

File With _____

SECTION 131 FORM

Appeal NO: PL -304569

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/ received 21/6/19

from

the PA I recommend that section 131 of the Planning and Development Act, 2000

be not be invoked at this stage for the following reason(s): Re-affirmation of PA position

E.O.: A. Howard

Date: 8/7/19

To EO: _____

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____



File With _____

CORRESPONDENCE FORM

Appeal No: PL 304569

M S. Sultan

Please treat correspondence received on 21/6/19 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with <input checked="" type="checkbox"/> <u>APRL 20</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments	<u>PA response to referral</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>A Howard</u>	AA: <u>oblyfreser</u>
Date: <u>25/6/19</u>	Date: <u>26/6/19</u>



Comhairle Contae Lú
Louth County Council

AN BORD PLEANÁLA

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ABP- _____

21 JUN 2019

Fee: € _____ Type: _____
Time: 9.18 By: Post

Mr. Stephen Sutton,
Administrative Assistant,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

20th June, 2019.

Re: Whether the maintenance and repair works to a derelict house, field drainage works for agriculture through the provision of two culverts and the laying of hardcore as part of the maintenance of an internal access to the forest and woodland is or is not development or is or is not exempted development at South of Ballyoonan, Omeath, Co. Louth


Planning Ref. No. S5 2019/14

An Bord Pleanála Ref: ABP-304569-19

Dear Mr. Sutton,

I refer to your letter of 31st May, 2019 in relation to the above and enclose herewith Planner's Submission as requested.

Yours faithfully,


Celine Breen
Planning Office

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

Locall 1890 202303
T + 353 42 9335457
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E info@louthcoco.ie
W www.louthcoco.ie

Cuirfeadh fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome

AN BORD REAMÁLA



OUR REF: 2019/14
YOUR REF: ABP-304569-19

19/6/2019

TO: THE SECRETARY
AN BORD PLEANALA
64 MARLBOROUGH STREET
DUBLIN 1

AN BORD PLEANÁLA

21 JUN 2019

LTR DATED _____ FROM _____
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RE: Gerard Watters, Omeath, Dundalk, Co. Louth for Section 5 Declaration relates to 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", on lands at Ballyoonan, Omeath Co.Louth is considered to be exempted development.

A Chara,

I refer to your letter received by the Planning Authority on the 6th June 2019 in relation to a First Party appeal submitted by Gerard Watters of Omeath, Co. Louth against Louth County Council's decision to refuse a Section 5 Declaration for the above development.

The 'Grounds for Referral' on page 2 of the planning appeal refer to '*the maintenance and repair works to a derelict house namely the removal of ivy and a dangerous roof which had subsided*'. The applicant has added additional development works to the description of which had not been initially sought under the determined declaration. The site photographs in appendix A clearly show the dwelling in question has been abandoned for some time and any maintenance or repair works is considered so substantial therefore requiring the benefit of a planning application. The planning appeal statement even refers to the structure as being derelict.

The planning appeal stipulates Article 8G of the Planning & Development Regulations 2001 (as amended), "*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*".

The road/internal access by laying of hardcore to facilitate access to uplands for forestry and agricultural lands does not come within the scope of Article 8G of the Planning and Development Regulations 2001 (as amended)

As previously stated on site inspection there was no evidence to suggest there was a large wooded or forested area within the location plan submitted of which the internal road/way/access would serve. Google street view and

aerial maps of the site from April 2010 clearly illustrates that there has never been an internal road/way/hardcore area in situ at this location. Therefore the internal access/hardcore area described would not be considered to be exempted development as it does not come within the scope of Article 8G of the Planning and Development Regulations 2001 (as amended).

The 'Restrictions on exemptions' referred to under Article 9 (1) of the planning appeal statement are not subject to Article 8G of the Planning & Development Regulations 2001 (as amended).

General drainage works to agricultural lands does come within the scope of Article 8B of the Planning and Development Regulations 2001 (as amended); however it was considered the culverting of a stream did not come within the scope of Schedule 2, Part 3, Class 3 of the Planning and Development Regulations 2001 (as amended); as it could not 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)(viiB) of the Planning and Development Regulations 2001 (as amended).

The stage 1 screening report prepared by Ecologist Noreen Mc Loughlin is noted. At the time of recommendation the Local Planning Authority did not have the benefit of this report and therefore proceeded with prudence under Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended).

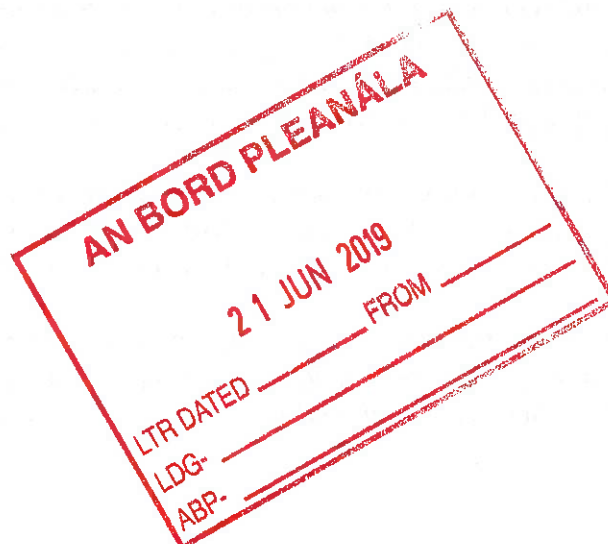
The aforementioned correspondence and the content of the First Party appeal from Mr Watters has been noted, that all the matters raised therein have previously been addressed in the Assistant Planners report dated the 30th April 2019 and the Local Planning Authority wishes to reply on the content of same in response to this First Party appeal.

Accordingly, the Local Planning Authority requests that An Bord Pleanala uphold the decision of the Local Planning Authority to refuse the Section 5 Declaration in this case.

Trusting this is to your satisfaction.

