



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Vantage Towers Ltd.
<i>Address</i>	Type text here Mountainview, Leopardstown, Dublin 18
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	Charterhouse c/o Michael Foody
<i>Address</i>	Unit 2, HQ, 27 Market Street, Listowel. Co. Kerry
<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"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Cathaganstown, Killenaule, Co Tipperary
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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.)

The proposal is to erect a 12.05 metre high lattice structure carrying antennas resulting in a total height of 13.25 metres and subsequently to remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet will also be installed.
The existing six antennas and dishes will be relocated to the new tower. The larger antenna dimension is 2099mm x 369mm x 226mm. The largest dishes have a diameter of 0.6m.
Proposed floor area of proposed works/uses: 16 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	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Leasehold interest	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Bob Hall, Address: Cathaganstown, Killenaule, Co. Tipperary	

Signature of Applicant(s) Michael Feocky

Date: 19/11/24

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.

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 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____
Receipt No _____
Date _____
Received by _____



Planning Section, OR
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary

19th November 2024

Re: SECTION 5 APPLICATION; Exemption Clarification Query; to replace an existing communications structure for a new communications structure at Cathaganstown, Killenaule, Co Tipperary.

A Chara

On behalf of Vantage Towers Ltd, we request clarification regarding replacement of an existing telecommunication structure at Cathaganstown, Killenaule.

This referral seeks the local authority's declaration on whether the proposed telecommunications works is or is not an exempted development within the meaning of the Act.

In this regard we specifically seek clarification in respect of exempted development in accordance with the conditions outlined in Schedule 2 Part 1 Class 31 (j) and Class 31 (f) of the Exempted Development Planning & Development Regulations (as amended). The full list of these conditions is attached at the end of this letter.

The Proposed Works

The proposal is to erect a 12.05 metre high lattice structure carrying antennas resulting in a total height of 13.25 metres and subsequently to remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet will also be installed.

The existing six antennas and six dishes will be relocated to the new tower. The larger antenna dimension is 2099mm x 369mm x 226mm. The largest dishes have a diameter of 0.6m.

In accordance with Class 31 (j), at 6.320 metres apart, the replacement structure is less than 20 metres away from the existing, the overall height does not change, the base width of the existing structure is 0.625m and the proposed replacement structure base width is 1.250m. Both structures comprise a triangular base.

A new cabinet will be added. In accordance with Class 31 (f), the new cabinet, comprising dimensions 1800mm x 800mm x 700mm, results in a volume below the 2m³ permitted.

The existing compound and access will not be changed.

HEAD OFFICE: HQ, 27 Market Street, Listowel, Co. Kerry, V31 Y436

T: 068 57463 **E:** info@chtc.ie **www.chtc.ie**

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Planning History

The existing structure has been subject to a number of previous planning applications, including;

Planning reference; 97486. This application was for the recording studio.

Planning reference; 03582. This application was to retain a radio mast with existing antennas.

Planning reference; 0460. This application was for additional antennas to an existing radio mast.

Planning reference; 04894. This application was to replace existing permitted mast with a more robust mast of similar design and construction and to re-erect the existing permitted antennas.

Planning reference; 041177. This application was to replace existing permitted mast with a more robust mast 13m high of similar design and construction and re-erect the existing permitted antennae on site. A financial contribution was made in respect of the development.

Withdrawn 13/01/2011; Planning reference; 09605. This application was to retain a lattice type telecommunications structure circa 13m in height with 6 no. hyperlink reflector grid broadband antennae, 1 no. eclipse E300 drum broadband antenna, 1 no. hyperlink omnidirectional broadband antenna, 3 no. kathrein panel antennae, 1.

Planning Enforcement ENF: 215/09. It is noted that an enforcement notice was issued in respect of planning reference 04/1177, however it is understood that the structure was exempt under class 29(f) of the 1994 regulations and the matter was resolved.

Planning Framework Used in Our Assessment

The documents assessed in determining the query are as follows:

- Tipperary County Development Plan
- Past planning applications at ownership lands.
- Local Government Planning and Development Regulations 2001 – 2023 (Unofficial Consolidation)
- Article 5 – Interpretation of terms
- Article 6 – Exempted Development
- Article 9 – Restrictions on Exemption
- Schedule 2 – Part 1, Exempted Development General
- Class 31 (f) cabinets forming part of a telecommunications system.
- Class 31 Class 31 (j) an antenna support structure in place of an existing antenna support structure,

Attached to Appendix 1 is set of drawings detailing the proposed replacement installation works. As a result of the works it is submitted the general and overall visual impact will be unchanged. The plans do not include signage or steel notes, earthing or power line diagrammatic. Only necessary details are included.

Attached to Appendix 2 is an initial site visit report including photographs. Please note this was undertaken before final decision and plans were drawn.

Attached to Appendix 3 is a copy of the financial contribution made in respect of planning reference 04/1177 and the closing letter from the Authority with regard to the enforcement notice.

Development Plan

We have studied the Development Plan 2022 – 2028 and associated documents and note the following;

Record of Protected Structures.

It is noted that there are no listed protected structures within the Development Plan that are within proximity of the proposed development. However, the National Monuments Service identifies the Ringfort / Hilltop Enclosure opposite the property reference TS054-044. A couple of archaeological findings are associated with the hilltop.

It is submitted that the proposal will not impact the Ringfort / Hilltop Enclosure and effectively replaces one structure for another. Also, the proposal is behind the house where development works have been undertaken in the past and as a result it is submitted that an archaeological survey is not necessary.

The proposal does not conflict with any landscape characterisation, scenic routes or views. There are no designated areas within close proximity to the proposal.

Assessment

The existing structure has been in existence for about 20 years and is today an integral part of the Vodafone network and that of an existing Broadband operator. The structure is reaching the end of its structural life and must be replaced. The replacement structure including the antennas is the same height. A new cabinet will be added.

The existing structure complies with the conditions of grant for the planning retention.

The proposal does not conflict with any matters within the County Development Plan.

The proposal meets the requirements of the exempted development rules.

Conclusion

It is the opinion of this office that the proposal does fall within the exempted rules for development, however for the avoidance of any doubt we seek Council's clarification.

If you have any further queries in relation to the matter, please contact us at your earliest convenience.

We look forward to receipt of the local authority's determination on this referral.

Yours sincerely,



Michael Foody,
Charterhouse

Appendix 1 Plans of the proposed development.

Appendix 2 Initial site visit report.

Appendix 3 Copy of the financial contribution made in respect of planning reference 04/1177 and the closing letter from the Authority with regard to the enforcement notice.

PLANNING AND DEVELOPMENT REGULATIONS 2001 – 2023 (Unofficial Consolidation)

Exempted Development: Article 6 (1) - 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.

Typical reasons for Non-Applicability of Exemptions test

Article 9 (1) (a) (i) - contravenes a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

Article 9 (1) (a) (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,

Article 9 (1) (a) (vi): 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,

Article 9 (1) (a) (vii): consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

Article 9 (1) (a) (viiA): consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

Article 9 (1) (a) (viiB): comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Article 9 (1) (a) (xii): further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area

