## thony McNally

From:

Cootehill Residents Group <croabf@gmail.com>

Sent:

Monday 30 September 2024 11:53

To:

Appeals2

Subject:

ABP Ref - ABP-320707-24 / Cavan CoCo Ref - 372

Attachments:

Peace Commissioner Witness Statement.pdf; ABP Ref= ABP-320707-24 Cavan CoCo

Ref - 372.pdf; Signed List\_Petition.pdf

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**FAO: Karen Hickey - Executive Officer** 

Re: ABP Ref - ABP-320707-24 and Cavan CoCo Ref - 372

Dear Ms Hickey

Following the conversation between Laura on behalf of St Michael's Close Residents Association and yourself and Daniel in An Bord Pleanala on Friday 27th last, please find attached **ADDITIONAL OBSERVATIONS** from our Residents Association group in relation to the referral. Please note the attached Petition is an appendix to our observation.

As confirmed by Karen, - no additional fee is required for this additional observation.

Please find attached

- 1) Covering Letter and submission from St Michael's Close Residents Association.
- 2) Signed List / Petition
- 3) Peace Commissioner Witness Statement attesting to the Signed Petition.

Please acknowledge receipt of this email.

St Michael's Close Residents Association.

Cootehill Residents for Open Access to Bellamont Forest CROABF@gmail.com

## ABP Ref - ABP-320707-24

Cavan CoCo Ref - 372

Section V application referred by Cavan County Council to An Bord Pleanala on the following;

ABP-

AN BORD PLEANALA

2 4 SEP 2024

Fee: € Type:

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

Station Road, Cootehill, Co Cavan is or is not development and is or is not exempted development.

In accordance with section 129 of the Planning and Development Act 2000 (as amended) we wish to submit the following points in addition to the information sent in and received by Cavan County Council on 6th August 2024;

- The question referred to An Bord Pleanala by Cavan County Council as detailed on <a href="www.pleanala.ie">www.pleanala.ie</a> and on documentation received by us on 3rd September 2024 differs in detail to that question which we have requested off Cavan County Council in our application received. The detail of the section 5 referral by us to Cavan County Council is as per that detailed above in italics. The referral from Cavan County Council to An Bord Plenala fails to include the question of development of wing walls, relocation of public access point and fencing/enclosure of the access point into Bellamont Forest.
- The construction of the new wall and piers commenced in April 2024 without any consultation with any of the neighbours, the local community or any of the various groups that enjoyed this pedestrian access into the forest amenity area on a daily basis.
- The owner of Bellamont House is responsible for the construction and subsequent blocking of this pedestrian access, thus preventing the enjoyment

of the amenities of Bellamont Forest walkways and access to Dromore River for the first time in decades according to a local historian.

- Please note attached to this submission is a signed list/petition, duly
  witnessed by a Peace Commissioner, which sets out confirmation from
  members of the local community that this access has habitually been in use
  for at least 10 years prior to April 2024.
- The matters for referral meet the criteria that would qualify as "development" within the meaning of Section 3 of the Planning and Development Act. It has also caused a material change of use of the land within the terms of this section in that the habitual access over the land can no longer be enjoyed. The development is of such a standard that it qualifies as "works" within the meaning of section 2 of the Act.
- The development blocks pedestrians and cyclists from accessing the forest from the town centre to amenities which include the town lake; Coragh Lough and the Dromore River system which encompasses much used and loved natural looped walks around the Cootehill's town environs.
- A report of potential unauthorised development taking place at this location was sent in writing and via telephone, on numerous occasions, with Cavan County Council enforcement section throughout April and May 2024.
- It was confirmed verbally that a warning letter had issued to the landowner and a newspaper notice for a planning application was published in the Anglo Celt a few weeks later stating an application for retention and completion of the development would be lodged.
- No such application was ever lodged with Cavan County Council.
- Daily the construction works continued until such time as was evident that any such enforcement matter was not being taken seriously by either the landowner or the local authority.
- Subsequent reports and photographs showing evidence of the works continuing were sent to the enforcement section and senior management of Cavan County Council.
- No further action was taken and no written correspondence on reasons for this were provided to the complainants by the County Council.

 As recently as last week works have continued at the site on Station Road (13<sup>th</sup> September 2024) the builders were increasing the height of the wing walls at this location.

## Please Note:

In Autumn 2023 the landowner placed large concrete blocks at the entrance point which is the subject of this referral. This action has recently been repeated at another popular pedestrian access point into Bellamont forest (at the Dromore River side). It is our fear that the landowner intends to block up another of the pedestrian accesses and we have no faith that Cavan County Council enforcement section will act in the necessary expedient fashion to prevent any unauthorised development taking place and ensuring due planning process is followed.

For this reason we would respectfully request An Bord Pleanala to consider this declaration request in a timely manner.

See below, as evidence and for information, additional photos of the new concrete blocks placed at the opposite side of the forest along the Monaghan Road at the end of August 2024. This 'threatening behaviour' took place in since the Section 5 declaration was submitted to Cavan County Council.