Yours sincerely,

Gerard Kellett
Assistant Planner
Gerard Kellett



APPENDIX A – Site Photographs 26th February 2019



AN BORD PLEANÁLA

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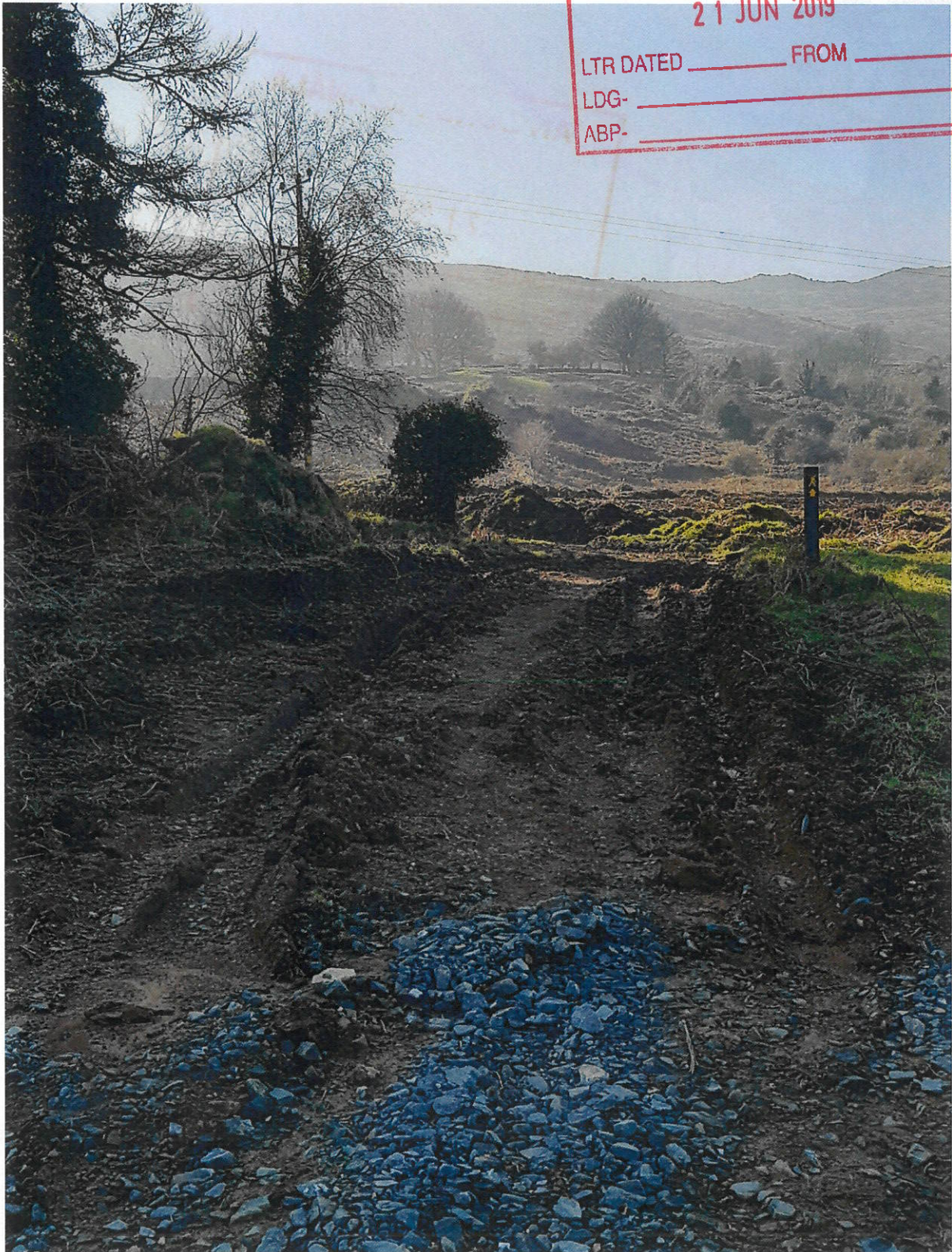
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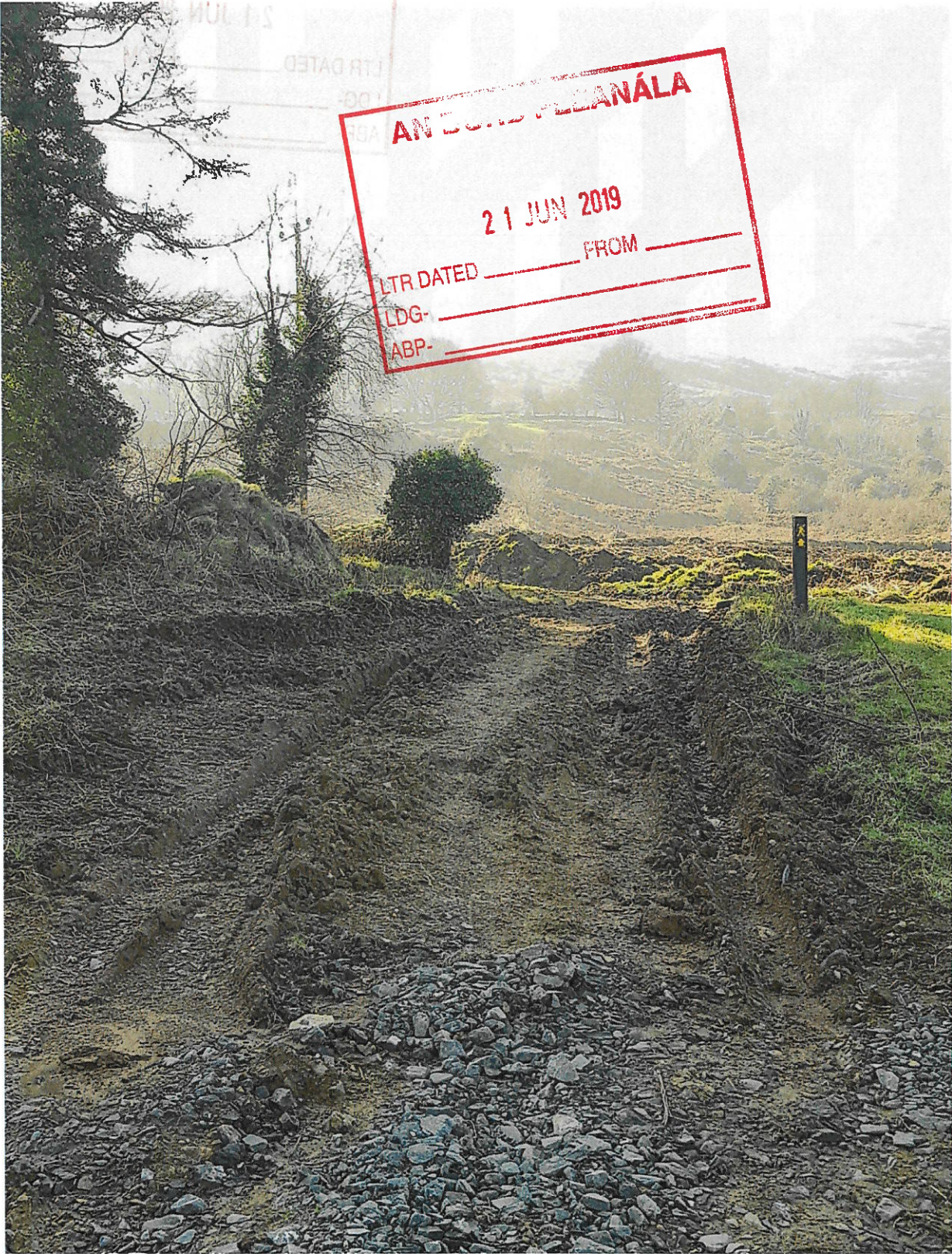
