

An  
Bord  
Pleanála

**Declaration of Exempted Development - Section 5 of the  
Planning and Development Act 2000 (as amended)**

**Request for Review under Section 5(3)(a) of the Planning  
and Development Act 2000 (as amended)**

**AN BORD PLEANÁLA**  
LDC 032406-20  
ABP- \_\_\_\_\_  
10 NOV 2020  
Fee: € 220 Type: Card  
Time: 14:44 By: Harriet

## Your details

### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Hibernia Atlantic Cable Systems Ltd

(b) Address

International Exchange Centre,  
Clonshaugh Industrial Estate,  
Dublin 17

## Agent's details

### 2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

WHW Design Ltd – William Wallace

(b) Agent's address

9 Crossgar Road,  
Dromara,  
Co. Down BT25 2JT

## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the  
address in Part 1

The agent at the address in  
Part 2

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

**(a) Planning authority**

(for example: Ballytown City Council)

Cork County Council

**(b) Planning authority register reference number**

(for example: 18/0123)

D / 259 / 20

**(c) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Garrettstown,  
Kinsale.

Co. Cork P17 RK37 – (see site location map in Appendix 3)

## Details of Request for Review

5. Please describe the grounds (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

### Summary

Referral of decision on Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) (Cork County Council Ref: D/256/20). Summary of proposal as follows:

- A Cable landing station comprising 9 no. satellite antennas each with a diameter of 2m or less inside a fenced area
- Located at Garrettstown, Kinsale, Co. Cork P17 RK37 (see site location map in Appendix 3)
- Declaration of Exempted Development sought from Cork County Council under Section 5 of the Planning and Development Act 2000 (as amended). It was submitted that the development was exempt under Class 31 (d) of the Planning and Development Regulations 2001 (as amended)

WHW Design Ltd, 9 Crossgar Road, Dromara Co. Down BT25 2JT acting on behalf of Hibernia Atlantic Cable Systems Ltd wish to refer the above decision of Cork County Council (Ref: D/256/20) to An Bord Pleanala for review under Section 5(3)(a) of the Planning and Development Act, 2000 (as amended).

We submit the following statement in support of this referral.

#### **A. Outline of Request for Declaration**

The request for a Section 5 Declaration of Exemption was made to Cork County Council on the 14<sup>th</sup> Sept and received 17<sup>th</sup> Sept 2020. The Council issued a declaration that the development was not considered Exempted Development, dated 14<sup>th</sup> October (a copy of the Councils decision is attached here as Appendix 1 with the application form at Appendix 2).

The proposal is for a cable landing station comprising of 9 satellite antenna each with a diameter of 2m or less inside a fenced area of 16m x 16m.

The reason for the decision provided by Cork County Council were stated as follows –

1. *Sections 2, 3 and 4 of the Planning and Development Act 2000;*
2. *Article 6[1] and Article 9[1]{viii) of the Planning and Development Regulations 2001;*
3. *Class 31 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001.*

5. Please describe the grounds (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

**B. Proposal**

The applicant is Hibernia Atlantic Cable Systems Ltd. with offices at International Exchange Centre, Clonshaugh Industrial Estate Dublin 17.

This project will comprise of a fenced 16m x 16m compound accommodating 9 no. satellite receivers. These antenna receive and transmit signals from satellites in space and will be connected to fibre optic cabling [already in place]. The project objective is to give an ultrafast internet connection to all subscribers. This will allow better mobile, satellite TV and data and very much improve the quality of life for all consumers.

This proposal will not be visible from any property or public road.

**C. Reasons Provided by Cork County Council for Decision**

Cork County Council decided that the proposal was 'not exempted development' for the following reasons. Our response to each is set out below

1. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

**Section 2 of the Planning and Development Act 2000 (as amended)** sets out how the Act is to be interpreted. Relevant to this referral is the interpretation of 'Statutory Undertaker'.

It is submitted that the applicant is a Statutory Undertaker in line with Section 2(1) of the Planning and Development Act 2000 (as amended) which defines this as

*'a person, for the time being, authorised by or under any enactment or instrument under an enactment to—*

*(a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,*

*(b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or*

*(c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.*

5. Please describe the grounds (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

It is submitted that the applicant is a Statutory Undertaker as a person, authorised by or under any enactment or instrument under an enactment to provide, or carry out works for the provision of telecommunications services. The applicant holds a general authorisation under the European Communities (Electronic Communications Networks and Services (Authorisation) Regulations 2011 (S 335/2011). Under Regulation 4(4) the company is deemed to be authorised to provide an electronic communications network or electronic communications service or, as appropriate, both (Please see Appendix 4 – print out from [www.comreg.ie](http://www.comreg.ie) and Appendix 5 statement from Eugene F. Collins Solicitor).

**Sections 3 of the Planning and Development Act 2000 (as amended)** sets out the definition of 'development'.

We submit that the proposal constitutes development as defined in Section 3 of the Planning and Development Act 2000 (as amended). Section 3 provides the definition of development as being 'the carrying out of any works on, in, over or under land or the making of any material change of the use of any structure or other land'. The proposal involves the carrying out of works on land.

**Section 4 2 [a] of the Planning and Development Act 2000 (as amended)** states that '*The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—*

*(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*

*(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

*(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.*

Section 4 sets out what shall be considered Exempted Development for the purposes of the Act and directs readers to the Planning and Development regulations 2001 (as amended) for a full description of these. The request for a Declaration of Exempted Development sought an exemption under Class 31 (d) of Schedule 2 to these regulations.

5. Please describe the grounds (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

2. Article 6[1] and Article 9[1](viii) of the Planning and Development Regulations 2001 (as amended)

**Article 6(1) of the Planning and Development regulations 2001 (as amended)** states that: *'Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1*

It is submitted that the proposal meets the conditions and limitations set out in Column 2 opposite Class 31 (d) of Part 1 of Schedule 2 to the Planning and Development regulations 2001 (as amended). Details are provided below in response to the Councils Final reason for their decision (please see point 3 below - Class 31 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001).

**Article 9 [1] (viii) of the Planning and Development regulations 2001 (as amended)** highlights a restriction on exempted development stating that if it consists of or comprises of the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

This proposal does not consist or comprise of the extension, alteration, repair or renewal of an unauthorised structure or is an authorised use. The proposal is for a new compound containing 9 satellite antenna receiving and transmitting signals from space while distributing these to existing underground cabling.

