

## Mark Kielty

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**From:** Appeals2  
**Sent:** Monday 22 June 2020 15:43  
**To:** Mark Kielty  
**Subject:** FW: Case No ABP-306689-20  
**Attachments:** [Untitled].pdf

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**From:** Bord  
**Sent:** Monday 22 June 2020 10:13  
**To:** Appeals2 <appeals@pleanala.ie>  
**Subject:** FW: Case No ABP-306689-20

**From:** Derek Daly <[dalypeatltd@gmail.com](mailto:dalypeatltd@gmail.com)>  
**Sent:** Sunday, June 21, 2020 10:33 PM  
**To:** Bord <[bord@pleanala.ie](mailto:bord@pleanala.ie)>  
**Subject:** Fwd: Case No ABP-306689-20

RE Your Case No: ABP-306689-20  
Planning Authority Ref No: 246

Dear Ms Carleton

Please find attached reply to your letter dated 27th of May 2020, I would be obliged if you could acknowledge safe receipt of this email.

If you have any queries please do not hesitate to contact me.

Kind regards  
Derek Daly  
Daly Peat Ltd.

(0861787026)

# STEEN O'REILLY

## SOLICITORS

Incorporating W. O. Armstrong & Co.  
Accredited Mediators



**An Bord Pleanála**  
**64 Marlborough Street,**  
**Dublin 1**  
**D01 V902**

Our Ref: **MF/SO/MIS8/8**  
Your Ref: **Case Number ABP-306689-20 /**

Date: **19<sup>th</sup> June 2020**

Dear Sir/Madam

**Re: Derek Daly and Thomas P Daly**

We have been furnished with a copy of your recent correspondence to our above named clients in relation to this matter.

In relation to the Section 5 Application which has been made we would like to point out as follows:

1. Daly Peat Ltd is extracting peat from the portion of the bog which is owned by Mr Thomas P Daly. This area is in fact far less than the 13 hectares indicated by Dr Patrick Moran and in actual fact amounts to less than 3 hectares. Neither Daly Peat Limited nor Thomas P Daly are the owners of the entire bog which Dr Moran has indicated they are the owners of.
2. The only lands used for the extraction of peat are the lands owned by Thomas P Daly which are comprised in Folios CN10874F (comprising 1.64 hectares) and CN10861F (comprising 0.84 hectares). Our client has also rented an additional area of ground from a Mr Nicholas Farrelly (Folio CN15006). This comprises approximately 3.2 hectares but this area is only used for the purpose of access to the public road.
3. Upon the recommendation from Cavan County Council silt traps were installed to the required specification. Daly Bog Map 1.2 attached showing the silt traps and area for extraction.
4. From 2016 Daly Peat Ltd applied and received a discharge licence each year from Cavan County council (attached 2020 discharge licence from Cavan County Council Invoice number 81044765 together with confirmation of receiving the discharge licence from October 2016).
5. The bog owned and used for the extraction of peat clearly falls below the threshold for planning and screening as it is below 10 hectares. Given that the area from which peat is extracted only comprises some 2.5 hectares we would submit it is so significantly below the exemption threshold of 10 hectares that it could not be considered to have a significant impact on the

MICHAEL FINNEGAN - DARAGH FITZSIMONS - ANTHONY HYLAND  
PAUL HYLAND - PEGGY REILLY - PRACTICE MANAGER

environment. In those circumstances no planning permission or EIAR Screening should be or is necessary.

It is noted that Dr Patrick Moran resides at Sillogue Kilberry, Navan County Meath which we would estimate is some 25 miles away from Corryrorke, Cornakill, Mullagh, County Cavan. In those circumstances we would very much question the standing of Dr Moran and significant of "his interest in the site".

In our view the criteria for determining whether or not a development would or would be likely to have a significant impact on the environment such as the size of the project, the use of natural resources, the production of waste, pollution and nuisance, the risk of accidents and the cumulation with other projects, are in no way relevant or applicable in this particular instance. In those circumstances we feel it would be wholly unfair upon our client that a Declaration Under Section 5 should be made.