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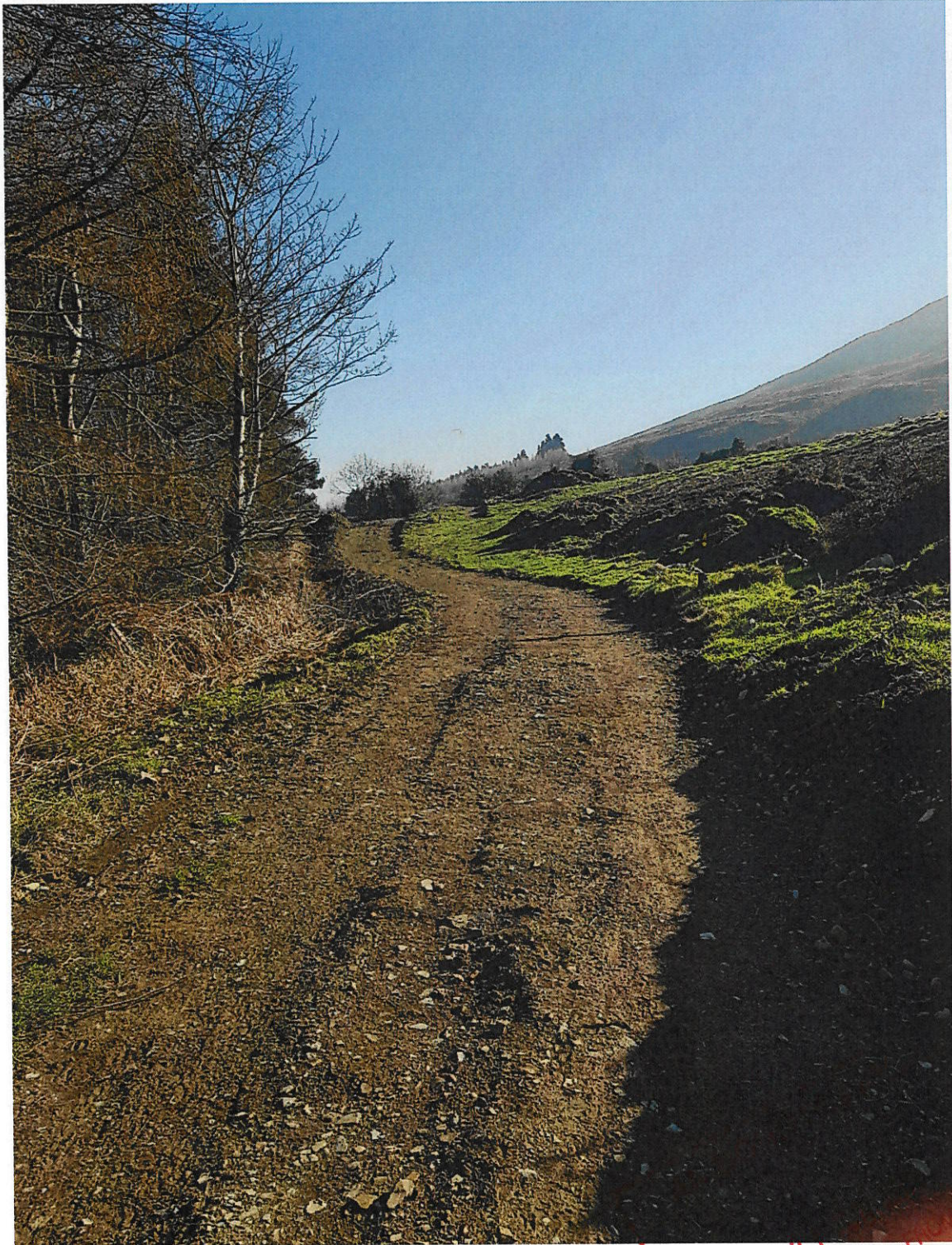
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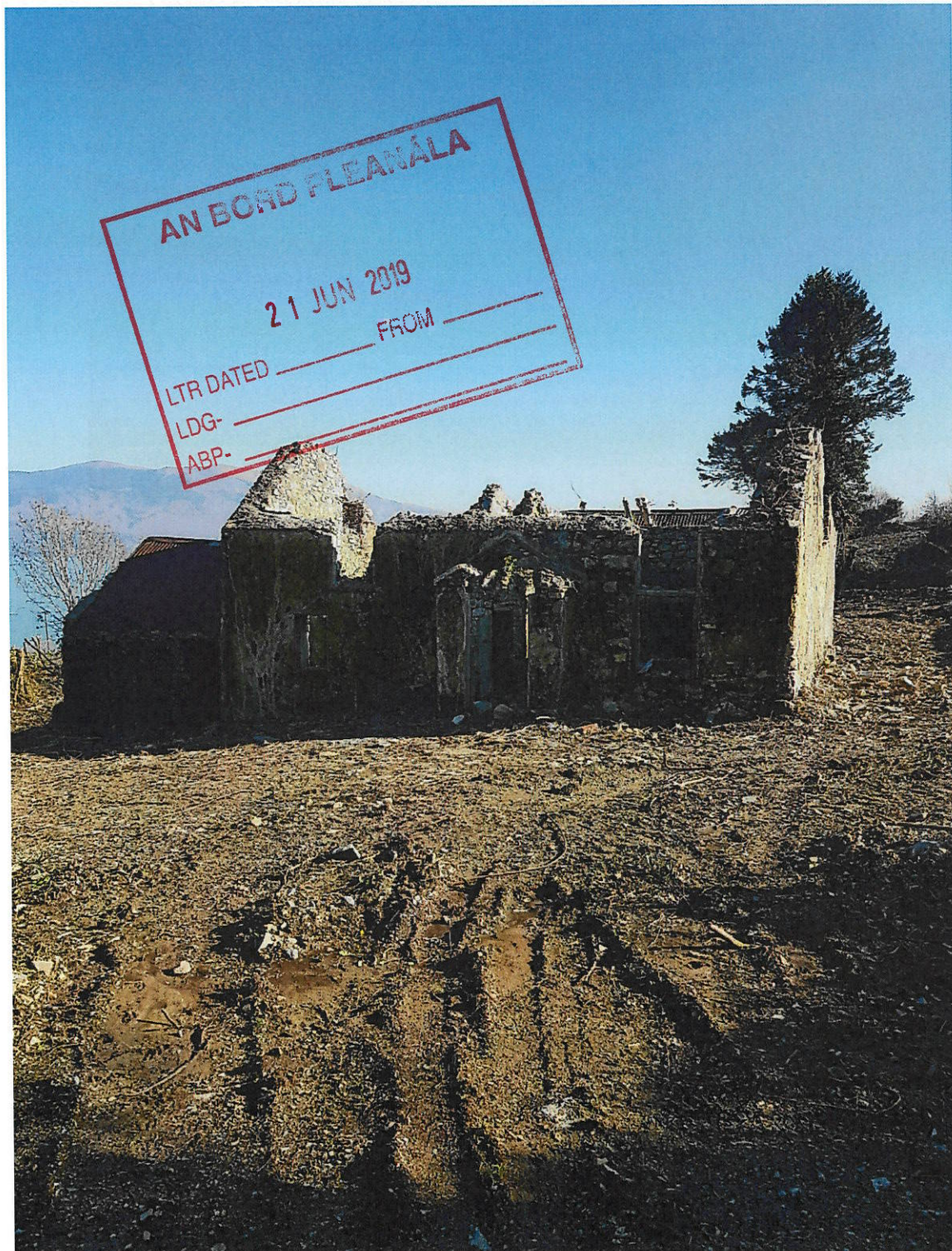
