

An Comisiun Pleanála
64 Marlborough Street
Dublin 1
D01 V902.

By Registered Post

3 February 2026

Our Ref: SC/EOC/MIG7/1

AN COIMISIÚN PLEANÁLA	
LDG- <u>086411-26</u>	
ACP- _____	
04 FEB 2026	
Fee: € <u>220</u>	Type: <u>CHA</u>
Time: <u>9:15</u>	By: <u>Reg Post</u>

SM

Our client: Maria Migone

Re: Referral of section 5 decision of Dublin City Council in respect of the installation of an EV (Electric Vehicle) Charge Arm and EV pedestal in the front of garden of 10 Templemore Road, Rathmines, Dublin 6

Dear Colleague

Please find enclosed the following documentation in relation to a referral of a section 5 declaration of Dublin City Council.

1. Section 5 referral form (adapted form from ACP website);
2. A copy of the application submitted to Dublin City Council
3. Cheque in the sum of €220.

Details of the section 5 decision of Dublin City Council are as follows:

Application Number:	0562/25
Deciding Body:	Dublin City Council
Decision Date:	23 January 2026
Decision Number:	P2174
Property Address:	10 Templemore Avenue, Rathmines, Dublin 6, D06 T1X3
Development Type:	EV Charger with charger arm.
Property Owner:	Maria Migone
Agent:	Beauchamps LLP, Riverside 2, Sir John Rogersons' Quay, Dublin 2

Please acknowledge receipt and send all correspondence to to Emma O'Connell (e.oconnell@beauchamps.ie).

Yours faithfully,

Beauchamps LLP

BEAUCHAMPS LLP

An Roinn Pleanála & Forbairt Maoinne, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2288

E. planning@dublincity.ie

26-Jan-2026

Beauchamps LLP
Riverside 2, Sir John Rogerson's Quay, Dublin 2

Application Number	0562/25
Application Type	Section 5
Registration Date	18-Dec-2025
Decision Date	23-Jan-2026
Decision Order Number	P2174
Location	10, Templemore Avenue, Rathmines, Dublin 6
Proposal	EXPP: The works consist of a freestanding electric vehicle (EV) charging unit together with a retractable charge arm, located wholly within the curtilage of the property. The apparatus comprises: <ol style="list-style-type: none">1. A freestanding post approx. 250cm high;2. A retractable arm with a maximum horizontal extension of approx. 245cm;3. A charging cable suspended at a minimum height of approx. 243cm above ground;4. 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 obstruction.

Applicant Details Maria Migone

- **If you have any queries regarding this Decision, please contact the email shown above**

Note:

Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by An Bord Pleanála within four weeks of the date of the issuing of the declaration.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Act 2000 (as amended), Dublin City Council has by order dated 23-Jan-2026 decided to issue a Declaration that the proposed development is NOT EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Act 2000 (as amended) for the following reason:

(a) The freestanding electric vehicle (EV) charging unit together with a retractable charge arm charging point as described in the Section 5 application is development within the meaning of Section 3(1) of the

NOT1section5(Refuse Exemption)

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2288

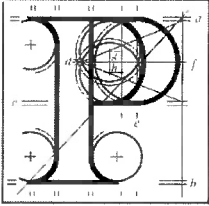
E. planning@dublincity.ie

26-Jan-2026

Planning and Development Act, 2000, as amended and is not exempted development as it does not fall within conditions and limitations of Class 29(A) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001 as amended, as the exemptions does not specifically mention charging arm mechanisms, which, by their very nature, would mean an electric cable traversing over the public footpath. Furthermore, it would endanger public safety by reason of traffic hazard or obstruction of footpath users and would there be contrary to Article 9(a)(iii) of the aforementioned Regulations.

Signed on behalf of Dublin City Council

For Administrative Officer



An
Coimisiún
Pleanála

Planning REFERRAL Form

Your details

1. ~~REFERANT'S~~ details (person making the appeal)

Your full details:

(a) Name

Maria Migone

(b) Address

10 Templemore Avenue, Rathmines, Dublin
6, D06 T1X3

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Emma O'Connell, Beauchamps LLP

(b) Agent's address

Riverside 2, Sir John Rogersons' Quay, Dublin 2

Postal address for letters

3. During the ^{OFFICIAL} appeal we will post information and items to you or to your agent. For this ^{REFERRAL} appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

Dublin City Council

(b) **Planning authority register reference number**

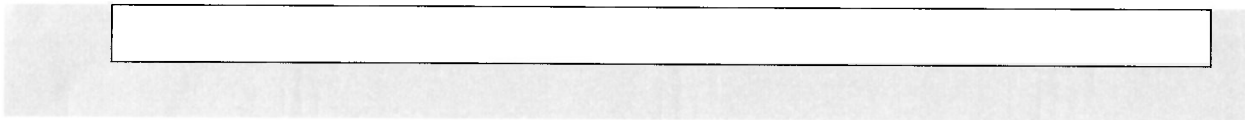
(for example: 18/0123)

0562/25

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

10 Templemore Avenue, Rathmines, Dublin 6, D06 T1X3



Appeal details

5. Please describe the grounds of your ~~REFUSED~~ planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

APPLICABLE EXEMPTED DEVELOPMENT PROVISIONS

The Works fall within Class 29A of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), which provides for exempted development for EV charging infrastructure, subject only to Article 9 restrictions.

Class 29 A of Schedule 2 provides the following is classed as exempted development:

"Development consisting of – (a) the construction of a charging point for electric vehicles that ...

- (i) in the case of a charging point situated on a public road, does not exceed 0.75 cubic metres by volume above ground, and*
- (ii) in all other cases, does not exceed 3.6 cubic metres by volume above ground,*

for the purpose of protecting such charging point, provided that such electrical construction or adaptation is carried out by a registered electrical contractor within the meaning of section 9D of the Electricity Regulation Act 1999 (No. 23 of 1999)."

There is no statutory provision that prohibits the installation of a freestanding EV charge arm within a private residential curtilage. The EV charger comprises a mounted unit located entirely within private land, together with a projecting charging arm which, when deployed, extends marginally over the public footway. In assessing compliance with relevant dimensional limits, the volume of each element has been considered, reflecting the fact that only the charging arm projects over the footpath.

The main charger body and supporting column are fixed wholly within private land and have maximum overall dimensions of approximately 2.50 m in height, 0.28 m in depth and 0.15 m in width. This equates to an above-ground volume of approximately 0.105 cubic metres ($2.50 \times 0.28 \times 0.15 = 0.105 \text{ m}^3$), which is well below the 3.6 cubic metre threshold applicable to equipment on private land.

The only element extending over the public footpath is the charging arm when in use. This element does not comprise an enclosed volumetric structure, but rather a slender structural member with minimal physical mass. The charging arm has been assessed on a deliberately conservative worst-case basis as a solid cylindrical member approximately 2.45 m in length and 0.10 m in diameter. On this basis, the projected volume equates to approximately 0.02 cubic metres ($\pi \times 0.05^2 \times 2.45 = 0.02 \text{ m}^3$). This figure substantially overestimates the arm's true material volume and remains well below the 0.75 cubic metre threshold.

5. Please describe the grounds of your ~~REFERRAL~~ (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

The specifications for the EV charging unit and diagrams are included with this referral

Statutory Obligation Under Section 15 – Mandatory Consideration of Climate Objectives

We must draw your attention to the statutory obligations placed upon Dublin City Council and indeed An Coimisiun Pleanála as a “*relevant body*” under section 15 of the Climate Action and Low Carbon Development Act 2015 as amended (the “Climate Action Act”). The recent High Court decision of *Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1* provides welcome clarity on the obligations imposed on public bodies under section 15 of the Climate Action Act.

Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended) provides:

- "15(1)** *A relevant body shall, in so far as practicable, perform its functions in a manner consistent with:*
- (a) the most recent approved climate action plan,*
 - (b) the most recent approved national long term climate action strategy,*
 - (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
 - (d) the furtherance of the national climate objective, and*
 - (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State."*

The recent High Court decision of *Coolglass Wind Farm Limited v An Bord Pleanála [2025] IEHC 1* provides welcome clarity on deciding bodies' obligations under section 15 when called on to make a decision relevant to the achievement of our climate objectives as follows:

1. Consider if granting permission would contribute to achieving our climate goals, and in the case of renewable energy projects the answer is invariably yes.
2. Consider whether granting permission is precluded by a “mandatory and non-flexible legal requirement that confers no discretion or evaluative judgment on the deciding body.”
3. If the answer to that is no, the deciding body should then **ask if its discretion or evaluative judgment can be exercised in such a way as to support the outcome favouring climate goals. (emphasis added)**

Accordingly, in assessing this Section 5 application, the Relevant Body must perform its planning and enforcement functions in a manner that is consistent with the most recent approved Climate Action Plan 2025 (“CAP25”).

