



Tipperary County Council
RECEIVED
02 SEP 2024
CASH OFFICE
Civic Offices, Clonmel

Receipt No 184755
Issued 02 of 2024
€ 80.00 Cheque

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	NBI Infrastructure DAC T/A National Broadband Ireland (NBI)
<i>Address</i>	3009 Lake Drive Citywest Dublin D24 H6RR
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	Lungelo Nkosi (Entrust Limited)
<i>Address</i>	Unit 1, First Floor, Oranmore Business Park Oranmore Co. Galway H91 P7X8
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

SCANNED

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Newport AFC, Derryleigh, Co. Tipperary (ITM: E:573592 N: 661700).
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TIPPERARY CO. COUNCIL
RECEIVED
02 SEP 2024
PLANNING SECTION
FILE NO.

4. Development Details:


Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Fibre Broadband Cabin and ancillary development (See attached Cover Letter).
Proposed floor area of proposed works/uses: 50 sqm

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier
	C. Other <input checked="" type="checkbox"/>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Leasehold	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: NICHOLAS ENGLISH (Main Street Newport County Tipperary), GERARD O'BRIEN (Main Street Newport County Tipperary), JOHN O'BRIEN (Main Street Newport County Tipperary), MICHAEL ROCHE (Main Street Newport County Tipperary) Address:	

Signature of Applicant(s) 

Date: 29/08/2024

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

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GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

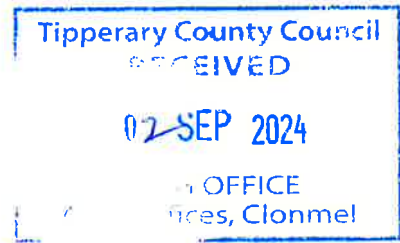
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0761 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY	
<u>DATE STAMP</u>	
Fee Recd. € _____	
Receipt No	_____
Date	_____
Received by	_____

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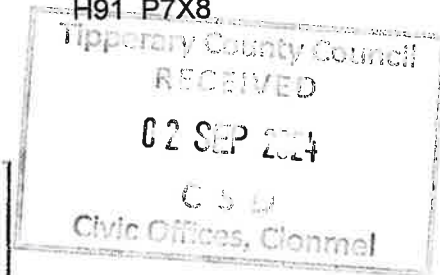
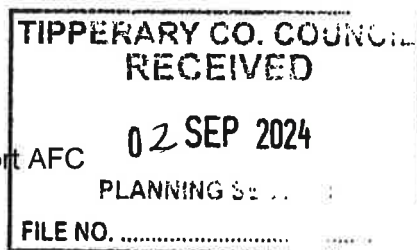


National Broadband Ireland
 c/o Entrust Planning & Environmental
 Unit 1, First Floor, Oranmore
 Business Park
 Oranmore
 Co. Galway
 H91 P7X8

Planning Section,
 Tipperary County Council,
 Civic Offices,
 Emmet Street,
 Clonmel,
 County Tipperary
 E91 N512

Our Ref: NBI 78904, Newport AFC

REGISTERED POST



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29/08/2024

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: NEWPORT AFC, DERRYLEIGH, CO. TIPPERARY (ITM E: 573592, N: 661700).

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.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:

Description of Development:

- A cabin to be painted green to be located in disused land on the western corner of the Newport AFC site;
- The cabin measures 3 m (Length) x 3 m (Width) x 3 m (Height) on concrete plinth;
- Proposed new 1 m wide pedestrian access to proposed NBI compound;
- Proposed green mesh fence to form 1.2 m high compound - all four sides;
- Ducting, cabling, earth pits, cabinets, chambers, mini pillar and all ancillary development thereto.
- Newly planted row/s on the eastern, southern and western sides of 2-3m 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).

Planning Designations:

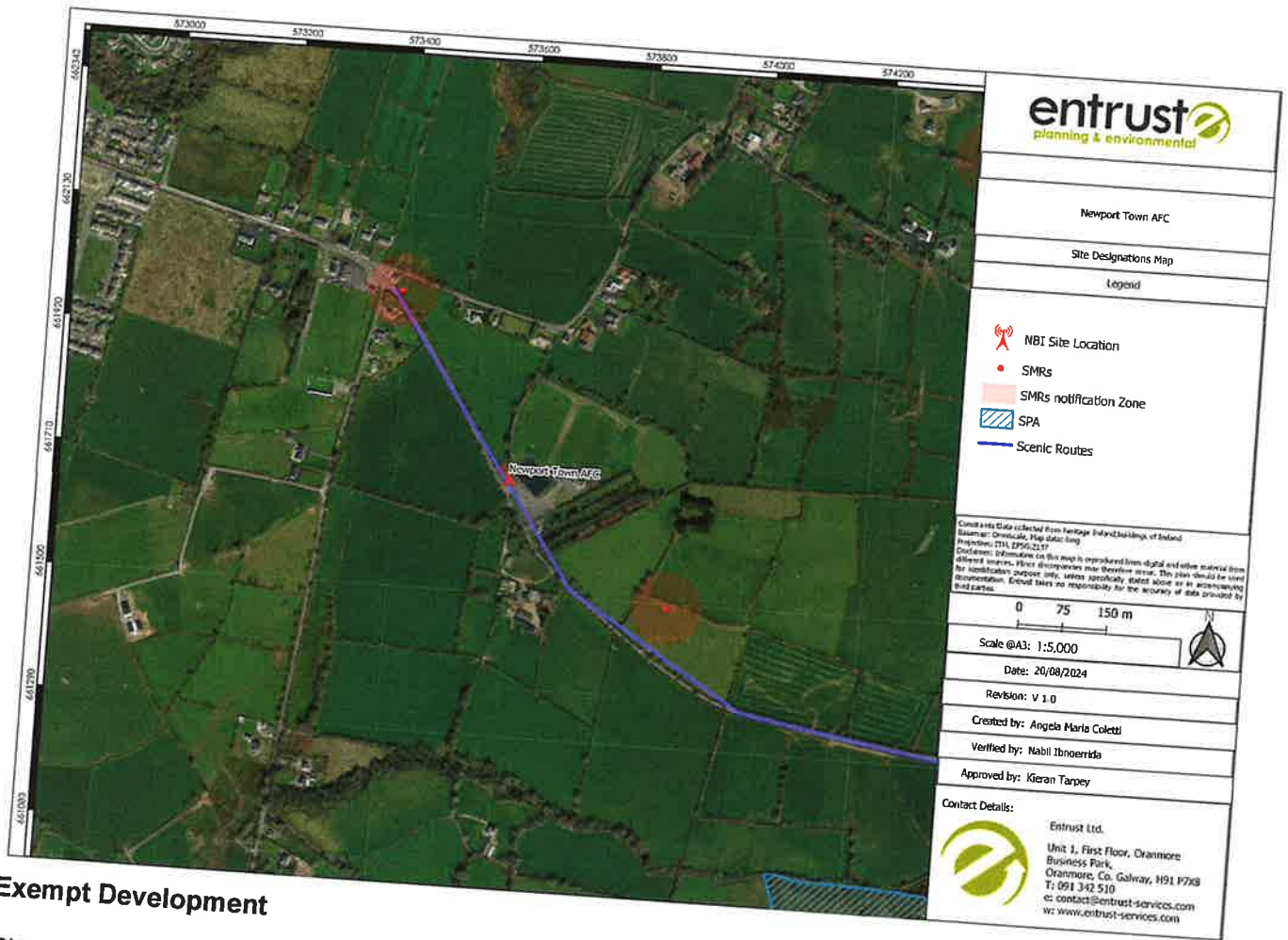
The proposal is located approximately 348 m from the closest scheduled monument (TN037-005) Classification: RATH which is in the NW direction and located 359 m from the next closest schedule monument (TN037-009) Classification: UNCA which is in the SE direction. The proposal is on a site that is located along a Tipperary North 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 and the location of the proposal, benefits from the existing built environment in the immediate area from the Scheduled Monuments to the NW and SE directions by way of existing boundary walls and residential dwellings to the SE in particular. This means that there will be limited visibility of the proposal from the heritage assets and therefore no visual or other impact resulting from the proposal on the heritage assets. There will be no negative impact on the existing schedule monuments in proximity to the proposed development as the monuments are not visible at ground level.

