (f).

Having regard to the works proposed it is considered that such works would require further information.

3. Access Tracks

The access route shown on Drg No. WW015/S5/102 comprises four sections. These works may be considered exempted under Class 13; however, the applicant has not detailed the width of same. Having regard to the works proposed it is considered that such works would require further information.

Recommendation:

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

The erection of telecommunication support structure with the subsequent removal of an existing structure and associated access track at Carrowbawn, Ashford, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

The Planning Authority considers that:

Further information is required from the applicant as per Section 5(2)(b) and 5(2)(c).

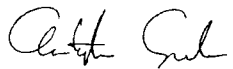
Further information is required from the applicant as follows:

1. Please confirm you have all consents from landowner(s) to make this exemption declaration application and carry out works as identified.
2. You are requested to provide:
 - a. revised details indicating the maximum widths (measured at the base) of the existing and replacement structures.
3. You are requested to provide:
 - a. A detailed list of the existing number of antennae (panel or dish) and light finials that the existing lattice tower holds,
 - b. A detailed list of the proposed number of antennae (panel or dish) and light finials that the proposed lattice tower is to hold.

4. You are requested to provide:

- a. Clarification that the dimensions of any additional antenna for mobile telephony do not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure;
- b. That if any dimensions of any additional antenna provided do exceed the existing antennae please clarify that the dimensions do 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.

5. You are requested to provide details of the proposed access route shown on Drg No. WW015/S5/102. Please submit evidence that the tracks indicated comply with Class 13 of the Planning and Development Regulations 2001 (as amended).



Chris Garde
Executive Planner
Date: 08/08/2023



9/8/2023



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Chris Garde
Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX 49/2023 – Vantage Towers Ltd**

I enclose herewith for your attention application for Section 5 Declaration
received 18th July 2023

The due date on this declaration is 14th August 2023.



Staff Officer
Planning Development & Environment





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Suíomh / Website: www.wicklow.ie

20th July 2023

Vantage Towers Ltd
C/O Michael Foody, Charterhouse
Mountainview
Leopardstown
Dublin 18

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended).
Ex 49/2023 – Carrowbawn, Ashford, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 18th July 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 14th August 2023.

Mise, le meas

**NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



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

17th July 2023

**Re: SECTION 5 Declaration on development and exempted development.,
Proposed development at Carrowbawn, Ashford, Co. Wicklow.**

A Chara

On behalf of Vantage Towers, we seek clarification regarding a proposed upgrade and construction of an access track and the associated works comprising the replacement of an existing telecommunication support structure with a more robust structure of equal height at Carrowbawn in Ashford, Co. Wicklow.

This referral seeks the local authority's declaration under Section 5 of the Planning and Development Act 2000 (as amended) on whether the proposed telecommunications support structure in place of an existing antenna support structure is or is not development and is or is not exempted development.

A referral is being sought on whether the upgrade and extension of the access tracking leading to the proposed development is or is not development and is or is not exempted development.

In this regard we specifically seek clarification in respect of exempted development in accordance with the conditions outlined in Schedule 2 Part 1 Class 31 (j) of the Exempted Development Planning & Development Regulations (as amended). The full list of these conditions is attached to Appendix 1.

Please also find attached to Appendix 2, a set of plans detailing the proposal. As depicted, and in accordance with Class 31 (j) section 2, the new structure will be positioned within 20 meters of the current telecommunications support structure. The latter will be decommissioned and removed upon completion of the new structure.

As shown on the plans, the new structure will be the same height as the existing, in accordance with section 3(a), and within the width parameters to comply with section 3b (ii). The result is a slightly more robust structure which provides greater stability.

You will note from the plans there is a different access proposed. The access route is shown on plan 2, number WW015/S5/102. As shown, this comprises four sections. The first section, indicated by green line and commencing from the public road is in good condition. The second section indicated by yellow line is overgrown and requires clearance. The third section indicated by orange line is very overgrown in need of ground clearance and repairs. The final section to the site, shown by a red line, comprises a new track.

A declaration on the access track is also sought.

