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29/05/2019

AN BORD PLEANÁLA	
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30 MAY 2019	
Fee: € 220	Type: cheque
Time: 2.30	By: hand

Re: Louth County Council Ref: S5 2019/14

Application for Declaration of Exempted Development Part 1, Section 5, Planning and Development Act 2000 (as amended) whether the culverting of a stream for the purposes of drainage works to agricultural land. The upgrading of internal access by laying of hardcore to facilitate access to uplands including lands and forestry to the south of Ballyoonan, Omeath, Co. Louth is or is not "Development" within the meaning of the Planning and Development Act, 2000 (as amended).

Dear Sir/Madam,

We have been requested by our client Mr. Gerard Watters of Balregan, Kilcurry, Dundalk, Co Louth the owner of the lands shown in red on the attached map to submit the following referral.

A request for a Section 5 Declaration was submitted to Louth County Council on Development and Exempted Development Under Part 1, Section 5 of the Planning and Development Act 2000 (as amended).

Section 5 of the Planning and Development Act 2000 (as amended) states as follows:

"Declaration and referral on development and exempted development.

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter. (2) (a) Subject to F41[paragraphs (b) and (ba)], a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under subsection (1), and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request. (b) A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information".

The Declaration dated 3rd May 2019 states as follows:

And whereas Louth County Council has concluded that:-

- (a) drainage works to agricultural lands does come within the scope of Article 8B of the Planning and Development Regulations 20001 as amended) and,*
- (b) an internal access by laying of hardcore to facilitate access to uplands for forestry and agricultural lands does not come within the scope of Article G of the Planning and Development Regulations 2001, (as amended), or Schedule 2, Part 1, Class 13 of the*

- Planning and Development Regulations 2001 (as amended) as there is no evidence of any existing large wooded or forested areas within the location plan submitted, and,*
- (c) *the culverting of a stream does not come within the scope of Schedule 2, Part 3, Class 3 of the Planning and Development Regulations 2001 (as amended); as it cannot be concluded on the basis of the information provided that the culverting of the stream, which directly leads to Carlingford Lough Shore (Special Area of Conservation), would not have a significant effect on the integrity of a Natura Site under Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended).*

Now therefore Louth County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the said development as detailed on plans and particulars submitted on 9th April, 2019 is “Development” under the meaning of the Planning Act but is “Not Exempted Development”.

In accordance with Section 5(3) of the Planning and Development Act 2000 we have been requested to refer this declaration to An Bord Pleanála for review.

(3) (a) Where a declaration is issued under this section, any person issued with a declaration under subsection (2)(a) may, on payment to the Board of such 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.

For the purposes of this referral we have inspected the site, consulted with our client and examined the nature of the works having regard to the provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001(as amended). We have also engaged the services of Whitehall Environmental to prepare Habitats Directive Screening Of A Development At Ballyoonan, Omeath, Co Louth in line with the requirements Of Article 6(3) Of The EU Habitats Directive.

Grounds for Referral:

We shall be obliged for the Board to consider the following in this referral:

- 1. That the maintenance and repair works to a derelict house namely the removal of ivy and a dangerous roof which had subsided. This would not constitute development and would not be unauthorised.**
- 2. The carrying out of drainage works namely field drainage for agriculture, through the provision of two culverts constitutes exempted development under 8B of the Planning and Development Regulations 2001(as amended).**
- 3. The laying of hardcore as part of the maintenance of an internal access to the forest and woodland to the rear would constitute exempted development under 8G of the Planning and Development Regulations 2001(as amended) and is not development. No new access to the public road has been provided as there has always been a gate at this location. It is noted that the Tain Way uses passes through this field.**

The Grounds for referral are expanded on below:

1. That the maintenance and repair works to a derelict house namely the removal of ivy and a dangerous roof which had subsided. This would not constitute development and would not be unauthorised.

Section 2 of the Planning and Development Act 2000 as amended defines "Works" as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure"

Section 3 of the Act defines Development as follows:

"Development. 3.—(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection— (a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or (b) where land becomes used for any of the following purposes— (i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods, (ii) the storage of caravans or tents, or (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed. (3) For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used".

Having regard to the fact that this derelict structure is not a protected Structure we consider that the works carried out namely the removal of ivy and the removal of the roof which had collapsed and which was removed for health and safety reasons would constitute Exempted Development under Section 4(1)(h) of the Planning and Development Act 2000 which states as follows:

"(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures";

These works were referred to in our Declaration application form which referred to the attached letter, but the Section 5 Declaration was silent on this matter in its letter issued.

2. The carrying out of drainage works namely field drainage for agriculture, through the provision of two culverts constitutes exempted development under 8B of the Planning and Development Regulations 2001(as amended).

The applicant carried out the following drainage works, namely the installation of two culverts in a stream, which essentially involved the installation of two 4 metre lengths of pipe which are 24 inches diameter, which were embedded in stone. Prior to that there had been problems with drainage on the land which was resulted in waterlogging of the fields making it impossible to carry out any farming on. A culvert had previously been in situ on the land prior to my client's purchase of the land. The drainage works also involved the laying of hardcore in order to prevent significant waterlogging which was occurring along the internal access route as result of vehicles traversing the land to access the commonage lands to the south.

Section 4 of the Planning Act defines what shall be exempted development including:

“(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

The Planning and Development Regulations 2001(as amended) state that the following shall be exempted development:

“8B. Works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, shall be exempted development.

As set out in our letter submitted with the Section 5 Declaration request the drainage works were carried out in the form of field drainage for agriculture. This would constitute exempted development under Section 8B of the Planning and Development Act 2000.

We enclose an affidavit from the landowner who confirms that there are a number of landowners to the south who have his consent to access their lands through his entrance and through his field. This access is due to the fact that the landowners have no alternative accesses to their commonage lands to the south.

This landholding experienced considerable waterlogging as a result of vehicles driving over it to access the commonage lands and woodlands to the south. As the ground became more compacted and waterlogged from vehicles traversing same, they started to get stuck in the mud. The vehicles then moved further out into the field to avoid the original waterlogged section and thus caused further waterlogging further out into the field. The hardcore that was laid essentially involved the stripping of the top layer of soil for the width of one vehicle and the laying of hardcore stone. No road was constructed and no new access was created. Having regard to the fact that the hardcore that was laid to prevent further degrading of the internal access by vehicles it could be argued that the laying of the hardcore also constitutes field drainage works for the purposes of agriculture.

We would submit that the works carried out including the laying of hardcore to facilitate access by farm vehicles and farm machinery to pass in safety through his lands.

3. The laying of hardcore as part of the maintenance of an internal access to the forest and woodland to the rear would constitute exempted development under 8G of the Planning and Development Regulations 2001(as amended) and is not development. No new access to the public road has been provided as there has always been a gate at this location. It is noted that the Tain Way uses passes through this field.

Article 8G and 9(1) of the Planning and Development Regulations provide for the following:

“8G. Development (other than where the development consists of provision of access to a public road) consisting of the construction, maintenance or improvement of a road (other than a public road), or works ancillary to such road development, where the road serves forests and woodlands, shall be exempted development”.

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width”,

The internal access which only consists of hardcore and is not an road, and only serves to provide for the safe traversing of agricultural vehicles over the land to access commonage and woodland areas to the south and was carried out as part of the drainage works associated with agricultural development would not constitute development and would be exempted development. The hardcore is less than 4m in width and does not involve the creation of a new access to the public road as an access has always been in place.

The subject lands provide access to the Tain way and the applicant is in receipt of Tain way funding. In order to maintain the lands to facilitate access to the Tain way this hardcore was essential and constitute drainage works for the purpose of agriculture. We enclose copies of evidence of the use of the lands for the purpose of access to the Tain way. We also enclose a detailed schedule of works required by the Department of the Environment Heritage and Local Government as part of the Tain Walks Scheme. It is noted that the works specified by the Department includes to “Ensure all drains kept free of debris and cut new drains as necessary...”. The works also specifically states “Rehabilitate the surface where localised damage occurs (as a result of run-off/water logging”. The works also state “Cut and maintain drain/lay stepping stones/insert bog bridges ***/where the surface is particularly muddy or waterlogged (in consultation) with the RRO/LDC rep.)”.