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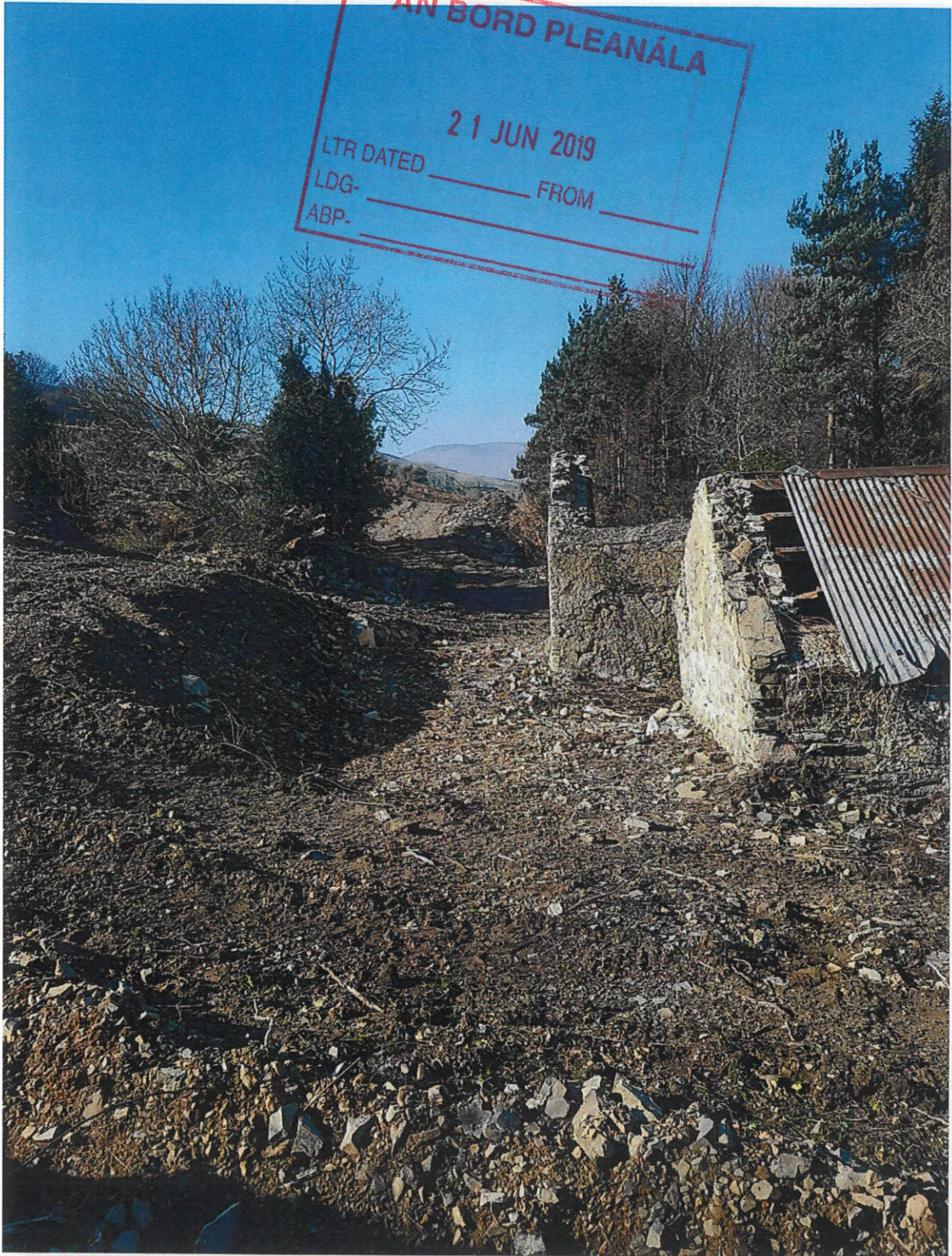
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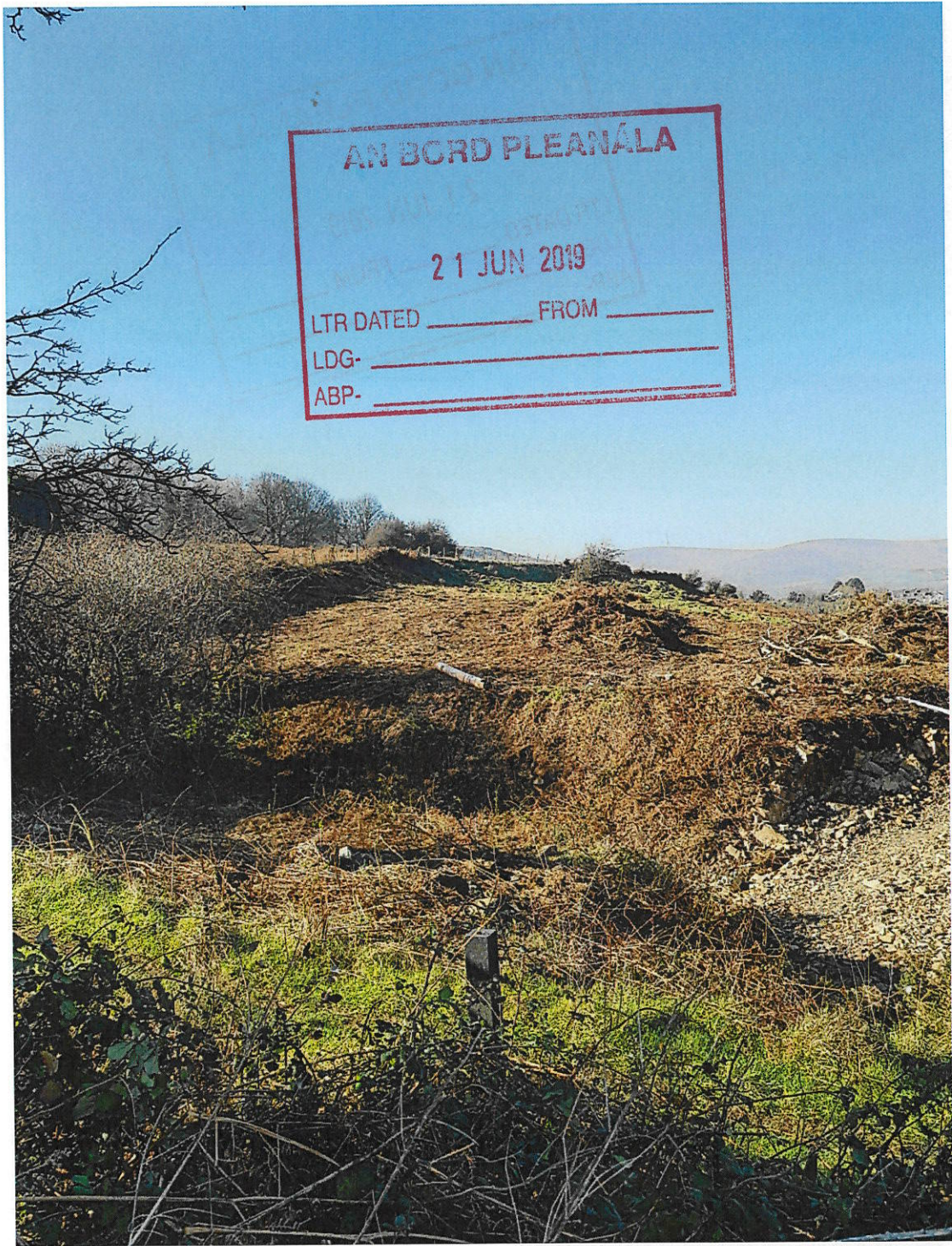
