

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

26 July 2021

Re: Referral of Declaration made by Wexford County Council under the provisions of Section 5 of the Planning and Development Act 2000 to 2019.

The Declaration under Section 5 of the Planning and Development Act 2000-2019 was in respect of:

1. **Whether the widening and surfacing with hard-core stone of the existing private laneway;**
2. **Infilling of part of the former sand/ gravel pit/marl hole with material of unknown composition;**
3. **Restoration and reuse of the derelict house as a habitable dwelling house; and**
4. **The use of the widened and resurfaced private laneway as the access to the house referred to in 3 above;**

at Ballina Upper, Blackwater, County Wexford,
is or is not development or is or is not exempted development within the meaning of the Act.

Wexford County Council Declaration ref: EXD00793

ABP Ref: ABP 306762-29

Dear Sir/ Madam,

I refer to your letter of 8 July 2021 and would respond as follows.

Response to Kirwan and Kirwan Letter

My client does not dispute Mr Cashe has a right of access from the public road along the line of the original lane before it was widened, to access his property.

Point 1 – The neighbouring developer was Mr Gray.

Point 2 – No further comment required

Points 3 and 4 – Confirmation of landfill with waste from the adjoining property.

Point 5 – The works were carried out and they were not carried out by the owners of the lane. During the works a watermain was laid which now serves Mr Cashe's property. Photographic evidence of this accompanied the Section 5/ Referral.

Point 6 – My client does not dispute the building which is vacant was once occupied by members of Mr Cashe's family. No information or evidence has been submitted in respect of dates of occupancy or to refute the evidence on the matter submitted in the Section 5 and Referral.

Point 7 – There has been no act of trespass by myself or anyone else engaged by my client to prepare the Section 5 or Referral.

Response to John Gray Letter

Point 1 – Mr Gray confirms he carried out the works to the lane. The photographic evidence confirms the original lane was widened. My client did not consent to these works. The road was widened from its original width and exceeds the width for which exemption could have been claimed.

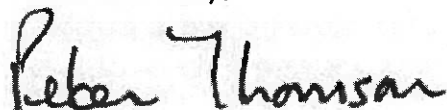
The purpose of the widening and upgrading of the lane is not stated. The photographic imagery suggests the waste material Mr Gray deposited in the marl hole was transported directly from his land across Mr Cashe's field.

Point 2 – Why would Mr Gray have an interest in making a neighbour's land safe? No information has been provided by the landowner who allegedly owns the other 95% of the marl hoe which Mr Gray filled (Mr Cashe claims to only to own 5%).

Point 3 – The statement of the late Bernard McGuire confirming the house was not occupied between 1969 and 1989 and my client's confirmation the house has not been occupied since 1989 stand. In terms of electricity, my client advises ESB sought access over her property in the last 10 years to connect/ reconnect the property but does not have the precise date. It is surprising Mr Gray is presenting this information and not the owner.

I trust these comments are of assistance.

Yours faithfully,



Peter Thomson, MSc, MIPI