



## Board Direction

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**Ref: PL92.245897**

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 22<sup>nd</sup> July 2016. The Board had regard to the response of the applicant to the notice issued by the Board under Sections 132 and 137 of the Planning and Development Act, 2000, and to the submission of the Planning Authority. The Board decided to make a split decision, to:

- (1) grant permission for the shed proposed to be retained and completed, based on the reasons and considerations marked (1) under and subject to the conditions set out below, and
- (2) refuse permission for the proposed shed, based on the reasons and considerations marked (2) under.

In deciding not to accept the Inspector's recommendation to treat this case under Section 139 of the Planning and Development Act, 2000, and to attach a condition in relation to archaeology, the Board considered that its concerns would not be adequately addressed by means of condition, and that refusal of permission was necessary to protect archaeology.

### **REASONS AND CONSIDERATIONS (1)**

Having regard to the nature and scale of the shed proposed to be retained and completed, and to its location within an existing farm yard, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. PlansPartic incl. FI to PA on 15/09/15 and 27/10/15 and to ABP on 11/07/16
2. AgWaterDrain
3. AgMgtSchedule
4. AgEffluent

5. AgWaterDischarge
6. AgSpreading
7. AgStorage
8. AgDetails
9. Section 48 Unspecified

## **REASONS AND CONSIDERATIONS (2)**

The proposed shed would be located on a substantial archaeological enclosure, that is scheduled for inclusion in the next revision of the statutory Record of Monuments and Places (Record Number TS079-011). Notwithstanding that much of the above-ground features have been removed, it is considered that the proposed development would injure or interfere with an archaeological enclosure of significant archaeological interest, and would exacerbate the damage already caused by the construction of a slurry tank and the laying out of a farm track. The proposed development would contravene Policy LH16 (Archaeology and Cultural Heritage) of the South Tipperary County Development Plan, 2009 (as varied), which is to safeguard sites, features and objects of archaeological interest, and would, therefore, be contrary to the proper planning and sustainable development of the area.

*Note:*

The Board was satisfied that it was not necessary to re-issue public notices in respect of the further information submitted by the applicant to An Bord Pleanála on 11<sup>th</sup> July 2016, as that information consisted of clarification in relation to development that has already been built, and did not make any material changes to the development as decided on by the planning authority.

Board Member: \_\_\_\_\_ Date: 16<sup>th</sup> August 2016  
Fionna O' Regan