The works carried out in compliance with the Tain Walks Scheme to facilitate safe access to the commonage lands and to the Tain Way. As outlined above the internal access was becoming more

and more waterlogged and the waterlogging was extending out further into the field and was restricting pedestrian movement along the Tain way within the field.

Having regard to the fact that these works are specifically required by the Department in order to maintain the Tain way we would submit that the works do not constitute development and would be exempted development in accordance with 4a and 8B of the Planning and Development Regulations 2001 (as amended).

Re: Habitats Directive Screening of works At Ballyoonan, Omeath, Co Louth in line with the requirements of Article 6(3) of the EU Habitats Directive.

A Habitats Directive Screening Report (Stage 1 Appropriate Assessment) which assessed the impacts that may have occurred on certain designated sites following works that were carried out at Ballyoonan, Omeath, Co. Louth was carried out in May 2019 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. The report was prepared in order to accompany a Section 5 referral to An Bord Pleanála, which was previously refused by Louth County Council.

The location of the works are within 15km of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on the designated sites occurred.

The screening report prepared by the independent ecologist Noreen McLoughlin confirms that

"In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the works in relation to the relevant Natura 2000 sites within 15km of the application site. This report has analysed the potential impacts and effects that the works might have had in terms of the Special Conservation Interests of these designated sites. It has evaluated the significance of these impacts and effects in view of these sites' conservation objectives.

In view of best scientific knowledge and on the basis of objective information, it can be concluded that the works, whether individually or in combination with other plans and projects, had no impacts upon the Natura 2000 sites. The integrity of these sites were maintained and the habitats and species associated with these sites were not adversely affected. It is of the opinion of this author that this application does not need to proceed to Stage II of the Appropriate Assessment process".

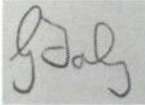
Conclusion

Having regard to the foregoing and to the following:

The nature of the use of the lands for agricultural purposes and as a Tain Walkway. The nature of the works which were for the purposes of rehabilitating lands which had become saturated and waterlogged arising from drainage issues with the stream and also as a result of vehicles traversing the land to access the commonage lands, uplands and woodlands to the south of the subject lands. The necessary remedial works required as part of the maintenance of the Tain Walkway in accordance with the Department's requirements and the need to ensure that the commonage lands could continue to be accessed by vehicles during the winter months.

Having regard to the fact that the ecology report concluded that there are no significant impacts on designated sites and that a Stage II of the Appropriate Assessment report was not required we would request that the declaration of Louth County Council be overturned in this instance and that the works be declared exempted development in accordance with the provisions of the Planning and Development Act and Regulations as outlined above.

Yours sincerely,



Geraldine Fahy BA MRUP MIPI

Attached:

Cheque for €220

Copy of Planning Authority Declaration dated 3rd May

Copy of Ecology Screening Report

Affidavit from landowner regarding the use of the lands by third parties for the purpose of accessing commonage.

Details of Tain Way Scheme and works required as part of maintenance of access.



Comhairle Contae Lú
Louth County Council

Mr. Gerard Watters,
c/o Geraldine Fahy,
Ger Fahy Planning,
Annaghdown,
Pagestown,
Kilcloon,
Co. Meath.

3rd May, 2019.

RE: Ref. S5 2019/14

Re: Application for Declaration of "Exempted Development" Part 1, Section 5, Planning & Development Act 2000 (as amended) whether the culverting of a stream for the purposes of drainage works to agricultural land. The upgrading of internal access by the laying of hardcore to facilitate access to uplands including agricultural lands and forestry to the south at Ballyoonan, Omeath, Co. Louth is not 'Development' within the meaning of the Planning & Development Act, 2000 (as amended)

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 9th April, 2019 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows:-

Recommendation: I hereby recommend that a Declaration of Exemption be Refused for the development described above, for the reason(s) set out hereunder:-

WHEREAS a question has arisen as to whether the following development:-

- Drainage works for agricultural lands
- Upgrading of internal access by laying of hardcore to facilitate access to uplands for forestry and agricultural lands
- Culverting of a stream

at Ballyoonan, Omeath, Co.Louth is or is not development or is or is not exempted development:

AND WHEREAS Louth County Council in consideration of this question has had regard particularly to:-

This decision may be referred by you to An Bord Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Trusting that all meets with your understanding.

Yours faithfully,

Celine Breen

Celine Breen
Planning Section.



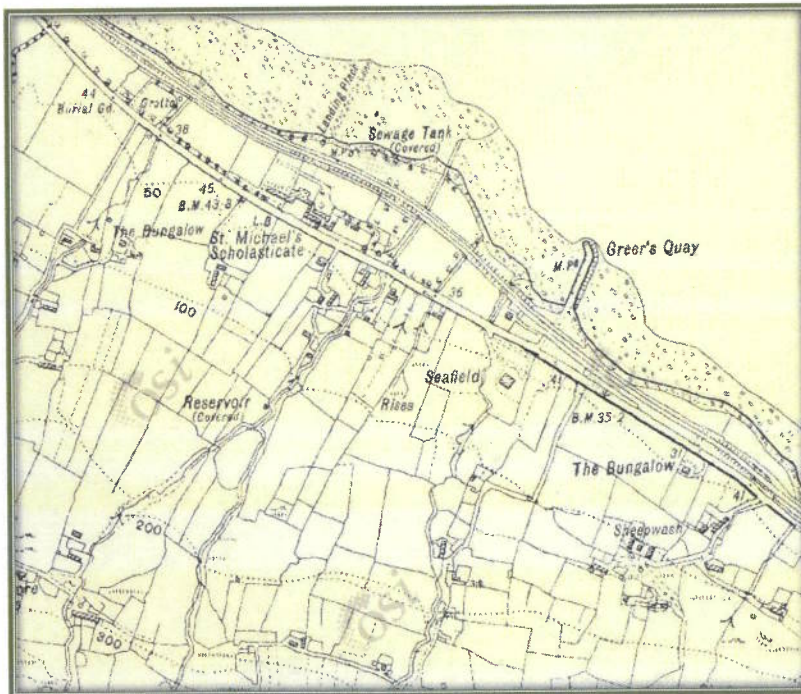
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HABITATS DIRECTIVE SCREENING OF A DEVELOPMENT AT BALLYOONAN, OMEATH, CO LOUTH

IN LINE WITH THE REQUIREMENTS OF ARTICLE 6(3) OF THE
EU HABITATS DIRECTIVE



Mr Gerard Watters
c/o Ger Fahy Planning
"Annaghdown"
Pagetown
Kilcloon
Co. Meath

May 2019

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1 INTRODUCTION

1.1 BACKGROUND

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts on Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A Habitats Directive Screening Report (Stage 1 Appropriate Assessment) which assessed the impacts that may have occurred on certain designated sites following works that were carried out at Ballyoonan, Omeath, Co. Louth was carried out in May 2019 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. This report was prepared in order to accompany a Section V referral to An Bord Pleanála, which was previously refused by Louth County Council.

The location of the works are within 15km of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on the designated sites occurred.

1.2 REGULATORY CONTEXT

RELEVANT LEGISLATION

The Birds Directive (Council Directive 79/409/EEC) implies that particular protection is given to sites (Special Protection Areas) which support certain bird species listed in Annex I of the Directive and that surveys of development sites should consider the status of such species.

The EU Habitats Directive (92/43/EEC) gives protection to sites (Special Areas of Conservation) which support particular habitats and species listed in annexes to this directive. Articles 6(3) and 6(4) of this Directive call for the undertaking of an Appropriate Assessment for plans and projects likely to have an effect on designated sites. This is explained in greater detail in the following section.

The Wildlife Act 1976 (and its amendment of 2000) provides protection to most wild birds and animals. Interference with such species can only occur under licence. Under the act it is an offence to "wilfully interfere with or destroy the breeding place or resting place of any protected wild animal". The basic designation for wildlife is the Natural Heritage Area (NHA). This is an area considered important for the habitats present or which holds species

of plants and animals whose habitat needs protection. Under the Wildlife Amendment Act (2000) NHAs are legally protected from damage. NHAs are not part of the Natura 2000 network and so the Appropriate Assessment process does not apply to them.

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2021 and that status doesn't deteriorate in any waters.

APPROPRIATE ASSESSMENT AND THE HABITATS DIRECTIVE

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the 'Habitats Directive' - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. *Natura 2000* sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting *Natura 2000* sites. Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

THE APPROPRIATE ASSESSMENT PROCESS

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a site's conservation objectives.

