

ABP- _____
26 AUG 2020
Fee: € _____ Type: _____
By: Reg. Post
Time: _____

DAVITT
PLAN & DESIGN
ENGINEERING | PLANNING | SURVEYING

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Co. Leitrim,
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Planning Department,
Leitrim County Council,
Aras an Chontae,
Carrick on Shannon.
Co Leitrim
25/08/2020

Re: Drummans Lower, Drumkeeran, County Leitrim

Case Number: ABP-307371-20

'Whether or not the repair and improvement of a private road and the creation of a private road to access agricultural structures under construction is or is not development and is or is not exempted development'

Dear Lisa,

In response to the letter received from An Bord Pleanála dated 6th August 2020 with reference to submissions made by Leitrim County Council on the 21st July 2020 we would like to provide additional relevant information on behalf and at the request of our clients Matt Fisher and Maria Fisher.

Please refer to Appendix A which is an excerpt taken from landdirect.ie which illustrates that there is a clear registered right of way which follows the line of the roadway in question. This 'way' has been long established and utilised by our clients and by owners and occupiers of the land for a substantial period.

To support the above please refer to Appendix B which contains the previous owners Land Registry information, dated from 1986. We would like to highlight the description contained within the schedule which describes the Right of Way between areas 'A' & 'B' and the support map information which clearly describes the ROW as a 3m wide wayleave. There has been no amendment or removal of said ROW as illustrated on the recent information contained within Appendix A.

Our client has upgraded the existing way as it had fallen into disrepair and was not fit for purpose. They have followed the line of the existing ROW, upgraded in accordance with best practice methodologies and maintained the access/ROW at 3m wide as previously described. It should be noted that our client is in possession of both narrows of

We are aware that photographic 'evidence' may have been provided by the 3rd Party, however, we are unable to comment whether this information is contemporary or even if the photographs were taken on our clients land. It should be the duty of the 3rd Party to provide evidence that is within context and with direct reference to the land upon which the siting claim is being made.

If you require any further information or original copies of folios etc. we would be more than willing to provide them if necessary, please not hesitate to contact me directly if this is the case.

Yours Sincerely,



Robert Spratt
085 855 9366
davittolan@gmail.com

AN BORD PLEANÁLA
26 AUG 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____



LDG-
APP.

AN BORD PLEANÁLA

26 AUG 2020

LTR DATED

LDG-

FROM

ABP.

LAND REGISTRY

County Leitrim

Folio 8006

To the Registrar of Titles.

1. We Kelly & Ryan

as Solicitor for transferees (a) Bernadette McGreevy and Mary McGreevy

apply for registration in the above mentioned Folio of the ownership and/or burden(s) (b)

arising under the documents set out in the Schedule hereto,

2. We send herewith registration fee stamps for £ 75.00 for the registration(s).

3. The Land Certificate (or, certificate of title or certificate of charge) now produced for the purposes of the registration(s) applied for was in the custody of the registered owner, or

I apply that it be re-delivered to (b) us as Solicitors for Purchasers.

4. I request that the returnable documents lodged be sent to me by post.

Dated the 20th day of November 19 86

Signature of Solicitor
Manorhamilton Co. Leitrim

SCHEDULE

(To contain a list of the documents delivered by the Solicitor for the purposes of the registration).

1. Deed of Transfer dated the 28th of August, 1986.
2. Sworn Declaration of Vendor re Family Home Protection Act and Family Law Act.
3. Original Grant of Administration Intestate of Michael Fee deceased.
4. Original Land Registry map duly marked.
5. Original Land Certificate folio 8006 Co. Leitrim.
7. L.R. fees value £75.00.