As such it is considered the proposal will have no impact on the Scenic area to the south of the site from the scenic route as there is existing intervening natural vegetation in the form of trees and hedgerow. Furthermore, the proposed development will not be visually obtrusive in the area due to the proposed landscaping and the proposed development will appear less visually obtrusive in the immediate area as a result of the existing screening on the northern eastern side.

The proposal is located approx. 1.2 km from the Lower River Shannon SAC. The proposal is also located approx. 804 m from the Slievefelim to Silvermines Mountains SPA. The proposal is will not have an impact on the SAC and SPA due to the distance and existing natural and built form that blocks visibility.

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



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 demonstrate 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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E: contactus@nbi.ie
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M. Sónmez (German), A. McCullen, D. McCauley, W.D. Scott (American).

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BUILDING A LIMITLESS IRELAND

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 proposed green mesh fence on two 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.

Yours Sincerely,



LUNGELO NKOSI MIPI
Entrust Limited for Obelisk Limited
On behalf of NBI
Email: lungelo@entrust-services.com
Tel: 091 342 511

Enclosures:

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

Drawing No.	Drawing Title	Scale
78904/001/00	Location Maps & Photos	1:20 000
78904/001/01	Site Location Map	1:1 000
78904/001/02	Site Location Map	1:350
78904/001/03	Proposed Site Layout Plan	1:250
78904/001/04	Proposed Site Layout Plan	1:100
78904/001/05	Proposed Site Elevation	1:50
78904/001/06	Proposed Cabin Setting Out	1:50
78904/001/07	Proposed Earthing Layout	1:50
78904/001/08	Proposed Fence & Access Gate Details	
70000/002/01	Proposed NBI Cabin Layout	1:50

Ordnance Survey Map

Scale 1:20000



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Site Photographs



FIG. 1: ELEVATION



FIG. 2: PROPOSED SITE LOCATION



FIG. 3: PROPOSED RFE CABINET LOCATION

Drawing No.	Drawing Title
78904/001/00	Location Map & Photos
78904/001/01	Site Location Map
78904/001/02	Site Location Map 1:350
78904/001/03	Site Layout Plan 1:250
78904/001/04	Site Layout Plan 1:100
78904/001/05	Proposed Elevation
78904/001/06	Prop. Cabin Setting Out
78904/001/07	Proposed Earthing Layout
78904/001/08	Prop. Fence & Access Gate

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D24 HR8R.
TEL: +353 (0) 181 624624

NOTES

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- Assume all site details are existing unless otherwise specified.

Iss.	Description	By	Date
C	Height of fence revised to 1.2m	GOR	20.08.24
A	Initial Issue	GOR	14.08.24

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

Site Coordinates	
Latitude:	52.705784
Longitude:	-8.390752

Grid Reference	
Eastings:	573592
Northing:	661700

Purpose			
LOW LEVEL DESIGN			
Site code	Survey date	Sheet Size	
-	12.08.24	A3	
Scale	Drawn By	Checked By	VM
As Shown	GOR	GOR	VM
Date Drawn	14.08.24	Date Checked	14.08.24

Title:	
Location Map & Photographs	
Project:	NOT FOR CONSTRUCTION SUBJECT TO CHANGES
Newport Town AFC R503 Derryleigh Co. Tipperary	
Drawing No	REVISION
78904/001/00	B



Land Registry Compliant Map



Tailte Éireann



CENTRE
COORDINATES:
ITM 573592,661701

PUBLISHED: 13/08/2024 ORDER NO.: 50416071_1

MAP SERIES: 1:2,500 MAP SHEETS: 4626-A

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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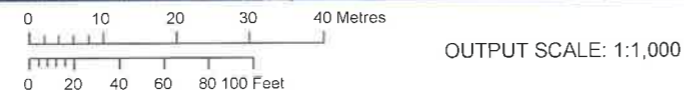
This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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LEGEND

PROPOSED SITE —

PROPOSED RIGHT OF WAY —



CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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SITE LOCATION MAP PLAN
SCALE 1:1000

