

An
Bord
Pleanála

Board Direction
BD-014345-23
ABP-314472-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/10/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the existing retaining wall and the completion measures proposed including the proposed conservation mitigation measures, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the architectural character of the railway bridge, would not be seriously prejudicial to traffic safety and would be in accordance with the provisions of the Nenagh Town & Environs Development Plan 2013 (as extended). The development to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

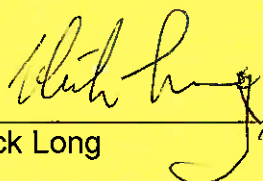
In relation to the concerns raised about legal interest, the Board noted the provisions of Section 34(13) of the Planning and Development Act, as amended which provides that 'Where a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Conditions

1.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7th day of July 2022 except as may otherwise be required in order to comply with the following conditions.</p> <p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The construction of the proposed retaining wall shall be designed, supervised and certified by a Chartered Civil or Structural Engineer, and the works shall be subject to the written agreement of the Planning Authority.</p> <p>Reason: In the interests of clarity and to ensure a satisfactory standard of Development.</p>
3.	<p>The completion of the construction of the proposed retaining wall shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. The plan shall also include a timeframe for completion of the works.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

4.	All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise. Reason: To ensure that the proposed works are carried out in accordance with best conservation practice.
5.	The external finishes of the proposed retaining wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.
6.	Surface water shall not be allowed to discharge onto the public road. Reason: In the interest of traffic safety.

Board Member



Mick Long

Date: 26/10/2023