Appropriate Assessment is an assessment of the potential effects of a proposed plan - 'in combination' with other plans and projects - on one or more European sites. The 'Appropriate Assessment' itself is a statement which must be made by the competent authority which says whether the plan affects the integrity of a European site. The actual process of determining whether or not the plan will affect the site is also commonly referred to as 'Appropriate Assessment'.

If adverse impacts on the site cannot be avoided, then mitigation measures should be applied during the Appropriate Assessment process to the point where no adverse impacts on the site remain (European Commission, 2000, 2001).

The conclusions of the appropriate assessment report should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site (European Commission, 2000, 2001).

Under the terms of the directive (European Commission, 2000, 2001), consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of the site will not be adversely affected, or (b) where an adverse effect is anticipated, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

2 METHODOLOGY

2.1 APPROPRIATE ASSESSMENT

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2000). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2002). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four stage process is:

Stage 1: Screening – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

Stage 2: Appropriate Assessment – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

Stage 3: Assessment of Alternative Solutions – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain – An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects;
- Screening statement with conclusions.

2.2 DESK STUDIES

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species; conservation objectives, site synopses and standard data forms for relevant designated sites;
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- Ger Fahy Planning – Information regarding the works that were carried out;
- Louth County Council – Information on planning history in the area.

3 SCREENING

3.1 DEVELOPMENT DESCRIPTION

In April 2019, Ger Fahy Planning, on behalf of Mr Gerard Watters, applied to Louth County Council for a Request for a Section 5 Declaration in respect of works carried out on lands at Ballyoonan, Omeath, Co. Louth. The following works were carried out by Mr Watters:

- Maintenance and repair works to a derelict house, namely the removal of ivy and a dangerous roof which had subsided. This would not constitute development and would not be unauthorised.
- The carrying out of drainage works, namely field drainage for agriculture, through the provision of two culverts. This constitutes exempted development under 8B of the Planning and Development Regulations 2001(as amended). The culverts were provided by the laying of 4m of piping (24inches in diameter) at each location in the stream and overlaying the pipe with hard core.
- The laying of hardcore as part of the maintenance of an internal access to the forest and woodland to the rear of the lands. This would constitute exempted development under 8G of the Planning and Development Regulations 2001(as amended) and is not development. No new access to the public road has been provided as there has always been a gate at this location. It is noted that the Tain Way uses passes through this field.
- The laying of hardcore in the field. This was also part of the drainage works as vehicles entering this field to access the woodlands and agricultural fields to the south had been causing soil disturbance and waterlogging as the agricultural vehicles were getting stuck in the wet ground and mud. As the ground became more cut up by agricultural vehicles, they would then move out further into the field to avoid getting stuck in the mud and this was extending the problem. The laying of hardcore the width of a vehicle would not constitute development and would be exempted development as it essentially falls under the scope of drainage works, and the provision of an internal access road to forestry to the south it would also constitute the laying of an internal roadway which is less than 4 metres in width and is therefore exempted development.

In May 2019, Louth County Council made a declaration that the above works were not exempted development. This decision is now being referred to An Bord Pleanála.

Figure 1 shows a map outlining the location of the works that tool place.

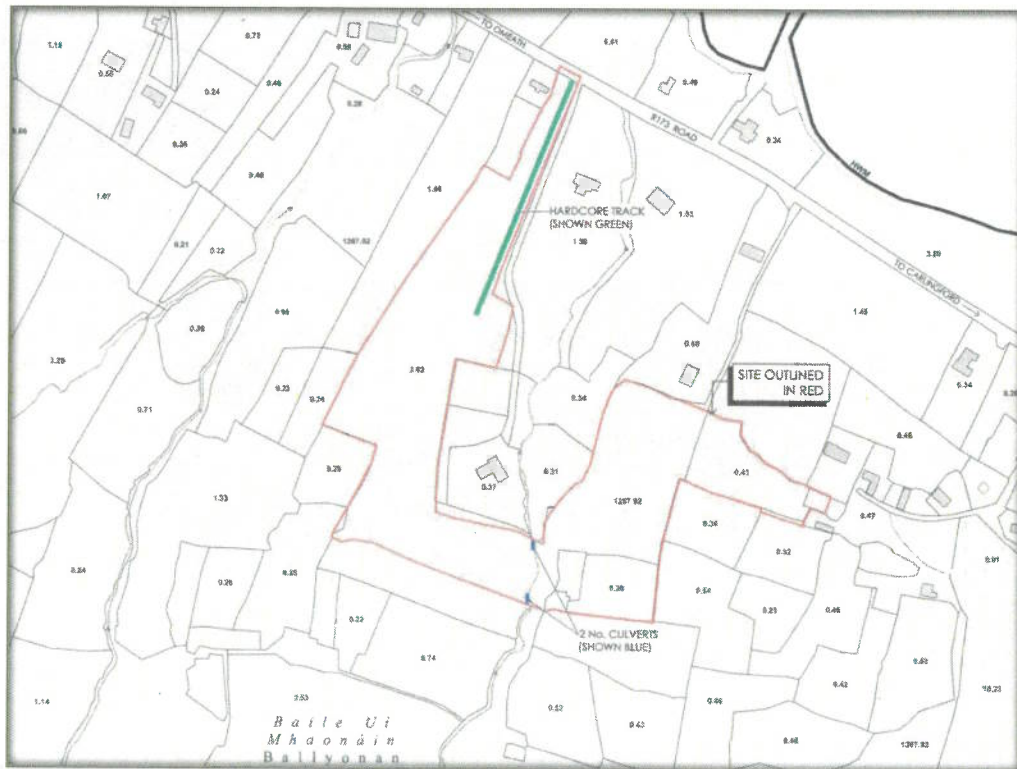


Figure 1 – Location of Works

3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The site in which the works took place is located in a rural area, within the townland Ballyoonan. The site is currently accessed via an entrance that is just off a Regional Road, the R173. The site is approximately 5 hectares in area. It is 2.4km south-east of Omeath and 4.6km north-west of Carlingford. It is on the northern foothills of Carlingford Mountain.

The application site is located in an area where agriculture is the main land-use. The dominant habitats surrounding the site include improved agricultural grasslands and wet grasslands. Other habitats represented include the wet and dry heath habitats associated with the lower slopes of Carlingford Mountain and the coastal and marine habitats associated with Carlingford Lough.

Site location maps are shown in Figures 2 and 3, whilst an aerial photograph of the site and its surrounding habitats is shown in Figure 4.



Figure 2 – Site Location Map (Site Pinned)

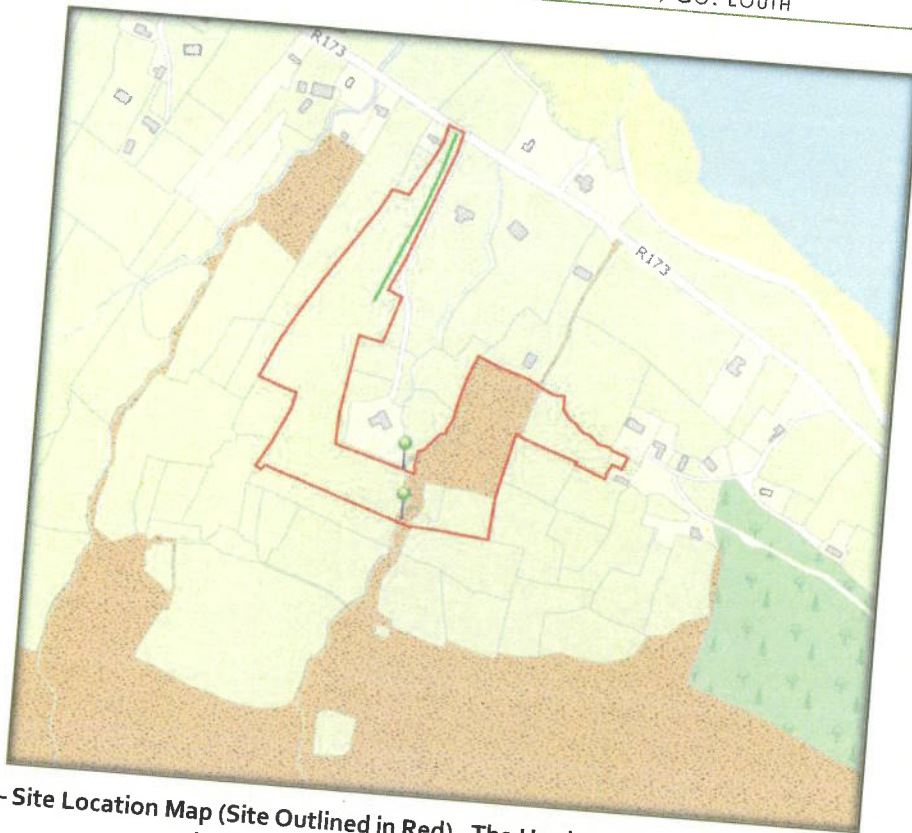


Figure 3 – Site Location Map (Site Outlined in Red). The Hardcore Track is Outlined in Green and the Location of the Two Culverts are Pinned.