For your information the planning history for the original site and structure is as follows;

Planning History

Planning reference; 14/1348 - Retention permission for the existing 27-metre-high telecommunications support structure, antennas, equipment container and associated equipment within a fenced compound and access track. Subject to 4 Conditions:

1. This permission refers to the development as described in the documents lodged, save as the conditions hereunder require.
2. The structure shall be made available for co-location with other users. The cost of sharing the mast with other operators shall be reasonable and in the event of a dispute, will be determined by an independent arbitrator who is agreeable to both the applicant and Wicklow County Council and failing agreement, shall be determined by An Bord Pleanala
3. The site should be fully and reinstated upon the removal of the telecommunications structure and ancillary structures
4. The facility shall be operated and maintained to ensure that any emissions arising from the development remain within the international Commission on non-ionizing radiation protection guidelines

Planning reference; 08/1368 - Retention permission for the existing 27-metre-high telecommunications support structure, antennas, equipment container and associated equipment within a fenced compound and access track.

Planning reference; 03/9368: Retention permission for the existing 27-metre-high antenna support structure with associated equipment at Carrowbaun, Ashford, Co Wicklow.

Planning reference; 96/4774 Planning permission was granted for the erection of a 27-metre-high antenna structure and associated site works.

Please note that in accordance with the guidelines at the time temporary consents were granted until the most recent in 2014.

Conclusion

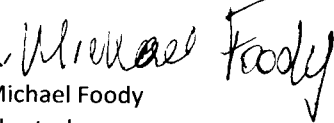
The current structure is inadequate to meet the needs for sharing purposes and to accommodate modern equipment requirements. As a result, the replacement structure is proposed. this more robust

design is multi-decade essential infrastructure that can cater to both present and future customer needs.

If you have any further queries in relation to the matter, please contact us at your earliest convenience.

We look forward to receipt of the local authority's determination on whether the proposed tower replacement and proposed access track upgrade and construction is development and exempted development.

Yours sincerely,


Michael Foody
Charterhouse,
Agent for Vantage Towers

Appendix 1; Schedule 2, Part 1, Class 31 (j) of the Planning and Development Regulations,

Appendix 2; Set of plans depicting the proposal

Wicklow County Council
County Buildings
Wicklow
0404-20100

18/07/2023 09 56 34

Receipt No L1/0/316109

CHARTERHOUSE INFRASTRUCTURE CONS
HQ MARKET STREET
LISTOWEL
CO KERRY
V31 Y436

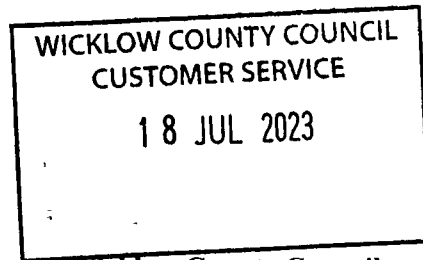
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered
Cheque 80 00
RE CARROWBAWN, ASHFORD

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: Vantage Towers Ltd.
Address of applicant: Mountainview, Leopardstown, Dublin 18

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) Michael Foody, Charterhouse
Address of Agent : Unit 2, HQ, 27 Market Street, Listowel. Co. Kerry

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

3. Declaration Details

- i. Location of Development subject of Declaration
Carrowbawn, Ashford, Co. Wicklow
- ii. Are you the owner and/or occupier of these lands at the location under i. above
? The occupier.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or
occupier _____

-
-
- 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:

Our client, Vantage Towers, has requested clarification regarding the proposed erection of a telecommunication support structure with the subsequent removal of an existing structure at Carrowbawn in Ashford, Co. Wicklow.

This referral seeks the local authority's declaration on whether the proposed telecommunications development at Carrowbawn, Ashford, Co. Wicklow, is or is not an exempted development within the meaning of the Act.

Specifically with regard to exempted development in accordance with the conditions outlined in Schedule 2 Part 1 Class 31 (j) of the Exempted Development Planning & Development Regulations (as amended).

Additional details may be submitted by way of separate submission.

