

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 21/1747

Appeal by Ianród Éireann care of Senior Track and Structure Engineer of Limerick Junction Station, County Tipperary against the decision made on the 3rd day of August, 2022 by Tipperary County Council to grant subject to conditions a permission to Brian Comerford care of Hollywood Construction Engineering of The Maisonette, Sarsfield Street, Nenagh, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for retention of development consisting of emergency repair and reinstatement works undertaken to the roadside embankment; (i) removal of existing unstable graded earth embankment on the southwestern side of the public road and construction of reinforced concrete and masonry retaining wall for a distance of approximately 59 metres and backfill to stabilize that embankment, (ii) reconstruction and repair of a portion of existing stone wall and tie-in to the adjacent railway bridge abutment, and (iii) modification to existing car parking arrangement within the former Castlebrand factory site consequent to the aforementioned works - works are situated adjacent to a record of protected structure, the railway bridge (RPS No. 118) but did not include works to the bridge other than that

mentioned; all at The Former Castlebrand Factory, Nenagh South, Thurles Road , Nenagh, County Tipperary as amended by the further public notice received by the planning authority on the 7th day of July, 2022.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 development proposed to be retained and completed would not seriously injure the architectural character of the railway bridge, would not endanger traffic safety and would be in accordance with the provisions of the Nenagh Town and Environs Development Plan 2013 (as extended). 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. The development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 7th day of July 2022 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.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of clarity and to ensure a satisfactory standard of development.

3. 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.

Reason: In the interests of public safety and residential amenity.

4. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

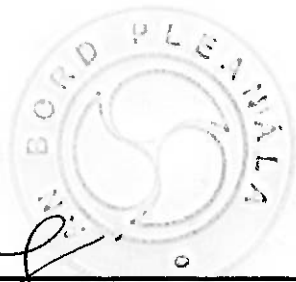
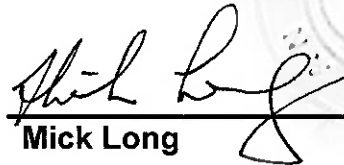
Reason: To ensure that the proposed works are carried out in accordance with best conservation practice.

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.



Mick Long

Member of An Bord Pleanála

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

Dated this *14th* day of *November* 2023.