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<p>ENTERPRISE CENTRE, DUBLIN ROAD, CAVAN, IRELAND. TEL: +353 (0) 494371044 FAX: +353 (0) 494371045 EMAIL: info@obelisk.com WEB: www.obelisk.com</p>	<p>NATIONAL BROADBAND IRELAND, 2009 LAKE DRIVE, CITYWEST, DUBLIN 24 D24 H6RR TEL: +353 (0) 1 624624</p>	<p>NOTES</p> <p>1.1 Do not scale.</p> <p>1.2 All dimensions are in mm unless otherwise specified.</p> <p>1.3 Assume all site details are existing unless otherwise specified.</p>		<table border="1"> <tr><th>IS#</th><th>Description</th><th>By</th><th>Date</th></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	IS#	Description	By	Date					<p>Cabin/Cabinet Details</p> <p>Cabinet Type:- NBI CABIM Dimensions: 3m x 3m x 3m Colour: -</p>	<p>Site Coordinates</p> <p>Lat/Long: 52.705784 -8.390752</p>	<p>Grid Reference</p> <p>Easting: 573592 Northing: 661700</p>	<p>Purpose</p> <p style="color: red; font-weight: bold; font-size: 1.2em;">LOW LEVEL DESIGN</p>	<p>Title: Proposed Site Location Map 1:1000</p>	<p>NOT FOR CONSTRUCTION SUBJECT TO CHANGES</p>
		IS#	Description	By	Date													
<p>Scale: As Shown</p>	<p>Site code: -</p>	<p>Survey date: 12.08.24</p>	<p>Sheet Size: A3</p>	<p>Project: Newport Town AFC R503 Derryleigh Co. Tipperary</p>	<table border="1"> <tr><th>Drawn By</th><th>Checked By</th></tr> <tr><td>GOR</td><td>VM</td></tr> </table>	Drawn By	Checked By	GOR	VM	<p>Drawing No 78904/001/01</p>	<p>REVISION B</p>							
Drawn By	Checked By																	
GOR	VM																	



Derryleigh



PLOT A
COMPOUND AREA 50 M²
0.0050 HECTARE
ITM CO-ORDS
E573,350
N661,991

LEGEND	
PROPOSED SITE	
PROPOSED RIGHT OF WAY	

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SITE LOCATION MAP PLAN
 SCALE 1:350

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NATIONAL BROADBAND IRELAND,
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 D24 HERR
 TEL: +353 (0)818 624624

NOTES

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Iss.	Description	By	Date
B	Height of fence revised to 1.2m	GOR	20.08.24
A	Initial Issue	GOR	14.08.24

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

Site Coordinates
 Latitude: 52.705784
 Longitude: -8.390752

Grid Reference
 Easting: 573592
 Northing: 661700

Purpose
LOW LEVEL DESIGN

Site code	Survey date	Sheet Size
-	12.08.24	A3
Scale	Drawn By	Checked By
As Shown	GOR	VM
Date Drawn	Date Checked	
14.08.24	14.08.24	

Title: Proposed Site Location Map 1:350
Project: Newport Town AFC R503 Derryleigh Co. Tipperary
Drawing No 78904/001/02
REVISION B

**NOT FOR CONSTRUCTION
 SUBJECT TO CHANGES**



R503

MAIN PITCH

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

PROPOSED GREEN MESH FENCE TO FORM 6M X 6M X 1.2 M HIGH COMPOUND - ALL FOUR SIDES

PROPOSED PLANTING FOR SCREENING PURPOSE

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

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

PROPOSED 1M ACCESS GATE

EXISTING WALL

PROPOSED 2 No. 100mm FIBRE SUPPLY DUCT

EXISTING ENTRANCE TO NEWPORT TOWN AFC GROUND TO BE USED FOR ACCESS TO PROPOSED NBI COMPOUND

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PROPOSED SITE LAYOUT PLAN
SCALE 1:250

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Iss	Description	By	Date
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A	Initial Issue	GOR	14.08.24

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

Site Coordinates
Latitude: 52.705784
Longitude: -8.390752

Grid Reference
Easting: 575592
Northing: 661700

Purpose LOW LEVEL DESIGN			
Site code	Survey date 12.08.24	Sheet Size A3	
Scale As Shown	Drawn By GOR	Checked By VM	Date Checked 14.08.24

Title: Proposed Site Layout Plan 1:250	
Project: Newport Town AFC R503 Derryleigh Co. Tipperary	
Drawing No 78904/001/03	REVISION B

NOT FOR CONSTRUCTION
SUBJECT TO CHANGES



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

PROPOSED GREEN MESH FENCE TO FORM 6M X 6M X 1.2 M HIGH COMPOUND - ALL FOUR SIDES

PROPOSED PLANTING FOR SCREENING PURPOSE

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

MAIN PITCH

EXISTING WALL

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

PROPOSED 1M ACCESS GATE

PROPOSED 2 No. 100mm FIBRE SUPPLY DUCT

R503

SCANNED

PROPOSED SITE LAYOUT PLAN
SCALE 1:100

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Cabinet Type:- NBI CABIN
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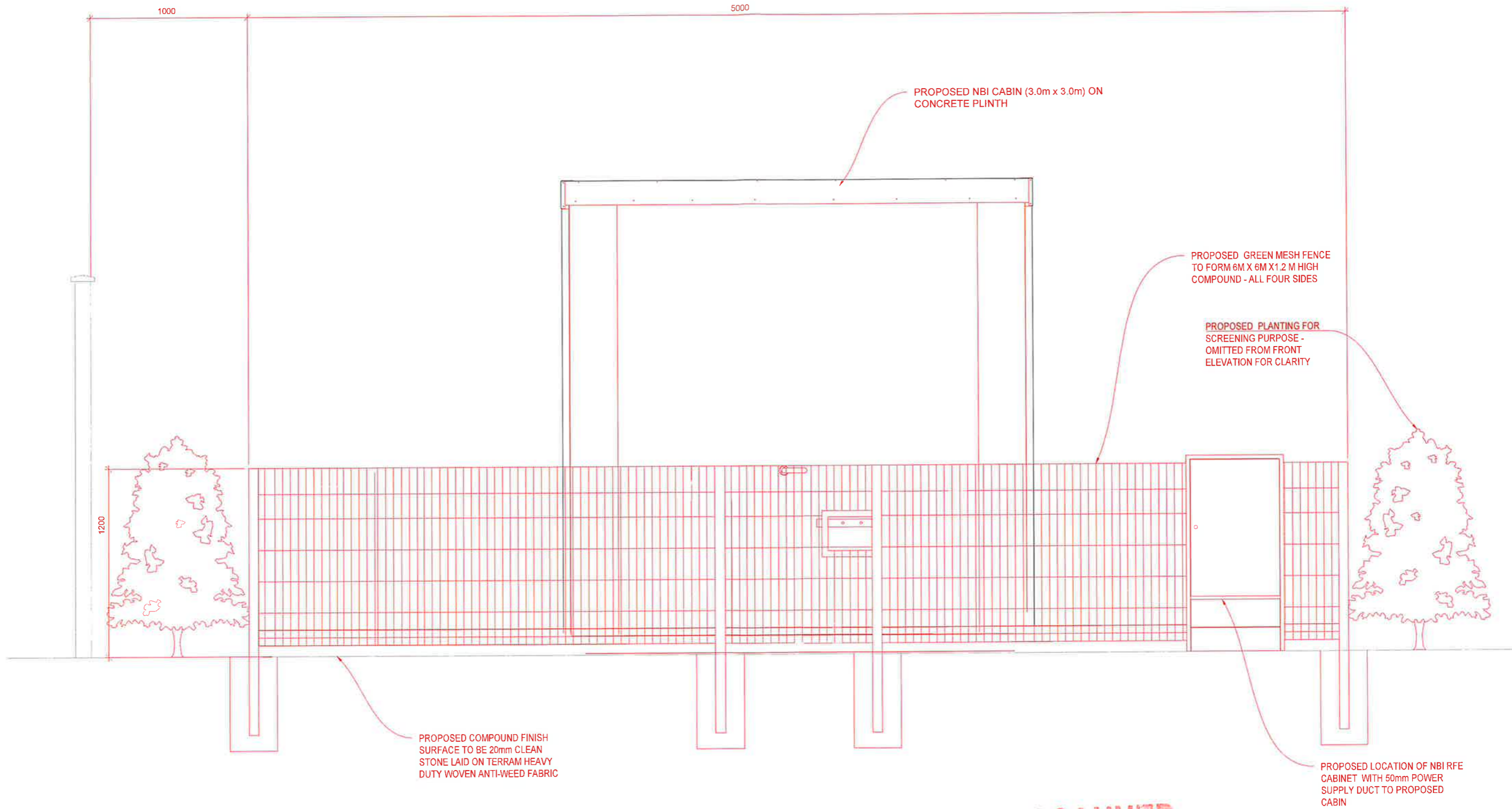
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Scale	Drawn By	Checked By	VM
As Shown	GOR	GOR	VM
Date Drawn	14.08.24	Date Checked	14.08.24

