

CATHERINE ALLISON & CO.

SOLICITORS

6 Roden Place, Dundalk,
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Principal:

*Catherine Allison LLB. Hons. Dip. Com. Prop.
PIP(Personal Insolvency Practitioner)

Associates:

♦ Annemarie Grant LLB. Hons.
+ Lyndsay Crawley LLB. Hons.
+ Grace Marley LLB. Hons.

Senior Legal Executives:

Letitia Grace S.I.I.L.Ex. Dip. Family Law & Commissioner for Oaths
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♦ Admitted & Practising in Ireland & Northern Ireland

Regulated by the SRA in England & Wales VAT Reg No 9067494J

AN BORD PLEANÁLA
LDG- _____
ABP- _____
04 JUN 2025
Fee: € 720.00 Type: CE
Time: 13:33 By: HAND

3rd June 2025

Our Ref: CA/EB/ALO0010014

Your Ref: S5 2025/24

FAO The Secretary

An Bord Pleanála

64 Marlborough Street

Dublin 1

D01 V902

Sent via Recorded Next Day Delivery and also

Via email to: appeals@pleanala.ie

URGENT

By HAND

RE: Our Client - Aloha Mullavelley Limited

Prospect House and Lands at Mullach Allain, Omeath, Co. Louth

Folio Number LH44295F Co. Louth

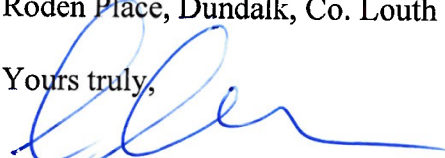
Louth County Council Planning Reference S5 2025/24

Dear Recipient,

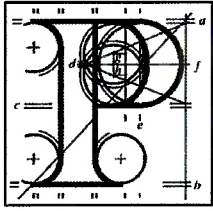
We act for the above named and enclose Planning Appeal of above named and cheque in the sum of €220.00.

Please acknowledge receipt. Please email catherine@callison.ie and send all correspondence to 6 Roden Place, Dundalk, Co. Louth

Yours truly,


CATHERINE ALLISON & CO

*"We aim to provide our clients with a legal service which is second to none.
Our service is efficient, professional and totally reliable."*



An
Bord
Pleanála

Planning Appeal Form

Your details

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

Your full details:

(a) Name

Aloha Mullavelley Limited

(b) Address

6 Roden Place, Dundalk, Co. Louth

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

Catherine Allison, Catherine Allison & Company
Solicitors

(b) Agent's address

6 Roden Place, Dundalk, Co. Louth

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)

Louth County Council

(b) Planning authority register reference number

(for example: 18/0123)

S5 2025/24

(c) Location of proposed development

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

Mullach Allain, Omeath, Co. Louth

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.

1. The fence is a hoarding temporary fence only around a small green area which is to be developed as residential housing pursuant to current planning once determined.
2. The lands included are zoned for residential development.
3. The grounds in question is approximately $\frac{1}{4}$ of an acre and an existing fence was placed around this area and was removed by Louth County Council as a result of young children from 5-6 of adjoining houses entering the land and are trespassing on the Property which is not insured to allow children to use it as a playground. Their father, a local resident, enters to cut the grass and facilitate unauthorised use. The Guards have asked them to refrain from entering and they continue to do so to include cutting an address route out of the fence and installing football nets.
4. The property is included in a planning application for 19 residential units and four houses will be built on the area in question if this is granted.
5. The current planning application is Ref No 24/60340. The further information request required archeological dig reports including the small green area the subject of this application.
6. The further information request in Ref 24/60340 also required knotweed report and testing.
7. The whole of the remainder of the site is already fenced for over 10 years with the same fencing as can be seen from the photographs enclosed. This area, the subject of the appeal, also had fencing and

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.

Louth County Council removed it when they were doing works to the road prior to a taking in charge application, as the developer who owned it previously died and the bank only resold it two years ago to our client at public auction.

8. The fence is required to secure Prospect House which is an adjoining property built in 1740 and is a protected structure and it has been in this state for 50 years. The Council served a Derelict Site Notice on Prospect House on 4th December 2024 as per the copy attached, despite the fact the new owner was being very active in seeking to develop it and planning application.
9. The current metal fencing is a **temporary** measure required to facilitate
- a) Safety of the derelict building, Prospect House, pending repair and construction works;
 - b) Archeological testing;
 - c) Knotweed spraying and removal works;
 - d) Development of the area for four houses subject to planning being granted under the current planning application. The drawing for the current planning application clearly shows no such fence will be permanently in place as driveways will be at the front of the properties build.
 - e) The fence is a continuation of the existing security fence;
 - f) Removal of the fence or cutting it to reduce it to 1.2 metres will not enable the neighbours who lodged the complaint to continue to use the area as it is private property and Louth County Council have no authority to allow them or other unauthorised persons to

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.

use this area. Also, the current planning application facilitates open green space and planted areas as required. Further, a five minute walk down the hill into Omeath Village allows local children to use a public football pitch with suitable surface and a playground with enclosed safety areas and public toilets.

- g) It is anticipated the fence will be removed in 18 months to 24 months on completion of works to Prospect House and the development.
- h) See list of documents attached:
 - i) Letter of refusal of Louth County Council dated 9th May 2025 and photographs lodged;
 - ii) Warning letter and reply of Catherine Allison & Company Solicitors to Louth County Council;
 - iii) Derelict Site Notice of Entry dated 4th December 2024 ref DS.620;
 - iv) Photograph of temporary fencing;
 - v) Louth County Council's letter of 17th January 2025 re extension of time for further information reapplication No 2460340 to 17th May 2025.
 - vi) Letter of Louth County Council confirming receipt of further information.

