# Comhairle Contae Chorcaí Cork County Council

Coiste Forbartha Béal Atha 'N Ghaorthaidh Teo, An Cill Mhór, Car Béal Atha 'N Ghaorthaidh, Co. Chorcaí.

Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development, e0, County Hall, Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891 Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie



23<sup>rd</sup> February, 2024

Our Ref.: D/203/24

Re: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.

Whether the proposed fibre broadband cabin and ancillary development at Dromanallig, Ballingeary, Co. Cork is or is not development or is or is not exempted development.

Dear Sirs,

Further to recent correspondence notifying you of a third-party Declaration with regard to the above development I enclose for your information copy of the Planning Authority's decision.

Yours faithfully,

Eveleen Crowley Clerical Officer Planning Department

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a>





# Comhairle Contae Chorcaí Cork County Council

National Broadband Ireland, c/o Entrust Planning & Environmental, Unit 1D Deerpark Business Centre, Oranmore, Co. Galway. H91 X599. Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development, County Hall, Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891 Email: planninginfo@corkcoco.ie

Web: www.corkcoco.ie



23rd February 2024

REF: D/203/24 LOCATION: Dromanallig, Ballingeary, Co. Cork

# RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000 - 2010.

Dear Sirs,

On the basis of the information submitted by you on 31<sup>st</sup> January 2024 the Planning Authority, having considered the question whether the installation of electronic communications apparatus/development (<u>detailed below</u>) on behalf of the National Broadband Ireland at Dromanallig, Ballingeary, Co. Cork, is or is not development and is or is not exempted development has declared that it **is development and is exempted development**.

The development includes:

- A proposed cabin painted green on a disused area of grassy vacant land along R584 regional road cabin measures 3m (length) x 3m (width) x 3m (height) on a concrete plinth not exceeding ground level,
- Proposed 1.2m high green mesh fencing on the 4 sides of the compound along with 1m wide pedestrian access gate on northern side,
- Existing site entrance is proposed to be used for access to NBI compound,
- Proposed newly planted 3 rows along the north, west and southern sides of 3m high semi-mature native species trees
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

### **Reason for Decision**

The Planning Authority in considering this referral had particular regard to:

- Schedule 2, Part 1, Class 31 of the Planning and Development Regulations 2001 (as amended)
- Schedule 2, Part 1, Class 9 of the Planning and Development Regulations 2001 (as amended)
- Schedule 2, Part 1, Class 11 of the Planning and Development Regulations 2001 (as amended)
- Section 4 (1) of the Planning and Development Act 2000 (as amended) and







And Whereas Cork County Council has concluded that -

The installation of electronic communications apparatus/development (as detailed above) at **Dromanallig**, **Ballingeary**, **Co. Cork** is **development and is exempted development**.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,

7 5-7-

KEVIN O' REGAN, SENIOR EXECUTIVE OFFICER, PLANNING DEPARTMENT.

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a>

Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000

Ref No.	D/203/24
Applicant	National Broadband Ireland (NBI)
Description	Proposed fibre broadband cabin & ancillary development
Location	Dromanallig, Ballingeary

## Question

Whether the installation of electronic communications apparatus/development that is described as;

- A proposed cabin painted green on a disused area of grassy vacant land along R584 regional road cabin measures 3m (length) x 3m (width) x 3m (height) on a concrete plinth not exceeding ground level,
- Proposed 1.2m high green mesh fencing on the 4 sides of the compound along with 1m wide pedestrian access gate on northern side,
- Existing site entrance is proposed to be used for access to NBI compound,
- Proposed newly planted 3 rows along the north, west and southern sides of 3m high semi-mature native species trees
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.

For NBI, at Dromanallig, Ballingeary is or is not development.

### Site location

The site is located at the southern side of the R584 regional road running through Ballingeary Village. The site is next to industrial buildings and public toilets.

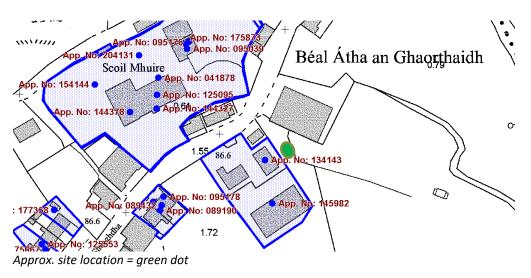




Image of proposed site, taken on 14/2/24

## Planning Legislation and Regulations

Planning and Development Act, 2000, as amended. Section 2(1) of the Act defines "works" 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.

Section 3 (1) of the Act defines "development" as follows:

"In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4(1) of the Act identifies what may be considered as exempted development for the purposes of the Act, and Section 4(2) of the Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations, 2001.

## Planning and Development Regulations, 2001, as amended.

Article 6(1) of the Planning & Development Regulations, 2001 as amended states as follows:-

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

Article 9(1) Development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would, inter alia, (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.

The following classes are relevant.

CLASS 9 of Part 1 of Schedule 2 of the Planning & Dev. Regs 2001, as amended;

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

The height of any such structure shall not exceed 2 metres.

CLASS 11 of Part 1 of Schedule 2 of the Planning & Dev. Regs 2001, as amended;

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. Conditions/Limitations

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

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

Relevant parts of CLASS 31 of Part 1 of Schedule 2 of the Planning & Dev. Regs 2001, as amended;

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

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

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 Director of Telecommunications Regulation.

(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,

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.

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

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

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

(f) cabinets forming part of a telecommunications system, the attachment of additional antennae to an existing antenna support structure,

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

Subject to conditions and limitations.

### **Environmental Screening and Appropriate Assessment**

The application site is not located with the screening zone of any Natura 2000 sites therefore the requirement for Appropriate Assessment has been screened out for this proposed development having regard to the lack of ecological or hydrological connection between the development site and any European Site.

Having regard to the nature, scale and location of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development and EIA is not required having regard to the provisions for mandatory and sub-threshold EIA as set out under Schedule 5 and 7 of the Planning and Development Regulations (2001, as amended).

### **Planning Assessment**

I inspected the site on 14/2/24.

I note the details and drawings submitted as part of the application.

The application sets out that the proposed development is in compliance with Class 31 (a, e and f), and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Works is defined in the Act as 'the carrying out of works on, in, under or works and includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

Having regard to the above, it can be reasonably determined that the works proposed to be carried out by NBI **constitute development**.

The question before the Planning Authority is to determine, whether the proposed works constitute or do not constitute development. I refer to Schedule 2 Part 1 Class 9, Class 11 and Class 31 of the Planning and Development Regulations 2001 (as amended).

- The erection of the access gate within the proposed green mesh fencing is considered to comply with Class 9 which refers to the construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway. The proposed access gate is to maintain the height of the new fence, at 1.2m so is complaint with the limitation of the exemption which refers to 2m.
- The proposed green mesh fence of 1.2m complies with Class 11 which refers to 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., where the limitation of 1.2m for a replacement fence is being complied with.
- The erection of the cabinet is in accordance with the conditions and limitations of Class 31 (e) as the statutory undertaker, National Broadband of Ireland have stated that the cabinet is for the purpose of transmitting, receiving and processing of telecom data for a wired network, the proposed cabin is 3m high x3m wide x 3m long, consent from the adjoining landowner is provided to locate the cabinet within 10m of the existing unit and it is stated that the field strength of the non-ionising radiation emissions from the radio station container will not exceed the limits specified by the Director of Telecommunications Regulation.
- The cabinets, chambers, mini pillars are considered to fall within the scope of Class 31 (f) as the volume above the ground-level of any such cabinet shall not exceed 2 cubic metres measured externally.
- The ducting, cabling and earth pits are considered to comply with Class 31 (a) which refers to 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). There are no relevant limitations to this exemption.