Schedule 2, Part 1, Class 31 (j) of the Planning and Development Regulations

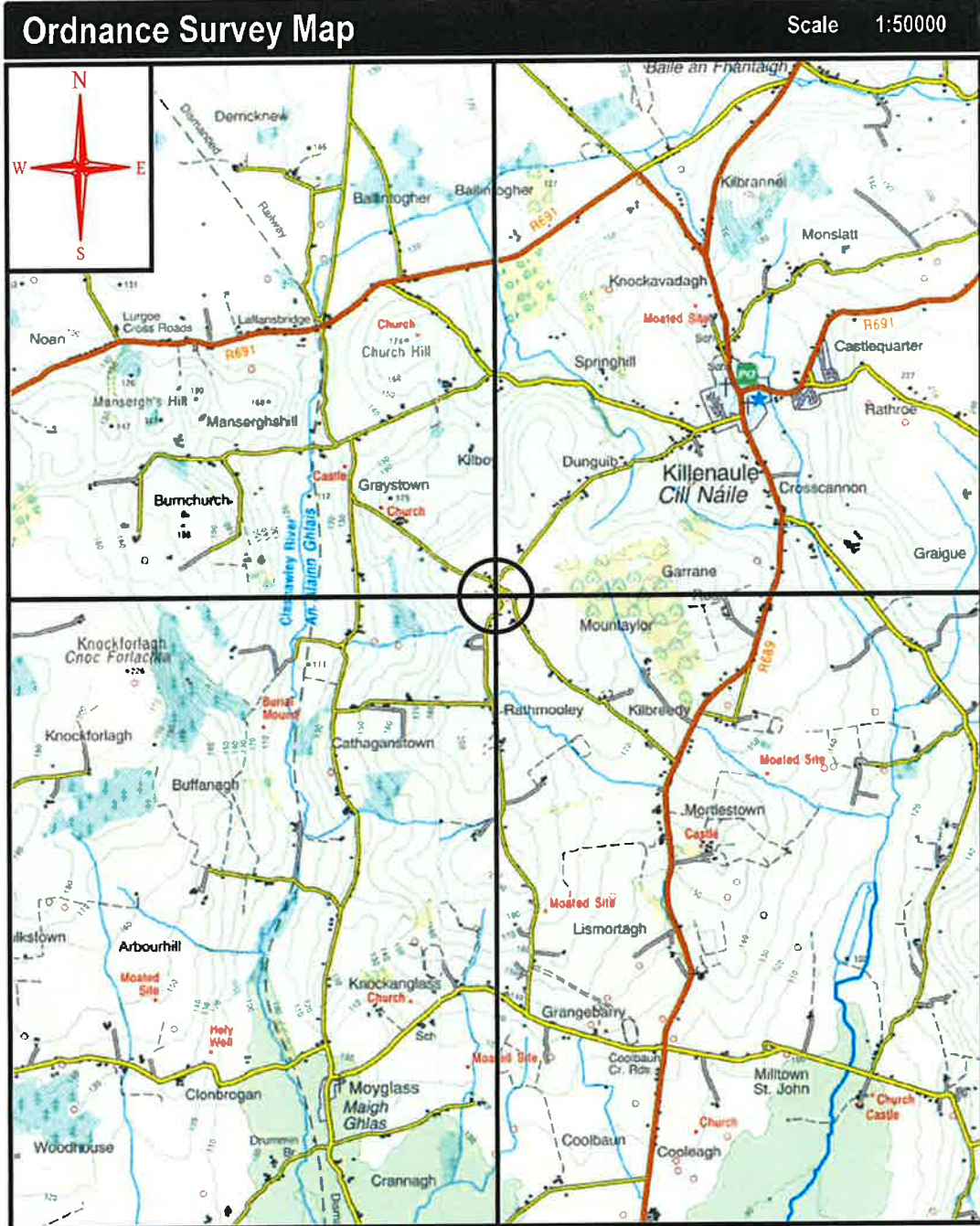
an antenna support structure in place of an existing antenna support structure,

1. The replaced structure shall be removed no later than 4 weeks following its decommissioning.
2. Where, for reasons of the integrity of the network or other operational reasons, the structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).
3. (a) The height of the replacement structure shall not exceed the height of the replaced structure.
(b) (i) Subject to sub-paragraph (ii), the width of the replacement structure shall not exceed the width of the replaced structure.
(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.
(c) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.
4. (a) Subject to sub-paragraphs (b) and (c), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.
(b) For structure under 15 metres in height, an additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 antennae shall be of the dish type (whether shielded or not).
(c) For structures of 15 metres or over in height, an additional 18 antennae for mobile telephony may be attached to the replacement structure, of which not more than 12 of the additional 18 antennae shall be of the dish type (whether shielded or not).
5. (a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure.
(b) In any other case, the dimensions of any antenna provided shall not exceed: (i) in the case of any panel type antenna, 3 metres in length x 0.6 metres in width x 0.2 metres in depth, (ii) in the case of any co-linear type antenna, 5 metres in length x 0.1 metres in diameter, and (iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.
6. The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Commission for Communications Regulation.

Class 31 (f) cabinets forming part of a telecommunications system,

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

Appendix 1



Reproduced from the OS Discovery Maps, 1:50000 with the permission of © Ordnance Survey Ireland Government of Ireland
Copyright Reference: CYAL50376702

Drawing No.	Drawing Title
TY046 - 001 - 01	O.S. Location Map and Photographs
TY046 - 001 - 02	Overall site Layout
TY046 - 001 - 03	Existing Site Layout Plan
TY046 - 001 - 04	Proposed Site Layout Plan
TY046 - 001 - 05	Tower Layout Plan
TY046 - 001 - 06	Existing East Elevation
TY046 - 001 - 07	Proposed East Elevation

Site Photographs



FIG. 1: EXISTING SITE ELEVATION



FIG. 2: EXISTING SITE LOCATION

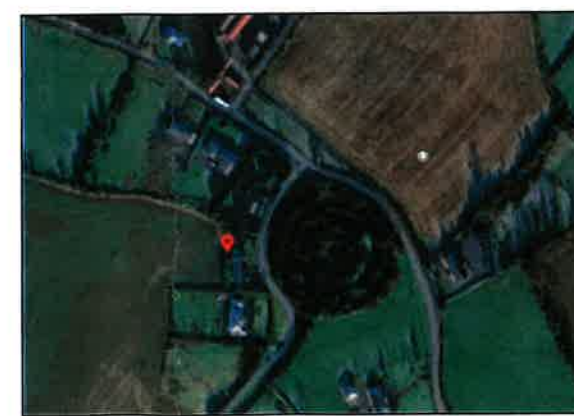


FIG. 3: EXISTING SATELLITE VIEW

Irish Grid New Site Coordinates		Irish Grid Site Coordinates		Irish Grid Site Entrance Coordinates	
East	220412	East	220411	East	220441
North	144880	North	144884	North	144869
GPS Site Coordinates		GPS Site Coordinates		GPS Site Entrance Coordinates	
Latitude	52.555284	Latitude	52.555316	Latitude	52.555174
Longitude	-7.699787	Longitude	-7.699797	Longitude	-7.699369

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- Notes:
- Do not scale.
 - All dimensions are in mm otherwise specified.
 - Assume all site details are existing unless otherwise specified.

Rev.	Description	By	Date
H			
G			
F			
E			
D			
C			
B	0.3m DISH ADDED TO ELEVATION	RN	19/11/24
A	ANTENNA TYPE UPDATED	RN	15/11/24
-	SECTION 5 DRAWING	NB	10/10/24

SECTION 5 DRAWING			
Site code	TY046	Survey date	22/07/24
Sheet Size	A3	Drawn	SG
Checked	JN	Approved	IB
Scale	As Shown	Date	01/08/24
Date	01/08/24	Date	01/08/24
Date	01/08/24	Date	01/08/24

Title	O.S. Location Map & Photos	
Project	PROPOSED VANTAGE TOWERS SITE AT KILLENAULE, DUNGUIB Co. TIPPERARY	
Drawing No.	TY046 / S5 / 01	Revision
		B

RECEIVED
21 NOV 2024
PLANNING SECTION
FILE NO. S5/24/114

Site Name: KILLENAULE
Site Code: TY046

NOT FOR CONSTRUCTION



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21 NOV 2024
 PLANNING SECTION
 FILE NO. S5/24/141