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

Schedule 2, Part 1, Class 31 (j) of the Planning and Development Regulations

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 _____

A letter of explanation is attached including the following attachments;
Appendix 1: A set of plans are included; Please see planning sheet for a detailed drawing schedule.

Appendix 2: A site visit report including photographs of the revised access route.

viii. Fee of € 80 Cheque attached

Signed : Michael Foody Dated : 14/7/23

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 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.

ADDITIONAL CONTACT INFORMATION
NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

- This page will not be published as part of the planning file.

Applicant:

Telephone No	Not available
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Appendix 1

Schedule 2, Part 1, Class 31 (j) of the Planning and Development Regulations,

(j) an antenna support structure in place of an existing antenna support structure, existing design capacity of the support structure.

1. *The replaced structure shall be removed no later than 4 weeks following its decommissioning.*
2. Where, for reasons of the integrity of the network or other operational reasons, the structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).
3. (a) The height of the replacement structure shall not exceed the height of the replaced structure.
(b)(i) Subject to sub-paragraph (ii), the width of the replacement structure shall not exceed the width of the replaced structure.
(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.
(c) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.
- 4.(a) Subject to sub-paragraph (b), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.
(b) An additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 shall be of the dish type (whether shielded or not).
5. (a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure.
(b) In any other case, the dimensions of any antenna provided shall not exceed:
(i) in the case of any panel type antenna, 1.5 metres in length x 0.4 metres in width x 0.15 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.
6. The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Director of Telecommunications Regulation.

