

An
Bord
Pleanála

Board Order
ABP-308665-20

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: D/259/20

WHEREAS a question has arisen as to whether a cable landing station comprising nine number satellite antennae with a diameter of two metres or less inside a fenced area at Garrettstown, Kinsale, County Cork is or is not development or is or is not exempted development:

AND WHEREAS Hibernia Atlantic Cable Systems Limited care of WHW Design Limited of 9 Crossgar Road, Dromana, County Down requested a declaration on the question from Cork County Council and the Council issued a declaration on the 14th day of October, 2020 stating that the matter is not exempted development:

AND WHEREAS Hibernia Atlantic Cable Systems Limited referred the declaration for review to An Bord Pleanála on the 10th day of November, 2020:

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AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) articles 5 to 11 of the Planning and Development Regulations, 2001, as amended, with particular reference to articles 6(1) and 9(1)(a)(viii), and
- (c) Part 1 of Schedule 2, Exempted Development – General of those Regulations, with particular reference to Class 31(d):

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the installation of a fenced compound 16 metres by 16 metres in area and the provision of nine number satellite receivers constitutes 'development' for the purposes of the Planning and Development Act, 2000, as amended, and
- (b) the installation of a fenced compound 16 metres by 16 metres in area and the provision of nine number satellite receivers to receive and transmit signals from satellites in space comes within the scope of Class 31(d) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and does not consist of or comprise the extension of an unauthorised structure, the use of which is an unauthorised use:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the provision of a cable landing station consisting of a fenced compound 16 metres by 16 metres in area and the provision of nine number satellite receivers at Garrettstown, Kinsale, County Cork constitutes development and development that is exempted development.

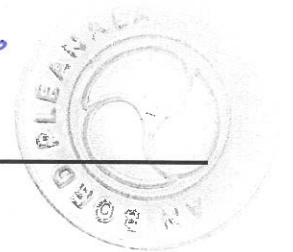
Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this *10th* day of *MAY* 2021.