



Cavan

Comhairle Contae an Chabháin
Cavan County Council

Cavan County Council
Johnston Central Library
Farnham Street
Cavan H12 V3W4

T: 049 437 8300 Comhairle Contae an Chabháin
E: info@cavancoco.ie E: eolas@cavancoco.ie
W: www.cavancoco.ie

An Bord Pleanála

64 Marlborough Street

Dublin 1

30 August 2024

Ref: 372

AN BORD PLEANÁLA	
LDG-	<u>074442-24</u>
ABP-	
02 SEP 2024	
Fee: € <u>110.00</u>	Type: <u>cheque</u>
Time: <u>9.00</u>	By: <u>reg post</u>

Re: Declaration under Section V of the Planning and Development Act 2000 (as amended) whether the development of (i) a new boundary wing walls and piers, which are in the curtilage of a protected structure (Bellamont House Ref No CN17036 and Gate Lodge Ref No CV17030), (ii) the relocation of a public access point into Bellamont Forest, and (iii) the fencing/enclosure of an access habitually used by the public during the 10 years preceding such enclosure for recreational purposes and use as a means of access to Dromore river and Bellamont Forest area of natural beauty and recreational utility Station Road, Cootehill Co Cavan is or is not exempted development.

A Chara,

I enclose herewith copy of Section V Application received from St Michaels Close Residents Assoc for a declaration as to whether a new boundary line and pier relocation of a public access point into Bellamont Forest at Station Road, Cootehill Co Cavan is or is not exempted development, which we refer to you for decision in accordance with Section 5(4) of the Planning and Development Act 2000 (as amended).

Statement of grounds for referral and fee of €110 is enclosed.

Mise le meas,

P.p. Marianne McDonald

Senior Staff Officer

MEMORANDUM

From	Michelle Fitzpatrick	To	Nicholas O'Kane
	Assistant Planner		Senior Planner
		Nicholas O'Kane	30/08/2024

Date 30th August 2024

RE: Application for Declaration under Section 5 of the Planning & Development Act As Amended

Applicant: St Michaels Close Resident Association

Location: Station Road, Cootehill, Cavan

Description:

(i) the development of new boundary wing walls, piers (which are in the curtilage of a protected structure (Bellamont House Ref No CN17036 and Gate Lodge Ref No CV17030)

(ii) the relocation of a public access point into Bellamont Forest

(iii) the fencing/enclosure of a public access point habitually used by the public during the 10 years preceding such enclosure for recreational purposes and use as a means of access to Dromore river and Bellamont Forest area of natural beauty and recreational utility,

Due Date: 2nd September 2024

Background:

The Section 5 declaration is submitted by St Michaels Close Resident Association, which is a residential scheme located in close proximity to the site. Works have commenced on site and appear to be substantially complete.

Planning History

There is no planning history on the site of the works. There is a wider planning history associated with Bellamont House Ref No CN17036 and Gate Lodge Ref No CV17030), which can be provided upon request if considered relevant to An Bord Pleanala.

Legislative Context

PART 1, Section 5 of the Planning and Development Act (No. 30 of 2000, as amended)
: Declaration and referral on development and exempted development:

5.-(1.) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority, a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

(4) Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

The applicant has submitted a Section 5 declaration seeking whether;

(i) the development of new boundary wing walls, piers (which are in the curtilage of a protected structure (Bellamont House Ref No CN17036 and Gate Lodge Ref No CV17030)

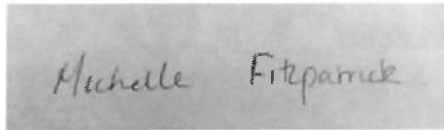
(ii) the relocation of a public access point into Bellamont Forest

(iii) the fencing/enclosure of a public access point habitually used by the public during the 10 years preceding such enclosure for recreational purposes and use as a means of access to Dromore river and Bellamont Forest area of natural beauty and recreational utility,

is exempt development.

The above question is referred to An Bord Pleanála, under Section 5(4) of the Planning and Development Act, as amended, seeking a determination whether the works are or are not development or are or are not exempted development.

PLANNER SIGNATURE

A rectangular box containing a handwritten signature in cursive script that reads "Michelle Fitzpatrick".

