



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Michael Kelleher
2RN Block B
Cookstown Court
Old Belgard Road
Tallaght
Dublin 24
D24 WK28**

9th January, 2021

Section 5 referral Reference R20-53 in the name of Michael Kelleher

Whether the proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co Clare is or is not development and is or is not exempted development.

A Chara,

I refer to your application received on 3rd December 2020 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas

**Angela O'Sullivan
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2**

**Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2**



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R20-53



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R20-53 in the name of Michael Kelleher

Whether the proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co Clare is or is not development and is or is not exempted development.

AND WHEREAS, Michael Kelleher has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 31(j) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The proposed replacement 56m telecom tower in the existing 2RN site at Woodcock Hill, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said replacement 56m telecom tower in the existing 2RN site is exempted development having regard to Section 2(1) of the Planning and Development Act, 2000 (as amended) and Class 31(j) and of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Angela O'Sullivan
Staff Officer

Planning Department
Economic Development Directorate

7th January, 2021

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 76971

Reference Number: R20-53

Date Referral Received: 3rd December, 2020

Name of Applicant: Michael Kelleher

Location of works in question: Woodcock Hill, Co Clare

Section 5 referral Reference R20-53 in the name of Michael Kelleher

Whether the proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co Clare is or is not development and is or is not exempted development.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 31(j) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The proposed replacement 56m telecom tower in the existing 2RN site at Woodcock Hill, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said replacement 56m telecom tower in the existing 2RN site is exempted development having regard to Section 2(1) of the Planning and Development Act, 2000 (as amended) and Class 31(j) and of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 334 dated 2nd June 2020, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, A/Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, A/ Senior Executive Planner, hereby declare that the proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co Clare, constitutes development which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Signed: 
GARRETH RUANE
A/SENIOR EXECUTIVE PLANNER 

Date:  January 2021

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R20-53
APPLICANT(S):	Michael Kelleher
REFERENCE:	Whether the proposed replacement 56m telecom tower in the existing 2RN site is or is not development and is or is not exempted development
LOCATION:	Woodcock Hill, Co Clare
DUE DATE:	8 th January 2021

Site Location

The proposal site is located on the southern edge of a commercial forestry plantation in the Woodcock Hill area of Co. Clare. The Woodcock Hill Bog NHA is directly south of the site

Recent Planning History

P07/2621 – GRANTED - for an additional cabin at ground level and to extend the height of the existing RTE Tower by 10 metres and to attach additional equipment at the RTE Transposer Station Compound

P08/403 – GRANTED - to build a retaining wall and associated works including the erection of a 9 metre by 3 metre prefabricated equipment cabin

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Michael Kelleher on behalf of 2RN. The lands which are the subject of this referral are owned by 2RN.

The applicant is seeking a Section 5 Declaration as to whether the proposed replacement 56m telecom tower in the existing 2RN site is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.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.

‘Works’ are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

“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.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that 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.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 31(j)

The carrying out by a statutory undertaker authorised to provide telecommunications services of development consisting of the provision of: -

- an antenna support structure in place of an existing antenna support structure, where
 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 × 0.4 metres in width × 0.15 metres in depth,
 - (ii) in the case of any co-linear type antenna, 5 metres in length × 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.

Planning and Development Act, 2000 (as amended) Section 2(1)

"statutory undertaker" means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
- (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of any public undertaking;

Under Article 9 (1) of the same Regulations, *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 compromise 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) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed 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.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area 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 and the development would materially affect the character of the area.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the proposed replacement 56m telecom antennae in the existing 2RN site in Woodcock Hill, Co. Clare is or is not development and is or is not exempted development.

