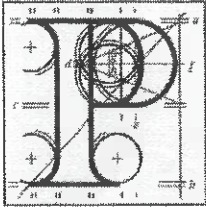


USB DRIVE INCLUDED  
PAYMENT ENCLOSED



An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

AN BORD PLEANÁLA  
LDG- 041113-21  
ABP- \_\_\_\_\_  
25 JUN 2021  
Fee: € 220 Type: Pmo  
Time: 13.55 By: COURIER

#### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

ANNE MURRAY

(b) Address

ARDBANE, DOWNINGS, CO DONEGAL  
F92P9C3

### Agent's details

#### 2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

NOT APPLICABLE

(b) Agent's address

Click or tap here to enter text.



## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

DONEGAL COUNTY COUNCIL

(b) **Planning authority register reference number**

(for example: 18/0123)

S5 21/20

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

ARDBANE, DOWNINGS, CO DONEGAL. FOLIO NO. DL 42379F



## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

ON MAY 20<sup>TH</sup> 2021 I SUBMITTED A SECTION 5 DECLARATION APPLICATION TO THE PLANNING DEPARTMENT OF DONEGAL COUNTY COUNCIL. I DID SO TO ASCERTAIN IF THE NATURE OF DEVELOPMENT IN THE AREA IS EXEMPTED DEVELOPMENT OR NOT. IF IT IS DEEMED EXEMPTED DEVELOPMENT I WANTED TO ESTABLISH THE MAIN REASONS AND CONSIDERATIONS INVOLVED IN THE DECISION MAKING PROCESS.

I ALSO WISHED TO ASCERTAIN IF THIS IS CONSIDERED EXEMPTED DEVELOPMENT AND SUCH DEVELOPMENT CONTRAVENES A CONDITION OF PLANNING ON THE LAND AREA IN QUESTION WHICH TAKES PRECEDENCE? (SEE PLANNING CONDITION DL50900F IMAGE)

THE AREA IN QUESTION IS PART OF FOLIO DL42379F HOWEVER IT IS ALSO A RIGHT OF WAY TO WHICH FOLIO DL50900F HAS BENEFIT. (SEE SECTION 5 DECLARATION SITE LOCATION MAP IMAGE)

THE PLANNING CONDITION STATES THAT THE PROPERTY IS TO BE LOCATED FURTHER BACK OFF THE COUNTY ROAD 'TO CATER FOR PARKING OF FUTURE TRAFFIC COMPLETELY OFF THE EDGE OF THE PUBLIC ROAD BOUNDARY'.



5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

CURRENTLY THERE ARE MOUNDS OF STONE AND SOIL AS WELL AS TRAILERS PARKED IN THE AREA OF THE RIGHT OF WAY AND BEYOND. SECTION 157(4)(B) OF THE PLANNING AND DEVELOPMENT ACT 2000 WOULD MEAN THAT THE CONDITION OF PLANNING SHOULD BE UPHELD AND THAT THE RIGHT OF WAY AREA SHOULD BE KEPT AVAILABLE FOR THE PURPOSES FOR WHICH IT WAS ORIGINALLY INTENDED.

FURTHERMORE THE OWNER OF FOLIO NO. DL42379F HAS BEEN PLACING TRAILERS AND AGRICULTURAL HARDWARE ALONG THE BOUNDARY WITH MY FOLIO NO DL38964 SINCE APRIL 2018. ESSENTIALLY THESE VEHICLES / HARDWARE ARE 'PARKED' OR ABANDONED. THEY ARE NOT USED AS PART OF ANY FARMING OR GENERAL AGRICULTURAL ACTIVITY IN THIS AREA. I BELIEVE THIS TO BE CONTRARY TO SECTION 3 (2)(b)(iii) OF THE PLANNING AND DEVELOPMENT ACT 2000.

OTHER FACTORS:

SHORTLY AFTER PURCHASING THIS LAND THE OWNER OF FOLIO NO. DL42379F ERECTED A POST AND WIRE FENCE ALONG MY BOUNDARY BEYOND WHERE HE HAS THE RIGHT TO DO SO. (THIS IS CURRENTLY WITH THE PRAI MAPPING DEPARTMENT). HIS ACTIONS HAVE RESULTED IN COMPLETELY CUTTING OFF ANY VEHICULAR ACCESS TO MY PROPERTY. SOON AFTER TO REINFORCE THIS ACTION HE PLACED A SIGNIFICANT NUMBER OF TRAILERS ALONG THE BOUNDARY WITH THE RIGHT OF WAY IN QUESTION.





5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

THE SAME PERSON HAS AT THE SAME TIME IN APRIL 2018 EMBARKED ON A TACTIC OF HARASSING AND INTIMIDATING ME BY FOLLOWING ME ON VEHICLES AND ON FOOT, CUTTING MY TELEPHONE CONNECTION AT THE POLE IN 2019 AND AGAIN IN 2020 PULLING THE UNDERGROUND TELEPHONE CONNECTION COMPLETELY OUT SO THAT IT COULD NOT BE REPAIRED. AS THERE IS NO MOBILE PHONE RECEPTION IN THE AREA AND I AM A SINGLE FEMALE GENERALLY THERE ALONE THIS CAN BE QUITE ALARMING. (IT IS CURRENTLY UNDER INVESTIGATION WITH AN GARDA SIOCHANA)

HE ACTIVELY PREVENTS OTHER VEHICLES FROM EITHER PARKING ON THE RIGHT OF WAY OR TURNING ON THE RIGHT OF WAY. THIS INCLUDES OIL DELIVERY LORRIES, TAXIS, MAINTENANCE CONTRACTORS, UTILITY CONTRACTORS, EMERGENCY VEHICLES AND VEHICLES TO EMPTY SEPTIC TANKS.