Title:	Proposed Site Layout Plan 1:100		
Project:	Newport Town AFC R503 Derryleigh Co. Tipperary		
Drawing No	78904/001/04	REVISION	B

NOT FOR CONSTRUCTION
SUBJECT TO CHANGES



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PROPOSED SITE ELEVATION A-A
SCALE 1:25

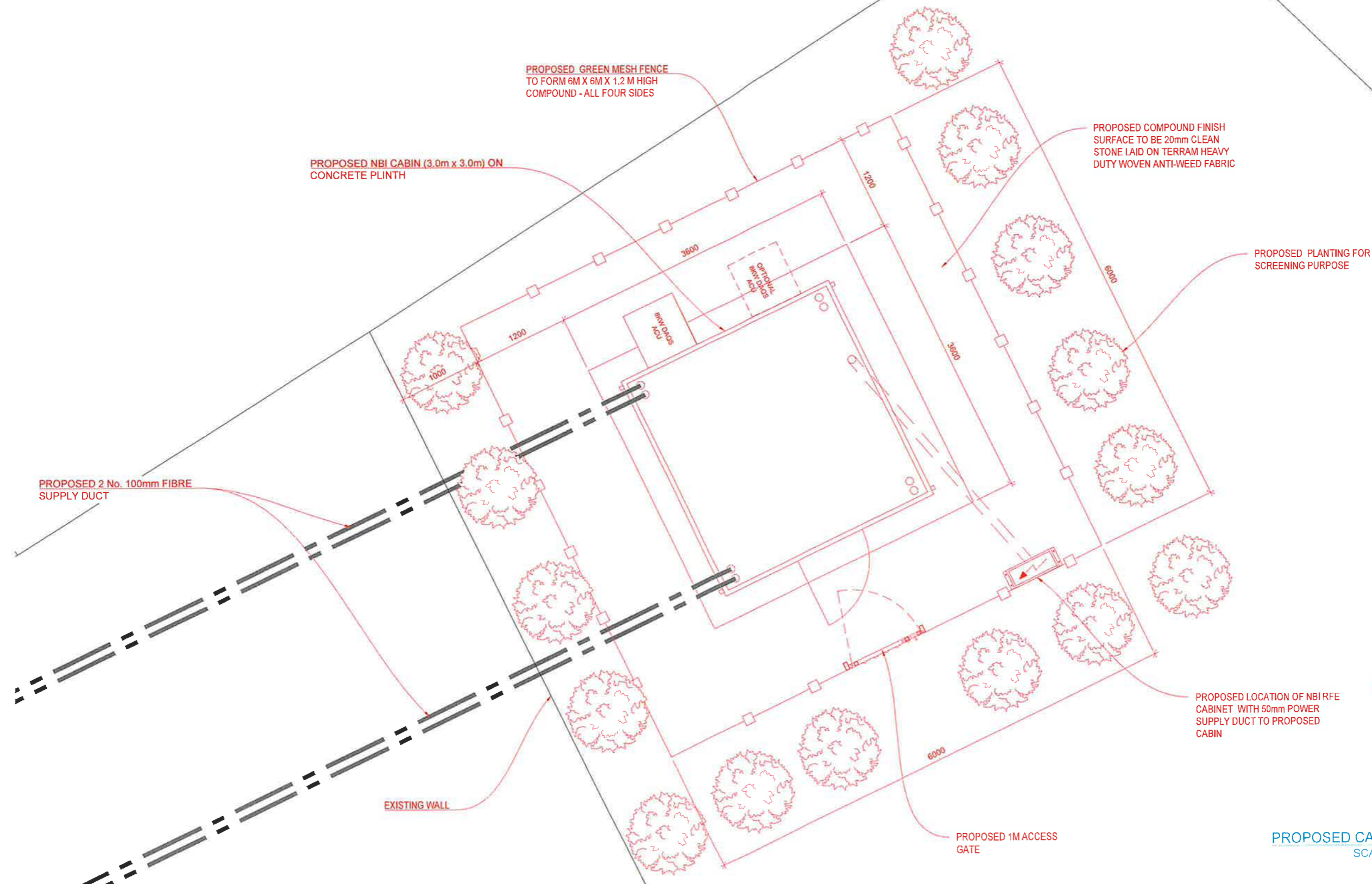
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		<p>Site code</p>	<p>Survey date</p> <p>12.08.24</p>	<p>Sheet Size</p> <p>A3</p>	<p>Project:</p> <p>Newport Town AFC R503 Derryleigh Co. Tipperary</p>	<p>Scale</p> <p>As Shown</p>	<p>Drawn By</p> <p>GOR</p>	<p>Checked By</p> <p>VM</p>	<p>Drawing No</p> <p>78904/001/05</p>	<p>REVISION</p> <p>B</p>																																						

