

An Bord Pleanála
64 Marlborough St,
Rotunda, Dublin 1,
D01 V902

21st of March 2023

AN BORD PLEANÁLA	
LDG-	<u>061969-23</u>
ABP-	_____
23 MAR 2023	
Fee: €	<u>220</u> Type: <u>PMU</u>
Time:	_____ By: <u>Reg Post</u>

Ref: EX 7/2023 Section 5 Declaration referral application by Kerrin Buck of ARCH Consultancy.

Dear Sir / Madam,

I am writing to An Bord Pleanála to refer a declaration for review by the Board in accordance Planning & Development legislation. The declaration in question is Wicklow County Council (WCC) reference number EX 7/2023. This referral is being submitted within the four weeks of the date of issuing of the declaration by the local authority WCC dated the 7th of March 2023. Below is a description of why we believe the development in question is exempted development.

We would like to start by highlighting, that we believe that based on the Planning and Development Act, 2000, Article 152 (1) (a), and Article 152 (2), that WCC and An Bord Pleanála have a responsibility to not recognize and act upon the vexatious, inflammatory, fictitious, complaints, and appeals received from Brendon and Eileen Buck (my brother, and sister-in-law) of Buck Planning Services (BPS). Please see our complaint to WCC on the 18/06/2022 (enclosed) regarding the vindictive agenda of the complainants.

We ask that the Board recognize, furthermore, that the development in question, is minor, it is a temporary structure, under 25sqm and 4m high, built within the curtilage of the existing substantially constructed house. In the spirit of Irish law, in its intended service to the people of Ireland, temporary structures which address the immediate needs of our people for shelter, protection and sanctuary, have always been a part of our way of life. To enforce letter of the law approaches curtailing the pursuit of improved living conditions, would be unlawful and in conflict with the nature of Irish law, Irish society and the progress of people globally [ICCPR 1966; ICESCR 1966; EDHR 1950 et al].

Please note, moreover, that the temporary accommodation which has been erected, in the form of a modest A-Frame studio, is for us a family who are engaged in restoration of the existing permitted works (WCC 1182/2022), and their completion. WCC have adjudged that the minor temporary structure is development and not exempted development. We believe, that WCC are mistaken, and the temporary structure is exempted development under Planning and Development Regulations 2001, Part 1, Article 6 - Class 17 and/or Class 3. In this regard, our intention for the development in question (an A-frame studio) is to use it as temporary accommodation (Class 17) until our house is complete, when it will become a studio/office (Class 3).

We believe that temporary accommodation is allowed were permitted development exists. In that respect, I would like to bring to the attention of the Board members concerned the WCC Director of

Services Order Number 1182/2022, which states regarding our incomplete dwelling that 'Existing substantially incomplete works towards building a rural house (...) is development and is permitted development'. In that respect, currently we are engaged in carrying out conservation of the existing works e.g., cleaning blockwork, repointing etc. There is a lot of restoration work to be carried out and we need to be on-site as there is no accommodation locally. Therefore, we require a temporary on-site dwelling.

We wish, moreover, to highlight that we have a planning application on appeal with An Bord Pleanála the (Planning Ref No 22/800) to complete our substantially built single dwelling. The Decision by WCC to grant 'Retention permission of foundations and rising walls constructed on site (granted under PRR11/4667 & 05/3286) and Permission for completion of dwelling and some alterations to same with associated site works (...)' has been spitefully challenged. The appeal to An Bord Pleanála by "BPS" i.e. Brendon and Eileen Buck is a continuation of their vexatious agenda and shows their willingness to abuse the human rights of not only my wife and I but of our three-year-old daughter (their niece). Their aim is to damage our lives to the greatest extent possible. We will be asking An Bord Pleanála to protect our rights and dismiss BPS's appeal so that we can finally have the sanctuary of a home.

Regarding the law in context, it is important to recognize the grave difficulty local authorities across Ireland are experiencing in providing housing or emergency accommodation for those in need. Reports suggest this is due to the Irish housing crisis and in-coming refugees from the Ukraine. For example, WCC was unable to provide our family with emergency accommodation in March 2022 when we found ourselves homeless (see application to WCC homeless team). To address our need for a home and as I have considerable architectural experience and we designed and build the cabin ourselves.

