Comhairle Chontae na Mí
Roinn Pleanáil,
Teach Buvinda, Bóthar Átha Cliath,
An Uaimh, Contae na Mí
Fón: 046 – 9097500/Fax:046 – 9097001
R-phost: planning@meathcoco.ie
Web: www.meath.ie

Meath County Council
Planning Dept.,
Buvinda House, Dublin Road,
Navan, Co. Meath
Tel: 046 – 9097500/Fax: 046 – 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

Our Ref: AAS52038

DELIVERED Sínitú Riach. / Sig Req. RL 7755 3773 BIE

Planning Department

5th August, 2020

Ms. Beata Smyl,
46 Millbourne Drive,
Ashbourne,
Co. Meath

Re: Planning and Development Act - Section 5 Application

AAS52038 – Beata Smyl – The construction of a mesh fence south of Millbourne Drive, Ashbourne, Co. Meath

Dear Ms. Smyl,

I refer to your Section 5 application lodged with Meath County Council on 9th July, 2020.

In accordance with Section 5(3)(b) of the Planning and Development Acts 2001-2019, the Planning Authority is not going to make a declaration on same as it believes any such declaration could prejudice the current appeal to An Bord Pleanala (reference no. 307457).

Furthermore, this site is subject to 351 submissions made as part of the Draft Meath County Development Plan and any decision relating to these submissions will be issued as part of the Chief Executive Report in accordance with Section 12(8)(a) of the Acts.

For your information, Section 5(3)(b) states;
'Without prejudice to subsection (2), in the event that no declaration is issued by the planning authority, any person who made a request under subsection (1) may, on payment to the Board of such fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued under subsection (2).

Yours sincerely,

Sean Clarke,
Senior Executive Officer,
Planning Department.

AN BORD PLEANÁLA
LDG- 029287-20
ABP-
12 AUG 2020
Fee: € 220 Type: PMD
Time: — By: Pay. PoA.

APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2014, as amended.

1. **Name:** Beata Smyl_____

   Address: 46 Millbourne Drive, Ashbourne_____

   Phone No: _0851258302_____ **E-mail :** millbourneresidents@gmail.com__

2. **Address for correspondence:**

   Address: 46 Millbourne Drive, Ashbourne_____

   Phone No: _0851258302_____ **E-Mail:** millbourneresidents@gmail.com_____

3. **Location of Development and/or Subject Site:** OS Map Ref. Number 2786-C & 2854-A , South of Millbourne Drive, Ashbourne

4. **Description of Development:** Mesh fence

5. **Will the development take place within the curtilage of a dwelling house?**

   Please tick as appropriate: YES ____ **NO** _X__

6. **Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?**

   Please tick as appropriate: YES ____ **NO** _X__

6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

   Please tick as appropriate: YES ____ **NO** ___

7. **State overall height of structure if applicable:** _1.2 m_____

8. **State in square metres the floor area of the proposed development:** the development fenced off approximately 7,600 square meters

9. **List of plans / drawings etc. submitted:**
OSi Site Location Map 1:2500 x2
Landscape Masterplan 1:500 x2

10. **Please state applicants interest in this site** The site is designated as public open space for Millbourne Residents, as approved by DA03/0422 and two

Decisions Ref: PL.17.245994 and PL17 .248899 and is now fenced off, which leaves Millbourne without public open space

If applicant is not the owner of site, please provide name & address of owner:
Rybo Partnership 6 Argus House Greenmount House Greenmount Office Park Harolds Cross, Dublin 6

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES ____ NO _X__

11 (b), If "YES" please supply details:

_____

12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES __X__ NO ___

12 (b), If "YES" please supply details:

DA03/0422
AA 150040
AA 151074 appealed Ref: PL.17.245994
AA 161470 appealed Ref: PL17 .248899
AA 190862 appealed Ref: PL17 .3007457

SIGNED: Beata Singh **DATE:** 05/07/2020

NOTES

1. **Application Fee of €80**

2. **Application shall be accompanied by:**
   - **2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.**
   - **2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.**
   - **Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.**

Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.
Contact Details: Phone: 046 9097500 Fax: 046 9097001
Email: planning@meathcoco.ie

Beata Smyl

46 Millbourne Drive

Ashbourne

Co. Meath

10th August 2020

An Bord Pleanala

64 Malrborough Street

Dublin 1

Referral of Declaration under Section 5 of the 200 Act

Location of Subject Site: South of Millbourne Drive, Ashbourne, Co Meath

Southern most part of Milllbourne estate

I request the Bord to rule on this illegal development that is happening on Millbourne green open space. My estate's only green area has been fenced off since February, many complaints have been lodged with Meath County Council, but the Council refuses to deal with the illegal development.

I applied to Meath County Council on the 8th of July to provide me with declaration on exempted development, copy of the application with maps detailing the location of the site is attached to this letter. Meath County Council responded to my application with a letter stating that they are not going to make a declaration on it as they believe any such declaration could prejudice the current appeal to An Bord Pleanala, the response is also attached to this letter.

The subject site is designated as public open space as approved by DA03/0422 and two An Bord Pleanala decisions Ref. PL. 17.245994 and PL. 17.248899.

The subject site was refused permission by Meath County Council Reg. Ref. AA/190862 and was appealed to An Bord Pleanala ABP Ref. ABP-307457-20 observation period ended on the 27th July 2020. The site is owned by Rybo Partnership, 6 Argus House, Greenmount House, Greenmount Office Park, Harolds Cross, Dublin 6.

The subject site of 0.5ha. is located at the south-eastern corner of the Millbourne housing development that forms a residential area on the western outskirts of Ashbourne. Millbourne is accessed from the R135 (former N2) to the north along a local distributor road.

The site owner erected a permanent fence to the public open space that forms this subject site on the 23rd June 2020, to replace a temporary fence that was erected on the 18th February 2020. This appears to indicate a complete lack of willingness on behalf of the owner to comply with the previous decisions of the Board.

Planning History

Reg. Ref. DA/030422

Reg. Ref. AA/150040

Reg. Ref. AA/151074 / ABP Ref. PL17.245994

Reg. Ref. AA161470 / ABP Ref. PL.17.248899

Reg. Ref. AA/190862 / ABP Ref. ABP-307457-20 (live)

The site was fenced off in February by the landowner (Rybo Partnership) by temporary fence, which was then replaced by 1.2-meter-high mesh fence on the 23rd of June 2020.

I respectfully submit that the development is contrary to two An Bord Pleanala's decisions, details are listed above. Fencing off the open space changes its use and based on this alone the development should not be considered exempt.

On the 24th of July the residents of the estate have been informed by the Residents Association that Meath County Council discussed this fence issue with the landowner Rybo Partnership, who agreed to cut an opening in the fence to allow people on the green. I am very disappointed to see that the Council refused a declaration on the exempted development as they believe it would prejudice the current appeal but can negotiate with the landowner on fence issues.

Furthermore the opening in the fence does not allow the green to be properly maintained and is located in a very dangerous spot leading onto the busy road and junction where the motorists would not expect any people, especially kids who can run in front of the moving vehicles.

I trust that An Bord Pleanála will give due consideration to this referral and will notify me of its decision in due course.

Regards,

Beata Smyl