3. Class 31 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001.

Class 31 (d) of Part 1 of Schedule 2 to the Planning and Development regulations 2001 (as amended) states the following is Exempted Development under the Regulations:

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

*equipment for transmitting or receiving signals from satellites in space.*

It is again submitted that the applicant is a statutory undertaker in line with Section 2(1) of the Planning and Development Act 2000 as set out in our response to Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended) above. Again the details of the applicant as a statutory undertaker are provided in Appendices 4 and 5.

5. Please describe the grounds (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

The following Conditions and Limitations apply to this Class of Exempted Development

1. No such equipment shall exceed 10 metres in height
2. The diameter of any antenna shall not exceed 2 metres.
3. No such equipment shall be situated within 10 metres of the curtilage of any 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 dimensions are detailed in the declaration and referral report [Appendix 3] and the antenna brochure [Appendix 4]. We confirm that no equipment shall

- exceed 10 metres in height;
- have a diameter exceeding 2 metres in diameter;
- be situated within 10 metres of the curtilage of any 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.

**D. Precedents**

1. There are a number of referral cases which have been made under Section 5 of the Planning and Development Act (2000) which deal with planning issues involving satellite and telecommunication development.

1.1. An Bord Pleanala ref PL04.RL.2979.

1.1.1. In this referral An Bord Pleanala determined that the erection of antennae, link dishes and ancillary equipment at the Old Grain Store at Ramshill, Ballinacorra, Midleton, Co. Cork by Vodafone Ireland Ltd, O2 Communications and Meteor Communications Ltd to be exempted development. In the inspectors report, it was concluded that 4 equipment containers / cabinets on the site met Class 31[e, f] and the antenna came within the scope of Class 31 [k] (1). All other ancillary equipment provided on the site adhered to the relevant conditions and limitations.

1.2. An Bord Pleanala ref PL09.RL.2687,

1.2.1. Whether the existing telecommunications mast and associated 'TETRA' communication system erected at Leixlip Garda Station is or is not development and is or is not exempted development. It was concluded that while the appellant citing O5.RF0980 and O6D.RL.2352 as precedence for this particular application the inspector was content that this development was exempted.

1.3. An Bord Pleanala ref 45RL.0925.

5. Please describe the grounds (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

1.3.1. In this referral An Bord Pleanála determined that the placing of antenna for a GSM base station for use of mobile telephony at Fair Street, Cashel, Co. Tipperary was exempted development.

**E. Conclusion**

We held several discussions with the planning authority prior to making the declaration application. It was advised and recommended that a Declaration was sought, however the Council decided that the proposal was not Exempted Development. We therefore request that An Bord Pleanála review the Declaration.

In summary our client wishes to refer the Declaration noting;

- The applicant is a statutory undertaker as defined in Section 2(1) of the Planning and Development Act 2000 (as amended). This is evidenced in the electronic register of authorised undertakers and maybe viewed at <https://serviceregister.comreg.ie/Services/Search?q=hibernia> [Appendix 3] and in a letter from Eugene F Collins solicitors dated 19 Nov 14 [Appendix 2].
- The works constitutes development as defined in Section 3 of the Planning and Development Act 2000;
- It is submitted that the proposal does not consist or comprise of the extension, alteration, repair or renewal of an unauthorised structure or is an authorised use - Article 9 [1] (viii) of the Planning and Development regulations 2001 (as amended)
- The proposal meets the Conditions and Limitations under Class 31 (d) of Schedule 2:
  - o Being not more than 10m in height,
  - o Not having a diameter of more than 2m
  - o Not be situated within 10m of the cartilage of any house save with the Consent in writing of the owner or occupier thereof, or within 10m of the window of a workroom of any other structure.

We submit for the reasons set out above that the proposal should be considered Exempted Development.



5. Please describe the grounds I (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

We attach the following appendices as supporting materials –

01 – the Councils decision

02 - application form

03 – declaration and referral report

04– Print out from [www.comreg.ie](http://www.comreg.ie) for statutory undertakers

05 – Letter from Eugene Collins solicitors confirming statutory undertaker status

06 – Brochure of antenna - additional info

07 – Radiation hazard analysis - additional info

08 – Equipment CE Certification

## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct **fee** is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

## Oral hearing request

9. If you wish to **request the Board to hold an oral hearing** on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on **our website** or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

**Yes, I wish to request an oral hearing**

**No, I do not wish to request an oral hearing**

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



# Appendix 1

## Council decision

Cork County Council

Hibernia Atlantic Cable Services Ltd.,  
C/O WHW Design Limited,  
9 Crossgar Road,  
Dromara,  
Co. Down,  
BT25 2JT

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig  
Corcaigh T12 R2NC.  
Fon: (021) 4276891 • Fais: (021) 4276321  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Department,  
County Hall,  
Carrigrohane Road, Cork T12 R2NC.  
Tel (021) 4276891 • Fax (021) 4276321  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



14<sup>th</sup> October, 2020

REF: D/259/20  
LOCATION: Garrettstown, Kinsale, Co. Cork P17 RK37

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

Dear Sir/Madam,

On the basis of the information submitted by you on 17<sup>th</sup> September, 2020 the Planning Authority, having considered the query whether permission is required for a cable landing station comprising 9 No. satellite Antenna with a diameter of 2m or less inside a fenced area at Garrettstown, Kinsale, Co. Cork P17 RK37 is development or is or is not exempted development has declared that it is **not exempted development**.

**Reason for Decision**

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

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

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

Yours faithfully,

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

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

# Appendix 2

## Application form

**ADDITIONAL CONTACT INFORMATION TO BE SUBMITTED WITH APPLICATION**

- The applicant(s) address **must** be submitted on this page.
- **Only one copy of this section of the application form needs to be submitted**

**(A) Applicant: (From Question 1 of Application Form)**

Address (Required):	INTERNATIONAL EXCHANGE CENTRE CLONSHAUGH INDUSTRIAL ESTATE DUBLIN 17
Telephone No./Mobile No. (if any):	
Email Address (if any):	

**(B) Person/Agent acting on behalf of the Applicant (if any):**

Name:	WHW DESIGN LTD
Address:	9 CROSSGAR ROAD DRONARA CO. DOWN BT25 2JT
Telephone No./Mobile No. (if any):	07711 885033 (UK)
Email Address (if any):	william@whwdesign.co.uk
Should all correspondence be sent to the above address? Please tick appropriate box. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	

**(C) Owner/s (required where applicant is not the owner):**

Name:	C. COGHLAN
Address:	GARRETSTOWN KINSALE CO. CORK P17 RK37
Telephone No./Mobile No. (if any)	
Email Address (if any)	

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application. These details will not be made available to any third party with the exception of An Bord Pleanála for the purpose of administering the appeal.