We thank you for taking the time to consider our views in relation to the enclosed and we look forward to hearing from you in due course.

Your faithfully,



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**STEEN O'REILLY LLP**

Email: [solicitors@steenoreilly.ie](mailto:solicitors@steenoreilly.ie)

Note: We have been authorised by the Legal Services Regulatory Authority (LSRA) to operate as a Limited Liability Partnership from 1<sup>st</sup> June 2020



Comhairle Chontae an Chabháin  
Teach na Cuirte, An Cabhan  
Cavan County Council  
Courthouse, Cavan  
H12 R6V2

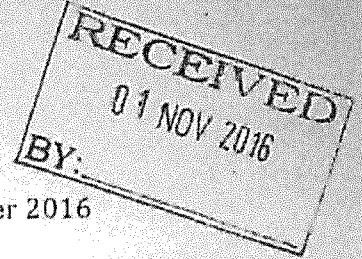
[www.cavancoco.ie](http://www.cavancoco.ie)

+353 (0)49 437 8300

✉ [eolas@cavancoco.ie](mailto:eolas@cavancoco.ie)

🐦 [twitter.com/cavancoco](https://twitter.com/cavancoco)

📘 [facebook.com/cavancoco](https://facebook.com/cavancoco)



Our Ref.: AT/DMcE

Thursday, 27 October 2016

Daly Peat Limited,  
Corryourke,  
Mullagh,  
Co. Cavan

**Re: Local Government (Water Pollution) Acts, 1977 and 1990; Section 4  
Licence to discharge effluent to surface waters  
Licence Number: SS/W001/16**

Dear Sir/Madam,

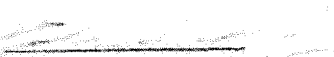
Please find enclosed a Discharge Licence issued in respect of Daly Peat Limited. This Licence relates to the discharge of effluent in the form of effluent generated from peat extraction, to surface waters at Cornakill, Mullagh, Co. Cavan subject to the conditions which must be complied with.

I would like to draw your attention to the section in relation to financial provisions and remind you that the amount of €477 towards costs incurred by the Council in the performance of its functions under the Local Government (Water Pollution) Acts 1977 and 1990 shall be due annually from 1<sup>st</sup> January 2017, updated in accordance with changes in the Consumer Price Index.

If you have any queries regarding this Licence, please contact the office of the Environment Section at 049 - 4378486.

Any correspondence relating to this matter should be forwarded to:  
**The Environment Section, Cavan County Council, 17, Farnham Street, Cavan.**

Yours sincerely,

  
**Colm O'Callaghan,  
Acting Senior Engineer,  
Environment Section**

*CC Owen Cunningham, Thornfield Lodge, Broomfield, Castleblanx, Co. Monaghan.*







Comhairle Chontae an Chabháin  
Teach na Cuirte An Cabhan  
Cavan County Council  
Courthouse, Cavan  
H12 R6V2

[www.cavancoco.ie](http://www.cavancoco.ie)

+353 (0)49 437 8300

[eolas@cavancoco.ie](mailto:eolas@cavancoco.ie)

[twitter.com/cavancoco](https://twitter.com/cavancoco)

[facebook.com/cavancoco](https://facebook.com/cavancoco)

## CAVAN COUNTY COUNCIL

**Local Government (Water Pollution) Acts, 1977 & 1990  
Licence to Discharge Trade or Sewage Effluent to Waters**

**LICENCE NUMBER: SS/W001/16**

To: Daly Peat Limited.  
Company Address: Corryourke, Mullagh, Co. Cavan  
Activity Address: Cornakill, Mullagh, Co. Cavan

That Cavan County Council, in exercise of the powers conferred on it by the Local Government (Water Pollution) Act, 1977 and 1990, hereby grants Daly Peat Limited, Corryourke, Mullagh, Co. Cavan a licence to discharge trade effluent to surface waters at Cornakill, Mullagh, Co. Cavan, subject to the conditions set out below.