AMBOLD PLEAVALLA

Declaration that a Property is not
a Family Home

DECLARATION OF Sean Fee

PROPERTY: County Leitrim folio 8006

I, Sean Fee
of Drummans, Spencer Harbour, County Leitrim
aged 21 years and upwards do solemnly and sincerely declare
that:—

1. I am the owner of the above property ~~which is~~
2. The said property is not a "Family Home" within the
meaning of the The Family Home Protection Act, 1976 by reason
of the fact that I am not and never have been married to any person
according to the law of this or any other legal jurisdiction, ~~or by~~
~~reason of the fact that~~

3. I further state that the property hereunder referred is
not subject to the provisions of Section 5 of The Family Law Act
1981 as I have not entered into an agreement to marry or become
engaged to another either of which have been terminated as of the
date hereof

4. And I make this solemn Declaration conscientiously
believing the same to be true and by virtue of the provisions of the
Statutory Declarations Act, 1938 and The Family Home
Protection Act 1976 and The Family Law Act 1981 and for the
benefit of Bernadette McGreevy and Mary McGreevy

AN BORD PLEANÁLA

26 AUG 2020
R DATED _____ FROM _____
G- _____
P- _____

~~Transfer~~ dated the 28th day of August 1986
 SEAN FEE the legal personal representative of Michael Fee
 the Registered Owner as Beneficial Owner in consideration
 of £6,000.00

(the receipt of which is hereby acknowledged) hereby transfer
 the part of the property described in Folio 8006 of the
 Register County Leitrim specified in the Schedule
 hereto to Bernadette McGreevy and Mary McGreevy in fee simple
 as joint tenants.

The Address of Bernadette McGreevy and Mary McGreevy

in the State for service of Notices and their descriptions are
 Drummons, Spencer Harbour, County Leitrim,

It is Hereby Certified that the transaction hereby effected does not
 form part of a larger transaction or of a series of transactions in respect
 of which the amount or value or the aggregate amount or value of the
 consideration exceeds £6,000.00

And it is Hereby Further Certified by Bernadette McGreevy and Mary McGreevy

who becomes entitled to the entire beneficial interest in the property
 hereby transferred that the said Bernadette McGreevy and Mary McGreevy
 are ~~is/are~~ Irish Citizens and as such ~~is/are~~ ^{are} qualified persons within the meaning
 of Section 45 of the Land Act 1965.

~~It is Hereby further~~ Certified that folio 8006 of the Register County
 Leitrim is vacant

SCHEDULE

ALL THAT part of the Townland of Drummans Lower situate in the Barony of Dromahaire and County of Leitrim containing 0.264 hectares and 0.107 hectares being plots outlined in red and marked with the letters "A" and "B" on the map annexed hereto together with the right of the Purchasers the said Bernadette McGreevy and Mary McGreevy their executors, administrators and assigns to pass and repass with out without animals or vehicles over and along the right of way marked "X Y Z" and coloured yellow on the map annexed hereto together with the further right of the said Bernadette McGreevy and Mary McGreevy their Executors administrators and assigns to erect and maintain a septic tank and percolation area between the points marked "C D" on the map annexed hereto AND the Vendor the said Sean Fee hereby assents to the Registration of the aforesaid rights as burdens on his interest on the lands not hereby transferred.

Handwritten signature

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20.12.18

Handwritten signature

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AN BORD PLEANÁLA

RECEIVED DETAILS and DELIVERED
by the said
SEAN FEE

In the presence of:—

[Handwritten signatures and names]

SIGNED AND SEALED by the said
BERNADETTE MCGREEVY and
MARY MCGREEVY
in the presence of:—

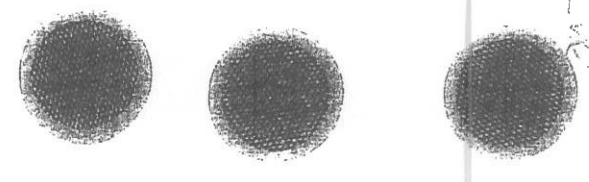
[Faint handwritten text, possibly names]

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being the lawful

1 spouse of the within named Registered Owner in pursuance of the
Provisions of the Family Home Protection Act 1976 hereby consent
to the Transfer of the within property to the Transferee(s) for the
sum of

SIGNED by the said
in the presence of:



AN BORD PLEANÁLA

26 AUG 2020

LTR DATED _____ FROM _____

LDS- _____

ABP- _____

SEAN FEE

-to-

BERNADETTE MCGREEVY and MARY MCGREEVY

TRANSFER

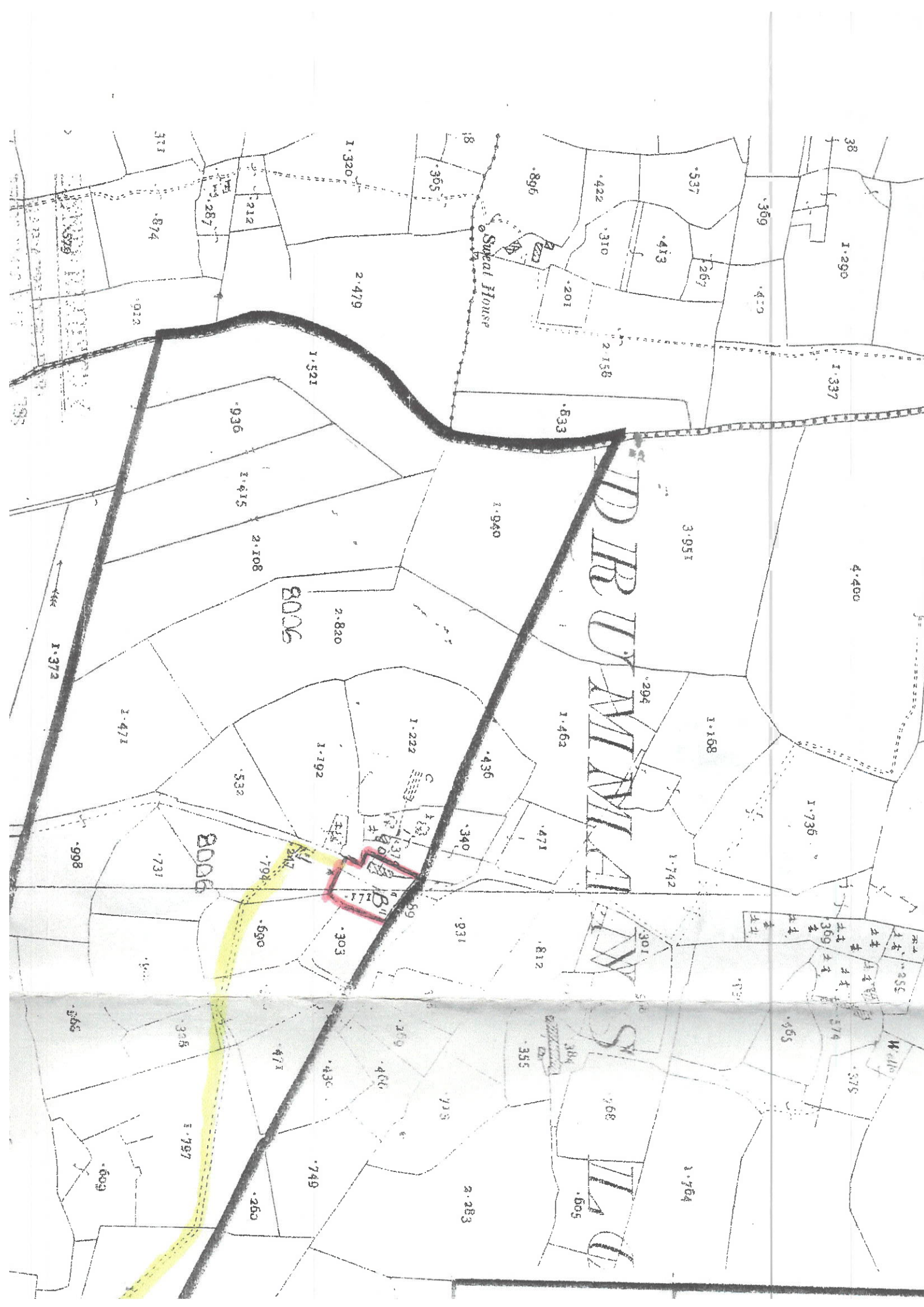


15/8/20

CERTIFIED TO BE A TRUE COPY

Bernadette McCreavy
FOR KEEPER OF RECORDS

C20160227622



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