

Yours Sincerely,

Seán Greene

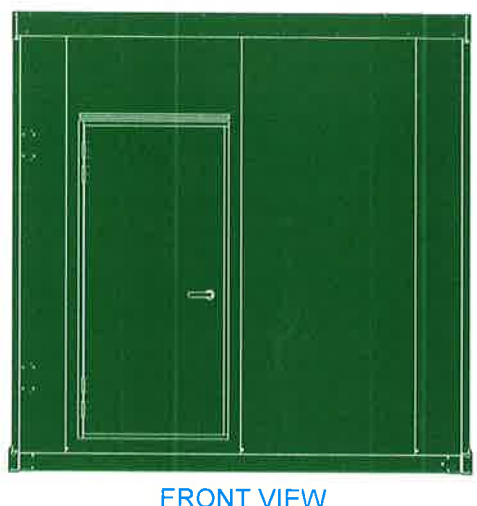
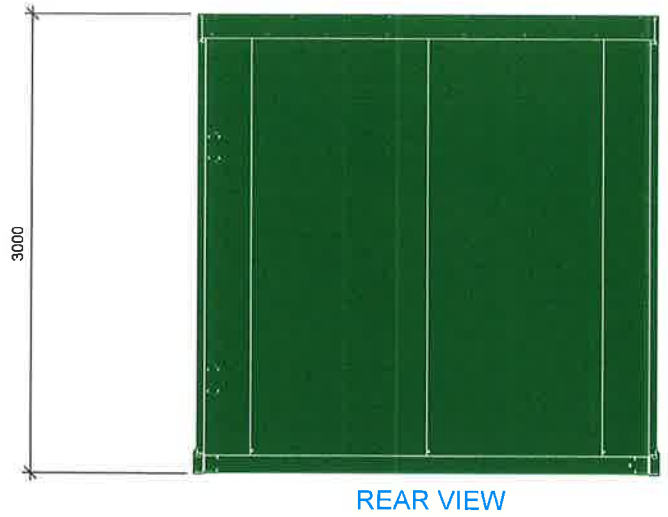
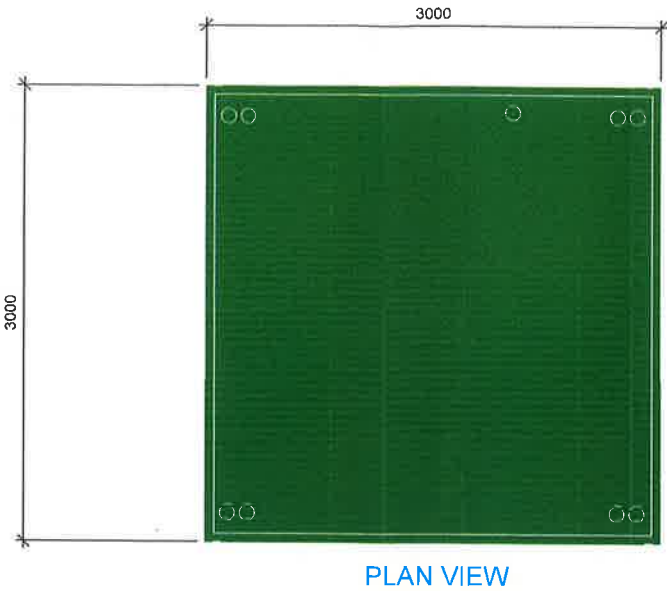
Seán Greene BSc MSc Planning
Entrust Limited for Obelisk Limited
On behalf of NBI
Email: sean.greene@entrust-services.com
Tel: 091 342 517

Enclosures:

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

Drawing No.	Drawing Title	Scale
79144/001/00	Location Maps & Photos	1:50,000
79144/001/01	Site Location Map	1:1,000
79144/001/02	Site Location Map	1:350
79144/001/03	Site Layout Plan	1:250
79144/001/04	Site Layout Plan	1:100
79144/001/05	Proposed Site Elevation	1:25
79144/001/06	Proposed Cabin Setting Out	1:50
79144/001/07	Proposed Earthing Layout	1:50
79144/001/08	Proposed Fence & Access Gate Details	
70000/002/01	Proposed NBI Cabin Layout	1:50

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



PROPOSED NBI CABIN DETAILS
SCALE 1:50

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D24 H6RR.
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- NOTES
- 1.1 Do not scale.
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I			
H			
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F			
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D			
C			
B			
A	Initial Issue	GOR	01.06.21
Iss.	Description	By	Date

Cabin/Cabinet Details

Cabinet Type:- NBI

Dimensions: 3m x 3m x 3m

Colour: -

Site Coordinates

Latitude: -

Longitude: -

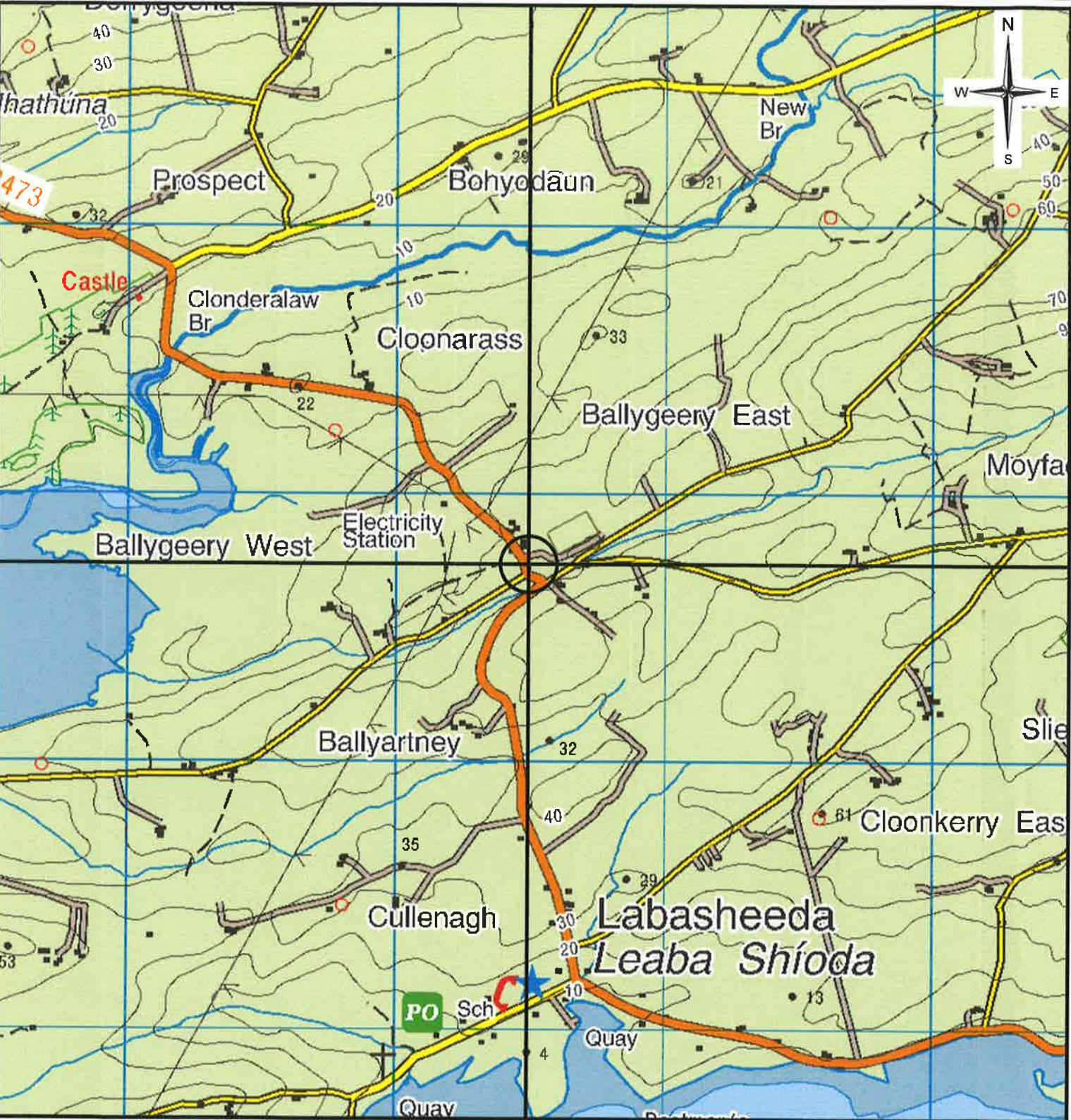
Grid Reference

Easting: -

Nothing: -

Purpose			
PLANNING			
Site code	Survey date		Sheet Size
N/A	XX.XX.XX		A3
Scale	Drawn By	Checked By	VM
As Shown	Date Drawn	Date Checked	01.06.21