**Dated this:** *Thursday, October 27, 2016*

  
**Colm O'Callaghan**  
Acting Senior Engineer  
Order No. ENV 839







Courthouse, Cavan  
H12 R5V2  
www.cavanccoco.ie

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# INVOICE

DALY PEAT LTD  
CORRYROURKE  
MULLAGH CAVAN  
IRELAND

Invoice Number	81044765
Invoice Date	04/03/2020
Due Date	04/03/2020
Delivery Date	04/03/2020
Customer Id	9991174
Customer VAT	

CHARGE CODE	DESCRIPTION OF GOODS / SERVICES	VAT %	UNIT	NUMBER	PRICE	DIS%	NET IN EUR
6LC013	2020 Monitoring Fees re Discharge Licence  <i>chv 500482</i>	0.0	EA	1.00	477.00	0.00	477.00

EX VAT rate transactions are exempt from VAT; All other transactions are subject to VAT at the rate shown

VAT Reg No. 0477594V

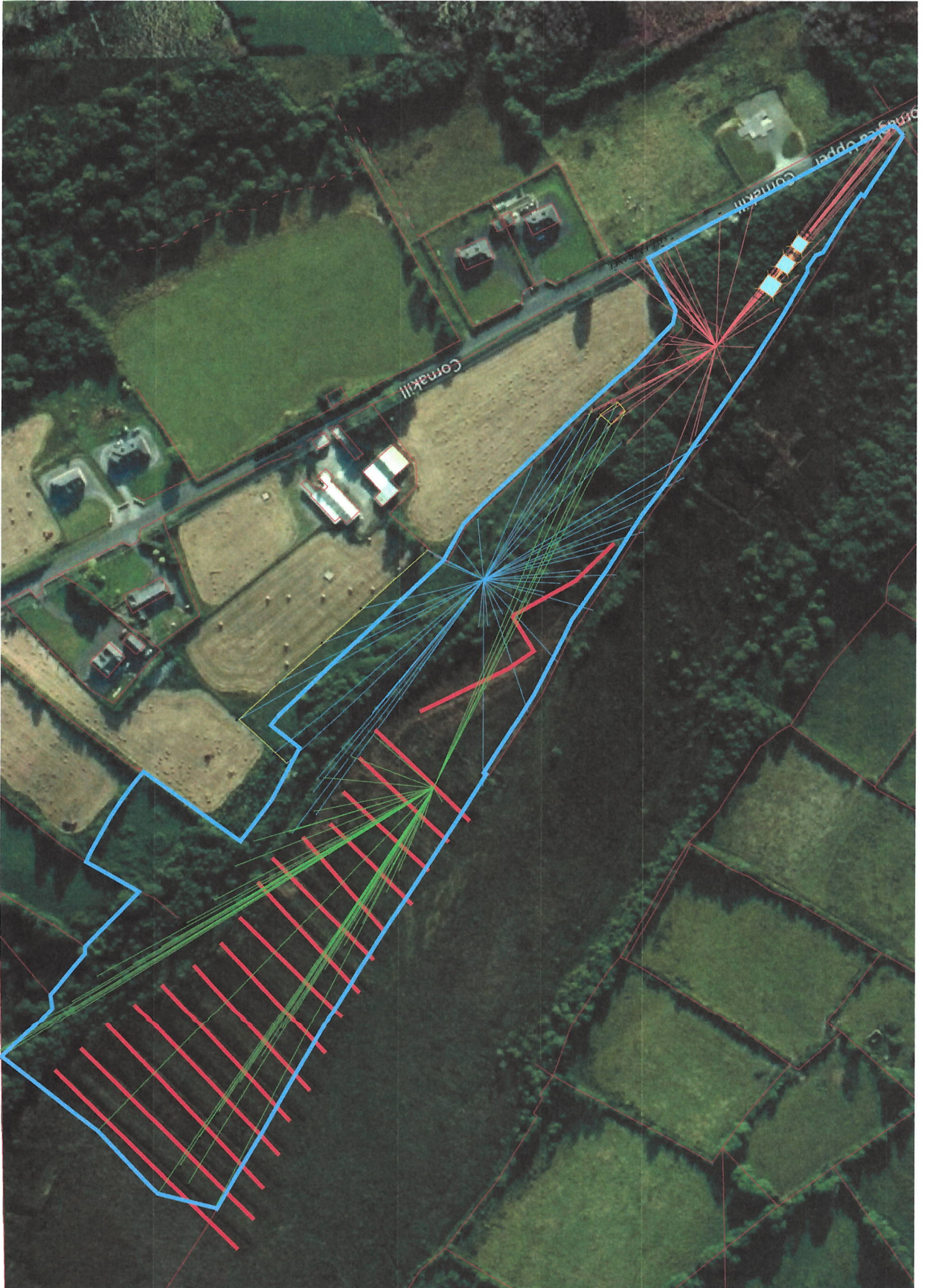
Net in EUR	477.00
VAT in EUR	0.00
Gross in EUR	477.00

