



An
Bord
Pleanála

Board Direction
BD-014826-23
ABP-315039-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/12/2023.

The Board decided, as set out in the following Order as follows:-

WHEREAS a question has arisen as to whether the telecommunication support structure foundation proposed to be constructed between 200mm and 300mm above the permitted level: and the telecommunication support structure foundation proposed to be constructed with dimensions of 3.4m (length) x 3.4m (width) x 1m (depth) rather than the permitted dimensions of 4m (length) x 4m (width) x 1.4m (depth) will be within the scope of planning permission reference 20/394 (ABP ref: 308931-20) and therefore immaterial or de minimis deviations and not development, or are the differences material, development and not exempted development is or is not development or is or is not exempted development:

AND WHEREAS Doreen and Peter Thomson of 4 Priory Gove, Kells, County Kilkenny, requested a declaration on this question from Kilkenny County Council and the Council issued no declaration issued by the planning authority.

AND WHEREAS Doreen and Peter Thomson of 4 Priory Gove, Kells, County Kilkenny referred this declaration for review to An Bord Pleanála on the 3rd day of November 2022:

AND WHEREAS An Bord Pleanála, having considered the nature of the question, is satisfied that the referral should not be further considered by it.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 138 (1) of the Planning and Development Act 2000, as amended, hereby dismisses the referral under subsection(1)(b)(i) of section 138 of the Act, based on the reason and considerations set out below.

REASONS AND CONSIDERATIONS

The grounds of the referral relate to matters of compliance with conditions attached to the permission granted by An Bord Pleanála under appeal reference number ABP–308931–21. These are compliance matters, and the resolutions of these matters do not come within the remit of the Board. The Board is therefore satisfied that, in this particular circumstance, this referral should not be further considered by it, having regard to the nature of this referral.

Board Member:


Stephen Brophy

Date: 11/12/2023