Appendix 2; Set of plans depicting the proposal

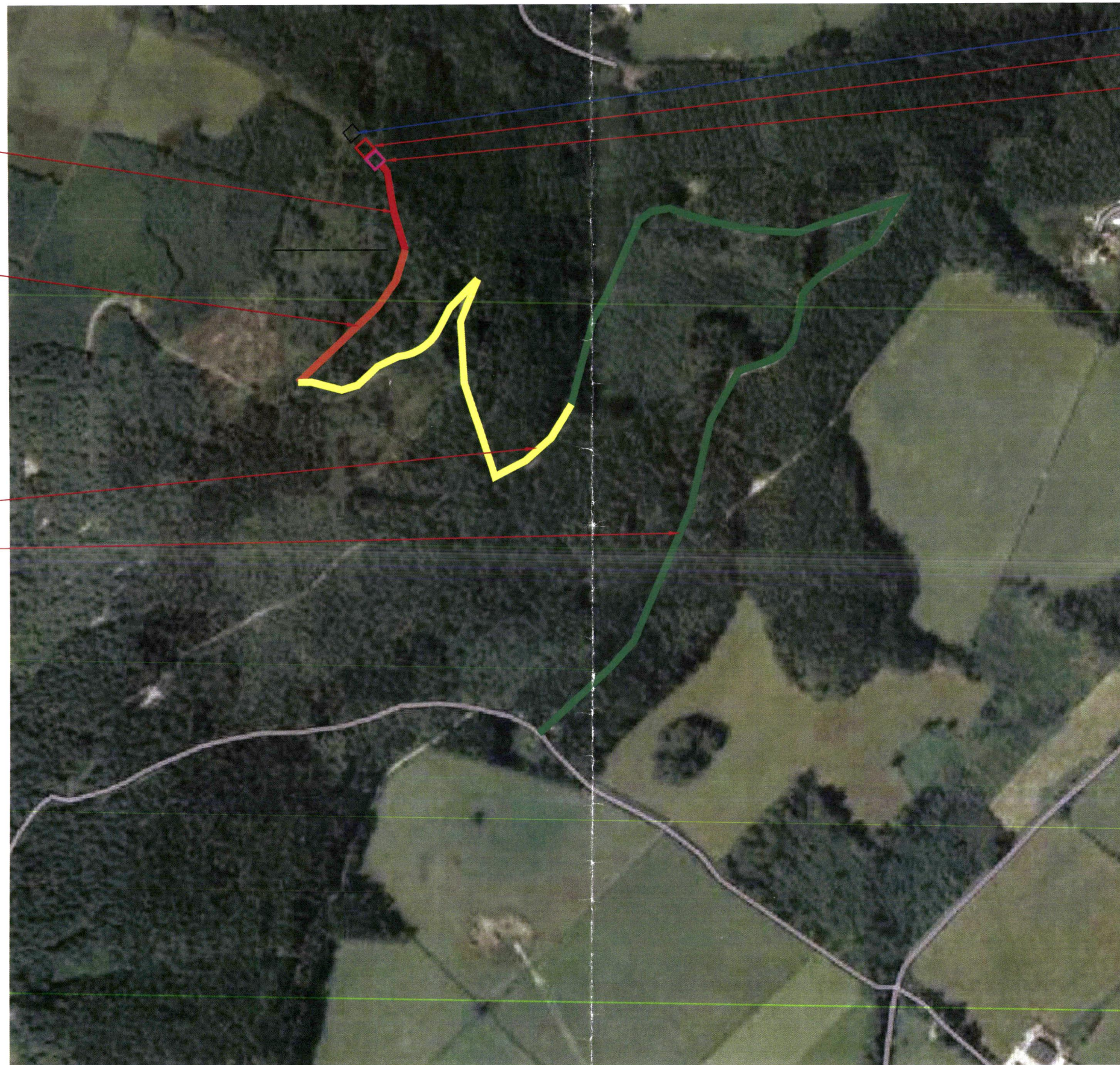


TRACK TO BE BUILD: 150m
(TRACK TO BE BUILT ON
FORESTRY AREA)

TRACK TO BE IMPROVED/BUILD:
235m (TRACK HIGHLY
OVERGROUND THAT NEED TO BE
CLEARED)

TRACK TO BE IMPROVED: 715m
(100mm STONE LAYER REQUIRED)

1653m OF TRACK FROM
ROADWAY IS IN GOOD CONDITION



EXISTING SITE

PROPOSED SITE

PROPOSED 10x10m CRANE
SET UP LOCATION

V

Site Name: CARROWBAWN
Site Code: WW015

OVERALL SITE LAYOUT
SCALE 1:2500

VANTAGE
TOWERS

Together, we accelerate a sustainably connected Europe

Notes:

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

H			
G			
F			
E			
D			
C			
B			
A			
-	SECTION 5 DRAWING	KG	12/07/23
Rev.	Description	By	Date

Cabin/Cabinet Details	
Type:	VF CABIN
Dims:	4.8mx2.3mx2.7m
Colour:	-
Structure Details	
Type:	LATTICE TOWER
Height:	27.00m

SECTION 5 DRAWING			
Site code	WW015	Survey date	05/02/21
Sheet Size	A3	Scale	As Shown
Drawn	KG	Checked	JPN
Date	12/07/23	Date	12/07/23
Approved	IB	Date	12/07/23

Title	Antenna Layout Plan	
Project	PROPOSED VANTAGE TOWERS SITE AT CARROWBAWN ASHFORD, Co. WICKLOW	NOT FOR CONSTRUCTION
Drawing No.	WW015 / S5 / 102	
Revision	-	



NOTE:
DISTANCE BETWEEN EXISTING AND
PROPOSED TOWER CENTERS
APPROXIMATELY 13m

EXISTING OPERATOR CABINET ON
EXISTING CONCRETE PLINTH

EXISTING OPERATOR CABLE TRAY

EXISTING 27m HIGH TOWER

PROPOSED 27m HIGH TOWER

EXISTING STONE WALL

ELEVATION

ELEVATION

CRANE SET UP
AREA

SITE LAYOUT PLAN
SCALE 1:100

VANTAGE
TOWERS

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H			
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-	SECTION 5 DRAWING	KG	12/07/23
Rev.	Description	By	Date