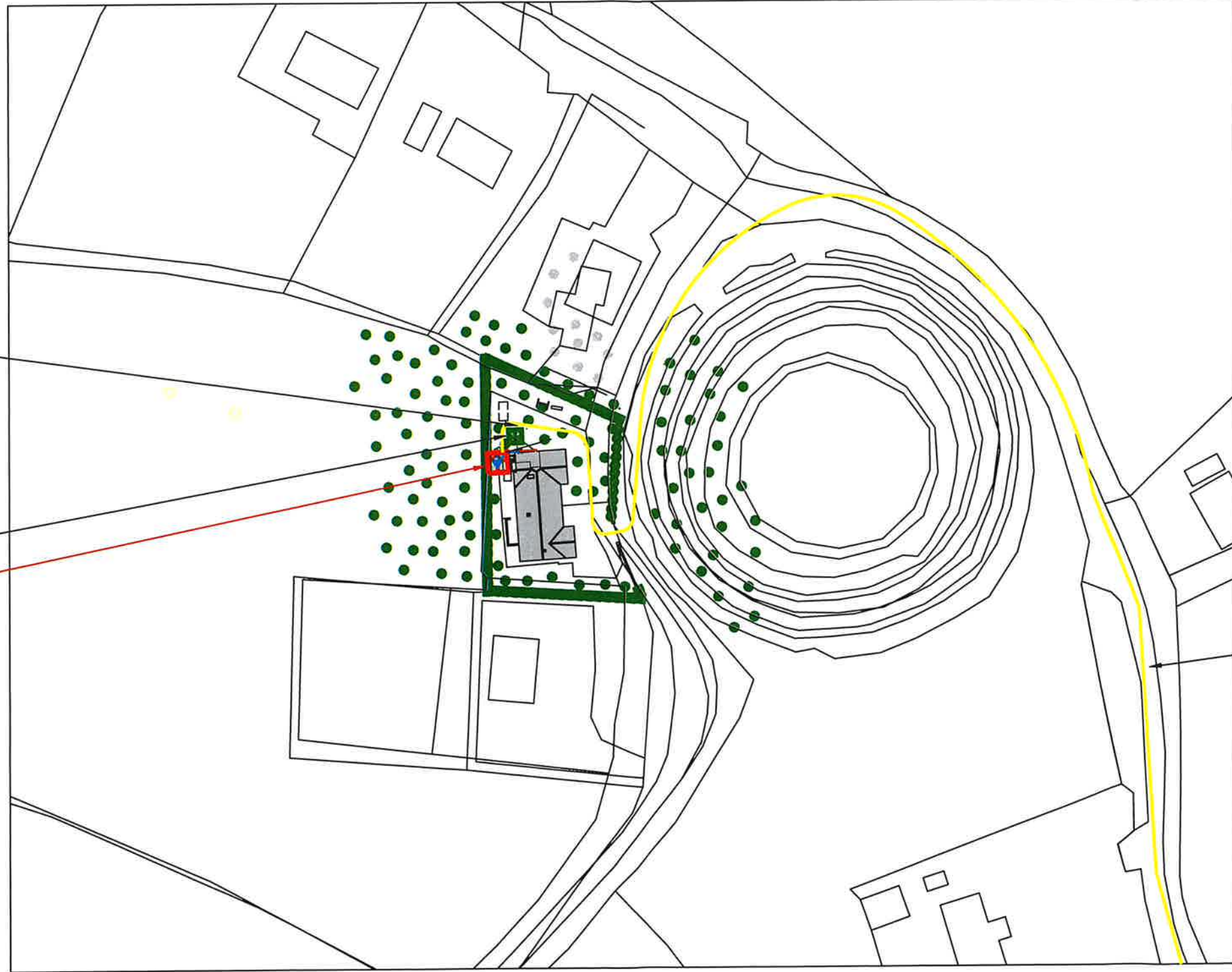
EXISTING ACCESS ROUTE

EXISTING SITE LOCATION

PROPOSED SITE COMPOUND

PUBLIC ROAD (L2212)

Site Name: KILLENAULE
 Site Code: TY046



OVERALL SITE LAYOUT
 SCALE 1:1000

VANTAGE TOWERS

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- Notes:**
1. Do not scale.
 2. All dimensions are in mm otherwise specified.
 3. Assume all site details are existing unless otherwise specified.

Rev.	Description	By	Date
H			
G			
F			
E			
D			
C			
B	0.3m DISH ADDED TO ELEVATION	RN	19/11/24
A	ANTENNA TYPE UPDATED	RN	15/11/24
-	SECTION 5 DRAWING	NB	10/10/24

Cabin/Cabinet Details	
Type:	RBS 6150
Dim:	0.88x0.78x2.05
Colour:	
Structure Details	
Type:	LATTICE TOWER
Height:	12m

SECTION 5 DRAWING			
Site code	TY046	Survey date	22/07/24
Sheet Size	A3	Scale	As Shown
Drawn	SG	Checked	JN
Date	01/08/24	Date	01/08/24
Approved	IB	Date	01/08/24

Title Overall Site Layout	
Project	PROPOSED VANTAGE TOWERS SITE AT KILLENAULE, DUNGUIB Co. TIPPERARY
Drawing No.	TY046 / S5 / 02
Revision	B

NOT FOR CONSTRUCTION



EXISTING U/G SEPTIC TANK
APPROX. LOCATION

EXISTING VODAFONE 2No.
DISHES MOUNTED ON TOWER
LEGS TO BE DECOMMISSIONED

EXISTING 13.25m HIGH LATTICE
TOWER TO BE DECOMMISSIONED

EXISTING VODAFONE 3No. ANTENNAS
(1 PER SECTOR) MOUNTED ON
TOWER LEGS TO BE DECOMMISSIONED

EXISTING HEDGE LINE

TIPPERARY
REGISTRATION
21 NOV 2024
PLANNING SECTION
FILE NO. S5/24/141

EXISTING KIDS SWING

EXISTING BROADBAND OPERATOR 3No.
ANTENNAS, 4No. DISHES MOUNTED ON
TOWER LEGS TO BE DECOMMISSIONED

EXISTING VODAFONE OPERATOR
300mm WIDE CABLE LADDER
TO BE DECOMMISSIONED

EXISTING ACCESS DOOR
TO EQUIPMENT ROOM
EXISTING EQUIPMENT ROOM

EXISTING DWELLING

EXISTING ACCESS GATE

EXISTING SITE LAYOUT PLAN
SCALE 1:200

Site Name: KILLENAULE
Site Code: TY046

VANTAGE
TOWERS

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Notes:

1. Do not scale.
2. All dimensions are in mm otherwise specified.
3. Assume all site details are existing unless otherwise specified.

Rev.	Description	By	Date
H			
G			
F			
E			
D			
C			
B	0.3m DISH ADDED TO ELEVATION	RN	19/11/24
A	ANTENNA TYPE UPDATED	RN	15/11/24
-	SECTION 5 DRAWING	NB	10/10/24

Cabin/Cabinet Details	
Type:	RBS 6150
Dims:	0.88x0.78x2.05
Colour:	

Structure Details	
Type:	LATTICE TOWER
Height:	12m

Purpose			
SECTION 5 DRAWING			
Site code	TY046	Survey date	22/07/24
Sheet Size	A3		
Scale	As Shown	Drawn	SG
	Date	01/08/24	Checked
		01/08/24	JN
		Approved	IB
		Date	01/08/24

Title	
Existing Site Layout Plan	
Project	PROPOSED VANTAGE TOWERS SITE AT KILLENAULE, DUNGUIB Co. TIPPERARY
Drawing No.	TY046 / S5 / 03
Revision	B

NOT FOR
CONSTRUCTION



21 NOV 2024
 PLANNING SECTION
 FILE NO. S5/24/14

EXISTING U/G SEPTIC TANK
 APPROX. LOCATION

PROPOSED VODAFONE 1No. DISH

PROPOSED 3No. PANEL ANTENNAS &
 4No. DISHES (BROADBAND OPERATOR)

PROPOSED CABINET MOUNTED
 ON PROPOSED CONCRETE
 FOUNDATION

PROPOSED GPS ANTENNA
 TO BE MOUNTED ON
 PROPOSED GANTRY POLE

EXISTING HEDGE LINE TO BE
 TRIMMED AROUND PROPOSED
 SITE LOCATION

PROPOSED 12m HIGH
 LATTICE TOWER MOUNTED
 ON PROPOSED FOUNDATION

EXISTING VODAFONE 1No. DISH

EXISTING HEDGE LINE

ELEVATION

EXISTING KIDS SWING

EXISTING BROADBAND OPERATOR 3No.
 ANTENNAS, 4No. DISHES MOUNTED ON
 TOWER LEGS TO BE DECOMMISSIONED

EXISTING VODAFONE 2No.
 DISHES MOUNTED ON TOWER
 LEGS TO BE DECOMMISSIONED

EXISTING 13.25m HIGH LATTICE
 TOWER TO BE DECOMMISSIONED

EXISTING VODAFONE 3No.
 ANTENNAS (1 PER SECTOR)
 MOUNTED ON TOWER LEGS TO BE
 DECOMMISSIONED

EXISTING VODAFONE OPERATOR
 300mm WIDE CABLE LADDER
 TO BE DECOMMISSIONED

EXISTING ACCESS DOOR
 TO EQUIPMENT ROOM

EXISTING EQUIPMENT ROOM

EXISTING DWELLING

EXISTING ACCESS GATE

NOTE:
 FINAL FOUNDATION DIMENSION
 TBC BY STRUCTURAL

NOTE:
 GROUND AROUND PROPOSED
 FOUNDATION TO BE LEVELLED

PROPOSED SITE LAYOUT PLAN
 SCALE 1:200

Site Name: KILLENAULE
 Site Code: TY046

VANTAGE
 TOWERS

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- Notes:
- Do not scale.
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 - Assume all site details are existing unless otherwise specified.