As stated, this is a temporary measure and not a permanent feature and is to facilitate development and works on zoned lands.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒


3/6/25

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Comhairle Contae Lú
Louth County Council

Aloha Mullavalley Limited
c/o P. Herr & Associates
Block 4, Third Floor,
Quayside Business Park
Mill Street
Dundalk
Co. Louth

By email only: info@pherr.ie

09th May 2025

Re: Ref. S5 2025/24

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the erection of a 2m high security fencing around a site affected by knotweed until such time as the knotweed is eradicated by specialists at Mullach Alainn, Omeath, Co. Louth' is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 14th April 2025 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question to whether:

The erection of a 2m high security fencing around a site affected by knotweed until such time as the knotweed is eradicated by specialists.

AND WHEREAS the said question was referred to Louth County Council by P.Herr & Associates on behalf of Aloha Mullavalley Limited

AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to -

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2024
- (b) Plans and particulars forwarded to the Planning Authority by P.Herr and associates received on 14th April 2025.

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

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E info@louthcoco.ie
W www.louthcoco.ie

Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalerter.ie/Louth.
View Council alerts for Louth at www.mapalerter.ie/Louth

- (c) Schedule 2 Class 11 of the Planning and Development Regulations 2001, as amended
- (d) An inspection of the subject site and subject fencing.

AND WHEREAS Louth County Council has concluded that on the basis of the information submitted that:

- (a) ***'The erection of a 2m high security fencing around a site affected by knotweed until such time as the knotweed is eradicated by specialists'*** is considered to constitute development under Section 2, Planning and Development Act 2024 (as amended);
- (b) Having specific regard to Schedule 2 Class 11 of the Planning and Development Regulations of 2001 as amended, the subject fencing does not meet the limitations set out in respect of this class.

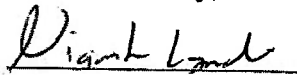
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that ***"The erection of a 2m high security fencing around a site affected by knotweed until such time as the knotweed is eradicated by specialists"*** on lands at Mullach Alainn, Omeath, Co Louth constitutes development that is **not** exempted development.

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 14th April 2025.

This decision may be referred by you to An Bord Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,



Niamh Lynch
Planning Section

7. Question for determination under Section 5 (See Note 1 above).

The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

THE ERECTION OF A 2m HIGH SECURITY FENCING AROUND A SITE AFFECTED BY KNOTWEED UNTIL SUCH TIME AS THE KNOTWEED IS ERADICATED BY SPECIALISTS. THERE IS A CURRENT PLANNING APPLICATION ON THE SITE FOR RESIDENTIAL DEVELOPMENT. (+ archaeological dig)

8. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes ☒ No ☐

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

NO - NO WORKS ARE PROPOSED TO THE STRUCTURE (REF LH 005-067)

I certify that the aforementioned is correct.

Signature of Applicant: *Pauline Herr* Date 07/04/2024

Please include one copy of the following documents with this application form:

- Site Location Map: (Scale 1:1000) ✓
- Site Layout Map: (Scale 1:200 or 1:500) ✓
- Floor Plans & Elevations: (Scale 1:50, 1:100 or 1:200) Existing & Proposed, where applicable
- Application fee: (€80)

Completed Application Form & Fee of €80.00 may be sent to:

Planning Office, Louth County Council, Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C

OR

by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

ALOHA MULLAYALLEY LIMITED

Phone Number: 087 9709391 E-Mail: Catherine@callison.ie
087 936 8973

2. Name and address of agent (if any):

P. HERR & ASSOCIATES BLOCK A DOWNSIDE BUSINESS PARK
MILL STREET, DUNDALK, CO DUBLIN

Phone Number: 087 2601125 E-Mail: info@pherr.ie

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

PADRAIG HERR P. HERR & ASSOCIATES
BLOCK A, THIRD FLOOR, DOWNSIDE BUSINESS PARK
MILL ST DUNDALK

4. Interest in site of the person seeking declaration:

OWNER

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location and full address of development referred to in Question 7

MULLACH ALAINN, DOWNSIDE, CO DUBLIN

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at <https://irish.gridreferencefinder.com>

N 316635 E 314043



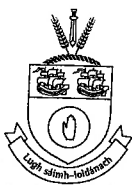
Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read "Guidance Notes" before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.
 - (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.
 - (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.
 - (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.
2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.



Comhairle Contae Lú
Louth County Council

RECEIVED

09 JAN 2025

Aloha Mullavalley Limited
No. 6 Roden Place
Dundalk
Co. Louth

6th January 2025

Ref: UD/24/239

**Warning Letter under Section 152 of the Planning and Development Act
(as Amended)**

Re: Lands at Omeath Folio No. Lh44295F

Dear Sir/Madam,

It has come to the attention of Louth County Council, the Planning Authority, that unauthorised development may have been, is being or may be carried out at the above premises.

Alleged unauthorised metal security fencing erected on the southwestern end of the site within the curtilage of a Protected Structure Lhs 005-067

Please note that this matter is under investigation by the Planning Enforcement Section of Louth County Council.

You may make submissions or observations in writing to Louth County Council [Planning Enforcement Section] in this regard not later than four weeks from the date of service of this warning letter.

When a Planning Authority considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice pursuant to Section 154 of the Planning and Development Act (as Amended) may issue.

Please note that officials of Louth County Council may at all reasonable times enter on the land described above for the purposes of inspection.

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
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A91 W20C

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E info@louthcoco.ie
W www.louthcoco.ie

Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
View Council alerts for Louth at www.mapalserter.ie/Louth

Section 151 of the Planning and Development Act (as amended) provides that any person who has carried out or is carrying out unauthorised development shall be guilty of an offence. Section 154 of the Planning and Development Act (as Amended) provides that any person on whom an Enforcement Notice is served who fails to comply with the requirements of the notice within the specified period or within such extended time as the planning authority may allow, not exceeding 6 months, shall be guilty of an offence.