NOT FOR CONSTRUCTION
SUBJECT TO CHANGES



MAIN PITCH



PROPOSED CABIN SETTING OUT
SCALE 1:50

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D24 N6RR,
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- NOTES
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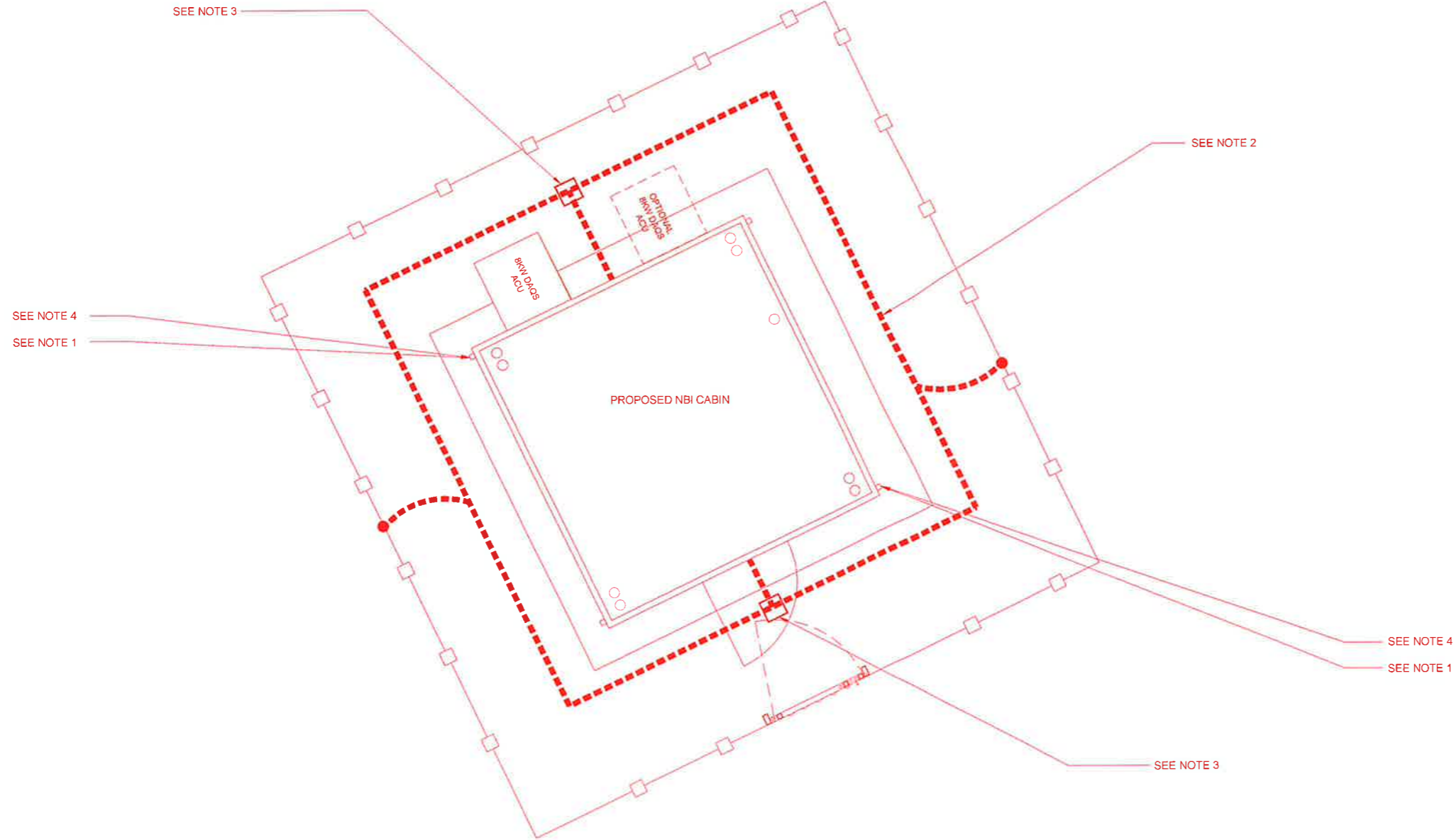
Iss.	Description	By	Date
B	Height of fence revised to 1.2m	GOR	20.08.24
A	Initial Issue	GOR	14.08.24

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

Site Coordinates	
Latitude:	52.705784
Longitude:	-8.390752

Purpose			
LOW LEVEL DESIGN			
Site code	Survey date	Sheet Size	
-	12.08.24	A3	
Scale	Drawn By	Checked By	VM
As Shown	GOR	GOR	VM
Date Drawn	Date Checked	Date Checked	
14.08.24	14.08.24	14.08.24	

Title:	
Proposed Cabin Setting Out	
Project:	NOT FOR CONSTRUCTION SUBJECT TO CHANGES
Newport Town AFC R503 Derryleigh Co. Tipperary	
Drawing No	REVISION
78904/001/06	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

SCANNED

PROPOSED EARTHING LAYOUT
SCALE 1:50

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Dimensions:	3m x 3m x 3m
Colour:	-

