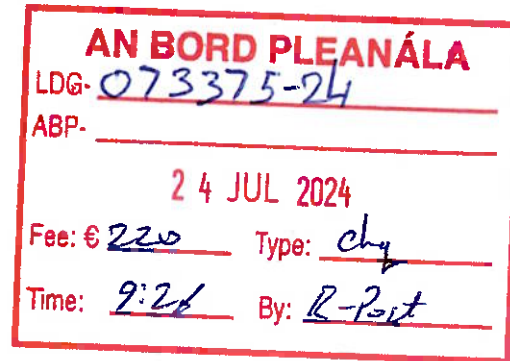


Planning Reference: Mayo County Council, P24/219, Declaration under Section 5, Refurbishment works to existing cottage.

Applicant: Niamh O'Malley, Cordarragh, Cuilmullagh, Bofeenaun, County Mayo. F26X7R2

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Introduction:

The house was erected before 1935 & is shown on the Raster Ordnance Survey Maps from that period, which were included in the submission to Mayo County Council in Appendix No. 10 below. Discussions with Bord Pleanala staff indicated that these documents should not be included as Bord Pleanala will request the file from Mayo County Council.

Appendix No. 2 Land Registry Folio & Map indicate that Niamh O'Malley purchased the house & farm on the 27/9/2022. It also indicates that previous owner Teresa Sweeney purchased the plot on the 27/1/2011, & Ann Gallagher purchased the property on the 14/10/1997. It also indicate the interests of Patrick & Andrew Gallagher to reside in the dwelling house during their lives from 31/10/1961.

As these two residents became elderly, they were no longer able to maintain the property & overgrowth of vegetation occurred, which is evident from Appendix No. 12 Google Maps attachment to Planners Report of 8/7/2024.

The submitted Ordnance Survey orthophotos of 2013 to Mayo Co. Co. show the clean up conducted by Teresa Sweeney after purchase on 27/1/2011.

Appendix No. 3 Ordnance Survey Map 1/2500 indicates Niamh's house at "A". But it should be noted that a second derelict house at "B" exists in the adjoining property. This derelict house does not have access to the main road except for farm access & it seems that the Roads section of Mayo Co. Co. have mistaken Niamh's house for this derelict house as identified in Appendix No. 6.

Appendix No. 4 provides ESB Networks Meter correspondence to Niamh's house.

Appendix No. 5 is the Pre-Planning consultation submission. Note that this submission deals with the refurbishment of the existing house

Appendix No. 7 deals with the Vacant Property Refurbishment Grant. Niamh wished to avail of this grant to make the house available to Mayo County Council for rent. This scheme indicates a 5-year period for rent, but a clawback of 75% of the grant if less than 10-years (page 9). The refurbishment works are approved by the Vacant Homes Officer of Mayo Co. Co. & grants are not available until approval issues. Page 16 of this Application Form indicates the requirement for Certificate of exemption under the Planning Acts. If Niamh was not applying for this grant, she wouldn't need a Certificate of Exemption for the refurbishments.

Appendix No. 8 indicates confusion by Mayo Co. Co. in the request for a Section 10

Appendix No. 9 deals with the response to the Vacant Homes Officer after meeting with the Planning Section of Mayo County Council.

Appendix No. 10 is the submission to Mayo County Council.

Appendix No. 11 at paragraph 3 states that refurbishment works comprise "works" & "development", which is based on Planner's Report in Appendix No. 12.

Appendix No. 12 includes the Planners Report.

Sections 3(1) does not apply to the refurbishment of a house. Refurbishment is not a material change in use.

On page 2 of this report, under Consultees, the National Road Design Office [NRDO] of Mayo Co. Co. suggest that the applicant is seeking to gain access via an agricultural access. This statement is incorrect and seems to refer to house "B" in the adjoining lands. The NRDO of Mayo County Council completed the Charlestown to Swinford Realignment in 2007. As part of this project they acquired lands & setback fences & gates. A Residential gate & farm gate were provided under that scheme to Niamh's lands & the gate hanger for the agricultural gate to the west beside the pole is visible in all google photos from 2009. Recent Photos as included in Appendix 14 indicate the gate hanger s & end of chainlink fencing posts adjoining.

As these gates were provided by Mayo Co. Co & exist, they will not create any additional traffic & will not create an additional traffic hazard.

Under Advisory note reference is made to a Recorded Monument (MA062-056--- Enclosure). Niamh does not propose to do any works to the existing access & no works were conducted by the previous owner, save for the replacement of tubular farm gates.

Mayo Co. Co. fenced off the lands & erected the previous tubular gates under their 2007 Charlestown to Swinford Realignment & would have provided Archaeological surveys in relation to their CPO for this scheme. Replacing tubular gates on existing gateposts is not development work.

Tubular gates have a limited lifespan & replacement is a part of normal farm activity & is not development under the Planning Acts. The farmer on the opposite side of the roadway has also erected new tubular steel gates& shown in Appendix No. 16.

Appendix No. 13 includes the extract from the N5 Swinford Bypass Junction Safety Assessment Report.

Page 40 of this report indicates the proposal to remove 2 road accesses from the N5 on the northern side of the road. Sheet 3 of 3 indicates 5 accidents at these junction access points. [Feb 2017 Material Damage, May 2018 Material Damage, May 2016 Material Damage, Sept 2017 Minor Injury, June 2016 Material Damage]. None of these accidents occurred near Niamh's entrance & no priority has been given to the proposed works.

Appendix No 14 shows photographs of the gate posts & fencing.

Appendix No. 15 shows photographs of Derelict house "B".

Appendix No. 16 shows replaced tubular gates on the opposite side of the roadway

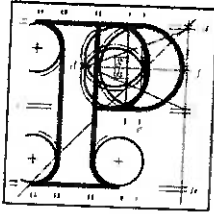
Conclusion

The Government Policy to bring back vacant houses into occupation is a National Priority. The Grant scheme is a sensible means to solve the availability of houses. Refurbishment of a house is identified at pages 6&7 of the Grant Application. Approval to the refurbishment is required from Mayo Co. Co. at page 9.

The Planner's Report in Appendix 12 under Supporting documents (page 2) states that *"the extent of the refurbishment works proposed to the existing cottage have not been detailed"*.

It would seem that the Planner is not familiar with the Government Policy & the role of Mayo Co. Co. in its implementation & approval.

We request Bord Pleanala to declare that the refurbishment works are exempted.



An
Bord
Pleanála

PLANNING REFERRAL.

DECLARATION UNDER SECTION 5.

Your details

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

Your full details:

(a) Name

Niamh O'Malley

(b) Address

Exempted House application: Cloonlara, Swinford,
County Mayo. F12TR92
Home address: Coldarragh, Cuilmullagh,
Bofeenaun, County Mayo. F26X7R2

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

Martin Lavelle

(b) Agent's address

Knockaleanore, Partry, Ballinrobe, County Mayo.
F12TV08

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)

Mayo County Council

(b) Planning authority register reference number

(for example: 18/0123)

P24/219 Declaration under Section 5

(c) Location of proposed development

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

Cloonlara, Swinford, County Mayo

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.

Attached separately



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

MICHAEL MORAN SOLICITORS LLP
DX 33003
CASTLEBAR

This page forms part of the official document. Do not detach.

MICHAEL MORAN SOLICITORS LLP

Folio Number: MY29394
Application Number: D2022LR145568R
Your Reference: SOB/8082

06 OCT 2022

RECEIVED

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the Schedule below.

An officer duly authorised by the Property Registration Authority.

Schedule

Notes:

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Filed plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.
3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to the Property Registration Authority immediately.

Folio Number: MY29394
Date Printed: 04/10/2022

Application Number: D2022LR145568R
Page 1 of 7

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9

County Mayo

Land Registry

Folio 29394

Part 2 - Ownership

Title ABSOLUTE

No. The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965

1 ~~24-OCT-1907~~ ~~ANN GALLAGHER of CLOONLARA, SWINFORD, COUNTY MAYO is full~~
~~D2011LR018666T~~ ~~owner.~~

Note: ANN GALLAGHER otherwise known as ANN GALLAGHER (Annie)
Cancelled D2011LR018666T 27-JAN-2011

2 ~~27-JAN-2011~~ ~~TERESA SWEENEY of Bridge Street, Swinford, County Mayo is full~~
~~D2011LR018666T~~ ~~owner.~~

Cancelled D2022LR145568R 27-SEP-2022

3 27-SEP-2022 NIAMH O'MALLEY of Cuillmullagh, Bofeenaun, Ballina, County
D2022LR145568R Mayo is full owner.

