



Board Direction

Ref: 03.RL3493

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23rd January 2017. The Board decided that-

- (1) the installation of a chimney and of a flue protruding above the roofs of the units for heating the living room/ground floor are development and are exempted development, and
- (2) the installation of satellite dishes to the front walls is development and is not exempted development,

all at Moore Bay, Kilkee, County Clare.

WHEREAS a question has arisen as to whether-

- (1) the installation of flue pipes protruding above the roofs of the units for heating the living room/ground floor using a stove, and
- (2) the installation of satellite dishes to the front walls

at Moore Bay, Kilkee, County Clare, are or are not development, or are or are not exempted development:

AND WHEREAS Moore Bay Holiday Village Management Ltd, care of Hutch O' Malley McBeath Consulting Engineers of the Railway Station, Attyflin, Patrickswell, County Limerick, requested a declaration on the said question from Clare County Council, and the Council issued a declaration on 24th May 2016 that –

- (1) the installation of flue pipes protruding above the roofs of the units for heating the living room/ground floor using a stove is development and is exempted development, and
- (2) installation of satellite dishes to the front walls is development and is not exempted development:

AND WHEREAS Moore Bay Holiday Village Management Ltd referred the declaration for review to An Bord Pleanála on 17th June 2016:

AND WHEREAS the Board decided to reformulate the question as follows:

“whether-

- (1) the installation of a chimney and of a flue protruding above the roofs of the units for heating the living room/ground floor, and
- (2) the installation of satellite dishes to the front walls,

all at Moore Bay, Kilkee, County Clare, are or are not development, or are or are not exempted development”:

AND WHEREAS the Board, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended, and Classes 2(a) and 4(b) of Part 1 of Schedule 2 to those Regulations,
- (c) the submissions received by the Board, and the report of the Inspector, and
- (d) the unconventional “back-to-back” layout of the holiday homes, the layout of their curtilages and of the surrounding roads:

AND WHEREAS An Bord Pleanála concluded that –

- (i) the installation of a chimney, a flue, and satellite dishes to the holiday homes comprised works, which constitutes development,
- (ii) the chimney and flue are part of the heating system for these houses, and their installation comes within the scope of the exemption under Class 2(a) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (iii) (a) the satellite dishes do not come under the exemption provided in Section 4(1)(h) of the Planning and Development Act, 2000, as their installation does not constitute “maintenance, improvement or other alteration” of the holiday homes,

(b) neither can the satellite dishes avail of Class 4(b) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as they do not come within the scope of the conditions and limitations, being located on the front walls of the holiday homes, which are considered to have dual frontages:

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 installation of a chimney and of a flue are development and are exempted development, and that the installation of satellite dishes to the front walls is development and is not exempted development, all at Moore Bay, Kilkee, County Clare.

Board Member: _____ Date: 24th January 2017
Fionna O’ Regan