

Leitrim County Council
Section 5 Declaration of Exempted Development Report



To:	Justin Fannon - A/Director of Services
From:	Bernard Greene - Senior Planner
Reference No.:	ED 24-41
Referrer:	Goodwill Properties Ltd.
Subject Matter:	Determination under Section 5 of the Planning and Development Act 2000, as amended as to whether the change of use of Rossinver Convent, Gubalaun, Co Leitrim, F91 A718 from established use as a convent to use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons is or is not exempt development and whether any minor works to the property to facilitate such use are exempted development.
Location	Gubalaun, Co Leitrim, F91 A718
Date Received:	18/11/2024
Date of Report	10/12/2024

1. Introduction

This is a request for a determination under Part 1, Section 5 of the Planning and Development Act 2000, as amended, as to whether a development is or is not exempted development. This referral case concerns the question as to whether the change of use of Rossinver Convent, Gubalaun, Co Leitrim, F91 A718 from established use as a convent to use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons is or is not exempt development and whether any minor works to the property to facilitate such use are exempted development.



Figure 1: Image taken from Google Street View of the subject structure (image captured in April 2011)

2. Referral Submissions

The subject application was received by the Planning Authority on the 18th of November 2024 from Ms. Ann Mulcrone, Reid Associates, Planning Development Consultants on behalf of Goodwill Properties Ltd., the stated owner of the subject property.

Accompanying the Section 5 Declaration application form and fee, has been the following:

1. A site location map.
2. A copy of the architects' plans prepared by ODKM Architects.
3. A detailed description of the query and supporting report, prepared by Reid Associates.
4. A copy of correspondence from the International Protection Accommodation Service (IPAS) - Letter of Intent

These details were augmented on Tuesday 10th December 2024 by a further supplementary report prepared by Ms. Ann Mulcrone, Reid Associates, Planning Development Consultants and a legal opinion provided by Mr. Michael O'Donnell, BL.

3. Planning History

This building was originally constructed as a convent in the early 1930's long before the commencement of the Local Government (Planning and Development) Act, 1963 on 1st October 1964. The last record of a planning application by a religious order was in 2002, ref. P02/758. Planning permission was granted to Sr. Ita Flynn, The Franciscan Sisters of the Atonement to retain a 6 bedroom extension that had been constructed between 1974-1976. This was permitted subject to 4 no. conditions. This included condition no. 2 which required that the septic tank was to be upgraded or replaced as the original on-site system did not have adequate capacity to cater for the extra loading generated by use of the additional bedrooms. The planning file does not indicate if this condition was complied with.

A subsequent planning permission was granted to Ms. Paula R. Gallagher, ref. 04/1708 to replace flat roofs with pitched roofs, demolish existing front porch and add a conservatory to front of Rossinver Convent. It is noted that Ms. Gallagher indicated on the planning application form that she was the prospective purchaser of the convent and it was still in the ownership of the religious order. The property was subsequently registered to Ms. Gallagher on Land Direct (Folio LM 7345, Plan No. 7345) noting that this still appears to be the case. The Local Authority can confirm our receipt of a valid Commencement Notice dated 29th March 2006 in respect of P04/1708 albeit only in relation to the replacement of the flat roofs with pitched roofs.

The building is clearly no longer owned by a religious congregation and has been in private ownership for a considerable period of time. As outlined, a permission was granted in 2004 to alter part of the roof and carry out other alterations to the structure. The planning application form described the existing use of the building as a '*dwelling*' whereas the 2002 application indicated the existing and proposed use as a '*convent*', however, such a private residential use was never authorised by a grant of permission. This issue was not considered or investigated further by the assigned case planner at that time and indeed was never mentioned in her report which is surprising.

4. Relevant Legislation

4.1 Planning and Development Act, 2000 (as amended)

Section 2(1) of the Act states the following:

- ‘*development*’ has the meaning assigned to it by Section 3;
- ‘*unauthorised use*’ means, in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than—
 - (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
 - (b) development which is the subject of a permission granted under Part IV of the Act of 1963 F23[or under section 34, 37G, 37N or 293 of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;
- ‘*works*’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal

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 structures or other land.

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including Section 4(1)(h).

The following shall be exempted developments for the purposes of this Act—

development consisting 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;

Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001, as amended.