County Mayo

Land Registry

Folio 29394

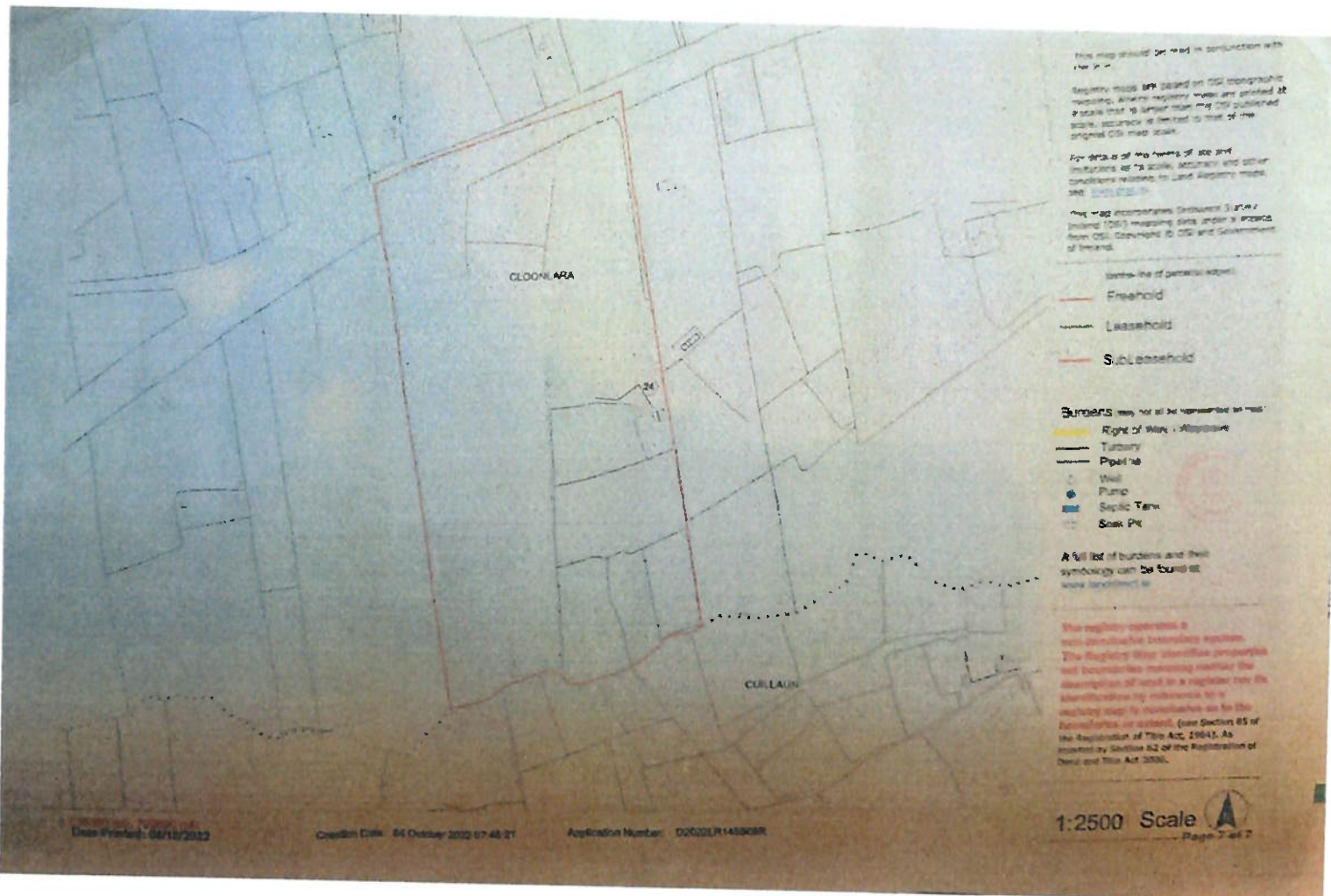
Part 3 - Burdens and Notices of Burdens

No.

Particulars

- 1 The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.
Cancelled D2011LR018606T 27-JAN-2011
- 2 L.R. 94/45063 The property is subject to the fishing rights and fisheries (if any) reserved to the Land Commission by its Order.
- 3 L.R. 94/45063 The property is subject to the sporting rights within the meaning of the Irish Land Act, 1903, reserved to the Land Commission by its Order.
- 4a ~~31 OCT 1961~~
~~265/11/61~~ ~~The right of Patrick Gallagher to reside in the dwellinghouse and to be supported, maintained and clothed therein during his life.~~
~~Note: This burden ranks in equal priority to the burden at Entry No. 4b.~~
Cancelled D2011LR018606T 27-JAN-2011
- 4b ~~31 OCT 1961~~
~~265/11/61~~ ~~The right of Andrew Gallagher to reside in the dwellinghouse and to be supported, maintained and clothed during his life.~~
~~Note: This burden ranks in equal priority to the burden at Entry No. 4a.~~
Cancelled D2011LR018606T 27-JAN-2011
- 5 ~~27 JAN 2011~~
~~D2011LR018606T~~ ~~Charge for present and future advances repayable with interest (Irish Banking Federation's Housing Loan Mortgage). BANK OF IRELAND MORTGAGE BANK is owner of this charge.~~

(11)



Planning Pack Map



Tailte Éireann

**CENTRE
COORDINATES:
ITM 5398889,800263**

PUBLISHED:
19/07/2024

ORDER NO.:
50411936_1

MAP SERIES:	MAP SHEETS:
1:2,500	1790-B
1:2,500	1791-A

COMPILED AND PUBLISHED BY:

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Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.taiite.ie

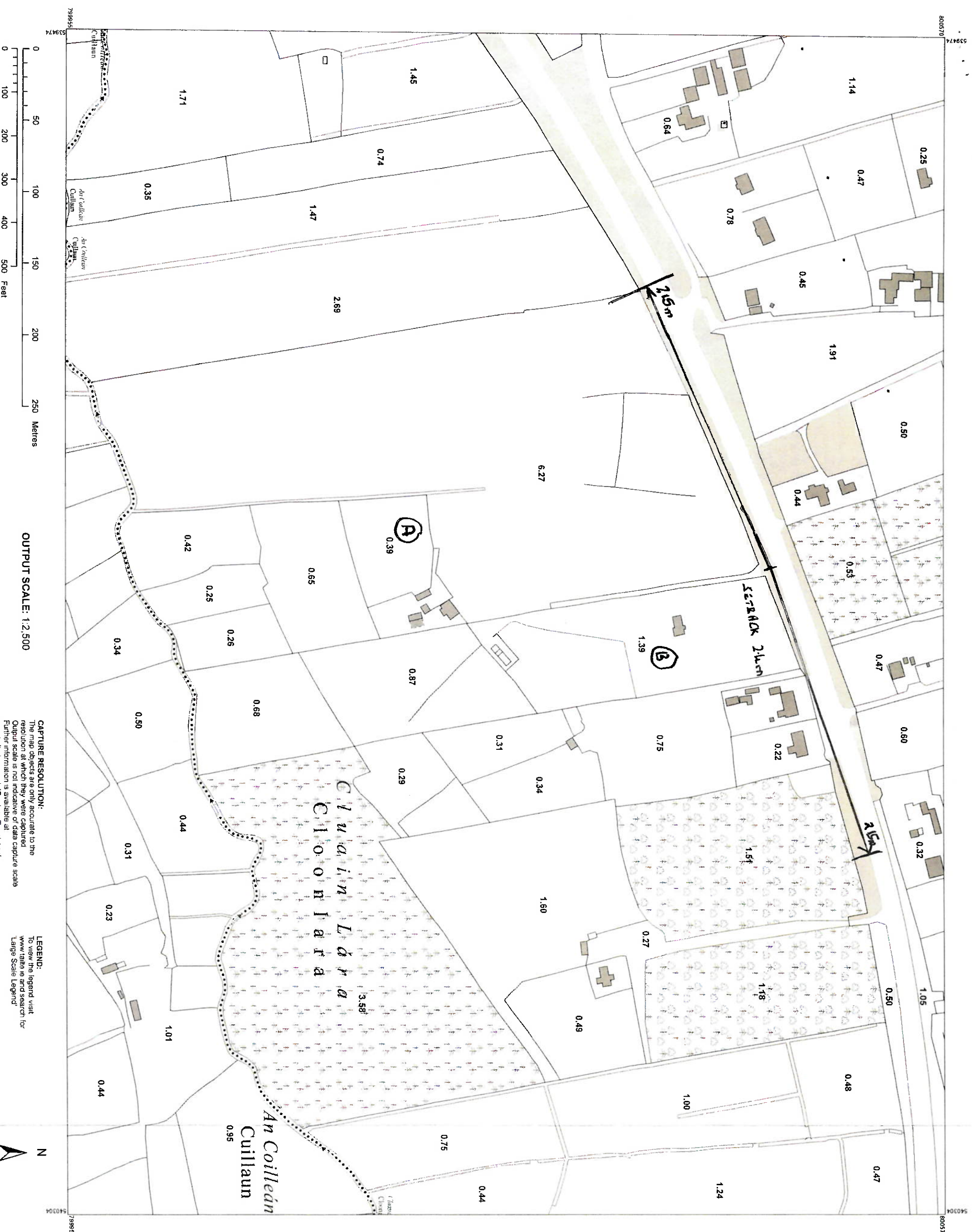
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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③



NETWORKS

Customer Service - Meter Reading Department
Dublin 15, Ireland
Tel: 01 761 1000
Fax: 01 761 1001
Email: customer.service@esb.ie

Customer Service - Meter Reading Department
Dublin 15, Ireland
Tel: 01 761 1000
Fax: 01 761 1001
Email: customer.service@esb.ie

MRN 10305545664
CLOONLARA
R. SWINFORDE
CLOONLARA
CLOONLARA

02/04/2023

Please send us your Meter Reading - over 5 estimates
*MPRN 10305545664
MPRN Address: CLOONLARA, SWINFORDE, CO. MAYO

Dear Customer,

This is a gentle reminder that your electricity meter has not been read for almost a year and that prolonged estimations may result in an over or under charge by your Supplier.

ESB Networks has a regulatory obligation to get at least one actual meter reading each year.

Our meter readers make four scheduled visits annually. Unfortunately, they may on occasion be unable to read your meter or visits may be halted in times of pandemic or other restrictions. At all times we will happily accept your reading(s). Please see options below to submit your reading(s).

For those customers with an ESB Keypad meter, press 9 on the grey meter to display the reading.

Text to 0875609223	Input your 11 digit MPRN followed by a space followed by the reading
Telephone	1800337777 (24hour automated)
Cr. #	www.esb.ie/esbnetworks/readings
E-mail	Reading@esb.ie

All reading(s) updated by ESB Networks are forwarded to your supplier.

Your co-operation is greatly appreciated - please remember to always quote your MPRN (as above *)

Yours Sincerely,

ESB Networks Meter Reading Department

14



County Mayo
Planning Department

Planning Department, County Mayo, Castlebar
Planning Office, Castlebar, Mayo, F22 W990
Tel: 094 934 4444
Fax: 094 934 4445
Email: planning@co.mayo.ie
Web: www.mayo.ie

PRE-PLANNING CONSULTATION FORM

Section 247 of the Planning & Development Act, 2000 (as amended)

Ref No.
Planner
(For Office Use Only)

Name of Applicant(s)	NIAMH OHNLEY
Address of Applicant(s)	CULKILLAGH, KILKEEL, CO. MAYO, F22 W990
Contact Number	087-342407
Email Address	niamhohley@gmail.com

Name of Agent (Person acting on behalf of applicant)	
Address of Agent	
Contact Number	
Email Address	

Correspondence to issue to:

Agent

☐

or

Applicant

☒

Describe the nature & extent of development	I Bought Agricultural land with adjoining house. The Agricultural land and the dwelling has two different entrances.	
Location of proposed development including Townland Name	I wish to know, the house is there longer than the road. Cloonlara, Swinford, CO Mayo Eircode: F12 TR92	
Interest of Applicant in Development/Proposed Development	Owner <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
If other, please state interest in Development		
In the case of any previous applications on the site, please quote the Planning Reference Number (if known)		

15

My wish is to do up the house using
Hays Co. Co "Repair & Leasing Scheme". When
applying for the above scheme they require
clarification that the dwelling has a Suitable/
Usable Entrance.

Note; the ~~to~~ House is old and is on
the property for many years. The agricultural
Entrance and dwelling Entrance ~~is~~ was
always kept separate.