## Conclusion

In considering this referral, regard has been had to:

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

(b) Schedule 2 Part 1 Class 9 of the Planning and Development Regulations 2001 (as amended)

(c) Schedule 2 Part 1 Class 11 of the Planning and Development Regulations 2001 (as amended)

(d) Section 4 (1) of the Planning and Development Act 2000 (as amended) And

whereas, the Planning Authority has concluded that,

(a) The works constitute 'works' that are 'development'.

(b) The works is development and is exempted development.

Carol Stack, Area Planner. 21/2/24

No reports received, to date, from any other internal consultants.

# Comhairle Contae Chorcaí Cork County Council

Halla an Chontae, Corcaigh T12 R2NC, Éire. Fón: (021) 4276891 • Faics: (021) 4276321 Suíomh Gréasáin: www.corkcoco.ie County Hall, Cork T12 R2NC, Ireland. Tel: (021) 4276891 • Fax: (021) 4276321 Web: www.corkcoco.ie



Coiste Forbartha Béal Atha 'N Ghaorthaidh Teo, An Cill Mhór, Béal Atha 'N Ghaorthaidh, Co. Chorcaí.

1<sup>st</sup> February, 2024

Our Ref.: D/203/24

# Re: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.

Whether the proposed fibre broadband cabin and ancillary development at Dromanallig, Ballingeary, Co. Cork is or is not development or is or is not exempted development

Dear Sirs,

Please be advised that a declaration has been sought with respect to Section 5 of the Planning and Development Act 2000 (as amended) from the Planning Authority by National Broadband Ireland with respect to whether the above description at Dromanallig, Ballingeary, Co. Cork constitutes development.

You are being notified as the applicant has indicated that you are the legal owner of the land in question.

Yours faithfully,

Heleen Gowley

Eveleen Crowley ) Clerical Officer Planning Department

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a>







## <u>CORK COUNTY COUNCIL APPLICATION</u> FOR SECTION 5 DECLARATION OF EXEMPTION

### APPLICANT CHECKLIST

<u>4 No. Copies of Application Form:</u>
<u>1 No. Copy of Contact Details:</u>
<u>4 No. Copies 6" O.S. Maps:</u>
<u>4 No. Copies 25" O.S. Maps:</u>
<u>4 No. Copies of Site Layout Plan:</u>
<u>4 No. Copies Scaled Drawings of Development:</u>
<del>680 Application Fee:</del>

### FOR OFFICE USE ONLY

Receipt No.	P12-0002342
Cash/Cheque/ Credit Card	Chaque.
Date	3110/1024
Declaration Ref. No.	D/203/24

(Please tick  $\sqrt{}$ )

Plenning Department

### DATE STAMP HERE

# You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3<sup>rd</sup> parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

### **DATA PROTECTION**

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

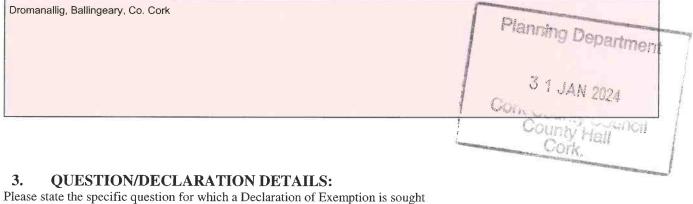
Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at

<u>http://www.corkcoco.ie/Privacy-Policy</u> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to <u>dpo@corkcoco.ie</u> or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

### 1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)

NBI Infrastructure DAC T/A National Broadband Ireland

# 2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:



Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Fibre Broadband Cabin and ancillary development		
The proposal is to install electronic communications apparatus/development on behalf of National Broadband Ireland		
Please see attached cover letter for description of development		

### 4. **APPLICATION DETAILS:**

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	44 m <sup>2</sup>
<ul> <li>(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1<sup>st</sup> October, 1964 (including those for which planning permission has been obtained):</li> </ul>	Yes No View No
<ul><li>(c) If a change of use of land and/or building(s) is proposed, please state the following:</li></ul>	
Existing/previous use	Proposed use Fibre Broadband Cabin and Ancillary Development
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No Yes If yes, please state relevant reference number(s):

### LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE: 5.

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner B. Other
Where legal interest is <b>"Other"</b> , please state your interest in the land/structure:	Leasehold
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	COISTE FORBARTHA BÉAL ÁTHA'N GHAORTHAIDH CUIDEACHTA FAOI THEORAINN RÁTHAÍOCHTA

### PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA: 6.

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes No
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested
or issued for the property by the Planning Authority: Yes No
If yes, please state relevant reference No
Is this site located within an Architectural Conservation Area (ACA), as designated in the County
Development Plan? Yes No

### 7. **APPROPRIATE ASSESSMENT:**

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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## 8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <a href="http://www.corkcoco.ie/privacy-statement-cork-county-council">http://www.corkcoco.ie/privacy-statement-cork-county-council</a> or in hardcopy from any Council office; and to having your information processed for the following purposes:

## Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Junyelo Mosi	
Date	29/01/2024	

## **GDPR Special Categories of data / Sensitive Personal data - Explicit Consent**

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <a href="https://www.corkcoco.ie/privacy-statement-cork-county-council">https://www.corkcoco.ie/privacy-statement-cork-county-council</a> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

*I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.* 

Signed	Lingelo Mosi	
Date	29/01/2024	

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: <u>planninginfo@corkcoco.ie</u> or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: <u>westcorkplanninginfo@corkcoco.ie</u> However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.



### **ADVISORY NOTES:**

The application must be accompanied by the required fee of €80

The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question. The application should be sent to the following address:

The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the <u>Planning and Development Acts 2000</u>, <u>as amended</u> and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	Jungolo Mossi
Date	29/01/2024

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National Broadband Ireland c/o Entrust Planning & Environmental Unit 1D Deerpark Business Centre Oranmore Co. Galway H91 X59

Cork County Council Planning Department, County Hall, Carrigrohane Road, Co. Cork, T12 R2NC.

Our Ref: NBI 83329,

**REGISTERED POST** 

Dear Sir or Madam,

29 January 2024

APPLICATION FOR DECLARATION OF EXEMPT DEVELOPMENT - NATIONAL BROADBAND IRELAND

Figure Concernent

3 1 JAN 2024

County Hell

### 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: DROMANALLIG, BALLINGEARY, CO. CORK (ITM E: 515007, N: 567007).

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

E. contactus@nbi.i WWW.NBI.IE



a nant 3 1 JAN 2024 County Hall Cork

### Proposal

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

### **Description of Development:**

- The proposed cabin that will be painted green will be situated on a disused area of grassy vacant land along R584 Road;
- The cabin measures 3m (Length) x 3m (Width) x 3m (Height) on a concrete plinth not exceeding ground level;
- Proposed 1.2 m high green mesh fencing on the 4 sides of the compound along with 1m wide pedestrian access gate on northern side;
- Existing site entrance is proposed to be used for access to proposed NBI compound;
- Proposed newly planted 3 row/s along the north, east and southern sides of 3 m high semi-mature native species trees with a mix of native species Native Evergreens (Holly and Yew) and Native Deciduous (Elm, Birch, Hazel, Alder, Willow, Elder, Whitethorn, Blackthorn, Irish Whitebeam and Rowan);
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto;

### **Planning Designations:**

The proposal is situated on a disused grassy area of vacant land along the Foildarrig Road, approx. 1.8 km north of Castletownbere town centre.

