



COMHAIRLE CLARE
CONTAE AN CHLÁIR COUNTY COUNCIL

WARNING LETTER
PURSUANT TO
SECTION 152(1) OF THE PLANNING AND DEVELOPMENT ACT
2000, (AS AMENDED)

Declan Lyons
Ballynakillew
Mountshannon
Co. Clare

Date: 24th, January 2022

Our Ref: UD21-112

RE: Lands at Ballynakillew, Mountshannon, Co. Clare

A Chara,

I am informing you that it has come to the attention of the Planning Authority, Clare County Council, that unauthorised development may have been, is being or may be carried out, namely:

1. **The construction of a concrete slip way and wooden jetty within the Lough Derg Special Protection Area and the construction of wooden fencing and a pathway without the benefit of planning permission.**

On lands at Ballynakillew, Mountshannon, Co. Clare

Accordingly, this Warning Letter, pursuant to the provisions of Section 152(1) of the Planning and Development Act, 2000, as amended, is hereby issued to

Declan Lyons, *the owner of the lands.*

Any person served with this Warning Letter may make submissions or observations in writing to the planning authority, Clare County Council, regarding the alleged unauthorised development not later than four weeks from the date of the service of this Warning Letter.

When the Planning Authority considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued requiring its recipient to cease or not to commence unauthorised development, or to proceed with development in accordance with the related permission.

Officials of the Planning Authority may at all reasonable times enter on the land for the purposes of inspection.

Any person who has carried out or is carrying out unauthorised development shall be guilty of an offence pursuant to Section 151 of the Planning and Development Act, 2000, as amended. I am obliged to inform you that the possible penalties involved where there is a conviction for such an offence are that a person shall be liable:

1. on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months, or to both.
- or
2. on conviction on indictment to a fine not exceeding €12,697,380.78 or to imprisonment for a term not exceeding 2 years, or to both.

Where an unauthorised development involves the construction of an unauthorised structure, the minimum fine is:

- 1 on summary conviction, the estimated cost of the construction of the structure or €2,500, whichever is less:
 - or
 - 2 on conviction on indictment, the estimated cost of the construction of the structure or €12,697.38 for each day, whichever is less,
- except where the person convicted can show to the court's satisfaction that he, she, or it, does not have the necessary financial means to pay the minimum fine.

Failure to comply with an Enforcement Notice is an offence contrary to Section 154(8) of the Planning and Development Act, 2000, as amended.

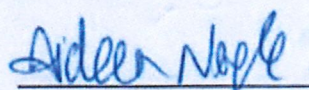
The penalties upon conviction for an offence contrary to Section 154(8) are the same as for Section 151, set out above.

In addition, any costs reasonably incurred by the Planning Authority 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 have any queries in relation to the above, please contact **the Planning Enforcement Section** on **(065) 6821616**.

I await any written submissions or observations you may have regarding the alleged unauthorised development, not later than four weeks from the date of the service of this Warning Letter.

Mise le meas,



Aideen Nagle
Staff Officer
Planning Department