Comhairle Contae Mhaigh Eo
Mayo County Council

A: Aras an Chontae, Caisleán an Bharraigh,
Contae Mhaigh Eo, F23 WF90

T: 094 9064000 F: 094 9023937

W: www.mayo.ie

Ardtag / Our Ref.

Dó Thag / Your Ref.

07/06/2024

Niamh O' Malley
Cordarragh
Cuilmullagh
Bosfeenau
Co. Mayo

Re: Clarification in relation to preplanning P16/23/075- Cloonlara, Swinford, Co. Mayo

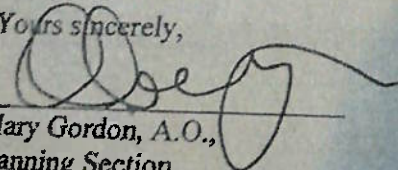
Dear Ms O'Malley,

The advice pertaining to this application still stands. The application was initially assessed by the Senior Roads Engineer MCC who determined that there was "no evidence of an established residential access from the house to the N5 Swinford Bypass other than a field entrance. Planning permission would be required to construct an access from the house to the existing N5, as one currently does not exist and if an application was to be submitted a refusal of planning permission would be recommended as it would contravene the Mayo County Development Plan.

In accordance with Section 247(3) of the Planning & Development Act 2000 (as amended), the above consultation is given without prejudice and cannot be relied upon in the formal planning process or in legal proceedings.

Please quote the above pre-planning reference number if submitting a planning application for this site.

Yours sincerely,


Mary Gordon, A.O.,
Planning Section.

VC/KD

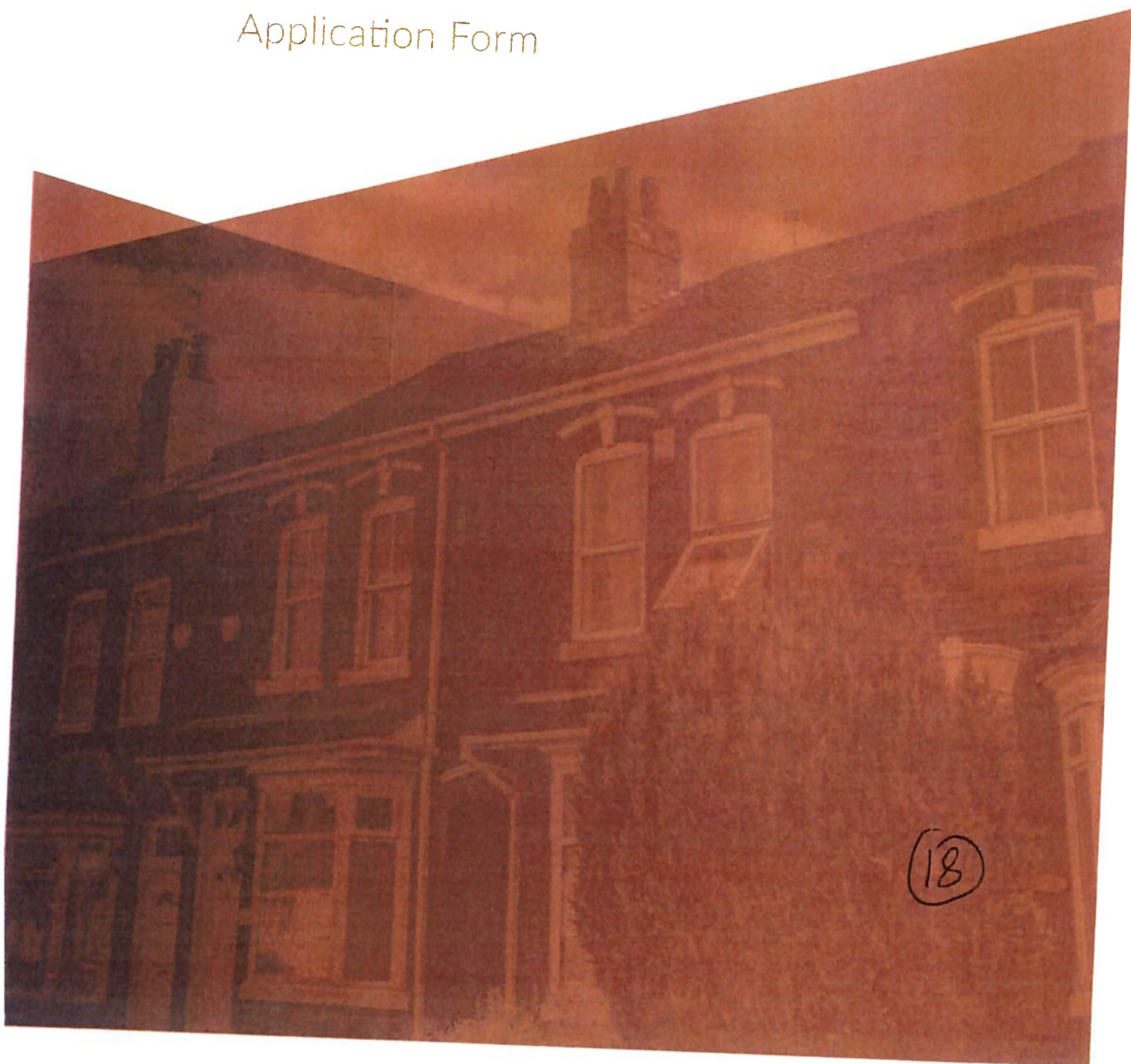
17



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund

Application Form



(18)

About this form

This form can be used to apply for the Vacant Property Refurbishment Grant for the refurbishment of a vacant property.

It is important to read this form carefully before you fill it in. Why? This signed document forms part of the overall agreement you are entering into when applying for the grant. It will also help your local authority to process your application faster if all the information requested is provided. You are also required to sign a declaration (Page 14) confirming that you have completed the application in full and that the information and details you have given on this application are true and correct. You can fill in the form yourself or get help from someone you know and trust to fill out this form for you. However, you will have to sign and declare all information is correct and true on Page 14.



a) What is this form for?

There is one grant available for eligible applicants to support the refurbishment of a vacant property:

1. Vacant Property Refurbishment Grant



b) Conditions for the grant

The applicant will need to:

- ✓ live in the home as their principal private residence or make it available to rent on completion of qualifying works to the dwelling;
- ✓ applicants must provide evidence of tax compliance, with tax clearance from Revenue;
- ✓ ensure the Local Property Tax is in order where applicable;
- ✓ where the property is being made available for rent, provide a declaration that the refurbished property will be made available for rent and a tenancy registered with the Residential Tenancy Board (RTB) on completion of the qualifying works;
- ✓ agree to the clawback conditions set out in Page 9;
- ✓ have the grant application approved before the work, in respect of which the grant is being applied for, commences.

Please note that applicants may only apply for a maximum of two grants under this scheme – one where the property will become their principal private residence and one additional grant in respect of a property made available for rent under this scheme.

Only one grant will be payable in respect of a property for rent.



c) Checklist for documents to send with this form

To make it easier for you to see all the documents you need to send with this form, there is a checklist on Page 15. It is important that you read this checklist before filling out your application form – and make sure you send all the documents along with your completed application form.



d) Where to send your completed form

You have to apply to your local authority using this form for the Vacant Property Refurbishment Grant. If you have any questions, you should contact the Vacant Homes Officer in your local authority and they can help. Please scan the following QR code for a list of all Vacant Homes Officers and their contact details.





Vacant Property Refurbishment Grant Levels

From 1 May 2023, a grant of up to a maximum of **€50,000¹** is available for the refurbishment of vacant properties for occupation as a principal private residence and for properties which will be made available for rent and registered as a tenancy with the Residential Tenancies Board (RTB), including the conversion of a property which has not been used as residential heretofore², subject to appropriate planning permission being in place. This is subject to upper limits for the types of work specified below having regard to a reasonable cost assessment by the local authority. The grant is inclusive of the VAT cost of the works.

Where the refurbishment costs are expected to exceed the standard grant of up to **€50,000**, a maximum top-up grant amount of up to **€20,000** is available where the property is confirmed by the applicant to be **derelict** (i.e. structurally unsound and dangerous) or if the property is already on the local authority's Derelict Sites Register, bringing the total grant available for a derelict property up to a maximum of **€70,000**. In the case of a top-up grant in respect of a derelict property not on the Derelict Sites Register, an independent report prepared by an appropriately qualified professional is required to be submitted along with the application confirming that the property is derelict.

Those applying for the grant are required to indicate on the application form if they are applying in respect of a property that will become their principal private residence or a property that will be made available for rent. This must be indicated at the outset as different conditions apply depending on the application type.

Those applying for the grant are also required to indicate on the application form if they are applying for the Vacant Property Refurbishment Grant alone or the Vacant Property Refurbishment Grant including the Derelict Property top-up Grant.

The level of grant is contingent on the works approved by the local authority and is paid on completion of the works and based on vouched expenditure following a final inspection by the local authority.

From 1 July 2023, additional support under the Vacant Property Refurbishment Grant is available to support the refurbishment of vacant and derelict properties located on the islands to help bring them back into use.

The maximum rate of the Vacant Property Refurbishment Grant payable is up to 20% higher for eligible vacant and derelict properties on qualifying islands

A list of the qualifying islands where this additional funding is available can be accessed using the following link.

<https://www.gov.ie/en/publication/31da3-populated-off-shore-islands/>

This brings the maximum grant rates for refurbishing properties on islands up to **€60,000** for the refurbishment of vacant properties and up to **€84,000** where the property is confirmed to be derelict. The maximum cost limits for the individual works categories are also increased by 20%.

1. From 14th July 2022 to 30th April 2023, a grant of up to €30,000 was available for the refurbishment of a vacant property while a grant of up to €50,000 was available for the refurbishment of a derelict property.

2. This refers to buildings previously used for commercial or public use.

A SEAI Better Energy Home Scheme Grant³ may be available in combination with this grant. Works covered by SEAI Better Energy Homes Scheme will therefore not be under the Vacant Property Refurbishment Grant. The local authority must satisfy themselves that proposed works are not claimed for under any other grant.

In respect of rental properties, all landlords are required by law to comply with the standards for rental housing and ensure their properties are fully compliant with fire safety and minimum standards regulations for rental properties. See <https://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>. As part of the declaration to be signed in the application form, all applicants must agree to meet and comply with these standards.

The scheme is available to individuals or households for which the property will be their principal private residence or applicants who will make the property available to rent on the private market. It is not available to registered companies or developers. Applications can only be made by named individuals.