The proposal is located approx. 241 m from the closest Monument (SMR: CO081-008, Classification CLBR), in the SW direction, which is Crossing silted up old meander of River Lee, immediately SSW of Ballingeary. Approached from road to N by concrete steps. Bridge composed of 18 slabs (L c. 1.25m; Wth c. 0.9m; T c. 0.7m) resting on stone piers (H c. 0.4m) over a distance of 20.5m. Southern 9 slabs over channel, northern 9 slabs over silted marshy land. Footpath to S, paved at start with stone slabs, leads to second bridge (CO081-009----) to S over main channel of River Lee. The proposal is also located approx. 408 m from the next nearest Monument (SMR: CO081-009, Classification CLBR) in the SW direction. Crossing River Lee and connecting roadway to S with Ballingeary village to N via second clapper bridge (CO081-008----) c. 150m to N. Bridge composed of 32 slabs of various sizes affixed over a distance of 36m to piers; reconstructed prior to 1986. Partially destroyed subsequent to initial visit due to deepening of river upstream c. 1987-88. Eight slabs on S side and 6 on N side remain 'in situ'; remainder displaced.

The proposal is also located approx. 368 m from the nearest Proposed Natural Heritage Area Lough Allua (Site Code: 001065) to the East. It is an important salmonoid lake and also has a good population of brown trout in addition to being an important spawning ground for sea trout.

Given the small-scale nature of the proposal in terms of its footprint at 3 m x 3 m and its height at 3 m, its green colour and the location of the proposal, benefits from the existing buildings screening from the Scheduled Monuments to the SW direction which effectively blocks visibility of the proposed small-scale development. Similarly in relation to the pNHA to the E, there is proposed trees on 3 sides of the proposed compound which blocks visibility of the proposed development and in relation to the Lough Allua to the NE, there is significant intervening existing vegetation to form screening which ensures there will be no

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Et contactus@nbl.ie WWW\_NBL.IE

designations.

visibility of the proposed development from these



The proposal is also located approx. 21 m from the Scenic route to the North West of the site and within a Scenic Area. The R584 Road is designated as a Scenic Route and the proposed cabin is expected to be fully screened with native tree planting from the public road which make it impossible to see the proposal from the scenic route. Given the small-scale nature of the proposal in terms of its footprint at 3 m x 3 m and its height at 3 m, its green colour, the location of the proposal, and it will be blended into the existing and proposed vegetation and means that there will be no visibility of the proposal from the R584 Scenic Route. Given the existing and proposed vegetation screening from the aforementioned heritage assets means there will be no visibility of the proposal or other impact resulting from the proposal on the Landscape assets.

Given the significant distance away from the Scheduled Monuments and Scenic Route the intervening vegetation screening, means there will be no visual impact on these assets. As such it is considered the proposal will have no impact on the Scheduled Monuments and Scenic Route in proximity to the proposal whatsoever.

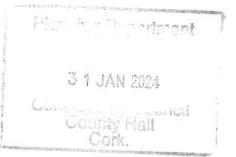
The proposal will not have any impact whatsoever on any heritage, ecological or landscape designations as shown in the map overleaf as it is well screened to any designated areas.

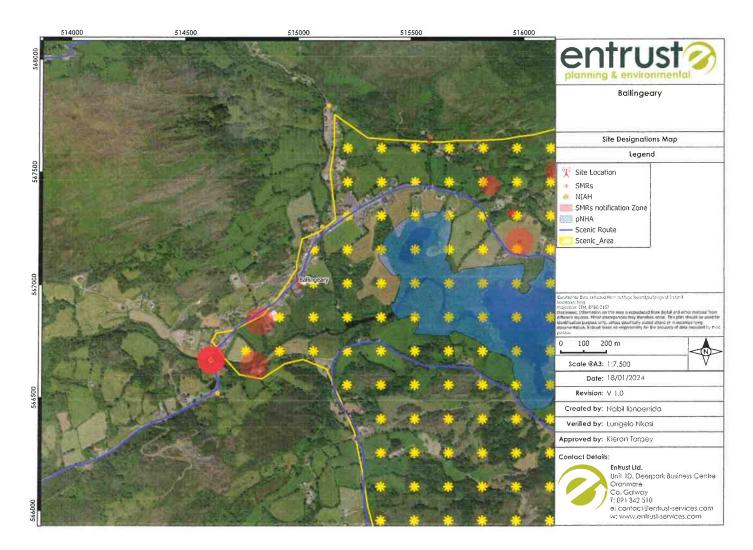
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	County Hall
4 100 1 4	Cork

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### **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.

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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.	Com <mark>pliance</mark> 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.	Consent has been sought from the owner/occupier of the building on the western boundary.
4. The field strength of the non-ionising radiation emissions from the radio station container shall not exceed the limits specified by the Director of Telecommunications Regulation.	The field strength of the non-ionising radiation emissions from the NBI cabin do not exceed the limits specified by the Director of Telecommunications Regulation.
Class 11, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended.	The proposed green mesh fence on four sides is 1.2 m high.
Class 31 (F) Part 1, Schedule 2 of the Planning and Development Regulations 2001.	The cabinets, chambers, mini pillars come within scope.
Class 31 (a) Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended.	The installation of ducting, cabling and earth pits come within scope.

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### Yours Sincerely,

Jungelo Mon

Lungelo Nkosi, BTech, MCRP Entrust Limited for Obelisk Limited On behalf of NBI Email: lungelo@entrust-services.com Tel: 091 342 517

