



An  
Bord  
Pleanála

**Board Order**  
**ABP-315039-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council.**

**Planning Register Reference Number: DEC714.**

**WHEREAS** a question has arisen as to whether the telecommunication support structure proposed to be constructed between 200 mm and 300 mm above the permitted level, and the telecommunication support structure foundation proposed to be constructed with dimensions of 3.4 metres (length) x 3.4 metres (width) x one metre (depth) rather than the permitted dimensions of four metres (length) x four metres (width) x 1.4 metres (depth) foundation at Eircom Exchange, Haggard Road, Kells, County Kilkenny will be within the scope of planning register reference number 20/394 (An Bord Pleanála reference number ABP-308931-20) and therefore immaterial or de minimis deviations and not development, or are the differences material and, therefore, are or are not development or are or are not exempted development:

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

**AND WHEREAS** Doreen and Peter Thomson referred the question for decision to An Bord Pleanála on the 3<sup>rd</sup> day of November 2022:

**AND WHEREAS** An Bord Pleanála, having considered the nature of the question, considered 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 An Bord Pleanála 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.



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**Stephen Brophy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this** 20<sup>th</sup> **day of** December **2023.**