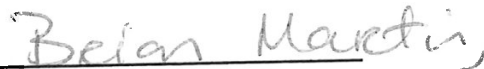
A person who is guilty of an offence under Section 151 and/or 154 shall be liable to a fine or term of imprisonment or both.

Section 156 of the Planning and Development Act (as Amended) detailing the penalty provisions are set out in full in the Schedule below.

Any costs reasonably incurred by Louth County Council in relation to Enforcement Proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken.

If you require any further information please contact **Mr. Noel Tully** on **0429392902**.

Yours Faithfully,



Brian Martin
Planning Compliance Section

Ph: 042 9335457
E-mail planningenforcement@louthcoco.ie

Correspondence in this matter should be addressed to:
Planning Enforcement Section, Louth County Council, Town Hall, Crowe
Street, Dundalk, Co. Louth A91 W20C

SCHEDULE

SECTION 156 PLANNING AND DEVELOPMENT ACT (As Amended)

- 156 (1) A person who is guilty of an offence under sections 58(4), offences. 63, 151, 154, 205, 230(3), 239 and 247 shall be liable—
- (a) on conviction on indictment, to a fine not exceeding €12,697,380 or to imprisonment for a term not exceeding 2 years, or to both, or
- (b) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months, or to both.
- (2) Where a person is convicted of an offence referred to in subsection (1) and there is a continuation by him or her of the offence after his or her conviction, he or she shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable—
- (a) on conviction on indictment, to a fine not exceeding €12,700 for each day on which the offence is so continued, or to imprisonment for a term not exceeding 2 years, or to both, provided that if a person is convicted in the same proceedings of 2 or more such further offences the aggregate term of imprisonment to which he or she shall be liable shall not exceed 2 years, or
- (b) on summary conviction, to a fine not exceeding €1,500 for each day on which the offence is so continued or to imprisonment for a term not exceeding 6 months, or to both, provided that if a person is convicted in the same proceedings of 2 or more such further offences the aggregate term of imprisonment to which he or she shall be liable shall not exceed 6 months.
- (3) Where a person is convicted of an offence referred to in subsection (1) involving the construction of an unauthorised structure, the minimum fine shall be —
- (a) on conviction on indictment, the estimated cost of the construction of the structure or €12,700 whichever is less, or
- (b) on summary conviction, the estimated cost of the construction of the structure or €2,500, whichever is less,

except where the person convicted can show to the court's satisfaction that he or she does not have the necessary financial means to pay the minimum fine.

- (4) Any person who is guilty of an offence under this Act other than an offence referred to in subsection (1) (or a further offence under subsection (2)) shall be liable, on summary conviction, to a fine not exceeding €5,000 or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both.
- (5) If the contravention in respect of which a person is convicted under section 46(11), 208(2)(b) or 252(9) is continued after the conviction, that person shall be guilty of a further offence on every day on which the contravention continues and for each such offence he or she shall be liable on summary conviction to a fine not exceeding €1,500.
- (6) In a prosecution for an offence under sections 151 and 154 it shall not be necessary for the prosecution to show, and it shall be assumed until the contrary is shown by the defendant, that the subject matter of the prosecution was development and was not exempted development.
- (7) Where an enforcement notice has been served under section 154, it shall be a defence to a prosecution under section 151 or 154 if the defendant proves that he or she took all reasonable steps to secure compliance with the enforcement notice.
- (8) Where a person convicted of an offence under section 154, the Court in addition to imposing a penalty referred to in subsection (1) or (2) as the case may be, may order the person convicted to take all or any steps specified in the relevant enforcement notice within such period as the Court considers appropriate.

CATHERINE ALLISON & CO.

SOLICITORS

Principal:

*Catherine Allison LLB, Hons. Dip. Com. Prop.
PIP (Personal Insolvency Practitioner)

Associates:

♦ Annemarie Grant LLB, Hons.
+ Lyndsay Crawley LLB, Hons.
+ Grace Marley LLB, Hons.

Senior Legal Executives:

Lefitia Grace S.I.L.L.Ex. Dip. Family Law & Commissioner for Oaths
Kathleen McGeeney M.I.L.L.Ex.

Telephone: 00 353 4293 20854 (8 lines)

Facsimile: 00 353 4293 20855

N.I. Telephone: 02830 251756

Email: info@callison.ie

Website: www.callison.ie

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* Admitted and Practising in N.I., England, Wales & Ireland

+ Admitted & Practising in Ireland

♦ Admitted & Practising in Ireland & Northern Ireland

Regulated by the SRA in England & Wales VAT Reg No 9067494J

Our ref: CA/AF/ALO0010010

Your Ref: UK/24/239

31st January 2025

FAO Brian Martin
Planning Compliance Section
Louth County Council
Town Hall, Crowe Street
Dundalk
County Louth
E: planningenforcement@louthcoco.ie

RE: Our Client – Aloha Mullavelley Limited
Lands Adjoining Prospect House, Knocknagoran, Omeath, Co. Louth
Folio LH44295F

Dear Recipient,

We refer to your Warning Notice issued in relation to the above property by way of letter of 6th January 2025 received 8th January 2025 addressed to our client.

We attach a copy of our letter to the Council of 3rd January 2025.

You will note the position is that the Council unlawfully erected the majority of the fencing around the property, purporting to allocate a green area for a football pitch for the use of nearby properties, which actions were unlawful and made the property uninsurable due to public liability risk.

In addition to that, the Council have created the expectation by the three or four adjoining houses which use it and no doubt this has resulted in the complaint to Louth County Council. Perhaps the Council should consider that the fault lies with themselves. Our client is required to make the site safe and they have been forced to erect and move the fencing installed by the Council due to the Council's behaviour in exposing the green area.

Also, knotweed is in the area and our client is required to fence the entire site and keep it safe.

