



Local Government (Sanitary Services) Act, 1948 & Local Government Act, 2001

Order Prohibiting the Erection or Retention of Temporary Dwellings

LEITRIM COUNTY COUNCIL PROHIBITION ORDER, 2020 - ANNADUFF TOWNLAND, Annaduff, Carrick on Shannon , Co. Leitrim

1. The County Council of the County of Leitrim is the Sanitary Authority for the County of Leitrim.
2. The Superintendent, An Garda Siochana, Garda Station, Carrick on Shannon has reported to Leitrim County Council that the erection, or retention, of temporary dwellings on the lands set out and described and specified in the Schedule hereto would constitute an unreasonable interference to any pedal, vehicular and pedestrian traffic.
Leitrim County Council Waste Enforcement Officer has also reported that the erection or retention of temporary dwellings on the lands set out and described and specified in the Schedule hereto would be detrimental to the local environment and would pose a risk to both human health and the environment and would cause environmental pollution as defined by Section 5 of the Waste Management Act, 1996 as amended.
The A/Senior Engineer, Infrastructure Department has also reported that the erection or retention of temporary dwellings on the lands set out and described and specified in the Schedule hereto would interfere to an unreasonable extent with traffic on this public road and would be a hazard or potential hazard to persons using this public road and would obstruct or interfere with the safe use of this public road and with the maintenance of this public road.
3. The County Council of the County of Leitrim has considered the above said reports and is of the opinion that the erection, or retention, of temporary dwellings on the lands set out and described and specified in the Schedule hereto would be prejudicial to public health and the amenities of the locality, and would interfere to an unreasonable extent with traffic on the roads described in the Schedule.
4. Now we, the County Council of the County of Leitrim, being the Sanitary Authority for the County of Leitrim pursuant to Section 31 (1) & (2) of the Local Government (Sanitary Services) Act, 1948, and Carrick on Shannon Municipal District Members by virtue of Section 131 (A) of the Local Government Act, 2001 hereby Order as follows:-
 - This Prohibition Order is being made under Section 31 (1) and (2) of the Local Government (Sanitary Services) Act, 1948 and the Local Government Act, 2001 (Section 131A)
 - This Prohibition Order prohibits the erection or retention of temporary dwellings on the lands set out and described and specified in the Schedule from the date on which this Order comes into force.
 - In this Order, the Expression "Temporary Dwelling" includes any of the following:-
 - Caravan or Mobile Home
 - Tent
 - Vehicle, Van or other Structure or thing (whether on wheels or not)
 - Shed, hut or similar structure

Used for human habitation either permanently or from time to time or designed, constructed or adapted for such use

- No Person(s) shall erect or retain a temporary dwelling on the lands set out and described and specified in the Schedule hereto

SCHEDULE

Local Road No. LP3630-0 for its entire length (approx. 840 metres) from its Junction with the N4 in the Townland of Annaduff adjacent to the Mohill Cross and extending South West & North West through the Townland of Annaduff to a point where it rejoins the N4 in the Townland of Annaduff.

The lands are shown outlined and hatched in red on Map No. 203/1678/01 dated 12th February, 2020, deposited at the offices of Leitrim County Council, Aras an Chontae and Park Lane House, Carrick-on-Shannon, Co. Leitrim and available at www.leitrimcoco.ie.

Dated 9th Day of March, 2020.

Application for Annulment of Prohibition Order

A person who is aggrieved by the above Prohibition Order may, in accordance with Section 31 (3) of the Local Government (Sanitary Services) Act 1948, within 14 days of the date of this Newspaper Notice send to the Minister an application in writing (which shall include a statement of the reasons therefor) for the annulment of this Prohibition Order - **Deadline for receipt by Minister of an Application for Annulment of this Order is Wednesday 25th March, 2020.** Application for Annulment should be forwarded in writing to the following address:-

- **Minister for Housing, Planning & Local Government, Custom House, Custom House Quay, Dublin 1 or by e-mail to minister@housing.gov.ie.**

The Minister, after considering such an application for the annulment of this Prohibition Order and considering any representations made by Leitrim County Council, may either annul the Prohibition Order or Confirm the Prohibition Order with or without variation.

This Prohibition Order will come into force as follows:-

- Where no application is made for the annulment of this Prohibition Order, this Prohibition Order will come into force 30 Days after the date of this Newspaper Notice i.e. **Prohibition Order will come into force on 9th April, 2020**
- Where an application is made to the Minister for the annulment of this Prohibition Order and the Order is not annulled by the Minister, 14 days after the determination by the Minister

Warning:

Any person who erects or retains a temporary dwelling in contravention of this Prohibition Order shall be guilty of an offence under Section 31(4) of the Local Government (Sanitary Services) Act 1948 and shall be liable on summary conviction to a fine not exceeding €1,270 and, in the case of a continuing offence, to a further fine not exceeding €252 for each day on which the offence is continued.

In accordance with Section 31 (5), where a person is convicted on a second or subsequent occasion of such offence in relation to the same temporary dwelling, the court may, in addition to or in lieu of imposing a fine, order the forfeiture of the temporary dwelling to the sanitary authority and thereupon the authority may take possession of the temporary dwelling and dispose of it by sale, destruction or otherwise as they think fit.