Particulars of Proposal

The work involves the replacement the existing tower on site with a new structure, which will be the same height (56m) and the same base width (6.1m) as the existing tower. In order to maintain services, the new tower will be constructed first and once operational, the existing tower will be removed. The new structure will link to the existing containers and cabins on site by way of cable.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 31(j)

This section of the Regulations provides exemptions to Statutory Undertakers with regard to works related telecommunications structures. The Act defines a statutory undertaker as:

“statutory undertaker” means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
- (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of any public undertaking;

Based on this definition, I am satisfied that 2RN (RTÉ Transmission Network DAC t/a 2RN) is a ‘statutory undertaker’ for the purposes of the Regulations.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 31(i)

The carrying out by a statutory undertaker authorised to provide telecommunications services of development consisting of the provision of: -

- an antenna support structure in place of an existing antenna support structure, where
 1. The replaced structure shall be removed no later than 4 weeks following its decommissioning.

The applicant has indicated that the existing structure will be removed once the new tower is operational

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).

The replacement tower is 14m from the location of the existing tower.

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

The proposed replacement tower is the same height as the existing structure on site (56m)

(b)

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

The proposed replacement tower is the same width as the existing structure on site (6.1m)

- (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.

Not applicable

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

The replacement structure is identical to the existing structure on site.

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.

The replacement structure is identical to the existing structure on site.

- (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).

Noted - No additional antennae proposed

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.

Noted – no additional antennae proposed

- (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 × 0.4 metres in width × 0.15 metres in depth,
 - (ii) in the case of any co-linear type antenna, 5 metres in length × 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 replacement tower is in compliance with these requirements

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.

Noted

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*

The development as currently proposed does not contravene any of the conditions associated with previous planning permissions on the site.

- (ii) *consist of or compromise 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,*

Not applicable.

- (iii) *endanger public safety by reason of traffic hazard or obstruction of road users,*

Not applicable.

- (iv) *interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed 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.*

The applicant proposes to replace the existing tower on site with an identical structure. There will be no impact on the receiving landscape as a result of the proposed works

- (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,*

This is not applicable in this instance.

- (vi) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

Not applicable in this instance

(vii)

- a. *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

Not applicable

- b. *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

No likely significant effects on European Sites. An Appropriate Assessment Screening Report and Determination has been carried out and is attached to this report. An appropriate assessment is not required.

- c. *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."*

The proposed development will be within the Woodcock Hill Bog NHA. I note that the area in which the new tower will be located currently forms part of the forestry road network in the area. There will be no infringement on undisturbed ground in the NHA

- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

This is not applicable in this instance.

- (ix) *consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,*

This is not applicable in this instance.

- (x) *consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

- (xii) *further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area 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 and the development would materially affect the character of the area.*

Not applicable

Recommendation

The following questions have been referred to the Planning Authority:

Whether the proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co., Clare is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

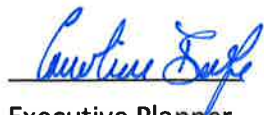
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 31(j) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) The proposed replacement 56m telecom tower in the existing 2RN site at Woodcock Hill, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;

(c) the said replacement 56m telecom tower in the existing 2RN site is exempted development having regard to Section 2(1) of the Planning and Development Act, 2000 (as amended) and Class 31(j) and of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the proposed replacement 56m telecom tower in the existing 2RN site at Woodcock Hill, Co. Clare is development and is exempted development.



Executive Planner

Date: 04/01/2021



A/Senior Executive Planner

Date: 05/01/2021



Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R20-53
Applicant Name	Michael Kelleher
Development Location	at Woodcock Hill, Co. Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No

Description of the project (To include a site location map):

A proposed replacement 56m telecom tower in the existing 2RN site at Woodcock Hill, Co. Clare

