

SECTION 131 FORM

meath R. Spear

Appeal NO: ABP - 313515-22

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/ received 9/6/22
from

Liam Brady I recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): No new issues raised

E.O.: [Signature]

Date: 10/6/22

To EO: _____

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP -313515-22

~~M: M. M. M.~~

Please treat correspondence received on 9/6/22 as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP <u>20</u> 3. Keep copy of Board's Letter <input type="checkbox"/>	1. RETURN TO SENDER with BP _____ 2. Keep Envelope: <input type="checkbox"/> 3. Keep Copy of Board's letter <input type="checkbox"/>
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Amendments/Comments
<u>Liam Brady response to referral</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input checked="" type="checkbox"/> <u>Gary</u>
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EO: <u>Cavanagh</u>	Plans Date Stamped <input type="checkbox"/>
Date: <u>10/6/22</u>	Date Stamped Filled in <input type="checkbox"/>
AA: <u>A. Strath</u>	Date: <u>13/06/22</u>

From: alan <pajbrady@hotmail.com>
Sent: Thursday 9 June 2022 19:33
To: Appeals2
Subject: Case Number ABP-313515-22, Planning Ref. Number KAS52215

To whom it may concern,

With reference to the above, I wish to state that I have recently received documentation relating to a Section 5(4) Referral under the Planning and Development Act by Dr. Patrick Moran and have been invited to make submissions or observations in accordance with Section 129 of the aforementioned Act. It is my understanding that this application relates to the question of whether drainage of wetland (raised bog) and mechanical disturbance, extrusion of peat and removal of turf is exempted development.

It appears from the vast quantity of documentation that I have received in the post that Dr. Moran has made a number of similar referrals regarding other bogs which I have no knowledge of and I am quite confused as to the relevance of these referrals to this case. A lot of this documentation appears to refer to Case Number ABP-305340-19, Planning Reference Number KAS51942 which has no connection to my land. The letter attached to this documentation outlining the basis for the application refers to Wilkinstown Bog and I have no sight of the basis for the application pertaining to my lands. It does appear that Dr. Moran is making his referral in an environmentalist capacity and not as a result of ownership rights or personal connection to Jamestown Bog.

I note that folios belonging to myself, Vincent Collins and Thomas/Maureen Kerrigan are deemed to be the lands in question that Dr. Moran alleges to be under "development". I would like to submit that this is factually incorrect and that no development of any kind is taking place on these lands. The entirety of the lands in these 3 folios is cut away bog land and is not being utilised for any type of development including extrusion of peat and removal of turf. These lands are subject to turbarry rights and I wish to state that there is no trespass or infringement of my rights taking place on my lands.

There are a number of plots on the bog where peat is being extracted by local owners as a source of fuel for the Winter months. This tradition has been ongoing for centuries and these plots are owned by numerous different local parishioners. It may have been more prudent to direct this correspondence to these individuals as opposed to the folio owners as previously outlined. Plots were originally assigned to individual homeowners and when a house is sold the ownership of the plot automatically transfers to the new homeowner. This ensures that plots are utilised for domestic turf cutting only and not for commercial use. The vast majority of people that cut turf are elderly or middle aged who seek the assistance of local contractors to help with the process as they themselves have no access to machinery. All of these plot holders possess turbarry rights and grant

local contractors access in order to cut individual banks of turf for domestic use. With the soaring costs of energy provision this is particularly significant in the current climate and ensures a lot of people who cannot afford other sources of energy keep themselves and their families warm during the cold Winter months. Indeed I would go as far as to say that without access to this local source of energy I would fear for the wellbeing of a number of elderly residents who do not have the means to access other energy resources. It is my firm belief that the cutting of turf for use by local householders is an essential right and one that has existed throughout my lifetime and indeed my own fathers lifetime.

It should also be noted that Bohermeen Bog Development Group was formed a number of years ago and I was the original Chairman of this group. The group had a number of initial aims which included the removal of vast quantities of rubbish from illegal dumping on the bog, the regulation of turf cutting to ensure no commercial cutting took place, the deterrent of illegal encampments in the area and the provision of a walkway to allow local people to further appreciate the wealth of natural amenities on their doorstep. This has been a huge success and the group has worked closely in conjunction with local authorities to achieve these aims and indeed surpass them. What once was a barren landscape is now a thriving community where picnic areas, a number of walks, information signs and many other features have been installed. These are being utilised by numerous people on a daily basis. This operates in conjunction with local turf cutting and great co-operation has been achieved to ensure the success of each project. The sighting of the Marsh Fritillary Butterfly as referenced in this correspondence is as a direct result of this work which has been completed on a voluntary basis by members of the group who also utilise their right to cut turf on a domestic basis.

To finish, it is my contention that the continued annual improvements to this bog, which have greatly enhanced the environment and local biodiversity, will be beneficial to all. These benefits, which would not be possible without the hard work of local turf cutters, significantly outweigh the limited environmental impact caused by the small scale domestic turf cutting that currently exists. It is also my contention that domestic turf cutting on this site does not constitute development as suggested by Dr. Moran. It is simply a means for local people to obtain a source of heat and one which was originally achieved by manual labour but has now been simplified by the use of machinery. I also state that no evidence has been proffered to sustain the argument that Meath County Council have failed to protect the rights of turbary right holders. I am satisfied that no trespass on any lands in contravention of these rights is being committed by any persons and that all relevant stakeholders with regards to turbary rights are consulted prior to the domestic cutting of turf for local plot holders.

I trust that all is in order with my submission and make it on the 09/06/22, which is within the 28 day period specified on the letter dated the 13/05/22.

Liam Brady, Greetiagh, Bohermeen, Navan, Co. Meath.

***** Faisnéis í seo don té sin nó don eintiteas sin a bhfuil a sheoladh uirthi, agus dó siúd amháin, agus d'fhéadfadh

ábhar rúnda agus/ nó ábhar faoi phribhléid a bheith iniata. Toirmiscear aon athbhreithniú, atarchur leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag éintitis seachas an faighteoir beartaithe. Más trí bhotún a fuair tú é seo, cuir scéala chuig an seoltóir le do thoil agus scríos an t-ábhar d'aon ríomhaire. Is é polasaí An Gharda Síochána seoladh ábhair cholúil a dhícheadú, agus más dóigh leat gur ábhar colúil atá sa teachtaireacht seo ba cheart duit dul i dteagmháil leis an seoltóir agus le postmaster@garda.ie láithreach. The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. It is the policy of An Garda Síochána to disallow the sending of offensive material and should you consider that the material contained in this message is offensive you should contact both the sender and postmaster@garda.ie immediately.