3. SEAI Grants include Attic Insulation up to €1,700, Cavity Wall Insulation up to €1,700, Internal Insulation up to €4,500, External Wall Insulation up to €8,000, Heat Pump Systems up to €6,500, Solar PV up to €2,400. Further details are available on the SEAI website: www.seai.ie



How the Scheme Works

Eligible Properties

Properties considered for inclusion must be built up to and including 2007⁴ and evidence of this is required to support grant application.

Proof of Vacancy

The property must be vacant for two years or more at the time of grant application. Proof of vacancy is required to support grant applications.

Confirmation of vacancy can be validated and verified by the use of, for example, utility bills, which can help determine vacancy periods (e.g. pattern of usage or disconnection) or such other proofs as are available, to the satisfaction of the local authority. **Confirmation of vacancy must be validated and verified by the local authority prior to grant approval.**

Please note that an applicant cannot leave a property unreasonably and purposely vacant for the purpose of qualifying for the grant.

Proof of Dereliction

For a property to be deemed derelict (i.e. structurally unsound and dangerous), the applicant must confirm this by submitting an independent report prepared by an appropriately qualified professional along with the application form. The property can also be deemed derelict if it is on the local authority's Derelict Sites Register.

Proof of Ownership

Proof of ownership is required to support the grant application.

A local authority may give approval in principle to the grant application where the applicant is able to provide evidence of active negotiations to purchase a property i.e. confirmation of engagement from the estate agent or owner of the property and where the owner provides such evidence as to vacancy as is required under the scheme on behalf of the applicant.

Such approval in principle shall not be confirmed as approval in full until ownership has transferred to the applicant. No drawdown may take place until such ownership has been confirmed to the satisfaction of the local authority.

4. Prior to 1 May 2023, only properties built before 1993 were eligible.

Evidence of ownership for the grant payment, which the relevant local authority may consider, is outlined in the table below.

Ownership Requirements for grant payment	Examples of Proof that may be submitted
The owner must be an individual who owns the dwelling (whether jointly or not) and the local authority must satisfy itself as to the ownership prior to approval of the grant.	<ul style="list-style-type: none"> • Title deed⁵ or similar legal instrument proving ownership of the property; • evidence of payment of Local Property Tax (LPT); • mortgage statement dated within the last 12 months.

The relevant owner is required to reside in the dwelling as his or her principal private residence or to make the dwelling available for rent on completion of the qualifying works to the dwelling.

Where appropriate, the applicant must submit evidence of planning permission for the development / works proposed or a declaration of exemption under the Planning Acts.

Where the applicant is going to use the property as their principal residence, the declaration (Page 14) that the individual intends to reside in the dwelling on completion of the qualifying works to the dwelling must be provided to the local authority. Clawback conditions will apply where the applicant ceases to reside in the dwelling as a principal private residence.

Where the applicant is going to make the dwelling available for rent, the declaration (Page 14) must be provided to the local authority that upon completion of the qualifying works to the dwelling, the property will be made available to rent and that a tenancy will be registered with the Residential Tenancies Board (RTB) prior to drawdown of the grant. Clawback conditions will apply if the property is no longer available to rent within ten years.

The refurbishment of a vacant property for occupation may involve development that requires planning permission. Where appropriate, an applicant under the scheme will be required to submit evidence that planning permission has been attained prior to final grant approval. In cases where a question arises in relation to whether a proposed development needs planning permission or is exempted development, an applicant under the scheme will be required to submit a declaration of exemption under Section 5, of the Planning and Development Act 2000. This question may arise, in particular, in the case of a change of use, properties that have been vacant for a long period of time, and properties that are in a substantial state of disrepair and / or require substantial works.

A local authority may give approval in principle to a grant application where the applicant is required to obtain planning permission for the development / works involved. In these circumstances the applicant shall provide details of their current planning application to accompany their grant application. Any grant approval in principle shall not be confirmed as approval in full until a final decision has issued in respect of the planning application by the planning authority.

5. A title deed can be obtained from the Property Registration Authority of Ireland (www.prai.ie).



Types of Work Covered

The following categories of works are eligible for grant assistance, subject to a reasonable cost assessment by the local authority and to any limits for specific works as set out in the table below. The works proposed must be approved in advance, following inspection by the local authority of the subject property.

Refurbishment requirements for each property will differ depending on the type / size / condition of the existing building. The cost threshold levels set out below are based on a typical two storey, 3 bed semi-detached house.⁶

	Works Category	Maximum Cap on Specific Elements (incl. VAT) based on a two storey, 3 bed semi-detached
1.	Demolitions⁷ / Strip-out / Site Clearance (including removal of hazardous materials)	Max €50,000 for Vacant Property Grant only Max €70,000 incl. Derelict Top-Up Grant
2.	Substructure works (including works to foundations; rising walls; beds/slabs; damp-proofing; underpinning)	Max €50,000 for Vacant Property Grant only. Max €70,000 incl. Derelict Top-Up Grant
3.	Superstructure works (including works to internal/external walls; chimneys; upper floors; stairs; roof structure; other structural timbers)	Max €50,000 for Vacant Property Grant only. Max €70,000 incl. Derelict Top-Up Grant
4.	Completions (including works associated with external doors and windows; internal doors and associated frames, architraves and ironmongery; balustrades; skirtings; rooflights; fascias/soffits; rainwater goods)	
4a	external completions (incl. doors, windows, cills)	€21,000
4b	internal completions (incl. doors, frames, architraves, ironmongery)	€7,000
4c	skirtings	€3,500
4d	fascias, soffits, rainwater goods	€4,200
4e	roof completions (incl. flashings, fascias, soffits, gutters, downpipes)	€14,000

6. In respect of islands, the maximum cost limits for the individual works categories are increased by 20%.

7. While demolition and extension works can form part of an application for the Vacant Property Refurbishment Grant, such works must be part of a wider refurbishment of the existing dwelling in keeping with the objectives of the scheme.

Works Category	Maximum Cap on Specific Elements (incl. VAT) based on a two storey, 3 bed semi-detached
5. Finishes (including finishes to external / internal walls; ceiling finishes; tiling/ waterproof finishes to wet areas; roof finishes)	
5a tiling/waterproof finishes to wet areas	€2,800
5b painting and decorating	€10,500
5c roof finishes	€14,000
6. Services (including plumbing; heating; ventilation; power; lighting; telecommunications; smoke/CO2 detection)	Max €50,000 for Vacant Property Grant only. Max €70,000 incl. Derelict Top-Up Grant
7. Fittings (including kitchen units; sanitary/ bathroom fittings)	
7a kitchen units	€7,700
7b sanitaryware / bathroom fittings	€2,800
8. External Works (necessary external / site works carried out within the curtilage of the site)	€7,000
9. Extension either within the ambit of exempt development under planning regulations, or as part of a planning application, if required, as part of a wider refurbishment	Max €50,000 for Vacant Property Grant only. Max €70,000 incl. Derelict Top-Up Grant
10. Professional services associated with works (fees / surveys)	10% + VAT of the nett construction cost or €14k, whichever is the lesser

Grant Conditions

Subject to the above, the following additional conditions will apply:

Grant Applications to refurbish a Principal Private Residence

- applicants may only apply for a maximum of two grants under this scheme - where one the property will become their principal private residence and one additional grant in respect of a property made available for rent. **Only one grant will be payable in respect of a property for rent;**
- applicants must provide evidence of tax compliance, with tax clearance from Revenue;
- Local Property Tax to be in order where applicable;
- applicants must agree to the clawback conditions set out in Page 9;
- applicants must provide vouched expenditure for the works undertaken;
- once a grant application receives approval, applicants must complete works applied for within a period of 13 months.

Grant Applications to refurbish a property that will be available to rent

- applicants may only apply for a maximum of two grants under this scheme - where one the property will become their principal private residence and one additional grant in respect of a property made available for rent. **Only one grant will be payable in respect of a property for rent;**
- applicants must provide evidence of tax compliance, with tax clearance from Revenue;
- Local Property Tax to be in order where applicable;
- applicants must agree to the clawback conditions set out in Page 9;
- applicants must provide vouched expenditure for the works undertaken;
- a signed affidavit confirming that the Grant has not been applied for previously for rental purposes;
- once a grant application receives approval, applicants must complete works within a period of 13 months.

Applicants may only avail of a maximum of two grants, once in respect of a principal private residence and once in respect of a property to be made available for rent. Local authorities will ensure adequate checks of addresses in this regard.

For rental properties, proof of registration of the tenancy with the Residential Tenancies Board (RTB) must be provided to the local authority before drawdown of the grant. Evidence of annual registration of tenancy with the RTB must be submitted to the local authority which awarded the grant. Checks will be carried out by local authorities to confirm this.

In respect of rental properties, all landlords are required by law to comply with the standards for rental housing and should ensure their properties are fully compliant with fire safety and minimum standards regulations for rental properties.

See <https://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>

Purchasers benefitting from this scheme may also be eligible for a Local Authority Home Loan (in the case of a principle private residence), or, retrofit grants under the Better Energy Homes Scheme. In the case of retrofit grants, the local authority will not make the Vacant Property Refurbishment Grant available for the same work.

Local authorities will ensure that the works have not been grant aided via any other scheme and applicants are required to provide any information as may be requested by a local authority regarding any other grant aiding of works applied for.



Clawback

It is required that the applicant(s) will live in or rent out the qualifying property for a period of at least five years from the date of payment of the grant. If at any time you sell the property, or it ceases to be your principal private residence, or the property is no longer available to rent within ten years, you must reimburse the local authority an element of the full value of the grant, as follows:

Up to 5 years	Over 5 years and less than or equal to 10 years	Over 10 years
100% of the monetary amount of the grant	75% of the monetary amount of the grant	No Clawback

In the event of a fall in the value of the property, the full monetary amount, subject to the percentage clawback above will be repayable to the local authority.

Evidence of annual registration of tenancy with the Residential Tenancies Board (RTB) must be submitted to the local authority for a period of ten years after payment of the grant (if the grant application is made in respect of a rental property).

An agreement (comprising of the signed Application Form, signed Letter of Approval and signed Charge document) must be concluded between the local authority and the applicant which contains the clawback agreement, including a charge on the property, which shall be binding on the applicant upon drawdown.



Letter of approval / Letter of approval in principle

A letter of approval will issue to applicants who are successful and will include the approved grant amount. Approval is granted from the date of issue of the letter and is valid for a period of 13 months. Applicants are required to sign and return the letter to the local authority in order to confirm that they understand the terms and conditions applicable to the grant. This signed letter in addition to the Application Form, forms part of the agreement between the applicant and the local authority.