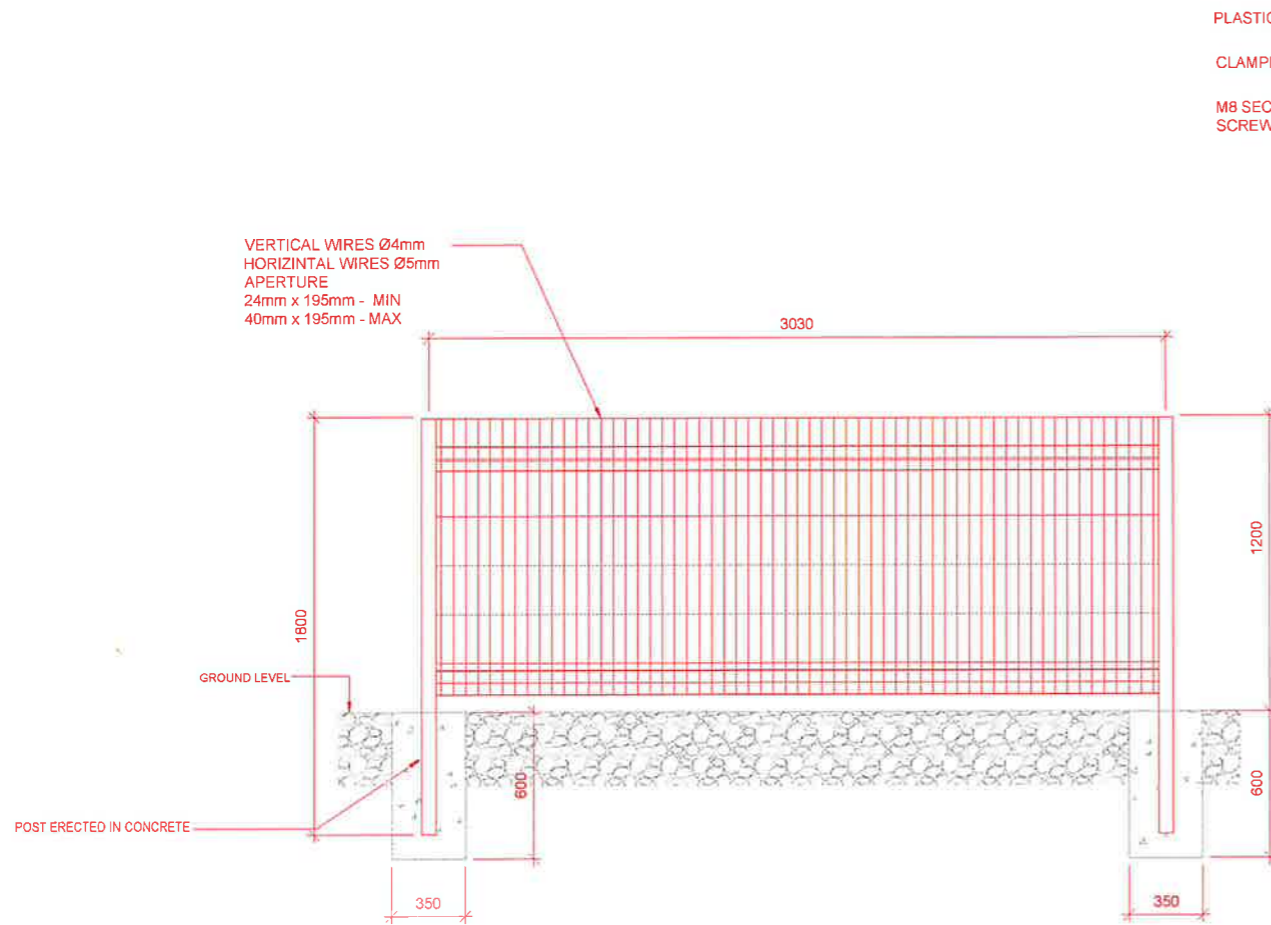
Site Coordinates	
Latitude:	52.705784
Longitude:	-8.390752

Grid Reference	
Easting:	573592
Northing:	661700

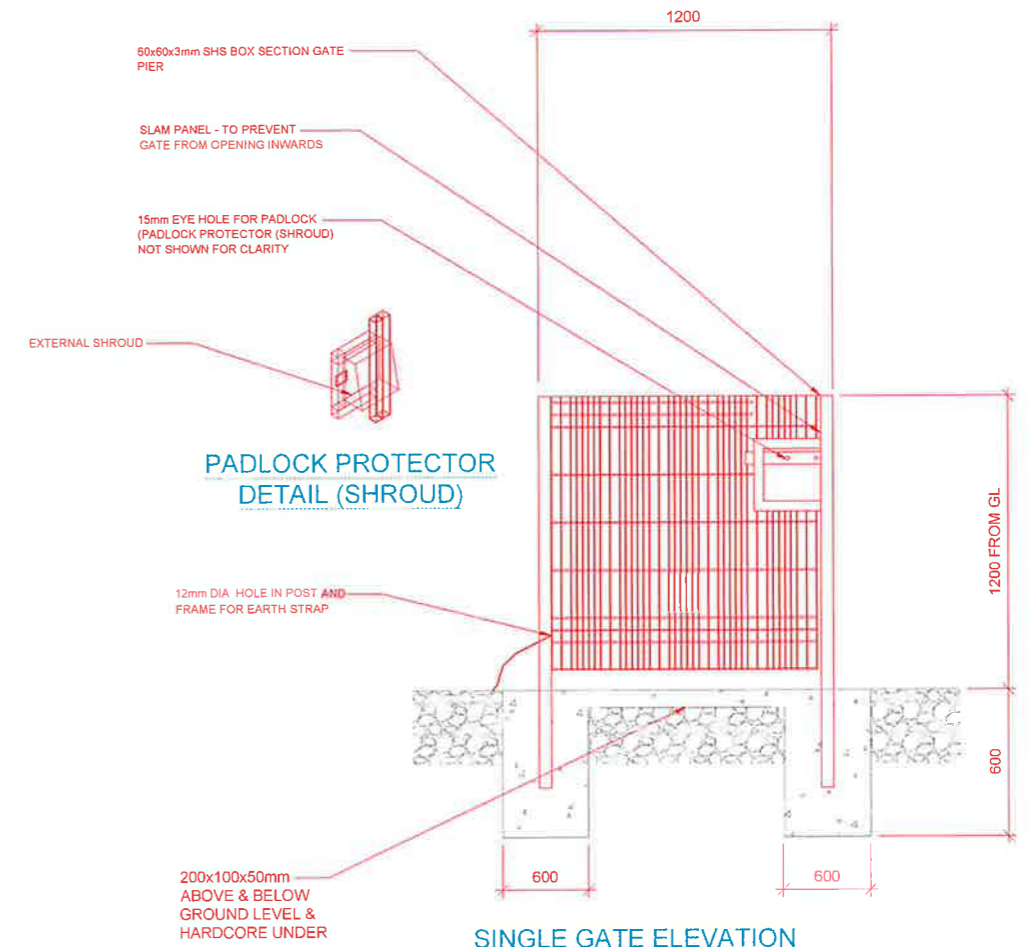
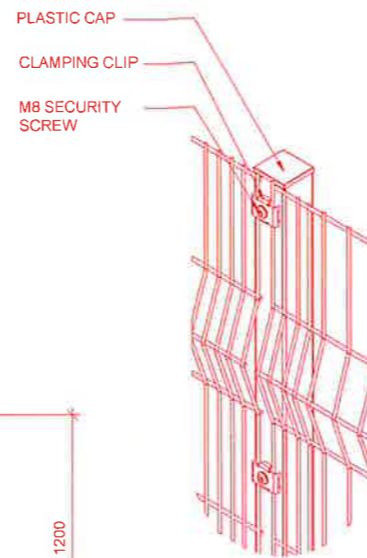
Purpose			
LOW LEVEL DESIGN			
Site code	Survey date	Sheet Size	
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Scale	Drawn By	Checked By	VM
As Shown	GOR	GOR	VM
Date Drawn	14.08.24	Date Checked	14.08.24