5. Please describe the grounds of your ~~refusal~~ (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Climate Action Plan 2025: Obligations on Local Authorities

CAP25 places explicit duties on local authorities regarding EV charging infrastructure. The following are direct quotations:

- (a) *“Local authorities have an integral and critical role in decarbonising transport... including... provision of EV charging and alternative fuels infrastructure.”* (emphasis added)
- (b) *“In 2024, sanction was provided to local authorities to recruit staff for the roll-out of public EV charging infrastructure to meet growing demand for destination and residential charging. Local authorities are working closely with Zero Emission Vehicles Ireland (ZEVl) and the new capacity is expected to come to full fruition over 2025.”*
- (c) *“ In 2024, a range of policies were published, including the National En-Route EV Charging Plan and the Regional and Local EV Charging Network Plan 2024–2030. The vision set out in these documents, and in the overarching National EV Charging Infrastructure Strategy, envisages a 300% increase in charging capacity by 2025.”*
- (d) *“Continued investment... and the rollout of EV charging infrastructure are helping the public switch to zero emission vehicles.”*
- (e) Action Number **TR/25/15** requires the “Roll out of key elements of electric vehicle (EV) Infrastructure Strategy.”

Taken collectively, CAP25:

- mandates expansion of residential, destination and neighbourhood charging;
- assigns primary delivery responsibility to local authorities; and
- requires local authorities to enable, not frustrate, EV-charging infrastructure.

It is a statutory requirement under section 15 that the Relevant Body perform its functions in a manner consistent with the CAP25 obligations.

Article 9(1)(a)(iii)

Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 (as amended) disapplies exempted development only where the development: *“would **endanger** public safety by reason of traffic hazard or obstruction of road users.”* (emphasis added)

(a) Statutory threshold is endangerment

5. Please describe the grounds of your ~~REFERRAL~~ planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

The statutory threshold is endangerment, not mere obstruction. The obstruction must be of such a nature that it endangers public safety and obstruction simpliciter is not enough.

(b) No evidence of endangerment

On inspection of the charging unit:

- the charge arm is located well above pedestrian headroom;
- the footpath width is entirely unaffected;
- there is no realistic hazard to pedestrians; and
- no interaction with vehicular traffic occurs.

Without evidence of endangerment, Article 9(1)(a)(iii) simply cannot be invoked.

No Mandatory Legal Bar Preventing the Relevant Body from Treating the Development as Exempt

There is no statutory prohibition on charge-arm installations. Class 29A expressly provides for exempted EV-charging infrastructure, subject only to Article 9.

Article 9 is not engaged on the facts, as no evidence has been produced that the installation gives rise to any endangerment to public safety. Even if it were found that the charge arm constituted an "obstruction", such an obstruction must be of such a nature that it endangers public safety and obstruction simpliciter is not enough. In these circumstances, and as the High Court made clear in *Coolglass*, where no mandatory legal constraint exists, the Relevant Body is required to give full and effective application to its section 15 obligations; it cannot lawfully adopt an approach that undermines or nullifies those statutory duties.

In circumstances where the EV charge arm:

- has not been shown to be an endangerment;
- directly supports residential EV charging capacity;
- aligns with CAP25's requirement for local-authority enabled residential charging; and
- assists in achieving national decarbonisation targets,

the climate-consistent outcome is to treat the installation as exempt development.

Broader implications

If this installation was considered to "[endanger] public safety", so would many public EV-charging systems. On this logic, the following would all be inherently hazardous:

- lamppost-adapted public EV chargers;

5. Please describe the grounds of your REFERRAL planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

- publicly approved systems where cables run overhead or across short distances;
- ZEVl-supported neighbourhood chargers.

Yet **CAP25 explicitly supports and mandates local authority rollout of this very type of infrastructure**. It is not plausible to treat a safe, small-scale, high-mounted private charge arm as a public-safety hazard while CAP25 requires the Council to deliver far more intrusive public-realm charging infrastructure.

Accordingly, Article 9(1)(a)(iii) cannot be triggered.

Conclusion

In light of:

- the Relevant Body's statutory obligations under section 15;
- the obligations set out in *Coolglass*;
- the express requirements in CAP25 concerning the expansion of EV-charging infrastructure; and
- the absence of any evidence capable of satisfying Article 9(1)(a)(iii);

it is respectfully submitted that the installation constitutes exempt development and should be confirmed as such under this Section 5 application.

Supporting material

6. If you wish you can include supporting materials with your ~~appeal~~ ^{REFERRAL}.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct [fee](#) is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

Oral hearing request

9. If you wish to request the Commission to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our [website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





BEAUCHAMPS LLP
 RIVERSIDE TWO
 SIR JOHN ROGERSON'S QUAY
 DUBLIN 2, D02 KV60
 IRELAND

FAO John Downey
 Planning Department
 Dublin City Council
 Civic Offices
 Wood Quay
 Dublin 8
 D08 RF3F
 Ireland
By Registered Post

By Email: john.downey@dublincity.ie

17 December 2025

Our Ref: SC/EOC/MIG7/1

Our client: Maria Migone

Re: The installation of an EV (Electric Vehicle) Charge Arm and EV pedestal in the front of garden of 10 Templemore Road, Rathmines, Dublin 6

Dear Colleague

We refer to recent correspondence and enclose herewith the following documents in *duplicate* together with the application in the sum of €80.00

1. Section 5 application form;
2. EV Charger specifications;
3. Registered electrician details;
4. Photos of the structure;
5. EV Manual
6. OS maps scale 1:1000 with the site clearly outlined in Red.

Please acknowledge receipt to Emma O'Connell (e.oconnell@beauchamps.ie).

Yours faithfully,

Beauchamps LLP



Dame Street,
 Dublin 2



Beauchamps LLP, Riverside Two, Sir John Rogersons Quay, Dublin 2

93-12-25

Date 17/12/2025

euro euro euro

€ ****80.00****

For and on behalf of BEAUCHAMPS LLP
 NO. 2 ACCOUNT - OFFICE

PAY ** Dublin City Council, Planning Registry Section **							
Euro amount in words	MILLIONS	HUNDRED THOUSANDS	TEN THOUSANDS	THOUSANDS	HUNDREDS	TENS	UNITS
	*****	*****	*****	*****	*****	eight	zero
STC/MIG7/1							CENT AS IN FIGURES
Not Negotiable							



DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT



SECTION 5 APPLICATION FORM

PART 1 – SECTION 5 APPLICATION FORM

NAME OF APPLICANT: Maria Migone

NAME OF AGENT: Beauchamps LLP

LOCATION OF SUBJECT SITE: (Please include Eircode)
10 Templemore Avenue, Rathmines, Dublin 6, D06 T1X3

Is this a Protected Structure or within the curtilage of a Protected Structure? N/A

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?
N/A

Please provide details of works (where applicable) or proposed development. (Note: only works listed and described under this section will be assessed under this section 5 application. Use additional sheets if required.)

The Works consist of a freestanding electric vehicle (EV) charging unit together with a retractable Charge Arm, located wholly within the curtilage of the property. The apparatus comprises:

1. A freestanding post approx. 250 cm high;
2. A retractable arm with a maximum horizontal extension of approx. 245 cm;
3. A charging cable suspended at a minimum height of approx. 243 cm above ground;
4. 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 obstruction.

See Annex 1 for the supporting submission and additional information, which forms part of this description.

List of plans, drawings etc. submitted with this application

1. Photos of the charger and Charge Arm
 2. Manual setting out charger details and specifications
 3. OS Maps (1:1000 scale)
 4. Supporting Submission (Annex 1)
 5. Dimensioned drawing of the EV charger
-

Please state Applicant's interest in this site:

Property Owner

If applicant is not owner of site, please provide name & address of owner on part 2 of the application form.

Are you aware of any enforcement proceedings connected to this site?
If so please supply details:

A section 154 Notice has been issued.