Rev.	Description	By	Date
H			
G			
F			
E			
D			
C			
B	0.3m DISH ADDED TO ELEVATION	RN	19/11/24
A	ANTENNA TYPE UPDATED	RN	15/11/24
-	SECTION 5 DRAWING	NB	10/10/24

Cabin/Cabinet Details	
Type:	RBS 6150
Dims:	0.88x0.78x2.05
Colour:	
Structure Details	
Type:	LATTICE TOWER
Height:	12m

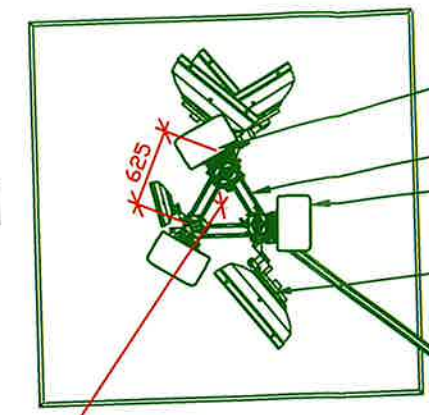
Purpose			
SECTION 5 DRAWING			
Site code	TY046	Survey date	22/07/24
Sheet Size	A3	Drawn	SG
Scale	As Shown	Checked	JN
Date	01/08/24	Approved	IB
Date	01/08/24	Date	01/08/24

Title		Proposed Site Layout Plan	
Project		PROPOSED VANTAGE TOWERS SITE AT KILLENAULE, DUNGUIB Co. TIPPERARY	
Drawing No.		TY046 / S5 / 04	
Revision		B	

NOT FOR
 CONSTRUCTION

FILE NO. S5/24/141
 PLANNING SECTION
 21 NOV 2024

- EXISTING BROADBAND OPERATOR 3No. ANTENNAS, 4No. DISHES MOUNTED ON TOWER LEGS TO BE DECOMMISSIONED
- EXISTING 13.25m HIGH LATTICE TOWER TO BE DECOMMISSIONED
- EXISTING VODAFONE 3No. ANTENNAS (1 PER SECTOR) MOUNTED ON TOWER LEGS TO BE DECOMMISSIONED
- EXISTING VODAFONE 2No. DISHES MOUNTED ON TOWER LEGS TO BE DECOMMISSIONED
- EXISTING VODAFONE OPERATOR 300mm WIDE CABLE LADDER TO BE DECOMMISSIONED

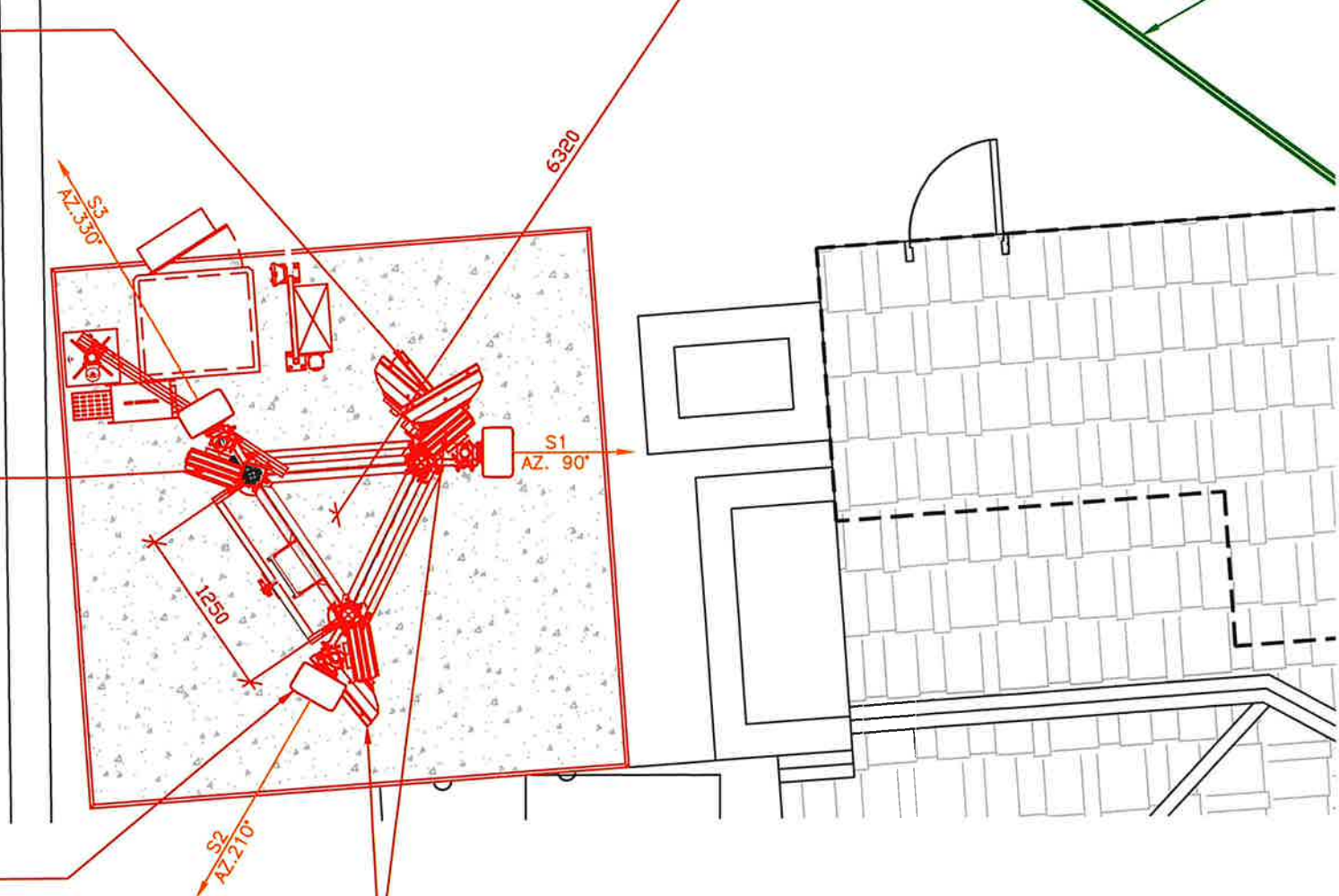


PROPOSED 3No. PANEL ANTENNAS & 4No. DISHES (BROADBAND OPERATOR)

PROPOSED VODAFONE 6No. RRUs (2 PER SECTOR)

PROPOSED VODAFONE 3No. ANTENNAS (1 PER SECTOR)

EXISTING VODAFONE 2No. DISHES TO BE RELOCATED ON TO PROPOSED TOWER



TOWERS LAYOUT PLAN
 SCALE 1:50

ANTENNA SCHEDULE						
No.	Height (T)	Size (m)	Type	Orientation	Fibre Length	Feeder Type
SECTOR 1 (2G/3G/4G)	13.25	2.10	HUA_AQU4518R61V06	90°	18	FIBRE
SECTOR 2 (2G/3G/4G)	13.25	2.10	HUA_AQU4518R61V06	210°	18	FIBRE
SECTOR 3 (2G/3G/4G)	13.25	2.10	HUA_AQU4518R61V06	330°	18	FIBRE