Please Detach and Return with payment to ensure payments are allocated to the correct account

Customer Name: DALY PEAT LTD	Invoice Number: 81044765	Invoice Amount: 477.00
Customer No. : 9991174	Invoice Date: 04/03/2020	Payment Amount: _____







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NO.	DATE	DESCRIPTION

**CUNNINGHAM DESIGN ASSOCIATES**  
 Architectural & Building Consultants  
 The National Technical University of Ireland  
 Galway City Centre, Galway  
 Tel: 091 492 2200 Fax: 091 492 2201  
 Email: [info@cunninghamdesign.ie](mailto:info@cunninghamdesign.ie)

DATE: 08/06/14

PROJECT: BOG EXTRACTION AT CORNALL MILLAN, CO. CLANN

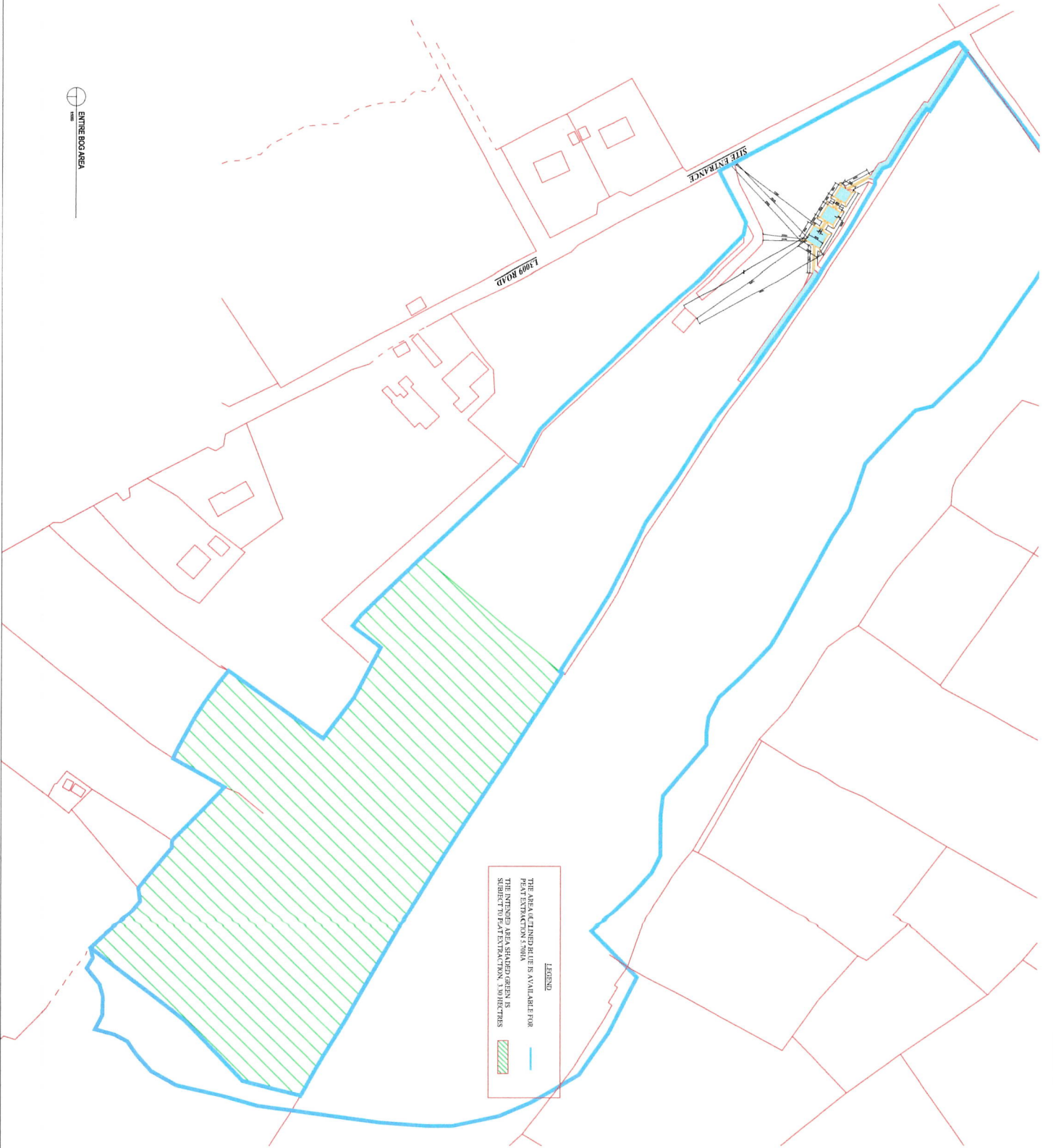
GENERAL VIEW OF SITE

SCALE: 1:1000

DRAWN BY: SURVEY  
DATE: 31/10/2010