In this respect regarding the temporary accommodation we have erected, it serves to defend our families' rights to shelter, adequate housing, dignified dwelling, protection of our privacy, and improving our own living conditions [ICCPR 1966; ICESCR 1966; EDHR 1950]. In fact, we believe, that as an emergency accommodation unit, our A-Frame frame cabin (with modifications) may be ideal for adoption and development by local authorities such as WCC in response to current humanitarian needs.

Please note, the temporary accommodation has been connected to the existing regulation standard septic tank (EPA 2021). In this regard, we recognize that our domestic wastewater treatment system is not complete and commit to ensuring that the septic tank is connected to the proposed percolation area once complete, emptied and cleaned prior to connection percolation area (subject to planning permission).

In this letter we have outlined why, the alleged unauthorized development should be ruled as Class 17 and/or Class 3 exempted development. Furthermore, a question arises as why the temporary structure is in question at all as it is very minor and unobtrusive and serves to protect our rights.

Thank you for your time. Please do not hesitate to contact us for additional information, evidence etc.

Yours sincerely,



Kerrin G Buck MSc (Hons)
Executive Director- ARCH Consultancy
NOHA Alumni Member



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings:
Cill Mhantáin / Wicklow
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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Kerrin Buck
Ballinatone Lower
Greenan
Rathdrum
Co Wicklow

7th March 2023

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended)

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000 in respect of the following:

Exemption Ref No: EX 7/2023

Applicant: Kerrin Buck

Nature of Application: "The erection of temporary living accommodation on construction site at Ballinatone Lower, Greenan, Co Wicklow"

Location: Ballinatone Lower, Greenan, Co Wicklow

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Kerrin Buck

Location: Ballinatone Lower, Greenan, Co Wicklow

DIRECTOR OF SERVICES ORDER NO 454/2023

A question has arisen as to whether "The erection of temporary living accommodation on construction site at Ballinatone Lower, Greenan, Co Wicklow" is or is not exempted development.

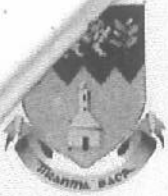
Having regard to:

- i) The details submitted under Section 5 Declaration on 10/02/23.
- ii) Sections 2(1), 3(1), of the Planning and Development Act 2000 (as amended).
- iii) Article 9(1) of the Planning and Development Regulations 2001 (as amended).
- iv) Class 17 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- v) An Bord Pleanála Referral 92.RL 3343.
- vi) Planning Reference nos PRR 05/3286, PRR 11/4667, PRR 22/800.

Main Reasons with respect to Section 5 Declaration:

The erection of temporary living accommodation on the subject site would not come within the exemption provision set out under Part 1 of Schedule 2, Class 17 of the Planning and Development Regulations because,

1. The decision of the Planning Authority under PRR 22/800 for the retention permission of foundations and rising walls constructed on site and permission for completion of dwelling with some alterations to same with site associated works is still within the appeal period, and hence there is no current permission on the site. Therefore the proposed structure would not come within the scope of the description of Class 17.
2. The limitations and conditions attached for Class 17 require the removal of the temporary accommodation and the reinstatement of the lands on the completion of the permitted development. The proposal to retain the structure on the site after the expiration of the relevant period would be contrary to the said limitations and conditions.



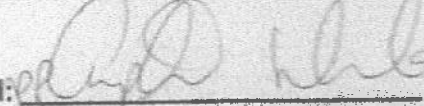
Comhairle Contae Chill Mhantáin
Wicklow County Council

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Suíomh / Website: www.wicklow.ie

The Planning Authority considers that "The erection of temporary living accommodation on construction site at Ballinatone Lower, Greenan, Co Wicklow" is development and is not exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 7th March 2023



ARCH Consultancy
Ballinatone,
Greenan,
Rathdrum.
Co. Wicklow.
Ireland

Planning Department,
Wicklow County Council,
County Buildings,
Station Road,
Whitegates,
Co Wicklow,
A67 FW96

June 18th, 2022

Your reference (s): UD5592, UD3237, 11/4667 and 05/3286.