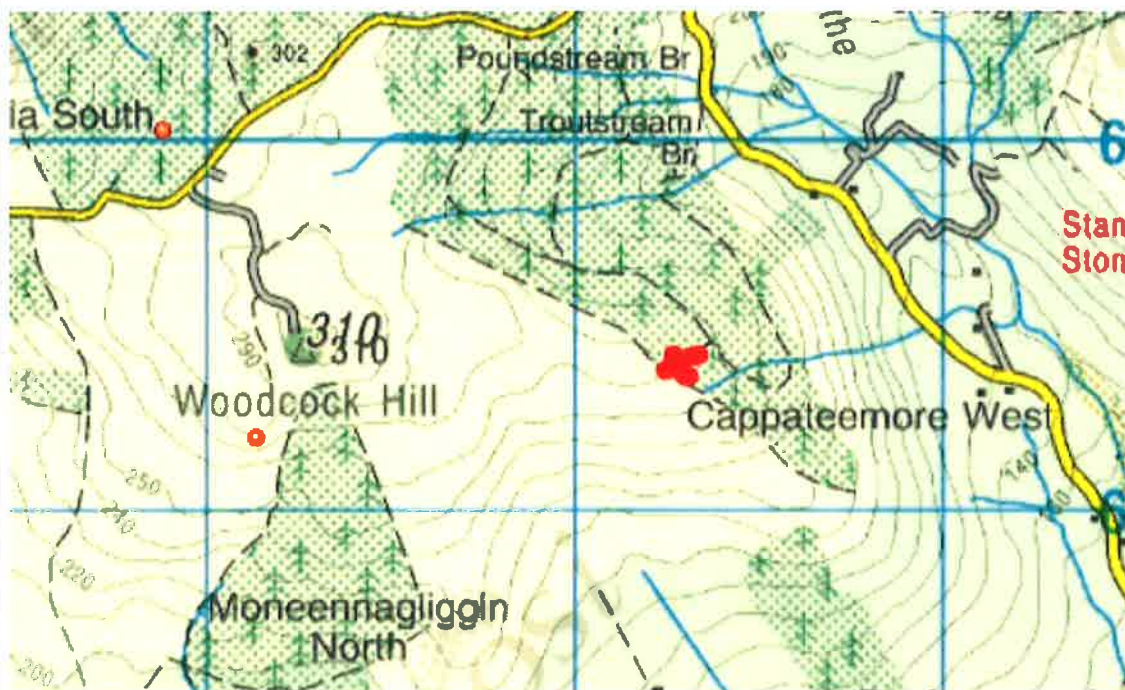


Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis.

Having regard to the nature and scale of the proposed development, the location proximate to an existing cluster of telecom infrastructure and the lack of connectivity or proximity to European sites, I consider the likely zone of impact of the proposed development to be no greater than 1km.

Table 2 (a): European Sites within 1km of Applicant Site

There are no European sites within 1km of the applicant site

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

Appropriate Assessment Screening Determination

Planning File Reference	R20-53
Proposed Development	A proposed replacement 56m telecom tower in the existing 2RN site
Development Location	at Woodcock Hill, Co. Clare
European sites within impact zone	None
Description of the project:	
A proposed replacement 56m telecom tower in the existing 2RN site at Woodcock	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
None	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No likely direct or indirect effects due to the nature and scale of the proposed development and the lack of connectivity or proximity to European sites.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
N/A – no likely effects	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application 	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)²	
(b) There is no potential for significant effects to European Sites³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out⁴	

² Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3)

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵	
Completed By	Caroline Balfe
Date	04/01/2021

and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁵ The proposed development must either be refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Michael Kelleher
2RN Block B
Cookstown Court
Old Belgard Road
Tallaght
Dublin 24
D24 WK28

8th December, 2020

Section 5 referral Reference R20-53 in the name of Michael Kelleher

Whether the proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co Clare is or is not development and is or is not exempted development.

A Chara,

I refer to your application received on 3rd December, 2020 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Angela O'Sullivan
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirtheoireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



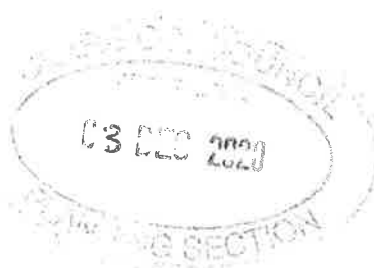
**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	Michael Kelleher 2RN, Block B, Cookstown Court, Old Belgard Road, Tallaght, Dublin 24 Eircode: D24 WK28
(b) Telephone No.:	087 2436111
(c) Email Address:	Michael.Kelleher@2rn.ie
(d) Agent's Name and address:	As above