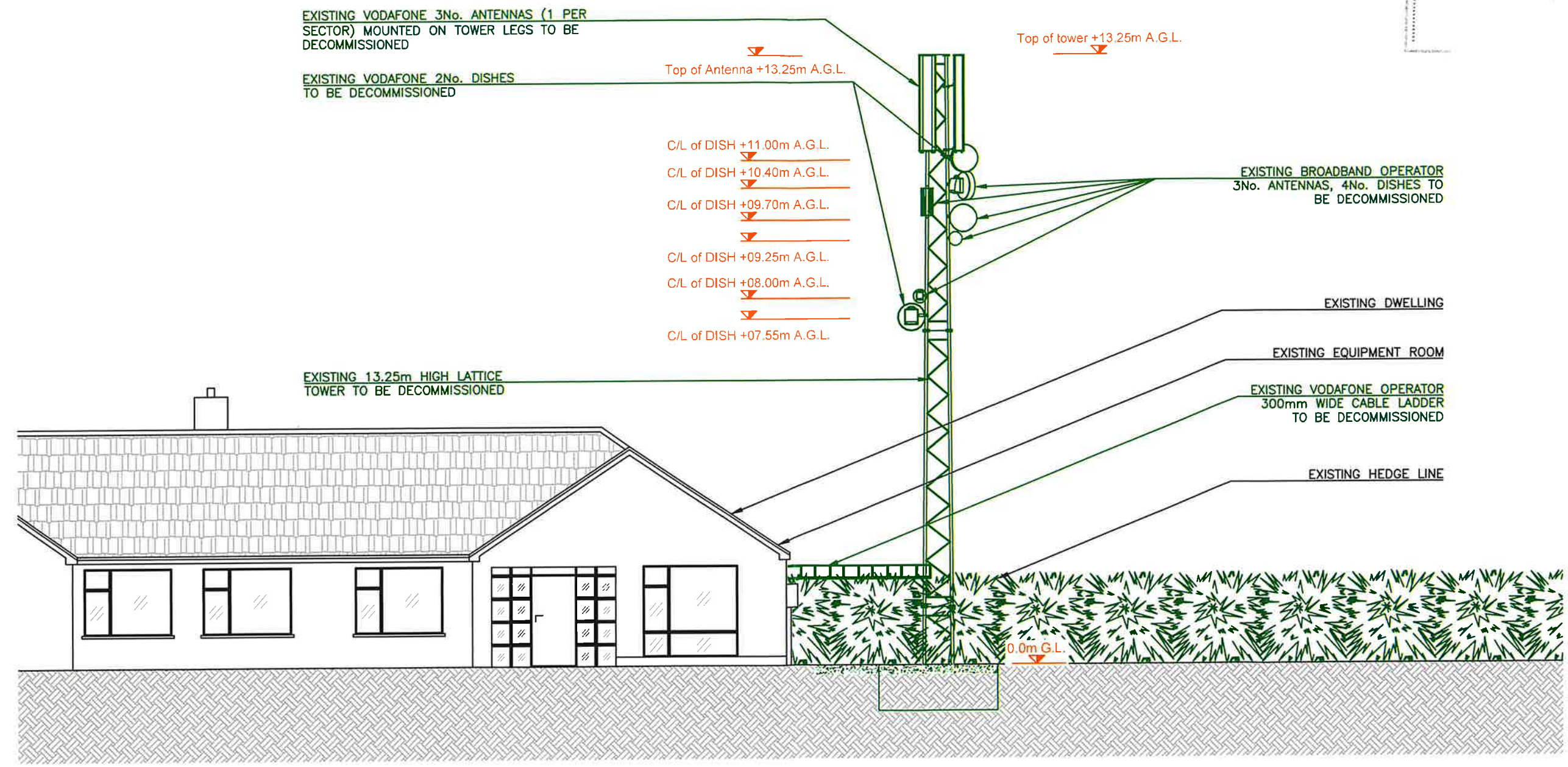
TRANSMISSION SCHEDULE						
No.	Height (C)	Size (m)	End Link (If known)	Orientation	Feeder Length	Feeder Type
D1	TBC	0.6	-	-	TBC	TBC
D2	TBC	0.6	-	-	TBC	TBC

Site Name: KILLENAULE
 Site Code: TY046

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Notes: 1. Do not scale. 2. All dimensions are in mm otherwise specified. 3. Assume all site details are existing unless otherwise specified.	H G F E D C B A - Rev.	Cabin/Cabinet Details Type: RBS 6150 Dims: 0.88x0.78x2.05 Colour:	Purpose SECTION 5 DRAWING	Title Tower Layout Plan	
	0.3m DISH ADDED TO ELEVATION ANTENNA TYPE UPDATED SECTION 5 DRAWING	Date 19/11/24 15/11/24 10/10/24	Structure Details Type: LATTICE TOWER Height: 12m	Site code: TY046 Survey date: 22/07/24 Sheet Size: A3	Project PROPOSED VANTAGE TOWERS SITE AT KILLENAULE, DUNGUIB Co. TIPPERARY
	Description By Date	Date 01/08/24 01/08/24 01/08/24	Scale As Shown	Drawing No. TY046 / S5 / 05	NOT FOR CONSTRUCTION Revision B

21 NOV 2024
 PLANNING SECTION
 FILE NO. S5/24/141



EXISTING VODAFONE 3No. ANTENNAS (1 PER SECTOR) MOUNTED ON TOWER LEGS TO BE DECOMMISSIONED

EXISTING VODAFONE 2No. DISHES TO BE DECOMMISSIONED

Top of tower +13.25m A.G.L.

Top of Antenna +13.25m A.G.L.

C/L of DISH +11.00m A.G.L.

C/L of DISH +10.40m A.G.L.

C/L of DISH +09.70m A.G.L.

C/L of DISH +09.25m A.G.L.

C/L of DISH +08.00m A.G.L.

C/L of DISH +07.55m A.G.L.

EXISTING BROADBAND OPERATOR 3No. ANTENNAS, 4No. DISHES TO BE DECOMMISSIONED

EXISTING 13.25m HIGH LATTICE TOWER TO BE DECOMMISSIONED

EXISTING DWELLING

EXISTING EQUIPMENT ROOM

EXISTING VODAFONE OPERATOR 300mm WIDE CABLE LADDER TO BE DECOMMISSIONED

EXISTING HEDGE LINE

0.0m G.L.

EXISTING EAST ELEVATION
 SCALE 1:100

Site Name: KILLENAULE
 Site Code: TY046

VANTAGE TOWERS

Together, we accelerate a sustainably connected Europe

- Notes:
- Do not scale.
 - All dimensions are in mm otherwise specified.
 - Assume all site details are existing unless otherwise specified.

Rev.	Description	By	Date
H			
G			
F			
E			
D			
C			
B	0.3m DISH ADDED TO ELEVATION	RN	19/11/24
A	ANTENNA TYPE UPDATED	RN	15/11/24
-	SECTION 5 DRAWING	NB	10/10/24

Cabin/Cabinet Details	
Type:	RBS 6150
Dim:	0.88x0.78x2.05
Colour:	
Structure Details	
Type:	LATTICE TOWER
Height:	12m

Purpose			
SECTION 5 DRAWING			
Site code	TY046	Survey date	22/07/24
Sheet Size	A3	Drawn	SG
Scale	As Shown	Checked	JN
Date	01/08/24	Date	01/08/24
Approved	IB	Date	01/08/24

Title		Existing East Elevation	
Project		PROPOSED VANTAGE TOWERS SITE AT KILLENAULE, DUNGUIB Co. TIPPERARY	
Drawing No.		TY046 / S5 / 06	
Revision		B	

NOT FOR CONSTRUCTION

Appendix 2

21 NOV 2001
PLANNING SECTION
FILE NO. ... 55/24/14/

Site Survey Report (MSV)

Existing Site Name:	Killenaule	Existing Site ID:	TY046
Site location Lat / Long	52.555300°, -7.699789°	Project:	LSU – Tower replacement
Survey Date:	22-07-2024	Surveyor:	Lukasz Milejski

Proposed structure location:



Link to panoramic views below:

<https://kuula.co/share/5W6qr?logo=1&info=1&fs=1&vr=0&zoom=1&sd=1&thumbs=1>

21 NOV 2024
PLANNING SECTION
FILE NO. S5/24/141

Access:

Access to proposed site location is fully existing however temporary mats should be considered for machinery/crane access via grass area at the front and side of the house. OH Eir cables noted between A-pex roof and Eip pole. UG septic tank noted adjacent to existing structure. Access point from the main road noted at 52.555178°, -7.699442°, main access gate in place with 3.8m distance between existing concrete pillars.