### Enclosures:

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

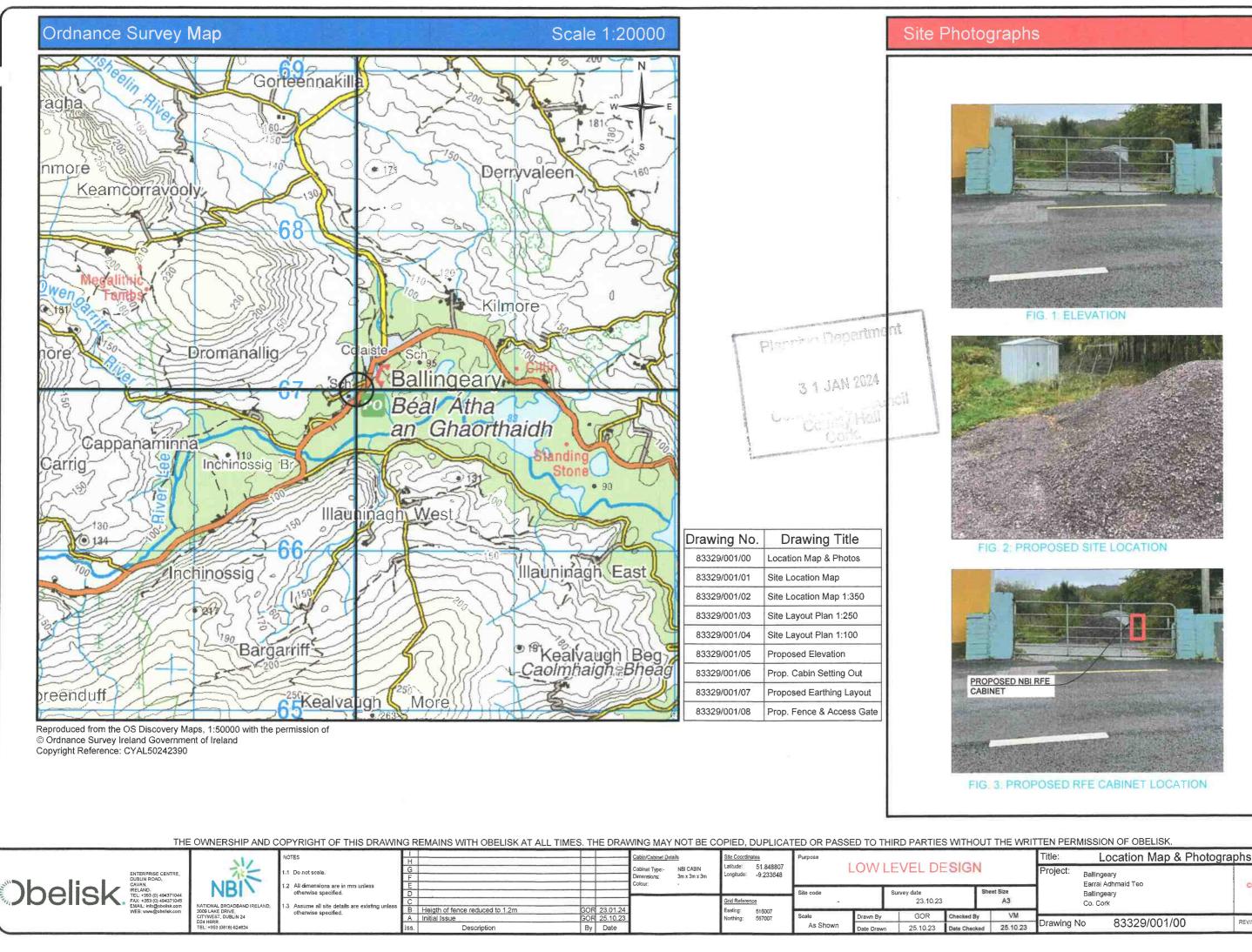
Drawing No.	Drawing Title	Scale
83329/001/00	Location Maps & Photos	1:20,000
83329/001/01	Site Location Map	1:1000
83329/001/02	Site Location Map	1:350
83329/001/03	Proposed Site Layout Plan	1:250
83329/001/04	Proposed Site Layout Plan	1:100
83329/001/05	Proposed Site Elevation	1:50
83329/001/06	Proposed Cabin Setting Out	1:75
83329/001/07	Proposed Earthing Layout	1:50
83329/001/08	Proposed Fencing Details	
70000/002/01	Proposed NBI Cabin Layout	1:50

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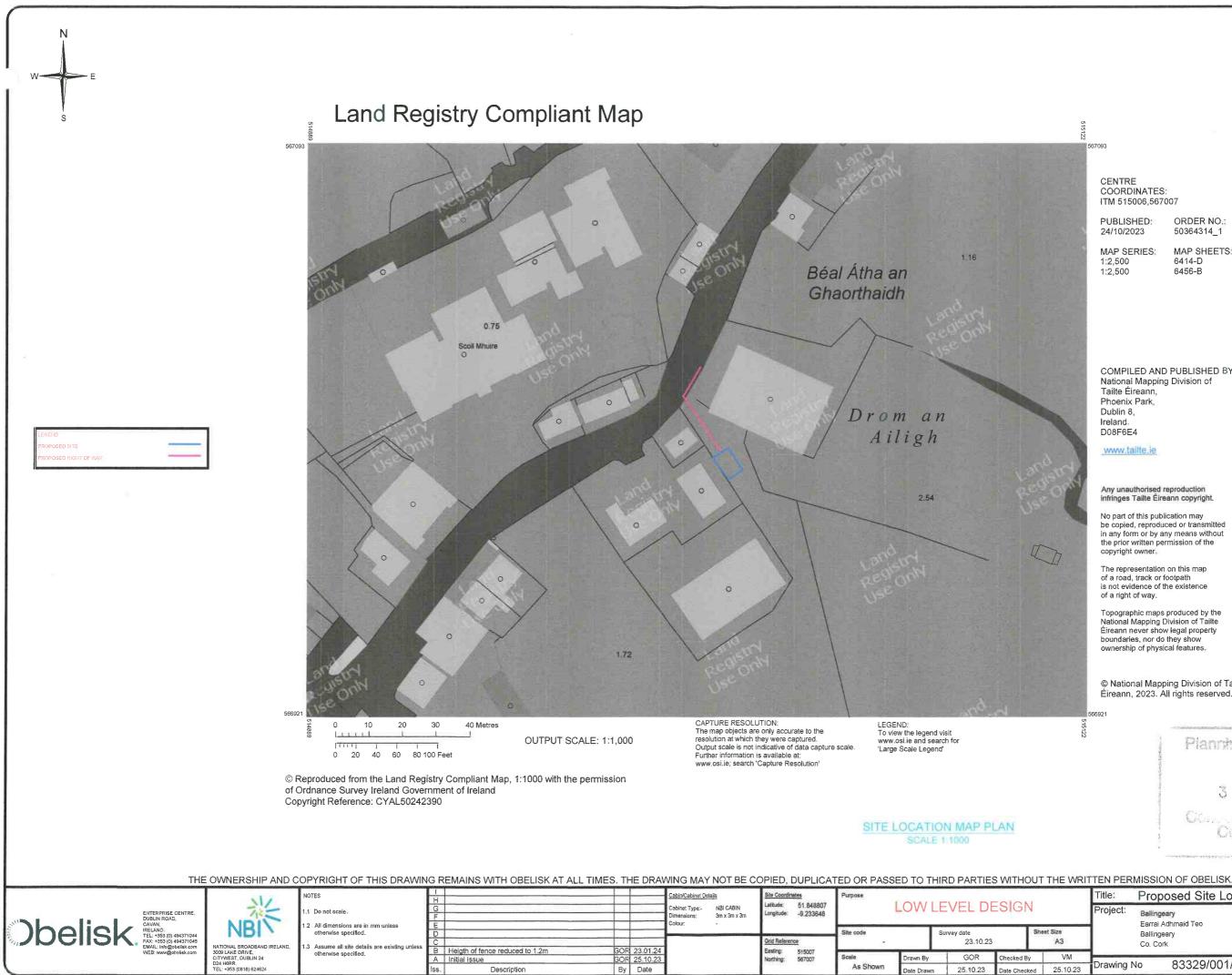
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	Title: Location Map & Photographs						
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VM 5.10.23	Drawing No	83329/001/00	REVISION B				



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PUBLISHED: 24/10/2023

ORDER NO.: 50364314\_1

MAP SERIES: 1:2,500 1:2,500

MAP SHEETS 6414-D 6456-B

COMPILED AND PUBLISHED BY: National Mapping Division of Tailte Éireann, Phoenix Park Dublin 8, Ireland D08F6E4