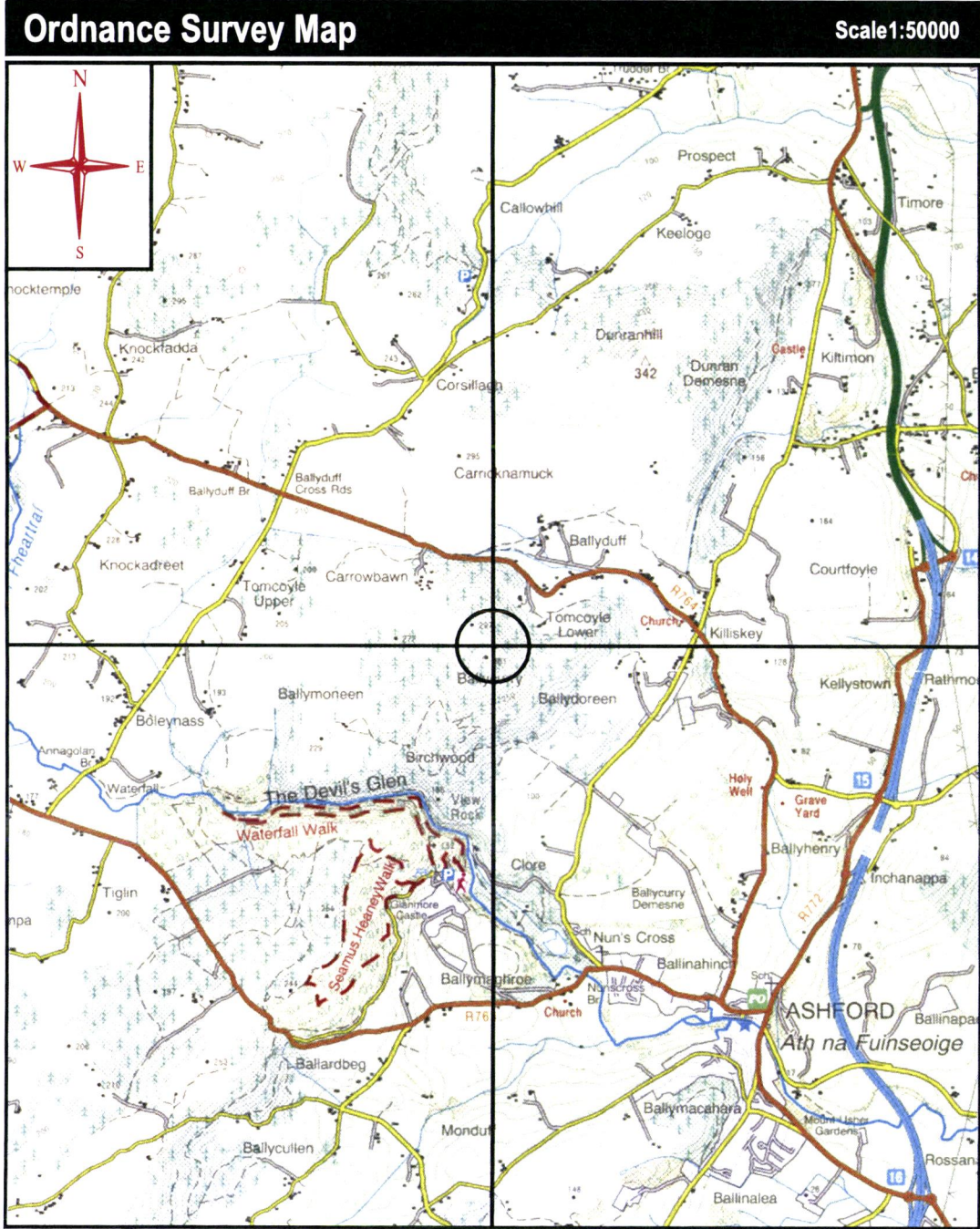
Cabin/Cabinet Details
Type: VF CABIN
Dims: 4.8mx2.3mx2.7m
Colour: -
Structure Details
Type: LATTICE TOWER
Height: 27.00m

Purpose SECTION 5 DRAWING			
Site code	WW015	Survey date	05/02/21
Sheet Size	A3	Drawn	KG
Scale	As Shown	Checked	JPN
Date	12/07/23	Date	12/07/23
Approved	IB	Date	12/07/23

