

An
Bord
Pleanála

**Board Direction
ABP-309512-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/06/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether 'the erection of antennae, aerials, and support truss on the main house and the erection of high-level wires linking the wireless infrastructure to the unauthorised shed and 2 no. 10-metre-high radio antennae poles in the rear garden' is or is not exempted development within the Planning Authority's area:

AND WHEREAS Raymond O'Malley, c/o Kieran O'Malley and Co. Ltd., requested a declaration on this question from Dun Laoghaire Rathdown County Council, and the Council issued a declaration on the 20th day of January 2021 stating that the erection of an antenna fixed to the chimney of the house and high-level wires extending from the rear of the house are works that constitute development that is not exempted development and the erection of antennae and aerials fixed to the rear elevation of the house are works that constitute development that is exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Kieran O'Malley on behalf of Ray O'Malley on the 15th of February 2021:

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Classes 4(a) and (b), of the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- the erection of antennae, aërials, and support truss on the main house and the erection of high-level wires linking the wireless infrastructure to the shed and 2 no. 10-metre-high radio antennae poles in the rear garden constitutes works which is development,
- the erection of an antenna attached to a chimney at roof level, which extends to a height of not more than 6 metres above the roof, is exempted development, as it is erected on the roof and complies the condition and limitation of Class 4(a),
- the erection of an antenna attached to a chimney at roof level, which extends to a height of more than 6 metres above the roof, is not exempted development, as it does not comply with the condition and limitation of Class 4(a), is not covered by Class 4(b), and there is no other provision for its exemption,
- the erection of wireless or television antennae (other than a dish type antenna used for the receiving and transmitting of signals from satellites) on the rear elevation of the house is not exempted development as it is not of a class of development which is covered Class 4(a) or 4(b) and there is no other provision for its exemption,
- the erection of a dish type antenna and support truss on the rear elevation of the house is not exempted development as it is not of a class of development which is covered by Class 4(a), does not comply with conditions and limitations numbers 1 or 2 of Class 4(b), and there is no other provision for its exemption,

- the erection of high-level wires linking exempted wireless infrastructure to the shed and 2 no. 10-metre-high radio antennae poles in the rear garden is exempted development as it forms part of development that is exempted development, and
- the erection of high-level wires linking non-exempted wireless infrastructure to the shed and 2 no. 10-metre-high radio antennae poles in the rear garden is not exempted development as it forms part of development that is not exempted development,

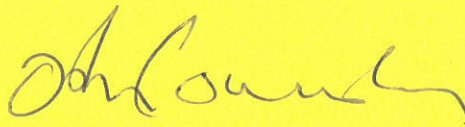
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that:

- the erection of an antenna attached to a chimney at roof level, which extends to a height of not more than 6 metres above the roof, is development and is exempted development, as it is erected on the roof and complies the condition and limitation of Class 4(a),
- the erection of an antenna attached to a chimney at roof level, which extends to a height of more than 6 metres above the roof, is development and is not exempted development, as it does not comply with the condition and limitation of Class 4(a), is not covered by Class 4(b), and there is no other provision for its exemption,
- the erection of wireless or television antennae (other than a dish type antenna used for the receiving and transmitting of signals from satellites) on the rear elevation of the house is development and is not exempted development as it is not of a class of development which is covered Class 4(a) or 4(b) and there is no other provision for its exemption,
- the erection of a dish type antenna and support truss on the rear elevation of the house is development and is not exempted development as it is not of a class of development which is covered by Class 4(a), does not comply with conditions and limitations

numbers 1 or 2 of Class 4(b), and there is no other provision for its exemption,

- the erection of high-level wires linking exempted wireless infrastructure to the shed and 2 no. 10-metre-high radio antennae poles in the rear garden is development and is exempted development as it forms part of development that is exempted development, and
- the erection of high-level wires linking non-exempted wireless infrastructure to the shed and 2 no. 10-metre-high radio antennae poles in the rear garden is development and is not exempted development as it forms part of development that is not exempted development.

Board Member:



Date: 21/06/2021

John Connolly