Title: Proposed NBI Cabin Layout	
Project: NBI ROLLOUT	NOT FOR CONSTRUCTION SUBJECT TO CHANGES
Drawing No 70000/002/01	REVISION A



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Site Photographs



FIG. 1: ELEVATION



FIG. 2: PROPOSED SITE LOCATION



FIG. 3: PROPOSED RFE CABINET LOCATION

Drawing No.	Drawing Title
79144/001/00	Location Map & Photos
79144/001/01	Site Location Map
79144/001/02	Site Location Map 1:350
79144/001/03	Site Layout Plan 1:250
79144/001/04	Site Layout Plan 1:100
79144/001/05	Proposed Elevation
79144/001/06	Prop. Cabin Setting Out
79144/001/07	Proposed Earthing Layout
79144/001/08	Prop. Fence & Access Gate

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NOTES

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Iss.	Description	By	Date
1	Initial Issue	GOR	21.11.22
2	Compound Fencing Revised	GOR	04.01.23

Cabinet/Cabinet Details
Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour:

Site Coordinates
Latitude: 52.637334
Longitude: -9.248478

Grid Reference
Easting: 515496
Northing: 654745

Purpose			
LOW LEVEL DESIGN			
Site code	Survey date	Sheet Size	
-	16.11.22	A3	
Scale	Drawn By	GOR	Checked By
As Shown	Date Drawn	21.11.22	Date Checked
		21.11.22	

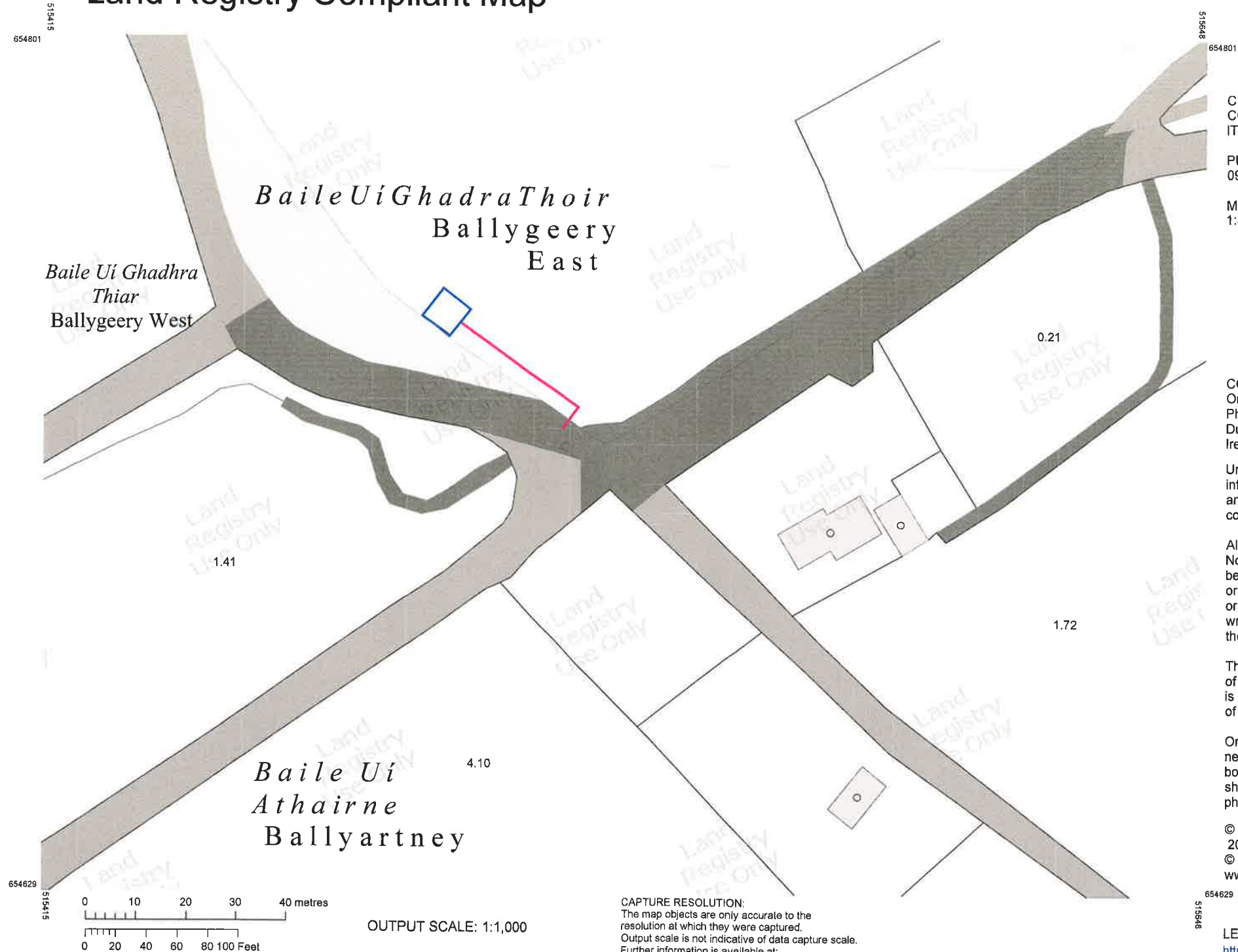
Title:	
Location Map & Photographs	
Project:	
Labasheeda Labasheeda (Shannon Gaels) GAA Ballyartney Co. Clare	
Drawing No	
79144/001/00	

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CONSTRUCTION
SUBJECT TO
CHANGES

REVISION B



Land Registry Compliant Map



LEGEND	
PROPOSED SITE	
PROPOSED RIGHT OF WAY	

CENTRE
COORDINATES:
ITM 515532,654715

PUBLISHED: 09/11/2022
ORDER NO.: 50301564_1

MAP SERIES: 1:5,000
MAP SHEETS: 4732

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search 'Large Scale Legend'

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SITE LOCATION MAP PLAN
SCALE 1:1000

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Iss.	Description	By	Date
H			
G			
F			
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D			
C			
B	Compound Fencing Revised	GOR	04.01.23
A	Initial Issue	GOR	21.11.22

Cabinet/Cabinet Details
Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour: -

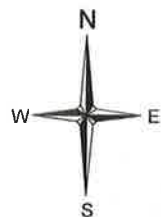
Site Coordinates
Latitude: 52.637334
Longitude: -9.248478

Grid Reference
Easting: 515498
Northing: 654745

Purpose			
LOW LEVEL DESIGN			
Site code	Survey date	Sheet Size	
-	16.11.22	A3	
Scale	Drawn By	Checked By	VM
As Shown	Date Drawn	Date Checked	21.11.22