DATE

27th August 2024

Michelle Fitzpatrick
Assistant Planner



cavan

Comhairle Contae an Chabháin
Cavan County Council

Cavan County Council
Johnston Central Library
Farnham Street
Cavan H12 V3W4

T: 049 437 8300 Comhairle Contae an Chabháin
E: info@cavancoco.ie E: eolas@cavancoco.ie
W: www.cavancoco.ie

St Mihaels Close Residents Assoc
5 St Michaels Close
Station Road
Cootehill
Co Cavan

08/08//2024

Ref: 372

**Re: Declaration under Section V of the Planning and Development Act 2000
(as amended) whether a new boundary line and pier relocation of a public
access point into Bellamont Forest is or is not exempted development**

A Chara,

I wish to acknowledge receipt of your correspondence received in the Planning Office on 6th of August 2024 in relation to Section V of the Planning and Development Act 2000 (as amended).

The Planning Authority wish to advise that your application is being reviewed and we shall be in further contact with you in due course.

Mise le meas,

Senior Staff Officer



Cavan County Council



APPLICATION FOR DECLARATION UNDER SECTION V of the
PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Name of Applicant ST MICHAELS CLOSE RESIDENTS ASSOCIATION

Address of Applicant 5 ST MICHAELS CLOSE, STATION ROAD
COOTEHILL, CO. CAVAN

Phone Number 086-8672568

Name of Agent N/A

Address of Agent N/A

Location of proposed Development: STATION ROAD,
COOTEHILL CO. CAVAN

Is this a Protected Structure or within the curtilage of a Protected Structure?

- ☒ Yes
☐ No

7. Description of Proposed Development NEW BOUNDARY WING WALLS &
PIERS, RELOCATION OF A PUBLIC ACCESS POINT INTO BELLAMONT FOREST.
THE FENCING/ENCLOSURE OF AN ACCESS USED BY THE PUBLIC

8. Applicant's interest in site: ADJOINING LANDOWNERS

Signed: D O'fool

Date: 5/08/2024

Please submit the following details with your application form:

1. Site location Map
2. Site layout plan
3. Details of gross floor space of development (if applicable)
4. Dimensions of proposed development
5. Details of previous extensions
6. Fee €80

Please note that your application cannot be fully processed until the attached form and appropriate documentation have been submitted to the Planning Department.

**Return completed form to: Planning Section
Cavan County Council, Johnston Central Library, Farnham Street, Cavan
T. (049) 4378300 E: plan@cavancoco.ie**

Planning Pack Map



**Taite
Éireann**

CENTRE
COORDINATES:
ITM 660410.814303

PUBLISHED: 04/08/2024
ORDER NO.: 50414650_1

MAP SERIES: 1:2,500
MAP SHEETS: 1486-C

COMPILED AND PUBLISHED BY:

Taite Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.taite.ie

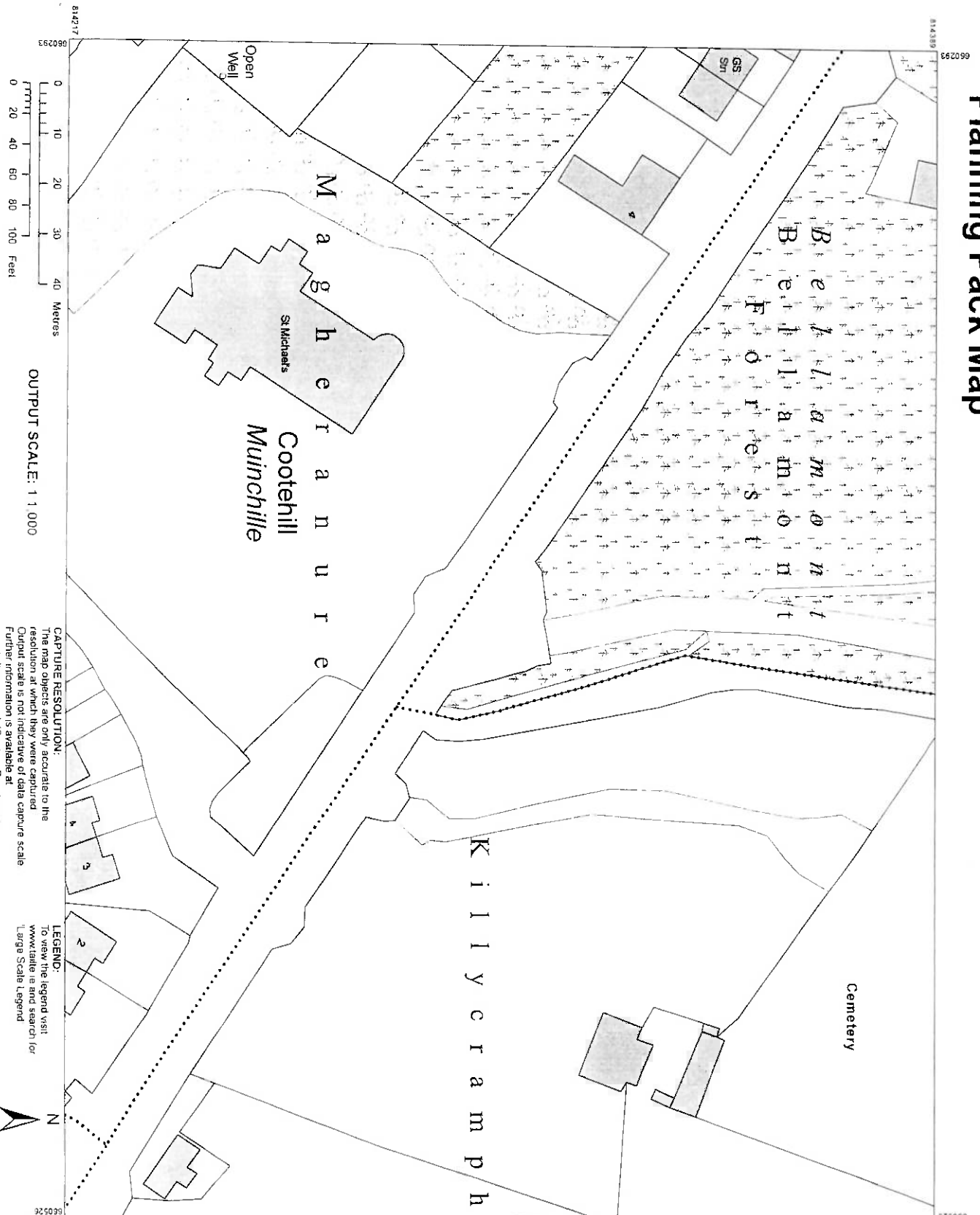
Any unauthorised reproduction
infringes Taite Éireann copyright

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

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

©Taite Éireann, 2024.
All rights reserved.



Site Location Map



Táille
Éireann

CENTRE
COORDINATES:
ITM 660410.814303

PUBLISHED: 04/08/2024
ORDER NO.: 50414650_1

MAP SERIES: 6 inch Raster
MAP SHEETS: CN017
MN022
MN023

COMPILED AND PUBLISHED BY:
Táille Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.taille.ie