Re: Formal complaint to Wicklow County for a series of planning enforcement actions based on vexatious, frivolous complaints without substance which have led to human right abuses and criminal harassment.

Dear Rosemarie Dennison,

I am writing to you to lodge a formal complaint against Wicklow County Council. The complaint concerns a series of decisions and enforcement actions which Wicklow County Council carried out due to complaints, and pressure applied on planning officers we believe by our neighbors Brendon Buck and Eileen Buck Hart. The complaints and associated enforcement action has led to unlawful destruction of our property, homelessness, and we believe may be criminal harassment.

The two individuals responsible we believe, for pressurizing Wicklow County Council officials are both professional urban planners. Brendon Buck, I believe is or was an independent planning consultant trading as Buck Planning Services (BPS) and has worked with a number of county councils and Eileen Buck Hart is or was an urban planner with Dublin City Council.

It is important that the council are aware that Brendon is my biological brother, and Eileen is my sister-in-law. In that respect the couple are guilty of power abuse and misconduct by using their professional status and knowhow to make series of vexatious personal attacks against their own family members. Furthermore, please note their site and home adjoins ours. The harassment is ongoing everyday today on the 19th of June Brendon Buck made a video around 1.30pm of my wife, daughter and I on our lane way. Recently the secretary of a well drilling company, that had visited us to give a quote, contacted us to tell us that a third party (Brendon we assume) had threatened them aggressively not to carryout drilling on our land.

We believe pressure applied by these individuals on Wicklow County Council planning department has led to breaches our rights under Irish law and international human rights law (IHRL) and is we believe

ongoing criminal harassment. A report to *an Garda Siochana* has been made who suggested that first we make a complaint to Wicklow County Council. Furthermore, a complaint against Brendon Buck and Eileen Buck Hart has been made to the Irish Planning Institute. We believe, moreover, that by using their professional knowhow to damage the lives of their own family members they have committed a serious breach of the bye laws of the Irish Planning Institute:

'2.2 All Members shall conduct themselves in such a manner as not to prejudice their professional status or the reputation of the Institute, failing which the Council may judge a Member guilty of unprofessional conduct and may either reprimand, suspend or expel such Member (Bye-Laws of the Irish Planning institute 2010)'.

The IHRL violations we believe include unlawful destruction of property, degrading and humiliating treatment, and now preventing the rights of myself, my wife and our three-year-old daughter to shelter and adequate housing (Planning and Development Act 2000, ICESCR 1966, ICCPR 1966 *et al*).

E.g. 'Article 11. 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right (...) (ICESCR 1966)'.

Regarding the complaints to Wicklow County Council we are unsure how many have been made by our neighbors. Therefore, this complaint concerns destruction of our mobile home in 2015 (UD3237), and the recent complaint (UD5592) regarding alleged unauthorized development.

The Planning and Development Act 2000 states regarding the legality of a local authority acting on such complaint(s):

'152.— (1) Where—

- (a) a representation in writing is made to a planning authority by any person that unauthorized development may have been, is being or may be carried out, and it appears to the planning authority that the representation is not vexatious, frivolous or without substance or foundation, (...) (PDA 2000)'.

In this respect, the most recent complaint reference number UD5592 is the best example as it is vexatious, frivolous and without substance or foundation particularly as no development has taken place. The fact that Wicklow County Council have acted upon the frivolous complaint, whose most serious issue is the pitching of a tent, may amount to a violation of the Planning and Development Act 2000 and taken in conjunction with the previous actions may be considered criminal harassment.

Therefore, we request that that Wicklow County Council planning department officials recognize that they may be being used to fulfil the vexatious personal agenda of Brendon Buck and Eileen Buck Hart which has nothing to do with planning or development. Moreover, we ask that Wicklow County Council recognize that the couple are abusing the code of conduct of the Planning and Development Act 2000 and the bye laws of the Irish Planning Institute regarding obligations to society 'The primary obligation of planners is to serve the common good not to discriminate (...) ' etc. Lastly, we ask Wicklow County Council to recognize that we have rights and to help us to ensure they are respected.

