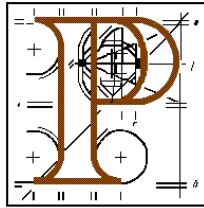


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Clare County

Planning Authority Reference Number: R16-39

An Bord Pleanála Reference Number: 03.RL.3493

WHEREAS a question has arisen as to whether:

- (a) the installation of flue pipes protruding above the roof of the units for heating the living room/ground floor using a stove, and
- (b) 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 Moore Bay Holiday Village Management Limited 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 said Council issued a declaration on the 24th day of May, 2016 stating that -

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

AND WHEREAS the said Moore Bay Holiday Village Management Limited referred the declaration for review to An Bord Pleanála on the 17th day of June, 2016:

AND WHEREAS An Bord Pleanála decided to reformulate the question as follows:

“whether –

- (a) the installation of a chimney and of a flue protruding above the roofs of the units for heating the living room/ground floor, and
- (b) 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), 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 amended, as their installation does not constitute “maintenance, improvement or other alteration” of the holiday homes, and

(b) neither can the satellite dishes avail of exemption under Class 4(b), 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:

- (a) 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
- (b) the installation of satellite dishes to the front walls is development and is not exempted development,

all at Moore Bay, Kilkee, County Clare.

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.

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

Dated this day of 2017.