



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

RL 5660 3396 61E

Registered Post

**Eir Mobile
Bianconi Avenue
Citywest Business Park
Dublin 24**

30th August 2023

Section 5 referral Reference R23-64 – Eir Mobile

Is the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1xpanel antenna and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom exchange, Co. Clare development, and if so is it exempted development?

A Chara,

I refer to your application received on 17th August 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



**Josephine Connors
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:

62307

Reference Number:

R23-64

Date Referral Received:

17th August 2023

Name of Applicant:

Eir Mobile

Location of works in question:

Kilkishen Eircom Exchange, Plunkett Drive,
Kilkishen, Co. Clare

Section 5 referral Reference R23-64 – Eir Mobile

Is the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1xpanel antenna and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom exchange, 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(b) and 31(f) 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 installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare (per accompanying details) 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 the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is exempted development by virtue of Schedule 2, Part 1, Class 31(b) of the Planning and Development Regulations 2000 (as amended)
- (d) The said installation of a cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen,

Co. Clare is exempted development by virtue of Schedule 2, Part 1, Class 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 installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen Eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER *fe*

Date: 30th August 2023

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

Reference No.: R23-64



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-64

Is the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1xpanel antenna and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom exchange, Co. Clare development, and if so is it exempted development?

AND WHEREAS, Eir Mobile 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 –

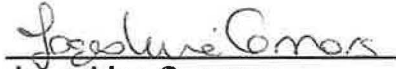
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Classes 31(b) and 31(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as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

And whereas Clare County Council has concluded:

- (a) The installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare (per accompanying details) 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 the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is exempted development by virtue of Schedule 2, Part 1, Class 31(b) of the Planning and Development Regulations 2000 (as amended)
- (d) The said installation of a cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is exempted development by virtue of Schedule 2, Part 1, Class 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 installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen Eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Josephine Connors
Staff Officer
Planning Department
Economic Development Directorate

30th August 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R23-64
APPLICANT(S):	eir Mobile
REFERENCE:	Whether the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m ³ , used for the provision of eir mobile and broadband services is or is not development and is or is not exempted development.
LOCATION:	Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co Clare
DUE DATE:	13 th September 2023

Site Location

The proposal site is located in the village of Kilkishen on lands zoned Existing Residential. The proposed development is located within an existing infrastructure compound which is surrounded by security fencing and accessed via an entrance in Plunkett Drive.

The site is located to the northwest of Cluain Fuinseog and northeast of Plunkett Drive. The existing compound is partially screened from view by mature trees in the area.

Recent Planning History

No previous planning applications on the proposal site.

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by eir Mobile. They indicate that they are the registered owner of the site.

The applicant is seeking a Section 5 Declaration as to whether the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services 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(b)

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

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

1. Poles or other support structures carrying overhead lines shall not exceed 12 metres in height.
2. Poles or other support structures carrying other equipment shall not exceed 12 metres in height and 0.6 metres in diameter measured at the widest point, where "other equipment" means 2 transmitting or receiving dishes (the diameter of which shall not exceed 0.6 metres), or 1 panel antenna (the dimensions of which shall not exceed 0.85 metres in length x 0.65 metres in width x 0.2 metres in depth) used for the provision of a specific telecommunications service and the provision of which would otherwise require an additional pole route carrying overhead wires.
3. Where a pole or poles or other support structures carry radio transmitting or receiving apparatus, the field strength of the non-ionising radiation emissions from that installation shall not exceed the limits specified by the Commission for Communications Regulation.

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: -

(f) cabinets forming part of a telecommunications system.

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

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,

(iia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vii) 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 installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is or is not development and is or is not exempted development.

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

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 the applicant meets the criteria of a ‘statutory undertaker’

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

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

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

1. Poles or other support structures carrying overhead lines shall not exceed 12 metres in height.
 - The pole proposed for installation does not exceed this limitation.
2. Poles or other support structures carrying other equipment shall not exceed 12 metres in height and 0.6 metres in diameter measured at the widest point, where “other equipment” means 2 transmitting or receiving dishes (the diameter of which shall not exceed 0.6 metres), or 1 panel antenna (the dimensions of which shall not exceed 0.85 metres in length x 0.65 metres in width x 0.2 metres in depth) used for the provision of a specific telecommunications service and the provision of which would otherwise require an additional pole route carrying overhead wires.
 - The structures proposed for installation do not exceed these limitations.
3. Where a pole or poles or other support structures carry radio transmitting or receiving apparatus, the field strength of the non-ionising radiation emissions from that installation shall not exceed the limits specified by the Commission for Communications Regulation.
 - The applicant has submitted a Radio Emissions Statement which indicated that the limits set by the Commission will not be exceeded by the current proposal.