2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Is the proposed replacement 56m telecom tower in the existing 2RN site in Woodcock Hill, Co. Clare exempted development under Class 31 of Part 1, Schedule 2, Section (j) "An antenna support structure in place on an existing antenna support structure"?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

RTE Transmission Network DAC trading as 2RN, have operated a TV and radio transmission site at this location in Woodcock Hill since 1975, initially with a tower height of 46m. As part of the DTT expansion in 2007, the tower height was increased to 56m (Ref planning P07/2621). The tower is now beyond its normal structural life and needs to be replaced to ensure that existing TV, radio and third parties (at least 12 No. different operators, including mobile phone, broadband, local radio, essential services etc) can continue to serve the Clare and Limerick region.

The development proposal for this declaration is to replace the existing tower with a new structure, which will be the same height (56m), and same base width (6.1m) as the existing tower. To maintain existing services it is necessary to construct the new structure first. Once operational, the proposal is to remove the existing tower. The new structure will link into the existing container and cabins by way of cable-gantry.

- (c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

Woodcock Hill Site Location Map 1:2500
 Woodcock Hill Existing Tower Elevation
 Woodcock Hill Proposed Tower Elevation
 Woodcock Hill Site layout 01

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	2RN Transmission Site, Woodcock Hill, Co. Clare _____ _____ _____ _____
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No _____ _____ _____
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Owner: Folio Number _____ _____ _____
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A _____ _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	N/A
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	Yes: Refs P07/2621 and P08/403
(h) Date on which 'works' in question were completed/are likely to take place:	Spring 2021

SIGNED: Michele Kelleher

DATE: 1/12/20

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	

Planning Department
Economic Development Directorate
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co. Clare



Block B, Cookstown Court,
Old Belgard Road, Tallaght,
Dublin 24, Ireland
Tel: +353 (0)1 208 2259
E-mail: 2rn@2rn.ie

1st December 2020

Dear Sirs,

Please find enclosed a Section 5 Declaration on Exempted Development for the proposed replacement telecoms tower at Woodcock Hill, Co. Clare

The following documents are included:

- Woodcock Hill Site Location Map 1:2500
- Existing Tower Elevation
- Proposed Tower Elevation
- Site Layout 01

As agreed with Ann Moloney by phone, can you contact the undersigned and we will arrange payment of the €80 fee by Credit Card.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Michael Kelleher'.

