



An
Bord
Pleanála

Board Direction
06F.RL3561

The submissions on this file and the Inspector's report were considered at a Board meeting held on 8th August 2018.

The Board decided, unanimously, that the temporary deployment of the LiDAR instrument at Rockabill Island is not development.

WHEREAS a question has arisen as to whether the temporary deployment of ZephIR (Z300) LiDAR technology at Rockabill Island is or is not development or is or is not exempted development:

AND WHEREAS Gaelectric Developments Ltd. requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 23rd day of February, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS Gaelectric Developments Ltd then referred this declaration for review to An Bord Pleanála on the 21st day of March, 2017:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as

amended,

- (c) the submissions on file from the referrer,
- (d) the planning authority internal reports and planning assessment,
- (e) the report of the inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The placing and/or installation of a battery and a diesel generator to charge the battery within the existing power generator room of Rockabill Lighthouse (RPS No.772) does not constitute development, as no works are involved and no change of use is occurring;
- (b) The laying of a cable from the generator to the LiDAR device, where the cables are running in existing ducting already in place, does not constitute development.
- (c) Having regard to:
 - the functionality and character of a lighthouse, whereby the ongoing requirement to operate various types of equipment – including meteorological equipment - is recognised,
 - the nature and scale of the lighthouse and its curtilage based on the information on file,
 - the purpose of the device in question (meteorological monitoring) and
 - the nature of the device in question, which is small in scale and has minimal requirements for operation and servicing,

it is considered that the temporary placing and use of the LiDAR device on Rockabill Island does not result in any material change of use of the lighthouse or its curtilage and therefore does not constitute development.

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 temporary deployment of ZephIR (Z300) LiDAR technology at Rockabill Island is not development.

Whereas both the planning officer for the local authority and the Board's Inspector considered that the deployment of the device in question would comprise development for the purpose of the Planning and Development Act 2000 (as amended), the Board, having regard to the largely inanimate nature and small scale of the device and its operational characteristics, its purpose (to measure wind speed) and the proposed location in the curtilage of a functioning lighthouse, did not consider that any material change of use would occur in the curtilage of the lighthouse. Nor was any other development considered to be taking place in relation to deployment of power sources, or for associated cables which will run in existing ducts.

Board Member

Date: 14th August 2018

Conall Boland