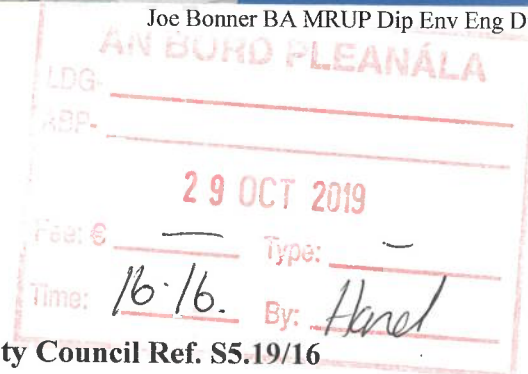


The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

29th October 2019

Re: Section 5 Referral – Donegal County Council Ref. S5.19/16
ABP Ref. ABP-305296-19



AN BORD PLEANÁLA
LDG- _____
ABP- _____
29 OCT 2019
Fee: € _____ Type: _____
Time: 16.16. By: *Hanel*

Dear Secretary,

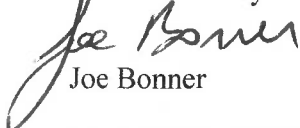
On behalf of Mr Gerard McLaughlin, Speenogue PO, An Grianan Road, Burt, Lifford, Co Donegal (the referrer) we wish to respond to the letter issued by the Board on 9th October 2019, which contained comments from the Planning Department of Donegal County Council. The last date for the submission of a response is 29th October 2019 so this submission has been made within the statutory timeframe provided for.

Whilst Donegal County Council has responded to the Section 5 referral and stated that the submission made has been noted, they have not dealt in any way with the points raised in the referral and for that reason there is little more that can be added to the detailed submission which was originally submitted to the Board other than to say that we trust that the Board will address the issues raised of our referral in detail.

The references to the planning applications are separate to the matter being considered herein and the reference to the planting of trees is also a separate matter to the earthen embankment that is the subject of this section 5 referral.

As stated in the conclusion to the referral, sufficient information has been submitted in the original review document to demonstrate that the rationale behind the decision of Donegal County Council that the construction of earthen embankments is development and is not exempted development is incorrect. It is requested that the Board overturns the determination of Donegal County Council and finds that in this particular case, the construction of earth embankments for the purpose of drainage improvements is development that is exempted development.

Yours Sincerely



Joe Bonner

Gerard Mc Laughlin

Speenogue P O Burt Co. Donegal

Email: [redacted] .uk



An Bord Pleanála

23rd October 2019,

Anna Howard

Executive Officer

64 Marlborough Street

Dublin 1

D01 V902

AN BORD PLEANALA	
LDG-	_____
ABP-	_____
25 OCT 2019	
Fee: €	_____
Time:	10.00 Key Post

Case Reference Number: ABP-305296-19

Planning Authority Reference Number: S5.19/16

Reference: Gerard McLaughlin

Our Case Number: ABP-305296-19

Planning Authority Reference Number: S5.19/16

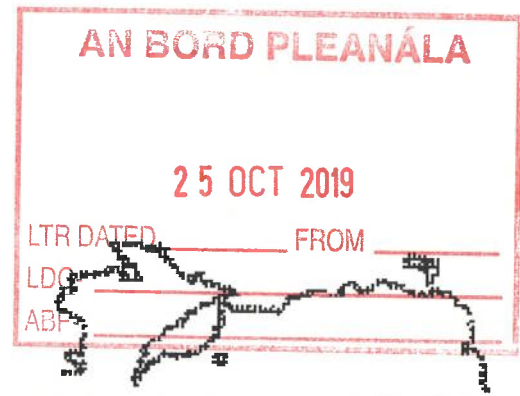
Your Reference: Gerard McLaughlin

AN BORD PLEANÁLA	
25 OCT 2019	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

Gerard Mc Laughlin

Speenogue P.O Burt Co. Donegal

Email: [REDACTED] .uk



See below - (Please could you return the TDK 4GB once you have copied Audio files, Video Clips to prove back up note – in reply to letter 9th October 2019 submission/observations in the interests of justice I would greatly appreciate same.

