



STATUTORY INSTRUMENTS.

**S.I. No. 31 of 2018**



PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 3)  
REGULATIONS 2018

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I, DAMIEN ENGLISH, Minister of State at the Department of Housing, Planning and Local Government, in exercise of the powers conferred on me by sections 4(2) and 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order (S.I. No. 358 of 2017)) and by the Housing, Planning, Community and Local Government (Delegation of Ministerial Functions) (No.2) Order 2017 (S.I. 352 of 2017), hereby make the following regulations with respect to which, pursuant to section 262(4) of that Act, a draft has been laid before both Houses of the Oireachtas and a resolution approving the draft has been passed by each such House:

*Citation*

1. (1) These Regulations may be cited as the Planning and Development (Amendment) (No. 3) Regulations 2018.

(2) The collective citation “Planning and Development Regulations 2001 to 2018” includes these Regulations.

*Interpretation*

2. In these Regulations “Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

*Amendment of Article 5 of the Principal Regulations*

3. Article 5(1) of the Principal Regulations is amended by inserting the following definition after the definition of “shop”:

“ ‘small cell antenna’ means an antenna that—

- (a) operates on a point to multi-point or area basis in connection with an electronic communications service,
- (b) including any power supply unit or casing but excluding any mounting, fixing, bracket or other support structure—
  - (i) does not, in any two-dimensional measurement, have a surface area exceeding 0.5 square metres, and
  - (ii) does not have a volume exceeding 0.05 cubic metres,

and

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 13th February, 2018.*

(c) subject to paragraphs (a) and (b), includes a femtocell antenna, a picocell antenna, a metrocell antenna, a microcell antenna, and any similar type antenna;”.

*Amendment of Part 1 of Schedule 2 to the Principal Regulations*

4. (1) Class 31 of Part 1 (‘Exempted Development — General’), Schedule 2 to the Principal Regulations is amended, subject to paragraph (2)—

(a) by substituting the following for paragraph (b):

“

<p style="text-align: center;"><b>Column 1</b> <b>Description of Development</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Conditions and Limitations</b></p>
<p>(b) overhead telecommunications including the erection of poles or other support structures or the use of existing poles or other support structures,</p>	<ol style="list-style-type: none"> <li>1. Poles or other support structures carrying overhead lines shall not exceed 12 metres in height.</li>   <li>2. Poles or other support structures carrying other equipment shall not exceed 12 metres in height and 0.6 metres in diameter measured at the widest point, where “other equipment” means 2 transmitting or receiving dishes (the diameter of which shall not exceed 0.6 metres), or 1 panel antenna (the dimensions of which shall not exceed 0.85 metres in length x 0.65 metres in width x 0.2 metres in depth) used for the provision of a specific telecommunications service and the provision of which would otherwise require an additional pole route carrying overhead wires.</li>   <li>3. Where a pole or poles or other support structures carry radio transmitting or receiving apparatus, the field strength of the non-ionising radiation emissions from that installation shall not exceed the limits specified by the Commission for Communications Regulation.</li> </ol>

”,

(b) by substituting the following for paragraphs (g) and (h):

“

<b>Column 1 Description of Development</b>	<b>Column 2 Conditions and Limitations</b>
(g) transportable radio installation,	<ol style="list-style-type: none"> <li>1. The height of the structure for such an installation shall not exceed 15 metres in height and 2 metres in width at its widest point.</li> <li>2. The installation may only be used—           <ol style="list-style-type: none"> <li>(a) to provide anticipated additional coverage at a sporting, social or other event, provided that the structure is not in place for more than 2 weeks before the event or for a period exceeding 8 weeks which shall include assembly and dismantling,</li> <li>(b) for demonstration or simulation purposes, whether to demonstrate the visual effects of such structure in a particular location or to measure the output, and such structure shall be in place for a period of not more than 12 weeks, or</li> <li>(c) as a temporary replacement for a structure, which has been accidentally or otherwise incapacitated, and such structure shall be in place for a period of not more than 16 weeks.</li> </ol> </li> <li>3. The planning authority in whose functional area the installation is placed shall be notified by the statutory undertaker in writing of the provision and purpose of such installation before it is made operational.</li> </ol>

<p style="text-align: center;"><b>Column 1</b> <b>Description of Development</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Conditions and Limitations</b></p>
<p>(h) the attachment of additional antennae to an existing antenna support structure,</p>	<p>1. (a) For structures under 15 metres in height, the total number of such antennae shall not exceed 12, of which not more than 8 antennae shall be dish type (whether shielded or not).</p> <p>(b) For structures 15 metres or over in height, the total number of antennae shall not exceed 18, of which not more than 12 antennae shall be dish type (whether shielded or not).</p> <p>2. (a) The dimensions of any such antenna provided shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type already attached to the structure.</p> <p>(b) In any other case, the dimensions of any such antenna provided shall not exceed—</p> <p style="padding-left: 40px;">(i) in the case of any panel type antenna, 3 metres in length x 0.6 metres in width x 0.2 metres in depth,</p> <p style="padding-left: 40px;">(ii) in the case of any co-linear type antenna, 5 metres in length x 0.1 metres in diameter, and</p> <p style="padding-left: 40px;">(iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.</p> <p>3. The attachment of such antennae shall not result in the field strength of the non-ionising radiation emissions from the site exceeding limits specified by the Commission for Communications Regulation.</p>