Title: Proposed Site Location Map 1:1000	
Project:	Labasheeda Labasheeda (Shannon Gaels) GAA Ballyartney Co. Clare
Drawing No	79144/001/01
REVISION	B

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CHANGES



Baile Uí Ghadra Thoir

Ballygeery

East

PLOT A
COMPOUND AREA 49 M²
0.0049 HECTARE
ITM CO-ORDS
E515,496
N654,745

LEGEND
PROPOSED SITE
PROPOSED RIGHT OF WAY

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SITE LOCATION MAP PLAN
SCALE 1:350

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Iss.	Description	By	Date
I			
H			
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F			
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C			
B	Compound Fencing Revised	GOR	04.01.23
A	Initial Issue	GOR	21.11.22

Cabinet/Cabinet Details
Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour:-

Site Coordinates
Latitude: 52.637334
Longitude: -9.248478

Grid Reference
Easting: 515496
Northing: 654745

Purpose

LOW LEVEL DESIGN

Site code

Survey date
16.11.22

Sheet Size
A3

Scale
As Shown

Drawn By
Date Drawn

GOR
21.11.22

Checked By
Date Checked

VM
21.11.22

Title: Proposed Site Location Map 1:350

Project: Labasheeda
Labasheeda (Shannon Gaels) GAA
Ballyartney
Co. Clare

Drawing No 79144/001/02

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REVISION B



PROPOSED NBI CABIN (3.0m x 3.0m) ON
CONCRETE PLINTH

EXISTING EIR POLE

PROPOSED COMPOUND
FINISH SURFACE TO BE
20mm CLEAN STONE LAID
ON TERRAM HEAVY DUTY
WOVEN ANTI-WEED FABRIC

PROPOSED 2 No.
100mm FIBRE
SUPPLY DUCT

EXISTING SITE
BOUNDARY WALL

PROPOSED PLANTING TO ALL
SIDES FOR SCREENING PURPOSE

PROPOSED GREEN MESH FENCE
TO FORM 7M X 7M X 1.2 M HIGH
COMPOUND - ALL FOUR SIDES

PROPOSED LOCATION OF NBI RFE
CABINET WITH 50mm POWER
SUPPLY DUCT TO PROPOSED
CABIN

PROPOSED 1M ACCESS
GATE

EXISTING ESB
3 PHASE POLE

EXISTING ENTRANCE TO GAA
GROUNDS TO BE USED FOR
ACCESS TO PROPOSED NBI
COMPOUND

GAA GROUNDS

PROPOSED SITE LAYOUT PLAN
SCALE 1:250

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Iss.	Description	By	Date
T			
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B	Compound Fencing Revised	GOR	04.01.23
A	Initial Issue	GOR	21.11.22

Cabinet/Cabinet Details

Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour:

Site Coordinates

Latitude: 52.837334
Longitude: -9.248478

Grid Reference

Easting: 515498
Northing: 654745

Purpose

LOW LEVEL DESIGN

Site code

As Shown

Survey date

16.11.22

Sheet Size

A3

Scale

As Shown

Drawn By

Date Drawn

Checked By

Date Checked

VM

21.11.22

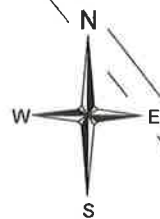
Title: Proposed Site Layout Plan 1:250

Project: Labasheeda
Labasheeda (Shannon Gaels) GAA
Ballyartney
Co. Clare

Drawing No 79144/001/03

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REVISION B



PROPOSED NBI CABIN (3.0m x 3.0m) ON CONCRETE PLINTH

EXISTING EIR POLE

PROPOSED COMPOUND FINISH SURFACE TO BE 20mm CLEAN STONE LAID ON TERRAM HEAVY DUTY WOVEN ANTI-WEED FABRIC

PROPOSED GREEN MESH FENCE TO FORM 7M X 7M X 1.2 M HIGH COMPOUND - ALL FOUR SIDES

PROPOSED PLANTING TO ALL SIDES FOR SCREENING PURPOSE

PROPOSED LOCATION OF NBI RFE CABINET WITH 50mm POWER SUPPLY DUCT TO PROPOSED CABIN

PROPOSED 1M ACCESS GATE

EXISTING ESB 3 PHASE POLE

PROPOSED 2 No. 100mm FIBRE SUPPLY DUCT

EXISTING SITE BOUNDARY WALL

GAA GROUNDS

EXISTING ENTRANCE TO GAA GROUNDS TO BE USED FOR ACCESS TO PROPOSED NBI COMPOUND

PROPOSED SITE LAYOUT PLAN
SCALE 1:100

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NOTES

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Iss.	Description	By	Date
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B	Compound Fencing Revised	GOR	04.01.23
A	Initial Issue	GOR	21.11.22

Cabin/Cabinet Details

Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour:-

Site Coordinates

Latitude: 52.837334
Longitude: -9.248478

Grid Reference

Easting: 515498
Northing: 654745

Purpose

LOW LEVEL DESIGN

Site code

As Shown

Survey date

16.11.22

Sheet Size

A3

Scale

As Shown

Drawn By

GOR

Checked By

VM

Date Drawn

21.11.22

Date Checked

21.11.22

Title:

Proposed Site Layout Plan 1:100

Project:

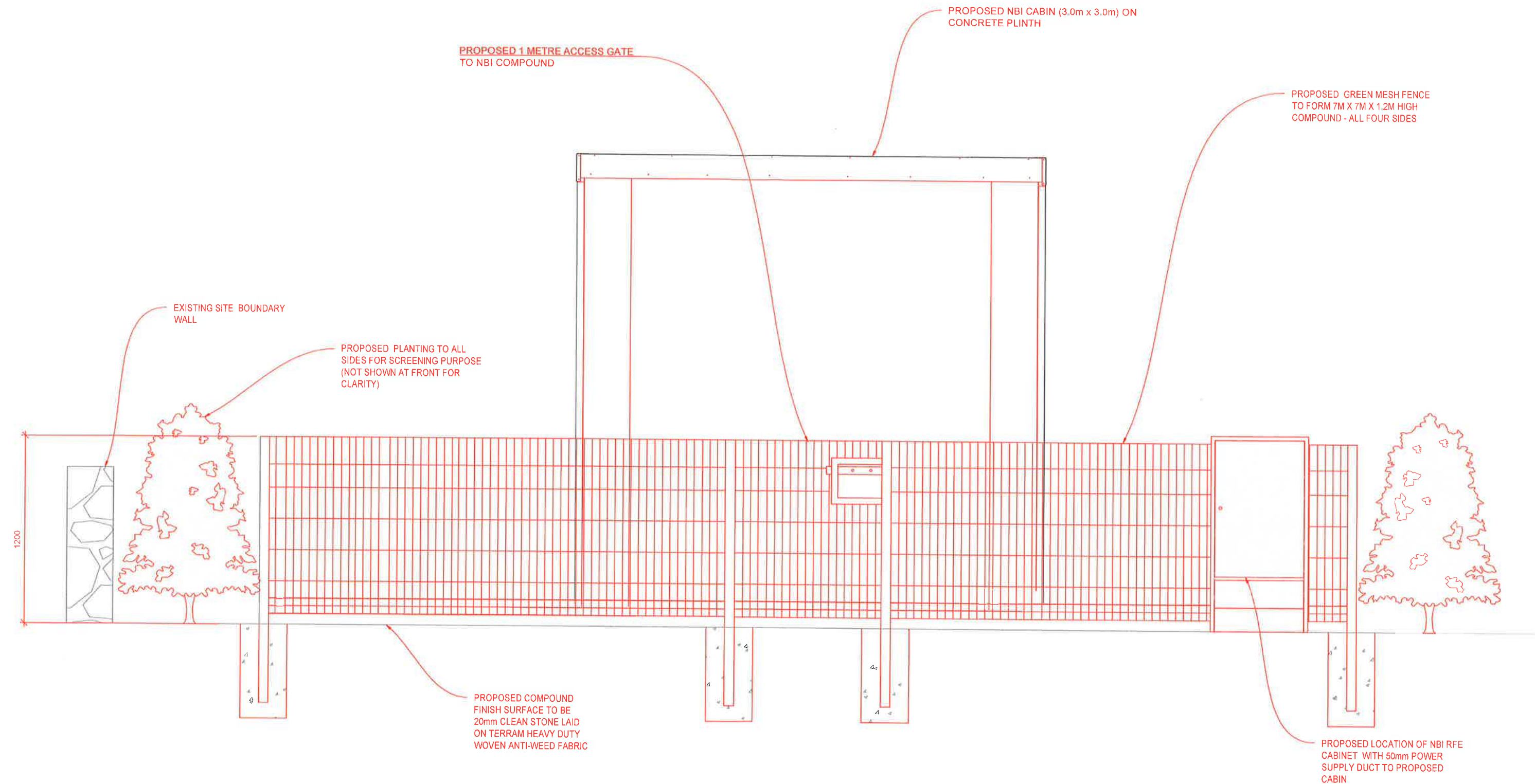
Labasheeda
Labasheeda (Shannon Gaels) GAA
Ballyartney
Co. Clare