The charge document referred to above, must be signed and returned to the local authority, after completion of the works applied for and prior to the issuing of the grant payment.

The signed Application Form, signed Letter of Approval and the signed Charge document, form the agreement between the applicant and the local authority.



Application Form

Please answer all of the following questions using **BLOCK CAPITALS**.
Failure to fully complete any of the below sections may result in delays to your application.

Details of who the grant is for

Name	<input type="text"/>
Address	<input type="text"/>
Eircode	<input type="text"/>
Date of birth	<input type="text"/>
Email address	<input type="text"/>
Contact phone number	<input type="text"/>

Please provide additional details here along with any relevant supporting documentation:

Details of the Vacant Property

Address of the property where the work will be carried out

Eircode

How long has the property been vacant (in months)?

Will you be living here as your principal private residence when the work is completed?

☐ YES ☐ NO

Will you make the property available for rent when the work is completed?

☐ YES ☐ NO

Have you provided evidence that you are the property owner, or evidence of active negotiations to purchase the property?

☐ YES ☐ NO

Please tick the box that describes the home.

- ☐ Detached
☐ Semi-detached
☐ Terraced
☐ An apartment

Are you applying for grant funding in respect of a property located on one of the qualifying Islands listed?

☐ YES ☐ NO

<https://www.gov.ie/en/publication/31da3-populated-off-shore-islands/>

If so, which island?

Is the property compliant with Local Property Tax?
 (to be completed if you are the owner of the property)

☐ YES ☐ NO

What year was your property purchased?

What was the purchase price of the property?

€

What is the current estimated value of the property?

€

Please tick one of the following to indicate if you are applying for the grant to be your Principal Private Residence or if you applying for a Rental Property:

1) Principal Private Residence

☐

2) Rental Property

☐

Please tick one of the following boxes to indicate what grant you are applying for:

1) Vacant Property Refurbishment Grant

☐

2) Vacant Property Refurbishment Grant including the derelict property top-up grant

☐

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Have you previously been approved for the Vacant Property Refurbishment Grant? This includes both principle private residence and rental property applications.

☐ YES ☐ NO

If you have selected yes, please provide details, (Eircode, date of application, date of approval, and application type) including the number of grants you have been approved for:

Have you applied for additional grants for this property, i.e. The SEAI Better Energy Homes Grant, Housing Adaption Grant?

☐ YES ☐ NO

If you have selected yes, please provide details:

You will need to send your local authority proof that Local Property Tax is up to date on the property where the work will be done. This can be a letter from Revenue or a printout of the online record, which will show:

- that this tax is paid; or
- deferral of payment (Local Property Tax will be paid later); or
- exemption from Local Property Tax.

You may wish to consider getting professional advice before you complete the next section.

Please tick below all the proposed works that you intend to have done on your property and state the cost of each of the proposed works

	Works Category	✓	Cost of Proposed Works
1.	Demolitions⁸ / Strip-out / Site Clearance (including removal of hazardous materials)		€
2.	Substructure works (including works to foundations; rising walls; beds / slabs; damp-proofing; underpinning)		€
3.	Superstructure works (including works to internal / external walls; chimneys; upper floors; stairs; roof structure; other structural timbers)		€
4.	Completions (including works associated with external doors and windows; internal doors and associated frames, architraves and ironmongery; balustrades; skirtings; rooflights; fascias / soffits; rainwater goods)		€
4a	external completions (incl. doors, windows, sills)		€
4b	internal completions (incl. doors, frames, architraves, ironmongery)		€
4c	skirtings		€
4d	fascias, soffits, rainwater goods		€
4e	roof completions (incl. flashings, fascias, soffits, gutters, downpipes)		€
5.	Finishes (including finishes to external / internal walls; ceiling finishes; tiling / waterproof finishes to wet areas; roof finishes)		€
5a	tiling / waterproof finishes to wet areas		€
5b	painting and decorating		€
5c	roof finishes		€
6.	Services (including plumbing; heating; ventilation; power; lighting; telecommunications; smoke / CO2 detection)		€
7.	Fittings (including kitchen units; sanitary / bathroom fittings)		€
7a	kitchen units		€
7b	sanitary ware / bathroom fittings		€
8.	External Works (necessary external / site works carried out within the curtilage of the site)		€
9.	Extension either within the ambit of exempt development under planning regulations, or as part of a planning application, if required, as part of a wider refurbishment		€
10.	Professional services associated with works (fees / surveys)		€

How much do you think the work will cost in total including VAT?

€

8. While demolition and extension works can form part of an application for the Vacant Property Refurbishment Grant, such works must be part of a wider refurbishment of the existing dwelling in keeping with the objectives of the scheme.

Applicants should provide a quotation(s) in respect of the works proposed. Quotations in respect of the individual costs under the table above for each of the works categories being applied for must be provided.

Can you pay for any extra cost that is not covered by the grant? ☐ YES ☐ NO

Home owners should be aware of their responsibilities under Safety, Health and Welfare at Work (Construction) Regulations 2013. See www.hsa.ie

In respect of rental properties, all landlords are required by law to comply with the standards for rental housing and should ensure their properties are fully compliant with fire safety and minimum standards regulations for rental properties.

See <https://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>

If you are approved for this grant and have not already installed them, you will need:

- at least two smoke / heat alarms – self-contained and with a 10-year-battery.
- a carbon monoxide detector if you use fossil fuel heating like gas or coal. The carbon monoxide detector must meet the standard – EN 50291 (marked on box).

Tick box to confirm that you have read and understood the above.

How many alarms are already installed in the home where the work will be done?

Smoke / heat alarms

Carbon monoxide detectors

Data Protection

By law, applicants must provide certain personal data in this form. All information and personal data provided will be treated as confidential, in line with the General Data Protection Regulation and Data Protection legislation.

To process this application, please note that the local authority may share your personal data (information) with the Department of Housing, Local Government and Heritage, the Housing Agency and the other parties participating in the delivery of the Vacant Property Refurbishment Grant.

You can read the details of the Data Protection Policy and Privacy Statements on your local authority website. The policy explains how and why personal data will be used and provides information about your rights as a data subject. The policy is also available in paper format if you request it from your local authority office.

Declaration - Tick each that is applicable.

I declare that the information and details I have given on this application are true and correct.

I declare that I will inform the local authority if there are any changes to my circumstances in respect of the property being applied for.

I declare that I will live in the property as my principle private residence.

I declare that I will make the property available for rent.

As part of this declaration I agree to meet the requirements and standards as set out in this application form.

Full name of applicant (BLOCK LETTERS):

Signature of applicant(s):

Date:

Checklist for what to include with this form

Your application will be delayed if details and documents are missing. There are two checklists that will help you to send in all the documents needed to process your application. The first checklist is for applicants who are applying for the grant to refurbish a property that will be their principle private residence and the second checklist is for applicants who are applying for a grant to refurbish a property and make available to rent. **Please use the checklist that is relevant to your application only.**

1) Checklist for Principal Private Residence:

All applications will need the following:

This form. Fully completed and signed. ☐

Proof that the property has been vacant for a period of 2 years or more immediately prior to this application. ☐

A quotation(s) in respect of the works proposed. ☐

Proof of ownership or evidence of active negotiations to purchase the property if seeking approval in principle. ☐

Evidence confirming that the property is structurally unsound and dangerous if applying for the top-up derelict property grant. ☐

Any other relevant documentation to support your application (e.g. evidence of planning permission or a certificate of exemption under the Planning Acts). ☐

2) Checklist for Rental Property:

All applications will need the following:

This form. Fully completed and signed. ☐

Proof that the property has been vacant for a period of 2 years or more immediately prior to this application. ☐

A quotation(s) in respect of the works proposed. ☐

Proof of ownership or evidence of active negotiations to purchase the property if seeking approval in principle. ☐

Evidence confirming the property is structurally unsound and dangerous if applying for the top-up derelict property grant. ☐

A signed affidavit confirming that the Grant has not been applied for before for rental purposes. (if applicable) ☐

Signed declaration of their intention make the property available for rent and that they will register a tenancy with the Residential Tenancies Board (RTB) prior to grant drawdown. ☐

In respect of rental properties, all landlords are required by law to comply with the standards for rental housing and should ensure their properties are fully compliant with fire safety and minimum standards regulations for rental properties. See <https://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>

Any other relevant documentation to support your application (e.g. evidence of planning permission or a certificate of exemption under the Planning Acts). ☐

IMPORTANT:
Where the local authority has requested that further documentation is to be submitted to support your application, failure to do so may result in your application becoming invalid. If you are experiencing delays, it is advised that you contact the Vacant Homes Officer in your local authority as soon as possible.



What happens next?

What happens when I send in my application?

Your local authority will:

1. check your application form to ensure it is fully completed and that your supporting documents have been submitted.
2. arrange for suitable technical staff from your local authority to visit the property to make sure it is possible to do the work and assess the projected costs of the planned works in the application form.
3. write to you to let you know if your application has been successful and tell you how much of a grant has been approved or that you have received approval in principle. **Proof of ownership will be required before a grant is paid.**
4. ask you to submit information from the contractor(s) doing the work such as their tax reference number to check their tax clearance details.
5. ask for the bank account details where the grant will be paid when the works are completed.
6. ask for an invoice for the completed work and arrange for a technician from your local authority to visit the property and confirm that the work is completed.
7. in cases where approval in principle was granted, proof of ownership must be provided.
8. the local authority will provide an agreement to be signed by you which contains the clawback agreement including a charge on the property.

For rental properties, proof of registration of the tenancy with the Residential Tenancies Board (RTB) must be provided to the local authority before drawdown of the grant. Evidence of annual registration of tenancy with the RTB must be submitted to the local authority which awarded the grant.

Further information your local authority may need

Your local authority may ask you to send in some extra documents such as the following:

- evidence of planning permission or a certificate of exemption under the Planning Acts.

What happens when I send in my application?

Your local authority will:

For grants over €10,000

If the approved grant is over €10,000, **you will need** to get tax clearance from Revenue. You can apply for tax clearance using Revenue's online service at www.revenue.ie. If you do not have access to the internet, you can call Revenue on 1890 306 706.

If you do not get the grant, you can appeal the decision

Sometimes an application to your local authority for a grant will not be successful. If your application is not successful, you can write to your local authority to appeal the decision. You must write **within three weeks of the date of the original decision**, and clearly explain why you are appealing. A local authority official who was not involved with the original assessment will then assess this appeal and contact you with the result. This could take up to six weeks.

Thank you for filling out this form.

If you have any questions, please contact the Vacant Homes Officer in your local authority.