Proposed compound location:

Location_1:

Proposed to replace existing 13.25m Tower with new Delmec 12m+ structure. Proposed to install outdoor cabinet (RBS6150) on proposed structure concrete foundation (existing power to be redirected). According to information from SP there are UG septic tank pipes along with pump's power cable in vicinity of proposed structure location – service search required to establish exact location of the services. Existing 3.15m x 1.25m concrete path can be accommodated into structure foundation plinth the path must be clear and passable on construction works completion.



Location_2:

Proposed concrete foundation of the proposed structure to be placed adjacent to existing tree line with approx. 2m from tree roots. SP need to confirm proposed location.



Electrical Supply:

There is independent ESB power supply on existing site, ESB meter is located on the wall of the building, existing Eltek along with 19" RBS rack is in dedicated comms-room inside the building. Proposed to redirect existing power supply to new RBS6150 location via UG ducting – service search required before work commencement.



Fiber Optic:

The fiber infrastructure noted on Eir pole located approx. 25m from proposed RBS Location_1 and approx. 17m from proposed RBS Location_2.



Existing TX Details:

1no. SIAE link on site with B-ends as follow: TYGCL Glengoole and TY018 Kill Hill.



Additional information:

There is multiple multiple pieces of equipment that belongs to locat brodband company that needs to be disconnected before work commnecment, contact Vantage more details.





Attendees:

Print Name	Company	Role
Lukasz Milejski	Indigo	Surveyor
Stephen Heather	Vantage	Property
Martin Niland	Vantage	

Appendix 3

South Tipperary County Council
County Hall, Clonmel, Ireland.

Telephone 052-34455
Fax 052-34649/24355

E-mail secretary@southtippcoco.ie
www.southtippcoco.ie



Comhairle Contae Thiobraid Árann Theas
Aras an Chontae, Cluain Meala, Éire.

Teileafon 052-34455
Fax 052-34649/24355

04/1177

21st February 2005

Bob Hall,
Cathaganstown,
Killenaule,
Co. Tipperary.

Re: Development Contributions in connection with planning permission for to replace existing permitted mast with a more robust mast 13m high of similar design and construction and re-creat the existing permitted antennae on site at Cattaganstown, Killenaule.

Amount Due: €7,260

A Chara,

I refer to the above mentioned development in respect of which you have submitted your commencement notice to the Building Control Authority.

Condition no 12 attached to your planning permission refers to development contributions payable before development commences. It appears that these development contributions, set out hereunder, have not yet been paid.

Condition no.	Amount Due	In respect of
12a	€845	Road Improvement Works
12b	€6,415	Community Development Levy
Total Due	€7,260	

(This sum is subject to increase in accordance with Wholesale Price Index)

Consequently, I would appreciate if you could make the necessary arrangements to have these contributions paid **immediately** but in any event not later than **14 days** from the date of this letter.

Please note that failure to comply with a condition attached to a Grant of Permission will lead to the initiation of **legal proceedings**. It should be noted that any costs incurred by the Planning Authority as a result of such proceedings will have to be borne by you.

Is mise le meas,



65/67 O'CONNELL ST CLONMEL CO TIPPERARY

93-53-79 €

Administrative
Planning

Vertical stamp: 65/67 O'CONNELL ST CLONMEL CO TIPPERARY

Pay South Tipp Co Co or order

Date 4/3/05

euro euro eur

Seven thousand two hundred

€7260

+ 514.5 euros

ROBERT HALL
CURRENT ACCOUNT

181201

IRELAND

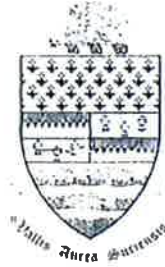
Handwritten signature: R. Hall

Handwritten signature: R. Hall

South Tipperary County Council
County Hall, Clonmel, Ireland.

Telephone 052-6134455
Fax 052-6134649/6124355

E-mail secretary@southtippcoco.ie
www.southtippcoco.ie



Comhairle Contae Thiobraid Árann The
Aras an Chontae, Cluain Meala, Eire.

Teileafon 052-6134455
Fax 052-6134649/6124355

VAT No. IE 0572594D

Our Ref: ENF: 215/09

30th November, 2011

Mr. Bob Hall
Cathaganstown
Killenaule
Co. Tipperary

**Re: Non-Compliance with Planning Condition(s) attached to Planning
Application Reference: 04/1177 at Cathaganstown, Killenaule, Co.
Tipperary.**

A Chara,

I refer to previous correspondence regarding the above.

The Planning Authority having considered this matter and having taken account of legal advice is of the opinion that there are exempted development rights available for this development and it is also noted that you have a licence to operate the facility.

Accordingly, the Council considers that Planning Enforcement cannot be pursued against you in this matter. The enforcement file is therefore now being closed by the Planning Authority.

Misc le mcas


T. O'Dwyer
Administrative Officer
Planning Section



Enquiries to Planning at 052-6134646



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

**Comhairle Contae
Thiobraid Árann,
Oifigí 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: 25th November, 2024 Our Ref: S5/24/141 Civic Offices, Nenagh

**Vantage Towers Ltd
C/O Charterhouse
Michael Foody
Unit 2, HQ
27 Market St
Listowel
Co. Kerry**

Re: Application for a Section 5 Declaration – Construction of a 12.05 mtr high lattice structure carrying antennas resulting in a total height of 13.25 metres and remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet to be installed. The existing six antennas and dishes will be relocated to the new tower. Development Site at Caghaganstown, Killenaule, Co. Tipperary.

Dear Mr Foody,

I acknowledge receipt of your application for a Section 5 Declaration received on 21st November, 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 sincerely


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.: S5/24/141

Applicant: Vantage Towers

Development Address: Cathaganstown, Killenaule, Thurles, Co Tipperary

Proposed Development: Construction of a 12.05 mtr high lattice structure carrying antennas resulting in a total height of 13.25 metres and remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet to be installed.

1. GENERAL

On the 21st of November 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- **Construction of a 12.05 metre high lattice structure carrying antennas resulting in a total height of 13.25 metres and remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet to be installed. The existing six antennas and dishes will be relocated to the new tower. The larger antenna dimension is 2099mm x 369mm x 226mm. The largest dishes have a diameter of 0.6m.**

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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.

Article 6 of the **Planning and Development Regulations 2001**, as amended states:

Exempted Development.

6. (1) 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.

Schedule 2, Part 1 'Exempted Development - General:

Class 31 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

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

(f) cabinets forming part of a telecommunications system,

Conditions and Limitations

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

(j) an antenna support structure **in place of** an existing antenna support structure,

Conditions and Limitations

1. The replaced structure shall be removed no later than 4 weeks following its decommissioning.

2. Where, for reasons of the integrity of the network or other operational reasons, the structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).

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

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

(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.

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

4.(a) Subject to sub-paragraph (b) and (c), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.

(b) For structures under 15m in height, an additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 shall be of the dish type (whether shielded or not).

(c) For structures of 15 metres or over in height, an additional 18 antennae for mobile telephony may be attached to the replacement structure, of which not more than 12 of the additional 18 antennae shall be of the dish type (whether shielded or not).

5. (a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure.

(b) In any other case, the dimensions of any antenna provided shall not exceed:

(i) in the case of any panel type antenna, 3 metres in length × 0.6 metres in width × 0.2 metres in depth,

(ii) in the case of any co-linear type antenna, 5 metres in length × 0.1 metres in diameter, and

(iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.

6. The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Commission for Communications Regulation.

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

Of note is Art 9(1)(a)(viii), which states that works are not exempt if they 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.