Title:	
Proposed Earthing Layout	
Project:	Newport Town AFC R503 Derryleigh Co. Tipperary
Drawing No	78904/001/07
REVISION	B

NOT FOR CONSTRUCTION
SUBJECT TO CHANGES



TYPICAL KINSALE MESH FENCE - COMPOUND ELEVATION



SINGLE GATE ELEVATION

SCANNED

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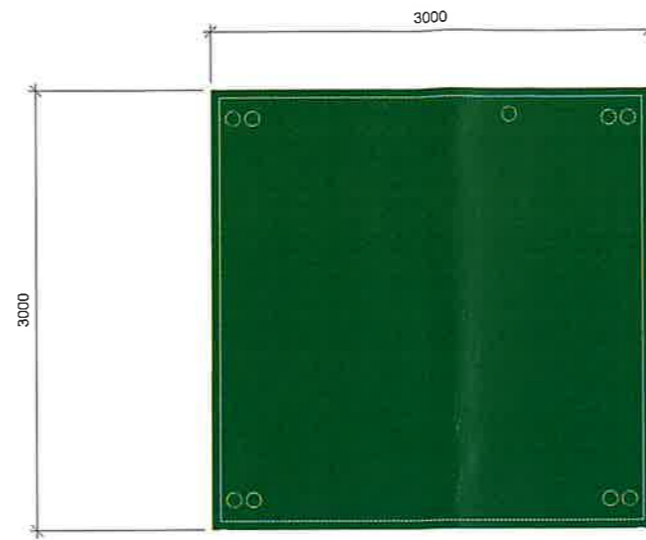
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Easting:	573592
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Purpose			
LOW LEVEL DESIGN			
Site code	Survey date	Sheet Size	
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Scale	Drawn By	Checked By	VM
As Shown	GOR	GOR	VM
Date Drawn	14.08.24	Date Checked	14.08.24

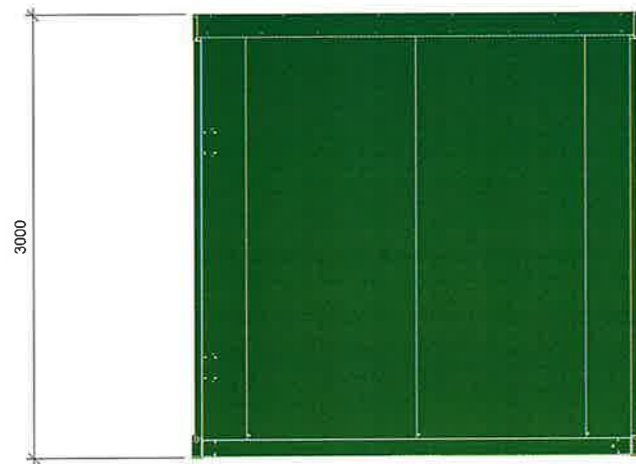
Title:	
Proposed Fencing Details	
Project:	Newport Town AFC R503 Derryleigh Co. Tipperary
Drawing No	78904/001/08
REVISION	B

NOT FOR CONSTRUCTION
SUBJECT TO CHANGES

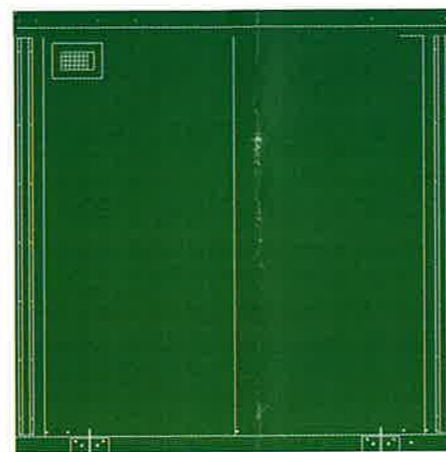
- NOTES:
- CABIN IS ENTIRELY DOUBLE SKINNED
 - INSULATED WITH EXTRA FIRE RETARDANT POLYSTYRENE
 - CABIN IS IP55 RATED
 - INTERNAL DIMENSIONS: 2787mm LONG x 2787mm WIDE x 2700mm HIGH



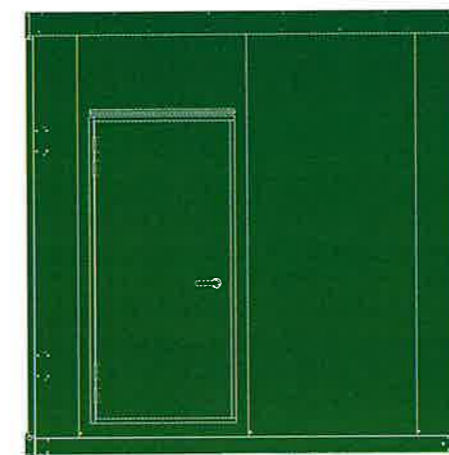
PLAN VIEW



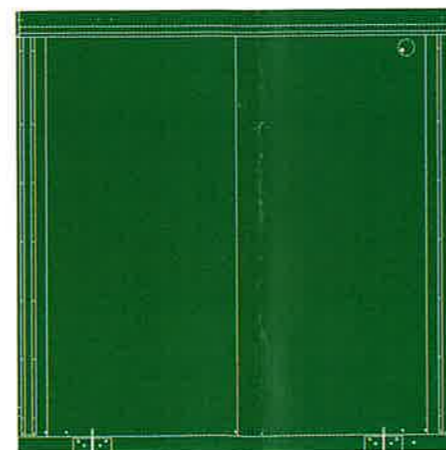
REAR VIEW



LEFT VIEW



FRONT VIEW



RIGHT VIEW

SCANNED

PROPOSED NBI CABIN DETAILS
SCALE 1:50

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			<p>Scale: As Shown</p> <p>Drawn By: GOR</p> <p>Date Drawn: 01.06.21</p>	<p>Checked By: VM</p> <p>Date Checked: 01.06.21</p>	<p>Drawing No: 70000/002/01</p> <p>REVISION A</p>						



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 3rd September 2024

Our Ref: S5/24/99

Civic Offices, Clonmel

NBI Infrastructure DAC,
C/o Lungel Nkosi
Entrust Ltd.,
Unit 1, First Floor,
Oranmore Business Park
Oranmore,
Co. Galway.

Re: Application for a Section 5 Declaration – Installation of Fibre Broadband and ancillary development at Newport AFC, Derryleigh, Co. Tipperary

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 2nd September 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully

for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/24/99
Applicant: NBI Infrastructure DAC
Development Address: Newport AFC, Derryleigh, Co. Tipperary
Proposed Development: Fibre broadband cabin and ancillary development

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following works constituted development and if so, whether same was exempted development:

Fibre broadband cabin and ancillary development

The development is to be located on disused lands at Newport AFC, Derryleigh, Co. Tipperary

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act, 2000 (as amended)

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“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 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act and includes (h) *‘development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which*

affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.'