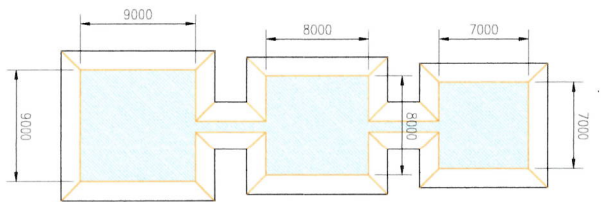






**LEGEND**

THE AREA OUTLINED BY THE RED LINE IS AVAILABLE FOR PEAT EXTRACTION SITE  
 THE INTENDED AREA SHADDED GREEN IS SUBJECT TO PEAT EXTRACTION SURVEYS



**PROPOSED SLIT TRAP PLANS**  
 DATE: 15/06/2018

**MULLAGH**  
 DR. DAVID MULLAGH B.Sc. C.

AREA OF SITE(S) - OUTLINED RED			
SITE	AREA (M <sup>2</sup> )	AREA (ACRES)	PERCENTAGE
1	97,500.00	44.475	5.15%
TOTAL	97,500.00	44.475	5.15%

**CUNNINGHAM DESIGN ASSOCIATES**  
 Architectural & Building Consultants

145, North Circular Road, Dublin 15  
 Tel: 01 856 2222 Fax: 01 856 2223  
 Email: info@cunninghamdesign.com

**CLIENT:** DEREK DALY  
**PROJECT:** PEAT EXTRACTION AT CONNELL, MULLAGH, CO. DUBLIN  
**DATE:** 15/06/2018  
**SCALE:** 1:1000  
**DRAWN BY:** SURVEY  
**CHECKED BY:** SURVEY