HABITATS AND NOTABLE SPECIES

The main habitat within the application site currently is a poorly drained, wet grassland habitat. This habitat verges into the wet heathland habitats of the lower slopes of Carlingford Mountain. The boundaries of the site consist of hedgerows and treelines, whilst there are also some areas of scrub within the application site.

An examination of the website of the National Biodiversity Data Centre (Biodiversity Maps application), revealed that there are no records for the presence of any protected plant or mammal species from the relevant 1km squares (J1515 and J1514) of this development.

WATER FEATURES AND QUALITY

The application site is located within the Newry, Fane, Glyde and Dee Hydrometric Area and Catchment, the Big (Louth) Sub-Catchment and the Knocknagoran Sub-Basin. The Ballyoonan Stream flows partially within the application site, whilst there is another unnamed stream 106m west of the site. The culverts in question were installed along two points on the Ballyoonan stream, within the lands owned by the applicant.

The Ballyoonan Stream rises in Carlingford Mountain, and it flows for 1.2km before it enters Carlingford Lough at Greer's Quay, which is 413m downstream of the lower culvert installed.

The EPA have not classified the ecological status of the Ballyoonan Stream or the other water courses that are close to the application site, including Carlingford Lough. However, under the requirements of the Water Framework Directive, all waterbodies must achieve good status by 2021.



Figure 4 – Aerial Photograph of the Site (Outlined in Red) and its Surrounding Habitats. The Ballyoonan Stream is Highlighted in Blue.

3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development has been identified and described according to their site synopses, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc. The measurements used for taken from the most southerly point of the proposed path.

There are ten Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to the proposed development site are summarised in Table 2 and maps showing their locations relative to the application site are shown in Figures 5 and 6. A full description of these sites can be read on the website of the National Parks and Wildlife Service (npws.ie) and the Joint Nature Conservation Committee (jncc.defra.gov.uk).

Site Name & Code	Distance	Qualifying Interests	Potential Impacts
Carlingford Mountain SAC 000453	23m south	<ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i> • European dry heath • Alpine and Boreal heaths • Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) • Transition mires and quaking bogs • Alkaline fens • Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) • Calcareous rocky slopes with chasmophytic vegetation • Siliceous rocky slopes with chasmophytic vegetation 	<i>Impacts will be considered further.</i>

Carlingford Shore SAC 002306	83m north-east / 480m downstream	<ul style="list-style-type: none"> • Annual vegetation of drift lines • Perennial vegetation of stony banks 	<i>Impacts will be considered further</i>
Rostrevor Wood SAC UK0030268	3.5km east	<ul style="list-style-type: none"> • Old sessile oak woods with Iles and Blechnum in the British Isles 	<i>No hydrological connectivity therefore impacts were unlikely to have occurred.</i>
Carlingford Lough SPA UK9020161	3.5km east	<ul style="list-style-type: none"> • Sandwich tern <i>Sterna sandvicensis</i> • Common tern <i>Sterna hirundo</i> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • 	<i>No direct hydrological connectivity therefore impacts were unlikely to have occurred.</i>
Carlingford Lough SPA	4.7km south-east	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Wetlands and waterbirds 	<i>No direct hydrological connectivity therefore impacts were unlikely to have occurred.</i>
Dundalk Bay SAC 000455	8.6km south	<ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Perennial vegetation of stony banks • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 	<i>No direct hydrological connectivity therefore impacts were unlikely to have occurred.</i>
Dundalk Bay SPA 004026	8.6km south	<ul style="list-style-type: none"> • Great Crested Grebe (<i>Podiceps cristatus</i>) • Greylag Goose (<i>Anser anser</i>) • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Shelduck (<i>Tadorna tadorna</i>) • Teal (<i>Anas crecca</i>) • Mallard (<i>Anas platyrhynchos</i>) 	<i>No direct hydrological connectivity therefore impacts were unlikely to have occurred.</i>

		<ul style="list-style-type: none"> • Pintail (<i>Anas acuta</i>) • Common Scoter (<i>Melanitta nigra</i>) • Red-breasted Merganser (<i>Mergus serrator</i>) • Oystercatcher (<i>Haematopus ostralegus</i>) • Ringed Plover (<i>Charadrius hiaticula</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Lapwing (<i>Vanellus vanellus</i>) • Knot (<i>Calidris canutus</i>) • Dunlin (<i>Calidris alpina</i>) • Black-tailed Godwit (<i>Limosa limosa</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Curlew (<i>Numenius arquata</i>) • Redshank (<i>Tringa totanus</i>) • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) • Common Gull (<i>Larus canus</i>) • Herring Gull (<i>Larus argentatus</i>) • Wetland and Waterbirds 	
Derryleckagh SAC UK0016620	9.5km north	<ul style="list-style-type: none"> • Transition mires and quaking bogs • Old sessile oak woods with Iles and Blechnum in the British Isles 	No hydrological connectivity therefore impacts were unlikely to have occurred.
Slieve Gullion SAC UK0030277	12.7km north-west	<ul style="list-style-type: none"> • European dry heaths 	No hydrological connectivity therefore impacts were unlikely to have occurred.
Eastern Mournes SAC UK0016615	14.6km north-east	<ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i> 	No hydrological connectivity therefore impacts were unlikely to

		<ul style="list-style-type: none"> • European dry heath • Alpine and Boreal heaths • Siliceous alpine and boreal grasslands • Blanket bogs • Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) • Siliceous rocky slopes with chasmophytic vegetation 	<i>have occurred.</i>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------

Table 1 – Natura 2000 Sites Within 10km of the Proposed Site

The conservation objective (generic) of all these sites are is:

To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

The favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing and the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;
- The conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

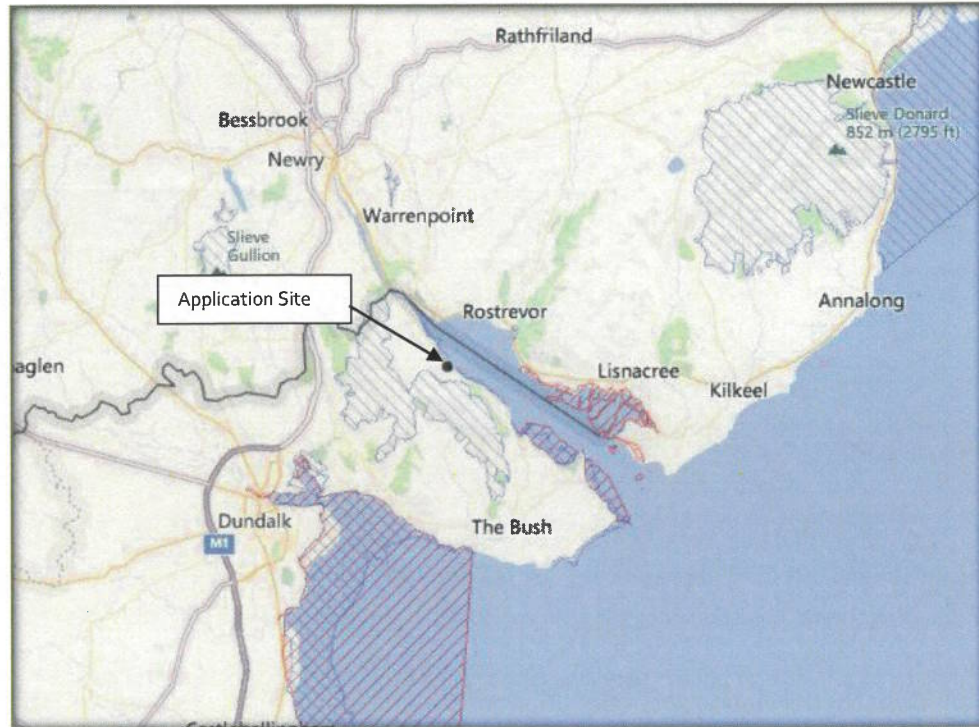


Figure 5 – The Application Site in relation to the Natura 2000 Sites within 15km (SACs - Blue Hatched Areas; SPAs – Red Hatched Areas).