**Fully completed application forms should be submitted to the relevant planning office.**

**CORK COUNTY COUNCIL**

*County Hall Office*

Planning Dept. TEL: (021) 4276891  
County Hall, FAX: (021) 4867007  
Carrigrohane Road,

*West Cork Planning Office*

Norton House, TEL: (028) 40340  
Cork Road, FAX: (028) 21660  
Skibbereen,

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

HIBERNIA ATLANTIC CABLE SYSTEMS LTD.

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

**3. QUESTION/DECLARATION DETAILS:**

Please state the specific question for which a Declaration of Exemption is sought

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

IS PLANNING REQUIRED FOR A CABLE LANDING STATION?  
COMPRISES OF 9 NR SATELLITE ANTENNA WITH A DIAMETER  
OF 2M OR LESS INSIDE A FENCED AREA OF 16M x 16M. FENCE  
IS 2.4M HIGH.



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**4. APPLICATION DETAILS:**

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

(a) Floor area of existing/proposed structure(s):	APPROX 256m <sup>2</sup>
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following:  Existing/previous use <u>GRASSING</u>	Proposed use <u>CABLE LANING, STATION &amp; SATELLITE ANTENNA</u>
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	TENANT.	
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

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

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

**7. APPROPRIATE ASSESSMENT:**

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

**8. DATA PROTECTION DECLARATION:**

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

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

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

Signed (By Applicant Only)	William Walker
Date	14 SEP 2020

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

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

Special Categories of data / Sensitive Personal data include:

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

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

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

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

Signed	William Walker
Date	14 SEP 2020

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

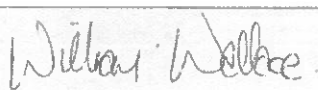
### ADVISORY NOTES:

The application must be accompanied by the required fee of €80  
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.  
The application should be sent to the following address:  
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork. P81 AT28.

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

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

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

Signed (Applicant or Agent as appropriate)	
Date	14 SEP 2020

# Appendix 3

## Declaration and referral report

**WHW Design Limited**  
9 Crossgar Road, Dromara, Co. Down BT25 2JT  
Telephone: 028 97 532 740  
Fax: 028 97 532 740  
E-mail: [william@whwdesign.co.uk](mailto:william@whwdesign.co.uk)

Date: 4<sup>th</sup> Sep 2020

RE: S.5 Declaration and referral report under Planning Act -  
For a proposed landing station at Garretstown.

Dear Sir, Madam,

### 1. Project

For a cable landing station at Garretstown.

The project will comprise of a fenced 16m x 16m compound accommodating 9nr satellite receivers. These receivers will be connected to underwater trans-Atlantic fibre optic cables [already in place]. Also underground ducting serving this compound from the existing road edge. This ducting will be within private land and shown on the attached plans.

### 2. Client / applicant

The applicant is Hibernia Atlantic Cable Systems Ltd. With offices at International Exchange Centre, Clonsaugh Industrial Estate Dublin 17, Hibernia are a registered statutory undertaker providing a telecoms service.

### 3. Works involved -

#### 3.1. Civils

The civil element will involve stripping back this area to a depth of approximately 100-150mm and backfilling the area with 50/75mm clean stone to a depth of 75 / 100mm. The stone is rolled and compacted with a layer of gravel or blinding, also rolled, before a geo-textile membrane [for weed control] is laid. A finishing top layer of 25mm clean stone is then spread out over the membrane. The fencing is proposed to be posts at 1800mm centres with 3nr timber rails, placed at bottom, mid height and top, to take 0.5mm box profile PVC Plastisol roofing sheets coloured green or similar.



This fence will be taken to a height of 2.4m. A pair of gates will be inserted on the south side of the compound. The attached plans show the proposal. Access to the antenna is via the existing laneway.

### 3.2. Electrical and services

Ducting, accommodating fibre optic cabling, will be laid from the existing road edge to a underground junction box as marked on the attached plans. From this junction box 38mm flexible non-metallic ducting at a 450mm depth will be fed into a networking / switch cabinet 600[H] x 600[W] x 300mm[D] and onto the 9nr satellite receivers. These antenna plots will be 1800 x 1800mm and 150mm deep precast concrete pads with a galvanised steel pedestal connecting antenna to slab. The attached datasheets show the detail of these antenna and supports.