Drawing No

79144/001/04

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REVISION B



PROPOSED SITE ELEVATION A-A
SCALE 1:25

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Iss.	Description	By	Date
I			
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B	Compound Fencing Revised	GOR	04.01.23
A	Initial Issue	GOR	21.11.22

Cabinet/Cabinet Details
Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour:-

Site Coordinates
Latitude: 52.637334
Longitude: -9.246478

Grid Reference
Easting: 515498
Northing: 654745

Purpose				
LOW LEVEL DESIGN				
Site code		Survey date		Sheet Size
		16.11.22		A3
Scale	Drawn By	GOR	Checked By	VM
As Shown	Date Drawn	21.11.22	Date Checked	21.11.22

Title: Proposed Site Elevation 1:25	
Project:	Labasheeda Labasheeda (Shannon Gaels) GAA Ballyartney Co. Clare
Drawing No	79144/001/05
REVISION	B

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EXISTING EIR POLE

PROPOSED NBI CABIN (3.0m x 3.0m) ON
CONCRETE PLINTH

PROPOSED COMPOUND
FINISH SURFACE TO BE
20mm CLEAN STONE LAID
ON TERRAM HEAVY DUTY
WOVEN ANTI-WEED FABRIC

PROPOSED GREEN MESH FENCE
TO FORM 7M X 7M X 1.2 M HIGH
COMPOUND - ALL FOUR SIDES

PROPOSED PLANTING TO ALL
SIDES FOR SCREENING PURPOSE

GAA GROUNDS

PROPOSED LOCATION OF NBI RFE
CABINET WITH 50mm POWER
SUPPLY DUCT TO PROPOSED
CABIN

PROPOSED 1M ACCESS
GATE

EXISTING SITE
BOUNDARY WALL

PROPOSED 2 No.
100mm FIBRE
SUPPLY DUCT

PROPOSED CABIN SETTING OUT
SCALE 1:50

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A	Initial Issue	GOR	21.11.22

Cabin/Cabinet Details

Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour:-

Site Coordinates

Latitude: 52.637334
Longitude: -9.248478

Grid Reference

Easting: 515496
Northing: 654745

Purpose

LOW LEVEL DESIGN

Site code

-

Survey date

16.11.22

Sheet Size

A3

Scale

As Shown

Drawn By

GOR

Checked By

VM

Date Drawn

21.11.22

Date Checked

21.11.22

Title:

Proposed Cabin Setting Out

Project:

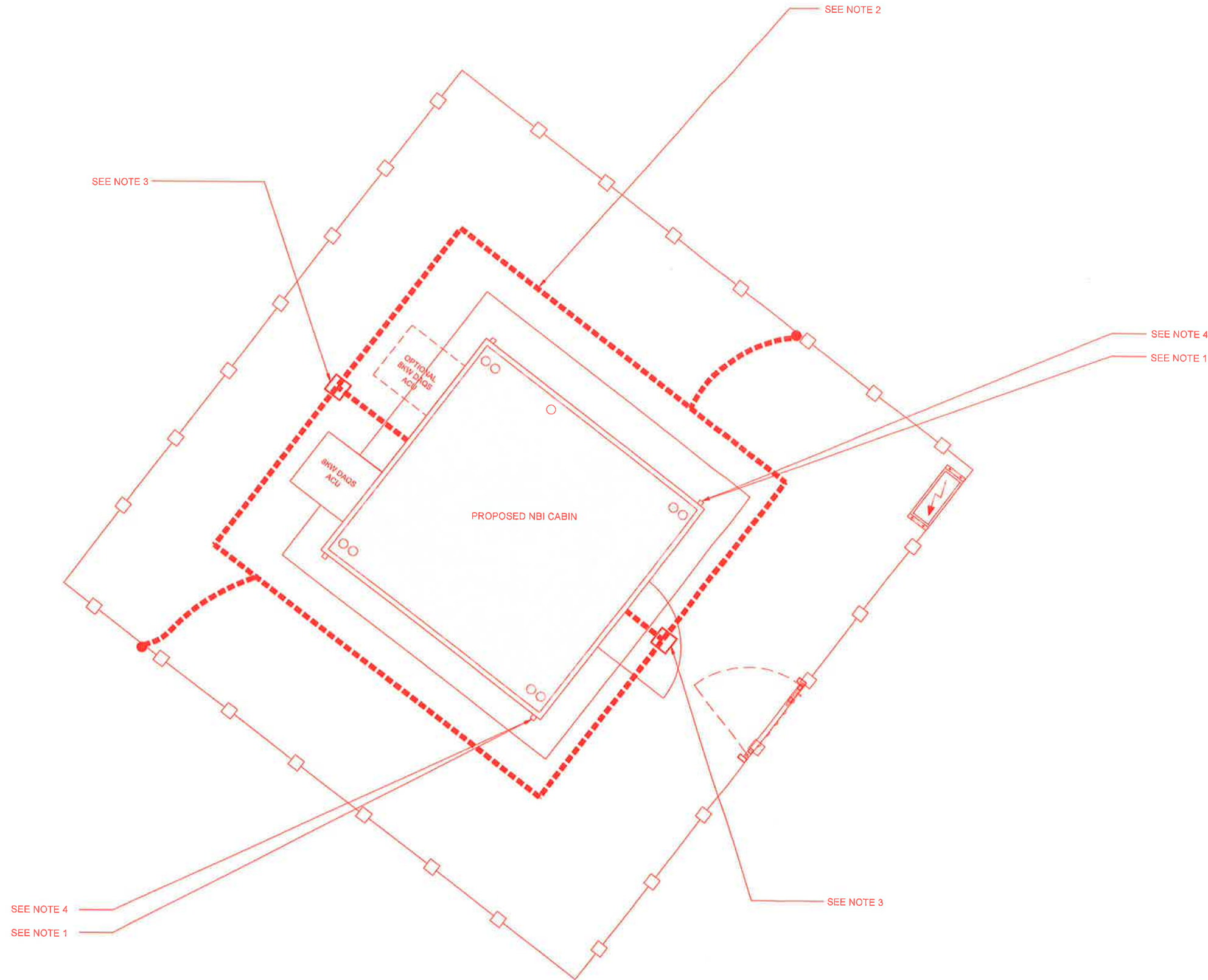
Labasheeda
Labasheeda (Shannon Gaels) GAA
Ballyartney
Co. Clare