Michael Kelleher

Project Engineer

087 2436111

Michael.Kelleher@2rn.ie



Rural PLACE Map



DESCRIPTION

Hip Scale

1:2500
4562-C

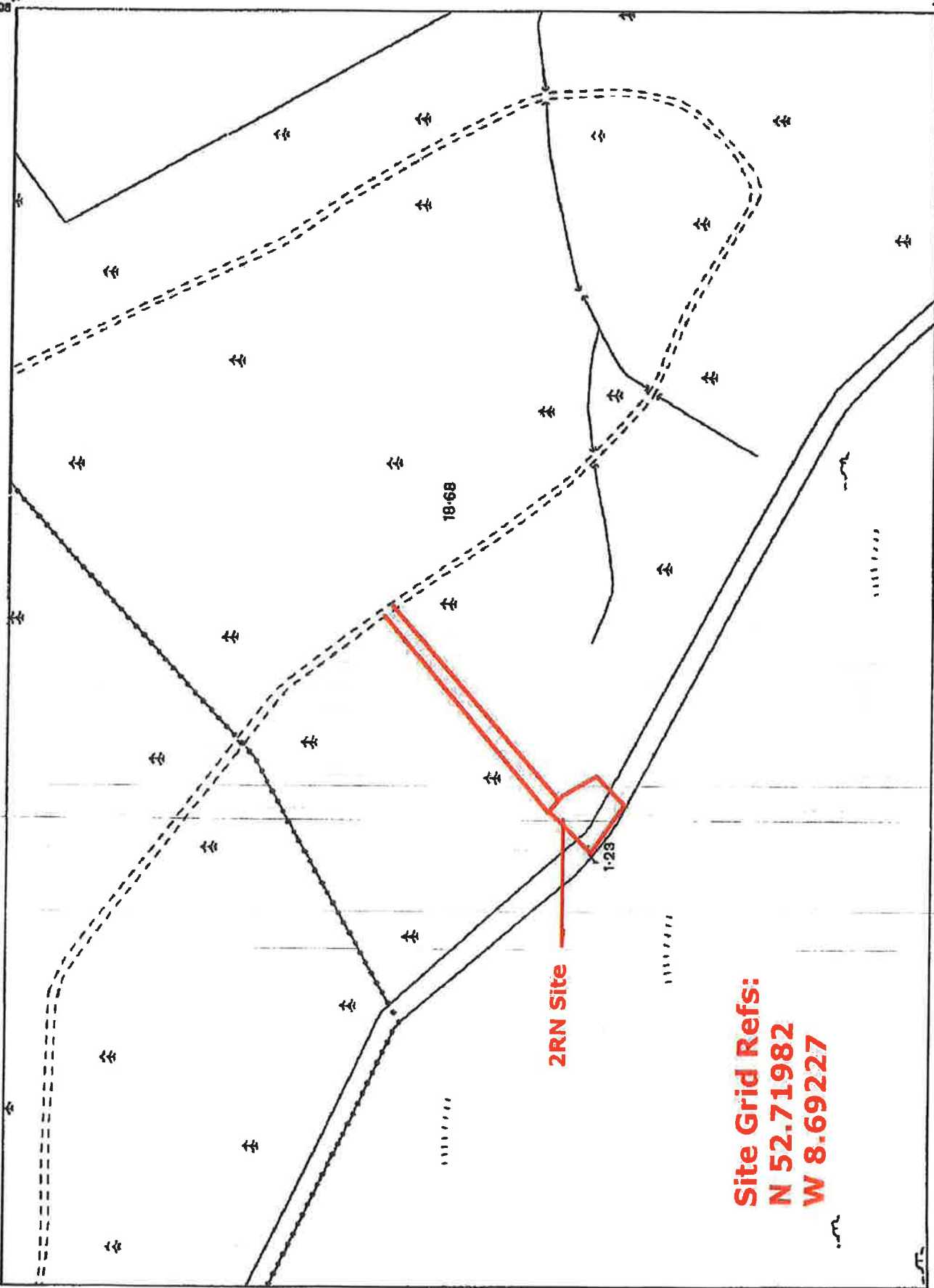


Seitshibeach Omdenis Ewens, P.O. Box 100, Bally Agha, Co. Wick. Ireland. Phone 053 931 1111.

All Missouri motorists, including me, receive a booklet as an incentive to wear seat belts and avoid drunk driving.

Reproduction in whole or in part is prohibited without the prior permission of the Director of Ordnance Survey, London.

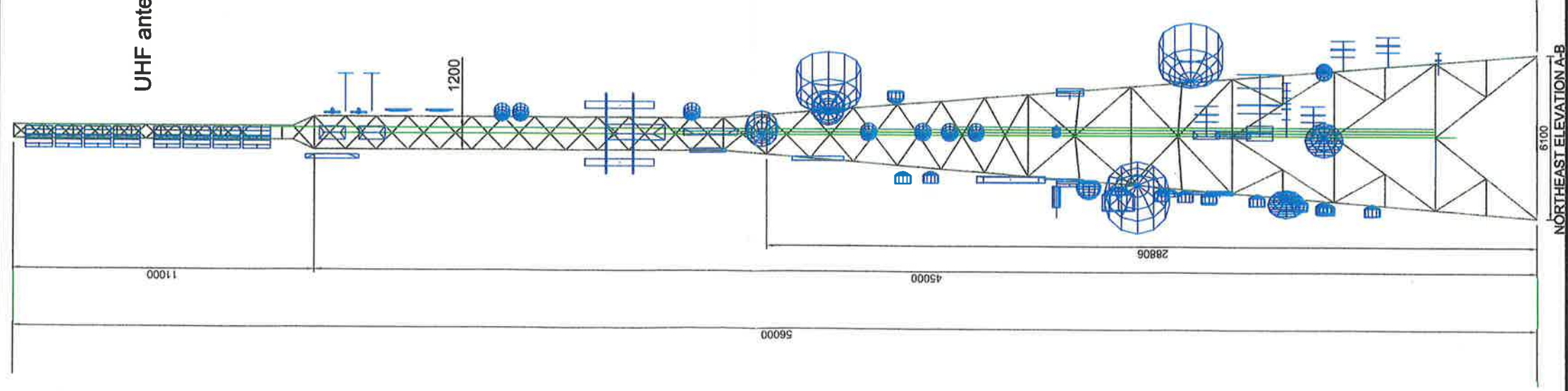
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© Department of Education, 1994



