



An  
Bord  
Pleanála

## Record of Meeting ABP-319187-24 1<sup>st</sup> meeting

<b>Case Reference / Description</b>	ABP-319187-24 Repairs to concrete slipway & gravel pathway		
<b>Case Type</b>	Pre-application Consultation		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup> Meeting		
<b>Date</b>	16/05/2024	<b>Start Time</b>	11.30
<b>Location</b>	Virtually by Microsoft Teams	<b>End Time</b>	12.05
<b>Representing An Bord Pleanála</b>			
Stephen O'Sullivan – Assistant Director of Planning (Chair)			
Lorraine Dockery – Senior Planning Inspector			
Karen Hickey – Executive Officer			
Ronan Megannety- Executive Officer			

<b>Representing the Prospective Applicant</b>
Mike Lyons- Lyons Designs Architectural Services
Declan & Gemma Lyons – Applicant

### Introduction:

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant and introductions were made. The procedural matters relating to the meeting were outlined as follows:

- The Board will keep a record of this meeting and any other meetings, if held. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.

- A further meeting or meetings may be held in respect of the proposed development.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

The ABP representatives acknowledged the request on the 4<sup>th</sup> March 2024 from Lyons Designs Architectural Services on behalf of Declan and Gemma Lyons, to enter into pre-application consultations under section 177E(1A) of the Planning and Development Act, 2000, as amended.

A broad agenda had previously been circulated as follows:

### **Agenda**

- Introductions and opening of pre-application meeting
- Description of development and relevant background- brief outline presentation by the applicants.
- Procedural Advice with regard to any subsequent application for Substitute Consent.

### **1. Description of development and relevant background.**

#### **Prospective Applicant Comments**

- Planning history noted. When applicants bought the land, this included a slipway on opposite side of roadway from dwelling. Applicants subsequently carried out repairs to slipway. Warning letter issued from Clare County Council for potentially unauthorised works carried out. Section 5 referral was made to Clare County Council (Ref. R22-84) for four no. items- (i) repairs to wooden jetty (ii) replacement of wire fencing (iii) repairs to gravel slipway and (iii) repairs to gravel pathway. Two items were deemed to be exempted development (repairs to wooden jetty and replacement of wire fencing) while the remaining works were deemed to be not exempted development (repairs to gravel slipway with concrete and repairs to gravel pathway) having regard to, inter alia, Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended) as the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European Site. A leave to appeal application was lodged to An Bord Pleanála in May 2023 (ABP-317045-23) but was deemed withdrawn due to legislation changes.
- Parts of the site are located within the Lough Derg (Shannon) SPA

## **ABP Comments**

- ABP representatives queried if remedial NIS was completed, and if so, was it completed by a qualified person with relevant ecological expertise. Agent confirmed that it was.
- ABP noted that the wooden jetty and wooden fence were deemed exempted development by the planning authority, and the concrete slipway & widening path were the two planning issues that need to be corrected. Correspondence was noted on file from Clare County Council in relation to a small block wall to side of slipway and positioning of boulders in the leave to apply for substitute consent documents (ABP-317045-23). These matters should be addressed in any subsequent application. ABP advised the applicants to be clear on what was being applied for and to consider including/addressing the additional items mentioned in the planning authority's report. Any subsequent application for substitute consent will be sent to Clare County Council for their comments. Any works that have been conducted since 1995 when the Habitats Directive came into force should be included in any subsequent application.

## **2. Procedural Advice / Queries arising regarding to any subsequent application for Substitute Consent.**

### **Prospective Applicant Comments**

- Agent found it difficult locating the information needed to lodge the application.
- Agent queried if there a statutory period for cases to be decided and is there information available on lodging an application on the Board's website?
- Agent asked is there a validation process and what is the usual timeframe for such?
- Applicant noted that it was a Warning Letter received from the planning authority. Correspondence received by them from Clare County Council last year that there were two additional works that need to be considered. Applicant replied to say they didn't know when the works happened as it was before they bought the house in 2002.

### **ABP Comments**

- Part 19 of the Planning and Development Regulations, 2001, as amended addresses procedures for the making of an application, including requirements for public notices / advertisement etc. Article 228 of above Regulations contains provision to deal with such matters regarding removal/damage to public notices.
- ABP stated that if the agent has any additional queries in relation to submitting the

application, they could call the Board's office or send an email to [appeals@pleanala.ie](mailto:appeals@pleanala.ie) if need be.

- ABP representatives stated they were unable to give timelines for decision and that they were still dealing with a backlog of cases and that delays in issuing decisions is anticipated to be a factor for the foreseeable future.
- ABP said that generally initial process of validation takes place within a week and then later a further validation meeting with inspector to inspect maps and drawings.
- ABP said that no assessment has been undertaken of the submitted documents and that the purpose of the meeting was to offer procedural advice only.
- ABP said the parties were free to lodge an application. ABP advised that the additional works that Clare County Council mentioned will need to be considered. The applicants stated that these additional items were there before applicants bought the house in 2002. ABP said this was a factual position and should be included as part of their evidence. ABP advised parties to submit any information that they can and detail out clearly the proposal and relevant timelines.
- Advised the prospective applicant that they must satisfy the requirements of the legislation in terms of 'exceptional circumstances' (Section 177K(1J) of Planning and Development Act, 2000, as amended).
- ABP stated that neither the Chair nor the Inspector would be dealing with the subsequent substitute consent application.

## **Conclusion:**

At the conclusion of the meeting, it was advised that the record of the meeting would issue to the prospective applicant in due course. If no comments on the record are received, the Board will close the file and await the application. If the prospective applicant is of the opinion that another meeting is required, they should identify the specific matter for discussion and rationale for the holding of such further meeting. The holding of such meeting is at the discretion of the Board.

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**Assistant Director of Planning**