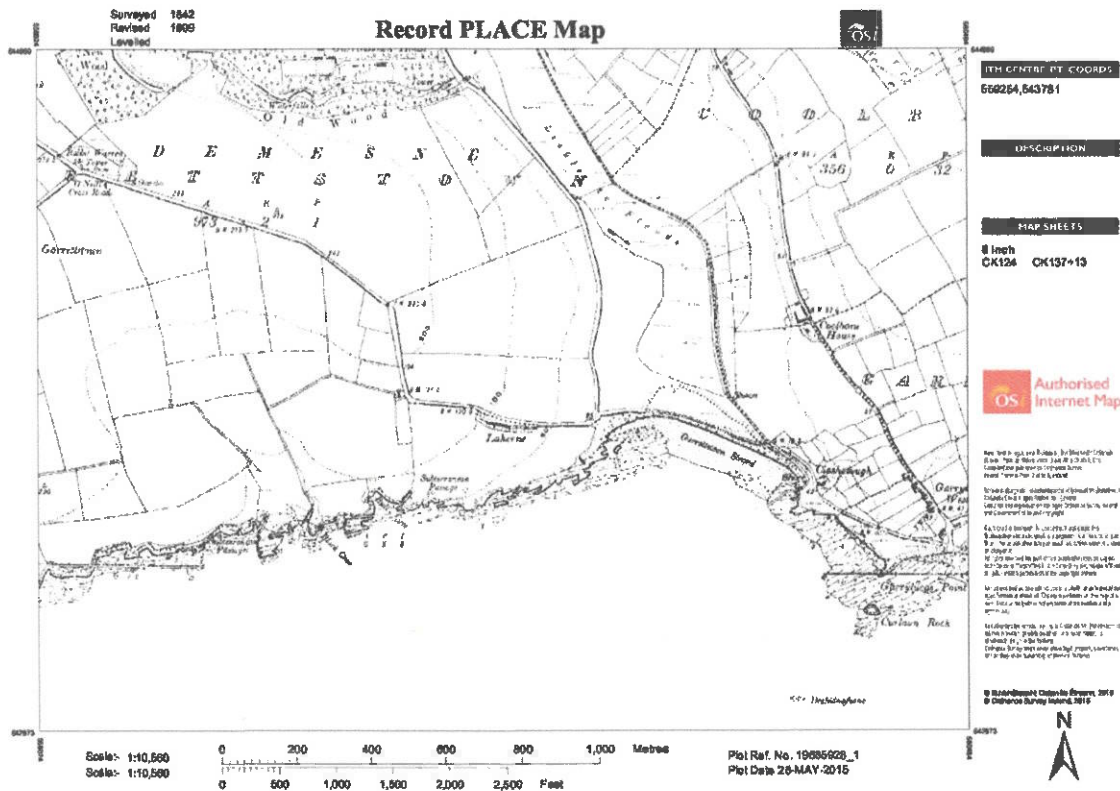


Image 1 Location plan



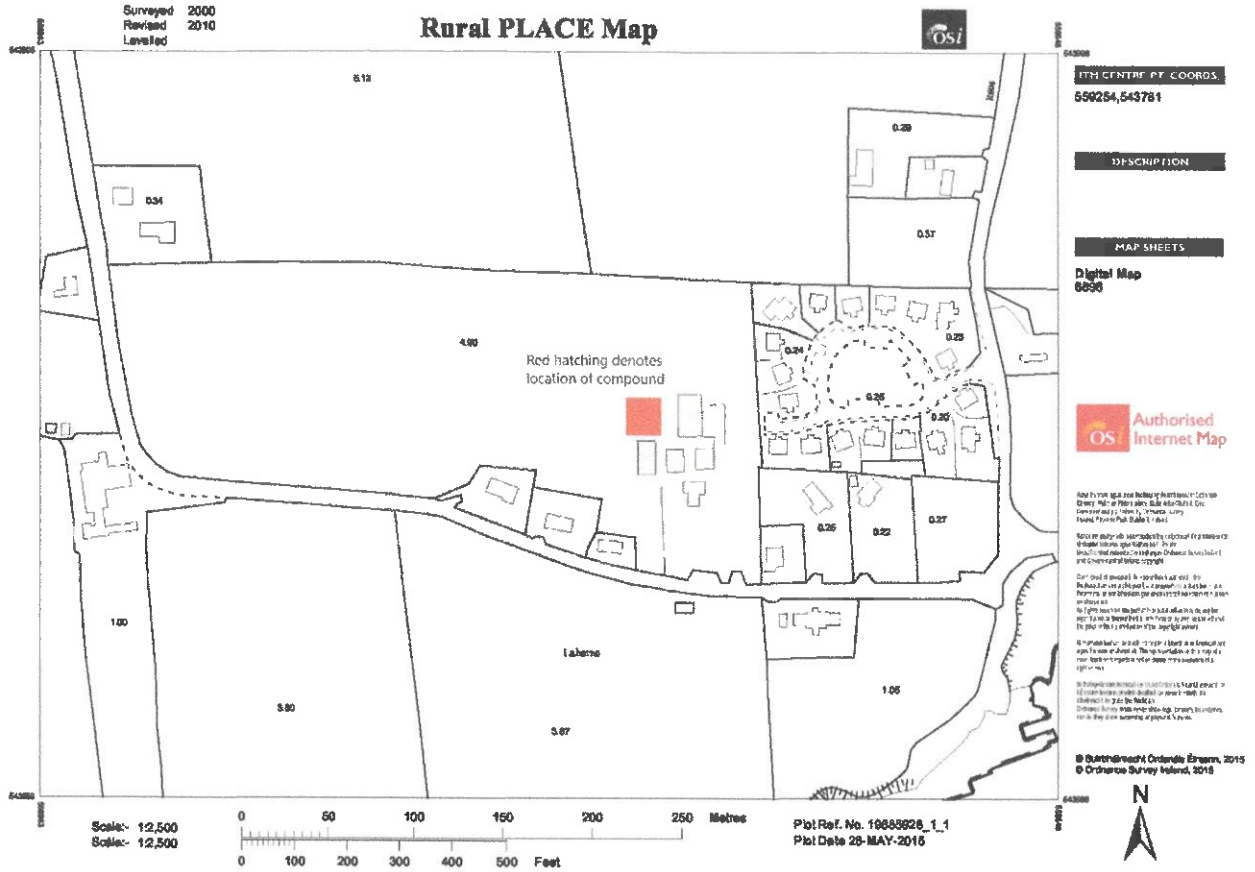
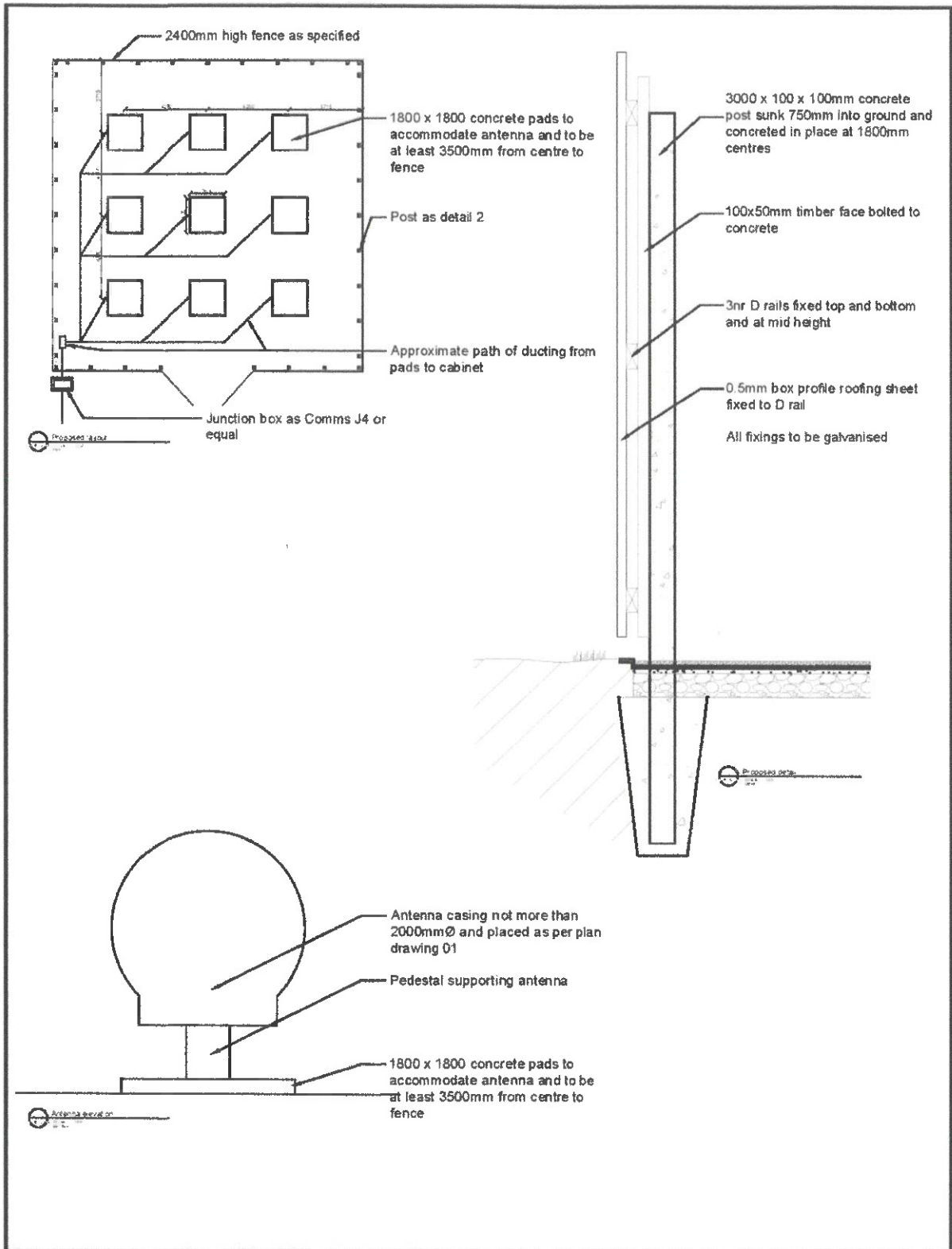