Planning and Development Regulations, 2001 (as amended)

Class 9 of Schedule 2, Part 1 of the above regulations provides an exemption for:

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

This exemption is subject to the following limitations:

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

Class 11 of Schedule 2, Part 1 of the above regulations provides an exemption for:

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.

This exemption is subject to the following 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

Class 31 (1) of Schedule 2, Part 1 of the above regulations provides an exemption for:

CLASS 31

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),

(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),

This exemption is subject to no limitations.

Class 31 e) of Schedule 2, Part 1 of the above regulations provides an exemption for:

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

This exemption is subject to the following limitations:

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.

Class 31 f) of Schedule 2, Part 1 of the above regulations provides an exemption for:

f) cabinets forming part of a telecommunications system.

This exemption is subject to the following limitations:

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

Article 9 (1) (a) sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act if the carrying out of works would-

(ii) consist of or comprise 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,

(vi) 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

3. ASSESSMENT

a. Site Location

The site is located on disused lands at Newport AFC, Derryleigh, Co. Tipperary

b. Relevant Planning History

14510112- Grant of permission for clubhouse, boiler house, access roadway, parking and all ancillary works including the removal of existing temporary portable structures serving as dressing rooms and storage and connect to previously granted sewerage treatment plant under planning ref. 13/51/0158.

13510158- Grant of permission for retention and completion of changes to planning ref: 03/51/1443 - Retention and completion of: 1. Site entrance area and associated storm water drainage; 2. All weather playing area and associated floodlighting; 3. Grassed playing pitches; and 4. Temporary dressing rooms and storage building. Permission for 1. A single storey temporary toilet block; and 2. Proprietary sewerage treatment system, polishing filter, access road and turning area.

UD-14-006-Case closed. Related to non-compliance with 13/510158

c. Assessment

A) "Is or is not Development"

I consider the proposals constitutes "works" as understood by the Planning and Development Act 2000, as amended and therefore constitute "development" within the meaning of the Planning and Development Act 2000, as amended.

B) "Is or is not Exempted Development"

I have examined the proposals relative to the planning exemptions under the Planning and Development Regulations 2001, as amended and consider the development meets the planning exemptions under:

- Class 31 parts a, e) and f) e) of the Planning and Development Regulations 2001, as amended (NBI communication cabin and cabinet)
- Class 9 and 11 of the Planning and Development Regulations 2001, as amended (enclosure fencing and gate)

Class 11 of the Planning and Development Regulations 2001, as amended

C) Restrictions under Article 9

I note no restrictions under Article 9 that would apply.

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The proposal has been screened as to the requirements for AA and the screening assessment (attached) considers that the proposal does not impact on any Natura 2000 site.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

4. RECOMMENDATION

A question has arisen as to whether the following development on lands at Newport AFC, Derryleigh, Co. Tipperary is or is not development and is or is not exempted development;

Fibre broadband cabin and ancillary development

Tipperary County Council, in considering this referral, had regard particularly to -

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.
- Article 6 of the Planning and Development Regulations 2001, as amended.
- Class 9, 11 and 31 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
- Article 9

Tipperary County Council has concluded that –

The proposed development as presented on the details and drawings provided with the Declaration application, constitutes development within the meaning of the Planning and Development Act 2000, as amended and is exempted development.

Signed: _____

Jonathan Flood

Jonathan Flood A/SEP., Planning

Date:

20/9/2024

Signed: _____

Ann Marie Devaney

Ann Marie Devaney, SP Planning

Date:

25/09/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5/24/99
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/a

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
----------------------	--	--	---------------------------------------	-------------------------------------

Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 15km	None	No
Silvermines Mountains West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Slievefelim to Silvermines	https://www.npws.ie/protected-sites/sac/004165	Within 15km	None	No

Mountains SPA				
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No
Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000949	Within 15km	None	No
Slieve Bernagh Bog SAC	https://www.npws.ie/protected-sites/sac/002312	Within 15km	None	No
Glenomra Wood SAC	https://www.npws.ie/protected-sites/sac/001013	Within 15km	None	No
Glenstal Wood SAC	https://www.npws.ie/protected-sites/sac/001432	Within 15km	None	No
Clare Glen SAC	https://www.npws.ie/protected-sites/sac/000930	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering 	No potential impacts

<ul style="list-style-type: none"> • Storage of excavated/construction materials • Access to site • Pests 	
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential impacts
In-combination/Other	No potential impacts

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, The proposed development is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:			
	Tick as Appropriate:	Recommendation:	
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
Signature and Date of Recommending Officer:	Jonathan Flood	Date:	20/9/2024

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/99
Development Summary:	See section 2 of planners report
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	

<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : <u>Class 10 (b) (i)</u>	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Oifigí Cathartha,
Cluain Meala,
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Date: 26th September, 2024

Our Ref: S5/24/99

Civic Offices, Nenagh

**NBI Infrastructure DAC,
c/o Lungel Nkosi
Entrust Ltd.,
Unit 1, First Floor
Oranmore Business Park
Oranmore
Co. Galway**

**Re: Declaration under Section 5 of the Planning and Development Act
2000**

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 2nd September, 2024, in relation to the following proposed works:

**Fibre broadband cabin and ancillary development at Newport AFC,
Derryleigh, Co. Tipperary.**

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.
- Article 6 of the Planning and Development Regulations 2001, as amended.
- Class 9, 11 and 31 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
- Article 9

Tipperary County Council has concluded that –

The proposed development as presented on the details and drawings provided with the Declaration application, constitutes development within the meaning of the Planning and Development Act 2000, as amended and is **exempted development.**

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/99** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from NBI Infrastructure DAC, c/o Lungel Nkosi, Entrust Ltd., Unit 1, First Floor, Oranmore Business Park, Oranmore, Co. Galway, re: Fibre broadband cabin and ancillary development at Newport AF , Derryleigh, Co. Tipperary is development and is exempted development.


AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.
- Article 6 of the Planning and Development Regulations 2001, as amended.
- Class 9, 11 and 31 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
- Article 9

Tipperary County Council has concluded that –

The proposed development as presented on the details and drawings provided with the Declaration application, constitutes development within the meaning of the Planning and Development Act 2000, as amended and is **exempted development.**

Signed:



Date: 26/09/2024

**Sharon Kennedy
Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**