Drawing No

79144/001/06

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CHANGES

REVISION B



NOTES:

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

PROPOSED EARTHING LAYOUT SCALE 1:50

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A	Initial Issue	GOR	21.11.22

Cabin/Cabinet Details

Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour: -

Site Coordinates

Latitude: 52.837334
Longitude: -9.248478

Grid Reference

Easting: 515496
Northing: 654745

Purpose

LOW LEVEL DESIGN

Site code

Survey date

16.11.22

Sheet Size

A3

Scale

As Shown

Drawn By

Date Drawn

21.11.22

Checked By

Date Checked

21.11.22

Title:

Proposed Earthing Layout

Project:

Labasheeda
Labasheeda (Shannon Gaels) GAA
Ballyartney
Co. Clare

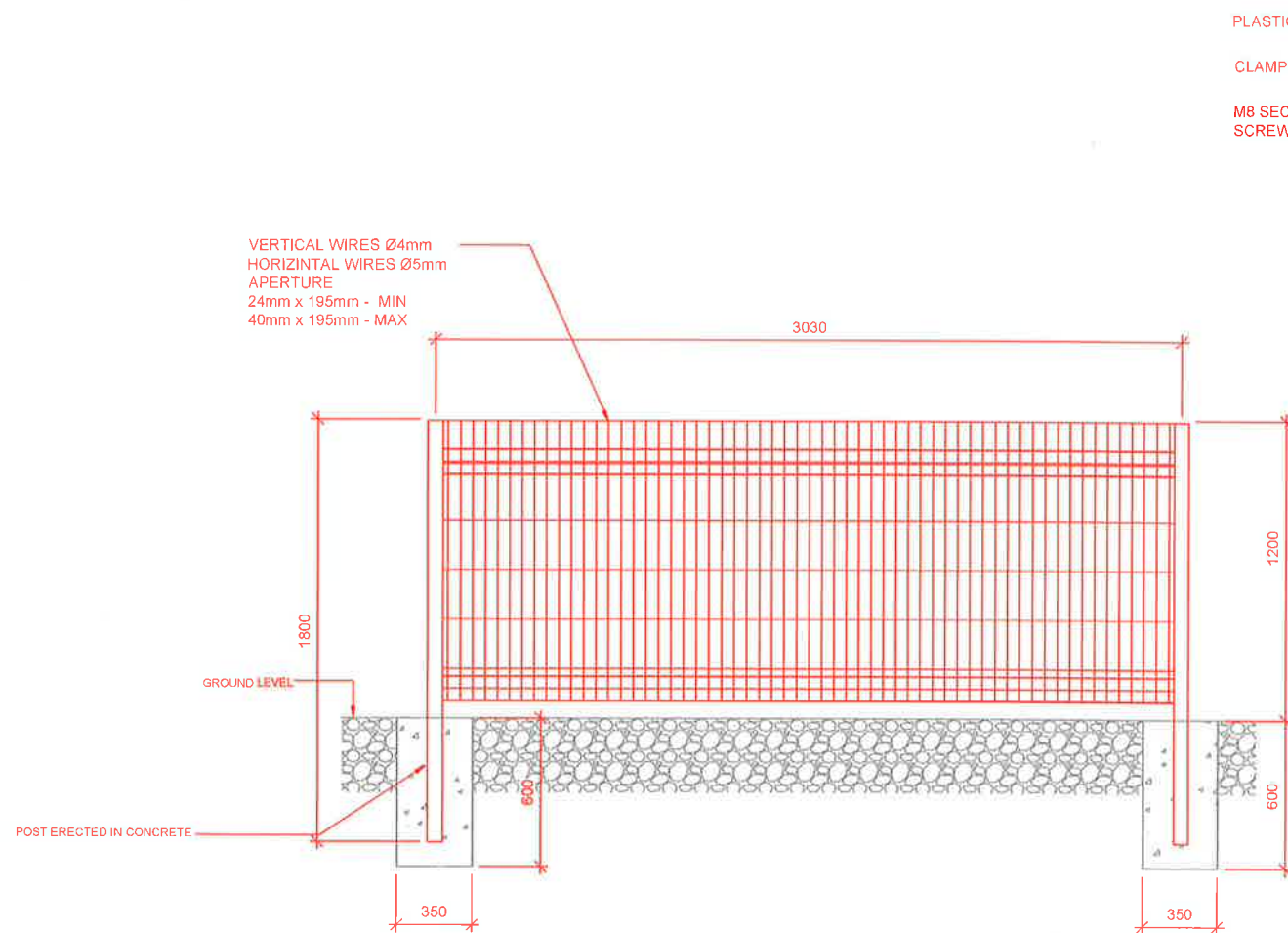
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CONSTRUCTION
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CHANGES

Drawing No

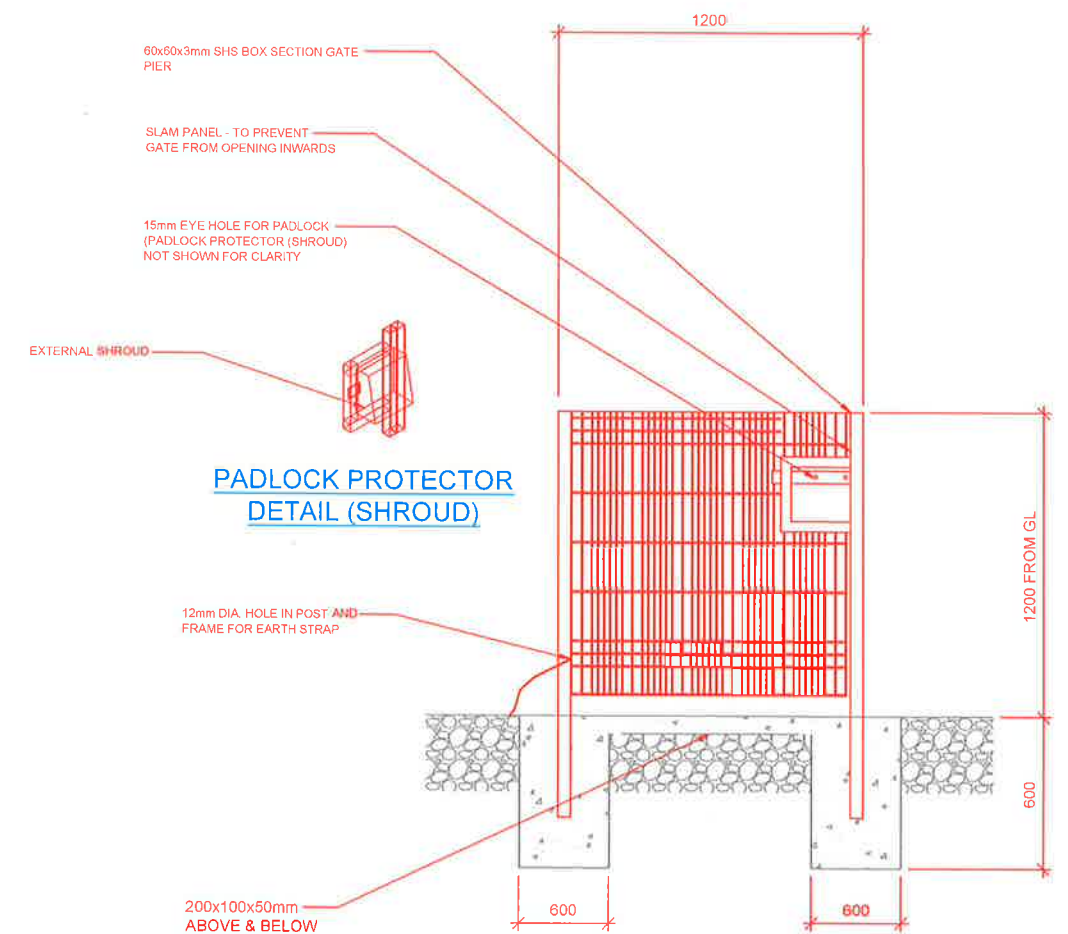
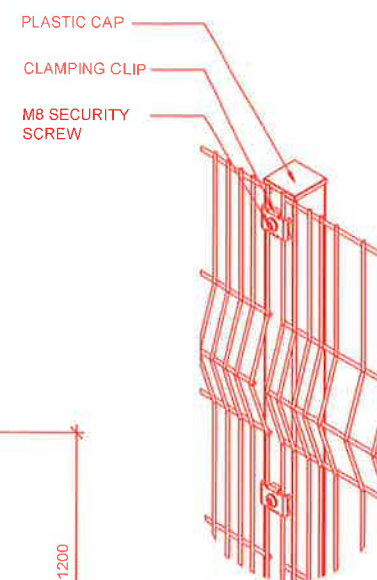
79144/001/07