There is indeed several watercourses exists at the location area as shown on Land Direct wish to fully make aware of that it is very relevant to this (Folio Number DL86349F & DL37633 – <https://www.Landdirect.ie/pramap/> goes into land which is backed on there see information zoom into same very clear to see for Donegal County Council Roads and Planning Departments not to acknowledge sheough/watercourse and refuse to discuss flooding event here at this location it has caused me undue stress and panic sending me threatening warning letters it has not helped my overall health emotionally low self-esteem financially materiality to fight this case which I would like to point out here private individual taken on Donegal County Council.

I have evidence of same can look up via Geohive maps online going back to 200 years ago if you need me to send evidence I can provide evidence of same.

One of the problems here doesn't help the overall situation is that the planners Donegal County Council do not know the lye of the land local area very well and are from outside the district and do not have a full in depth knowledge having lived here my lifetime of the issues on the ground having experienced same there needs to be a common sense approach taken not the approach that has being taken towards me by the council.

The roadside on Green Road grass verge is caving collapsing in parts near the top I raised this to Donegal County council via email never responded to me or looked at it.

There is ample evidence available in the media to confirm same it was widely reported in both written and broadcast media, especially in respect of An Grianan Hotel which is located directly downhill of the lands in question more details can be found on <https://www.angriananhotel.com/our-hotel/latest-news/> (August 2017 – This needs to be assessed I don't want to be followed in years to come for being negligent.

See Also -

<https://www.independent.ie/business/farming/agri-business/all-we-have-had-is-politicians-looking-for-photo-opportunities-and-then-clearing-off-back-to-dublin-and-doing-nothing-36135157.html>

Please note – To put things into context - I was badly affected by the flooding, I could see what was happening and was badly affected craters within land were created when flood waters breached by 6 to 8ft caused by the massive flood waters on the hills above & around Grianan Hill Mountain Inishowen – The Roads were turned into rivers – It was a massive flooding hillside farm in Inishowen factor in clean-up costs I personally feel more could be done for those impacted via Donegal County Council / OPW I was left to fend for myself and offered me no help or assistance lack of professionalism and failure to escalate provide assistance to me and subsequent escalated

25 OCT 2019

conversations which I have contacted on numerous occasions for assistance about the same concerns and refused to action my GDPR SAR (Subject Access Requests under FOI) DSAR requests I believe Donegal County Council have acted unreasonable here and provide information within a

Gerard Mc Laughlin

Speenogue P.O Burt Co.Donegal

Email [REDACTED] co.uk



reasonable timeframe which they have failed to do and try to obtain the information I had requested and get it rectified as false reporting made towards me. I have been presented with some barriers along the way in turn has led to further dissatisfaction and left me feeling that I was not being treated in a professional manner, I felt harassed with warning letter issued and victimised I didn't receive call backs and have not received an apology in addressing these points it is evident I am not happy with the manner in which I have been handled my requests to speak to more senior management and I understand it that I believe that Donegal County Council have poor processes in place for the escalation of customers concerns my expectations – I have always acted in a respectful and courteous manner. I have asked Donegal County Council to expedite my Data subject access / FOI request when I know it is an employee within Donegal County Council who has gone outside of his remit/brief to do harm to me by making false reports in relation to me which are not factual correct especially not acknowledging flooding event.

All we have here was politicians looking for photo opportunities and then clearing off back to Dublin and doing nothing for people affected. I have had enough of that received no support whatsoever.

Note – I got no assistance From Donegal County Council having asked for help and assistance in the interests of total clarity – I know Donegal County Council gave others provided digger works at the affected roads and riverbanks/watercourses clearing up and are helping with the fencing of land – I got none of that I can provide named examples where Donegal County Council helped with provided piping private lands left stones tarring installed bigger piping I got nothing from Donegal County Council which needs to be highlighted in light of poor service I have received from Council and express my dissatisfaction and overall inconvenience I have been put through here – I believe my requests are fair and any other person would reasonably expect their public body to provide assistance.

It may be worthwhile in your final decision for mediation service to be offered here it is human courtesy to update me when a request is sent there should be some flexibility especially when flooding event happened here and planners are well aware of this but been advised from another department higher department to not to acknowledge this when dealing with customers public – this is not good customer service that is being provided by Donegal County Council Planning Department to address the issue voice my concerns to be taken fully into consideration here.