4-17

Location of development subject of Section 5 Request.

\* Approximate location of new concrete blacks Sociated an pidestrian access parks

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30 Ben ma achan	Station RD	2 of yrs
31 PATRICK BOYLE	ST-MICHAEL'S CLOSE	30+ YRS
32 Ocarbhla O Toole	St Michaels Close	20+ 45
33 Lisa Mc Cabe	Clara Cootelill	40+ 415
34 Dan Lynch	11 11	15t yrs.
35 Sarah Higgin	Station Rd (catchill)	28 WS
36 Mary O Josh		52 yrs
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5 Ciara Lynch.	10 924	10+
6 Mary Helloy	10/9/24	50+
7 Brun Conolly &	12/9/24	57 +
8 Branda Mc Coney	12/9/24	50+
10 Storper Clita	19.09.24	55+
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14 Natasha mc Gibnay	14.09.24	33
15 Philamena Keenar		10
16 Liam Willer	14/1/24	10+
17 Willaue	14/9/24	30+
18 Celia Keys	14/9/24	40+
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20 Josep Kapl.	14/9/24	87
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1 de Keller	30+	11/09/24
2 Lorra Toster.	30 +	12/09/2024
3 Keline Kelly	30 +	12/09/24
4 Peter Gerber.	5	12/9/24
5 Holelma Covey	30+	12/09/24
6 Justine Taxe	30+	12/09/24
7 Bonnie Page	30+	12/09/24
8 Davise Calden	10	12/09/24
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11 Pian Kelly	12	12/09/24
12 Noel FOSTER -	30+	12/09/24
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15 Raymond Com	30+	12/09/24
16 David Diggin	30+	12/09/24
17 Trocay Crowley	30+	12/09/24
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2 Cillian Nully 11/9/24 14 years
3 Bridge Boyle 11/9/24 65 yrs
4 Whitroel Boyl 11/9/24 FOJRS
5 Emily Gallaglak 11/9/24 15 years.
6 Fiona Gallagher 1/9 24 HB JRS
7 Davagh Bayle 1/9/24 16 years
8 Mary Bull 12 9 24 20 years.
10 Amie Gallagher 12/9/24 23 years
11 MICHEAR BOYLE 12-9-24 45
12 Leeni galloyler 12-9.24 20 your.
13 Kate boyle 12-9-24 22 years.
14 Hannah Carleton 12.9424 15 years
15 BKNNY BOYLO 12-924 BOYKARI
16 Alice Boyle 12-9-24 77 4521
17 Papus Beyls 12-9-24 76 years
18 HILAM Boyle 12-9-24 79 YETRS
19 DAVIN O'COWNOR 12-9-24 39 YEAR
20 ECKL O'CORNOR 12-9-24 36 YEARS
21 DYLAN O'CONNOR 17-9-24 19 YEARS
22 ROPAÍNE /HVZY 12-9-24 35 YRAN
23 Elisha Vally 12-9-24 1345
24 Mary King 12-9-24 154/18
25 Margaret Brace 12/9/24 30 415.

Please sign, date & indicate approximate period you have lived in the area (e.g 5/10/20/30+ years)

2 Olivia South - 12/42024 - 30 years
3 May Mk Herck 12-4-2/ 30 years
4 Danier Greece 12/09/24 30 years
5 Mary blegg 12/09/24 60 years
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16 Staphanie Deffy (6/9/24 35+
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18 Paul Duffy 16/9/24 35+