Figure 6 – The Application Site (Outlined in Red) in relation to the Carlingford Shore SAC and the Carlingford Mountain SAC (Red Hatching)

3.4 IMPACT ASSESSMENT

The impacts of the works identified on the Natura 2000 sites listed above are described below.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The works at Ballyoonan involved the culverting of a stream in two locations and the laying of hard core through a field to facilitate access to lands further up the field. These works had no impacts upon the integrity, or the site structure of the designated sites identified for further assessment, i.e., Carlingford Mountain SAC and Carlingford Shore SAC. There were no individual elements of the works that gave rise to negative impacts on these aforementioned sites. The use of these structures in the future will have no impacts upon the designated sites.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

Size and scale: Given the small size and scale of the development in relation to the overall size of the Carlingford Mountain SAC and Carlingford Shore SAC, the likelihood that any direct, indirect or cumulative impacts that may have occurred on these designated sites is low.

Land-take: There was no land-take from any designated site. There was no interference with the boundaries of any designated site.

Distance from Natura 2000 site or key features of the site: At its closest point, the application site is 23m north of the Carlingford Mountain SAC and 83m south-west of the Carlingford Shore SAC. The culverts constructed were 480m upstream of the Carlingford Shore SAC. Due to the small nature of the development, these distances are sufficient to ensure that no impacts arose on the designated sites or are likely to arise in the future during the continued use of these features.

Resource requirements (water abstraction etc.): No resources were taken from any Natura 2000 site and there were no resource requirements that impacted upon the Carlingford Mountain SAC or the Carlingford Shore SAC.

Emissions: There were no emissions to the Carlingford Mountain SAC or the Carlingford Shore SAC during the installation of either the hardcore track or of the culverts. There was no concrete used in any instance, just hardcore. The culverts were provided by the insertion of a pipe in the stream, and this was then topped with hardcore. No emissions resulted nor will they in the future. There was no release or spillage of any hydrocarbons into the stream during the installation of the culverts.

Excavation requirements: There were no excavation works which impacted upon any of the habitats within the Carlingford Mountain SAC or the Carlingford Shore SAC.

Transportation requirements: The works did not result in any transportation requirements that led

to impacts upon any designated sites.

Duration of construction, operation, decommissioning etc: Works are completed. They will remain in place for the long term use of the applicant.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

Reduction of habitat area: The works took place outside of the designed habitats of the Carlingford Mountain SAC and the Carlingford Shore SAC. There was no reduction in any of the Qualifying Interests (habitats) of these SACs. There was no loss of any habitat of biodiversity value. There was no interference with the boundaries of any designated site.

Disturbance to key species: Carlingford Mountain SAC and Carlingford Shore SAC are not designated for the protection of any species and there are no species Qualifying Interests in any either of these sites. Nonetheless; the habitats within these SACs are host to a number of species protected under the Irish Wildlife Acts and/or the European Habitats Directive. There was no loss or damage to any habitat within these SACs that lead to any impacts upon any protected species.

Habitat or species fragmentation: There was no habitat or species fragmentation within the Carlingford Mountain SAC or the Carlingford Shore SAC. No ecological corridors between the works and either of these SACs were damaged or destroyed.

Reduction in species density: There was no reduction in species density within any SAC or SPA.

Changes in key indicators of conservation value (water quality etc.): There was no negative impacts upon surface or ground water quality within any designated site.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

Interference with the key relationships that define the structure or function of the site: There was no impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

Loss - Estimated percentage of lost area of habitat: None

Fragmentation: None

Disruption & disturbance: None

Change to key elements of the site (e.g. water quality etc.): None

3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix	
Name of project	Works on Land at Ballyoonan, Omeath, Co. Louth.
Name and location of Natura 2000 site	At its closest point, the application site is 23m north of the Carlingford Mountain SAC and 83m south-west of the Carlingford Shore SAC. The culverts constructed were 480m south of the Carlingford Shore SAC.
Description of project	Section V Referral to An Bord Pleanála.
Is the project directly connected with or necessary to the management of the site?	No
Are there other projects or plans that together with project being assessed could affect the site?	No
The Assessment of Significance of Effects	
Describe how the project is likely to affect the Natura 2000 site	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
Explain why these effects are not considered significant	Not applicable as there is no potential for negative impacts
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely
Data Collected to Carry out the Assessment	
Who carried out the assessment	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
Sources of data	NPWS, EPA, National Biodiversity Data Centre, Louth County Council
Level of assessment completed	Stage1 Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	Full results included

4 APPROPRIATE ASSESSMENT CONCLUSION

In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the works in relation to the relevant Natura 2000 sites within 15km of the application site. This report has analysed the potential impacts and effects that the works might have had in terms of the Special Conservation Interests of these designated sites. It has evaluated the significance of these impacts and effects in view of these sites' conservation objectives.

In view of best scientific knowledge and on the basis of objective information, it can be concluded that the works, whether individually or in combination with other plans and projects, had no impacts upon the Natura 2000 sites. The integrity of these sites were maintained and the habitats and species associated with these sites were not be adversely affected. It is of the opinion of this author that this application does not need to proceed to Stage II of the Appropriate Assessment process.



Noreen McLoughlin, MSc, MCIEEM.
Ecologist.

(PI Insurance details available on request)

Expression of Interest for Participation in The Walks Scheme

Name of Trail/Walk.....TAIN WAY

Applicant's name, address and contact number

.....GERARD WATERS.....

.....BALREGAN KILCERRY.....

.....DUNDALK CO. LOUTH.....

Landline.....

Mobile.....0872301921.....

1. Do you have land along the.....Omeath.....trail/walk?

Y/N.....Yes.....

2. If so, please estimate the length of route which passes over your land

.....560 metres.....

3. Please list the townland where the land is situated and provide the relevant folio number

TownlandOmeath.....

Folio No.....4476 & 4150.....

Note: Louth Leader Partnership may contact the Local Authority or the Property Registration Authority to verify or clarify land details.

Applicant's Signature:

Gerard Waters

Date:

28/11/2017



An Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta
Department of Community, Rural and Gaeltacht Affairs



Louth Leader Partnership
Ceannaire Comhairtíochta Lú
Building Community & Enterprise

Further Details available from: Mavis Kelly, Louth Leader Partnership, Bridge Street, Ardee
Tel: 041 6857374/5

WALK:

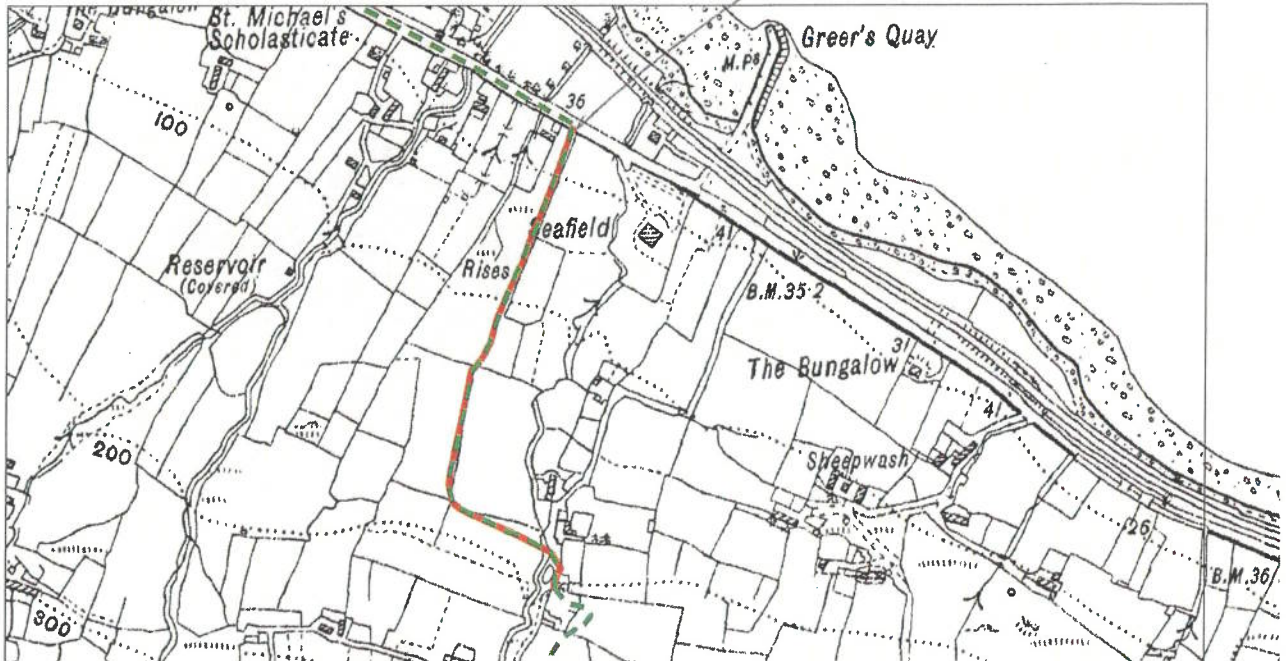
REF: TTW/0059

LANDOWNER DETAILS:

NAME	
ADDRESS	Bavan, Omeath Co Louth
E-MAIL	
TEL	

This is correct

SECTION CHARACTERISTICS:



--- ROUTE OF WALK — SECTION TO WHICH THIS WORKPLAN RELATES

APPROXIMATE TOTAL LENGTH	560 metres
DOMINANT TERRAIN	Fields (pasture)
IS ANY SHARED LAND OR COMMONAGE INCLUDED?	No
STOCK ALONG SECTION	Cattle

Walk Scheme Payment Details required for payment

Participant Name and Address

GERARD WATERS

Account Holders Name:

Gerard Waters

Bank/Building Society/Credit Union:

AIB

Branch:

DUNDALK

Account No:

05995571

Sort Code:

93 24 50

BIC:

AIBKIE2D

IBAN:

IE62AIBK93245005995571

Your BIC and IBAN are printed on your bank statement. You can also request them directly from your bank.

Signed:

Gerard Waters

Date:

28/11/2017

Note: Participant name should correspond with the account holder name

Please return the completed form to Louth Leader Partnership, Bridge Street, Ardee.

Failure to supply details may result in delays with payments

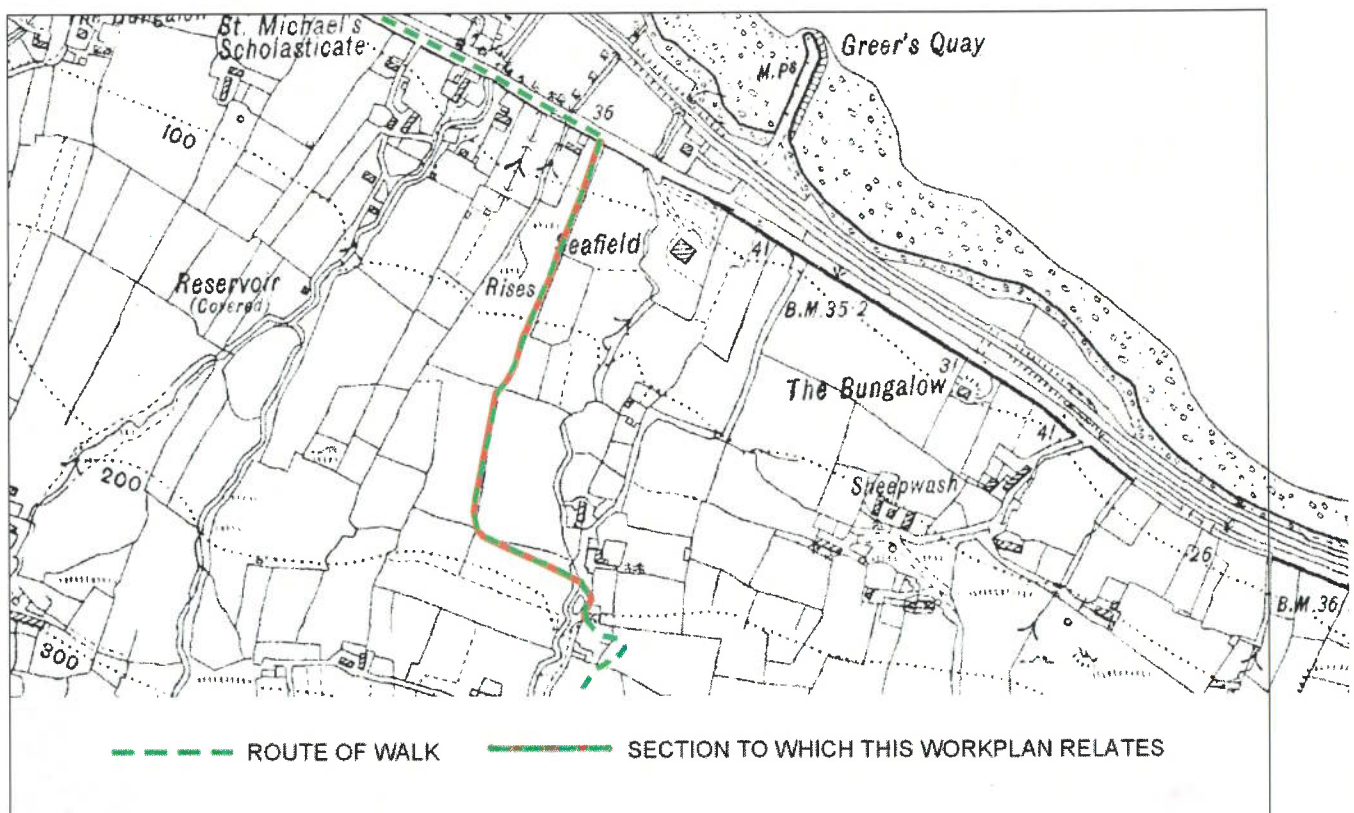
WALK:

REF: TTW/0059

LANDOWNER DETAILS:

NAME	
ADDRESS	Bavan, Omeath Co Louth
E-MAIL	
TEL	

SECTION CHARACTERISTICS:



APPROXIMATE TOTAL LENGTH	560 metres
DOMINANT TERRAIN	Fields (pasture)
IS ANY SHARED LAND OR COMMONAGE INCLUDED?	No
STOCK ALONG SECTION	Cattle

Maintenance Priorities along Section;**SUMMARY OF WORK SCHEDULE:**

ADMINISTRATION	8
GENERAL INSPECTION	12
WAYMARKING / TRAIL FURNITURE	16
WATER MANAGEMENT	4
VEGETATION CONTROL	10
FENCING	7
ADDITIONAL WORK (Please specify)	0
TOTAL HOURS	57

DETAILED WORK SCHEDULE:

ADMINISTRATION	
General administration of the Scheme, including liaison with the local Walks Committee / Local Development Company, as necessary.	
Report immediately to the Local Development Company any items noted during the inspection that could cause injury to walkers, which cannot be remedied through the works outlined in this Plan.	
Accompany the Rural Recreational Officer (RRO) or LDC rep on the Inspection of the walk traversing their lands.	
TOTAL HOURS:	8
GENERAL INSPECTION	
Monthly inspection of the section, including clearance of litter, as necessary (does not include the removal of dumped material, which should be reported to the Local Development Company)	
TOTAL HOURS:	12
WAY-MARKING / TRAIL FURNITURE	
On monthly inspection take all reasonable steps to ensure that all way-marking is clean, secure, free from vegetation, properly aligned and clearly visible; paint / attach directional arrow plates / repair / replace, as necessary.	
Erect additional way-marking as necessary / as directed by the RRO/LDC rep.	
On monthly inspection take all reasonable steps to ensure that all board walks, bog bridges and stiles are safe, secure and free from vegetation, free from barbed wire and electric wire; and repair / replace, as necessary. Report any other maintenance issues to the RRO/LDC rep.	
TOTAL HOURS:	16
WATER MANAGEMENT	
Ensure that all drains kept free of debris and cut new drains, as necessary in consultation with RRO/LDC rep.	