Image 2 – Site plan



Image 3 – image of what is proposed [with 6 out 9nr antenna in place]





**WHW Design Limited**  
Architect

Crook Cottage,  
9 Crossgar Road,  
Downra,  
Co. Down BT 25 2JF  
Tel: 07711 885033

Registered architect  
As planning and statutory applications  
SAP calculations and EPC certificates  
Risk Analysis and Method Statements

Client  
**Hibernia Atlantic Cabling  
Systems Ltd**

Job  
**Proposed cable landing  
station**

Drawing  
**Supporting drawing for a  
Declaration and Referral  
report**

Scale As noted @ A4

Authorised by W Wallace

Drawn by Date

Verified by Date

Drawing No  
WW4520 / P / 01

Amendment





#### 4. Proposal

We feel this project complies with Class 31[d] of Schedule 2, Part 1 Exempted Development of the Planning and Developments Regulations 2001, however stand by the departments advice and guidance, hence this Declaration and Referral report.

Feel free to contact me with any questions, queries or points of clarification you may have.

Regards William Wallace. Bsc(Hons) Dip Arch ADPPA ARB RIBA

For WHW Design Limited

Build Magazines Residential Architects of the Year 2016

*William Wallace*



## Appendix 4

Print out from [www.comreg.ie](http://www.comreg.ie)  
for statutory undertakers

All fields: Hibernia X

Remove all filters

Provider Name ^	Trading As	Network Type	Service Type	Area	Commencement	
Digi-Sign Limited	Hibernian Telecom	Fixed Telephony	Other Voice Services	Ireland	01/01/2009	<a href="#">Details</a>
Hibernia Atlantic Cable Systems Ltd	Hibernia Networks	Other Fixed Network	Data Services	National and International		<a href="#">Details</a>
Hibernia Atlantic Cable Systems Ltd	Hibernia Networks	Fixed Telephony	Publicly available telephone services	National		<a href="#">Details</a>
Hibernia Express (Ireland) Limited		Other Fixed Network	Data Services	National and International		<a href="#">Details</a>
Hibernia Express (Ireland) Limited		Other Fixed Network	Other Electronic Communication Service	National and International		<a href="#">Details</a>
HIBERNIA SERVICES LIMITED	Hibernia Evros	Other Fixed Network	Internet Access Services	National, Nationwide	01/12/2011	<a href="#">Details</a>

1

1 - 6 of 6 items

# Appendix 5

Letter confirming statutory  
undertaker status

## By Email

Planning Department (West Cork Division)  
Cork County Council  
Norton House  
Skibbereen  
Co. Cork

Our Ref: JZF/JJD/h30421.015

Your Ref:

Date: 19 November 2014

### Hibernia Atlantic Cable System Limited (the **Company**)

Dear Sirs,

We refer to the attached extract from the Electronic Register of Authorised Undertakings on the Commission for Communications Regulation website ([www.comreg.ie](http://www.comreg.ie)). The results show that the Company holds a general authorisation under the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (SI 335/2011) (the **Authorisation Regulations**). Therefore, under Regulation 4(4) of the Authorisation Regulations, the Company is deemed to be authorised to provide an electronic communications network or electronic communications service or, as appropriate, both.

An "electronic communications service" is defined in Regulation 2(1) of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (SI 333/2011) (the **Framework Regulations**) and the definition expressly encompasses telecommunications services. By virtue of Regulation 2(1) of the Authorisation Regulations, the definitions set out in Regulation 2(1) of the Framework Regulations apply for the purposes of the Authorisation Regulations.

We refer to the Planning and Development Act 2000 (the **Planning Act**) and specifically to the definition of "statutory undertaker" contained in Section 2(1) therein. We note that "a person, for the time being, authorised by or under any enactment or instrument under an enactment to ... (b) provide ... telecommunications services" constitutes a "statutory undertaker" for the purposes of the Planning Act.