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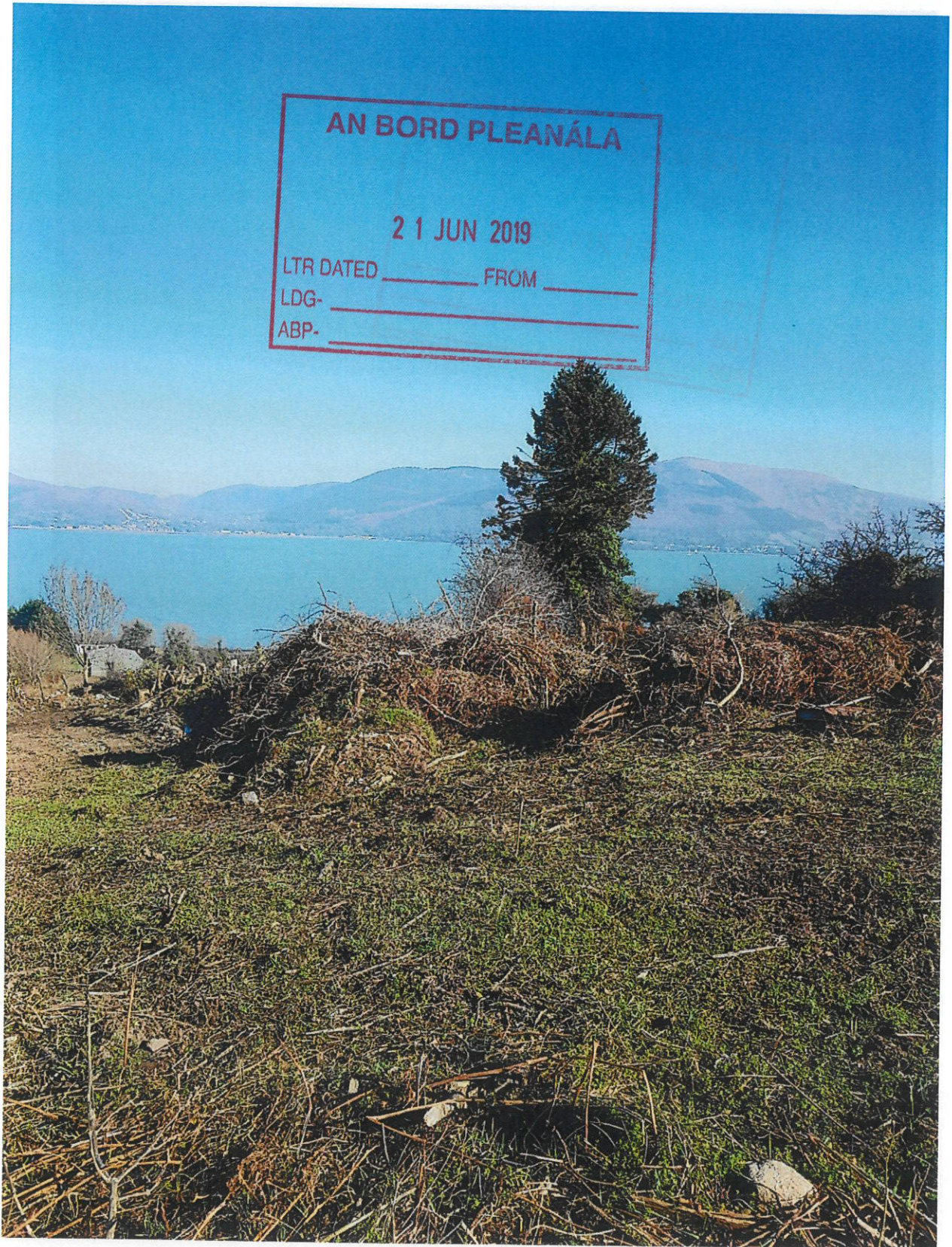
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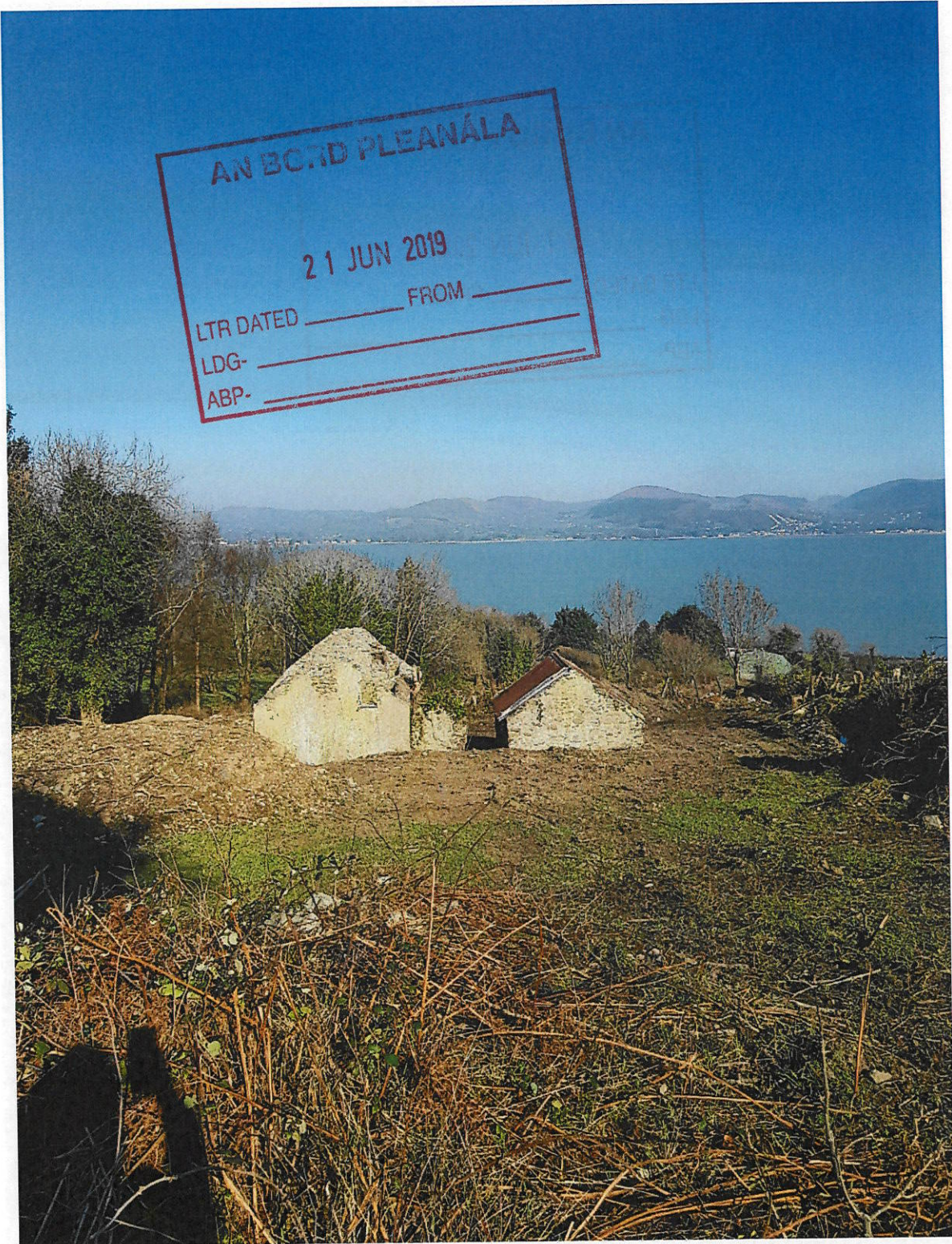