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

Cabinets forming part of a telecommunications system.

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

- This limitation shall not be exceeded.

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

- No previous planning applications on the proposal 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 to the current proposal

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

- The proposal will not result in the creation of a traffic hazard.

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

- Not applicable to the current proposal.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

- Not applicable to the current proposal.

(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,

- Not applicable to the current proposal.

(vii) 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.

- Not applicable. The proposed development is located within an existing telecommunications compound which is well screened by mature vegetation in the area.

(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,

- Not applicable to the current proposal.

(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,

- Not applicable to the current proposal.

(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,

- Having regard to the nature and scale of the proposed development, the location on zoned land within a settlement, the established use of the site and the lack of connectivity to European sites, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore required.

(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."

- Not applicable to the current proposal.

(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,

- Not applicable

(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,

- Not applicable to the current proposal.

(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,

- Not applicable to the current proposal.

(xi) obstruct any public right of way,

- Not applicable to the current proposal.

(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.

- The proposal site is not located in an Architectural Conservation Area.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, 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) Classes 31(b) and 31(f) 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 installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare (per accompanying details) 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 the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is exempted development by virtue of Schedule 2, Part 1, Class 31(b) of the Planning and Development Regulations 2000 (as amended)
- (d) the said installation of a cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is exempted development by virtue of Schedule 2, Part 1, Class 31(f) of the Planning and Development Regulations 2000 (as amended)

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

- (i) The installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1 x panel antennae and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom Exchange, Plunkett Drive, Kilkishen, Co. Clare is development and is exempted development.



Executive Planner

Date: 28/08/2023



Senior Executive Planner

Date: 28/08/23

R23-64





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Eir Mobile
Bianconi Avenue
Citywest Business Park
Dublin 24**

18/08/2023

Section 5 referral Reference R23-64 – Eir Mobile

Is the installation of a pole not exceeding 12m in height and 600mm in diameter, carrying 1xpanel antenna and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilkishen eircom exchange, Co. Clare development, and if so is it exempted development?

A Chara,

I refer to your application received on 17th August 2023 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

**Brian Fahy
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



AN CHLÁIR

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

17/08/2023 15:15:48

Receipt No. L1CASH/0/353364
***** REPRINT *****

EIR MOBILE
BIANCONI AVENUE
CITYWEST BUSINESS PARK,
DUBLIN 24
REF. R23-64

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

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

R23-64



Comhairle Contae an Chláir
Clare County Council

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



P07

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

FEE: €80

CORRESPONDENCE DETAILS.

- (a) Name and Address of person seeking the declaration **eir Mobile,
Bianconi Avenue,
Citywest Business Park,
Dublin 24**
- (b) Telephone No.:
- (c) Email Address:
- (d) Agent's Name and address: **N/A**

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 installation of a pole not exceeding 12 in height and 600mm in diameter, carrying 1xpanel antenna and cabinet measuring less than 2m³, used for the provision of eir mobile and broadband services at Kilishen eircom Exchange, 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.

Installation of a telecommunications pole <12m in height, carrying 1 no. antenna and telecommunication cabir measuring <2m³ externally, under Class 31 of Part 1 (Exempted Development), schedule 2 of the Planning and Development Regulations 2001 and subsequent (Amendment No. 3) Regulations 2018.

(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)

Site Drawings – CE-3840-01-L-Rev A
Photo of 12m pole at eircom exchange
Eir mobile ICNIRP certificate

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

(a) Postal Address of the Property/Site/Building for which the declaration sought:

Kilkishen eircom Exchange, Plunkett Drive, Kilkishen,
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):

Property Owner

(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:

N/A

Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.

(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? *If so please supply details:* **No**

(g) Were there previous planning application/s on this site? *If so please supply details:* **No**

(h) Date on which 'works' in question were completed/are likely to take place: **October 2023**

SIGNED: Sarah Waddell **DATE:** 16th August 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:.....