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Department of Housing, Local Government and Heritage

36



Martin Lavelle <mlavelle00@gmail.com>

Fwd: FW: RLS281 Cloonlara, Swinford, Co Mayo F12TR92

1 message

Niamh O'Malley <niamh661@gmail.com>
To: mlavelle00@gmail.com

Wed, Jun 12, 2024 at 12:32 PM

----- Forwarded message -----

From: **Deirdre Swords** <dswords@mayococo.ie>
Date: Fri 16 Jun 2023, 12:07
Subject: FW: RLS281 Cloonlara, Swinford, Co Mayo F12TR92
To: niamh661@gmail.com <niamh661@gmail.com>

Hi Niamh,

Many thanks for taking my call. Just to formally note that we continue to review your application and as a result of the initial review by a member of our technical team we are requesting that you follow up on the following matter –

We are requesting that you contact the planning section of Mayo County Council and seek clarification if you require a section 10. The reason we are seeking clarification on this is that the roadway for the property enters / exits onto a main regional road and TII not MCC have authority over the road. We just want to ensure that there are no issues regarding access down the line.

We will require a formal response from the planning section on this. I look forward to hearing from you on the matter.

Regards

Deirdre

From: Deirdre Swords
Sent: Wednesday 19 April 2023 14:38
To: niamh661@gmail.com
Subject: RLS281 Cloonlara, Swinford, Co Mayo F12TR92

Hi Niamh,


I wish to acknowledge receipt of your completed application under the Repair & Leasing Scheme, for the above mentioned property, introduced under the programme "Rebuilding Ireland – Action Plan for Housing and Homelessness".

We will now consider this application in conjunction with the Municipal District Housing Staff and revert to you once a decision has been made.

Thank you for your interest in this scheme. Please use the above REF No in all correspondence with this office.

Regards

Deirdre

 9393BE35

(37)



Deirdre Swords

**Vacant Homes Officer, Central Housing Office
Mayo County Council**

dswords@mayococo.ie | +353 (0) 94 9064951 direct dial number | M: 0873456634
College House | Station Road | Swinford | County Mayo | F12 V126
www.mayo.ie

Email Disclaimer Text

3 attachments

 **image001.png**
1K

 **image002.png**
10K

MAYO.IE

 **image002.png**
10K

MAYO.IE

38



Martin Lavelle <mlavelle00@gmail.com>

Niamh O'Malley, Swinford

1 message

Martin Lavelle <mlavelle00@gmail.com>

Thu, Jun 13, 2024 at 5:08 PM

To: dswords@mayococo.ie, Niamh O'Malley <niamh661@gmail.com>

Hi, Deirdre,

Niamh has asked me to help with her house application at Cloonlara on the N5.

I called into Marian McHugh, SEE, NRDO, Castlebar and she guided me to planning office.
I called into Planning Office and met Paula Henderson and Enda Casey. Paula had sought guidance from Mary Gordon.

They informed me that Section 10 relates to "change of use" for commercial buildings, but does not refer to "change of use" for refurbishment of existing derelict/vacant houses.

They also stated that planning approval was not needed for an existing entrance, which is the case at Cloonlara.

I asked them to confirm same in writing but they weren't inclined to do so.

They suggested that Niamh should apply under Section 5 for exempt development as there is no proposed change to existing pre-1935 building except for refurbishment and no change to existing legacy access, constructed in 2007 by MCC as part of the Charlestown Road Realignment link to the Swinford bypass.

I have the 2013 Ordnance Orthophotos which clearly show the access to the house from the N5. And same since 1995.

Can you determine if Niamh needs to apply for Section 5 exempted development?

Regards,

Martin Lavelle (former SE Galway County Council R&T, Water Services & Housing)

(39)



MAYO COUNTY COUNCIL

Áras an Chontae,
The Mall,
Castlebar,
Co. Mayo.
F23 WF90

(For Office Use Only)

Section 5 Application Form

REF NO. P 24 / 219

Address: Aras an Chontae Telephone: (094)9024444 Fax: (094) 9021694
Website address: www.mayococo.ie E-mail: planning@mayococo.ie

APPLICATION FORM FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT (Planning & Development Act 2000 (as amended) (Section 5)

SCANNED

Name of Applicant(s):

NIAMH O'MALLEY

(Address must be supplied at the end of this form)

Describe the nature & extent of development:

REFURBISHMENT WORKS TO EXISTING COTTAGE. COTTAGE BUILT PRE 1935.

EXISTING ACCESS ROADWAY WILL BE USED

NO NEW DEVELOPMENTS WILL BE TAKING PLACE

Location of proposed development including the Townland Name / Eircode:

CLOONLARA SWINFORD F12 TR92

Interest of Applicant in Development/Proposed Development:

Owner ☒ Occupier ☐ Other ☐ (Tick Appropriate box ✓)

Name of person acting on behalf of applicant:

(Address must be supplied at the end of this form)

MARTIN KAVELLE

Reason why proposed development/development is considered exempt or not:

A MEETING WITH ENDA CASEY & PAULA HENDERSON (ADVISED BY MARY GORDON)
TOOK PLACE ON 13/6/2024. THERE IS NO CHANGE OF USE OR NEW
ACCESS PROPOSED.

Please indicate when development was carried out (if applicable):

N/A.

MAYO COUNTY COUNCIL
RECEIVED

17 JUN 2024

This page will be published and viewable by the public

RN: 6381.
€20.00 Can
17.06.2024
411

(40)

Documents to be included with this application form (please tick ✓)

- Site Location Map [] (sufficient to determine the location to which Section 5 relates)
- The site location should be outlined in RED on the appropriate map. ✓
- Other information supplied to aid in declaration
Site Layout Map [] Floor plans & elevations [] N/A.
Scale 1:500

In relation to Agricultural

Sizes and types of proposed structures and of any existing structures within the farmyard should be clearly outlined on the site layout

Fee €80 [✓]

I hereby declare that the information given on this form is correct.

Applicants Signature: Martin Laville Date: 17th June 2024

In the case of any previous applications on the site, please quote the Planning Reference Number: _____

DIRECTIONS FOR COMPLETING THIS FORM

Before sending in your application please ensure:

- All the fields in **Bold** have been completed.
- A copy of site location map, clearly showing the site (outlined in red) is enclosed.

The application should be sent to:

Planning Section,
Mayo County Council,
Aras an Chontae,
Castlebar,
Co. Mayo.

Please note:

Section 5 Application Forms that are not fully completed or that are not accompanied by the documents requested will be deemed invalid and will be returned to the applicant.

PART 2

Exempted Development

Column 1

Description of Development

SCANNED

Development within the curtilage of a house

CLASS 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Column 2

Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

PART 2

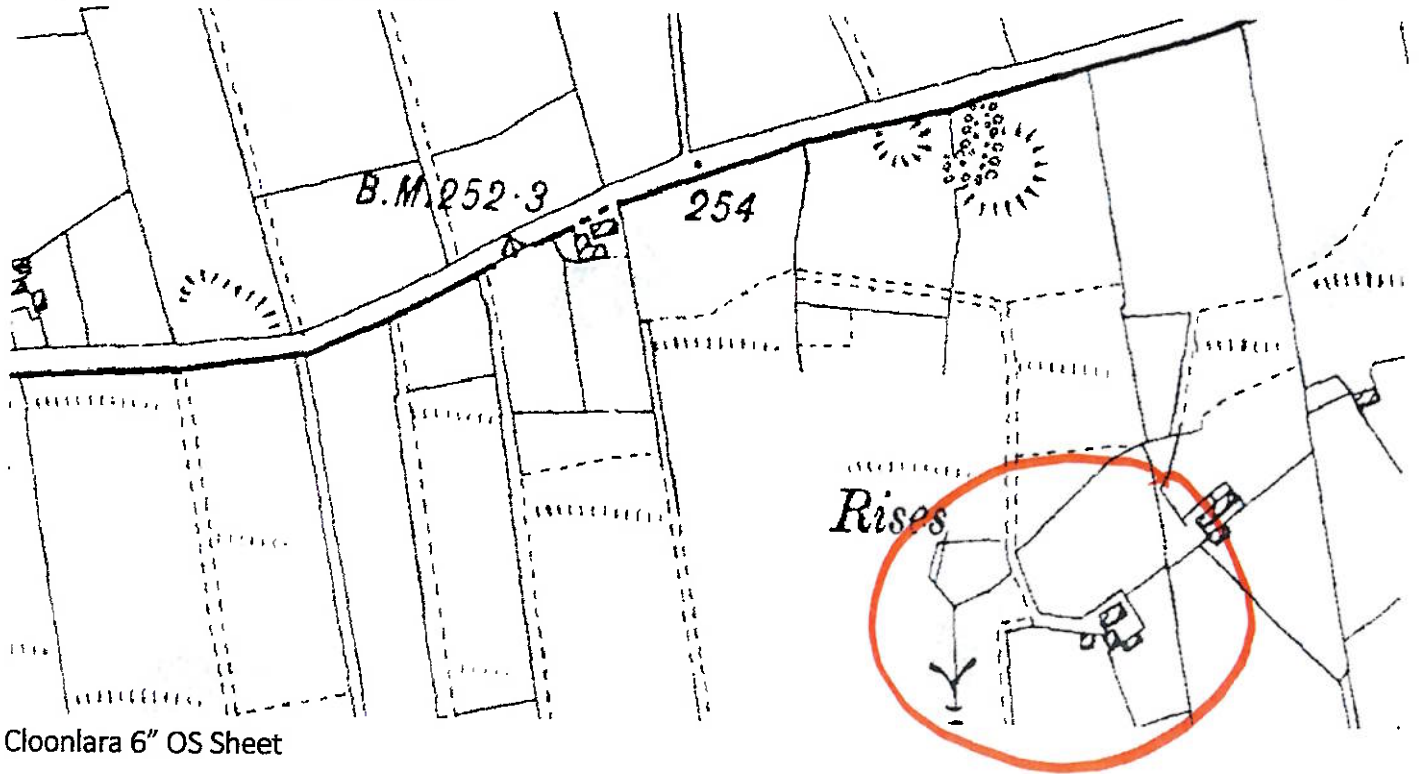
Exempted Development

Saver for certain development.	11.	Development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act.
--------------------------------	-----	--

Historic Mapping Products from OSI indicate that the existing house existed before 1941 & predates the Planning & Development Act 1963, the National Roads designation & is exempt development in regard to refurbishment.