On the basis that the Company holds a general authorisation under the Authorisation Regulations and is therefore deemed under the Authorisation Regulations to be authorised to provide telecommunications services, we consider that the Company is a "statutory undertaker" for the purposes of the Planning Act and, as a result, is entitled to avail of any rights and obligations that flow from this designation under the Planning Act and other legislation.

Yours faithfully

*\* Sent by email and therefore bears no signature*

EUGENE F. COLLINS

Att.

F:\USERS\Joanne\CLIENT\Hibernia Atlantic\Hibernia Express\Tracy Elliott - 19 11 14\Final Docs

# Appendix 6

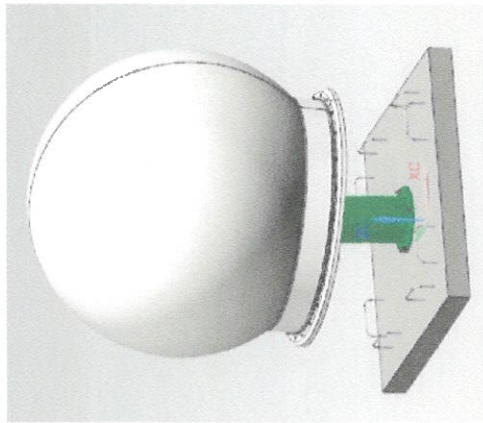
Antenna brochure

# SpaceX Starlink V3 Gateway Deploy



SPACE PROPRIETARY & CONFIDENTIAL INFORMATION  
U.S. EXPORT CONTROLLED. This document may contain U.S. export-controlled information (ITAR or EAR). The export, reexport, transfer or retransfer of this document to any other company, entity, person, or destination, or for any use, or purpose other than that for which the document was provided by SpaceX is prohibited without prior written approval from SpaceX and authorization under applicable export control laws.

# Material



9x 01425000-501 Gateway Antenna Assembly\*

Unless otherwise specified, geometric tolerances are defined as:

Decimals:	Angles:
.x	+/-1
.x +/-1	+/-1
.xx +/-02	+/-1
.xxx +/-010	-



- Antenna Detail**
- 2.7m tall (9')
  - 2.0m (7') radome outer diameter
  - 1.9m x 1.9m x 0.15m (6' x 6' x 6") concrete slab
- Antenna Weights**
- 250kg (550lbs) Antenna assembly
  - 70kg (150 lbs) Pedestal weldment
  - 1225kg (2700lbs) Concrete Slab
  - 1550kg (3400lbs) Complete assembly

\*The Site Build engineer may specify off nominal antenna configuration for sites that require different mounting systems. This will be made clear during the site deployment readiness review



7250 IXR-e 2QSFP28 8SFP28 24-SFP+

1x 01421858-521 OR -522 network switch assembly\*\*

\*\*

- Network switch is preconfigured for the site
- -521: Equipped with ONLY 10G transceivers for sites with 10G back haul only
- -522: Equipped with 100G transceiver during production for sites with 100G back haul at time of deploy



# Equipment



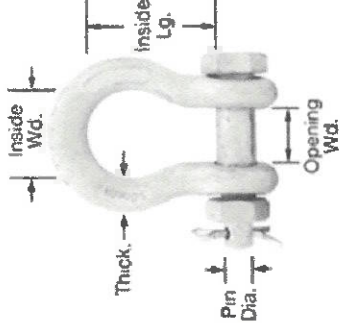
Skytrak 10054 or equivalent 10klb rated telehandler with outriggers

Extended length forks allow for lifting antennas, but are not a requirement



1x 9'-10" (2.75-3m) center to center spreader bar  
Minimum 2 ton rating

9x lifting shackles, sized to fit spreader bar and slings  
Min 1 ton rating each



6x 10' (3m) long lifting slings, min 1 ton rating each

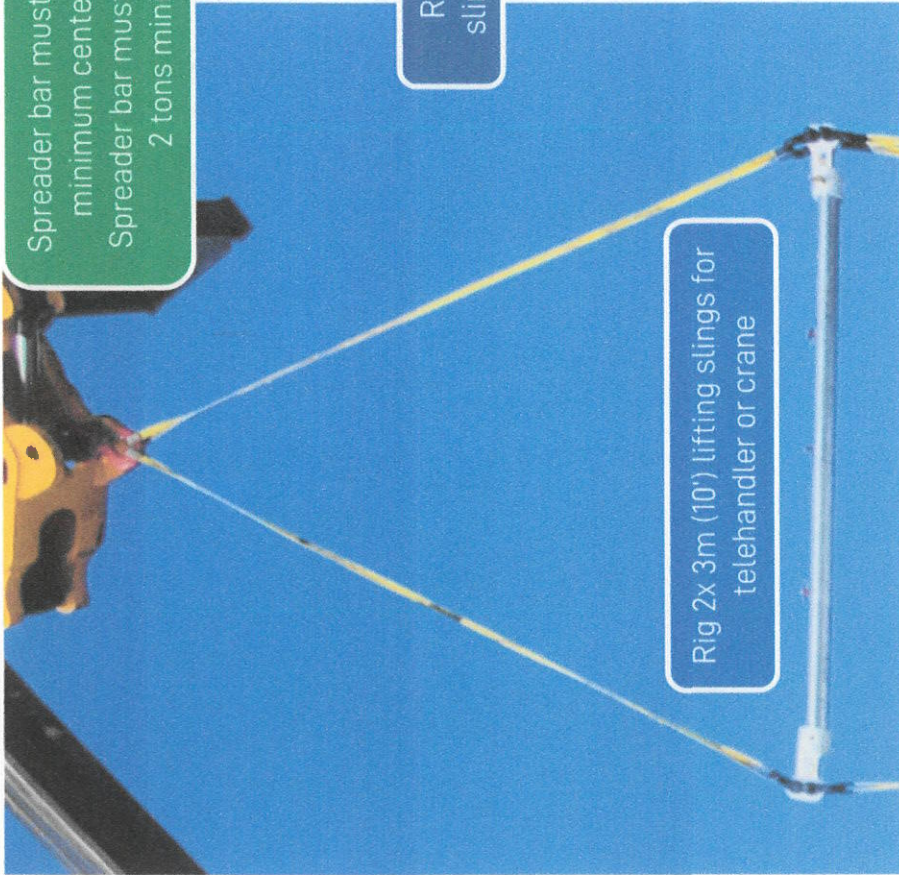


## **Safety**

- Lock out site power OFF before performing work in a site
  - Power may be locked out using dedicated disconnect switch OR main breaker in site load center
  - Custody of power lock key must be retained by designated responsible technician until site is ready to be activated
  - Site must be closed and locked before activating antenna power
  - Temporary activation to visually verify start up and homing sequence is allowed prior to network activation
  - Site power must be locked out OFF before entering



