

Board Order ABP-302559-18

Planning and Development Acts 2000 to 2018

Planning Authority: Tipperary County Council

Planning Register Reference Number: 17/601382

Appeal by Shay Kennedy care of Hogan and Associates of Olivemount House, Olivemount Road, Windy Arbour, Dublin against the decision made on the 16th day of August, 2018 by Tipperary County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of two agricultural road underpasses as constructed, and permission for completion works and all associated site works at Bantiss, Cloughjordan, County Tipperary. The proposed development was revised by further public notices received by the planning authority on the 7th day of June, 2018.

Decision

Having regard to the nature of the conditions the subject of the appeal,

the Board is satisfied that the determination by the Board of the relevant

application as if it had been made to it in the first instance would not be

warranted and, based on the reasons and considerations set out below,

directs the said Council under subsection (1) of section 139 of the

Planning and Development Act, 2000 to AMEND conditions numbers 2

and 11 so that they shall be as follows for the reasons set out.

2. Within four months from the date of this order, the works outlined in the

submissions received by the planning authority on the 7th day of June.

2018 and the 23rd day of July, 2018, which are required to complete the

development, shall be carried out and evidence of same submitted to the

planning authority.

Reason: In the interest of orderly development and traffic safety.

11. The applicant shall submit to the District Engineer for consideration,

certification to confirm that the structure of the works to be retained and

the proposed additional works required have been installed under the

supervision of a Chartered Structural Engineer, within four months of the

date of this order.

Reason: In the interest of public health and public safety.

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Reasons and Considerations

Having regard to the nature of the development for retention and the proposed development, to the needs of the developer to carry out and certify additional works and the nature of such works, it is considered that an extended period of time to comply with the conditions imposed is warranted and would be in the interest of the proper planning and sustainable development of the area.

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.

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.

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