<b>Column 1 Description of Development</b>	<b>Column 2 Conditions and Limitations</b>
	<p>4. The attachment of such antennae may be carried out by way of a platform only where the antenna support structure already incorporates a platform.</p> <p>5. The height of the existing structure (including any antenna thereon) shall not be exceeded.</p>

”

and

(c) by substituting the following for paragraphs (j) and (k):

“

<b>Column 1 Description of Development</b>	<b>Column 2 Conditions and Limitations</b>
<p>(j) an antenna support structure in place of an existing antenna support structure,</p>	<p>1. The replaced structure shall be removed no later than 4 weeks following its decommissioning.</p> <p>2. Where, for reasons of the integrity of the network or other operational reasons, the structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).</p> <p>3. (a) The height of the replacement structure shall not exceed the height of the replaced structure.</p>

<p style="text-align: center;"><b>Column 1</b> <b>Description of Development</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Conditions and Limitations</b></p>
	<p>(b) (i) Subject to sub-paragraph (ii), the width of the replacement structure shall not exceed the width of the replaced structure.</p> <p>(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.</p> <p>(c) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.</p> <p>4. (a) Subject to sub-paragraphs (b) and (c), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.</p> <p>(b) For structure under 15 metres in height, an additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 antennae shall be of the dish type (whether shielded or not).</p> <p>(c) For structures of 15 metres or over in height, an additional 18 antennae for mobile telephony may be attached to the replacement structure, of which not more than 12 of the additional 18 antennae shall be of the dish type (whether shielded or not).</p>

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>(k) antennae, including small cell antennae, attached to the following existing structures—</p>	<p>5. (a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure.</p> <p>(b) In any other case, the dimensions of any antenna provided shall not exceed:</p> <p>(i) in the case of any panel type antenna, 3 metres in length x 0.6 metres in width x 0.2 metres in depth,</p> <p>(ii) in the case of any co-linear type antenna, 5 metres in length x 0.1 metres in diameter, and</p> <p>(iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.</p> <p>6. The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Commission for Communications Regulation.</p> <p>1. The antenna shall be attached directly to the structure (other than a structure with a flat roof) and not by way of a supporting fixture.</p>

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Description of Development</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Conditions and Limitations</b></p>
<p>(i) public or commercial buildings (other than education facilities, childcare facilities or hospitals) by way of attachment to roofs, facades, chimneys, chimney pots or vent pipes;</p> <p>(ii) electricity pylons;</p> <p>(iii) agricultural storage buildings;</p> <p>(iv) water towers.</p>	<p>2. In the case of a structure with a flat roof, a supporting fixture may be used provided that—</p> <p>(a) the fixture does not exceed the height of any existing parapet or railing on the roof by more than 3 metres, and</p> <p>(b) access to the roof is not available to any person other than a person authorised by the statutory undertaker.</p> <p>3. Where an antenna is attached to the façade of a building or the exterior of a chimney or vent, the colour of the antenna shall match and blend with the colour of such façade, chimney or vent pipe.</p> <p>4. Where the antenna is hidden inside a chimney pot the existing chimney pot may be replaced by a chimney pot in a suitable material which shall be the same colour, size and shape as the replaced pot, and the antenna shall not protrude beyond the top of the chimney pot.</p> <p>5. The planning authority in whose functional area the structure on which the antennae will be attached is situated shall be notified by the statutory undertaker in writing of the proposed location of any such structure at least 4 weeks before such attachment.</p> <p>6. The field strength of any such antenna shall not result in the field strength of the non-ionising radiation emission from the radio installations on the site exceeding the limits specified by the Commission for Communications Regulation.</p>

<p style="text-align: center;"><b>Column 1</b> <b>Description of Development</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Conditions and Limitations</b></p>
<p>(l) small cell antennae attached to the following existing structures–</p> <p style="padding-left: 40px;">(i) electricity poles, telegraph poles, lamp posts, lighting structures, flag poles, CCTV poles;</p> <p style="padding-left: 40px;">(ii) phone kiosks and bus shelters.</p>	<ol style="list-style-type: none"> <li>1. The small cell antennae shall be attached directly to the structure and not by way of a supporting fixture.</li> <li>2. In the case of structures with a flat roof, the small cell antennae shall be attached directly to the roof.</li> <li>3. No more than 2 small cell antennae may be attached to one structure.</li> <li>4. The colour of any small cell antennae shall match and blend with the colour of any structure to which it is attached.</li> <li>5. The planning authority in whose functional area the structure on which the small cell antennae will be attached is situated shall be notified by the statutory undertaker in writing of the proposed location of any such structure at least 4 weeks before such attachment.</li> <li>6. The field strength of any such small cell antenna shall not result in the field strength of the non-ionising radiation emission from the radio installations on the site exceeding the limits specified by the Commission for Communications Regulation.</li> </ol>

(2) For convenience of reference there is set out in the amendments provided for in paragraph (1), the relevant headings that apply for the columns concerned.

GIVEN under my Hand,  
8 February 2018.

DAMIEN ENGLISH,  
Minister of State at the Department of Housing, Planning and  
Local Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations amend the Planning and Development Regulations 2001, as amended (the Principal Regulations).

Article 4 of these Regulations amends Part 1 (Exempted Development — General) of Schedule 2 to the Principal Regulations by amending aspects of Class 31 relating to exemptions from the requirement to obtain planning permission for certain works undertaken by a statutory undertaker authorised to provide a telecommunications service.

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