

An
Bord
Pleanála

Board Direction
ABP-308665-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/04/2021.

The Board decided, as set out in the following Order, that the provision by Hibernia Atlantic Cabling Systems Limited of a cable landing station consisting of a fenced compound 16m x 16m in area and the provision of 9 no. satellite receivers constitutes development and development that is exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether a cable landing station comprising 9 no. satellite antennae with a diameter of 2m or less inside a fenced area is development and is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Hibernia Atlantic Cable Systems Limited on the 10th day of November, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had particular regard to:

(a) sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),

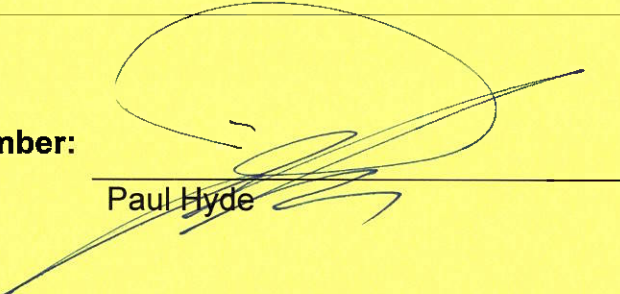
- (a) articles 5-11 of the Planning and Development Regulations 2001 (as amended), with particular reference to articles 6(1) and 9(1)(a)(viii), and
- (b) Part 1 of Schedule 2 *Exempted Development – General* of the Regulations, with particular reference to Class 31(d),

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the installation of a fenced compound 16m x 16m in area and the provision of 9 no. satellite receivers constitutes 'development' for the purposes of the Planning and Development Act, and
- (b) the installation of a fenced compound 16m x 16m in area and the provision of 9 no. satellite receivers to receive and transmit signals from satellites in space comes within the scope of Class 31(d) of Part 1 of Schedule of the Regulations and does not consist of or comprise the extension of an unauthorised structure the use of which is an unauthorised use:

NOW THEREFORE the Board, in exercise of the powers conferred on it by section 5 of the 2000 Act, has decided that the provision by Hibernia Atlantic Cabling Systems Limited of a cable landing station consisting of a fenced compound 16m x 16m in area and the provision of 9 no. satellite receivers constitutes development and development that is exempted development.

Board Member:



Paul Hyde

Date: 29/04/2021