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2 Claire Mc Quillan	5 years.
3 Aidan Mª Quellan	10 11
4 Thomas O. Darle	5 11
5 DE LINTERE D'EINDOLE	13 YEARS
6 BRENDAN KERHATH	40+ YEARS
Margret Samuelsdother	4 48953
& Kimboly Cahill.	12 years.
10 Simon Ward.	36 years.
11 ELLIOT KERNATH	G YEARS
12 BEATE KERNATH	3 YEARS
13 Kian Halten	5+
14 Seanie Ward.	byears.
15 Harrie ward	5 years.
16 Argela Stopakide	30 years
17 Many He Gohar	40 years
18 PATRICIA POSGROVE	34 Tyrs
19 TRANKERY TRAYMOR	48 GAS
20 Heldn Looby	29 S.
21 John P Casey	9 4RS
22 Josephine Suith	40+1
23 Neutina Boyle	50+.
24 Dolan He Cornack	50+
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2 Saran Fitzpatick	10th Sept 2024	10+ years
3 Mar Bridg	10 th sg) 24	15+ years
4 James Brady	11th Sept 2024	40 years
5 Louga Brady	"the Sept 2024	Ul yours
6 Flaire Brody	12th Sept 2024	30 years
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8 Christie Brady	12 Sept 2024	20 ( sans
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13 Viall Deffer	10/9/24	10 years.
14/Maula Smith	11/9/24	60 y6ARS
15 JOHN SMITH	11/9/24	60 YGANS
16 CARETH SMITH	11/9/24	40 YGA US
17 Berne Kelly	1/2/24	40 years
18 Tage Kolly	11/8/154	10 years
19 Paul Deer &	129/24	40 years
20 Toresa Deery	0/9/24	30hpos
21 Hegan Deery	12/9/24	25+ yeas
22 Bride Brody	12/9/24	254 yrs
23 Colette Kelly	12/9/24	52 yrs
24 Catherine Dolan	12 19 24	20 grs
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Please sign, date & indicate approximate period you	have lived in the area (e.g 5/1	0/20/30+ years)
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5 B. FITZPADRICK	7/1/24	30+
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16 Adan Wi Cabe	9 9 24	30+
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18 SINEAD O GRAD	7 9/9/24	30+
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24 John O Grady	09/09/24	40+
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Please sign, date & indicate approximate period you have lived in the area (e.g. 3/10/20/30+ years)
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6 James Martin 1219124 43 YRS
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8 Collette agg 12/9/24 36 years
10 HELEN SMITH 12/9/24 505 4005
11 Marian You 12/9/24 40+ years
12 Rhong Pepper 12/9/24 20 years.
13 Una Mc Calle 12/9/24 40+1 years
14 Doan Gibson 12/9/24 40+ years
15 Pauline Shalvey 12/9/24 40+ years
16 Vallele Brady 12/9/24 30 years
17 Capa Brady 12/9/24 30+ years
18 Carnel O'Rully 12/9/24 20+ years
19 Galriel Shalvey 12/9/24 30+ years
20 Garnel Stalvel 12/9/24 30+ years
21 Felin Shalvey 12/9/24 10+ years
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23 Conor Stally 12/9/24 10+ years
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Please sign, date & indicate approximate period you have lived in the area (e	g 5/10/20/30+ years)
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3 John mo Taughlin 5/9/24	25 yrs
4 Phroto Conton 3/1/24	10 years Pous
5CHRISTOPHER PAIGE 8/9/26	23 YEARS
6 MARU LENNON \$/4/24	SY YEARS.
2 Simon Mysonay 8/9/24	35 /eg/5
8 Martina Mc Donag 8/9/24	GR YPARS
10 Jarry M. Dorogn 8/9/24	63 years
11 Keara morchagh 08.09.24	26 years
12 Bernie Jaly	701
13 Soh, Sou Gener 08:09-26	70+
14 flan Groga 8/9/24	40+ 39
15 dely Grey 8/4/24	40+
16 Filsh Skaran 9/9/24	66
18 Marina Kogan 9/08/24	21 year
19 Davren Scon- 9/08/24	40 Years
20 Holen Mc Kenne 9/08/24	4 Years.
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2 goodneah 9/8/2h	Dort
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24 Patricia Gardines 9/9/24	50.
25 pp Doude Parragher 9/9/24	50+

DATE Please sign, date & indicate approximate period you have lived in the area (e.g 5/10/20/30+ years) 09 07 oller Mc Conna 10 12 13 ear. URS 17 19 / Qu 20 21 22 23

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The undersigned hereby confirm this access at Station Road, Cootehill, has been habitually used by the public for recreational purposes and use as a means of access to the Dromore river and Bellamont Forest area of natural beauty and recreational utility during the 10 years preceding the blocking off of this access by the development of a wall in April 2024.

Please sign, date & indicate approximate period you have lived in the area (e.g 5/10/20/30+ years)
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2 Aade fitzpotrick 3 yrs.
3 Blaithin Curran Syrs
4 Genma Tite particle 3455
5 Gary ower Fitzpatrick 395
6 OSTA THE PATRICE 3455
7 Michaela Rooney 3 yrs
8 Jenny Smpt 1945.
10 Rossin Mc Gorman 19913
11 Lita Meaul 19grs
12 Jelong fle 24 4B5
13 KEVIN Wollow Hy 485
14 PAUL LYNCH 15 YEARS
15 Rimante Navius heart 19/24/9 years.
16/60R Tiumin 12.04, 24. 20 year
1701ma Chumina 12.09.24 22 years
18 Mary M Wimit 12/9/24 507
19 Susah Koche 12/9/2/ 48 yrs in town
20 Paul Fletcher 12/9/24 53 year in town
21 Evan Fletcle 12/9/24 23 year in town
22 Carla-Rose Fletcle 12/9/24/7-years untown
23 PEGINA MECANN 12/9/24 19 years in town
24 Remie gerachty 12/9/24 64 years in Town 25 James Mc Carroly 12/9/24 69 years in Town
25 James Mc Caribey 12/9 124 69 years in Town

To whom in may concern

I hereby am witness to the signatures attached that confirm from members of the local community that this access has habitually been in use for at least 10 years prior to April 2024.

Signed: Acta Styauth Date: 23/9/2024

Aiden Fitzpatrick

Commisioner for Oaths Drumnagress, Kill Cootehill, Co Cavan 0876597526