I am quite clear about what needs to be done and I have right to protect my land from being flooded long term actions so that my land is never flooded again and flood defense embankment required to mitigate against future flooding I did the works under the spirit rural planning exemption exempted development by virtue of Class 3 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and this is backed up by Article 6(3) of the same Regulations.

I maintained I got no listening ear from the Council measures required are cost-effective measures which would address the problems concerned for long term gain to prevent future flooding – At all times I have tried to work with council to engage to negotiate same but difficult when they refuse to acknowledge /accept Flooding event that occurred here August 2017 & January 2018.

Gerard Mc Laughlin

Speenogue P.O Burt Co.Donegal

Email: [redacted] uk



I have provided my full rationale to make our stance clear on this matter - I consider that the embankment is exempted development is that the development carried out is exempted development by virtue of Class 3 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and this is backed up by Article 6(3) of the same Regulations (Rural) to be reviewed in application I followed the correct procedures.

In conclusion, I wish to thank you once again for raising my concerns with you. In recognition of the time this has taken myself which has caused great personal upset as a vulnerable person this has caused me.

Yours,

Gerard Columba McLaughlin

Speenogue P.O

Grianan Road

Burt

Co. Donegal

E: gerard.mclaughlin@hotmail.co.uk

23rd October 2019



INISHOWEN INDEPENDENT

TUESDAY
29 AUGUST 2017

€1.70
€1.55

'MY LIFE FLASHED IN FRONT OF ME'

>> URRIS WOMAN SURVIVES
LANDSLIDE AT HOME - P8&9



SWAMPED

Families homeless; businesses flooded; roads wrecked

FORTY SEVEN Inishowen families are now homeless after the worst ever flood ravaged the peninsula.

However it's feared the number of people displaced as a result of the once-in-a-century flood is much higher.

Last Tuesday's flooding left Inishowen in a state of ruin, with roads, bridges, homes, community centres, farms and businesses all destroyed.

Father of four Gerald Bradley - whose Páirc an Ghráinín home in Buncrana was devastated by the floods, says his family are lucky to be alive.

He said: "I had to lift the children through the water on my shoulders and the strength of the current was absolutely unbelievable. If you fell in the dark you were gone and if one of the children fell they would have been lost. I don't know how anyone didn't drown."

He said he would never return to his home, saying he will never put his 'kids in danger like that again'.

On Friday, Taoiseach Leo Varadkar visited the aftermath of the flooding and said: "I can't believe there was no one killed or seriously injured - we are blessed in that sense."

Yesterday Fianna Fáil party leader Micheál Martin visited Inishowen, he too couldn't believe the scale of the flooding didn't result in the loss of life, saying: "Someone very easily could have been washed away."



■ An Taoiseach Leo Varadkar with Ministers Joe McHugh and Regina Doherty and officials from Donegal County Council surveying the flood damage in Inishowen on Friday. (Eighteen pages of coverage inside today. (Photo: North West Newspix))

18 PAGES OF COVERAGE INSIDE

Centre to help flood victims

A RELIEF centre to help the victims of the flood has been opened in Buncrana. The centre, located in Milltown Business Park, has a wide range of essential household items available free of charge to those displaced by last week's freak deluge. With everything from beds and mattresses to kettles and toasters on offer, the flood relief centre has been "stocked" with donations from across the country and has already helped furnish homes for nine families.

FULL STORY ON PAGE 11

Buncrana teen dies in USA

STUDENTS AT Seoir Mhuire have been left devastated at the passing of 'gentle giant' Liam McIlmichey. The 19 year old passed away suddenly in Albany, New York on Friday morning. Liam, who was born in America, lived in Ballymagan, Buncrana for the past number of years but left for the States in April this year to sit his SATs over there - to enable him to get into an American university.

FULL STORY ON PAGE 3

AN BORD PLEANÁLA
25 OCT 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

AFTER THE FLOOD

INISHOWEN'S EDITORIAL EMERGENCY

INISHOWEN IS slowly coming to terms with the disaster visited upon it last Tuesday night when a month's worth of rain fell in an unrelenting hours.