DESTRUCTION OF TEMPORARY STRUCTURE

Beyond the work I do locally I am on emergency rosters and work with international organizations such as GOAL, and the European Commission as a humanitarian expert. In 2014 while I was in Colombia working with vulnerable conflict affected communities, Brendon Buck and Eileen Buck Hart, I believe, made a number of complaints, which pressurized Wicklow County Council to have my temporary dwelling a mobile home destroyed.

The mobile home had been placed on my land as a temporary shelter for myself and construction workers during construction of our home. However, the development was not completed due to economic conditions out of my control. I was not living in the temporary structure, and it was being used to store equipment and my personal belongings until the construction of my home could recommence.

The correspondence concerned with UD3237 show how my elderly parents were threatened with legal action and fines until my father had to dismantle the mobile home by hand mid-winter. The enforcement action was carried out we assume after complaints by Brendon Buck and Eileen Buck Hart.

We believe the destruction of the temporary structure (mobile home) was illegal in several ways, the correspondence from Wicklow County Council seems to assume that the legal owners of the site are my father and mother. This is not the case, I Kerrin Buck was the owner not my parents Caroline and Anthony Buck, as the attached land registry document shows. In fact, the property was in my ownership since 8th of September 2011. Nor was the structure being used for residential purposes as Wicklow County Council assumed.

As the council are aware legislation provides provision for temporary structures to be placed on site during construction to provide shelter for construction workers (Planning and Development act 2000).

In affect Wicklow County Council sent an individual onto another individual's land to destroy property which did not belong to them. For a non-offence for which they had no responsibility. All of this we assume was carried out due to pressure applied by Brendon Buck and Eileen Buck Hart on Wicklow County Council Planning Department officials.

We believe, therefore, that Wicklow County Council should consider making compensation. The amount could be calculated based on the value of the structures destroyed, the labor of my elderly father, the harassment and the inconvenience and distress which this matter has caused and is causing.

- We suggest that Wicklow County Council consider making compensation in the region of 50,000EUROS to make good damage which has been done.
- In the form of 25,000EUR to Anthony and Caroline Buck
- and 25,000EUR to Kerrin and Shiela Buck.

ALLEGED UNAUTHORIZED DEVELOPMENT

Firstly, I would like to highlight that we have not received an answer from Wicklow County Council regarding our recommencement letter delivered on April 28th, 2022, to the planning department as advised by Wicklow County Council prior to recommencement of development; in accordance with previous planning permission reference number, 11/4667 and extension 05/3286 of our substantially developed Single Dwelling and Associated Site Works at Ballinatone lower, Greenan, Rathdrum, Co. Wicklow (please see attached photo and letter).

However, we have received the complaint letter (reference number UD5592) dated June 1st, 2022, regarding alleged unauthorized development at the above site.

The complainant(s), we assume is Brendon Buck and or Eileen Buck Hart, who allege that unauthorized development has taken place in the form of:

- A) Site clearance works
- B) Construction of block work / walls and
- C) Placement of tents on lands without planning permission.

Regarding site clearance works we have cleared some undergrowth from the existing structures and access. The existing structures block work / walls, the complainant alleges have been built, are the substantial works which were initiated and completed during the period of the previous planning permission and extension.

None of the recent actions which we have carried out, we believe, constitute development and the complaint is frivolous, vexatious and without substance or foundation.

Furthermore, we find it disturbing that our honest attempts to follow the instructions of Wicklow County Council have been ignored while the baseless complaints of our neighbors are given priority.

As we have outlined in our letter It is our belief that Wicklow County Council are being used to fulfil the personal vexatious agenda of Brendon Buck and Eileen Buck Hart. We request that Wicklow County Council assist us in preventing further misconduct and abuses of power. Moreover, we encourage Wicklow County Council planning department officials to issue a clear warning, to the couple in question, that further vexatious personal attacks and unprofessional conduct will not be tolerated.

Thank you for your time and consideration in this sensitive matter.

Yours sincerely,



Kerrin G Buck MSc
Executive Director- ARCH Consultancy
NOHA Alumni Member