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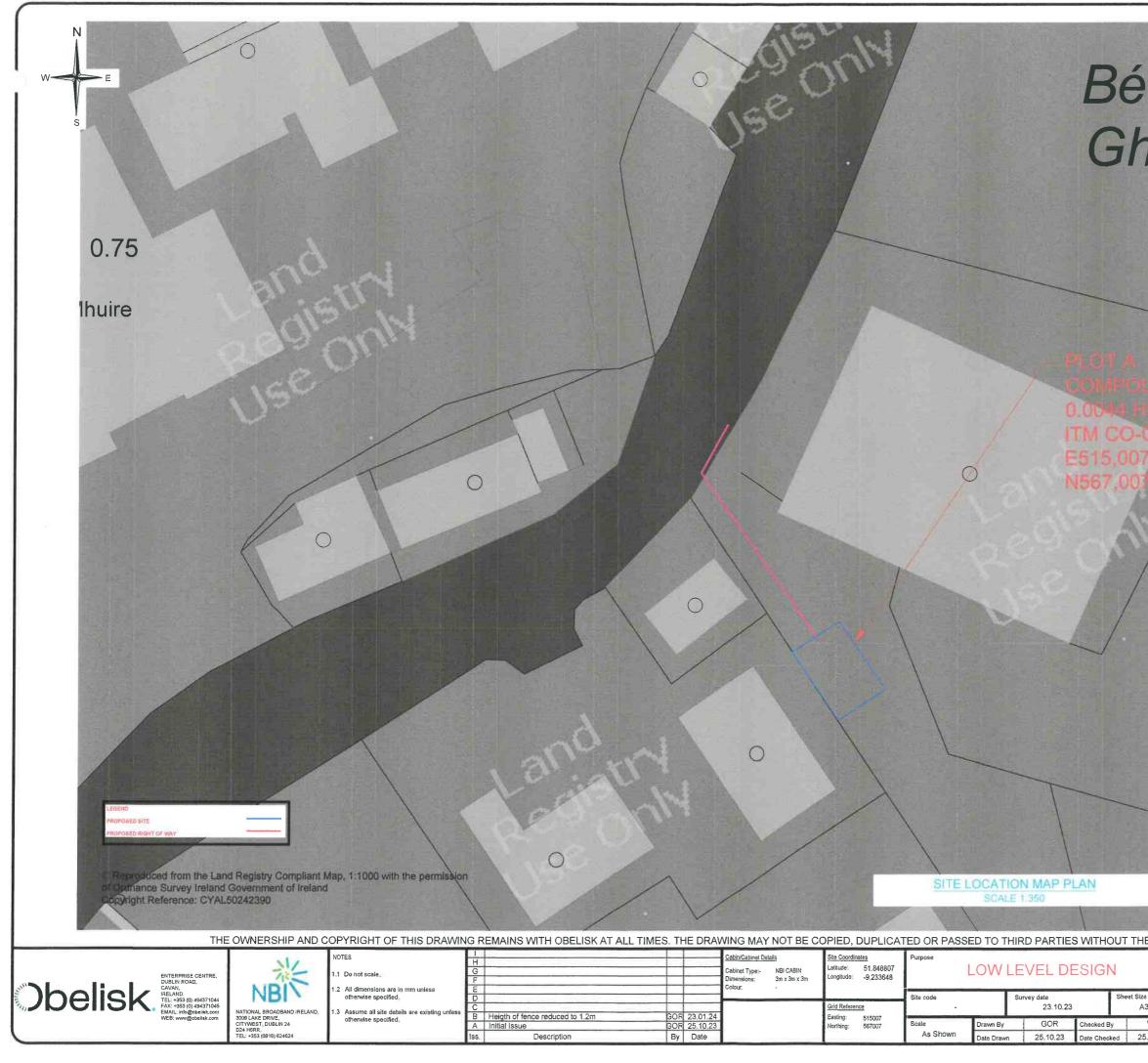
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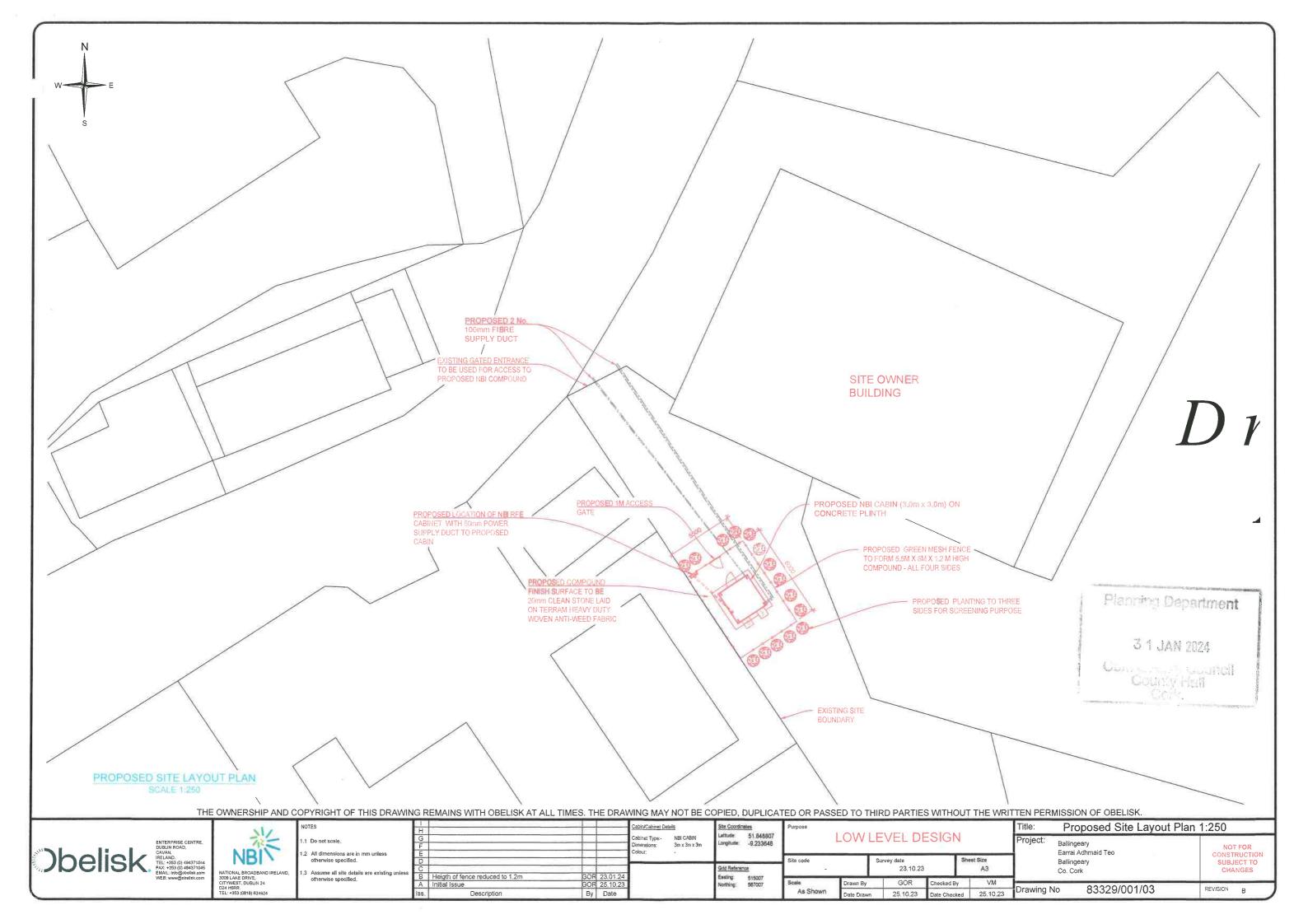
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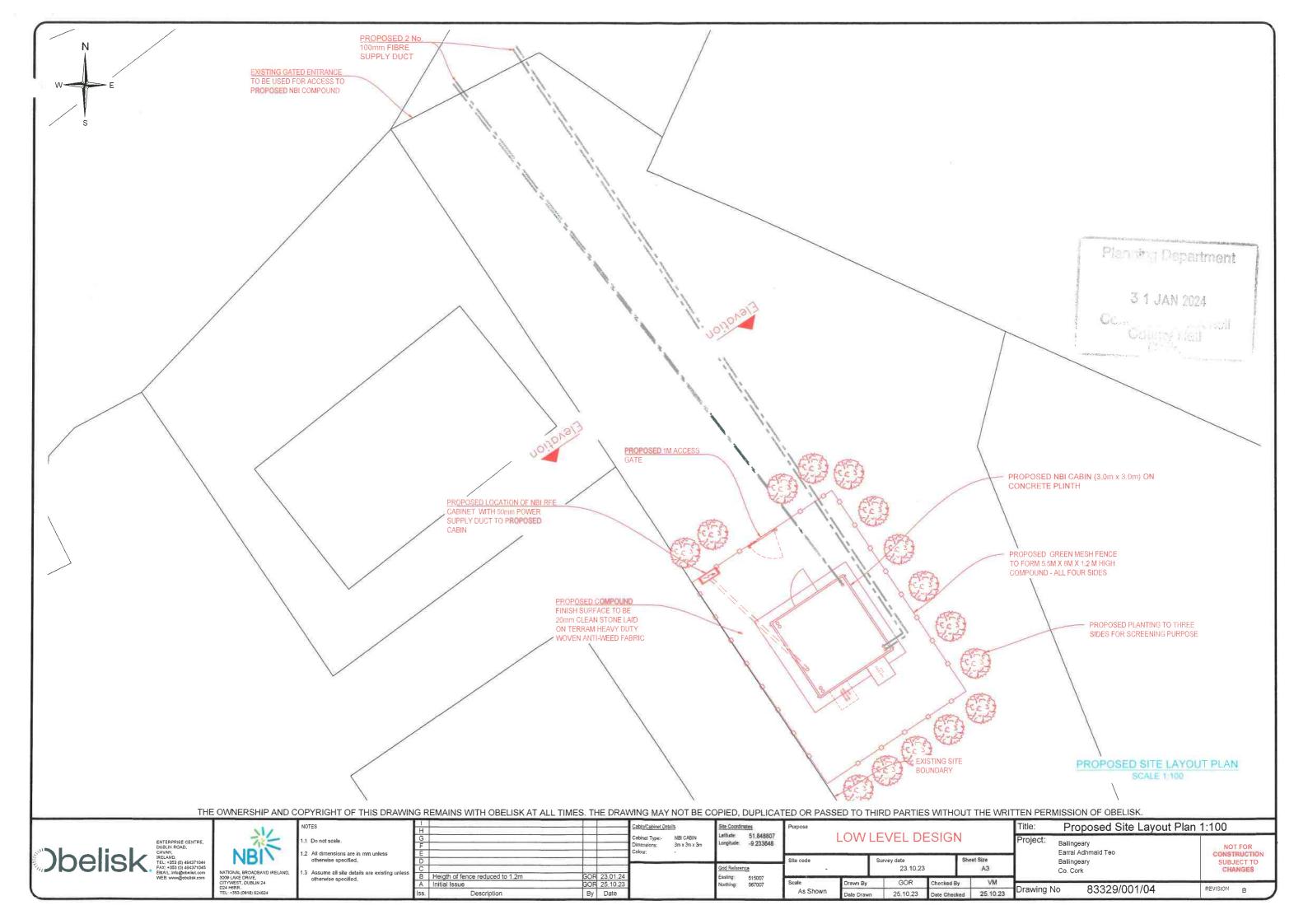