Were there previous planning application/s on this site?
If so please supply details: Yes

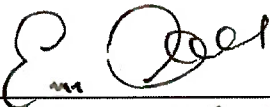
0277/21 – Section 5 Declaration

- Replacement of an existing shed (Decision: Not Exempted, issued 30 August 2021).
- This related solely to a structural outbuilding and is unrelated to the present Works, which fall under Class 29A.

WEB5013/21 – Permission Granted

- Demolition of an existing garden store and construction of a replacement store with new access door to rear laneway.
• Registered 12 October 2021; Decision 06 December 2021; Grant date 17 January 2022.

Neither of the above relates to EV infrastructure or the present Works.

Signed  Date 16/12/25
EMM O'Connell

NOTES

Application shall be accompanied by 2 copies of an OS Map (Scale 1:1000) with site clearly outlined in red and a fee of €80.00. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Dublin City Council, Planning Registry Section, Block 4, Floor 0, Civic Offices, Wood Quay, Dublin 8.
Contact Details: Phone: 01 222 2149 Fax: 01 222 2675

PART 2 – SECTION 5 APPLICATION FORM

ADDRESS OF APPLICANT: 10 Templemore Avenue, Rathmines, Dublin 6, D06 T1X3

EMAIL ADDRESS: maria.migone@sjog.ie

TELEPHONE NO. Day: 0872347392. Mobile: 0872347392.

ADDRESS OF AGENT: Riverside 2, Sir John Rogersons' Quay, Dublin 2

EMAIL ADDRESS: e.oconnell@beauchamps.ie cc to s.conaty@beauchamps.ie

TELEPHONE NO. Day: 01 4180 969 Mobile: 087 42 601 81

ADDRESS FOR CORRESPONDENCE: Riverside 2, Sir John Rogersons' Quay, Dublin 2

Please tick the box to indicate if correspondence is to go to the applicant or agent:

Applicant n/a

Agent X

Legal Interest

If applicant is not owner of site, please provide name & address of owner:

Section 5 Declaration for Protected Structures

Required Documents

1. *Application form* (The application form should be used to provide a numbered list of all the proposed works. Two copies of all supporting information should be submitted).
2. *Application fee* (€80)
3. 2 copies of the *OS map* (location clearly outlined in red) accessible at <https://store.osi.ie/professional-products/land-and-property.html>.
4. A photographic record of the historic fabric to be affected/impacted upon by the proposed works and a general photo of the building. (notes can be added to these photos to explain the proposed works)
5. An outline explaining justification for and assessment of the impact of the proposed works on the protected structure.
6. A method statement outlining the proposed works to include a specification of the materials to be used.
7. Elevation, plan and detail drawings where appropriate.

The Department of Housing, Local Government and Heritage Advice Series documents are recommended reading before submitting a Section 5 application for proposed works to a protected structure. These publications contain the best practice advice for conservation work and knowledge of best conservation practice, which must be clearly demonstrated in all applications. (See links to guidance documentation below)

<https://www.buildingsofireland.ie/resources/>

A Guide to the Repair of Historic Brickwork:

The Repair of Wrought and Cast Iron Work:

Maintenance, A Guide to the Repair of Older Buildings.

A Guide to the Repair of Historic Windows:

Roofs- A Guide to the Repair of Historic Roofs.pdf

Ruins - The Conservation and Repair of Masonry Ruins.pdf

Energy Efficiency in Traditional Buildings.pdf

Access- Improving the Accessibility of Historic Buildings & Places.pdf

Faces of Worship- The Conservation of Places of Worship 2011.pdf

Disaster: A Guide to Prevention and Preparedness in the Historic Built

Environment

Paving: the Conservation of Historic Ground Surfaces

**The Architectural Heritage Protection Guidelines for Planning Authorities
(2011)**

ANNEX 1 — SUPPORTING SUBMISSION

1. APPLICABLE EXEMPTED DEVELOPMENT PROVISIONS

The Works fall within Class 29A of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), which provides for exempted development for EV charging infrastructure, subject only to Article 9 restrictions.

Class 29 A of Schedule 2 provides the following is classed as exempted development:

"Development consisting of – (a) the construction of a charging point for electric vehicles that ...

(i) in the case of a charging point situated on a public road, does not exceed 0.75 cubic metres by volume above ground, and

(ii) in all other cases, does not exceed 3.6 cubic metres by volume above ground,

for the purpose of protecting such charging point, provided that such electrical construction or adaptation is carried out by a registered electrical contractor within the meaning of section 9D of the Electricity Regulation Act 1999 (No. 23 of 1999)."

There is no statutory provision that prohibits the installation of a freestanding EV charge arm within a private residential curtilage. The EV charger comprises a mounted unit located entirely within private land, together with a projecting charging arm which, when deployed, extends marginally over the public footway. In assessing compliance with relevant dimensional limits, the volume of each element has been considered, reflecting the fact that only the charging arm projects over the footpath.

The main charger body and supporting column are fixed wholly within private land and have maximum overall dimensions of approximately 2.50 m in height, 0.28 m in depth and 0.15 m in width. This equates to an above-ground volume of approximately 0.105 cubic metres ($2.50 \times 0.28 \times 0.15 = 0.105 \text{ m}^3$), which is well below the 3.6 cubic metre threshold applicable to equipment on private land.

The only element extending over the public footpath is the charging arm when in use. This element does not comprise an enclosed volumetric structure, but rather a slender structural member with minimal physical mass. The charging arm has been assessed on a deliberately conservative worst-case basis as a solid cylindrical member approximately 2.45 m in length and 0.10 m in diameter. On this basis, the projected volume equates to approximately 0.02 cubic metres ($\pi \times 0.05^2 \times 2.45 = 0.02 \text{ m}^3$). This figure substantially overestimates the arm's true material volume and remains well below the 0.75 cubic metre threshold.

The specifications for the EV charging unit and diagrams are included with this application

2. STATUTORY OBLIGATION UNDER SECTION 15 – MANDATORY CONSIDERATION OF CLIMATE OBJECTIVES

We must draw your attention to the statutory obligations placed upon Dublin City Council as a "relevant body" under section 15 of the Climate Action and Low Carbon Development Act 2015 as amended (the "Climate Action Act"). The recent High Court decision of *Coolglass Wind Farm Limited*

v An Bord Pleanála [2025] IEHC 1 provides welcome clarity on the obligations imposed on public bodies under section 15 of the Climate Action Act.

Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended) provides:

"15(1) *A relevant body shall, in so far as practicable, perform its functions in a manner consistent with:*

- (a) the most recent approved climate action plan,*
- (b) the most recent approved national long term climate action strategy,*
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- (d) the furtherance of the national climate objective, and*
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State."*

The recent High Court decision of *Coolglass Wind Farm Limited v An Bord Pleanála [2025]* IEHC 1 provides welcome clarity on deciding bodies' obligations under section 15 when called on to make a decision relevant to the achievement of our climate objectives as follows:

1. Consider if granting permission would contribute to achieving our climate goals, and in the case of renewable energy projects the answer is invariably yes.
2. Consider whether granting permission is precluded by a "mandatory and non-flexible legal requirement that confers no discretion or evaluative judgment on the deciding body."
3. If the answer to that is no, the deciding body should then **ask if its discretion or evaluative judgment can be exercised in such a way as to support the outcome favouring climate goals. (emphasis added)**

Accordingly, in assessing this Section 5 application, the Council must perform its planning and enforcement functions in a manner that is consistent with the most recent approved Climate Action Plan 2025 ("CAP25").

3. CLIMATE ACTION PLAN 2025: OBLIGATIONS ON LOCAL AUTHORITIES

CAP25 places explicit duties on local authorities regarding EV charging infrastructure. The following are direct quotations:

- (a) *"Local authorities have an integral and critical role in decarbonising transport... including... provision of EV charging and alternative fuels infrastructure."* (emphasis added)
- (b) *"In 2024, sanction was provided to local authorities to recruit staff for the roll-out of public EV charging infrastructure to meet growing demand for destination and residential charging. Local authorities are working closely with Zero Emission Vehicles Ireland (ZEVl) and the new capacity is expected to come to full fruition over 2025."*
- (c) *" In 2024, a range of policies were published, including the National En-Route EV Charging Plan and the Regional and Local EV Charging Network Plan 2024–2030. The vision set out in these documents, and in the overarching National EV Charging Infrastructure Strategy, envisages a 300% increase in charging capacity by 2025."*

- (d) "Continued investment... and the rollout of EV charging infrastructure are helping the public switch to zero emission vehicles."
- (e) Action Number **TR/25/15** requires the "Roll out of key elements of electric vehicle (EV) Infrastructure Strategy."