3. ASSESSMENT

a. Site Location

The site is unusual in that it forms part of the amenity space of a residential property in a rural area c. 2.1 kms to the south west of the village of Killenaule. There is a notable cluster of one off residential development at this location.

b. Relevant Planning History

On site

P37223 – Dwelling (outline permission) – granted to Robert Hall

P37325 – dwelling - granted to Robert Hall

97/486 - recording studio – granted to Robert Hall

03/582 - to retain a radio mast with existing antennae – granted to Robert Hall

04/60 - additional antennae to an existing radio mast - granted to Robert Hall

04/894 - replace existing permitted mast with a more robust mast of similar design and construction and to re-erect the existing permitted antennae - granted to Robert Hall

04/1177 - to replace existing permitted mast with a more robust mast 13m high of similar design and construction and re-erect the existing permitted antennae on site – granted to Robert Hall. Condition No. 2 attached to this grant of permission required as follows;

- This grant of permission shall be for a temporary period of five years from the date of grant of permission, issued under planning register reference 03/582 dated 05.11.02, to Bob Hall, for temporary period of five years, i.e. this grant of permission will expire on 04.11.08.

Reason: To enable the Planning Authority to review the position in the light of changing technology and design of radio equipment and antennae.

Condition No. 12 pertained to development contributions and I note that development contributions were paid under same.

09/605 - retain a lattice type telecommunications structure circa 13m in height with 6 no. hyperlink reflector grid broadband antennae, 1 no. eclipse E300 drum broadband antenna, 1 no. hyperlink omnidirectional broadband antenna, 3 no. kathrein panel antennae, 1 no. andrew microwave drum antenna, 1 no. connection box, 1 no. cable carrier tray from house to mast – withdrawn

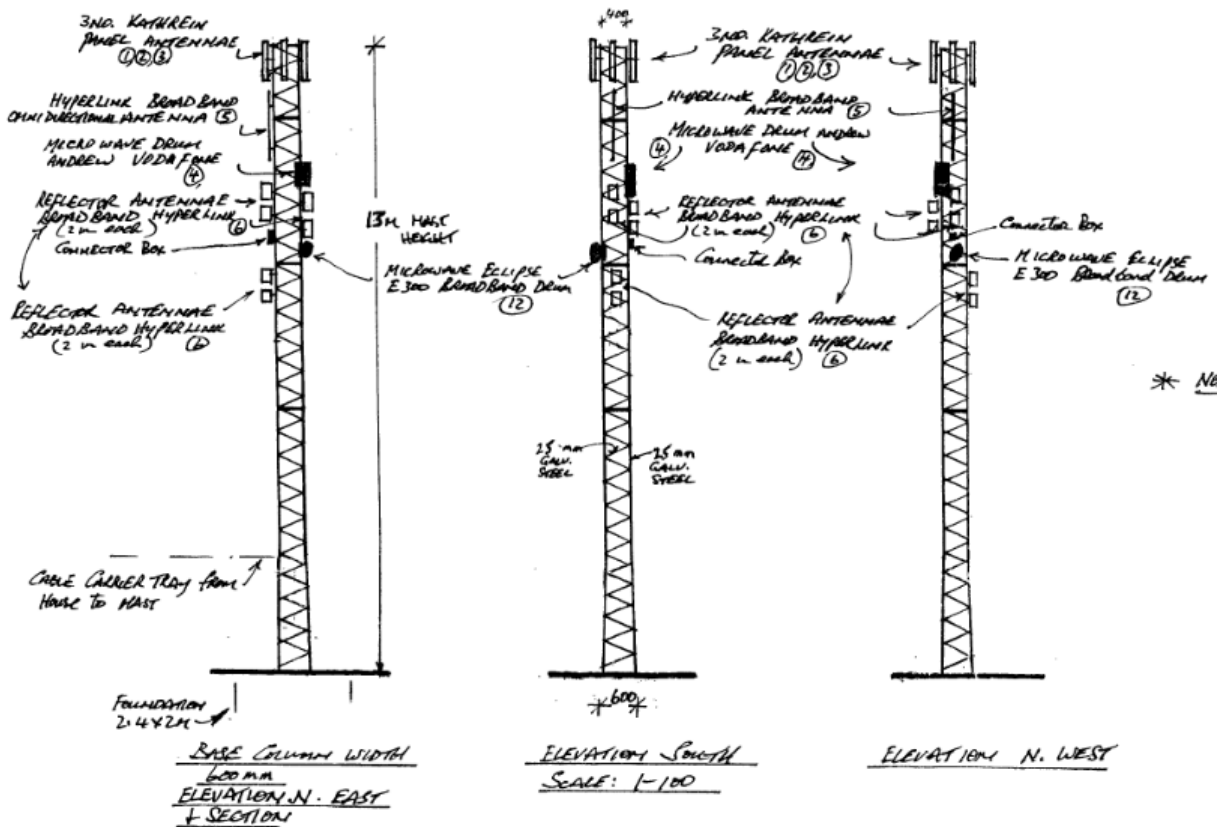


Figure 1 Mast to be retained under 09/605

ENF 215/09 – Telecommunications mast – non compliance with 04/1177 – Case closed as it was determined that there was an exemption which the development may fall under and the developer had a licence to operate the facility. Accordingly, it was considered that enforcement action could not be pursued.

(Class 29 (f) of the 1994 Regulations - The carrying out, by Bord Telecom Éireann — The Irish Telecommunications Board, or by any person to whom a licence under section 111 of the Postal and Telecommunications Services Act, 1983 has been granted, of development consisting of the provision of— (f) antenna support structures, The height of any such structure shall not— (a) if constructed or erected on the ground, exceed 15 metres, (b) if constructed or erected on the roof of a building, exceed 7 metres above the roof).

Adjacent

99/1461 – Dwelling and septic tank - granted

Figure 2 Planning history



c. Assessment

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works proposed comprise of the construction of a 12.05 meter high lattice structure carrying antennas resulting in a total height of 13.25 metres and remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet to be installed

As set out above, the planning and enforcement history on the subject site is complicated. Permission was granted for a bungalow on site under P37325 following a grant of outline permission (P372233). A recording studio was permitted on site under 97/486. Subsequent permissions relating to the provision of a mast on site (03/582 - to retain a radio mast with existing antennae and 04/60 - additional antennae to an existing radio mast) were then granted.

Under 04/1177 permission was granted to replace the existing permitted mast with a more robust mast 13m high and to re-erect the existing permitted antennae on site. Of note is condition 2 of this permission which limited the time of the permission to 5 years, with the date tied to 03/582 (permission expired on 04/11/08).

Figure 3 Condition 2 of 04/1177

2 This grant of permission shall be for a temporary period of five years from the date of grant of permission, issued under planning register reference 03/582 dated 03.11.02, to Bob Hoff, for temporary period of five years, i.e. this grant of permission will expire on 04.11.08.

Reason: To enable the Planning Authority to review the position in the light of changing technology and design of radio equipment and antennae.

It is noted that the developer clearly acted on foot of and implemented this permission and development contributions were paid under same.

In July 2009, enforcement proceedings (EENF 215/09) were instigated in respect of the non compliance with conditions associated with 04/1177 (including condition 2).

A retention application was lodged under Pl. Ref. No. 09/605. A further information request was issued but in response the developer advised that he had been advised that the mast availed of an exemption and was immune from Enforcement Proceedings. The application advised that he considered it unnecessary to proceed with the application. The application was subsequently deemed to be withdrawn.

A review of the Enforcement file notes that the case was closed as it was determined that there was an exemption (Class 29(f) of the Planning and Development Regulations 1994) which the development may fall under and the developer had a licence to operate the facility. Accordingly, it was considered that enforcement action could not be pursued. It should be noted that a Declaration was not issued in respect of same and it is considered that the developer clearly implemented Pl. Ref. No. 041177.

Under this Declaration, it is proposed to replace the mast on site with a new mast. As set out above, there is an exemption for such works provided for under Class 31 (j) of the Planning and Development Regulations 2001 (as amended). However, the restrictions on exempted development as set out under Article 9 of the Planning and Development Regulations are noted. Under Art 9(1)(a)(viii), works are not exempt if they 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.

In order to avail of the exemption provided for under Class 31(j), the Planning Authority needs to be satisfied that the mast to be replace is authorised.

As set out above, there is some ambiguity in respect of the planning status of the mast to be replaced. Planning permission was granted for the mast on site under 04/1177. This was a temporary permission with the mast to be removed by the 4th of November 2008. When the mast was not removed, enforcement proceedings were instigated and a retention application lodged.