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

Radio Emissions Statement

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

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

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

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

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

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

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

Internal Documentation References:

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

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

Date: 12/07/17



PROPOSED 1No. ALPHA AW3832 0.61m
LONG ANTENNA INSTALLED ON TOP OF
PROPOSED MONOPOLE

EXISTING OTHER OPERATOR DISH
INSTALLED ON EXISTING STEELWORK

12000 TOP OF ANTENNA
11700 AGL Ant1 AZ. 330°/90°/210°

NOTE:
-ESB SURVEY REQUIRED TO CONFIRM
EXACT POWER ROUTE
-EXISTING TREES ON NORTH WEST OF
PROPOSED SITE TO BE TRIMMED TO
OBTAIN CLEAR LOS

PROPOSED 12m HIGH STEEL MONOPOLE
ON PROPOSED CONCRETE FOUNDATION

NOTE:
-PART OF EXISTING FENCE NOT
SHOWN DUE TO CLARITY REASONS

PROPOSED EIR MOBILE 1No. GPS BEACON
INSTALLED ON PROPOSED RRU CAGE

PROPOSED EIR MOBILE 6No. RRU's
(2No. PER SECTOR) INSTALLED WITHIN
RRU CAGE

PROPOSED EIR MOBILE 1No. HUAWEI
SINGLE DOOR OUTDOOR CABINET. TYPE:
HUAWEI MTS9510A-HT2001 TO BE
INSTALLED ON PROPOSED FOUNDATION

EXISTING EXCHANGE BUILDING

PROPOSED EIR MOBILE 1No. RFE CABINET TO BE
INSTALLED ON PROPOSED CONCRETE PLINTH

EXISTING COMPOUND PALISADE FENCE

PROPOSED FUTURE EQUIPMENT LOCATION

SITE ELEVATION (SOUTH-WEST)
SCALE 1:50

BTS

A	COMMENTS UPDATE	21.07.23	DP	TS
-	LICENCE DRAWINGS	12.07.23	DP	RP
No.	Revision	Date	By	Ckd


SPECTRUM
CONNECTING COMMUNITIES

 EIR Mobile
2022 Bianconi Avenue
Citywest Business Campus
Dublin 24 D24 HX03
Ireland

