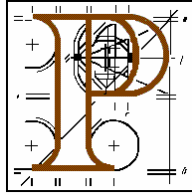


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Kilkenny County

Planning Authority Reference Number: Dec 164

An Bord Pleanála Reference Number: 10.RL.2670

WHEREAS a question has arisen as to whether the erection of a replacement mast with aerials off same, support structures and associated telecommunications cabinet at Freshford Garda Station, Freshford, County Kilkenny is or is not exempted development:

AND WHEREAS Michael and Mairead Cormack of Kilkenny Road, Freshford, County Kilkenny requested a declaration on the said question from Kilkenny County Council and the said Council issued a declaration on the 7th day of October, 2009 stating that the said matter is exempted development:

AND WHEREAS the said Michael and Mairead Cormack referred the declaration for review to An Bord Pleanála on the 14th day of October, 2009:

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

- (a) sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 31 of Part 1 of Schedule 2 to the said Regulations, including the conditions and limitations attached thereto, and
- (d) the nature and extent of the works and the use of the telecommunications equipment:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the erection of a replacement mast with aerials off same, support structures and associated telecommunications cabinet constitutes development,
- (b) the said erection of a replacement mast with aerials off same, support structures and associated telecommunications cabinet has been carried out on behalf of Tetra Ireland Limited, which is a statutory undertaker licensed by the Commission for Communications Regulation (ComReg),
- (c) the replacement mast with aerials off same, support structures and associated telecommunications cabinet are part of a telecommunications system,
- (d) the development is of a type coming generally within the exempted development provisions of Class 31 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (e) the erection of the associated equipment cabinet comes within the exempted development provisions of Class 31(f) of the said Regulations and complies with the conditions and limitations attaching thereto, and
- (f) the erection of the replacement mast comes within the exempted development provisions of Class 31(j) of the said Regulations and complies with the conditions and limitations attaching thereto:

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 the said erection of a replacement mast with aerials off same, support structures and associated telecommunications cabinet at Freshford Garda Station, Freshford, County Kilkenny is 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.

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

Dated this day of 2011.