In addition to that, the Council have created a problem with the planning process with the planner having an expectation and anticipation that this area will be allocated for a green area.

*"We aim to provide our clients with a legal service which is second to none.
Our service is efficient, professional and totally reliable."*

In addition to that, the fencing is not strictly within the curtilage of Prospect House as this house in a previous deed was freestanding on its own without this portion.

The erection of fencing does not require planning permission. It is not within the curtilage of the protected structure as the structure is completely separate and independent and separated by a separate fence.

We also attach a photo marked 1 and 2 of Mullach Allain which shows the existing wire fencing which fenced off this entire area. **The Council illegally removed** this in and around 2020. The Council installed new high fencing at one part. The Owner has now had to re-fence it to make it safe due to the illegal actions and trespass of Louth County Council.

Any attempt to issue enforcement proceedings will result in a defence thereof and also a claim against the Council for their unlawful actions, firstly, the removing of existing fencing as shown in photos 1 and 2, and then, in installing new high fencing around the Prospect property without the consent of the owner of the lands and exposing the area concerned to a risk of injuries to third parties and making the property uninsurable due to public liability risks. Our client is seeking payment of damages and compensation from the Council for the cost of putting right the Council removing this fence. See invoice attached and legal costs also will need to be covered by the Council.

We trust you will note the position.

Yours truly,

Sent via email and accordingly bears no signature

Catherine Allison & Co

Our ref: CA/AF/ALO0010010

3rd January 2025

Planning Compliance Section/Legal Section
Louth County Council
Town Hall, Crowe Street
Dundalk
County Louth

RE: Our Client – Aloha Mullavelley Limited
Lands Adjoining Prospect House, Knocknagoran, Omeath, Co. Louth
Folio LH44295F

Dear Recipient,

We act on behalf of the above named who acquired the above property with an intention to develop it.

It has come to our client's attention that Louth County Council has trespassed upon our client's lands and caused damage to the property. Louth County Council erected a perimeter fence along the rear of Prospect House and along the right hand boundary with an intention to confiscate adjoining land, being a large open, green area. We attach photographs for your information.

In addition to that, this exposed our client to the property being uninsured as the green area was then used by children in the neighbourhood who inserted football goals on this and a basketball ring. The green area in question is mucky in winter and not surfaced. The green area was consistently used by three to four houses in the row of housing at Mullach Allain, Omeath, Co. Louth.

The Council is well aware that there is within walking distance of Mullach Allain a playground at the shorefront of Omeath near the Grand Central Hotel which comprises a play park, a suitably surfaced and fenced football pitch, and a play area. This is within less than five minutes walk and is clearly more appropriate for these children to use.

The Council's actions have made the property and its perimeters uninsurable due to this.

In order to minimise the damage, our clients have moved the fencing around the perimeter of the green area, as particularly in winter the insurers have advised it would be subject to claims as the Council, by their actions, have sought to unlawfully facilitate the use of this area by adjoining owners, which will no doubt in due course result in public liability claims.

This has also caused difficulties with our client's planning in respect of the property as now the Council and the neighbours feel they have an entitlement to this green area, which of course is not the case as it was unlawfully appropriated for the last four to five years by Louth County Council.

Our clients have incurred a further cost of €3,853.22 in respect of removing the Council's fencing erected, re-erecting it around the perimeter together with additional fencing. We attach invoice in this regard and we require the Council to pay this and reimburse our client.

Also, any further difficulties our client incurs with the planning of this site and/or notices from the Council will be the responsibility of Louth County Council and our client reserves all rights to claim against you for trespass and damage to their property together with legal costs incurred.

We trust you note the position.

Yours truly,

Sent via email and accordingly bears no signature

Catherine Allison &



FENCEMASTER

All Types of Fencing Supplied & Fitted

Ballinacorney Park, Dundalk, Co. Louth, A91 NR12

Email: foregery@fence.ie

Mobile: 087 257 7504



M

ALOHA MULLAVELLY

NO 6 ROOEN PLACE

DUNDALK CO LOUTH

INVOICE

01080

Date: 26/11/11

DEALS

QUANTITY

SUPPLIED AND ERECTED

WELD MESH SECURITY

FENCING

€ 3395

NOTE: (2) 20/11/11

DATE: 20/11/11

BY: [Signature]