It's conservatively estimated that 50 families have been affected by flooding, and many more are still staying with family and friends trying to have it out in their flood damaged homes. Businesses and firms that have been badly affected, while the council has discovered more than 300 instances of damage on the roads network across the peninsula.

Yesterday three of Inishowen's main regional roads remained closed following bridge collapses. Worryingly, the third of those, between Glenties and Carnadoonagh occurred only yesterday, the culvert collapsing six days after the storm.

But it's the plight of families rendered homeless that is most distressing. They have, in many cases, lost everything and with the council struggling to re-house them they are in an unamagably difficult situation.

While Donegal County Council staff have worked to und the clock over the last seven days, there are simply too few of them and they are overwhelmed by the scale and scope of the work that must be done.

Government Ministers have visited Inishowen while an unspecified amount of money has been pledged, they have all emphasised that it's the job of the local authority to lead the reconstruction.

But having lost several hundred staff following the recruitment embargo, the council is in no position to shoulder this mammoth task on its own.

The Government needs to authorise the hiring of dozens of staff to bring the staff complement back to a reasonable level and an address shortages in the housing and roads departments, in particular. And it needs to announce a multi-million euro funding package to address immediate need, particularly for distressed homeowners.

The pledges from Ministers and the Taoiseach to help rebuild Inishowen are welcome, but Donegal County Council needs personnel as well as money.

It can't continue to operate with a skeleton staff, and be left to take the flak as the local population grows frustrated with the slow response to this unprecedented emergency.

WEATHER FORECAST

TUESDAY
16° 

WEDNESDAY
10° 

Mum caught up in Clonmany floods gives birth to baby boy and names him Noah!

DONNA BODDY

A WOMAN who was caught up in the flooding last week has given birth to a baby boy and aptly named him Noah.

Edel Kerin was on her way to her parent's house in Urna on Tuesday night when torrential rain left roads across the peninsula impassable.

Stranded in Clonmany, with her sister Danielle - who is also six months pregnant - and Edel's two little girls, Emma, aged 6, and Lauren, aged 2, the family were rescued by Edel and Danielle's cousin Nathan Noone. He drove them over the Clonmany bridge on his tractor but Edel, who lives in Heather Park, Buncrana, says on reflection had the have know the bridge had broken away she would have thought twice about crossing it.

"We got over okay and we were all grand," she said.

Her husband, Damian, was stranded in Burnfoot on Tuesday night until 3am Wednesday morning, and was desperate to get to his parents house in Cockhill - which had been flooded.

Edel said he was especially worried about his father, Noel, who had undergone a double lung transplant just six weeks ago.

"Damian is just like superman at the moment, running around after us all," said Edel.

He was straight to the rescue, again, on Wednesday evening when waters of a different kind broke out - when Edel went into labour.

The pair made their way up to Letterkenny General Hospital and later at 1.30pm on Thursday afternoon



Baby Noah Kerin with mum Edel and dad Damian and big sisters Emma and Lauren (North West Newsfile)

"Damian is just like superman at the moment, running around after us all."

they welcomed their first baby boy, weighing in at 8lbs and 4 ounces. Edel said: "We had thoughts of a few different names over the last few weeks. My dad is called Anthony and Damian's dad is called Noel. We were going to go with Noah as a second name but the

with the week that was in it and wish all the biblical connections, we thought we would name him Noah. So we settled on Noah Damian Kerin." Edel said their daughter's are 'mad' about baby Noah and she's looking forward to telling him all about how he got his name, in years to come.

Council support 47 families

DONNA BODDY

DONEGAL COUNTY Council has provided help to 47 families affected by last week's floods.

These families are from all over the peninsula, 21 are from Burnfoot, 14 from Buncrana and the remainder in Carnadoonagh, Muff, Clonmany and Malin.

The council say they are working with each family on a case-by-case basis with a view to determining what assistance is required beyond the initial emergency period.

It is likely many of these families will not be able to return to their homes for some time.

In the interim, the council are offering longer-term temporary accommodation to a number of families and say further accommodation will be made available over the coming weeks.

Support is also being provided by the Defence Forces in a number of private housing estates and other affected areas - this is all being co-ordinated by Donegal County Council.

The army have been helping to clear up homes in Falcu an Ghrannán and Laos na Geinne in Burnfoot, at Riverside and Elm Park estates in Buncrana as well as other areas in Clonmany and Carnadoonagh.