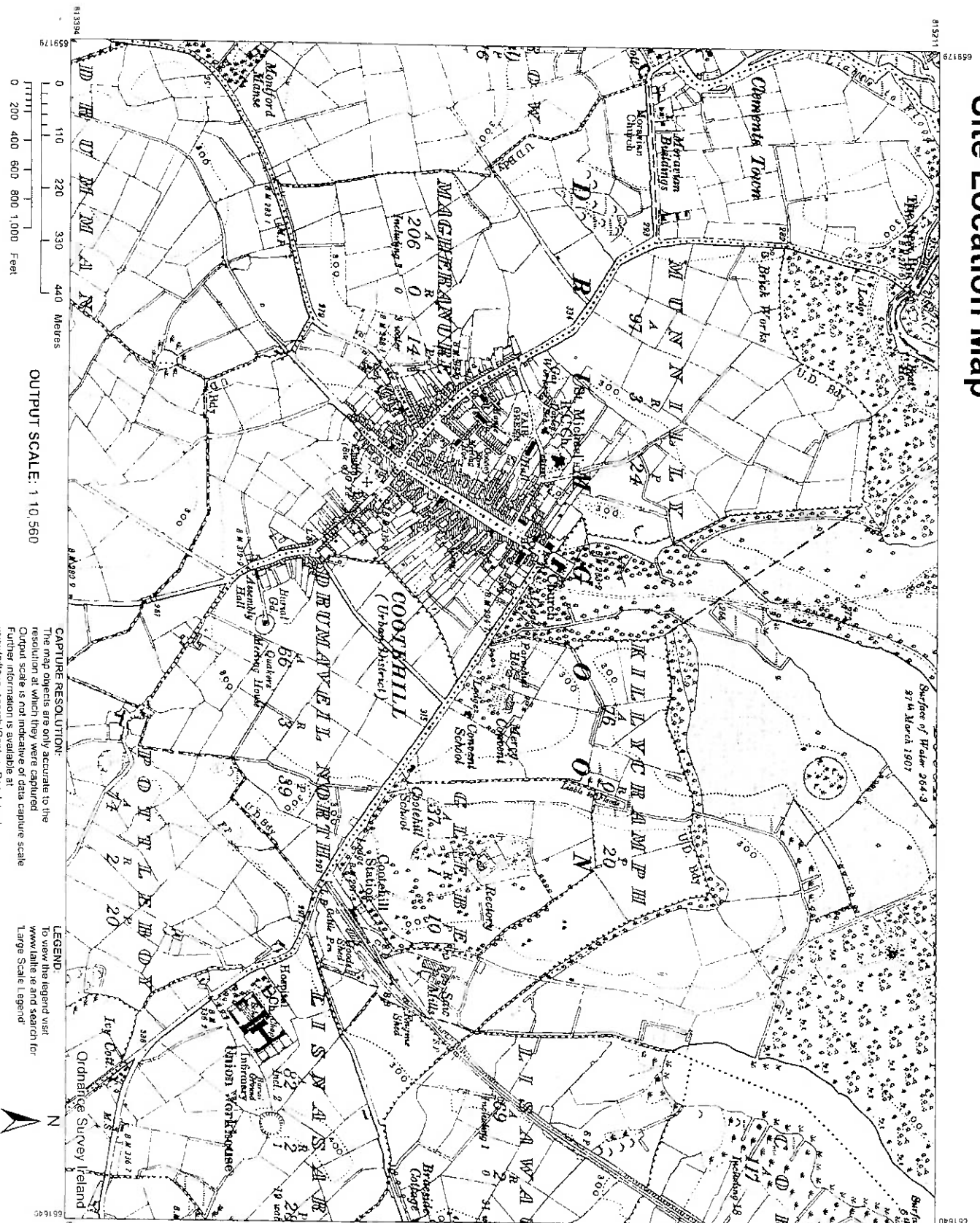
Any unauthorised reproduction
infringes Táille Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

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

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

©Táille Éireann, 2024
All rights reserved.



On payment of the prescribed fee, a request in writing from Cavan County Council planning authority, a declaration under Section 5 of the Planning & Development Act 2000 (as amended) on the question:

- Whether the development of
 - (i) a new boundary wing walls and piers, which are in the curtilage of a protected structure (Bellamont House Ref No CN17036 and Gate Lodge Ref No CV17030),
 - (ii) the relocation of a public access point into Bellamont Forest
 - (iii) the fencing/enclosure of an access habitually used by the public during the 10years preceding such enclosure for recreational purposes and use as a means of access to Dromore river and Bellamont Forest area of natural beauty and recreational utility

is or is not development and is or is not exempted development.

Location of subject site

Outlined in Red at Station Road, Cootehill, Co Cavan

- Measurements taken indicate the height of the wall at the road edge is 2.25m and at the point close to the new pier it is 2.16m.
- As evident from the photos the piers extend higher.



Google street view of entrance & wing walls at August 2019



Google street view of entrance & wing walls at October 2022.



Entrance & wing walls & piers at July 2024



Entrance & wing walls & piers at July 2024



Entrance & wing walls & piers at July 2024

Name of applicant – St Michaels Close Residents Association

Address for correspondence – 5 St Michaels Close, Cootehill, Co Cavan

Fee €80 enclosed