LICENCE

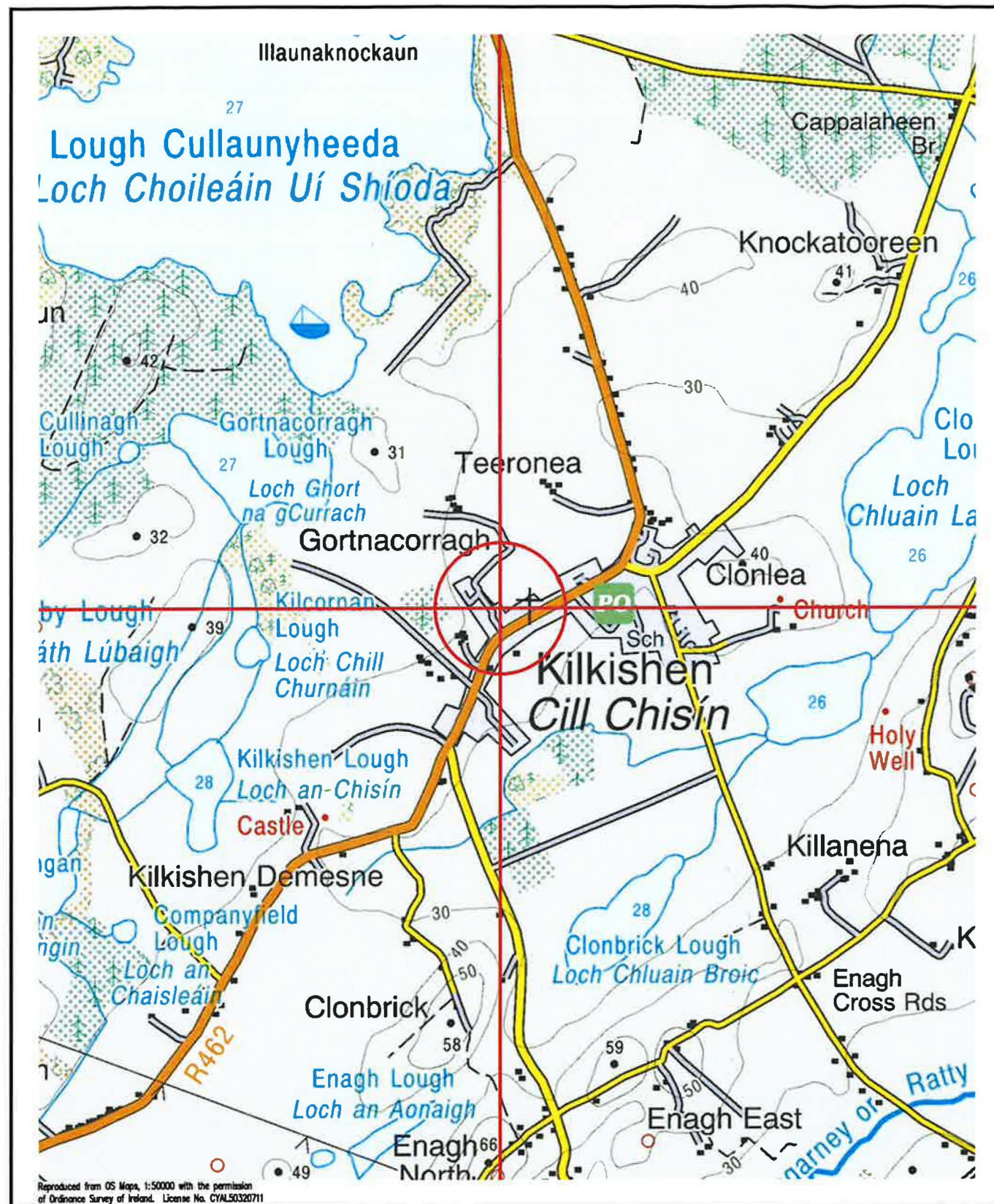
EIR Mobile Site No. CE-3840-01

S.P. Ref: N/A

Site Name
EIR KILKISHEN
KILKISHEN
Co. CLARE

Title
MOBILE TELECOMMUNICATIONS
INSTALLATION
ELEVATION

Designed TS	Date 12.07.23
Drawn DP	Scale AS SHOWN Rev. A
Dwg No. CE-3840-01-L04	



OS LOCATION MAP
SCALE 1:20000



Fig 1. Elevation



Fig 2. Proposed Location of ER Mobile Equipment

SITE PHOTOGRAPHS

BTS

SITE COORDINATES

EASTING:	149,338	LATITUDE:	52.806343° N
NORTHING:	173,042	LONGITUDE:	8.751949° W

SITE ENTRANCE GPS COORDINATES

EASTING:	149,324	LATITUDE:	52.806080° N
NORTHING:	173,013	LONGITUDE:	8.752155° W

No.	Comments Update	Date	By	TS
A	COMMENTS UPDATE	21.07.23	DP	TS
-	LICENCE DRAWINGS	12.07.23	DP	RP



LICENSE

EIR Mobile Site No. CE-3840-01

S.P. Ref: N/A

Site Name
EIR KILKISHEN
KILKISHEN
Co. CLARE

Title
MOBILE TELECOMMUNICATIONS
INSTALLATION
LOCATION MAP & PHOTOGRAPHS

Designed TS	Date 12.07.23
Drawn DP	Scale AS SHOWN Rev. A
Dwg No. CE-3840-01-L01	



PLUNKETT DR

PROPOSED EIR MOBILE EQUIPMENT LOCATION

EXISTING EIR EXCHANGE BUILDING

PROPOSED LEASED AREA (8m x 12.5m)

PROPOSED ACCESS ROUTE

EXISTING SITE ENTRY POINT

EXISTING PUBLIC ROAD

PLUNKETT DR

R462

EXISTING PUBLIC ROAD

RIGHT OF WAY
SCALE 1:500

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COLOUR KEY	
	ACCESS TRACK
	ACCESS ROUTE (ROOFTOPS)
	LEASED / LICENSED AREA
	SITE BOUNDARY
	LANDLORD HOLDING
	POWER CABLE
	UNDERGROUND DUCT
	FIBRE ROUTE

BTS



EIR Mobile
2022 Bianconi Avenue
Citywest Business Campus
Dublin 24 D24 HX03
Ireland

LICENSE

EIR Mobile Site No. CE-3840-01
S.P. Ref: N/A

Site Name
EIR KILKISHEN
KILKISHEN
Co. CLARE

Title
MOBILE TELECOMMUNICATIONS
INSTALLATION
RIGHT OF WAY

Designed TS Date 12.07.23
Drawn DP Scale AS SHOWN Rev. A
Dwg No. CE-3840-01-L02