In total 65 households and businesses have availed of skips - provided by the council - and 50 dehumidifiers, which have also been provided.

Seamus Neely, Chief Executive of Donegal County Council has acknowledged the support the council has received from the Government, agencies and communities in responding to the major flooding incident.

"The co-operation and assistance that we have received has been excellent. Government departments and agencies have been tremendous in offering all kinds of support and assistance.

"I would also like to commend the generosity of spirit conveyed by the community of the Inishowen Peninsula and indeed across Donegal over the last number of days.

"I would also like to acknowledge our own

staff and their dedication and tireless work during this very difficult time."

Donegal County Councillor, Jack Murray, who is the chair of the Inishowen Municipal District, agreed, saying: "The resilience of the community has been outstanding and the devastation that has been experienced by so many families, businesses and individuals has been heart wrenching.

"The strength, kindness and determination of the people of the peninsula and the county has been in the fore over the last number of days and this has been vital in helping all those affected cope with the situation they find themselves in."

Anyone who has been affected by this flooding incident and who requires support and assistance including emergency housing assistance wash dealing with the aftermath at their properties or any other humanitarian need, is being asked to contact the Council by calling into the council offices or calling 07491 83900 during opening hours or 074 91 72288 during out of hours.

AN BORD PLEANÁLA

25 OCT 2019

LTR DATED _____ FROM _____

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ABP- _____

Road repair bill to top €10m

CAOBHINN BARR

THE BILL to repair flood damaged roads and bridges across Inishowen is expected to top ten million euro.

A number of main roads remains impassable including the main R244 road between Carn and Brunceena and the R238 Gleneely to Carn road, which partially collapsed yesterday, six days after the deluge.

And while the council hoped to have the Gleneely-Carn road reopened by last night, the R244 Mountain Road and a number of other local roads are still closed, listed by the council as "not feasible to open in the short term".

There is better news for motorists using the R240 road between Carn and Quigley's Point with the council hoping to shortly install a temporary Irish Army bridge across a gaping chasm at Riverside. It is understood that senior council officials and army engineers were due to meet last night with a view towards a temporary bridge fix.

The R238 road between Muff and Moville remains open to single lane traffic at Three Trees with repair works expected to continue for at least a fortnight.

There are fears that other roads and bridges that survived last week's floods may also be in jeopardy, particularly following the latest collapse in Gleneely.

The Council Roads Service is continuing to assess the impact of the floods on its 1500 kilometre road network in Inishowen. It says that 80 per cent of that survey is now complete with a "ballpark cost" for total repairs expected to be known by the end of this week.

A DCC spokesperson said: "The damage to the road network has been extensive and to date 300 issues have been identified ranging from extensive structural damage to bridges on strategic regional roads to stretches of rural roads being washed away."

"The next step is to identify and cost design solutions for the issues identified and this work is



FF leader Michael Martin, TD, Charlie McConarogue and Cllr Martin McDermott survey the road damage yesterday. (North West Newsport)

underway in conjunction with the Council's Road Design team."

Meanwhile Cllr Martin Farren praised the "fantastic" council staff who "have worked round the clock" in the past week.

AN BORD PLEANÁLA

25 OCT 2019

LTR DATED _____ FROM _____

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'Potential for loss of life was very real'

Fianna Fail leader visits flood-damaged Inishowen

CAOIMHÍN BARR

FIANNA FAIL leader Michael Martin says Inishowen was "devastated" by the recent flooding but "lucky" to have avoided loss of life.

Deputy Martin was in the peninsula yesterday, when he visited a number of homes, farms, businesses and sports clubs ravaged by last Tuesday's storm.

"We are very lucky that there wasn't a loss of life here. Someone could easily have been washed away," he said during a visit to Coochill.

"We have just been to a home with three kids where the mother came the whole way down but by the grace of God plus some great work carried out by locals it bypassed the house."

"The potential for loss of life in this flood was very, very real. The multiple impact here has been quite traumatic and whole housing estates being taken out in an urban environment. It's devastating for those involved. Their daily routine of life was washed away in a couple of hours. That's very, very sad."

The FF leader called for a "multi departmental response" to the flood and urged all without "all the bureaucracy".

