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**Planning and Development Act 2000, as amended**

**Planning Authority: Dublin City Council**

**Planning Authority Reference Number: 0562/25**

**WHEREAS** a question has arisen as to whether a freestanding electric vehicle (EV) charging unit together with a retractable charge arm, located wholly within the curtilage of the property, described as comprising:

- (a) a freestanding post approximately 250 centimetres high,
- (b) a retractable arm with a maximum horizontal extension of approximately 245 centimetres,
- (c) a charging cable suspended at a minimum height of approximately 243 centimetres above ground, and
- (d) a compact charger unit mounted to the upright within the property boundary.

The equipment retracts fully when not in use and does not constitute a traffic hazard or construction,

all at 10 Templemore Avenue, Rathmines, Dublin is or is not development and is or is not exempted development:

**AND WHEREAS** Maria Migone requested a declaration on this question from Dublin City Council and the Council dated the 26<sup>th</sup> day of January, 2026 stating that the matter was development and was not exempted development:

**AND WHEREAS** Maria Migone referred this declaration for review to An Coimisiún Pleanála on the 4<sup>th</sup> day of February, 2026:

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral, had particularly regard 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,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 3 of the Roads Act 1993, as amended,
- (e) Article 3, Article 6(1) and Article 9(1)(a)(iii) of the Planning and Development Regulations, 2001, as amended,
- (f) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and Class 29A thereof, and
- (g) the nature, form and function of the subject matter:

**AND WHEREAS** An Coimisiún Pleanála has concluded that:

- (a) by reason of its nature, function and scale, the proposed compact charger unit would constitute development and would constitute exempted development under Class 29A of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (b) the freestanding post approximately 250 centimetres high, retractable arm with a maximum horizontal extension of approximately 245 centimetres and charging cable suspended at a minimum height of approximately 243 centimetres above ground constitute development.

Furthermore, these elements are not considered to fall within the scope of a charging point for the purposes of Class 29A of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and do not therefore constitute exempted development, and

- (c) notwithstanding the above, the retractable arm extending across the public footpath would endanger public safety as it would create an obstruction to users of the public footpath by way of a height restriction and trip hazard and would, in accordance with Article 9(1)(a) (iii) of the Planning and Development Regulations, 2001, as amended, not be exempt.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides:

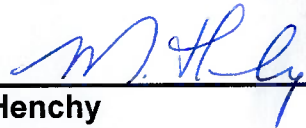
- (a) the proposed compact charger unit would constitute development and would constitute exempted development,
- (b) the freestanding post approximately 250 centimetres high, retractable arm with a maximum horizontal extension of approximately 245 centimetres and charging cable suspended at a minimum height of approximately 243 centimetres above ground constitute development, and do not constitute exempted development, and
- (c) the retractable arm would endanger public safety as it would create an obstruction to users of the public footpath by way of a height restriction and trip hazard and therefore would not be exempt by virtue of an obstruction to road users,

all at 10 Templemore Avenue, Rahtmines, Dublin.

The Commission noted the information submitted with the appeal showed the retractable arm extending over the public footpath, while the Commission accept that the extendable arm is at a height of c.2-2.43m the Commission

considered the arm does obstruct the footpath by way of a height restriction where currently there is no height restriction and that this would endanger public safety.

Furthermore, the Commission concurred with the Inspector that there remains an issue with regard to cables and potential for trailing cables to further narrow or restrict movement along this relatively narrow path, the Commission did not concur with the Inspectors conclusion and reliance on good housekeeping practice by the user to address this issue. The Commission considered this to be a trip hazard that would constitute an obstruction of road users. The Commission therefore concurred with the Planning Authority that a restriction on the exemption in accordance with Article 9 (1)(a)(iii) arises.



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**Mary Henchy**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this *21<sup>st</sup>* day of *May* 2026.