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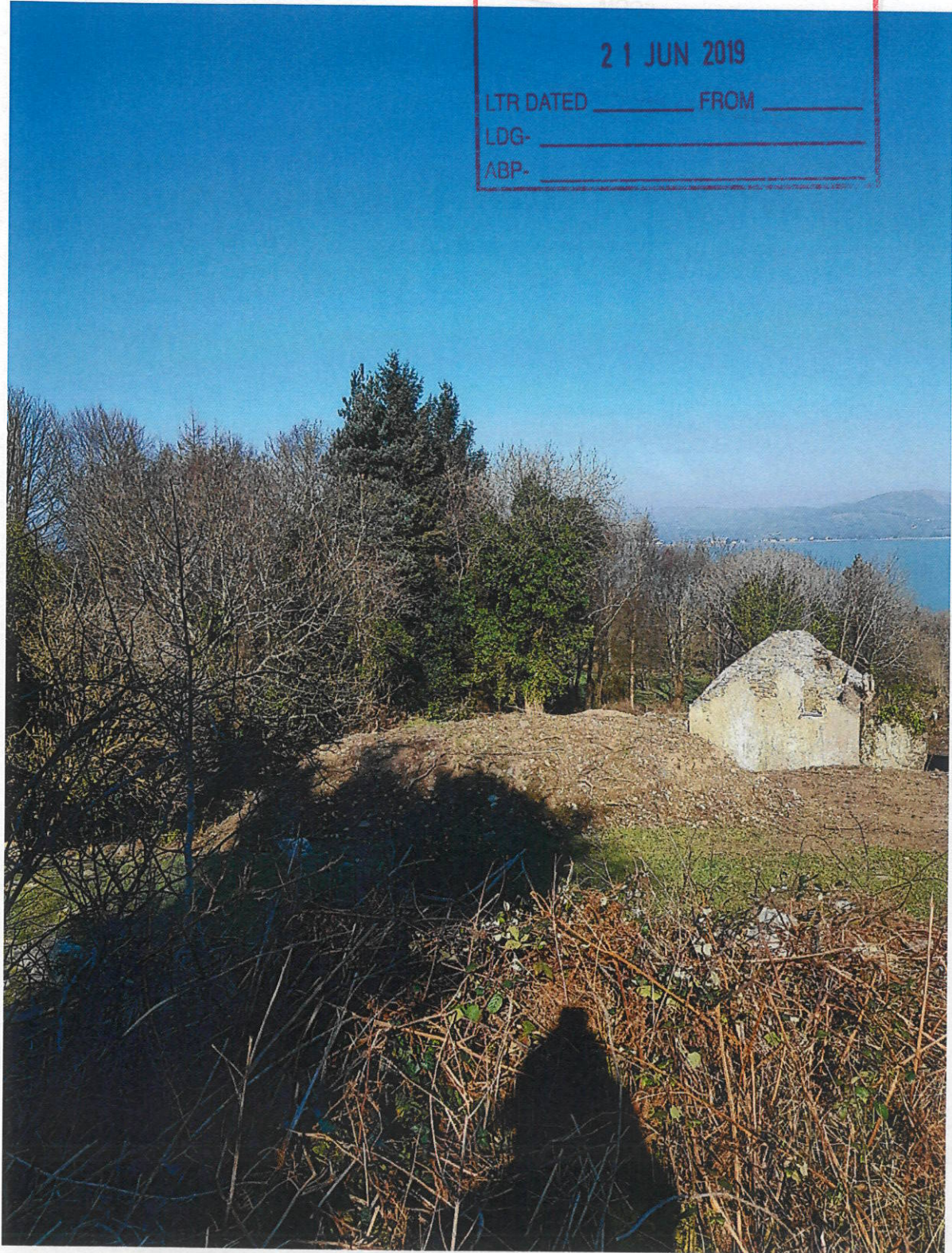
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