Taken collectively, CAP25:

- mandates expansion of residential, destination and neighbourhood charging;
- assigns primary delivery responsibility to local authorities; and
- requires local authorities to enable, not frustrate, EV-charging infrastructure.

It is a statutory requirement under section 15 that the Council perform its functions in a manner consistent with the CAP25 obligations.

4. **ARTICLE 9(1)(A)(III)**

Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 (as amended) disapplies exempted development only where the development: "*would endanger public safety by reason of traffic hazard or obstruction of road users.*"

(a) Statutory threshold is endangerment

The statutory threshold is endangerment, not mere obstruction. The obstruction must be of such a nature that it endangers public safety and obstruction simpliciter is not enough.

(b) No evidence of endangerment

On inspection of the charging unit:

- the charge arm is located well above pedestrian headroom;
- the footpath width is entirely unaffected;
- there is no realistic hazard to pedestrians; and
- no interaction with vehicular traffic occurs.

Without evidence of endangerment, Article 9(1)(a)(iii) simply cannot be invoked.

5. **NO MANDATORY LEGAL BAR PREVENTING THE COUNCIL FROM TREATING THE DEVELOPMENT AS EXEMPT**

There is no statutory prohibition on charge-arm installations. Class 29A expressly provides for exempted EV-charging infrastructure, subject only to Article 9.

Article 9 is not engaged on the facts, as no evidence has been produced that the installation gives rise to any endangerment to public safety. Even if it were found that the charge arm constituted an "obstruction", such an obstruction must be of such a nature that it endangers public safety and obstruction simpliciter is not enough. In these circumstances, and as the High Court made clear in *Coolglass*, where no mandatory legal constraint exists, the Council is required to give full and effective application to its section 15 obligations; it cannot lawfully adopt an approach that undermines or nullifies those statutory duties.

In circumstances where the EV charge arm:

- has not been shown to be an endangerment;
- directly supports residential EV charging capacity;

- aligns with CAP25's requirement for local-authority enabled residential charging; and
- assists in achieving national decarbonisation targets,

the climate-consistent outcome is to treat the installation as exempt development.

6. BROADER IMPLICATIONS

If this installation was considered to "[endanger] public safety", so would many public EV-charging systems. On this logic, the following would all be inherently hazardous:

- lamppost-adapted public EV chargers;
- publicly approved systems where cables run overhead or across short distances;
- ZEV-supported neighbourhood chargers.

Yet CAP25 explicitly supports and mandates local authority rollout of this very type of infrastructure. It is not plausible to treat a safe, small-scale, high-mounted private charge arm as a public-safety hazard while CAP25 requires the Council to deliver far more intrusive public-realm charging infrastructure.

Accordingly, Article 9(1)(a)(iii) cannot be triggered.

7. CONCLUSION

In light of:

- the Council's statutory obligations under section 15;
- the obligations set out in *Coolglass*;
- the express requirements in CAP25 concerning the expansion of EV-charging infrastructure; and
- the absence of any evidence capable of satisfying Article 9(1)(a)(iii);

it is respectfully submitted that the installation constitutes exempt development and should be confirmed as such under this Section 5 application.











Certificate of Registration

This is to certify

that **NMD Electrical**

of **Unit 7, Seapoint Business Park, Riverstown, Tramore, Co Waterford**

is a Registered Electrical Contractor
and is entitled to display this Certificate during
the continuation of such registration.

Dated, **13/06/2025**..... Chairman, *[Signature]*

Registration Number, **A0554**

NB: This certificate remains the property of Safe Electric to which it must be returned, at any time the registration of the installer expires.

Tax Clearance Application Result

Tax Clearance Certificate Issued



We confirm that your tax affairs are in order, and you have been issued with a tax clearance certificate. Confirmation of this has also been sent to your Revenue Record.

In order to confirm to a third party that you have a tax clearance certificate, you will need to provide them with your PPSN/tax reference number and the tax clearance access number below.

Applicant Name: Nigel M Daly Electrical Limited
Applicant PPSN/Tax Reference Number: 34972290H
Access Number: 174389

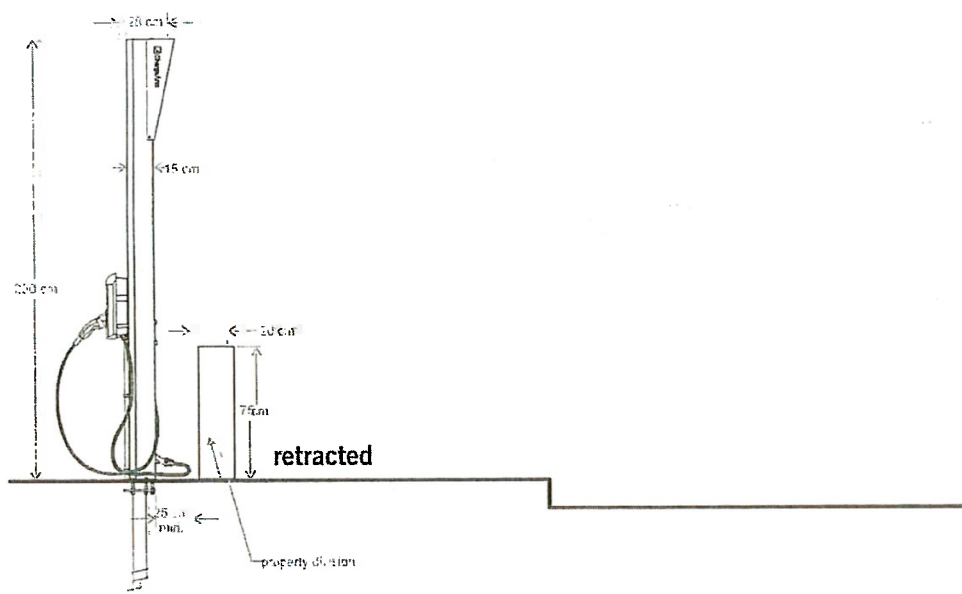
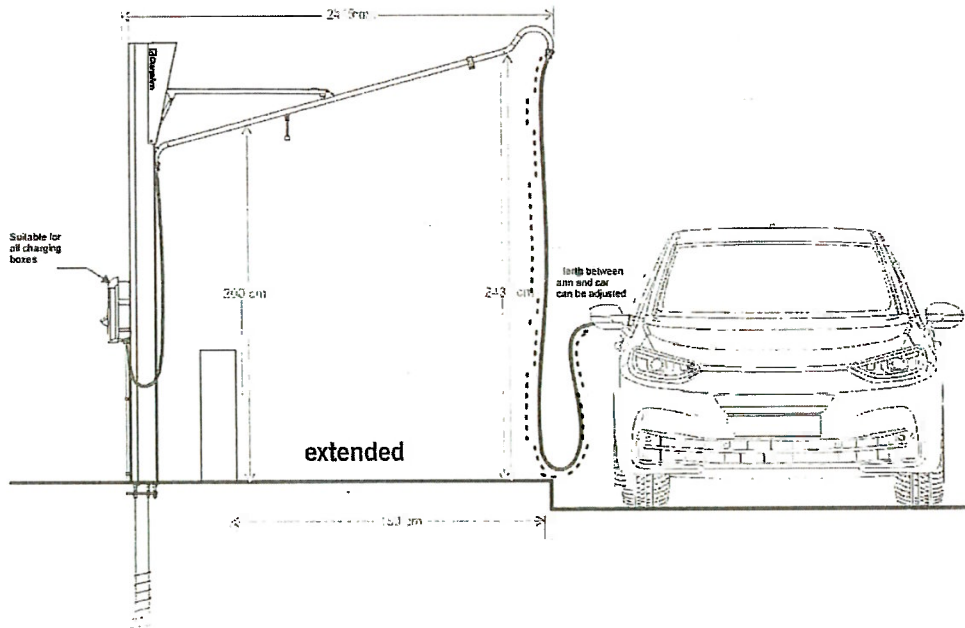
Please note that in order to retain your tax clearance certificate you need to continue to keep your tax affairs in order. Revenue will review your tax affairs periodically and will rescind your tax clearance certificate if your tax affairs are not in order at any stage.

You will need to submit a new application for a Tax Clearance Certificate when your current application expires. Applications for Grants and certain Relief Schemes are valid for a period of 1 year only, while all other applications are valid for 4 years.