**PROJECT NO.:** 181745  
**DATE:** 31.07.00

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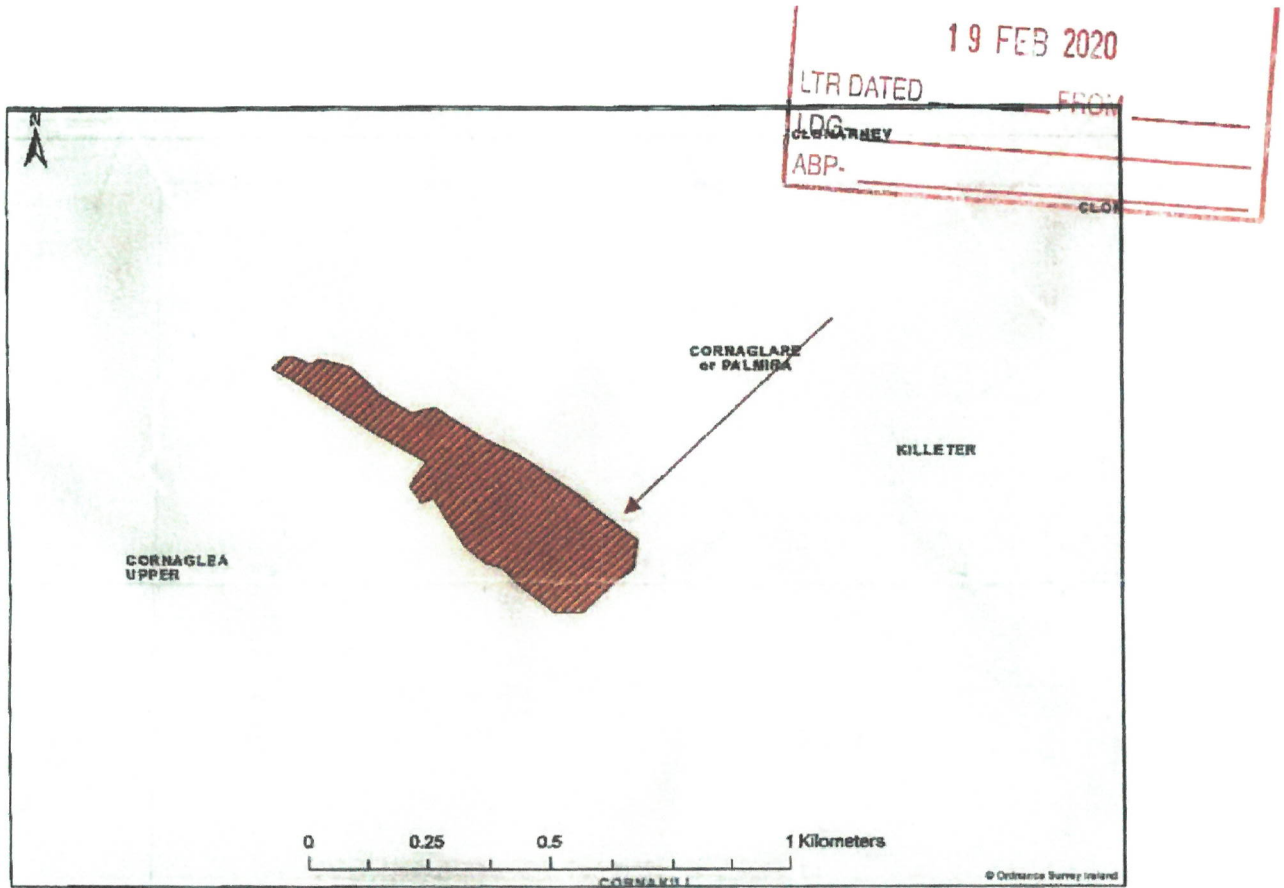


Figure 3: Location of proposed unauthorised development (1:8,000)