"People who have lost their homes need to have their situation resolved within a timely fashion. There are huge issues in terms of housing for those affected, both in council and private housing."

"We met some residents who felt they were on

their own. They were very upset and worried about how they can get their houses back into a habitable condition."

"We met some business owners, who didn't have insurance and have no cash. There is a school also so a special fund created to assist farmers who have lost live stock. There is precedent for this."

Deputy Martin said it was welcome that there was "some assistance" from the social welfare department and that the Red Cross fund is "coming on stream" however he criticised the fact that an emergency council meeting did not take place until last Thursday, two days after the flood.

"I was a bit surprised that it took so long for the emergency coordinating committee to meet. I thought that could have happened much earlier."

Very bad situation

HE SAID he decided to travel to Inishowen personally to witness at first hand the devastation here.

"We need to have a proper assessment of the damage this has wreaked. There are implications for planning policy, for the insurance issue and for how we respond both as individuals and families caught up in a very bad situation."

Deputy Martin said it is imperative that commitments that are made are "followed through on" unlike in other parts of the country that were



Fianna Fail leader Michael Martin assessing the extensive damage at Coochill Celtic yesterday. Also included are TDs, Charles McConlogue and Eugene Murphy. DT Rona Donoghue and Coochill Celtic representatives Paddy McLaughlin and Mickey Doherty Gil.

previously flooded.

"We will maintain the pressure in the Dail to make sure that houses, that the residents, the businesses community, the farming community and the sports and recreation community are helped back upon their feet."

"People have made commitments and we would like to see those followed through now."

He says a model - based on a system that works in Britain - involving a partnership between the insurance industry and the government could help in the long term.

"We need to ensure that flood affected areas can get insurance in the aftermath of a flood. We don't want people in these areas to be left without insurance and without the wherewithal to put their lives back together again."

He said jobs would be "wiped out" if it's made too difficult for businesses to recover here.

On a visit to a flood damaged patch at Coochill Celtic yesterday, Deputy Martin also called for urgent

financial aid for sports clubs.

"Clearly there will need to be ring fenced funding to allow soccer clubs to relay their pitches and the Danree boxing club as well. It would not be difficult for the government to make that funding available through the sports lottery fund."

Meanwhile Deputy Charles McConlogue said the flood response has not yet been good enough.

"Businesses in Inishowen today so I'll don't know what supports are available to them, and they aren't in place for them to avail of. It's crucial that support is made available to them now."

The Glenties TD highlighted a "desperate need" for long term accommodation over the next number of months, adding that both private and local authority householders must be given "urgent assistance".

He said the council is under "massive pressure" with a huge mud rebuilding job ahead.

"We need to see support from the rest of the county and from private contractors too."

SCENIC LOUGH FOYLE FERRY

FROM THE WILD ATLANTIC WAY...

TO THE CAUSEWAY COASTAL ROUTE

SEASONAL SAILINGS

loughfoyleferry.com for sail times, fares and more info

Greencastle - Magilligan

'Unbelievable' rise in water levels

CAOIMHÍN BARR

TONY DOHERTY Tinney says it was "unbelievable" that the water levels in the Cma River rose by more than two feet, flooding homes and businesses in Coochill last Tuesday night.

Mr Doherty, who watched helplessly as his property was flooded, says he has never seen anything like it before. "If you looked down at the river now you would never think it would be possible that it could rise so high. We have seen some flooding before but never anything near this scale. The water was right through the building."

"I have never seen anything like it. As it here are people far older than me, including a woman aged 88 or 89, who have never seen anything like it."

He says the river became "backed up" at the bridge, blocked by debris and trees, before spilling its banks over the side onto nearby homes and businesses.

Mr Doherty revealed that he has no insurance on his property, which includes a holiday home and an apartment, but is now hoping for "some sort of help" to get it going again.

He said he feels "terrible" for his tenant who has

since been forced to move temporarily into a bed and breakfast and for everyone else affected by the flood.

"People have been forced out of their homes. It's just terrible. My heart goes out to everyone affected, particularly those with young children."



Tony Doherty Tinney places his hand at the mark where the Cma River rose to flooding his Coochill property.

AN BORD PLEANÁLA

25 OCT 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____