REVISION

B



TYPICAL KINSALE MESH FENCE - COMPOUND ELEVATION



SINGLE GATE ELEVATION

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NATIONAL BROADBAND IRELAND,
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CITYWEST, DUBLIN 24
D24 H8RR.
TEL: +353 (0) 181 624624

NOTES

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

Iss.	Description	By	Date
A	Initial Issue	GOR	21.11.22
B	Compound Fencing Revised	GOR	04.01.23

Cabinet/Cabinet Details
Cabinet Type:- NBI CABIN
Dimensions: 3m x 3m x 3m
Colour:

Site Coordinates
Latitude: 52.637334
Longitude: -9.248478

Grid Reference
Easting: 515498
Northing: 654745

Purpose			
LOW LEVEL DESIGN			
Site code	Survey date	Sheet Size	
	16.11.22	A3	
Scale	Drawn By	Checked By	VM
As Shown	GOR	VM	
Date Drawn	Date Checked		
21.11.22	21.11.22		

Title: Proposed Fencing Details		
Project: Labasheeda (Shannon Gaels) GAA Ballyartney Co. Clare		
Drawing No	79144/001/08	REVISION B

NOT FOR
CONSTRUCTION
SUBJECT TO
CHANGES



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**NBI Infrastructure DAC T/a National Broadband (NBI)
c/o Seán Greene, Entrust Ltd
Unit 1D Deerpark Business Centre
Oranmore, Co. Galway
H91 X599**

14th February 2023

Section 5 referral Reference R23-3 – NBI Infrastructure DAC T/a National Broadband (NBI)

Is the construction of Fibre Broadband Cabin and Ancillary Development at Labasheeda (Shannon Gaels) GAA, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 23rd January 2023 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

**Anne O'Gorman
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



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:

81228

Reference Number:

R23-3

Date Referral Received:

23rd January 2023

Name of Applicant:

**NBI Infrastructure DAC T/a National
Broadband (NBI)**

Location of works in question:

Ballygeery East, Co. Clare

Section 5 referral Reference R23-3 – NBI Infrastructure DAC T/a National Broadband (NBI)

Is the construction of Fibre Broadband Cabin and Ancillary Development at Labasheeda (Shannon Gaels) GAA, Co. Clare development and if so, is it 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) Classes 31(a), 31(e), 31(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County 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 construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County Clare is exempted development by virtue of Schedule 2, Part 1, Classes 11, 31(a), 31(e) and 31(f) of the Planning and Development Regulations 2000 (as amended)

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, 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 Gareth Ruane, 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, Gareth Ruane, Senior Executive Planner, hereby declare that the said construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date: 14th February 2023

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

Reference No.: R23-3



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-3

Is the construction of Fibre Broadband Cabin and Ancillary Development at Labasheeda (Shannon Gaels) GAA, Co. Clare development and if so, is it exempted development?

AND WHEREAS, NBI Infrastructure DAC T/a National Broadband (NBI) 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) Classes 31(a), 31(e), 31(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

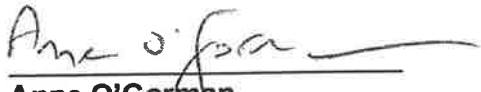
And whereas Clare County Council has concluded:

- (a) The construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County 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 construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County Clare is exempted development by virtue of Schedule 2, Part 1, Classes 11, 31(a), 31(e) and 31(f) of the Planning and Development Regulations 2000 (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 development consisting of the said construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, Co.

Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in dark ink, appearing to read 'Anne O'Gorman', with a horizontal line drawn underneath it.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

14th February 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R23-3
APPLICANT(S):	NBI Infrastructure DAC T/A National Broadband (NBI)
REFERENCE:	Whether the construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County Clare is or is not development and is or is not exempted development.
LOCATION:	Ballygeery East, County Clare
DUE DATE:	16 th February 2023

Site Location

The site is located in the rural townland of Ballygeery East and is within the grounds of Shannon Gaels GAA club. It is to the north east of the R473 regional road and comprises of an area of grass/rough ground within the wider car parking area. There is a wall with the west of the site with a stone finish and a grassed area beyond. The main views are local in range from the adjacent road network. The site is located within a "*Settled Landscape*" as per the Clare County Development Plan 2017-2023 (as varied).

Recent Onsite Planning History

12-163 – Granted - The Adventure Playground Committee - to construct a children's playground with play equipment and multi-use games area, floodlighting for multi-use games area, boundary fencing along with all necessary access and ancillary work.

14-74 – Granted - Shannon Gaels GAA Club - 1) Construction of 8 no. new 15 metre high Floodlights & 4 no. 6 metre high Floodlights, 2) Upgrade and Alterations to Running Track, 3) Construction of a new extension to the clubhouse which will house a gym, 4) Construction of a 60 metre sprint track and 5) Other necessary ancillary works.

17-372 – Withdrawn - Shannon Gaels GAA Club - for a change of design of the extension to the clubhouse previously granted under Planning Permission Reference no. P14-74.

17-554 – Granted - Shannon Gales GAA Club - to construct an extension incorporating a sports/general purpose hall to the existing clubhouse in lieu of previous extension granted under Planning permission reference No. P14-74.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by NBI Infrastructure DAC T/A National Broadband (NBI) who state that they would

lease the site subject to planning. The applicant is seeking a Section 5 Declaration as to whether the construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County Clare 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 3 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 3 opposite the mention of that class in the said column 1.

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

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

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 11

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

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

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

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

Particulars of the Development

I inspected the site on the 09th February 2023. The site is within the grounds of Shannon Gaels GAA club. It is to the north east of the R473 regional road and comprises of an area of grass/rough ground within the wider car parking area. There is a wall with the west of the site with a stone finish and a grassed area beyond. The development would comprise of the installation of an electronic communications apparatus/development on behalf of National Broadband Ireland. It would comprise of the following:

- A cabin to be painted green to be located adjacent to an existing stone wall and within the grounds of Shannon Gaels GAA Club. The dimensions of the cabin are below:
 - Height 3 metres
 - Width 3 metres
 - Length 3 metres
- Wire mesh green panel fencing of 1.2 metres in height to enclose the compound.
- Planting to all sides for screening purposes.
- Ducting, cabling, earth pits, cabinets, chambers, mini-pillar and all ancillary development.

Planning Exemption Assessment

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;*

Based on this definition, I am satisfied that the applicant meets the criteria of a ‘statutory undertaker’.