The retention application was withdrawn prior to a decision issuing by the Planning Authority as the applicant did not formally reply to a Request for Further Information (informal response as

outlined above received on 26th of July 2010 and stated that further information request was unreasonable and that works were exempt under Class 29 F of the 1994 Planning and Development Regulation.

It should be noted that under Class 10 of the 1994 Planning and Development Regulations, development to which article 9 relates shall not be exempted development for the purposes of the Acts, (a) if the carrying out of such development would (i) contravene a condition attached to a permission under the Acts or be inconsistent with any use specified in a permission under the Acts.

The closing of an enforcement file does not in itself give consent for unauthorised works.

As it stands, the Planning Authority is of the opinion that the mast on site is unauthorised. Permission for the mast expired, as per Condition 2 of 04/1177, on the 4th of November 2008. There is no record of a further consent of permission for indefinite retention of the mast on site or for a replacement mast.

Setting aside the planning status of the mast, the nature of the development relative to the provisions of Class 31 (f) and (j) of the Planning and Development Regulations 2001, as amended, are noted.

With respect to the replacement mast, the conditions and limitations set out under Class 31 (j) are noted. The applicant has confirmed that the replace structure is less than 20 ms from the current structure (6.3 ms). The height of the proposed structure will not exceed that of the structure to be replaced. The width of the existing structure was 625 mm. The width of the replacement structure is 1250 mm which is not more than twice the width of existing structure.

The applicant is proposing to replace the existing antennae with new antennae. No additional antennae are proposed.

The issue of field strength is not specified.

If the declaration were to be considered further, additional information on field strength of non-ionising radiation emissions from replacement structures would be required.

With respect to the Cabinets proposed, it is noted that volume of the cabinets measured externally will not exceed two cubic metres.

C) Restrictions under Article 9

As per the Article 9(1)(a)(viii), there is a restriction on development that would 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. As the structure is unauthorised, exempted development provisions are not applicable.

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

The subject site is located c. 8.5 ms from the River Barrow and River Nore SAC and 11.2 kms from the Lower River Suir SAC.

The proposed development is located within the curtilage of a residential dwelling and comprises of the replacement of a telecommunications mast.

Having regard to:

- the nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- the absence of a direct pathway to these European sites,

it is considered that the proposed development would not have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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

WHEREAS a question has arisen as to whether the construction of a 12.05 mtr high lattice structure carrying antennas resulting in a total height of 13.25 metres and remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet to be installed, at Cathaganstown, Killenaule, Thurles, Co Tipperary, is development and is or is not exempted development.

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended),
- (b) Class 31 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended,
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- (d) The planning history on site ,and,
- (e) The information presented with the Declaration

AND WHEREAS the proposal is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Tipperary County Council has determined that the mast to be replaced is unauthorised as permission for its use ceased on the 4th of November 2008. There is no record of a subsequent permission for the retention of the mast. The Planning Authority has concluded that any exemption available to the proposal is therefore limited by Article 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal as set out above is **development and IS NOT exempted development.**

Signed: Paul Killean
District planner

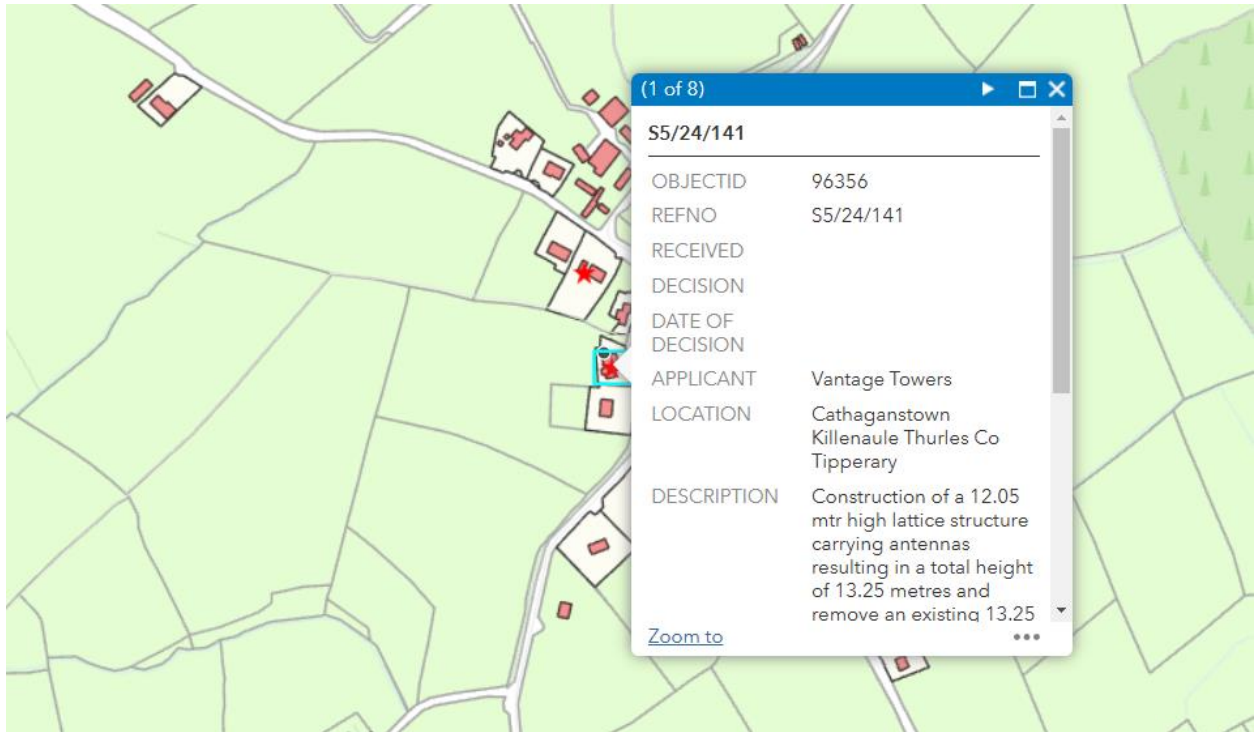
Date: 16/12/24

Signed: C. Conway
Senior Executive Planner

Date: 17.12.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/141
Development Summary:	Replacement telecoms mast
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 checked="" 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 type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	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 type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 4 Site entered on Planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí 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: 17th December, 2024

Our Ref: S5/24/141

Civic Offices, Nenagh

Vantage Towers Ltd
C/O Charterhouse
Michael Foody
Unit 2, HQ
27 Market St
Listowel
Co. Kerry

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

Dear Mr Foody,

I refer to your application for a Section 5 Declaration received on 21st November, 2024, in relation to the following proposed works:

Construction of a 12.05 mtr high lattice structure carrying antennas resulting in a total height of 13.25 metres and remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet to be installed at Cathaganstown, Killenaule, Thurles, 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 –

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended),
- (b) Class 31 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended,
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- (d) The planning history on site ,and,
- (e) The information presented with the Declaration

AND WHEREAS the proposal is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Tipperary County Council has determined that the mast to be replaced is unauthorised as permission for its use ceased on the 4th of November 2008. There is no record of a subsequent permission for the retention of the mast. The Planning Authority has concluded that any exemption available to the proposal is therefore limited by Article 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal as set out above is **development and IS NOT 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: **S5/24/141** **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 Vantage Towers Ltd., C/O Charterhouse, Michael Foody, Unit 2, HQ, 27 Market St., Listowel, Co. Kerry re: Construction of a 12.05 mtr high lattice structure carrying antennas resulting in a total height of 13.25 metres and remove an existing 13.25 metre high lattice structure carrying six antennas and six dishes. A new cabinet to be installed at Cathaganstown, Killenaule, Thurles, Co Tipperary is development and is **not exempted development.**

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended),
- (b) Class 31 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended,
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- (d) The planning history on site ,and,
- (e) The information presented with the Declaration

AND WHEREAS the proposal is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Tipperary County Council has determined that the mast to be replaced is unauthorised as permission for its use ceased on the 4th of November 2008. There is no record of a subsequent permission for the retention of the mast. The Planning Authority has concluded that any exemption available to the proposal is therefore limited by Article 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal as set out above is **development and IS NOT exempted development.**

Signed:  _____

Date: 17/12/2024

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