



An
Bord
Pleanála

AN BORD PLEANÁLA
LDG- 070363-24
ABP- _____
28 FEB 2024
Fee: € 220.00 Type: PMO
Time: 9.00 am By: Reg Post

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Les and Lynda Martin

(b) Address

The Treehouse, Tinakilly, Rathnew, Co.Wicklow

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

N/A

(b) Agent's address

N/A

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

Wicklow County Council

(b) **Planning authority register reference number**

(for example: 18/0123)

23/60219

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Rathnew, Co. Wicklow

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Our objection is based on the severance of our existing legally registered vehicular right of way access and the negative impact that will have on our lives and the amenity of our property which is located directly adjacent to this development.

Our home is one of the existing private properties on the eastern side of the developemnt that uses tinakilly avenue as access. (see attached plan)

Permission has been granted to bisect tinakilly avenue and cut off our existing access to our village and community of Rathnew. We were assured by the developer that this would not happen and feel agrieved and let down by Wicklow county council in their assessment of this aspect of this development.

We contest that...

1. The applicant does not have a right to remove our existing access without agreement. We were told it would be left in place and we would have controlled access to use it.
2. The extent of the current avenue access does not fall within the boundaries of this planning application. Assurances therefore cannot be given that access through the land on the western end of the avenue to the R750 will be guaranteed indefinitely. This land is owned by several other 3rd parties and is not subject to the conditions of this application. The existing gate on the avenue could be closed, and the access point to the village at the R750 could be closed at any time. It appears to us that the planner has misinterpreted to the area in question, the ownership of it and the location of the gate. (see attached plan). We ask that assurances be given that this right of way be guarateed indefinitely right up to the R750 somehow.

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

3. We do not agree with the planners report and find it a insulting that it states removal of this vehicular access will encourage us existing residents walk or cycle. We have an 8 year old who is mobility impaired. We cannot easily walk or cycle to and from the village and we do not want to have to circumnavigate it in the car through multiple busy junctions to visit our family and enjoy life in the local community. This change will genuinely have a real negative effect on our lives here.

Kind Regards

Les and Lynda Martin



Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you must include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You must make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee of €50**. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



Acknowledgement of receipt of submission on a planning application

OnlinePlanning <onlineplanning@planning.localgov.ie>

Mon 9/18/2023 11:47 AM

To:lesmartin5@hotmail.com <lesmartin5@hotmail.com>



Submission No.: 15000006672

Date of Issue:

18/09/2023 12:47pm

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Wicklow County Council

PLANNING APPLICATION REFERENCE No: 2360219

A submission/observation in writing, has been received from Les and Lynda Martin on 15/09/2023 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,
Wicklow County Council

***** This message is intended only for the use of the person(s) to whom it is addressed. It may contain information which is privileged and confidential within the meaning of applicable law. If you are not the intended recipient, please contact the sender as soon as possible. The views expressed in this communication may not necessarily be the views held by LGMA (Local Government Management Agency). Any attachments have been checked by a virus scanner and appear to be clean. Please ensure that you also scan all messages, as LGMA does not accept any liability for contamination or damage to your systems.

***** Is faoi rún agus chun úsáide an té a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil leis an seoltóir a luaithe is féidir. Ní hionann na tuairimí luaite sa ríomhphost seo agus tuairimí An Gníomhaireacht Bainistíochta Rialtais Áitiúil Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphost seo agus aon comhad atá nasctha leis scuabtha le bogearraí frithviorais chun viorais ríomhaire a aimsiú agus is cosúil go bhfuil siad glan. Bí cinnte an ríomhphost seo a mionscrúdú, mar ní ghlacann An Gníomhaireacht Bainistíochta Rialtais Áitiúil freagracht faoi aon damáiste a dhéanfaí le do chórais ríomhaireachtaí.