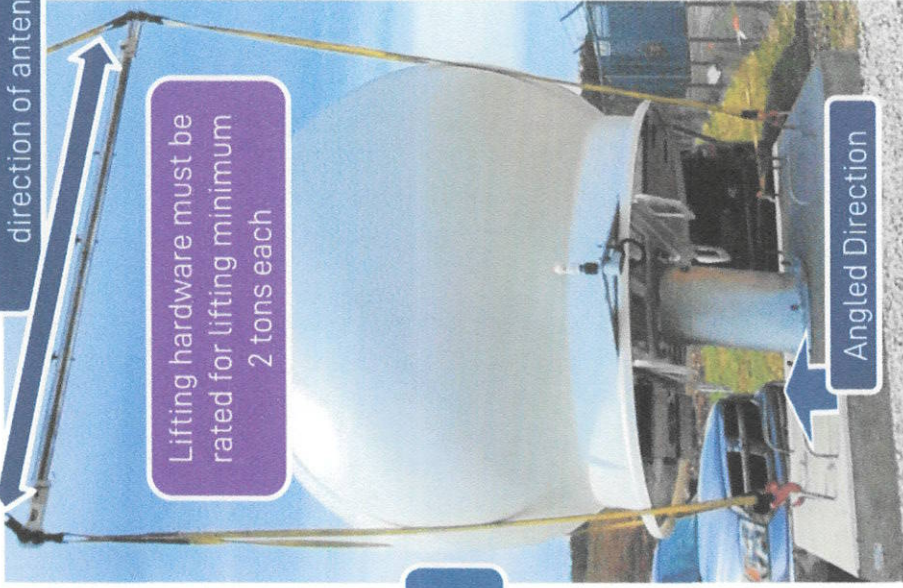
# Spreader Bar



Spreader bar must be 2.75m (9') minimum center to center  
Spreader bar must be rated for 2 tons minimum

Rig 4x 3m (10') lifting slings for antenna slab

Rig with spreader bar perpendicular to angled direction of antenna

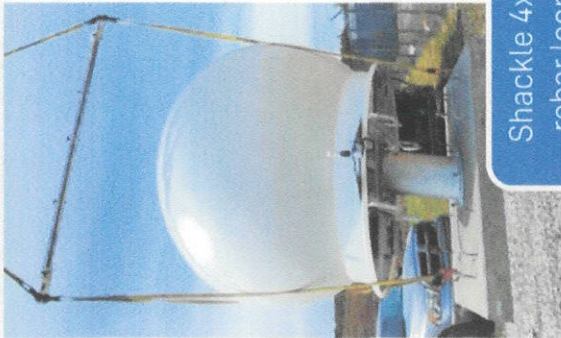


X

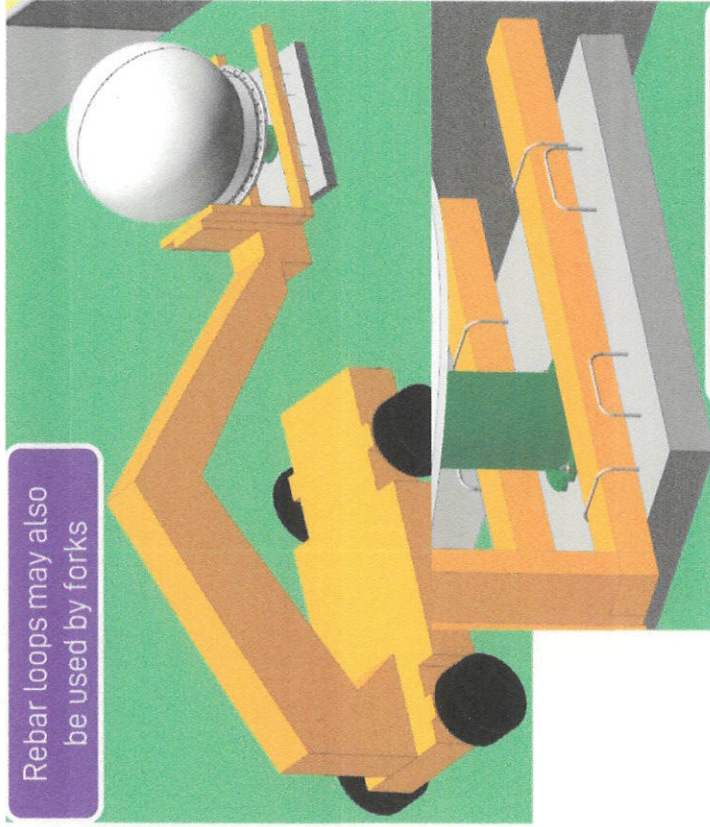
# Antenna Lifting



Shackle 2x lifting slings to lifting hook on telehandler boom



Shackle 4x lifting slings to rebar loops embedded in antenna slabs



Rebar loops may also be used by forks

Forks must be 2m (6.5') minimum length



Lifting antennas over fence wall may be performed with outriggers down

Do not position straps across the side of the antenna that is tilted lower to avoid damage to the radome



# Offload



Antenna offload may be performed with forks or overhead lift

Control tag lines are recommended for overhead lifts



# Appendix 7

## Radiation hazard analysis

# **Radiation Hazard Analysis**

## **Gateway Earth Station**

### **Introduction**

This analysis calculates the non-ionizing radiation levels for a SpaceX Services, Inc. ("SpaceX Services") gateway earth station. The calculations performed in this analysis comply with the methods described in FCC Office of Engineering and Technology Bulletin, Number 65 (Edition 97-01) ("Bulletin 65"). This analysis demonstrates that SpaceX Services gateways are generally compliant and will not result in exposure levels exceeding the applicable radiation hazard limits, and any radiation hazard that may exist will be mitigated by limited access and various protocols to ensure safe exposure levels.

