

An
Bord
Pleanála

Board Order
ABP-312538-22

Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: DEC 666

WHEREAS questions has arisen (a) as to whether the works involved in developing a telecommunications structure foundation/base in its current location at Kells Eircom Exchange, Haggard Road, County Kilkenny is or is not development or is or is not exempted development and (b) as to whether if the works referred to (a) were development and were not exempted development, was the laying of cables (including fibre optic cables), wire, tube, pipe, duct or similar thing of any device containing any such cable, wire, tube, pipe, duct or similar thing, from the road and/or Eircom Exchange building to the telecommunications structure foundation/base is exempted development:

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

AND WHEREAS Doreen and Peter Thomson of 4 Priory Grove, Kells, County Kilkenny referred the declaration for review to An Bord Pleanála on the 18th day of January 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 2000 Act, as amended, hereby dismisses the referral under subsection (1)(b)(i) of section 138 of the Act, based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

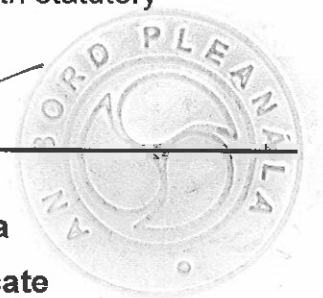
The grounds of the referral relate to matters of compliances with conditions attached to the permission granted by An Bord Pleanála under appeal reference number ABP-308931-21. These are compliance matters, and the resolution of these matters does not come within the remit of the Board. The Board is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

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.



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



Dated this 16th day of March 2022