4.2 Planning and Development Regulations 2001, as amended

Part 2 Exempted Development Article 5 provides the following interpretations for this Part-

Article 6(1) states that:

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations

specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1)(a) relates to '*Restrictions on Exemption*'. This outlines that the following development to which article 6 relates, shall not be exempted development, if the carrying out of such development would, inter alia:

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act;
- (viiB) comprise development in relation to which a Planning Authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site;
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Article 10 Changes of use.

10 (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Schedule 2 of Part 1 to the Regulations relates to '*Exempted Development – General*' and sets out the classes of exempted development.

A category of exempted development is provided under Class 14(h) inserted by Article 4 of S.I. No. 582/2015 Planning and Development (Amendment) (No. 4) Regulations 2015 which allows for change of use:

- (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph
- (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons.

The provisions of Class 14(h) are not qualified by any conditions and limitations.

A further relevant exemption is Class 20F, inserted by the Planning and Development (Exempted Development) (No. 4) Regulations 2023, S.I. No. 376 of 2023, dated 19th July 2023. Those regulations provide as follows:

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons

seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

This qualified by the following conditions and limitations:

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001 .
3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
6. '*displaced persons*', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
7. '*international protection*', for the purpose of this class, has the meaning given to it in section 2 (1) of the International Protection Act 2015 (No. 66 of 2015).
8. '*temporary protection*', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.'

Class 14(h) applies to '*protected persons*' which are what might be deemed '*ordinary*' asylum seekers and applicants for subsidiary protection applying under the International Protection Act 2015. Class 20F applies both to those seeking protection under the 2015 Act, and to '*displaced persons*' which is a limited category created by Article 2 of E.U. Directive 2022/382.

Part 4 of the Second Schedule - Article 10 - Exempted Development - Classes of Use

CLASS 7

Use—

- a) for public worship or religious instruction,
- b) for the social or recreational activities of a religious body,
- c) as a monastery or convent.

4.3 Environmental (Miscellaneous Provisions) Act 2011

Section 17(1)(b) amends section 4 of the Planning and Development Act 2000 (as amended) by the provision 'that notwithstanding exemptions under subsection (1)(a), (i), (ia) or (l) or regulations made under subsection (2) development shall not be exempted development if Environmental Impact Assessment or Appropriate Assessment of the development is required. The Planning and Development Regulations 2001, as amended, are made under section 4 (amongst others) of the Planning and Development Act 2000, as amended.

Assessment

5.1 I have considered all relevant exemptions available under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). In my assessment of this application, I have had regard to the submitted application documentation and the planning history of the subject site. I have also considered carefully the judgement of Humphreys J. in the recent High Court case *Leitrim County Council and Dromprop Ltd.* [2024] IEHC 233, 29/04/2024 which I consider relevant.

5.2 There is no definition provided in the Planning and Development Act or in the Planning and Development Regulations in relation to a '*convent*'. The Cambridge dictionary defines it as a building in which nuns (members of a female religious order) live. The Collins dictionary defines it as a building in which a community of nuns live. The *Geddes & Grosset Dictionary* defines it as a house of a religious order, especially an establishment of nuns.

5.3 It is clear from a planning history and Land Registry search that the property was sold by the religious order (The Franciscan Sisters of the Atonement) to Ms. Gallagher in or around 2005. The property was registered in Ms. Gallagher's sole name in 2009. The subject property is understood to have been used as a private residence for the past 18-19 years approximately. This has been confirmed by local enquiries. I note from the planning application form of the P04/1708 application that Ms. Gallagher indicated that the existing use of the structure was '*dwelling*' with the land let to a local person for grazing whilst with respect to applications for a dwelling and the proposed occupancy of same, Ms. Gallagher ticked '*for the applicant's own use*'. I also note that in relation to an application for a material change of use, Ms. Gallagher indicated to all 3 questions, that they were not applicable. I accept that all of these was Ms. Gallagher's interpretation of the use and occupancy rather than a definitive consideration by the Planning Authority.