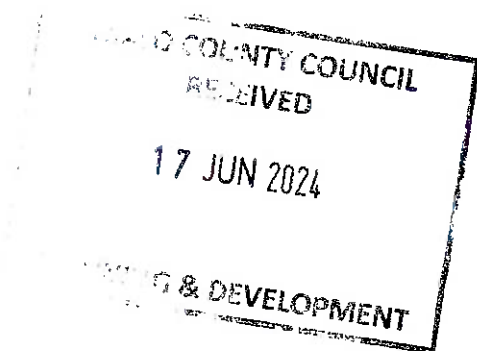
"Our first edition 6 Inch mapping was surveyed between 1829 and 1834 and printed between 1829 and 1941. These are available in both black & white and colour editions with national coverage available. The 25 Inch mapping series was surveyed between 1863 and 1924. These black and white maps allowed for greater detail than the previous 6 Inch series. A later revision of the 6 Inch series (6 Inch Last edition) was completed between the 1830's and the 1930's and is available in black and white."

42



Cloonlara 6" OS Sheet

24/219-



(44)

SCANNED

24/219-

COHEN

MAYO COUNTY COUNCIL
RECEIVED

17 JUN 2024

PLANNING & DEVELOPMENT

✓
CINELBATH

the first

卷之五

They were accompanied by a large number of people, and the ceremony was a very successful one. The people of the town were very interested in the ceremony, and many of them were present. The ceremony was a very important one, and it was a very successful one. The people of the town were very interested in the ceremony, and many of them were present. The ceremony was a very important one, and it was a very successful one.

Figure 1. Schematic diagram of the experimental setup.

Environ Biol Fish

Experimental Methods

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A History of England and Wales

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Page 3 of 7

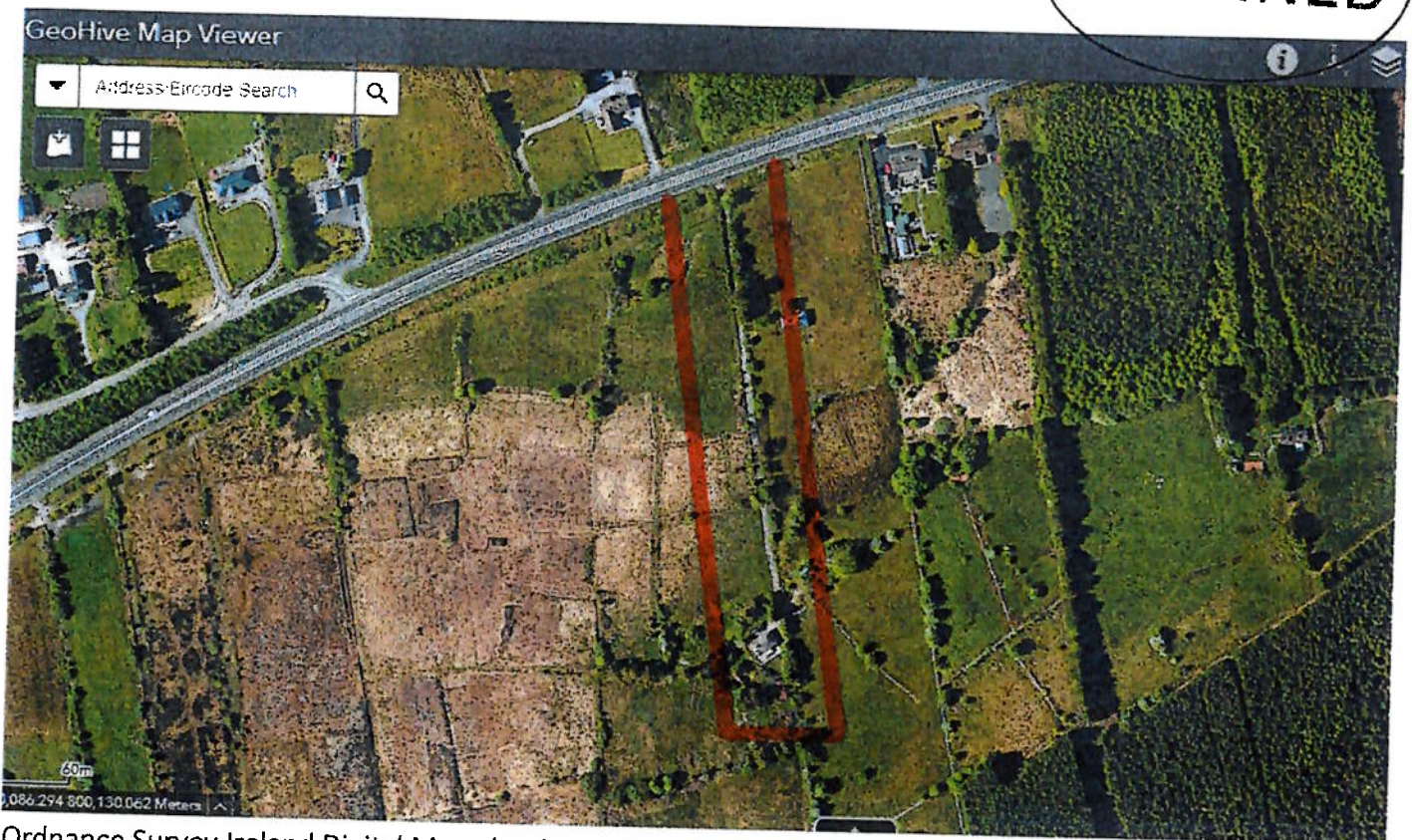
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Site	Location	Map
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2013 Ordnance Survey Ireland Orthophoto showing entrance road, house & modern shed

SCANNED



Ordnance Survey Ireland Digital Map clearly showing entrance road & house

MAYO COUNTY COUNCIL
RECEIVED
17 JUN 2024
PLANNING & DEVELOPMENT

24/219-

MAYO COUNTY COUNCIL
17 JUN 2024
46
PLANNING & DEVELOPMENT

Niamh O'Malley, Cloonlara, Swinford:

Photos from Auctioneers site 2022, OSI 2013 & Google 2018



Front view

SCANNED



Rear view

MAYO COUNTY COUNCIL
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PLANNING & DEVELOPMENT

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47



Existing Shed View: showing modern Tegral sheeting



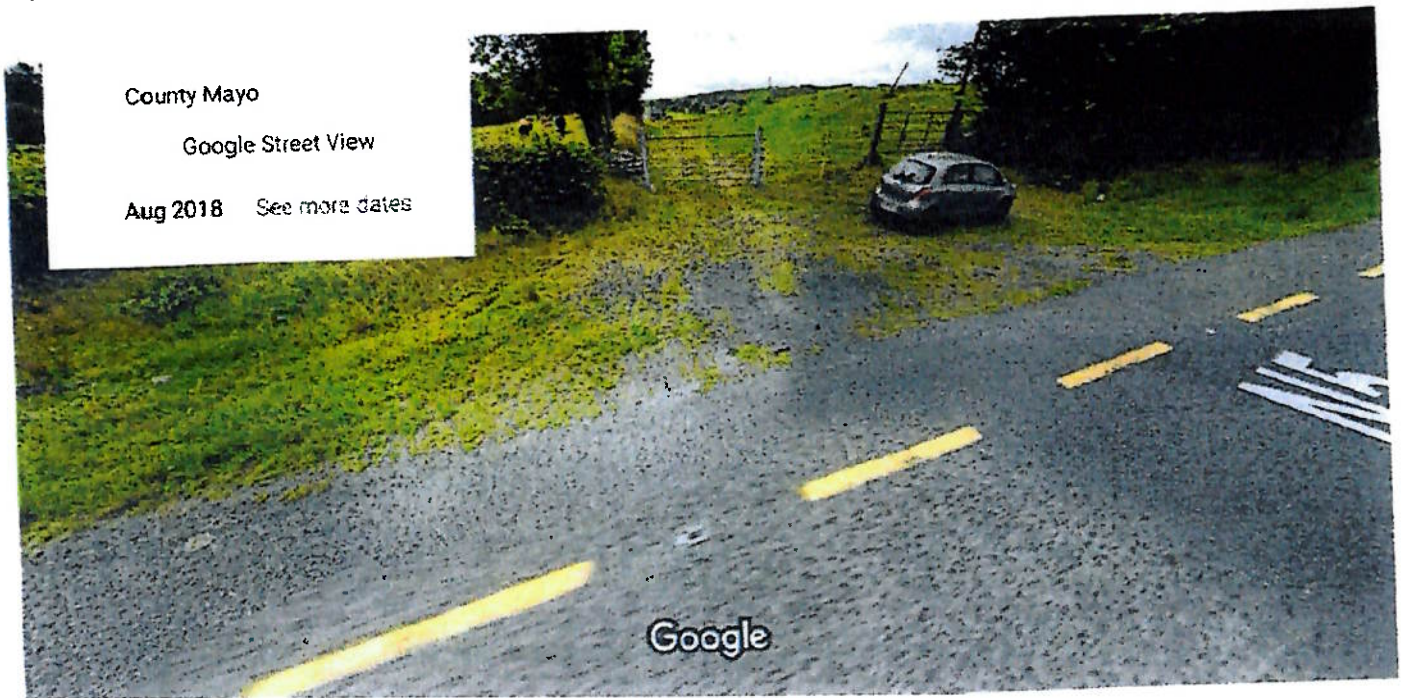
Existing Shed View: showing modern Tegral sheeting & modern tractor plus tubular gates & cattle pen.

24/219-
MAYO COUNTY COUNCIL
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17 JUN 2024
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County Mayo

Google Street View

Aug 2018 See more dates



Google photo 2018 of entrance gates to legacy entrance for house & farm as provided by Mayo County Council as part of the N5 Charlestown Realignment to Swinford Bypass 2007.

SCANNED

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Comhairle Contae Mhaigh Eo
Mayo County Council

A: Áras an Chontae, Caisleán an Bharraigh,
Contae Mhaigh Eo, F23 WF90

T: 094 9064000 F: 094 9023937

W: www.mayo.ie

Ár dTag./ Our Ref.

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P24/219

PER REGISTERED POST

9 July, 2024

Mr. Martin Lavelle,
Knockaleanore,
Partry,
Ballinrobe,
Co Mayo.

Re: P24/219 - Declaration under Section 5: Refurbishment works to existing cottage, existing access roadway will be used, no new development taking place at Cloonlara, Swinford, Co Mayo – Niamh O Malley.

Dear Sir,

I refer to your request of a Declaration under Section 5 of the Planning & Development Act, 2000.