TOTAL: 3395

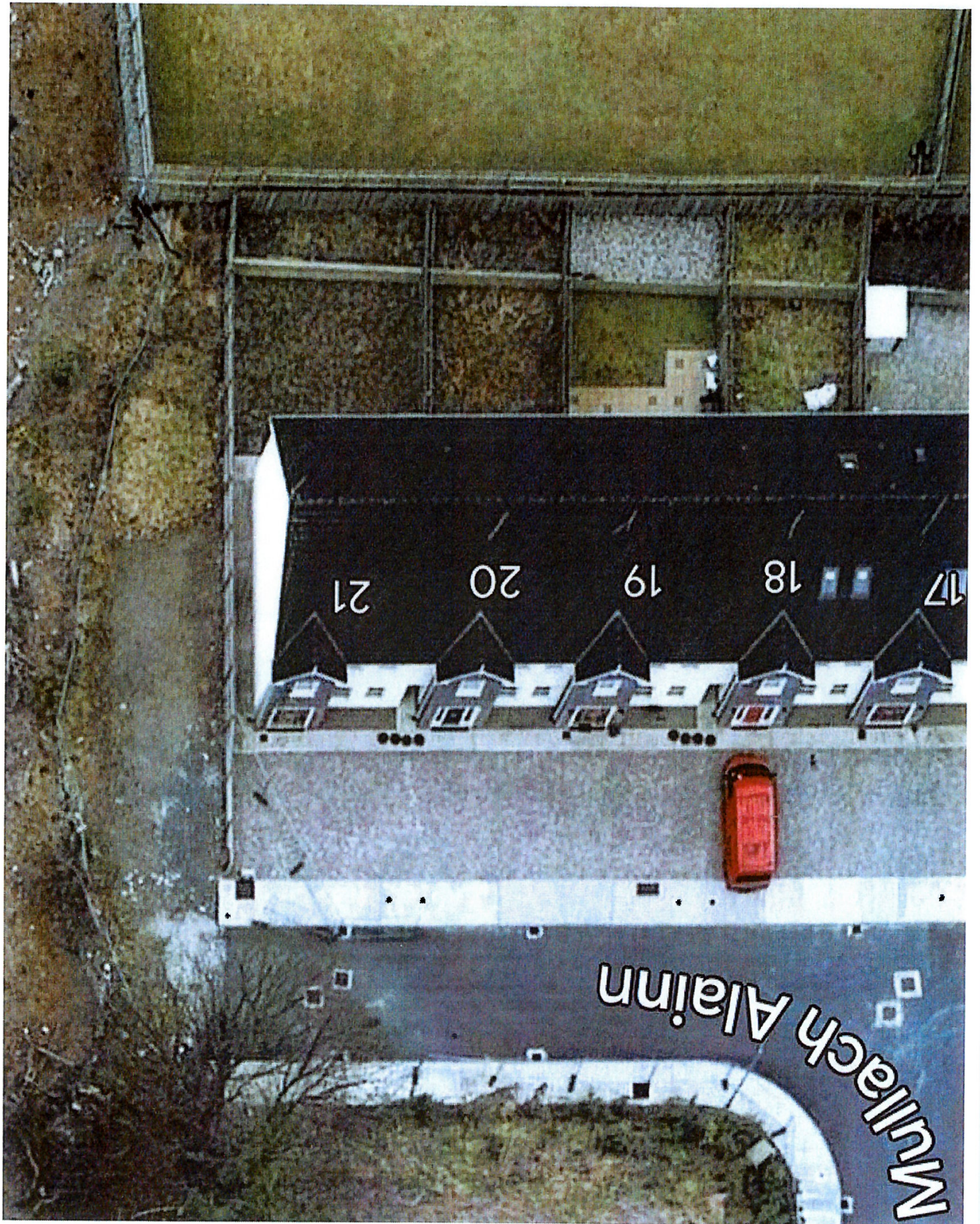


photo ① ↑ wire fencing
in existence
in 2020

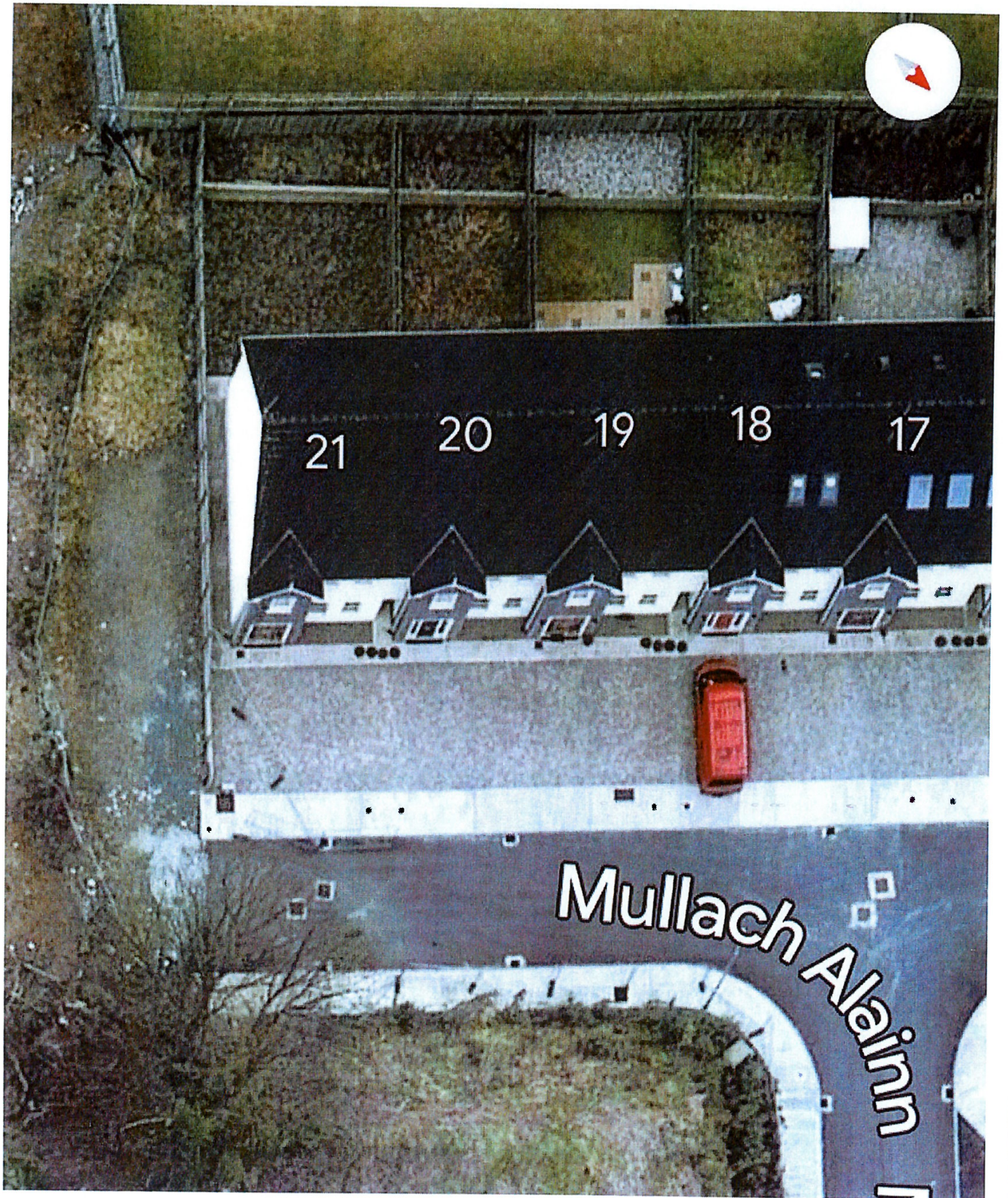


photo (2) ↑
existing wire fencing
illegally removed by Kesh
Council in
around 2020.



note

This fence was installed
by Council around property
House without consent
so is moved to perimeter to
replace fence Council
illegally removed



note -
fence to
replace
fencing
illegally
lowered by
Council
it was
council
responsible
to have
the fence
relocated
to the
road.

