

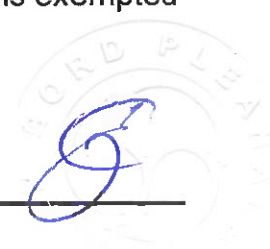
Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: Ref421

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 two number 10-metre-high radio antennae poles in the rear garden at 12 Stepside Park, Stepside, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Raymond O'Malley care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin requested a declaration on the question from Dún 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 Raymond O'Malley referred the declaration for review to An Bord Pleanála on the 15th day of February, 2021:

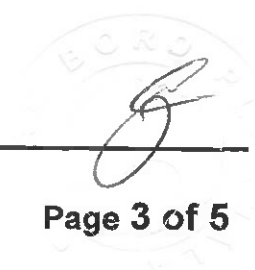
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

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

AND WHEREAS An Bord Pleanála has concluded that -

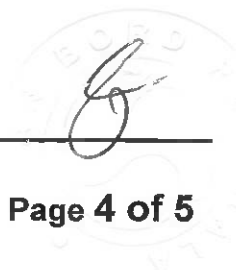
- (a) the erection of antennae, aerials, and support truss on the main house and the erection of high-level wires linking the wireless infrastructure to the shed and two number 10-metre-high radio antennae poles in the rear garden constitutes works which are development,
- (b) the erection of an antenna attached to a chimney at roof level, which extends to a height of not more than six metres above the roof, is exempted development, as it is erected on the roof and complies the condition and limitation of Class 4(a) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) the erection of an antenna attached to a chimney at roof level, which extends to a height of more than six metres above the roof, is not exempted development, as it does not comply with the condition and limitation of Class 4(a) and is not covered by Class 4(b) of those Regulations, and there is no other provision for its exemption,

- (d) 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) of those Regulations, and there is no other provision for its exemption,
- (e) 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) and does not comply with conditions and limitations numbers 1 or 2 of Class 4(b) of those regulations, and there is no other provision for its exemption,
- (f) the erection of high-level wires linking exempted wireless infrastructure to the shed and two number 10-metre-high radio antennae poles in the rear garden is exempted development as it forms part of development that is exempted development, and
- (g) the erection of high-level wires linking non-exempted wireless infrastructure to the shed and two number 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 2000 Act, as amended, hereby decides that at 12 Stepside Park, Stepside, Dublin -

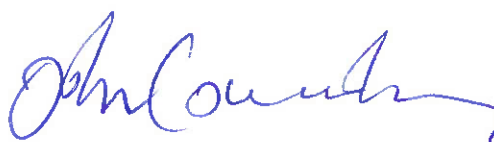
- (a) the erection of an antenna attached to a chimney at roof level, which extends to a height of not more than six metres above the roof, is development and is exempted development, as it is erected on the roof and complies the condition and limitation of Class 4(a) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (b) the erection of an antenna attached to a chimney at roof level, which extends to a height of more than six 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) and is not covered by Class 4(b), of those Regulations, and there is no other provision for its exemption,
- (c) 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) of those Regulations, and there is no other provision for its exemption,
- (d) 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) and does not comply with conditions and limitations numbers 1 or 2 of Class 4(b) of those Regulations, and there is no other provision for its exemption,



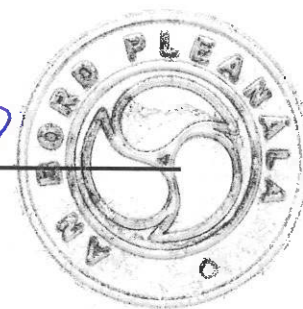
- (e) the erection of high-level wires linking exempted wireless infrastructure to the shed and two number 10-metre-high radio antennae poles in the rear garden is development and is exempted development as it forms part of development that is exempted development, and
- (f) the erection of high-level wires linking non-exempted wireless infrastructure to the shed and two number 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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 21st day of JUNE 2021.