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

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

- *permanent telecommunications exchange and radio station containers, including containers for electronic equipment required for transmitting, receiving and processing telecoms data for both wireless or wired networks, where:*
 - *The equipment housed in the container shall be used exclusively for the purposes of concentrating and re-routing calls or for transmitting, receiving and processing telecoms data for both wireless or wired networks and the container shall not have attached to it or within it, whether visible or not, any antennae for the direct transmission or reception of mobile telephony or other telecommunications signals in such a way that the container would act as an antennae support structure.*

The applicant has stated that the equipment housed in the proposed structure will be used exclusively for the purposes of transmitting, receiving and processing of telecoms data for a wired network. There will be no antennas on or within the proposed cabin.

- *No such container shall exceed 10 metres in length, 3 metres in width or 3 metres in height.*

The proposed cabin is within these thresholds.

- *No such container shall be situated within 10 metres of the curtilage of a house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.*

The proposed works are not within 10 metres of a dwelling or a window.

- *The field strength of the non-ionising radiation emissions from the radio station container shall not exceed the limits specified by the Director of Telecommunications Regulation.*

The applicant states that the proposal will not exceed this limitation.

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

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

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

The installation of ducting, cabling and earth pits come within this exemption.

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

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

The ducting, cabling and earth pits come within this exemption.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 11

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

- c) any fence (not being a hoarding or sheet metal fence), or*

The proposed fencing type comes within this exemption.

- d) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.*
- 3. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.*

This height threshold would not be exceeded.

- 4. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.*

Fencing and not a wall is proposed. Planting is proposed.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below (for both the dwelling extension and the garage):

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

Not applicable.

- (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,*

Visibility at the access points would be unaffected. There is a wide grass margin to the front of the existing wall.

- (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 site is within a Settled Landscape. The main views towards the site are local passing views on the adjacent road. Having regard to the limited extent of the works and the planting no visual interference as per above is envisaged.

- (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,*

This is 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,*

This is not applicable in this instance.

- 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,

The site is located outside of any European Site designation. This is not applicable in this instance. See attached AA Screening Report.

- 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."*

This is not applicable in this instance.

- (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.

This is not applicable in this instance.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County 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) Classes 31(a), 31(e), 31(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (e) The works as indicated in submitted documents from the referrer.

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

- (a) The construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County 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 construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County Clare is exempted development by virtue of Schedule 2, Part 1, Classes 11, 31(a), 31(e) and 31(f) of the Planning and Development Regulations 2000 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that:

- (i) the said construction of a fibre broadband cabin and ancillary development at Labasheeda (Shannon Gaels) GAA grounds, Ballygeery East, County Clare is development and is exempted development



A/Executive Planner
Date: 10th February 2023



Senior Executive Planner
Date: 10/02/23.

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

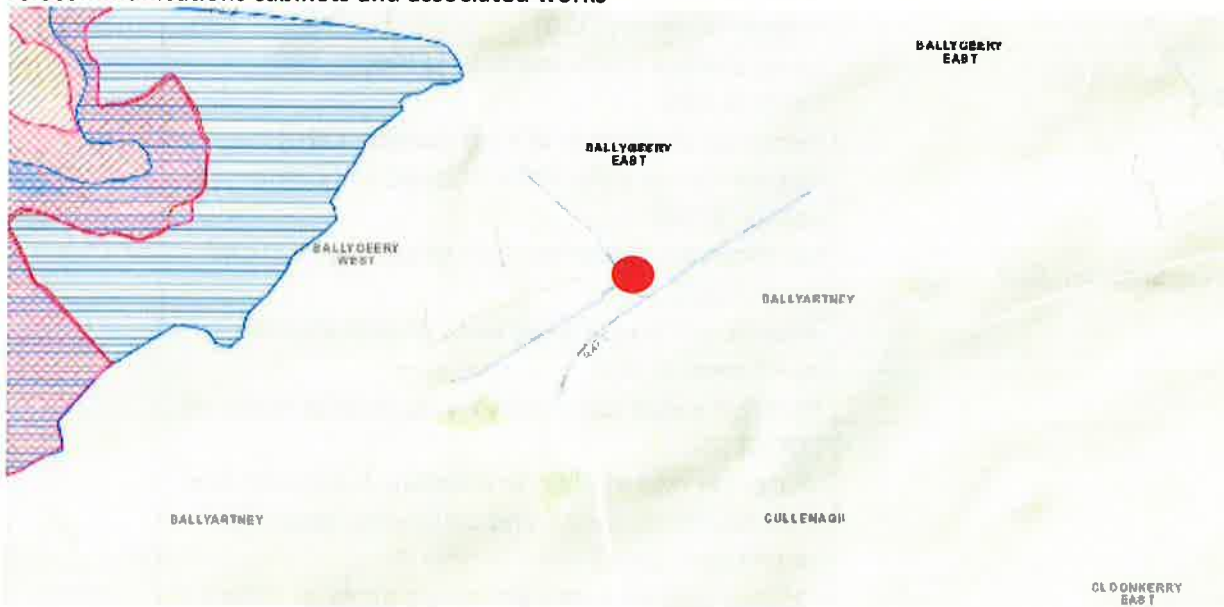
Planning File Reference	R23-3
Applicant Name	NBI Infrastructure DAC T/A National Broadband (NBI)
Development Location	Ballygeery East, Labasheeda
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
<p>Telecommunications cabinets and associated works</p> 	

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 with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinietalia caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion	1.1

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.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	
River Shannon and River Fergus Estuaries SPA	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]	1.1

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	No
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No – minor nature of works, distance from designation and no direct hydrological link

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
If the answer is “unknown” or “yes” proceed to Table 3 and refer to the relevant sections of Table 3.

Appropriate Assessment Screening Determination	
Planning File Reference	R23-3
Proposed Development	Telecommunication infrastructure
Development Location	Ballygeery East
European sites within impact zone	As per report
Description of the project	
<ul style="list-style-type: none"> A cabin to be painted green to be located adjacent to an existing stone wall and within the grounds of Shannon Gaels GAA Club. The dimensions of the cabin are below: <ul style="list-style-type: none"> Height 3 metres Width 3 metres Length 3 metres Wire mesh green panel fencing of 1.2 metres in height to enclose the compound. Planting to all sides for screening purposes. Ducting, cabling, earth pits, cabinets, chambers, mini-pillar and all ancillary development. 	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No impacts envisaged.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
minor nature of works, distance from designation and no direct hydrological link	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
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)³	
(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	

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no 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

(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	John O'Sullivan
Date	10 th February 2023

John O'Sullivan
10/02/23

document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) 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 by 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.







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

23/01/2023 11:56:50

Receipt No. : L1CASH/0/344073
***** REPRINT *****

NBI INFRASTRUCTURE DAC
T/A THE NATIONAL BROADBAND (NBI)
SEÁN GREENE, ENTRUST LTD
UNIT 10 DEERPARK BUSINESS CENTRE
ORANMORE, CO GALWAY H91 X599
R23/3

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

Issued By : L1CASH- Noilin Hayes
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

R23-3

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	NBI Infrastructure DAC T/A National Broadband (NBI) 3009 Lake Drive Citywest Dublin D24 H6RR
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Seán Greene Entrust Limited Unit 1D Deerpark Business Centre, Oranmore, Co, Galway H91 X599

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 construction of Fibre Broadband Cabin and Ancillary Development at Labasheeda (Shannon Gaels) GAA,

Co. Clare development and if so is it exempted development?