5.4 Whilst the use of the property as a private residence was brought to the attention of the Planning Authority in the 2004 planning application by Ms. Gallagher (as prospective purchaser), the use of the structure as a private dwelling, if considered unauthorised, would be immune from prosecution by reference to the statute of limitations which would apply. I do not consider it necessary to make a determination on whether the use of the property as a private residence was a material change of use at this juncture. It is suffice for now to be aware that a change of use occurred. I would however form the view that the sale of the subject property by the Convent of The Franciscan Sisters of the Atonement to Ms. Gallagher would appear to demonstrate a clear intent to abandon the use of the subject property by this religious order as a convent. It would not be possible for Ms. Gallagher as an individual to maintain such a use as all definitions of a convent would appear to require a

community of a religious order to reside in the building or series of buildings where clearly this has not been the case. I am also placing some weight on the clear indication by Ms. Gallagher on the planning application form that the building was to be used as a dwelling for the applicant's own personal use. Unlike the Abbey Manor hotel case in Dromahair where the judge determined that the "*premises was not put to any other use in the intervening period*", this does not appear to be the case although it has remained in a '*residential*' use. There is clear evidence of another use having been adopted and undertaken.

5.5 Mr. Justice Humphreys found in *Leitrim County Council vs. Dromaprop Ltd.* [2024] IEHC 233 that

...the onus of proof of abandonment is on the party so claiming, and that hasn't been discharged here. Lots of properties closed in the crash, as they did in the Covid emergency. That isn't in itself abandonment. Closure through such force majeure is very distinct from a definitive legal decision to renounce a use permanently. There's no evidence of an intention to abandon. There is certainly no evidence of any other use being adopted or undertaken.....

In contrast, in this instance, there is clear evidence of an intention to abandon by that religious order and of another use being adopted and undertaken, namely the use as a private residential use. I would question therefore that the exempted development provisions of Class 14(h) would apply as the property is not in '*use*' as a convent and has not been used as a convent for a considerable period of time. This is the basis set out for the exemption in the report prepared by Reid Associates, dated 18th November 2024. However, the provisions of Class 20F would also include a building which was no longer in use as a convent but was '*used*' as a convent which this building clearly was. As the use as a convent was a pre 1963 use, there is a question as to whether or not this use as a convent could be reinstated without first obtaining a grant of planning permission. I note the contents of the second supplemental report prepared by Reid Associates dated 10th December 2024 in which it is stated that "*There are no changes to the interior of the convent and the chapel and sacristy and other elements of the convent remain in situ determining that the established use of the structure de facto remains as a convent*". Whilst the layout of the building may remain as it was when it was last used as a convent, this does not necessarily infer that the use '*remains de facto as a convent*'.

5.6 I have read and carefully considered the submitted legal opinion, prepared by Michael O'Donnell, BL. The opinion is presented in a concise, clear and logical manner. I note in particular the statement contained in paragraph 2.4 in reference to the planning application submitted by Ms. Gallagher:

"That application therefore established the continued use of the structure as a convent which is the manner in which the use for which the works described were being provided and where there was no application for a change of use from the existing established convent use to any other use."

He continued within paragraph 2.5 – 2.8 to state the following:

"There was no proposal for example to discontinue the use of the rooms within the convent as a chapel, sacristy, study rooms etc. Indeed the contrary is the case."

The absence of any application to change the use combined with the continued retention of the various elements of the convent use establishes that there was no intention that the use of the structure as a convent was to cease and indeed every evidence points to the use of the Convent continuing with the building being maintained as such and no other use inconsistent with the established use has been carried out within the building.

It appears from the plans and documents reflecting the current layout that have been examined that the nature of this use in terms of the layout of the convent has not changed.

It can therefore be concluded that the existing established and authorised use of this structure is a convent within the meaning of class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001."

5.7 Article 10 (1) of the Planning and Development Regulations, 2001, as amended states that development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

I do not consider this to be of relevance as this does not provide the basis to the suggested exemption. Whilst the use of the convent as a private residential property may require planning permission as a convent is specified within Class 7 of the aforementioned Schedule

5.8 I consider the subject works, in and of themselves, as outlined in the drawings submitted to satisfy the requirements of section 4(1)(h) of the Act in that they do not materially affect the external appearance of the structure and largely are contained within the structure itself. The building is not a Protected Structure and is not included in the National Inventory of Architectural Heritage as having any particular significance or special interest. However, I cannot remove the link to the works giving effect to a change of use which may not be exempted development as being a material consideration.