Rehabilitate the surface where localised damage occurs (as a result of run-off / water logging)	
Cut and maintain drains / lay stepping-stones / insert bog bridges at ***/ where the surface is particularly muddy or waterlogged (in consultation with the RRO/LDC rep).	
TOTAL HOURS:	4
VEGETATION CONTROL	
Cut-back all vegetation, as necessary, to ensure that the walk is maintained a minimum of 1 metre in width.	
Mow/strim vegetation on the surface of the walk (minimum of 1 metre in width), as necessary, to enable ease of passage for walkers.	
Take all reasonable steps to ensure that the surface of the walk is kept free from briars and any other vegetation.	
TOTAL HOURS:	10
FENCING	
On monthly inspection take all reasonable steps to ensure that existing fencing and/or walls that cross, or are adjacent to the walk, pose no risk to recreational users.	
On monthly inspection take all reasonable steps to ensure that all barbed and electric wire adjacent to stiles/other passing places, is covered in protective tubing for a minimum distance of 30 cm either side of the stile/passing place. Barbs may be removed in lieu of tubing with regard to barbed wire.	
On monthly inspection take all reasonable steps to ensure that all electric wire that crosses the walk is covered in protective tubing and has hazard signs attached.	
Erect temporary fencing measures as may be required during the year.	
TOTAL HOURS:	7
ADDITIONAL WORK	
<i>Insert specific work particular to the workplan and related hours</i>	
TOTAL HOURS:	0

WALK:

REF: TTW/0059

MATERIALS SUPPLIED:

Complete as necessary

PAYMENT SCHEDULE:

TOTAL HOURS:	57
PAYMENT PER HOUR: Based on DAFM Own Labour Rate which is subject to change.	€12.40
TOTAL PAYMENT:	706.80

DECLARATIONS:

The maintenance works as described in this Maintenance Plan are approved by the Department of Environment Community and Local Government.

Signed

Michael McHale

Print Name Date

I hereby agree to carry out the maintenance works as described in this Maintenance Plan.

Signed

Print Name

Date

Expression of Interest for Participation in The Walks Scheme

Name of Trail/Walk.....TAIN WAY

Applicant's name, address and contact number

.....
.....
.....

Landline.....

Mobile.....

1. Do you have land along the.....trail/walk?

Y/N.....

2. If so, please estimate the length of route which passes over your land

.....

3. Please list the townland where the land is situated and provide the relevant folio number

Townland

Folio No.....

Note: *Louth Leader Partnership* may contact the Local Authority or the Property Registration Authority to verify or clarify land details.

Applicant's Signature: _____

Date: _____



**Further Details available from: Mavis Kelly, Louth Leader Partnership, Bridge Street, Ardee
Tel: 041 6857374/5**

Foirm Léirithe Suime sa Scéim Siúlóidí

Ainm na slí/na siúlóide.....

Ainm, seoladh agus uimhir theagmhála an iarratasóra

.....

.....

.....

Teileafón.....

Fón Póca.....

4. An bhfuil talamh agat feadh na slí/siúlóide.....?

Tá / Níl.....

5. Má tá, déan amach cén fad atá sa bhealach a ghearrann trí do chuid talún.

.....

6. Tabhair ainm bhaile fearainn na talún agus an uimhir fóilió

Baile Fearainn

Uimh. Fóilió.....

Nóta: Is féidir le (*Insert name of Implementing Body*) dul i dteagmháil leis an Údarás Áitiúil nó le an tÚdarás Clárúcháin Maoine chun sonraí na talún a shoiléiriú.

Síniú an iarratasóra: _____

Dáta: _____

Dé hAoine, an 4ú Aibreán 2008, an spriocdháta chun foirmeacha léirithe suime a bheith istigh.

Insert Logos of LEADER, Dept of CRAGA

Más mian leat tuilleadh eolais a fháil déan teagmháil le:-

Ainm Theagmhálaí Chuideachta Leader, seoladh, teileafón, suíomh gréasáin

Insert Leader Company contact name, address, phone, website

Affidavitt

I, Gerard Watters of Balregan, Kilcurry, Dundalk, Co Louth accountant and farmer aged eighteen years and upwards make Oath and say as follows:

I had been given permission by the owners of Folio Plan 4476 (per attached), the Reverend Joseph O'Reilly to cross said folio to access my property Folio 4150. Same permission was given to me in circa June 2010 and I have been using same path since then. I subsequently acquired this property in 2016 and have been using this right of way since then.

I say that same path had been and is still being used by the following people as a means to access the common pastures on Ballyoonan Mountain.

- Peter Shields
- Owen Woods
- Liam O Connor (tenant using Folio 4150)
- Michael McGivern
- Peadar Begley

Same individuals use vehicles to cross said folio 4476.


Sworn by the said Gerard Watters
At..... C. FEE SOLICITORS

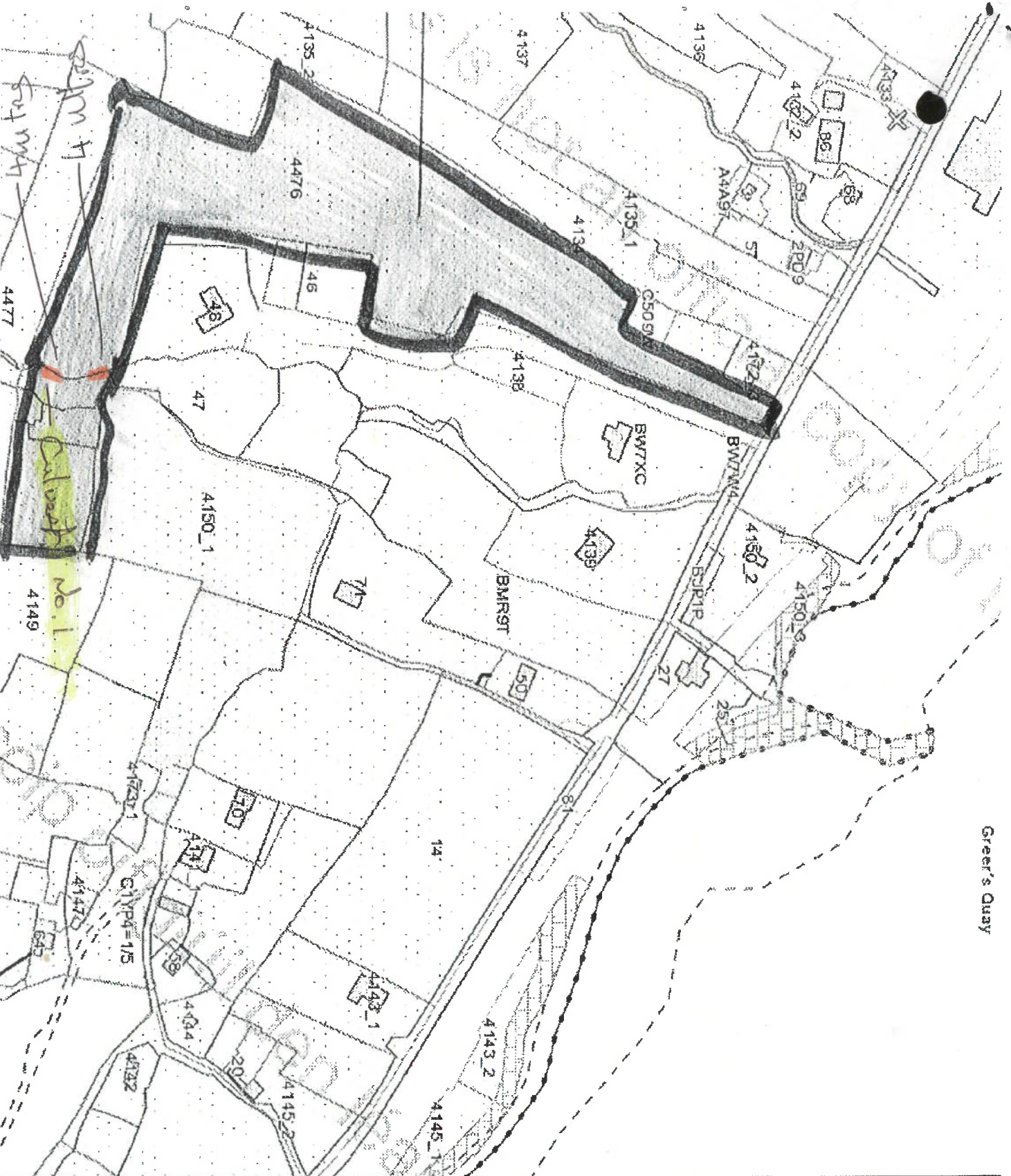
in Dundalk before me Practising Solicitor and I know this deponent.