Mayo County Council wishes to point out having regard particularly to:

- a) The details supplied on 17/06/2024.
- b) Section 2, 3 and 4 of the Planning and Development Act 2000, (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001, (as amended)

It is concluded that:

Refurbishment works to existing cottage, existing access roadway will be used, (no new development taking place) comprises 'works' and 'development' having regard to the definitions set out in Section 3 of the Planning and Development Act 2000, as amended.

The development would come within the scope of the restrictions on exempted development as defined in Article 9 (1) (iii) '*endanger public safety by reason of traffic hazard or obstruction of road users,*' of the Planning and Development Regulations, as amended, due to potential increase of traffic from an existing farm access entrance, directly onto the N5 which may create an additional traffic hazard and is therefore **not exempted development**.

Advisory Note:

- Mayo County Council National Road Design Office notes that the proposed development is seeking to gain access onto the National Primary Road N5 via an agricultural access where 100km/h speed limit applies and on a section of road that has been identified as a High Collision Location which is twice above the national rate. In the event of a planning application being submitted a recommendation of refusal of permission would issue due to traffic safety.
- This Section 5 declaration states that there are no new development works proposed. From reviewing Google Imagery (2018), (2011) and (2009) it appears upgrade works have been carried

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out to the to the existing agricultural entrance. It is further noted that there is a Recorded Monument (MA062-056---- Enclosure) immediately to the west of the site, the buffer zone of this Recorded Monument encompasses the entrance which was altered and may have potentially impacted on the Recorded Monument located to the west of the subject site.

Yours sincerely,

pl. Fiona Foy
MARY GORDON, A.O.
PLANNING SECTION

Copy to: Ms Niamh O Malley, Cordarragh, Cuilmullagh, Bofeenaun, Co Mayo.

KD/FF

Mayo County Council Planning Department Planning Report

Section 5 Declaration

The application: Section 5 Declaration: Refurbishment works to existing cottage, existing access roadway will be used, no new development taking place.

File ref: P24/219

The applicant: Niamh O Malley

SCANNED

Declarations sought/Site Description:

The applicant has sought a declaration in relation to refurbishment works to an existing cottage and existing access roadway to be used to enter the cottage at Cloonlara, Swinford, Co. Mayo.

Assessment

The applicant has applied for a determination to see whether the refurbishment works to an existing cottage is or is not development and is or is not exempted development. The subject site is located on the southern side of the N5.

It is noted that some works have been carried out a number of years ago to the agricultural access on the subject site.

Legislative Context:

The appropriate legal context for the referral is the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended). The following specific provisions are relevant to this case:

Planning and Development Act 2000, as amended

The appropriate legal context for the referral is the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended). The following specific provisions are relevant to this case:

Section 3(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any such structures or other land.

Section 4(1) The following shall be exempted developments for the purposes of this Act –

(h) development consisting of the use of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

(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 as such;

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Mayo County Council Planning Department

Planning Report

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would-

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Supporting documents:

Photographs of the dwelling house, a letter stating the reasoning surrounding how the development is exempted development. The extent of the refurbishment works proposed to the exiting cottage have not been detailed.

Consultees:

National Road Design Office: The proposed development is seeking to gain access onto the National Primary Rad N5 via an agricultural access where 100km/h speed limit applies and on a section of road that has been identified as a High Collision Location which is twice above the national rate. The proposal contravenes a number of policies set out in the Mayo County Development Plan 2022-2028 and it is recommends a refusal in this regard.

MCC Archaeologist: The entrance of the subject site is located within the buffer of a protected zone for Recorded Monument and Place MA062-056---- Enclosure therefore an archaeological assessment would be required if they are carrying out any works at the roadside entrance within the protected zone.

Requirement for Appropriate Assessment (AA)

In accordance with Article 6 (3) of the Habitats Directive, the proposed development must be screened for the need to undertake an Appropriate Assessment. The Planning Authority considers that due to the location of the subject site outside of any designated European Site(s) and the information submitted on file that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on European site(s). Therefore, a Stage 2 Full Appropriate Assessment is not required.

Environmental Impact Assessment (EIA)

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000, as amended, as to whether:

(53)

Mayo County Council Planning Department

Planning Report

Constitutes development within the meaning of the Planning and Development Acts, 2000, as amended.

The planning authority consider that the refurbishment of existing cottage as detailed is development and is not exempted development.

Main Considerations:

- a) The details supplied on 17/06/2024
- b) Section 2, 3 and 4 of the Planning and Development Act 2000, (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001, (as amended)

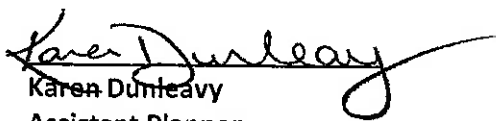
It is concluded that:

Refurbishment works to existing cottage, existing access roadway will be used, (no new development taking place) comprises 'works' and 'development' having regard to the definitions set out in Section 3 of the Planning and Development Act 2000, as amended.

The development would come within the scope of the restrictions on exempted development as defined in Article 9 (1) (iii) 'endanger public safety by reason of traffic hazard or obstruction of road users,' of the Planning and Development Regulations, as amended, due to potential increase of traffic from an existing farm access entrance, directly onto the N5 which may create an additional traffic hazard and is therefore not exempted development.

Advisory Note:

- MCC NRDO notes that the proposed development is seeking to gain access onto the National Primary Rad N5 via an agricultural access where 100km/h speed limit applies and on a section of road that has been identified as a High Collision Location which is twice above the national rate. In the event of a planning application being submitted a recommendation of refusal of permission would issue due to traffic safety.
- This Section 5 declaration states that there are no new development works are proposed. From reviewing Google Imagery (2018), (2011) and (2009) it appears upgrade works have is apparent works have been carried out to the to the existing agricultural entrance. It is further noted that there is a Recorded Monument (MA062-056---- Enclosure) immediately to the west of the site, the buffer zone of this Recorded Monument encompasses the entrance which was altered and may have potentially impacted on the Recorded Monument located to the west of the subject site.


Karen Dunleavy
Assistant Planner

08th July 2024

Date



08/07/2024

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Mayo County Council Planning Department Planning Report

Alan Di Lucia
Senior Executive Planner

Date

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Mayo County Council Planning Department Planning Report



Mayo County Council Planning Department Planning Report

Site Inspection Photos



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**Tionscadal Éireann
Project Ireland**

2040

N5 Swinford Bypass Junctions Safety Assessment Report



September 2020





Figure 6.7: L1718 Collisions

In order to divert Castlebar to Sligo traffic away from the local road and onto the N5/N17 the preferred proposal is to provide a link road between the local roads at junction 9 and junction 10 and to close both N5 junctions. The general route of the alignment is shown on figure 6.8.



Figure 6.8: L5346-L1718 Link Road





Appendix No: 14 a & b: Old gate posts at Eastern Residential entrance to Niamh's house



Appendix No: 14 c & d: Old gate posts at Western Agricultural entrance to Niamh's house



Appendix No: 14 e & f: Old gate posts at Western Agricultural entrance to Niamh's house



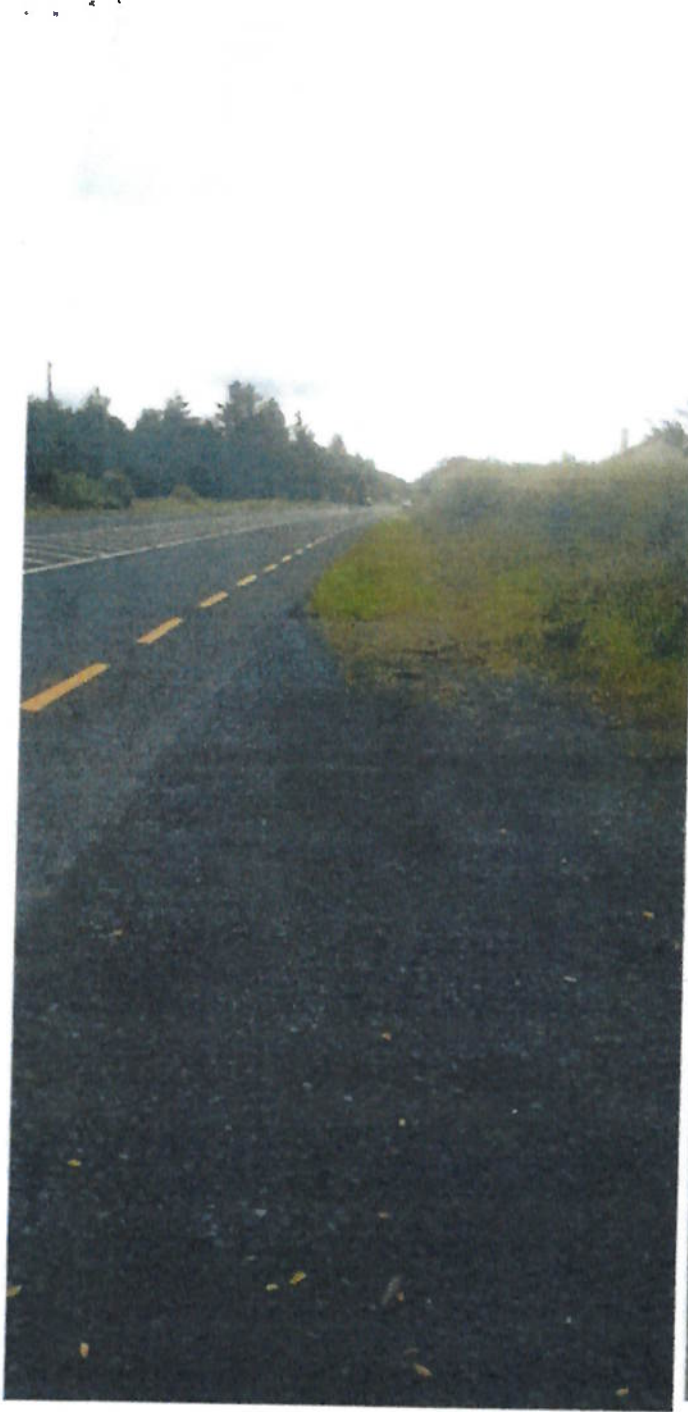
Appendix No. 15 a: Derelict house "B" in adjoining lands



Appendix No. 15 b: Derelict house "B" in adjoining lands



Appendix No . 16: Replaced tubular gates opposite side of road



Appendix No. 17: Sight Distance Triangles to East & West of entrance with 2.4m setback & 215m longitudinal distance as provided by Mayo Co. Co. in 2007 as part of the Charlestown to Swinford realignment to comply with County Development Plan & TII requirements. The western approach has become somewhat overgrown in the setback area between the carriageway edge & the fence, which are under the control of Mayo County Council.