There is also a question notwithstanding the benign nature of the proposed alterations and reconfigurations to the structure, primarily internal works, as to whether or not such works proposed are subject to, and affected by, the provisions of Article 9(1)(a) of the Planning and Development Regulations 2001, as amended, which relates to '*Restrictions on Exemption*'. This outlines that the following development to which Article 6 relates, shall not be exempted development, if the carrying out of such development would, inter alia:

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
(Emphasis added)

5.9 Screening for Appropriate Assessment (AA) under Natura 2000 Sites

The nearest Natura 2000 site is Lough Melvin Special Area of Conservation (SAC Site Code: 000428) which is located approximately 700 metres north of the subject site. As outlined above, there is uncertainty with regard to the adequacy of the wastewater treatment system to serve the 11 no. bedroom property. The occupancy of the property is likely to intensify considerably and it is considered having regard to the proximity of the development to a Natura 2000 site that the adequacy of the wastewater treatment system is relevant to our considerations of whether the change of use could give rise, without mitigation measures, to affect the qualifying interests and conservation objectives of Lough Melvin Special Area of Conservation. It is considered that this issue shall be discussed and a Screening Statement for Appropriate Assessment prepared by a suitably qualified ecologist.

6. Recommendation

Having examined the submission in relation to this development and having carried out a site inspection, it is considered that further information is necessary to facilitate assessment of the referred question.

In accordance with the provisions of Section 5(2)(b) of the Planning & Development Act 2000, as amended, the following further information is required to enable the Planning Authority to issue a determination:

Advice Note

From the basis of information available to the Planning Authority in the documents submitted with your application and information held on planning application files ref. no. P02/758 and P04/1708, the Planning Authority are not convinced that the use of the building as a convent has not been abandoned. The Planning Authority is not in dispute with the use of the convent by the religious order up to its sale to a private individual, Ms. Paula P. Gallagher, who remains the registered owner of the subject property and adjoining lands on Land Direct, ref. LM 345, Plan No. 7345. To assist the Planning Authority in making as informed a decision as possible, the following considerations are shared with the submitter.

There is no definition provided in the Planning and Development Act 2000, as amended, or Planning and Development Regulations 2001, as amended, in relation to a '*convent*'. The Cambridge dictionary defines it as a building in which nuns (members of a female religious order) live. The Collins dictionary defines it as a building in which a community of nuns live. The Geddes & Grosset Dictionary defines it as a house of a religious order, especially an establishment of nuns. What is clear is that such a use is predicated on it being used by a community of nuns as their place of residence.

It is clear from a planning history and Land Registry search that the property was sold by the religious order - The Franciscan Sisters of the Atonement - to Ms. Gallagher in or around 2005. The property was registered in Ms. Gallagher's sole name in 2009. The subject property is understood to have been used as a private residence for the past 18-19 years.

It is noted from the planning application form of the P04/1708 application that Ms. Gallagher indicated that the existing use of the structure was that of '*dwelling*' with the land let to a local person for grazing whilst with respect to questions on the form pertaining to applications for a dwelling and the proposed occupancy of same, Ms. Gallagher ticked '*for the applicant's own use*'. It is also noted that in relation to questions pertaining to an application for a material change of use on the form, Ms. Gallagher indicated to all 3 questions, that they were not applicable. It is accepted that all of these answers was Ms. Gallagher's interpretation of the use and occupancy rather than a definitive consideration by the Planning Authority. It is also noted that Ms. Gallagher submitted a valid Commencement Notice on 29th March 2005 but only in respect to the replacement of flat roofs with pitched roofs with the remainder of the approved development not having been proceeded with.

Whilst the use of the property as a private residence was brought to the attention of the Planning Authority in the 2004 planning application by Ms. Gallagher (as prospective purchaser), the use as a private dwelling if considered an unauthorised use would be immune from prosecution by reference to the statute of limitations which would apply. The Planning Authority do form the view that a change of use occurred from use as a dwelling for members of a religious order to become a building occupied as a private dwelling house. There is clear evidence of another use having been adopted and undertaken.

