



An
Bord
Pleanála

Board Direction
ABP-311657-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2023.

The Board decided, as set out in the following Order, that part is development and is exempted development, part is development and is not exempted development and part is not development.

Board Order as follows:-

WHEREAS questions have arisen in relation to telecommunications infrastructure at the Bridgewater Shopping Centre, Arklow, Co. Wicklow, is or is not development or is or is not exempted development;

AND WHEREAS Maura O' Grady, requested a declaration on this question from Wicklow County Council, and the Council issued a declaration on the 28th day of September 2021 stating that the matter is development and is exempted development.

AND WHEREAS Maura O' Grady referred this declaration for review to An Bord Pleanála, on the 13th day of October, 2021.

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

- (a) Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000, as amended;
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Part 1 of Schedule 2, Exempted Development, with particular reference to Classes 31 (f), (j) and (k);
- (d) The planning history of the site;
- (e) The submissions made on file, and
- (f) The report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The erection of the Eir telecommunications masts, antennae, dishes and cabinet is development, which comes within the conditions and limitations of Class 31 (f) and (k) of Planning and Development Regulations.
- (a) the replacement of the Vodafone support structures are development and does not come within the limitation of Class 31 (j) 3(a);
- (b) the replacement Vodafone antennae and dishes comes within the limitation of Class 31 (j) 5(b)(i)
- (c) the Vodafone cabinet is not 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:

- a) The Eir telecommunications infrastructure is development that is exempted development;

- b) The Vodafone support structure is development that is not exempted development;
- c) The Vodafone antennae and dishes is development that is exempted development;
- d) The Vodafone cabinet is not development.

Board Member: Una Crosse Date: 15/05/2023
Una Crosse