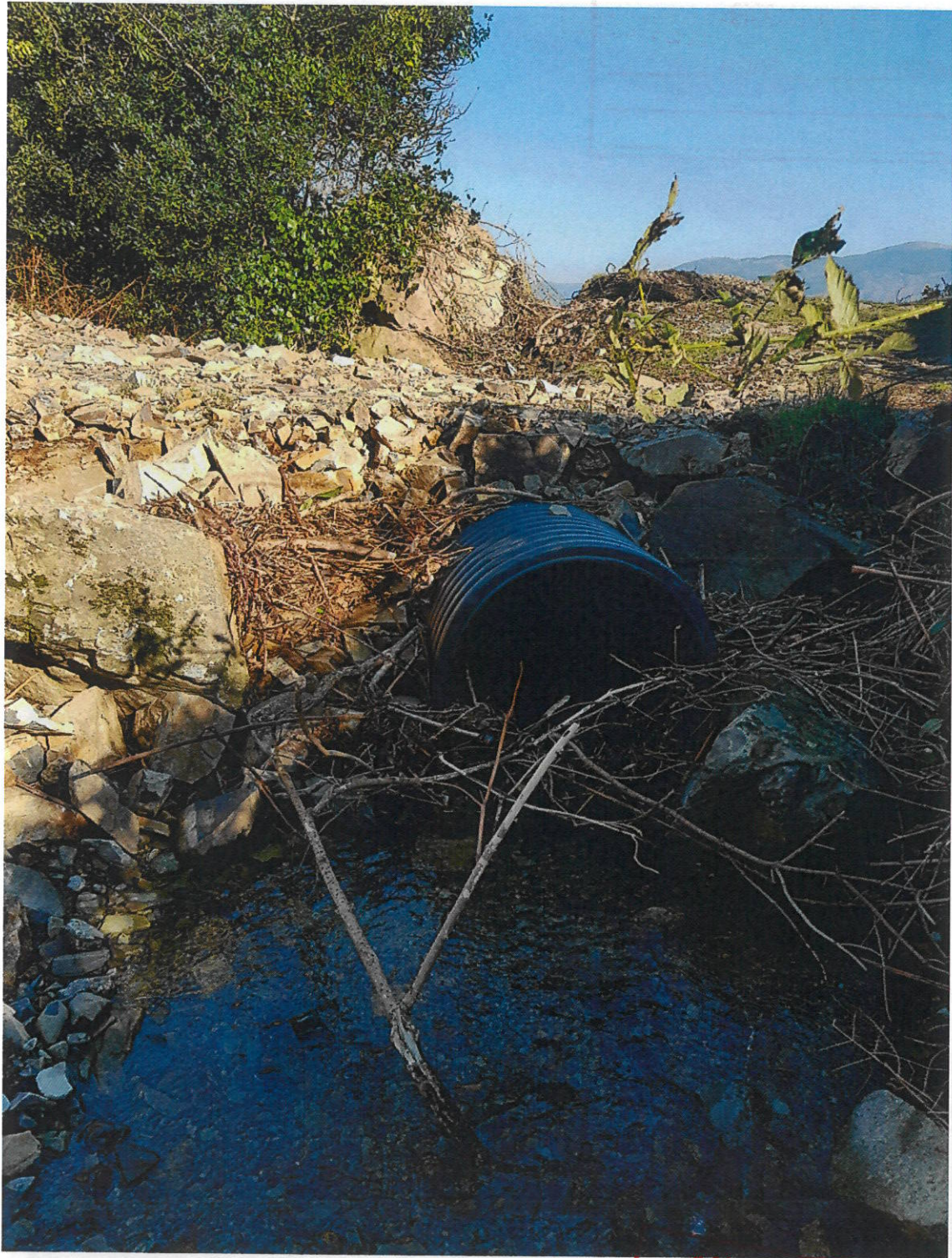
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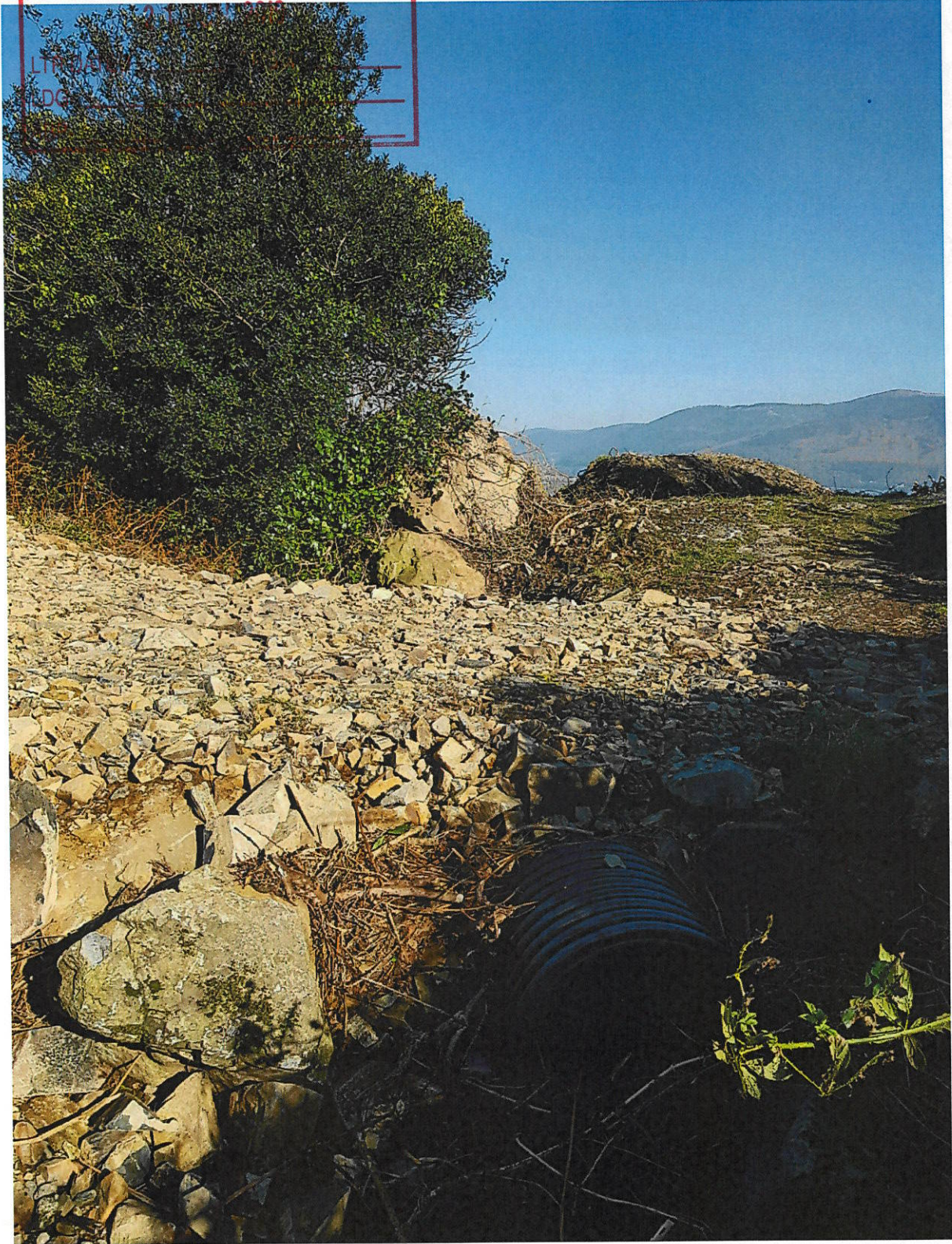
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