€ Council
must
Remove
illegal
goal
posts.
no
consent
to
install









PRIVATE
PROPERTY
NO
TRESPASSING

iii

LOUTH COUNTY COUNCIL
DERELICT SITES ACT 1990
SECTION 8 NOTICE
INTENTION TO MAKE ENTRY IN REGISTER

To: Aloha Mullavalley
6 Roden Place
Dundalk
Co.Louth

In accordance with the provisions of Section 8 of the Derelict Sites Act 1990 notice is hereby given of the intention of Louth County Council to enter the land described in the Schedule hereunder in the Register of Derelict Sites maintained under the said Act.

Before making the said entry the Council will consider any representations which you make in writing and which are received not later than **32 days** from the date of service of this notice.

If the entry is duly made you will be notified to this effect.

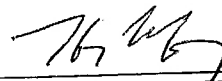
The Register of Derelict Sites is kept at these offices and is available for inspection by members of the public.

A derelict site which is entered in the Register and which is included in an "Urban Area" as defined in the Act is subject to payment by the owner of an annual levy based on its market value.

Please Note: You are also reminded of your duty under section 58 of the Planning and Development Act 2000 (as amended) to protect the structure a protected structure LHS 005-067. NIAH 13833011 from endangerment.

Dated this 3rd day of May, 2024

Signed: _____


Thomas McEvoy
Director of Services

Schedule

Prospect House, Hawkes Hill, Knocknagoran, Omeath, Co.Louth (Protected Structure LHS 005-067 NIAH 13833011)



Comhairle Contae Lú
Louth County Council

Registered Post

Aloha Mullavalley
6 Roden Place
Dundalk
Co.Louth
A91 K265

Derelict Sites Act, 1990 – Section 8
Notice of Entry in Register – No. DS 620

Notice is hereby given that the property described hereunder, is deemed to be a derelict site within the meaning of Section 3 of the Above Act. The Derelict Sites Register is kept at the above offices and is available for inspection by members of the public during office hours. Where a derelict site which is entered in the register is included in an "Urban Area" as defined in the Act, the owner of the derelict site shall be liable to pay to Louth County Council an annual levy based on its market value, as determined by the Council.

Dated this 4th day of December 2024

Darina Kierans
Senior Executive Planner

SCHEDULE:

Prospect House, Omeath, Co.Louth (NIAH 13833011 LHS 005-067).

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

T + 353 42 9335457
F + 353 42 9334549
E info@louthcoco.ie
W www.louthcoco.ie

Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalerter.ie/Louth
View Council alerts for Louth at www.mapalerter.ie/Louth