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

Proposal

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

Description of Development:

- A cabin to be painted green to be located off R473 Road (north) within the grounds of Labasheeda (Shannon Gaels) GAA Club north of Labasheeda village. The precise location is adjacent to an existing stone wall at the boundary of the GAA Club.
- The cabin measures 3m (Length) x 3m (Width) x 3m (Height) on 4 no. 750 x 750mm concrete plinths not exceeding ground level;
- Proposed wire mesh green panel fencing to form 7m X7m X1.2m high on the 4 sides of the compound;
- Proposed planting to all sides for screening purpose;
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

- (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)

Location Maps & Photos, Site Location Map, Site Location Map Plan, Proposed Site Layout Plan, Proposed Site Layout Plan, Proposed Site Elevation, Proposed Cabin Setting Out, Proposed Earthing Layout, Proposed Access Gate Details, Proposed NBI Cabin Layout

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

(a) Postal Address of the Property/Site/Building for which the declaration sought:	Labasheeda, Labasheeda (Shannon Gaels) GAA Ballyartney, Co. Clare (ITM E: 515496, N: 654745).
(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):	Leasehold upon planning permission
(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>	The Secretary , Shannon Gaels GAA Club, Ballyguiry, Labasheeda, Clare
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(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>	No
(h) Date on which 'works' in question were completed/are likely to take place:	Not less than 2 months

SIGNED: Sean GreeneDATE: 19/01/2023

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:	

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

Clare County Council
Planning Department
Áras Contae an Chláir
New Road
Ennis
Co. Clare
V95 DXP2

Our Ref: NBI 79144, Labasheeda

REGISTERED POST

19/01/2023

Dear Sir or Madam,

APPLICATION FOR DECLARATION OF EXEMPT DEVELOPMENT – NATIONAL BROADBAND IRELAND

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

INSTALLATION AT: LABASHEEDA, LABASHEEDA (SHANNON GAELS) GAA, BALLYARTNEY, CO. CLARE (ITM E: 515496, N: 654745).

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

National Broadband Ireland

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

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

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

✉ contactus@nbi.ie
WWW.NBI.IE

Registered in Ireland, Company Number: 631656
Directors: D. McCourt (American), M. Adams (American), P. Haran, B. Gray, H. Akhavan (American),
M. Sónmez (German), A. McCullen, D. McCauley, W.D. Scott (American)

BUILDING A LIMITLESS IRELAND

Proposal

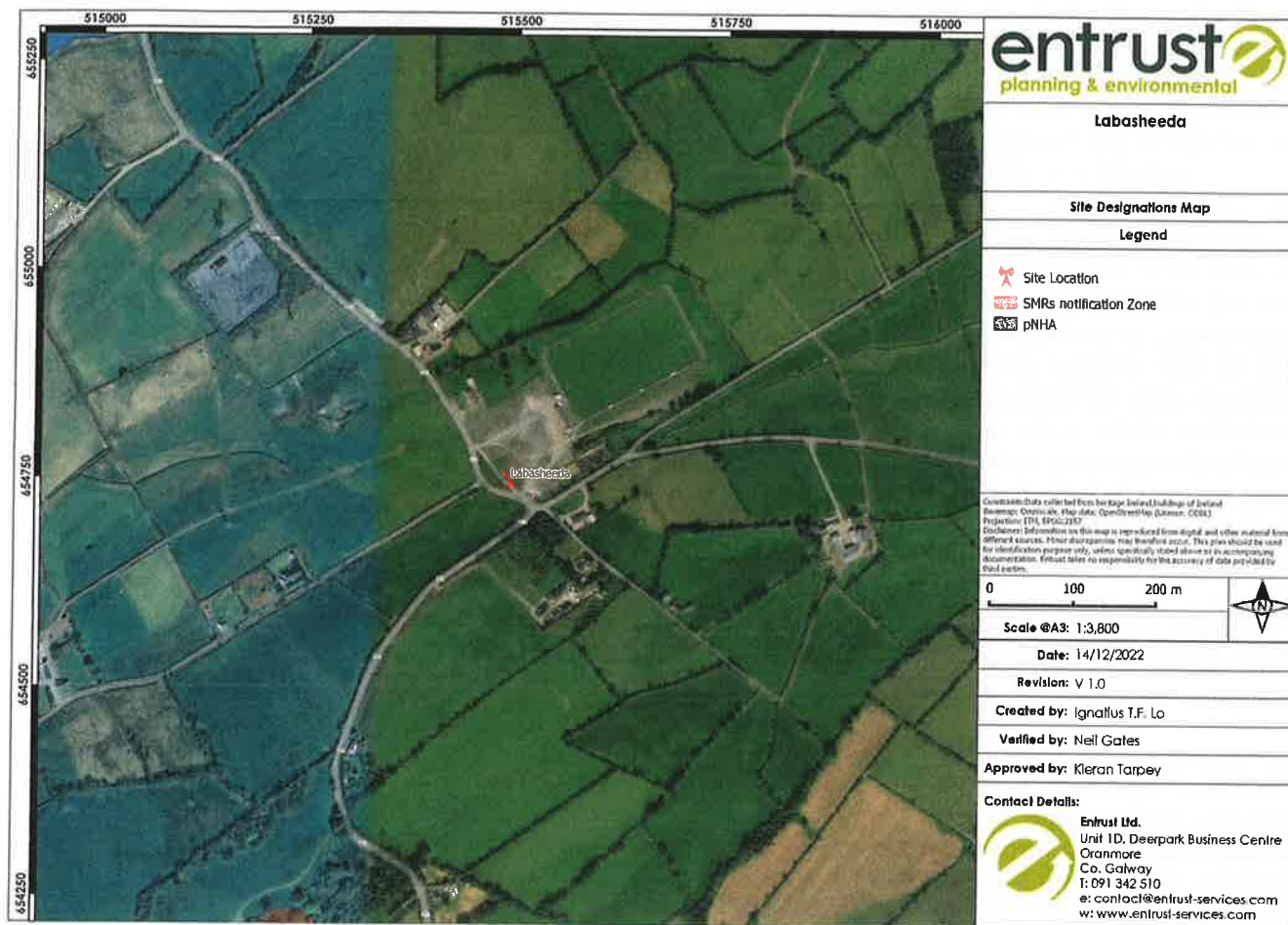
The proposal is to install electronic communications apparatus/development on behalf of National Broadband Ireland as follows:

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- The cabin measures 3m (Length) x 3m (Width) x 3m (Height) on 4 no. 750 x 750mm concrete plinths not exceeding ground level;
- Proposed wire mesh green panel fencing to form 7m X7m X1.2m high on the 4 sides of the compound;
- Proposed planting to all sides for screening purpose;
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

Planning Designations:

The proposal is located within the grounds of Labasheeda (Shannon Gaels) GAA Club. The proposal is located within close proximity of the R473 Road, which is a regional road which runs through parts of Clare. The proposal is located approximately 1.3km away from the Proposed Natural Heritage Area-Clonderalaw Bay, which is located in a north-western direction from the proposal. Furthermore, the proposal is located approximately 610m away from the closest SMR. Given the small-scale nature of the proposal in terms of its footprint at 3m x 3m and its height at 3m, its green colour and the location of the proposal, screened behind the proposed planting from the nearest heritage assets means that there will be no visibility of the proposal from the heritage assets and therefore no visual or other impact resulting from the proposal on the heritage assets. As such it is considered the proposal will have no impact on the heritage assets in proximity to the proposal whatsoever.



Exempt Development

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

It is considered that this proposal is exempt development in accordance with the Planning & Development Regulations 2001 (as amended 2001-2020). The tables below demonstrates the proposed development's compliance with SI No. 600, 2001-2020, Schedule 2, Part 1, Class 31 (E) for development consisting of permanent telecommunications exchange and radio station containers, including containers for electronic equipment required for transmitting, receiving and processing telecoms data for both wireless or wired network.

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

E: contactus@nbi.ie
WWW.NBI.IE

Registered in Ireland. Company Number: 631656
Directors: D. McCourt (American), M. Adams (American), P. Haran, B. Gray, H. Akhavan (American),
M. Stnmez (German), A. McCullen, D. McCauley, W.D. Scott (American).

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