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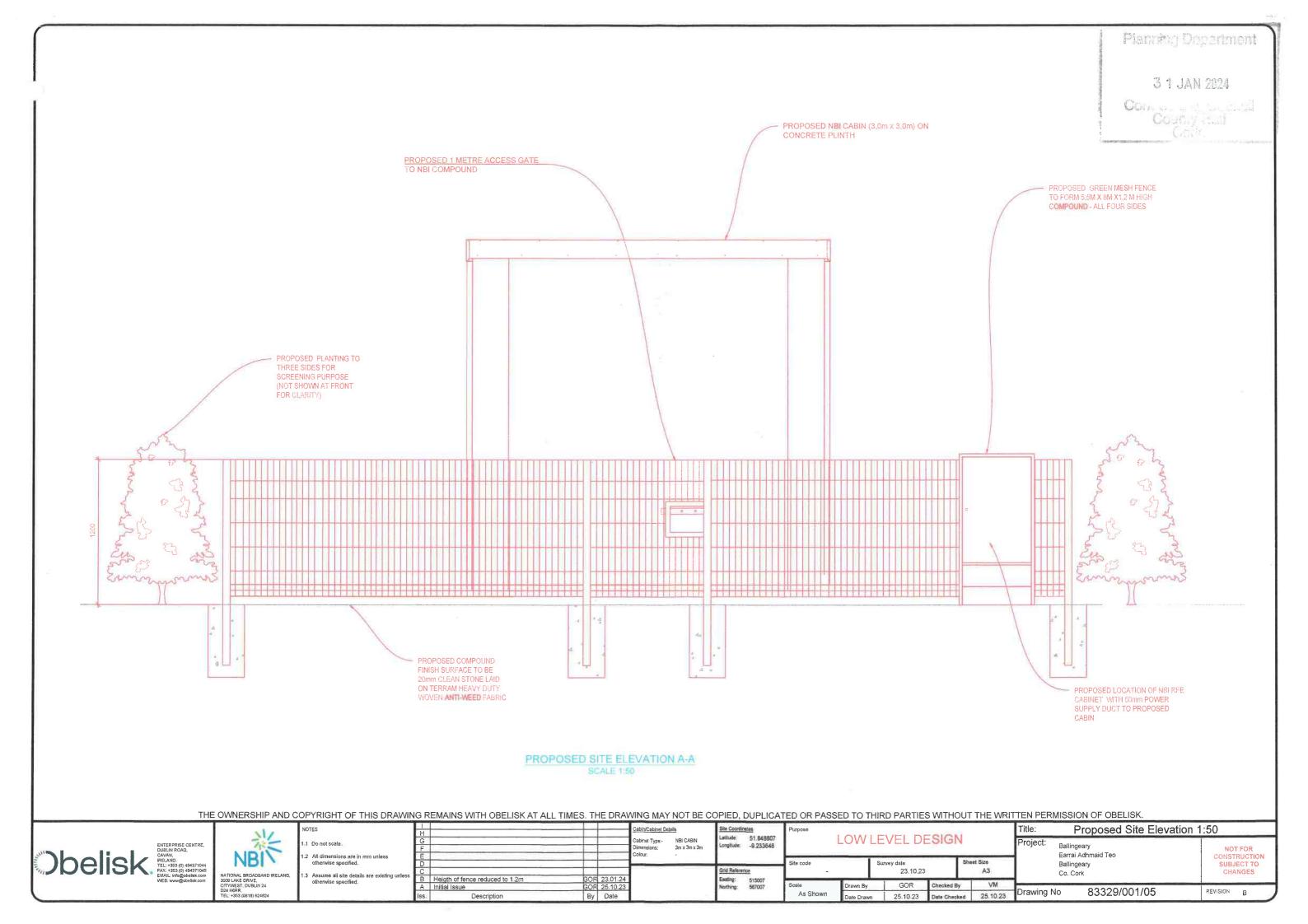
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Project:	Ballingeary Earrai Adhmaid Teo Ballingeary Co. Cork	NOT FOR CONSTRUCTION SUBJECT TO CHANGES				
Drawing	No 83329/001/01	REVISION B				