Practising Solicitor

Dated 27/05/2019

Catherine Fee & Co.,
Solicitors,
Queens Business Centre,
Earl Street,
Dundalk, Co. Louth.
042 9339926/9355595

Practising Solicitor / Commissioner



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CENTRE COORDINATES:
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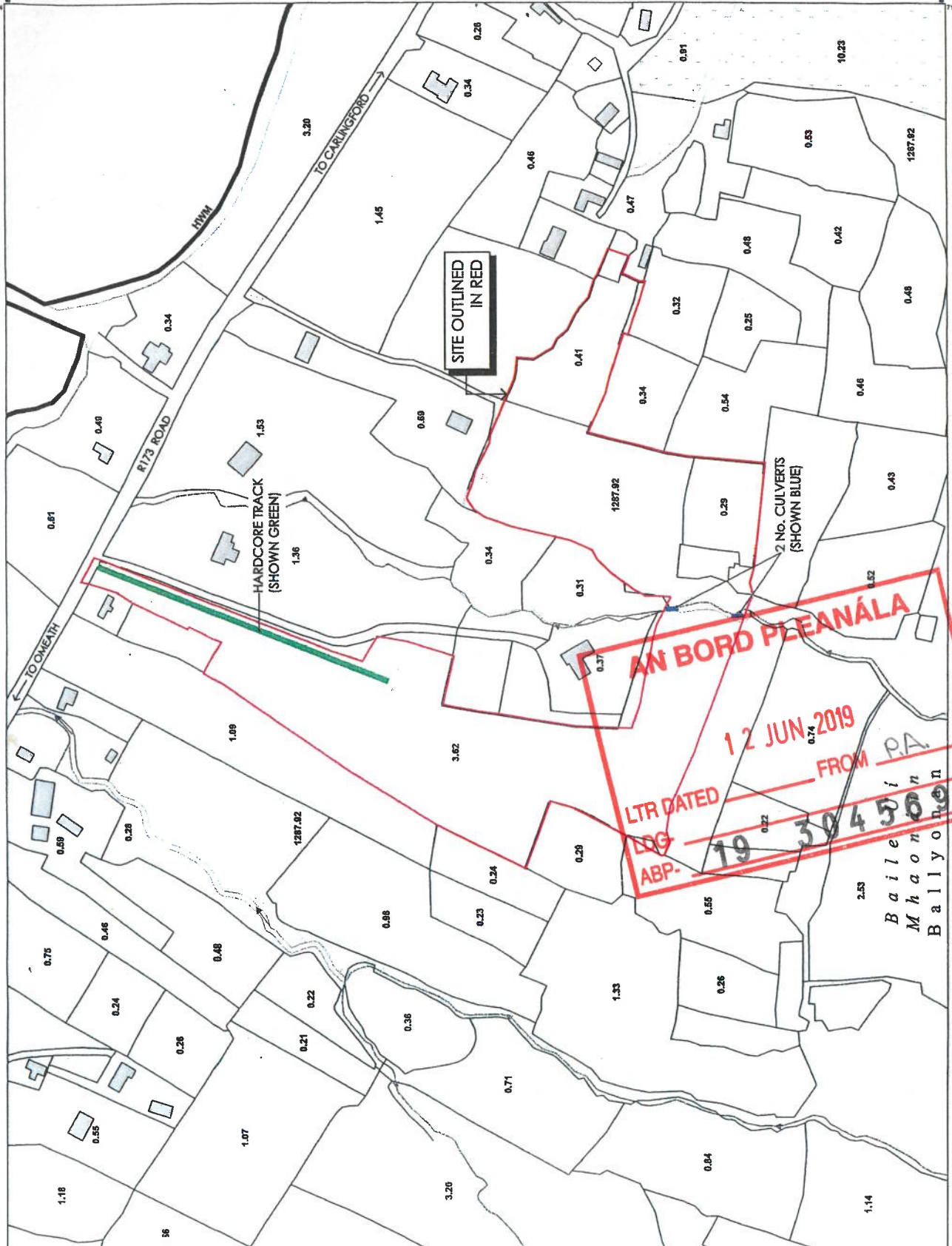
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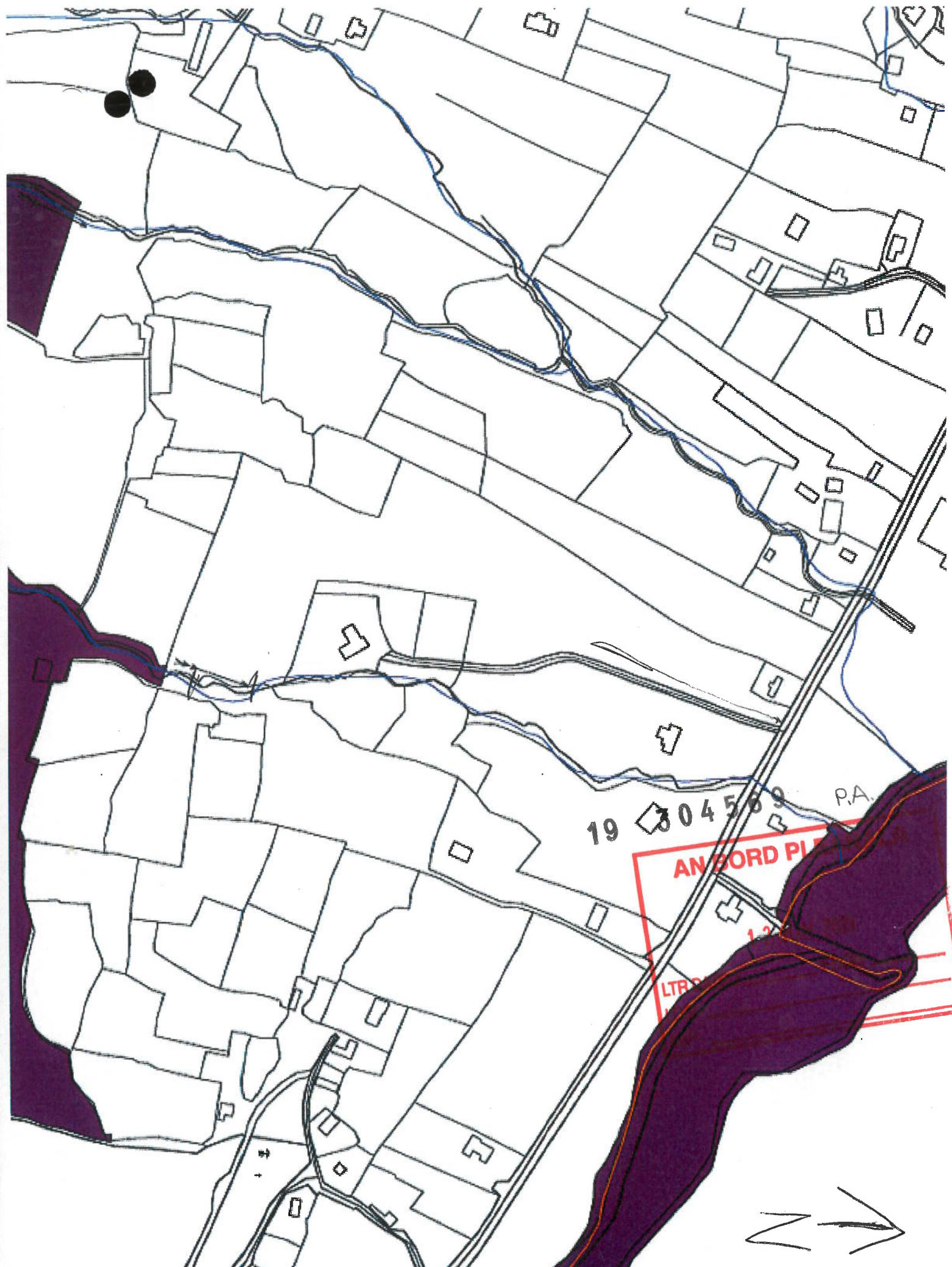
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12 JUN 2019

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