I HAVE INCLUDED IMAGES AND VIDEOS TO DEMONSTRATE THE SITUATION.

DONEGAL COUNTY COUNCIL PLANNING DEPARTMENT HAS DECLARED THAT IT IS DEVELOPMENT BUT THAT IT IS EXEMPTED DEVELOPMENT UNDER THE SCOPE OF SECTION 4(1)(a) AGRICULTURAL PURPOSES AND SECTION 4(1)(j) WHICH RELATE TO THE USE OR STRUCTURE WITHIN THE CURTILAGE OF A HOUSE FOR ANY PURPOSE INCIDENTAL TO THE ENJOYMENT OF THE HOUSE.



5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

PERSONALLY I BELIEVE THIS OUTCOME TO BE ASTONISHING.  
FIRSTLY HOW ARE TRAILERS ETC. WHICH REMAIN INSITU FOR  
EXTENDED PERIODS DEEMED TO BE FOR THE PURPOSE OF  
AGRICULTURE?

SECONDLY, THE LAND OWNER DOES NOT HAVE A PROPERTY /  
HOUSE ON THE LAND OR IN THE VICINTY. HE LIVES  
APPROXIMATELY 1 MILE AWAY.

I THINK IT IS OBVIOUS THAT SUCH BEHAVIOUR IS UNREASONABLE  
AND I WOULD LIKE TO THINK THAT THE PLANNING AND  
DEVELOPMENT ACT 2000 WAS THERE TO PREVENT SUCH ACTIVITY  
FROM PERSISTING.



## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.



## Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

**Yes, I wish to request an oral hearing**

**No, I do not wish to request an oral hearing**

NALA has awarded this document its Plain English Mark

Last updated: April 2019.







**Ref. No: S5 21/20**

11<sup>th</sup> June, 2021

Anne Murray  
Ardbane  
Downings  
Co Donegal

**Re: Placement of trailers and agricultural items on lands and the placement of mounds of soil and stones on land at Ardbane, Downings, Co Donegal**

A Chara,

I refer to your request received on 20<sup>th</sup> May, 2021 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

*C. Kelly*

For A/Senior Ex. Planner  
Planning Services

/mp



**Planning and Development Acts, 2000 (as amended)**  
**(Declaration and Referral on Development and Exempted Development)**

**DECLARATION**

**Chief Executive's Order No:** 2021PH1411

**Reference No:** S5 21/20

**Name of Requester:** Anne Murray  
Ardbane  
Downings  
Co Donegal

**Summarised Description of development the subject matter of request:**

- Placement of trailers and agricultural metal items on lands.
- Placement of mounds of soil and stones on land.

**Location:** Ardbane, Downings, Co Donegal

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**


**The Planning Authority in considering this referral, had regard particularly to:**

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6 & 9 of the of the Planning and Development Regulations, 2001 (as amended),

**And concluded that:**

The proposed placement of trailers and agricultural items on lands and the placement of mounds of soil and stones on land IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and is EXEMPTED DEVELOPMENT as it falls within the scope of Section 4(1)(a) which constitutes development consisting of the use of any land for the purpose of agriculture and Section 4(1)(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house.

**Dated this 11<sup>th</sup> day of June, 2021**

  
\_\_\_\_\_  
for A/Senior Ex. Planner  
Planning Services



Ref. No. 01/7643-County Manager's Order No. 2002PM72SCHEDULE

- 1 Prior to the commencement of development the applicant shall submit revised details illustrating the relocation of the conservatory to the side of the proposed dwelling. Same shall have a pitched roof.

*Reason To preserve the amenities of the area.*

- 2 a Electrical and telephone service to be underground.  
 b Any bulk fuel storage tank to be screened from public view by means of timber picketting.  
 c Roof to be blue/black and external walls white or as otherwise agreed by the Council in writing.

*Reason To preserve the amenities of the area.*

- 3 a That boundary wall or fence incorporate an entrance with a minimum width at road fence to line of gates of 9.15m minimum depth from road fence to line of gates of 2.45m and a minimum width on line of gates of 4.9m as set out on approval drawing 113A and based on new fence line.

*Reason It is an objective of the County Development Plan, to cater for parking of future traffic completely off the edge of the public road boundary.*

- b Area between old and new front boundaries to be soled with 450mm of 100mm stone, blinded with quarry dust, consolidated and graded to existing road levels and provide grade falling back towards site. Gully (1 no.) to be provided at lowest point of frontage. Area thereafter shall be maintained by applicant.

*Reason In the interests of traffic safety.*

- 4 No surface water from site to be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.

*Reason To prevent flooding.*

- 5 a Septic tank shall comply with the E.P.A. Wastewater Treatment Manuals: Treatment Systems for Single Houses, is to be of double chamber construction and its minimum liquid capacity shall be 3500 litres.