Site Grid Refs:
N 52.71982
W 8.69227

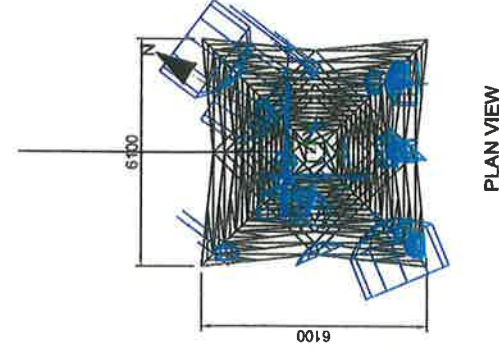
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Plot Ref. No. 105813_1_4
Plot Date 09-MAR-1999



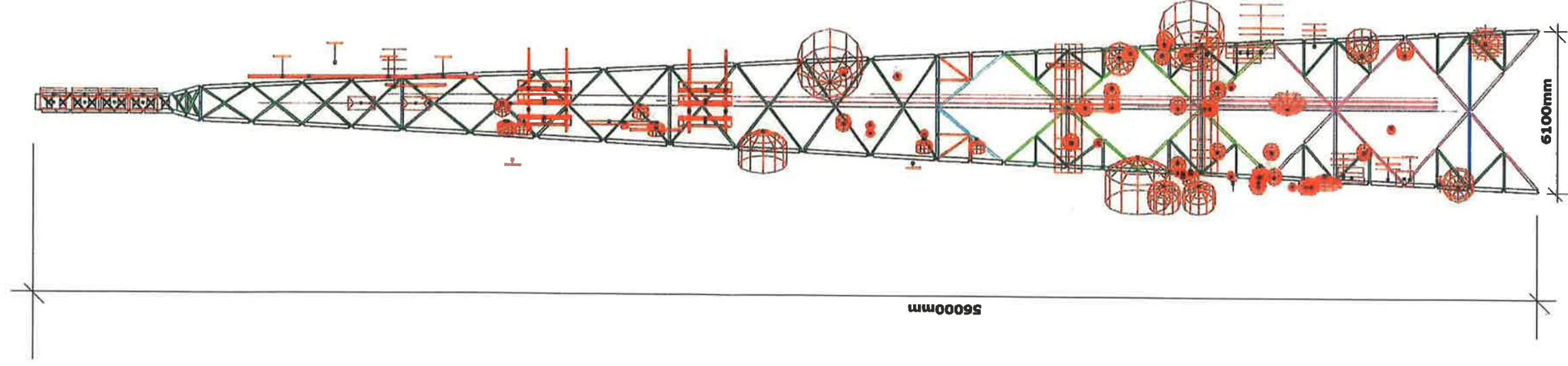
UHF antennas 2R x 8H

Top 2.6m tower section replaced in 2007



PLAN VIEW

6100
NORTHEAST ELEVATION A-B



Proposed Tower

Scale 1:200

Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co Clare

07/12/2020 11:44:00

Receipt No. : LICASH/0/309909
REPRINT

MICHAEL KELDEHER
2RN BLOCK B
COOKSTOWN COURT
OLD BELGARD ROAD
TALLAGHT
DUBLIN 24

SECTION 5 REFERENCES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total :

Tendered :
CREDIT CARDS

Change :

Issued By : LICASH - Ann Carey
From : MAIN CASH OFFICE LODGEMENT AREA
Vat reg No.0033043E