PDF/Print date: 23/07/2025

6. Product specifications

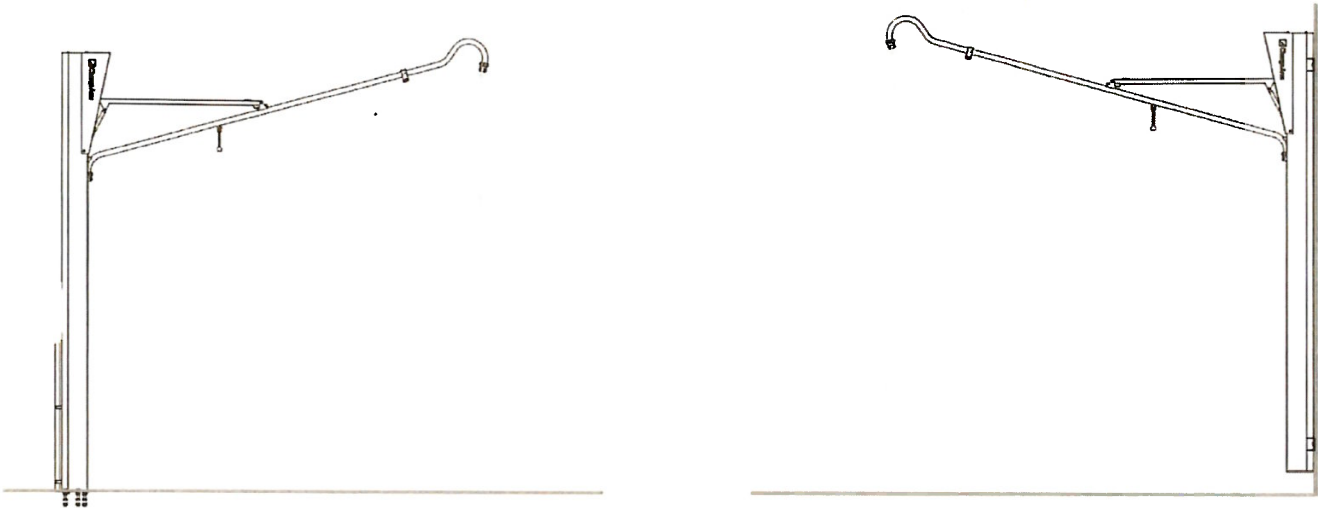
Freestanding version



 ChargeArm

ChargeArm

User Manual





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1. CE Declaration of conformity

ChargeArm bv
Zijlweg 76
2013DK Haarlem
The Netherlands

+31235513600
info@chargearm.com

declare under our sole responsibility that the following product

Equipment: ChargeArm
Brand name: ChargeArm
Model/type: CA01

is in conformity with the

Directive 2006/42/EG of the European parliament and the council of 17 May 2006 on machinery, and amending Directive 95/16/EC.

Haarlem, 21 February 2022

Manufacturer representative:
ChargeArm bv

A handwritten signature in black ink, appearing to read "Camille van den Brande".

Camille van den Brande



2. Introduction

Congratulations with the purchase of your ChargeArm.

The ChargeArm can be installed as a freestanding or wall mounted retractable arm for your EV charging cable. This user manual covers both versions of the ChargeArm.

The charge box and charge cable are not included with the ChargeArm. This document only describes the use of the ChargeArm, not the charge box.

This document is intended for the ChargeArm user. The installation of the ChargeArm must be executed by a trained professional. The installation is described in the documents: *Installation manual ChargeArm Foundation Screw and Installation Manual ChargeArm Wall Mount*.

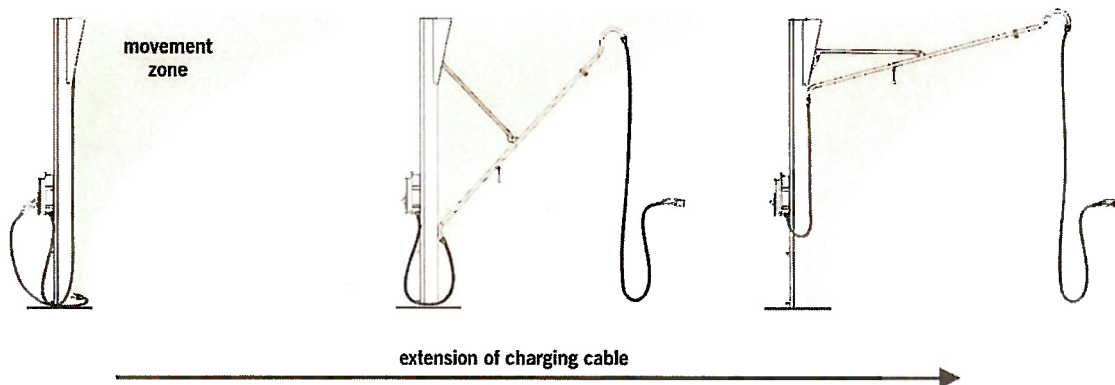
The ChargeArm is intended to guide your charging cable over an area, such as a pavement, in a safe and user friendly manner. Should the ChargeArm extend over public domain, please check with you local authorities if this is permitted.

Your installer is obligated to install the ChargeArm in combination with a charge box and charging cable in accordance with local legislation. If the installation is not executed according to the installation manual and local legislation the warranty of the ChargeArm will be deemed null and void.

ChargeArm b.v. (a Limited company in The Netherlands) is not responsible for any damage that may occur as a result of incorrect installation or use of the ChargeArm.

The ChargeArm allows for the mounting of many types of charge boxes to the upright of the ChargeArm in a variety of ways. In this document a specific charge box is mounted to the rear of freestanding ChargeArm. This configuration is only explanatory and the operation should be identical for other mounting options.

3. Safety



- Only extend the ChargeArm when charging your vehicle. Do not leave it extended when not in use.
- Do not extend or retract the arm of the ChargeArm whilst bystanders or objects are within the movement zone of the ChargeArm.
- Children or inexperienced users should not operate the ChargeArm. When in doubt block the movement of the ChargeArm with the optional ChargeArm lock (see 7, part 1577.600).
- Always study the user manual before instigating maintenance or repairs to the ChargeArm.
- Only use components that have been supplied with the ChargeArm for operating the ChargeArm.
- Do not alter the construction of the ChargeArm and do not use the ChargeArm for functions other than a retractable EV charging cable arm, for example as a support for a sun shade.
- Do not temporarily hang objects on the ChargeArm.
- Do not remove or loosen screws or bolts pertaining to the ChargeArm.
- Always extend and retract the ChargeArm in the manner described in chapter 4 so as to avoid fingers, hands or clothing being trapped in the ChargeArm structure.
- Do not use the ChargeArm when it is damaged.
- While extending the arm, only pull the charge cable gently in the direction of the arm movement and not sideways. A sideways movement can damage the mechanism or arm and may lead to dangerous situations.
- When the arm is extended do not pull the cable sideways. This could damage the mechanism or arm and also lead to dangerous situations.
- Do not try to hang from the ChargeArm or pull the Charging Cable harshly downwards.
- Do not use the ChargeArm during heavy storms, when it is snowing or there is freezing rain. The formation of ice on the ChargeArm may damage the product or harm the user.
- Unqualified installation, maintenance or operation can damage the ChargeArm or cause harm. This product has a CE marking attached to it. Do not remove this type plate. State the information on the type plate when you contact your installer or ChargeArm specialist.
- Make sure the charging connector is in a holder when not in use. This holder is often part of the charging box or can be purchased as a separate product.

ChargeArm

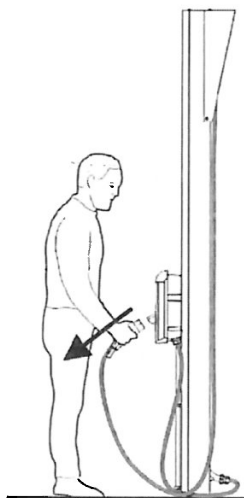
- Check on a regular basis if greenery is blocking the movement of the arm. Trim away vegetation if necessary. Do not use a strimmer near the base of the ChargeArm as it may damage the charging cable.

