

# The Burnaby Residents Association

WICKLOW COUNTY COUNCIL

13 DEC 2021

PLANNING DEPT.

WICKLOW COUNTY COUNCIL  
CUSTOMER SERVICE

13 DEC 2021

AN BORD PLEANÁLA

03 MAR 2022

LTR DATED

LDG-

ABP-



Clashleigh,  
Erskine Avenue,  
Greystones,  
Co Wicklow.  
A63 W973

Re Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000(as amended) – EX 68/2021 – use of service lane for car parking.

A Chara,

Thank you for your letter of 3rd December concerning the S 5 application (EX68/2021). We respond as follows to the points that you raise;

1. We do not accept that the reference to sustained and prolonged parking is vague and open ended – we have made it clear that this relates to parking overnight, during the day and at weekends and has carried on for a period of upwards of 3 years. We have also provided sworn affidavits confirming the pattern of sustained and prolonged parking. If additional sworn evidence is required from other residents we can provide that too.
2. The most significant details concerning historic parking associated with the Mews structure can be found in the 2 planning applications decided by Wicklow County Council – the first (Ref 13/8897, Jan 2014) refused planning permission inter alia, because of the risk of parking overspill on the lane. The second (Ref 14/1163 Aug 2014) involved a grant of permission in circumstances where the then applicants committed not to park in the lane and to park onsite or in designated public parking spots. It precisely because of the failure of WCC to implement its statutory enforcement powers against the occupants, despite the blatant breach of the planning conditions, that the residents have had to resort to a Section 5 Declaration.
3. With respect, Google Streetview is of little evidential value and is certainly not comparable with sworn evidence submitted to the Council. As the affidavit of Muriel Taylor avers, there has been no history or practice of parking (overnight, during the day and at weekends) or obstruction of the lane since her family first resided in the area in the 1890s – she should know given that the only vehicular access to her house is directly off the lane. The affidavit of Peter Murtagh also makes it clear that since his period of occupancy of his house abutting the mews (over 27 years) the pattern of usage of the service lane did not involve overnight/ day long and prolonged car parking on the lane. In the context of such a clear sworn averment, what additional information is required?
4. The S 5 Declaration is not an enforcement process and we are puzzled as to why WCC needs to have any recourse to the occupants of the Mews building in

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DATE 03-04-00 BY SP-6 JAC/STP

REASON FOR DECLASSIFICATION

EXEMPTION CODE

DATE OF REVIEW

determining the issue. There is enough evidence before WCC to make a declaration at this stage without the need for further delay. If it is the Council's view that a resident can park a car or multiple cars on a Service Lane without planning permission for that purpose, then the precedent of such a decision for Service Lanes generally throughout the County and in the Burnaby ACA will be extremely serious and certainly not in the interests of proper planning and sustainable development.

Please indicate when we can expect a decision on this declaration from WCC and what timescale has been allocated for a reply to be received from the occupant of the mews building.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Liam Sweeney', with a long horizontal flourish extending to the right.

Liam Sweeney  
Burnaby Residents Association