The Planning Authority would also form the view that the sale of the subject property by The Franciscan Sisters of the Atonement to Ms. Gallagher did demonstrate a clear intent to abandon the use of the subject property by this religious order as a convent. It is contended by the Planning Authority that it would not be possible for Ms. Gallagher, as an individual, to maintain such a use (i.e. that of a convent) as all definitions of a convent clearly require a community of a religious order to reside in the building or series of buildings. Ms. Gallagher could not do so on her own.

In this instance, there is clear evidence of an intention to abandon the use by the religious order and of another use being adopted and undertaken, namely the use as a private residential use. On that basis, the Planning Authority has reservations that the exempted development provisions of Class 14h would apply as the property is not in '*use*' as a convent and has not been used as a convent for a considerable period of time.

However, the provisions of Class 20F would also include a building which was no longer in use as a convent but was '*used*' as a convent which this building clearly was. As the use was a pre 1963 use, there is a question as to whether or not this use as a convent could be reinstated without first obtaining a grant of planning permission. Whilst the layout of the building may remain as it was when it was last used as a convent, this does not necessarily infer that the use '*remains de facto as a convent*' as set out in the documents submitted.

Further Information Request

1. Having regard to the foregoing, you are requested to demonstrate that Goodwill Properties Ltd. have sufficient legal interest in the subject property to submit the section 5 declaration or to submit the legal consent of the owner of the property to the making of same.
2. On the basis of the narrative provided in the Advice Note above, you are requested to demonstrate to the Planning Authority through further legal submissions that the use of the convent was not abandoned by the sale of the subject property by the religious order to a private individual and that it has not been used as a private residence for

at least the past 18-19 years which would be considered a change of use of the subject property and could possibly be considered an unauthorised use. As the convent use was a pre 1963 use, there is also an argument that the reinstatement of the convent use would require planning permission.

3. You are requested to demonstrate to the Planning Authority through further legal submissions whether or not the works proposed, primarily consisting of internal works/reconfigurations, are subject to, and affected by, the provisions of Article 9(1)(a) of the Planning and Development Regulations 2001, as amended, which relates to '*Restrictions on Exemption*'. This outlines that the following development to which Article 6 relates, shall not be exempted development, if the carrying out of such development would, inter alia:

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
(Emphasis added)

4. The last record of a planning application by a religious order was in 2002, ref. P02/758. Planning permission was granted to Sr. Ita Flynn, The Franciscan Sisters of the Atonement to retain a 6 bedroom extension that had been constructed between 1974-1976. This was permitted subject to 4 no. conditions. This included condition no. 2 which required that the septic tank was to be upgraded or replaced as the original on-site system did not have adequate capacity to cater for the extra loading generated by use of the additional bedrooms. The planning file does not indicate if this condition was ever complied with.

Having regard to the nature of the change of use now proposed, you are requested to submit a report by a suitably qualified engineer indicating the nature of wastewater treatment and disposal which currently serves the subject property and the capacity of said system. This requirement is relevant to the final item of further information.

5. Article 9(1)(a) of the Planning and Development Regulations 2001, as amended, which relates to '*Restrictions on Exemption*'. This outlines that the following development to which Article 6 relates, shall not be exempted development, if the carrying out of such development would, inter alia:

(viiB) comprise development in relation to which a Planning Authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

The nearest Natura 2000 site is Lough Melvin Special Area of Conservation (SAC Site Code: 000428) which is located approximately 700 metres north of the subject site. As outlined above, there is uncertainty with regard to the adequacy of the wastewater treatment system to serve the 11 no. bedroom property, the occupancy of which is likely to intensify considerably as outlined in this application. Having regard to the proximity of the property to a Natura 2000 site and to uncertainty with regard to the adequacy of the wastewater treatment system to cater for projected loadings which would arise from the proposed change of use, without mitigation measures being undertaken, the Planning Authority are not satisfied that the proposed change of use would not affect the qualifying interests and conservation objectives of Lough Melvin

Special Area of Conservation. To assist the Planning Authority in these considerations, you are requested to submit a Screening Statement for Appropriate Assessment as prepared by a suitably qualified and experienced ecologist.

Upon receipt of the further information as requested above, your application will be considered further.

A handwritten signature in cursive script, reading "Bernard Greene", written in black ink. The signature is positioned above a horizontal line.

Bernard Greene
Senior Planner
Date: 12/12/2024