ChargeArm

4. Use

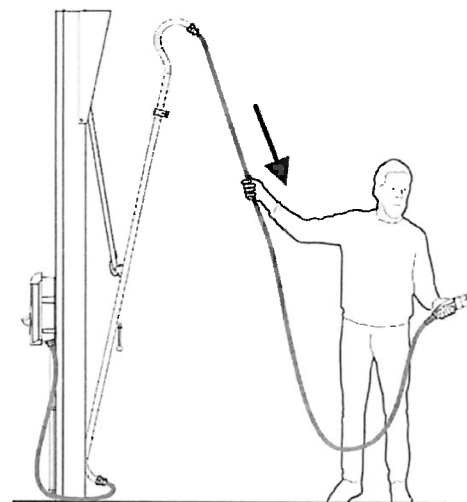
This document describes a freestanding ChargeArm with a charge box mounted to the rear of the upright. This charge box has a holding position for the charging connector when it is not in use. The ChargeArm can be installed in multiple ways, such as the wall mounted version, but in general the manner of use will be the same.

1. Release the Charge cable:



- Depending on your installation this can be from the charge box or from a separate connector holder mounted somewhere else.

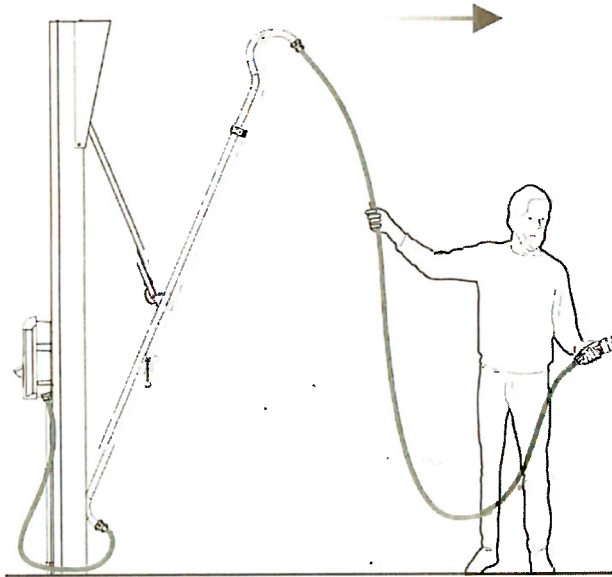
2. Pull out the arm:



- Be careful that no one is standing in between you and the ChargeArm. (See 3, Safety of movement zone for the arm)
- Pull the cable gently with one hand whilst holding the cable connector in your other hand.

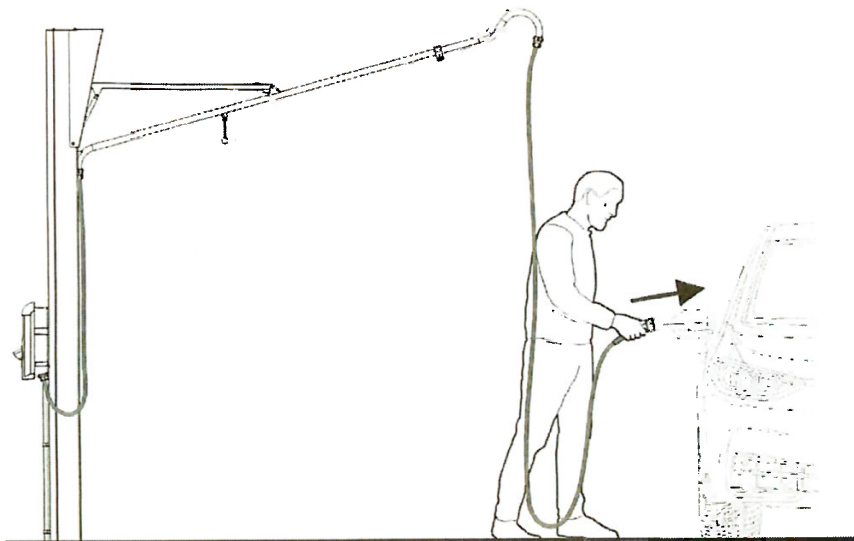
ChargeArm

3. Let the arm fly out:



- Pull gently on the charge cable and let the arm automatically fly out.
- Make sure no one is standing in the movement zone of the arm.

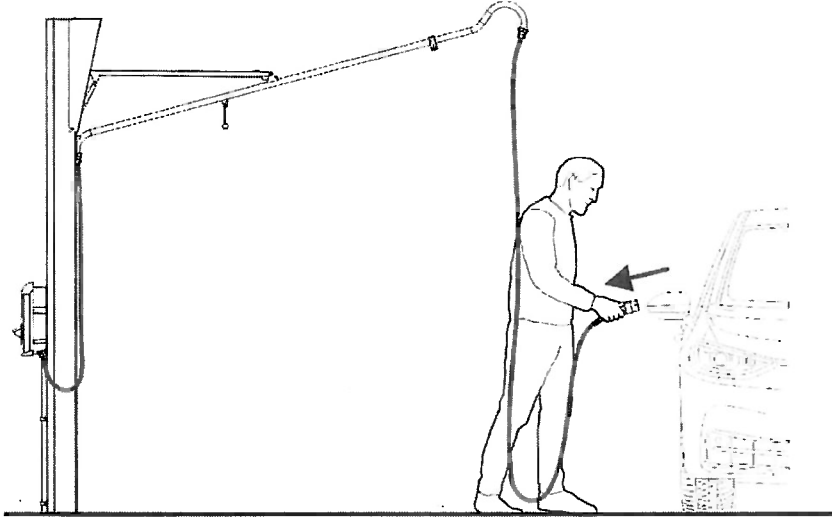
4. Connect the charge cable to the car:



- Follow the instructions of your charge box and car for connecting correctly.

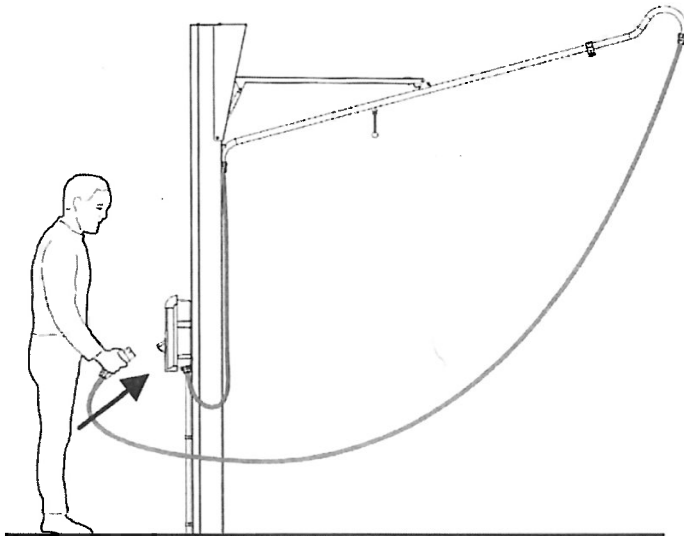
ChargeArm

5. After charging, disconnect the charging cable:



- Follow the procedure as described in your car's manual.

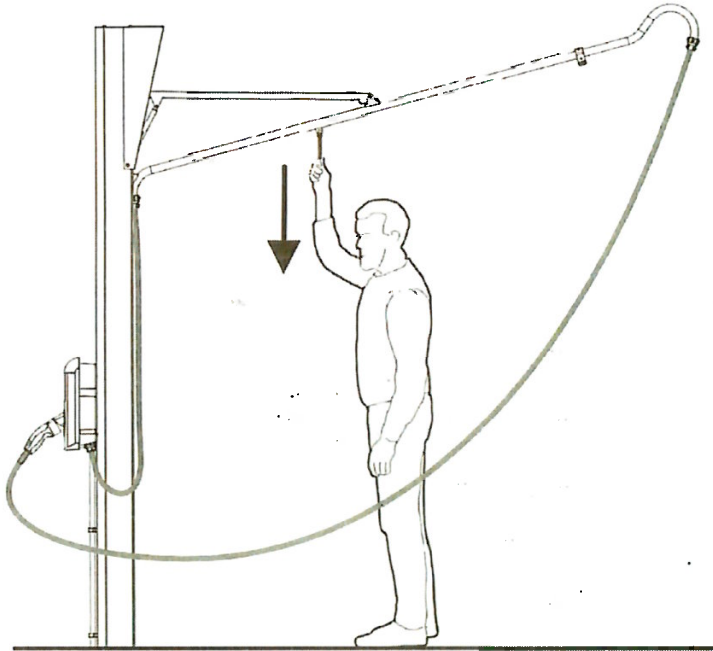
6. Put the charge cable connector back in its holder:



- Depending on your installation this can also be a different holder.

