

VINCENT JP FARRY AND CO LTD

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17 December 2018

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

**LEACA BÁN TOOMAN LUSK COUNTY DUBLIN
FINGAL COUNTY COUNCIL REG. FS5/046/18**

Dear Sir

AN BORD PLEANÁLA	
LDG-	<u>010898-18</u>
ABP-	
18 DEC 2018	
Fee: €	<u>220</u> Type: <u>clay</u>
Time:	<u>1223</u> By: <u>[Signature]</u>

We refer to the above and we act for Fr. George Albrecht of 'Leaca Ban' Tooman Lusk Co. Dublin.

We hereby lodge a referral pursuant to s.5 of the Planning and Development Act, 2000 (as amended) in relation to a minor change of use on this land, the details of which are set out in our initial report to Fingal County Council. We attach herewith a copy of the Council's decision, which is the subject of this present submission, along with a cheque in respect of the Board's fee for referral requests.

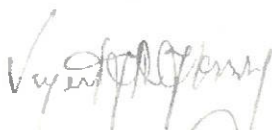
We disagree with the suggestion, in the first reason for concluding that a material change of use has occurred, that the issues raised in relation to this use differ substantially from the considerations which would be taken into account when an application for a rural dwelling is being determined. The items identified in the Report of the Planning Officer comprise, '(i) potential impacts on the amenity of the wider area, (ii) potential impacts on the amenity of adjoining residential property, (iii) access / car parking issues...and (iv) the...PE ...loading ...' in sewage terms. These are, in our view, the exact type of factors which would form part of a planning assessment for a rural dwelling.

Although this same Council assessment also raises two particular effects, specifically in terms of the increased usage of the access and the sewage system, this approach overlooks the rather light-weight and the environmentally low-impact nature of this activity. Indeed, as services are of relatively short duration and are generally held on Sunday mornings, the use of two rooms in this priest's dwelling for religious purposes do not result in any increased loading on the treatment system which serves this house, because attendees will not usually require comfort breaks in the referror's home.

We invite the Board to consider the arguments which are set out in our original report and to carry this submission forward into its analysis of the Planning Authority's determination on this occasion.

Please contact the undersigned should you have any queries or concerns regarding this report.

Yours faithfully



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Dublin 2

NOTIFICATION OF DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED

Decision Order No. PF/1860/18	Decision Date: 04-Dec-2018
Ref: FS5/046/18	Registered: 07-Nov-2018

Applicant: Father George Albrecht

Development: Whether the use of a small area, comprising to connected rooms at ground level within an existing dwelling at Leach Bán, Tooman, Lusk, Co. Dublin as a private oratory for religious worship exclusively the resident priest Father George Albrecht and by individuals who are personally and individually known to Fr. Albrecht, in a manner which is incidental to the use of this property as a dwelling by the referrer, is development.

AN BORD PLEANÁLA
18 DEC 2018
REGISTERED FROM _____
LDG- _____
ABP- _____

Location: Leach Bán, Tooman, Lusk, Co. Dublin

Application Type: Request for Declaration Under Section 5

Dear Sir/ Madam

With reference to your request for a DECLARATION under Section 5 (1) received on 07-Nov-2018 in connection with the above, I wish to inform you that the

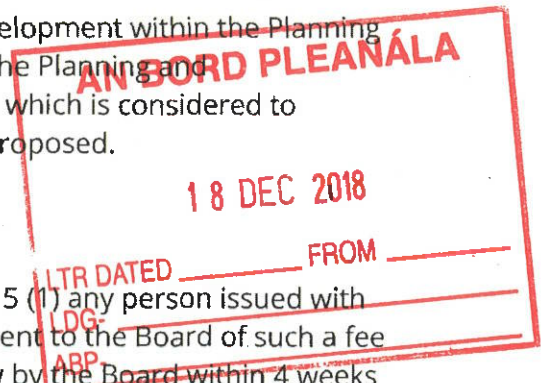
Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / County Hall, Swords, Fingal, Co. Dublin K67 X8Y2
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724
e: planning@fingal.ie www.fingal.ie

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15 D15 W638
Blanchardstown Office t: (01) 870 8434 e: blanch_planning@fingal.ie

above proposal IS NOT Exempted Development under Section 5(1) of the Planning and Development Act 2000 for the following reason(s):

1. (a) The differing considerations which would arise in assessing a planning application for a dwelling (used solely for such use) versus the proposed use (i.e. the partial use of a dwelling as an oratory for religious worship), in particular amenity considerations, public health considerations, differing development standards (in relation to car parking), and also the intensification of the use of the subject property as result of the partial use of same as an oratory for religious worship which constitutes a change of use which is material and is therefore considered to be development as per Section 3.1 of the Planning and Development Act 2000;
- (b) The absence of a specific class of development within the Planning and Development Act 2000 as amended or the Planning and Development Regulations 2001 as amended which is considered to provide an exemption to the development proposed.

NOTE: Where a declaration is issued under section 5 (1) any person issued with a declaration under subsection (2)(a) may, on payment to the Board of such a fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.



Signed on behalf of Fingal County Council.


_____ 05-Dec-2018
for Senior Executive Officer

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5th September 2011 are as follows:

Case Type

Planning Acts

(a) Appeals against decisions of Planning Authorities	
Appeal	
(i) 1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 st party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 8588 100.