

Copy for file.

Peter Sweetman and Associates
14 Postnet
184 Lower Rathmines Road
Dublin 6.

Re: Road Development at Muingingaun, Glenturkmore, Glenturkbeg, Glencullin Lower, Cloutakilla and Attavally.

29th September, 2004

Dear Sir,

I have been asked by An Bord Pleanála to refer further to your letter of 5th August, 2004 in relation to a referral pursuant to section 5 of the Planning and Development act, 2000.

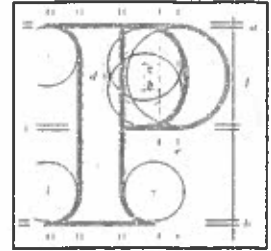
Section 5 of the Act provides that a referrer may seek from the planning authority, subject to the payment of a fee, a declaration on the question as to what, in a particular case, is or is not development or is or is not exempted development. The planning authority shall then issue a declaration on the question that has arisen.

A person who is in receipt of a declaration has the right, on payment of a fee to the Board, to refer a declaration for review by the Board within a 4 week period of the date of the issuing of the declaration..

It is noted in your letter of referral that you did not attach the declaration from the planning authority (assuming that you have sought such a referral). Neither have you attached the requisite fee, presently set at €200. Accordingly your referral must be deemed invalid in accordance with section 127(1)(f) of the 2000 Act.

Furthermore, from your letter you appear to be raising other matters not pertinent to section 5 of the 2000 Act. In this regard you might clarify the exact nature of your application to the Board including identifying what statutory provisions you are relying upon in respect of the Environmental Impact Assessment question having regard to your argument in relation to the exempted development status of the development and the references to "the Minister" in that part of the National Habitat Regulations, 1997 quoted by you.

An Bord Pleanála



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64 Marlborough Street,
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September 29, 2004

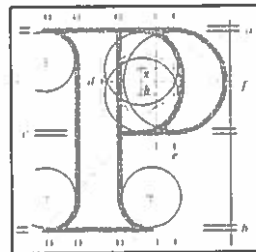
Your letter is herewith returned to facilitate referring the matter to the planning authority to seek a declaration pursuant to section 5 of the 2000 Act to 2002 Acts.

Yours faithfully,



Michael Donlan
Senior Executive Officer
An Bord Pleanála

An Bord Pleanála



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