

Timeline of Events on site

Re: Substitute Consent for
Property at Cashel, Newtowncashel, Co. Longford (N39 VH28)

Ref:	T K Madden, Solicitors	TK
	Joe Sheahan, Director GALRO	JS
	Brendan Quaine, Architect for Agent	BQ
	Mary Moran Long, Barrister	MML
	Joe Flaherty, TD	JF
	John Brannigan, LCC	JB
	Emma Pillion, Planning Consultant	EP

19th August, 2021

Online Auction Date

19th August 2021

Met Joseph Casserly on the site, congratulated JS on purchase and had a friendly discussion about the area, with some reference to the deceased, Mr. Nee.

20th August, 2021

Deposit paid to Auctioneer. Conveyancing commences with TK Madden Solicitors.

13th September, 2021

Litigation commenced, initiated by the legal representation of Joseph Casserly claiming *animus possidendi* of part of the lands purchased at auction by JS on 19th August, 2021.

Conveyancing was nearing conclusion at this point. JS's solicitors and solicitors acting on behalf of the beneficiaries of the sale, exchanged legal correspondence.

5th October, 2021

Sale complete; GALRO purchase of the site at Cashel.

11th October, 2021

GALRO proposed to fence the boundary. In order to carry out the fencing works, BQ inspected the site and measured the location of the boundary.

14th Oct 2021

BQ met with JS at GALRO office and was engaged to review the relevant mapping on new purchase and informed of the land dispute, where neighbour claimed adverse possession.

18th Oct, 2021

BQ visited site to inspect the boundaries and provide information of location of boundary where fence was broken or removed.

20th October, 2021

Contractor visited the site and assessed the works to be carried out.

02nd November, 2021

Contractor commenced work.

22nd November, 2021

Ms. Moles visited the site and instructed works were to cease until a license was obtained.

22nd November, 2021

Contractor left the site.

22nd November, 2021

Registration complete.

24th November, 2021

Pre planning with LCC Council to review proposal for the site to renovate and extend the dwelling for use as community dwelling.

30th November, 2021

Pre planning took place between Joe Sheahan GALRO, Rita Connaughton, Planner, Longford County Council and Donall MacBeath, Senior Planner, Longford County Council to review proposal for the site with sketches and proposals to renovate and extend the dwelling for use as community dwelling. BQ could not attend meeting on last minute notice.

01st December, 2021

The council visited after the neighbour complained works was carried out and Sue Moles had visited the site when the fencing was carried out.

BQ spoke to Sue Moles and was instructed to submit;

'Application for permission to carry out an activity requiring consent in a site to which the European Communities (birds and natural habitats) regulations 2011 (no. 477 of 2011) apply, in accordance with regulation 30 of those regulations'

Forms emailed by BQ to JS on 01st Dec, 2021 at 09:58 and then submitted to BPWS by JS.

03rd December, 2021

BQ spoke to the building control Officer Aidan Beirne.

The warning letter was sent out but no enforcement notice sent. Building Control officer LCC, Aidan Beirne confirmed to BQ this fence may need planning permission but understood the reason the fence was erected following legal claim and confirmed 'he did not see any reason to issue enforcement notice' as it was replacing/upgrading the existing fence so no further action occurred.

20th January, 2022

Letter from Building Control Authority

27th January, 2022

Letter to Building Control Authority from BQ

28th January, 2022

JS engaged Architect & Environmental consultant Liam Madden to review site with knowledge on SAC SPA to prepare planning documentation to accompany planning application.

26th May, 2022

Planning application lodged under 22123 with Longford County Council for:

'material change of use of existing dwelling to residence where care is provided for persons with intellectual or physical disability. The proposed works will also include upgrade of the existing entrance and boundary treatments, removal of non-native invasive evergreen trees, proposed single storey extension (C.92M.SQ) to the NE & SE elevations and ancillary site works all which is within SAC and pNHAhe council (planners report attached)'

18th July, 2022

Planning Refused by Longford County Council.

10th August, 2022

Appeal to An Bord Pleanála.

An appeal was made on the advice of our consultant Environmental/Architect Liam Madden.

23rd November, 2022

Appeal refused by ABP.

January, 2023

We met with the planning authority again for a pre planning meeting to reset and discuss the council's opinion and how to move forward.

Pre Planning Meeting Brief:

- The council now appears quite happy with the proposal to upgrade the dwelling, replace the wastewater, extend the house and renovate as proposed in our application as long as all suitable Environmental reports are provided.
- They asked if the large non-native trees if removed can be replaced with suitable planting screen to ensure the dwelling remains visually unobtrusive along Lough Rea which we agreed with.
- We discussed the reasons for refusal from the council side and Bord and we agreed the reasons for refusal can be dealt with in a new application however they questioned the upgraded fence and if retention is relevant... both planners were vague in their direction on how to proceed here and didn't give a definite view on the fencing issues. We did note that the fence was not a reason for refusal from either the planning authority or the Bord and in our opinion was required to be replaced /upgraded.
- The issue is that the unauthorised works cannot be dealt with through the usual process of retention and are subject to substitute consent within an SAC. The issues which are relevant and vaguely referred to as unauthorised works by the planner are:
 - Erection of the replacement boundary fence (post and wire/sheep wire to weldmesh fence)
 - Widening gateway (only for access)
 - Deposit of New stone for driveway (which is currently already stoned)
 - Movement of stones along shoreline (this was referred to by the planner, but is not the case)
 - Some stone removed from the lake end of the harbour (it is agreed this was a misunderstanding by the contractor).
- The planning authorities opinion is the above works are minor but they directed us quite clearly to An Bord Pleanála for retention.

(Leave to Appeal and substitute consent).
- The council have also stated as the Board decision to refuse was due to the requirement of the NIS they can no longer accept a planning application on this site.... Even if we do not propose to apply for retention.

07th February, 2023

Veon review to Carry out NIS

March, 2023

Following the pre-planning meeting Joe engaged Veon environmental consultants which have now completed a Natura Impact Assessment (NIS) and have detailed thoroughly the proposals and existing works, finding no impact or likely effect on the protected site once mitigating measures can be put in place during construction works.

21st April, 2023

Consultation with JB, LLC, attended by JF, BQ and JS. At that meeting it was agreed to engage legal opinion with regard to resubmitting a planning application and the legal requirement to apply for substitute consent.

May, 2023

Engaged Barrister to prepare legal opinion in preparation for resubmission of planning application.

June, 2023

Legal opinion provided to JB, LLC.

Engaged planning consultant, EP, to prepare for resubmission of planning application.

14th July 2023

Planning consultant, EP, met JS on site and the preparation of substitute consent application commenced, including preparation of remedial report on the ecology and environment regarding the subject site.