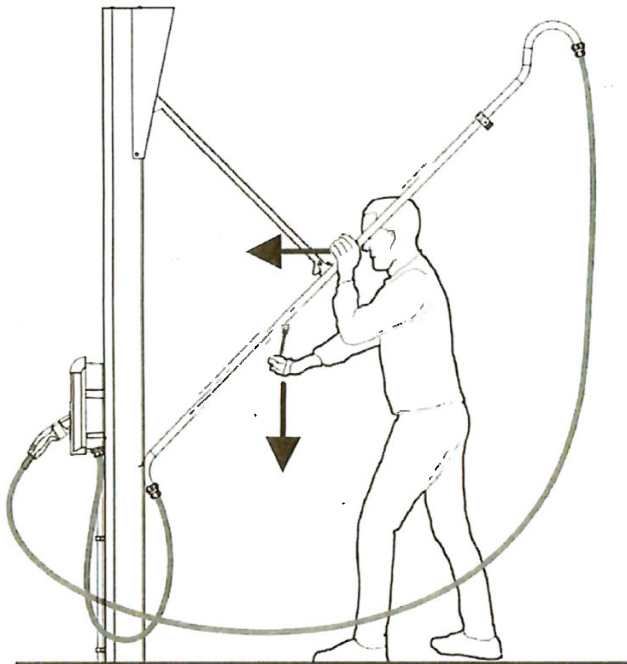
ChargeArm

7. Pull down the ChargeArm using the pull cord:



- Make sure no one is interfering with the movement of the arm. (See 3, Safety for the movement zone of the arm)
- Start pulling down the arm using the pull cord.

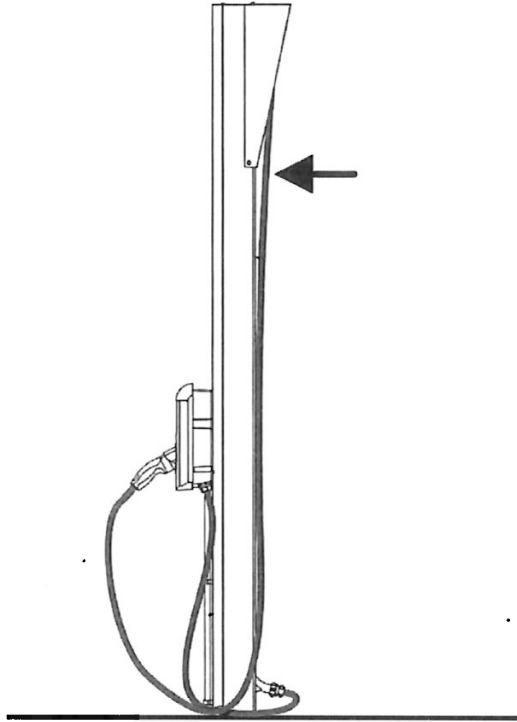
8. Move the arm to the fully closed position:



- Whilst still pulling down on the pull cord use your other hand to push the arm inwards.
- Try to move the arm in a constant & fluid movement. If you stop the gas lift will push the arm back outwards.
- Do not grip around the arm so as to ensure that your fingers do not become trapped in the mechanism.

ChargeArm

9. Push the cable into the cable clamp to achieve a tidy look for your ChargeArm:



- This feature is only intended to tidy up the cable. It is recommended however not doing so will not affect the operation.

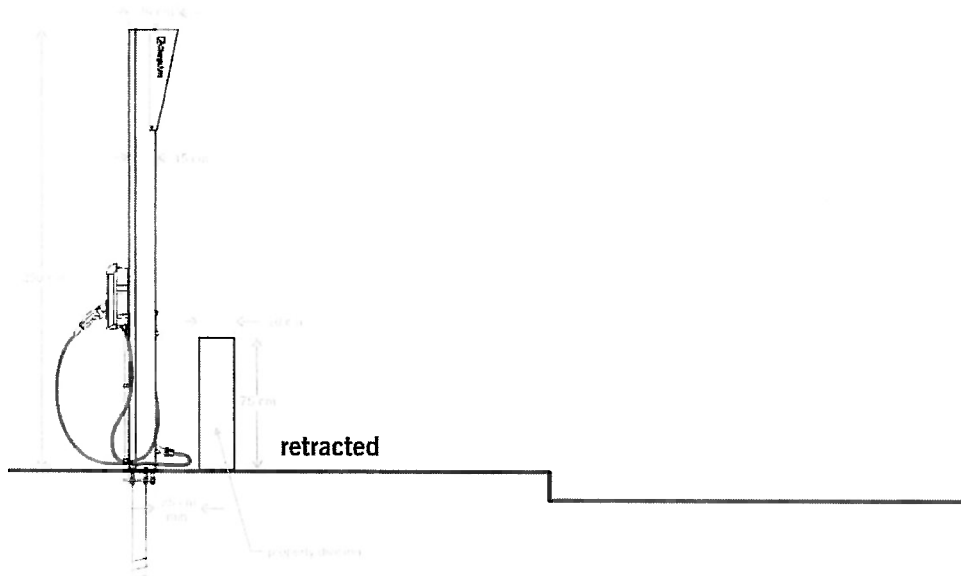
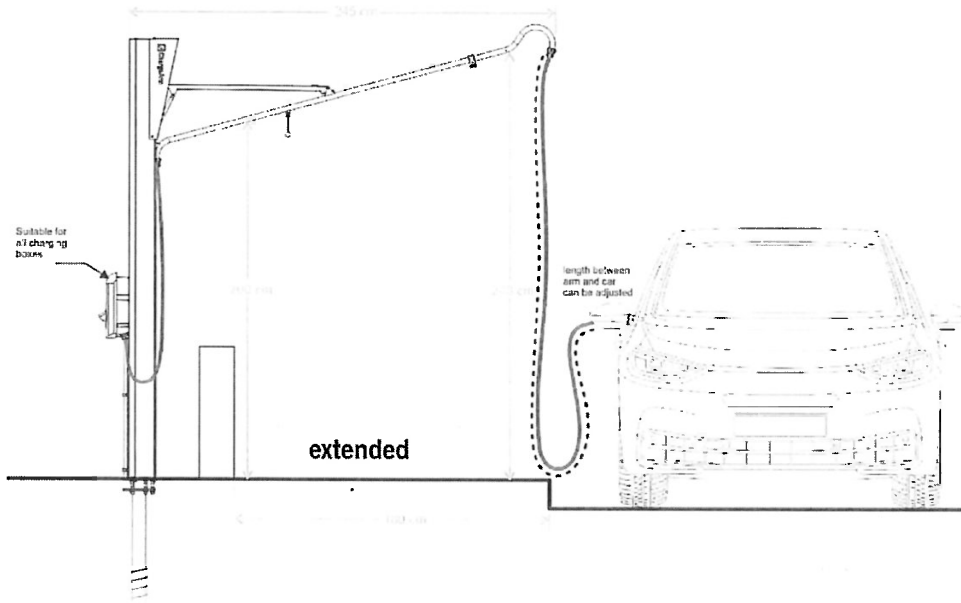