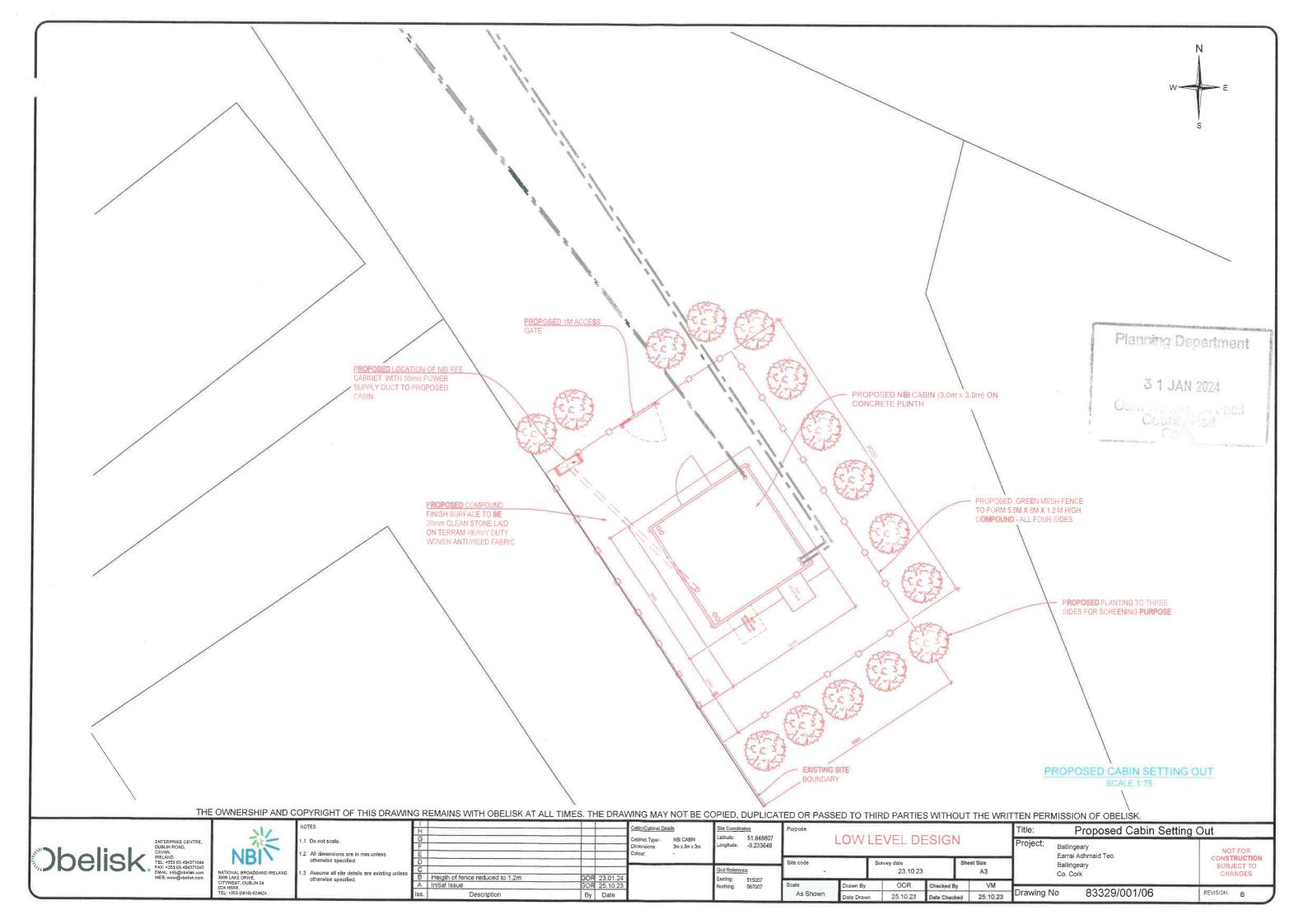


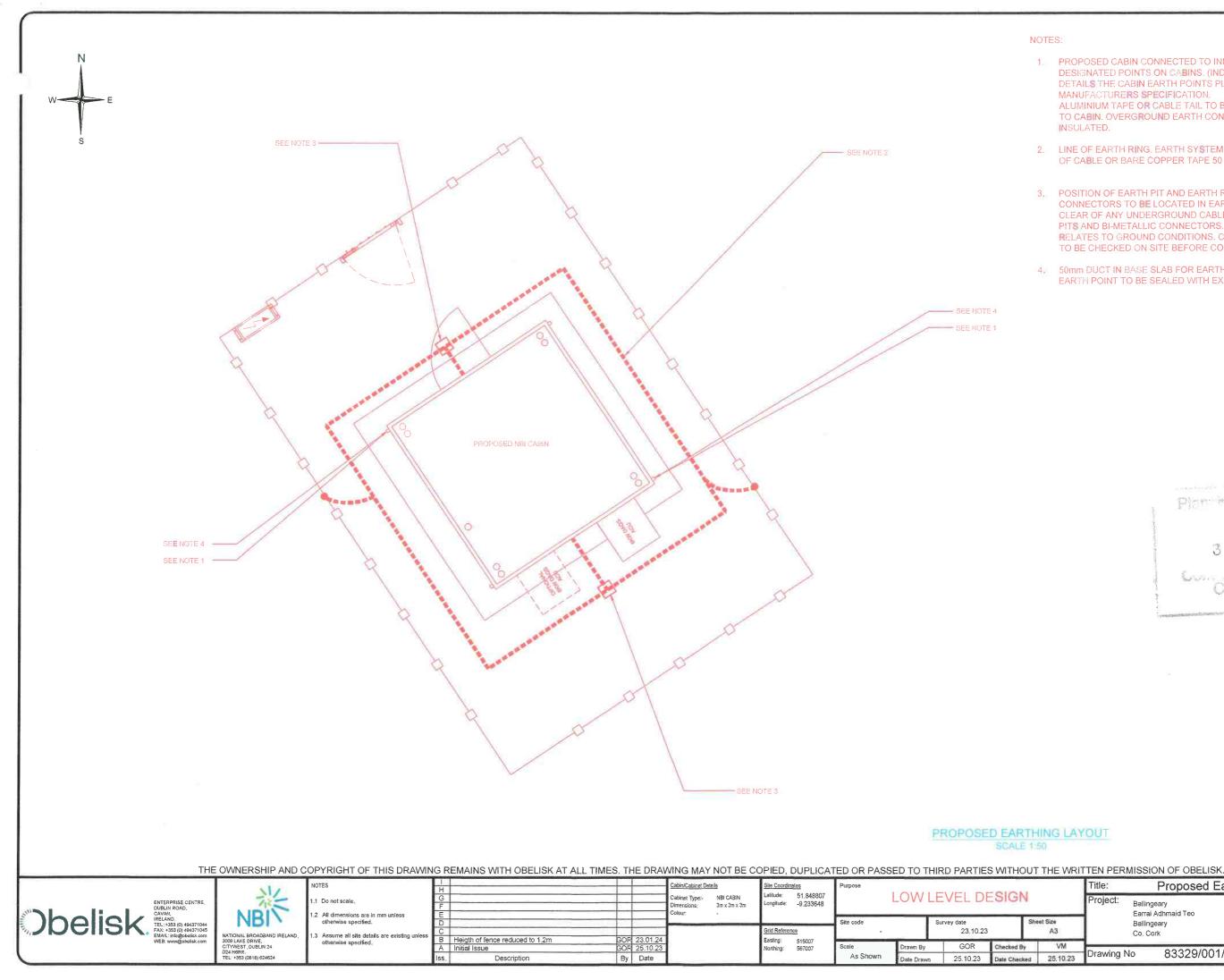
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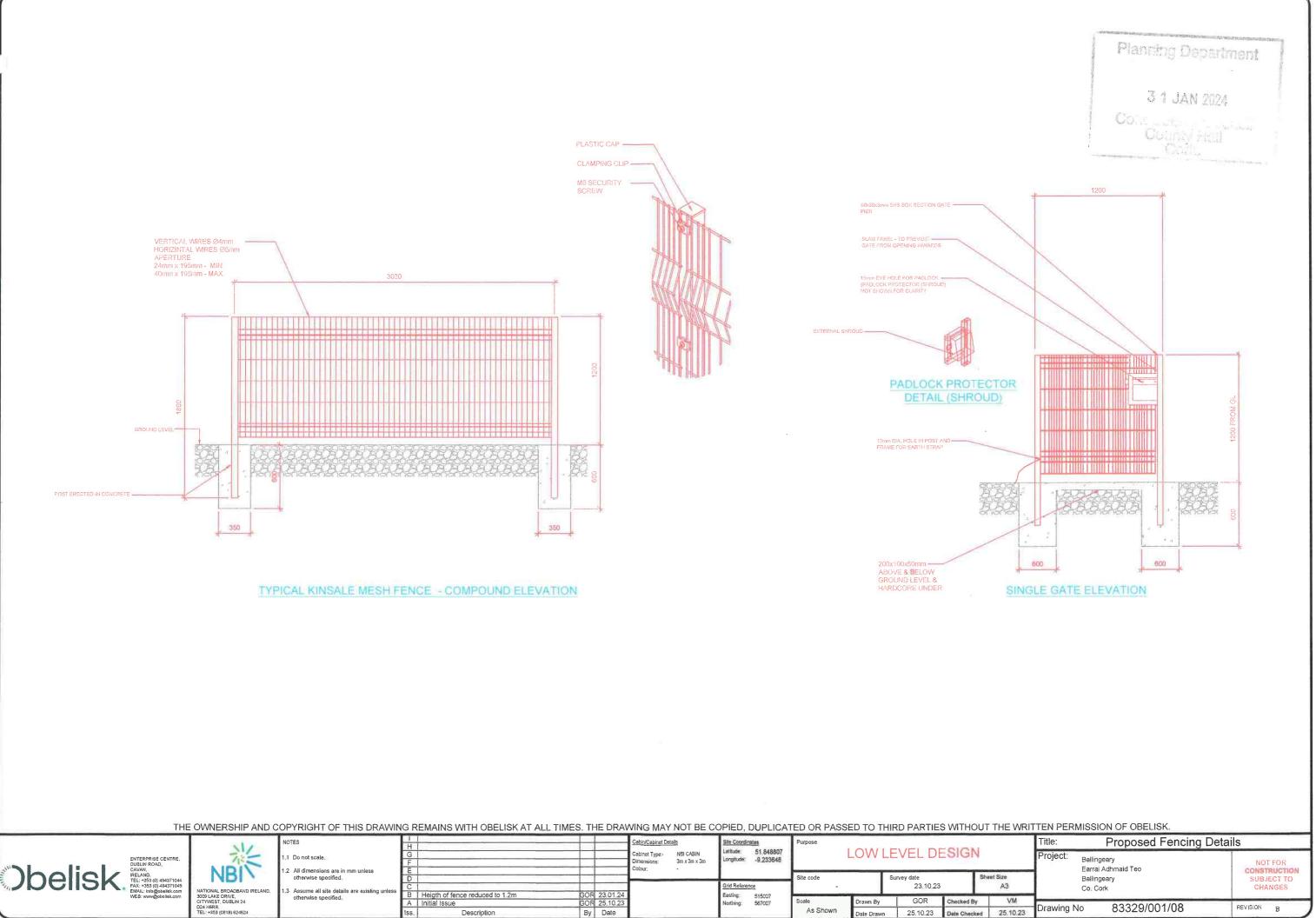


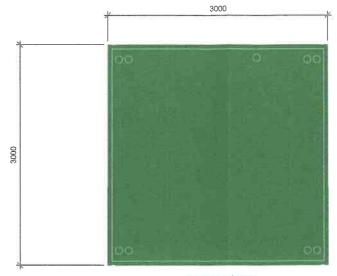


- 1. PROPOSED CABIN CONNECTED TO INNER EARTH RING AT DESIGNATED POINTS ON CABINS. (INDICATED BY CIRCLE). FOR DETAILS THE CABIN EARTH POINTS PLEASE REFER TO MANUFACTURERS SPECIFICATION. ALUMINIUM TAPE OR CABLE TAIL TO BE LEFT FOR CONNECTION
  - TO CABIN. OVERGROUND EARTH CONNECTION TO BE INSULATED.
  - 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,
  - 50mm DUCT IN BASE SLAB FOR EARTH TO CONNECT TO CABIN EARTH POINT TO BE SEALED WITH EXPANDING FOAM

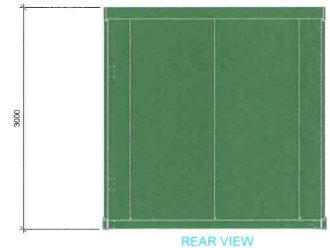


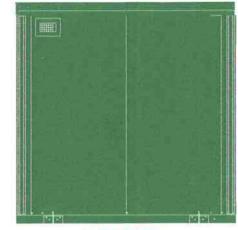
	Title: Proposed Earthing Layout						
1	1	Ballingeary Earraí Adhmaid Teo Ballingeary Co, Cork	NOT FOR CONSTRUCTION SUBJECT TO CHANGES				
VM 10.23	Drawing No	83329/001/07	REVISION B				





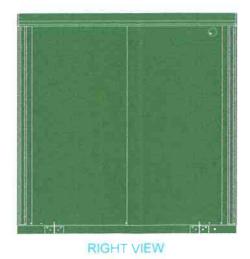