DERELICT SITE REGISTER 2024

DERELICT SITE REGISTER 2024									
Ref No.		First Name	Surname	Derelict Site Address	Actions taken under Derelict Sites Act, 1990	Particulars of any development objective for the purpose of reserving the land under Article 3(1)(a) of The Regulations	Particular of any bond entered into under Section 25	Market valuation	Entered Date
DS 482	1	Abortree Investments	Limited	Knockshree, Old Golf Links Road, Dundalk	Section 8 Notice served 29/04/2021	Not applicable	Not applicable	€750,000	26/10/2021
DS 509	1	T	Conway	34 Quay St. Dundalk (Former Danny Boys	Section 11 Notice served on 25/08/2022	Not applicable	Not applicable	€140,000	12/11/2021
DS 540	1	Anvil Taverns	Limited	Former NV Niteclub, Carrickarnon, Co. Lo	Section 8 Notice served 28/01/2022	Not applicable	Not applicable	€450,000	10/06/2022
DS 596	1	LLK Properties	Limited	74-76 West Street, Drogheda	Section 8 Notice served 04/10/2022	Not applicable	Not applicable	€200,000	23/01/2023
DS 578	1	Unknown	unknown	13 Trinity Street, Drogheda	Section 8 Notice served 18/08/2022	Not applicable	Not applicable	€80,000	25/01/2023
DS 630	1	Kansas Holdings	Limited	Mullach Alainn, Ormeau	Section 8 Notice served 18/08/2022	Not applicable	Not applicable	€ 450,000	31/01/2023
DS 571	1	Unknown	unknown	34 Ship Street, Drogheda	Section 8 Notice served 21/06/2022	Not applicable	Not applicable	€15,000	03/02/2023
DS 584	1	Unknown	unknown	Former Bank, 3 Marsh Road, Drogheda	Section 8 Notice served 15/09/2022	Not applicable	Not applicable	tbtc	03/02/2023
DS 606	1	Unknown	unknown	7 Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	€50,000	03/02/2023
DS 604	1	Unknown	unknown	3 Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	tbtc	03/02/2023
DS 605	1	Unknown	unknown	6 Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	tbtc	03/02/2023
DS 608	1	Unknown	unknown	9 Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	tbtc	03/02/2023
DS 609	1	Unknown	unknown	10 Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	tbtc	03/02/2023
DS 610	1	Unknown	unknown	11 Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	tbtc	03/02/2023
DS 611	1	Unknown	unknown	Apartment 7 Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	tbtc	03/02/2023
DS 612	1	Unknown	unknown	Apartment 7a Mill Lane, Drogheda	Section 8 Notice served 27/01/2023	Not applicable	Not applicable	tbtc	03/02/2023
DS 623	1	Pillardale	Limited	8 St Laurence Street, Drogheda	Section 8 Notice served 09/09/2022	Not applicable	Not applicable	€ 150,000	03/02/2023
DS 624	1	Pillardale	Limited	9 St Laurence Street, Drogheda	Section 8 Notice served 09/09/2022	Not applicable	Not applicable	€ 250,000	03/02/2023
DS 621	1	S & K	Brady	4 Stockwell Street, Drogheda	Section 8 Notice served 09/12/2022	Not applicable	Not applicable	€80,000	23/02/2023
DS 616	1	G & J	Morris	43-44 West Street, Drogheda	Section 8 Notice served 09/12/2022	Not applicable	Not applicable	€ 200,000	22/02/2023
DS 477	1	N	Kelly	52 Narrow West St, Drogheda	Section 8 Notice served 19/03/2021	Not applicable	Not applicable	€ 70,000	06/06/2023
DS 478	1	N	Kelly	51 Narrow West St, Drogheda	Section 8 Notice served 19/03/2021	Not applicable	Not applicable	€ 150,000	06/06/2023
DS 479	1	N	Kelly	50 Narrow West St, Drogheda	Section 8 Notice served 19/03/2021	Not applicable	Not applicable	€ 90,000	06/06/2023
DS 480	1	N	Kelly	49 Narrow West St, Drogheda	Section 8 Notice served 19/03/2021	Not applicable	Not applicable	€ 70,000	06/06/2023
DS 481	1	N	Unknown	17 Ship St Drogheda	Section 8 Notice served 20/06/2022	Not applicable	Not applicable	€ 120,000	08/08/2023
DS 562	1	M	Kilrane	7 Palace St Drogheda	Section 8 Notice served 07/04/2021	Not applicable	Not applicable	€ 125,000	08/08/2023
DS 631	1	N	Kelly	15 Trinity St Drogheda	Section 8 Notice served 29/07/2021	Not applicable	Not applicable	€ 150,000	08/08/2023
DS 485	1	Unknown	Unknown	73 Brookville Drogheda	Section 8 Notice served 03/08/2023	Not applicable	Not applicable	€150,000	08/08/2023
DS 514	1	Unknown	Unknown	former Medical Clinic, Newfoundwell Rd Drogheda	Section 8 Notice served 16/02/2024	Not applicable	Not applicable	€200,000	11/03/2024
DS 2023/005	1	Unknown	unknown	Hale Street, Ardee	Section 8 Notice served 04/03/2024	Not applicable	Not applicable	€200,000	11/03/2024
DS 2023/048	1	M	Kilrane	Alivell House/Duke House, Duke St, Drogheda	Section 8 Notice served 05/03/2024	Not applicable	Not applicable	€ 250,000	11/03/2024

DS 2023/016	1	Reps A	French	35 Irish Street, Ardee	Section 8 Notice served 06/12/2023	Not applicable	Not applicable	€ 150,000	11/03/2024
DS 2023/001	1	J	O'Brien	83 Strand Street, Clogherhead	Section 8 Notice served 15/09/2023	Not applicable	Not applicable	€ 120,000	11/03/2024
DS 2023/047	1	Unknown	unknown	Bridge Street, Ardee A92 K67D	Section 8 Notice served 6/12/2024	Not applicable	Not applicable	€ 150,000	11/03/2024
DS 187	1	J	Lynch	Main Street, Castlebellingham	Section 8 Notice served 16/08/2023	Not applicable	Not applicable	€ 175,000	10/04/2024
DS 2023 058	1	J & M	Kirk	Viki's Motors, Dublin Road , Dundalk, ,	Section 8 Notice served 27/03/2024	Not applicable	Not applicable	€125,000	21/05/2024
DS 2023 022	1	J	Woods	2 Yorke Street, Dundalk	Section 8 Notice served 19/04/2024	Not applicable	Not applicable	€75,000	21/05/2024
DS 2023 023	1	J	Woods	3 Yorke Street, Dundalk	Section 8 Notice served 19/04/2024	Not applicable	Not applicable	€75,000	21/05/2024
DS 2023 028	1	J	Woods	4 Yorke Street, Dundalk	Section 8 Notice served 19/04/2024	Not applicable	Not applicable	€75,000	21/05/2024
DS 2023 041	1	Unknown		33 Irish Street, Ardee	Section 8 Notice served 26/04/2024	Not applicable	Not applicable	tbc	21/05/2024
DS 2022/627	1	Unknown	unknown	33 Seatown Place, Dundalk A91 E7V7	Section 8 Notice served 14/03/2024	Not applicable	Not applicable	€300,000	14/03/2024
DS 2023/017	1	Drogheda Care Centra	unknown	Former Building Suppliers, The Twenties, D	Section 8 Notice served 28/06/2023	Not applicable	Not applicable	€1,000,000	14/06/2024
DS 2024/020	1	A	Coffey	Philipstown, Co Louth	Section 8 Notice served 24/06/2024	Not applicable	Not applicable	€50,000	24/10/2024
DS 2023/046	1	C	Fu Cheung	Irish Street, Ardee	Section 8 Notice served 22/09/2023	Not applicable	Not applicable	€300,000	24/10/2024
DS 588	1	M	Durnin	7 Market Street, Dundalk	Section 8 Notice served 20/02/2024	Not applicable	Not applicable	tbc	20/11/2024
DS 589	1	M	Durnin	9 Market Street, Dundalk	Section 8 Notice served 20/07/2024	Not applicable	Not applicable	tbc	20/11/2024
DS 595	1	N	Kelly	Donaghy's Mill, Drogheda	Section 8 Notice served 19/09/2024	Not applicable	Not applicable	€620,000	03/12/2024
Total	49								
		published December 2024							

Nov 24.