5. Maintenance

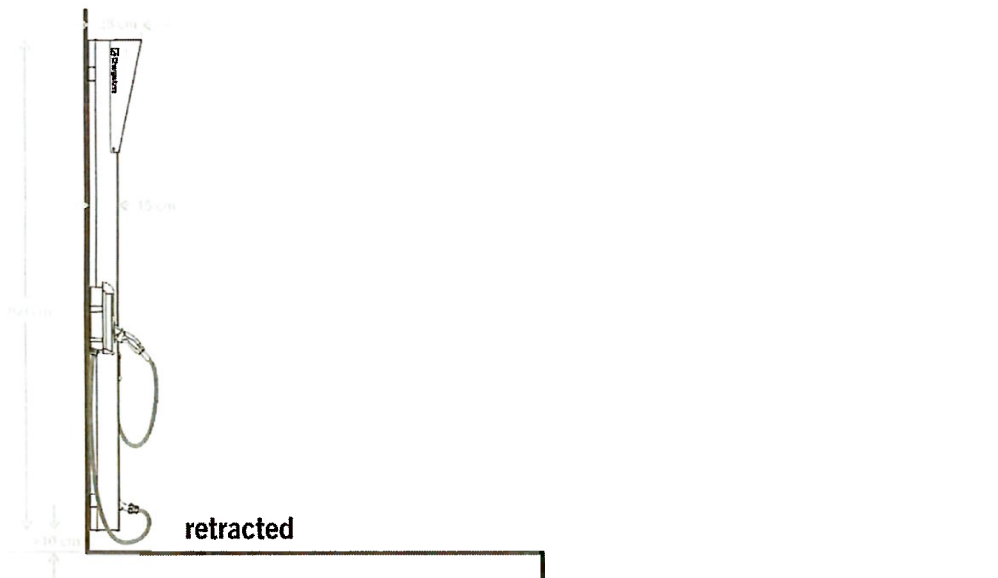
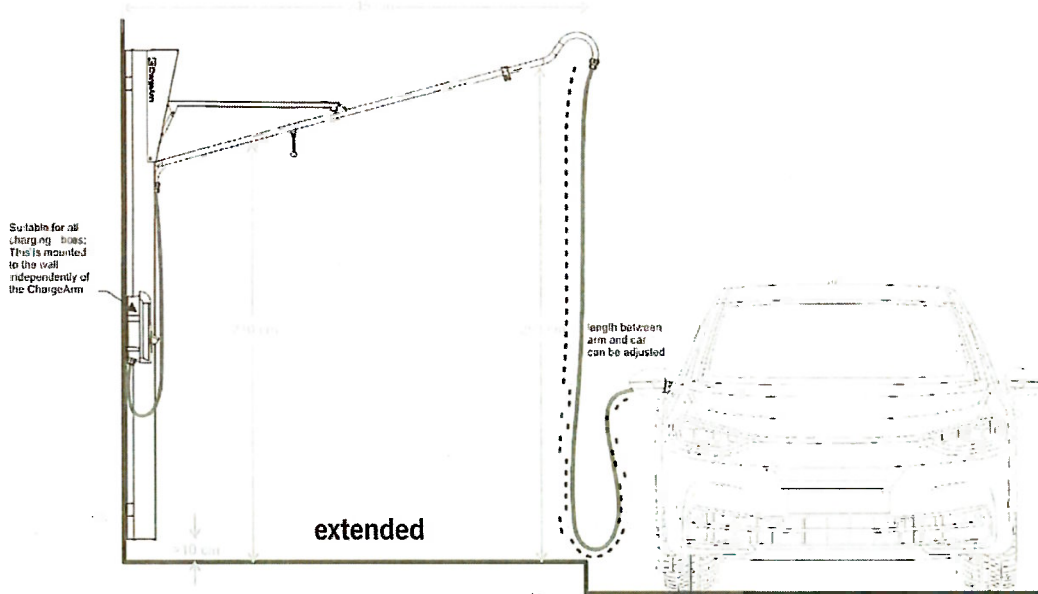
- Remove dirt from the base and inside cavity of the ChargeArm upright structure on a regular basis. This can be done by hand a brush or a portable vacuum cleaner.
- To minimize the amount of dirt accumulating around and within the base of the ChargeArm it is advised to have fixed paving, a grid or gravel around the base of the ChargeArm.
- The ChargeArm should only be cleaned with wet cloth and mild detergents such as car shampoo.
- Do not use a jet washer to clean the ChargeArm.
- Verify on a regular basis if the ChargeArm moves freely and fully extends and retracts and when doing so that no parts are damaged. If the ChargeArm does not achieve the fully extended position it is possible that the gas lift needs to be replaced. For gas lift replacement contact your installer. Only a dedicated gas lift may be used which can be ordered by your installer. Do not use a different type of gas lift as this will alter the articulation characteristics of the ChargeArm.
- If the gas lift is damaged or has lost its force, do not use the ChargeArm until the gas lift has been replaced.
- It is advised to replace the gas lift every 5 years.
- Always retract the ChargeArm when heavy storms, snow or freezing rain are forecast. The formation of ice on the ChargeArm may damage the product or harm the user.
- Make sure the movement of the arm is not obstructed by vegetation or trees.
- Check on a regular basis if the foundation of the ChargeArm is still firm and solid.
- Check on a regular basis whether the strain reliefs are securely in place and fully fastened.
- Check possible wear on the charging cable on a regular basis, in particular near the strain reliefs on either end of the arm.

6. Product specifications

Freestanding version

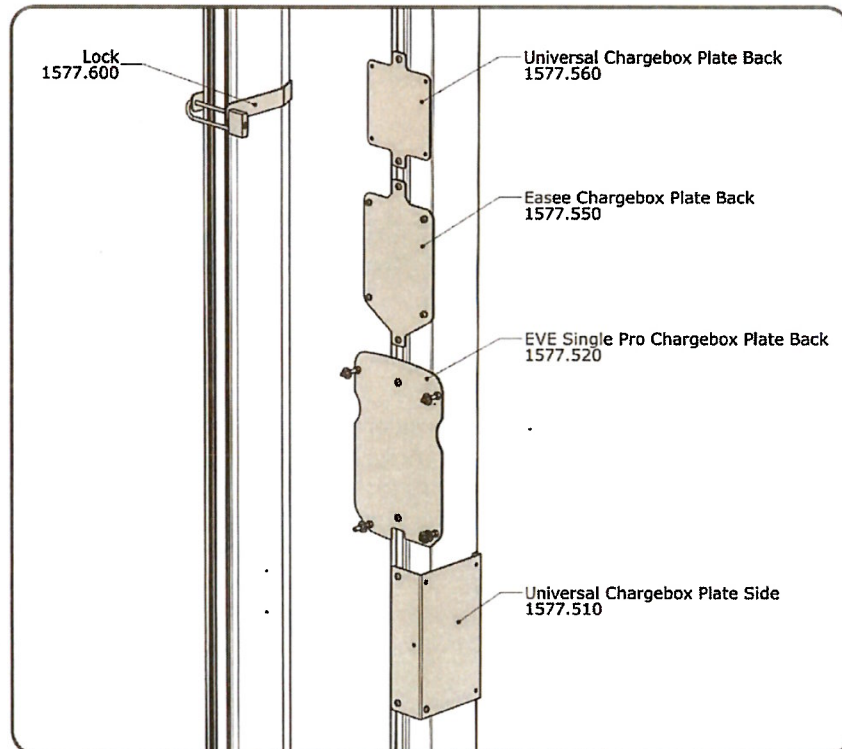


Wall mounted version



7. Mounting accessories

During the installation of your ChargeArm it is likely that a choice has already been made for a charge box and it's method of mounting. If during the life of the ChargeArm a new charge box needs to be mounted the following mounting options are available:



It is possible to lock the operation of the ChargeArm with the optional Lock. This will prevent unwanted extension of the arm.



8. Troubleshooting

The ChargeArm does not extend when pulling the charge cable or the pull cord:

- Check if the optional lock is in use. If so, remove the lock.
- Check if something is blocking the movement of the carriage wheels within the upright profile. If so, remove the obstruction and try again.
- Check if the arm is deformed. Contact your installer if you notice any deformation.
- Do not use any lubricants in the upright of the ChargeArm. The track wheels inside the arm are designed to run without any lubrication.

The ChargeArm makes a loud noise when retracting:

- Check if the arm is deformed. Contact your installer if you notice any deformation.
- Do not use any lubricants in the column of the ChargeArm. The track wheels inside the arm are designed to run without any lubrication.

The ChargeArm does not fully extend or retract:

- Check if something is blocking the movement of the carriage wheels within the upright profile. If so, remove the obstruction and try again.
- Extend the arm and check if the arm returns to the fully extended position when pulling the arm down slightly. If it remains static in the new position it is possible that the gas lift is not functioning properly anymore. Contact your installer for a replacement. The force of the gas lift is dependent on the ambient temperature. It is normal for the gas lift to be weaker in very cold weather and stronger in hot weather. The ChargeArm is designed to operate in ambient temperatures of -20 to 40 °C.



9. Storage & transport

In the case of a complete product replacement the removal of the ChargeArm should be executed by the installer. For storage and transport the original ChargeArm packaging should be used to retain any possible warranty conditions.

10. Warranty

For warranty we refer to the installer's warranty. Excluded from warranty are:

- Damage caused by excessive use of the ChargeArm
- Misuse of the ChargeArm, such as using it as a support for objects not intended to be attached to the ChargeArm.
- Insufficient maintenance
- Normal wear and tear as a result of normal ChargeArm use
- Discoloration of the materials caused by weather influences
- Damage caused by third parties or abnormal circumstances such as fire and storm damage

11. Notes

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The latest version of this document may be downloaded via: <https://chargearm.com>

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Land Registry Compliance Map



Táir Éireann



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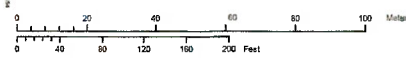
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