Bulletin 65 and Section 1.1310 of the Commission's rules specify two separate tiers of exposure limits: one for Occupational/Controlled Exposures and one for General Population/Uncontrolled Exposures. Limits for Occupational/Controlled Exposures apply in situations where persons are exposed as a consequence of their employment and are fully aware of and can control their exposure. These limits also apply in situations where a person is transient through a location where such limits would otherwise apply provided the person is made aware of the potential for exposure. The limits for General Population/Uncontrolled Exposure apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure. SpaceX Services will deploy its gateways in Occupational/Controlled Exposures Environments. Accordingly, this analysis discusses only the Maximum Permissible Exposure ("MPE") limit for those types of exposures, which for the Ku-band frequencies used by these gateways is a power density equal to 5 mW/cm<sup>2</sup> averaged over a six-minute period.<sup>1</sup>

As described in the definitional section below, this report analyzes the maximum power density levels in the vicinity of a gateway antenna in four regions: (1) the far field, (2) the near field, (3) near the main reflector surface, and (4) between the main reflector and the feed mouth. These radiation regions were analyzed using the definitions and formulas in Bulletin 65 for aperture antennas. The results of this analysis are summarized in Table 1, which identifies the potential exposure under worst-case operating conditions.

### **Gateway Description**

The gateway antenna is a 1.5-meter parabolic dish capable of steering its beams to track NGSO satellites passing within its field of view. At the antenna flange, the maximum transmit power is 50W. Although unlikely in practice, for purposes of this analysis we have conservatively assumed that the gateway can transmit at 100% duty cycle.

---

<sup>1</sup> See 47 C.F.R. § 1.1310(e).

## Definitions

### 1) Far Field Region

The far field region extends outward from the antenna surface, beginning at a distance of  $\frac{0.6D^2}{\lambda}$  meters where the D is the diameter of the antenna. The maximum power density is calculated using the equation recommended in Bulletin 65.

### 2) Near Field Region

The near field region is a volume co-incident with the direction of the main beam extending outward from the antenna surface the length of the near field  $\frac{D^2}{4\lambda}$  meters.

### 3) Transition Region

The transition region is located between the near field region and the far field region. This region has a power density that decreases with increasing distance. Therefore, the power density in the transition region will be less than the maximum power density in the near field and more than the maximum power density in the far field for the purpose of evaluating potential exposure.

### 4) Region Near the Antenna Surface

The power density near the antenna surface can be estimated as equal to four times the power divided by the area of the main reflector surface (main reflector illumination is uniform).

### 5) Region between the Main Reflector and the Feed

The power radiated from the feed toward the reflector is conical in shape with the vertex at the feed. The maximum power is at the feed mouth and can be estimated as four times the transmit power divided by the area of the feed mouth.



**TABLE 1: RADIATION FROM SPACEX SERVICES FIXED GATEWAY EARTH STATION**

**Input Parameters**

Antenna Diameter	$D = 1.47 \text{ m}$
Frequency	$f = 30.0 \text{ GHz}$
Diameter of Feed Mouth	$D_{feed} = 1.07 \text{ cm}$
Max Power into Antenna	$P_{max} = 50 \text{ W}$
Aperture efficiency [%]	$\eta = 41.8 \%$
Maximum Transmit Duty Cycle	$DTx = 100 \%$

**Calculated Values**

Wavelength	$\lambda = \frac{c}{f} = 0.01 \text{ m}$
Area of Reflector	$A = \frac{\pi D^2}{4} = 1.70 \text{ m}^2$
Area of Feed Mouth	$A_{feed} = \frac{\pi D_{feed}^2}{4} = 0.0001 \text{ m}^2$
Antenna Gain	$G_{max} = \frac{\eta 4\pi A}{\lambda^2} = 89147.8$ $10 \log(G_{max}) = 49.5 \text{ dB}$
Length of Near Field	$R_{nf} = \frac{D^2}{4\lambda} = 54.01 \text{ m}$
Beginning of Far Field	$R_{ff} = 0.6 \frac{D^2}{\lambda} = 129.65 \text{ m}$

**Power Density Calculations**


Power Density in Far Field	$S_{ff} = DTx \frac{P_{max} G_{max}}{4\pi R_{ff}^2} = 2.11 \frac{\text{mW}}{\text{cm}^2}$
Power Density in Near Field	$S_{nf} = \frac{4\eta P_{max}}{\pi D^2} = 4.92 \frac{\text{mW}}{\text{cm}^2}$

WHW

# Appendix 8

CE Certificate of Conformity

## EU DECLARATION OF CONFORMITY


<b>Manufacturer:</b>	<b>Name:</b>	Space Exploration Technologies Corp.
	<b>Trade Name:</b>	SpaceX, or 
	<b>Address:</b>	1 Rocket Rd., Hawthorne, CA 90250, USA
<b>Equipment</b>	<b>Model Number:</b>	01425000-503
	<b>Product Type:</b>	Starlink Gateway Antenna
	<b>Supplied Accessories:</b>	01421858-511 Starlink Gateway Network Cabinet

We, Space Exploration Technologies Corp., declare under our sole responsibility that the above referenced product complies with the following EC Directives:

EC Machinery Directive	2006/42/EC
EMC Directive	2014/30/EU
Radio Equipment Directive (RED)	2014/53/EU

The conformity assessment procedure as detailed in Annex II has been applied and the following standards have been applied.

<b>Article 3.1a: Safety and Health</b>	EN 60204-1:2010, EN ISO 12100:2010 EN 62311:2008
<b>Article 3.1b: EMC</b>	EN 55032:2012 Class A ETSI EN 301 489-1 V2.2.0 ETSI EN 301 489-12 V3.1.1
<b>Article 3.2: Telecom</b>	ETSI EN 301 360 v2.1.1 ETSI EN 301 459 V2.1.1 ETSI EN 303 979 V2.1.2 (Clause 4.2.3 only)

<b>Signed for and on behalf of:</b>	SpaceX
<b>Place:</b>	Hawthorne, CA
<b>Date:</b>	2020-11-03
<b>Name:</b>	<b>Title</b>
Leszek M Langiewicz	Compliance Manager
	<b>Signature</b> 

**European Address:** SpaceX Netherlands B.V.  
Burgemeester Stramanweg 122, 1101EN Amsterdam, Netherlands

AN BORD PLEANÁLA

10 NOV 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_