**PRIVATE
PROPERTY
NO
TRESPASSING**









A green metal fence with a rectangular grid pattern is the primary focus. A red sign with white text is attached to the fence. The background shows a grassy field, some trees, and a cloudy sky. The fence is supported by a vertical post on the right side.

**PRIVATE
PROPERTY
NO
TRESPASSING**



PRIVATE
PROPERTY
KEEP OUT





LOUTH COUNTY COUNCIL

Aloha Mullavalley Ltd
c/o Pdraig Herr
Block 4
Third Floor
Quayside Business Park
Mill Street
Dundalk
Co. Louth
A91KA9R

17th January 2025

Re: Aloha Mullavalley Ltd

Permission for (a) Construction of 20 no. residential units comprising of: (i) 5 no. 2 storey, 3 bed dwelling houses in 1no. terrace block; (ii) 10 no. 2 storey, 2 bed dwelling houses in 2 no. terrace block of 5 units in each block; (iii) 1 no. detached 2 storey 4 bed dwelling house fronting onto Howe's Hill; (iv) 1 no. detached 2 storey 2 bed dwelling house; (v) 1 no. detached single storey 1 bed dwelling house; (vi) partial demolition, extension, renovation, restoration and subdivision of Prospect House, a 2 storey dwelling house into 2 separate dwelling houses. Prospect House is a protected structure within the Louth County Development Plan 2021-2027 (Ref. LH005-067); (b) demolition of existing outbuilding and (c) associated site development works including hard and soft landscaping, planted weldmesh retaining wall, self-contained ecological/wildlife corridor, connection to mains sewerage, installation of new surface water drainage system, mixed boundary treatments, provision of public amenity space

REF. NO. 2460340

Dear Sir/Madam,

I acknowledge receipt of your correspondence received on 8th January 2025 in relation to the above application.

Article 33 (3) of the Planning & Development Regulations 2001 to 2011 states that: *"where a requirement under sub-article (1) or sub-article (2) is not complied with within the period of 6 months from the date of requirement for further information, or such additional period, not exceeding 3 months, as may be agreed by the planning authority...."*

In accordance with the provisions of Article 33 (3) of the Planning & Development Regulations 2001 to 2011, this Authority is agreeable to your request to extend the time for receipt of a full response to our Further Information request of 08/08/2024.

Please accept this correspondence as confirmation, therefore, that you now have an additional 3-month period, i.e. until 17/05/2025 to furnish a full response (including, if required, any revised public notices), to the Further Information Request.

Yours faithfully,

A handwritten signature in black ink that reads "Brian Duffy". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Brian Duffy
Planning Section



Comhairle Contae Lú
Louth County Council

RE:

21 JAN 2025

Catherine Allison & Co Solicitors
6 Roden Place
Dundalk
Co. Louth
A91 K265

17th January 2025

Ref: UD/24/239

Re: Alleged unauthorised metal security fencing erected on the southwestern end of the site within the curtilage of a Protected Structure Lhs 005-067 at Omeath, Co. Louth Folio No. Lh44295F

Dear Sir/Madam,

I wish to acknowledge receipt on 17th January 2025 of your correspondence in relation to the above. Please note that your correspondence has been forwarded to the Planning Enforcement team for consideration.

Yours Sincerely,

Frances Hodggers
Staff Officer
Compliance (Planning Enforcement) Section

Direct Line – 042 9324118

Email – planningenforcement@louthcoco.ie

**Correspondence in this matter should be addressed to;
Compliance (Planning Enforcement), Louth County Council, Town Hall, Dundalk, Co. Louth**

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
A91 W20C

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

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Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
View Council alerts for Louth at www.mapalserter.ie/Louth



LOUTH COUNTY COUNCIL

Aloha Mullavalley Ltd
c/o Pádraig Herr
Block 4, Third Floor,
Quayside Business Park, Mill Street,
Dundalk, Co. Louth
A91KA9R

Planning Section
Town Hall
Crowe Street
Dundalk
Co Louth
A91 W20C
Tel: 042/9334549

Date: 07/05/2025

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 2000 (as amended)

Acknowledgement of Further Information

Register reference number 2460340
Date application received 21/06/2024
Type of application PERMISSION

Description of development Permission for (a) Construction of 20 no. residential units comprising of: (i) 5 no. 2 storey, 3 bed dwelling houses in 1 no. terrace block; (ii) 10 no. 2 storey, 2 bed dwelling houses in 2 no. terrace block of 5 units in each block; (iii) 1 no. detached 2 storey 4 bed dwelling house fronting onto Howe's Hill; (iv) 1 no. detached 2 storey 2 bed dwelling house; (v) 1 no. detached single storey 1 bed dwelling house; (vi) partial demolition, extension, renovation, restoration and subdivision of Prospect House, a 2 storey dwelling house into 2 separate dwelling houses. Prospect House is a protected structure within the Louth County Development Plan 2021-2027 (Ref. LH005-067); (b) demolition of existing outbuilding and (c) associated site development works including hard and soft landscaping, planted weldmesh retaining wall, self-contained ecological/wildlife corridor, connection to mains sewerage, installation of new surface water drainage system, mixed boundary treatments, provision of public amenity space

Significant Further Information Received on 06/05/2025

Name of Applicant Aloha Mullavalley Ltd
Location address Howe's Hill/Mullach Alainn
Knocknagoran
Omeath Co. Louth

I refer to your application received on 21/06/2024 and wish to acknowledge receipt of further information on 06/05/2025.

Please note that this acknowledgment is not confirmation that the Further Information received is complete.

Your application will receive our further attention and, if all further information as requested has been fully submitted, a decision will issue as soon as possible.



Brian Duffy
Assistant Staff Officer
Planning Section