



An  
Bord  
Pleanála

**Board Direction**  
**BD-011559-22**  
**ABP-311303-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/12/2022.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature and limited scale of the development, to the planning history pertaining to the site and to the policy and objectives, as set out in the Clonmel and Environs Development Plan 2013, as varied, and having regard to the submissions and the wider documents on file, including the inspector's report and the assessment carried out by the planning authority, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with the policies and objectives, as set out in the Clonmel and Environs Development Plan 2013, as varied, and would not have an adverse impact upon the character of the area or the amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development for the area.

### **Conditions**

1. (a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall

agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

(b) This condition is subject to the terms and conditions of the relevant history permissions on this site including An Bord Pleanála Reference PL 92.245816 and Tipperary County Council Planning Reference 17/601007 except where altered by the particulars of the current application and the conditions set out below.

**Reason:** In the interest of clarity.

2. (a) The proposed fence line shall be relocated to the southern side of the pathway line demarcated on site layout plan PD-201. The area demarcated as a previously permitted pathway on the above referenced drawing shall remain free of any development and planting.

(b) The boundary at the southern southwestern end of the site where the previously permitted pathway terminates shall be constructed in a manner that same can be opened to allow pedestrian movement. Details in this regard shall be submitted to the planning authority for written agreement prior to the commencement of the development.

**Reason:** To reflect the pathway committed to in the previously permitted development and protect the amenities of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the concerns raised by the inspector with regard to the loss of a permitted pathway and considered having regard to the attachment of condition number two, similar to that attached by the planning authority in its decision to grant permission, that the pathway and associated pedestrian connectivity would not be lost and the proposed development (subject to condition number two) would not be

injurious to the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Board Member

*Patricia Calleary*

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Date: 13/12/2022