PLAN VIEW





LEFT VIEW

FRONT VIEW



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ENTERPRISE CENTRE, DIBLIN ROAD, CAVAR, IFELAND TEL: 433 0) dea37104 TEL: 433 (de18) DEAD	NOTES		H G F				Cabin/Cabinet Details Cabinet Type:- NBI Dimensions: 3m x 3m x 3m	Site Coordinates Latitude: - Longitude: -	Purpose					
		TIONAL BROADBAND IRELAND, 1.3 Assume all site details are existing unless 9 LAKE DRIVE, otherwise specified; WREST, DUBLN 24 HortR.	E D C				Colour: -	Grid Reference	Site code N/A		Survey date XX.XX.XX		Sheet Size A3	
	3009 LAKE DRIVE, CITYWEST, DUBLIN 24		B	Initial Issue	GOF	01.06.21	Easting: - Northing: -	Easting: . Northing: -	Scale	Drawn By	GOR	Checked By	VM	
			Iss.	Description	By	Date			As Shown	Date Drawn	01.06.21	Date Checked	01.06	

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

	Title: Proposed NBI Cabin Layout							
	Project: NBI	NOT FOR CONSTRUCTION SUBJECT TO CHANGES						
/M 06.21	Drawing No	70000/002/01	REVISION A	5				