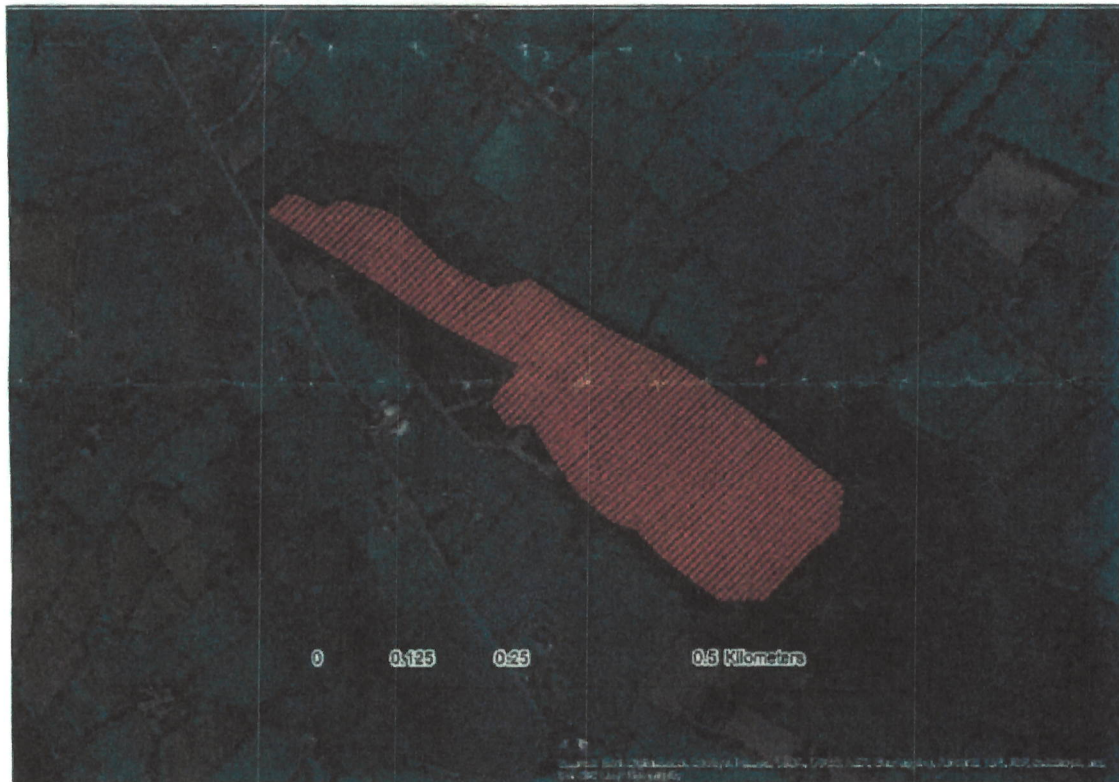


Figure 4: Location of proposed unauthorised development (1:5,000)

Site location Maps:

19 FEB 2020  
 LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
 LDG- \_\_\_\_\_  
 ABR- \_\_\_\_\_

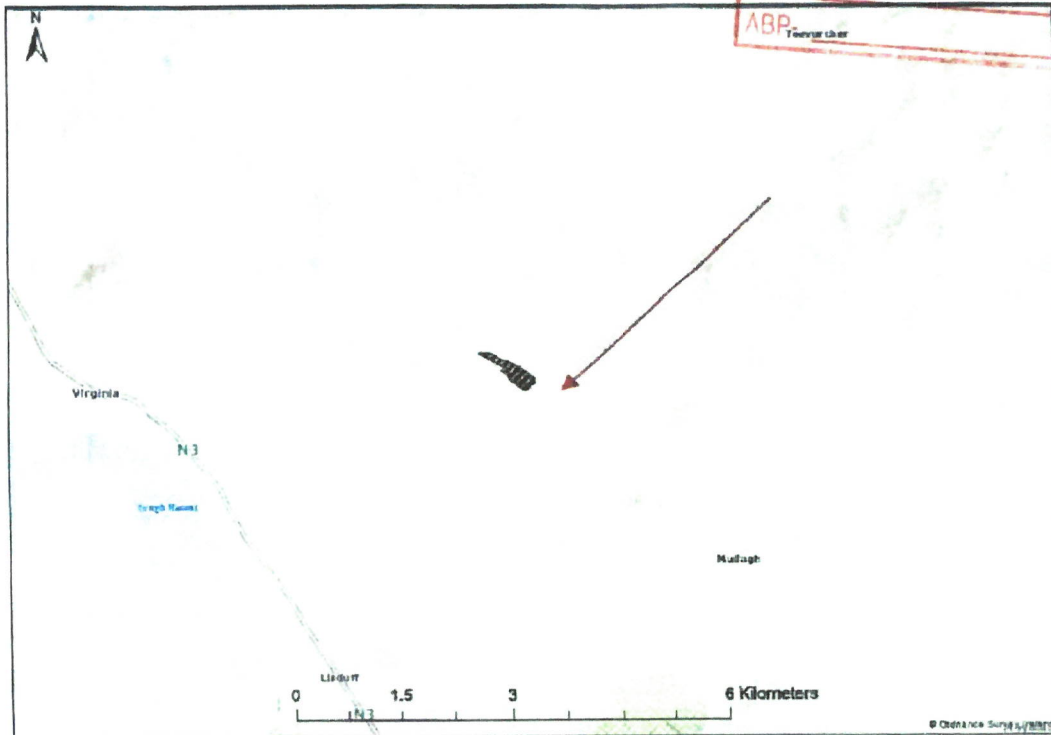


Figure 1: Location of proposed unauthorised development (1:50,000)

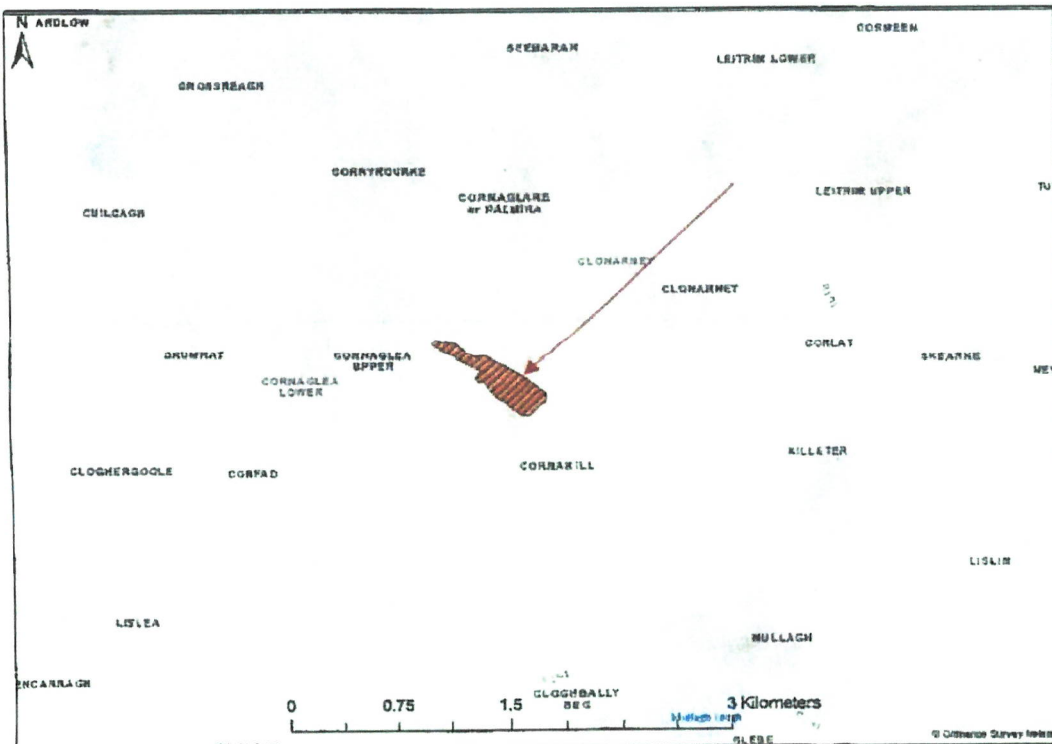


Figure 2: Location of proposed unauthorised development (1:25,000)