Title	Site Layout Plan	
Project	PROPOSED VANTAGE TOWERS SITE AT CARROWBAWN ASHFORD, Co. WICKLOW	
Drawing No.	WW015 / S5 / 103	Revision
		NOT FOR CONSTRUCTION

THE OWNERSHIP AND COPYRIGHT OF THIS DRAWING REMAINS WITH VANTAGE TOWERS AT ALL TIMES. THE DRAWING MAY NOT BE COPIED, DUPLICATED OR PASSED TO THIRD PARTIES WITHOUT THE WRITTEN PERMISSION OF VANTAGE TOWERS.

Site Name: CARROWBAWN
Site Code: WW015



Drawing No.	Drawing Title
WW015 / S5 / 101	O.S. Location Map & Photos
WW015 / S5 / 102	Site Access Track
WW015 / S5 / 103	Site Layout Plan
WW015 / S5 / 104	South-East Elevation

Irish Grid Site Coordinates		Irish Grid Site Entrance Coordinates	
East	325083	East	325792
North	200178	North	199159
GPS Site Coordinates		GPS Site Entrance Coordinates	
Latitude	53.03788	Latitude	53.028630
Longitude	-6.13573	Longitude	-6.125823

Site Photographs

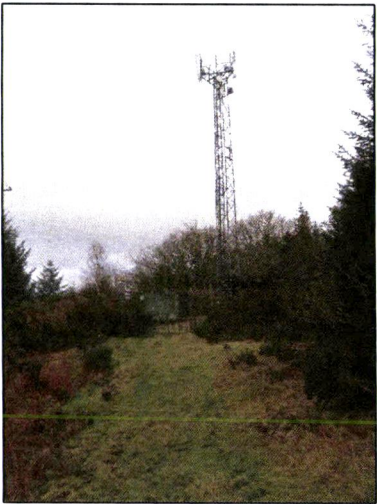


FIG. 1: EXISTING SITE ELEVATION



FIG. 2: EXISTING CABIN LOCATION



FIG. 3: EXISTING SATELLITE VIEW

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Notes:

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

Rev.	Description	KG	By	Date
1	SECTION 5 DRAWING			12/07/23

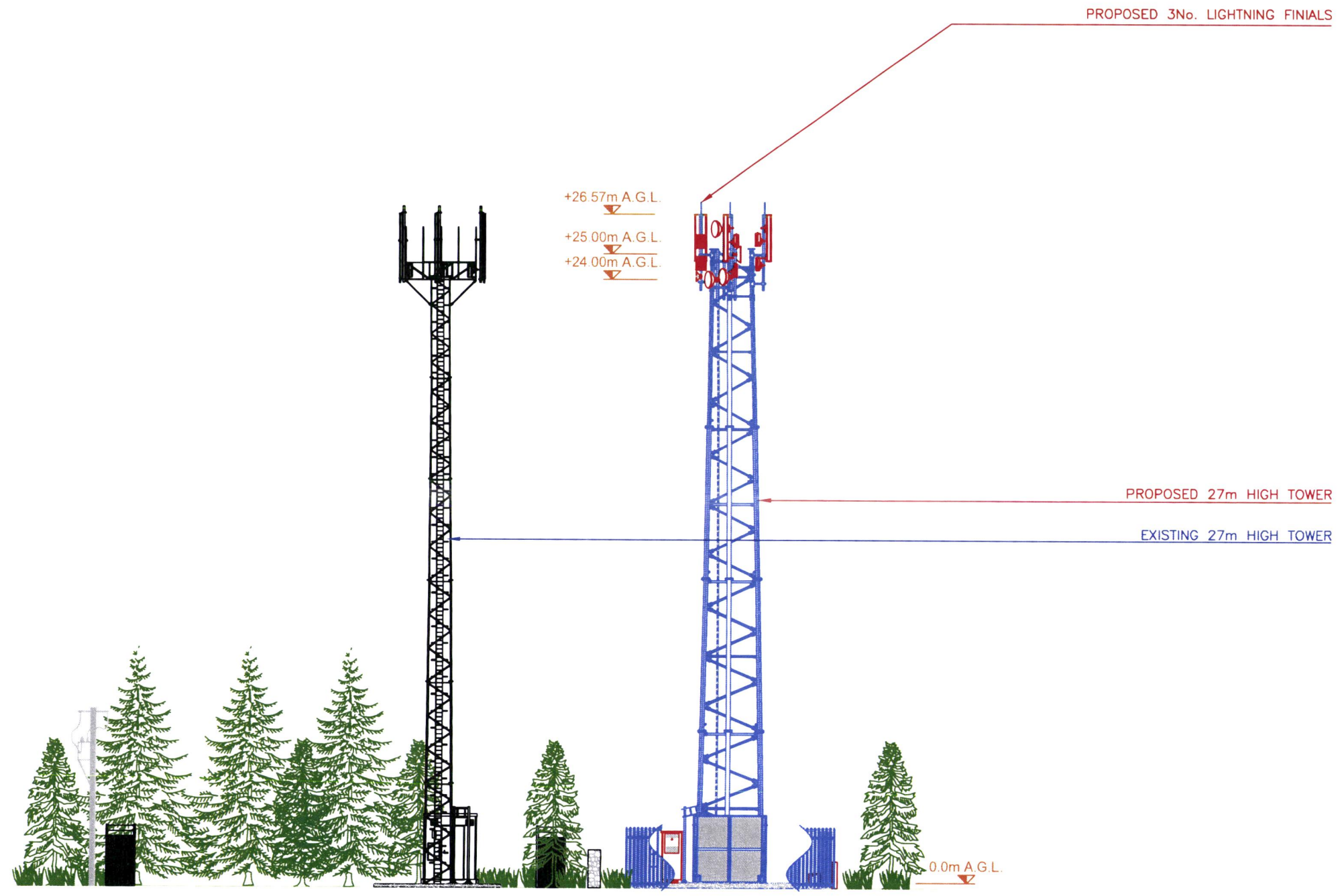
Cabin/Cabinet Details	
Type:	VF CABIN
Dims:	4.8mx2.3mx2.7m
Colour:	
Structure Details	
Type:	LATTICE TOWER
Height:	27.00m

SECTION 5 DRAWING			
Site code	WW015	Survey date	05/02/21
Sheet Size	A3	Drawn	KG
Scale	As Shown	Checked	JPN
Date	12/07/23	Approved	IB
Date	12/07/23	Date	12/07/23

Title	
O.S. Location Map & Photos	
Project	PROPOSED VANTAGE TOWERS SITE AT CARROWBAWN ASHFORD, Co. WICKLOW
Drawing No.	WW015 / S5 / 101

NOT FOR
CONSTRUCTION

Revision



SOUTH-WEST ELEVATION
SCALE 1:200

Site Code: WW015 Site Name: CARROWBAWN

<div>VANTAGE TOWERS</div> <div>Together, we accelerate a sustainably connected Europe</div>	<div>Notes:</div> <div>1. Do not scale.</div> <div>2. All dimensions are in mm otherwise specified.</div> <div>3. Assume all site details are existing unless otherwise specified.</div>	H				Cabin/Cabinet Details		Purpose				Title South-West Elevation				
		G					Type: VF CABIN		SECTION 5 DRAWING				Project	PROPOSED VANTAGE TOWERS SITE AT CARROWBAWN ASHFORD, Co. WICKLOW	NOT FOR CONSTRUCTION	
		F					Dims: 4.8mx2.3mx2.7m									
		E					Colour:..		Site code	WW015	Survey date	05/02/21	Sheet Size	A3		
		D					Structure Details								Scale	As Shown
		C					Type: LATTICE TOWER		Date	12/07/23	Date	12/07/23	Date	12/07/23		
		B					Height: 27.00m								Rev.	
		A					SECTION 5 DRAWING		KG		12/07/23					
		-														
		Rev.														