

VITRUVIUS HIBERNICUS

Liam Madden B. Arch. NUI, M.Appl.Envir. Sc., Cert.Arch.Prof., Dip. Micro-Proc. Tech.,
CHARTERED MEMBER OF THE ROYAL INSTITUTE OF BRITISH ARCHITECTS 1978 - 2017
REGISTERED ARCHITECT U.K. REG. NO. 0461701
EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001
ENVIRONMENTAL SCIENTIST

An Bord Pleanála,
64 Marlborough Street,
DUBLIN 1

P.A. ref : D/310/18 Cork County Council.

Re : Man Friday, Scilly, Kinsale, Co. Cork
Referrer : Philip and Josephine Horgan

15 Jan. 2019	
AN BORD PLEANÁLA	
LDG- _____	D3
ABP- _____	
16 JAN 2019	
Fee: € 220.00	Type: <i>deje</i>
Time: 12:00	By: <i>Past</i>

Dear Sir/Madam,

this is a referral made under Section 5 of the 2000 Act, as amended, by my clients Philip and Josephine Horgan, the owners and occupiers of the premises known as Man Friday, Scilly Kinsale, Co. Cork. Attached is the referral fee €220-00

A Section 5 request was lodged with Cork County Council by me on the behalf of my clients. A declaration issued dated 11th Jan. 2019.

Attached is a copy of the Section 5 request with supporting papers/arguments along with a copy of the declaration by the P.A.

13 matters, lettered A to M, were submitted to the P.A. as sub-questions.

All were addressed and declarations made by the P.A.

The following matters were declared to be development and NOT exempted development :

- (D) Pergola.
- (E) Painted advertisement lettering *Man Friday* on roof.
- (J) Statue
- (M) private paved area and erection of stone wall.

Only the questions (D), (E), (J) and (M) are the subject of this referral.

SUPPORTING ARGUMENTS

The supporting arguments in all questions are the same arguments as in the Section 5 Request. In addition I make the following observations :

- (D) Pergola
I submit that the P.A. made a mistake in interpreting "*maintenance and improvement of an existing structure*" as requiring that the pergola should be attached to the structure (i.e. Man Friday Restaurant) : an improvement doesn't, I argue, need to be attached. I say also that the P.A. was wrong to conclude that the pergola enables intensification of the [existing] outdoor terrace area. That simply doesn't make sense.

(E) *Man Friday* lettering on roof.

I submit that the P.A., while correct in determining that the word MAN is more than 4m above G.L. and that the height of the individual letters in MAN and FRIDAY exceeds 300mm, should have addressed the words MAN and FRIDAY separately. What I now ask An Bord to do is to determine whether MAN is exempted development and separately whether FRIDAY is exempted development.

The reason I ask this is that my clients could remove MAN and retain FRIDAY, albeit with the height of FRIDAY adjusted to not more than 300mm.

(J) Statue of Liam Madden.

I say that the detailed image of the statue of Liam Madden – modelled on Nero - was lacking insofar as the surrounding (marble) stone shrine was not submitted to the P.A. Attached is a rough diagram of the roadside shrine.

Moreover, I have added a Halo over the head in the statue, within the overall 2.0m height, of course.

If I am successful in having the statue declared exempt, I will of course supplement the statue with a second roadside shrine in honour of Donald Trump.... surrounded by Big Macs. The Trump statue would not exceed 300mm in height so as not distract from the Liam Madden statue. (The Trump statue would be paid for by Mexico.)

(M) Private paved area and erection of stone wall.

I say the P.A. was in error concluding that that the private paved area was to be a parking area and an extension of the public road.

First, the word parking was not used or suggested in my S.5 Request.

Second, the paved area is just as suited to benches on which patrons of Man Friday may sit. (Indeed it could even be used for wheelie bins or as a bring facility although I mention this merely in passing.)

Third, the area is private and will remain private : it will not be an extension of the public road. This was not suggested in the S.5 request.

WHEREAS QUESTIONS HAVE ARISEN AS TO WHETHER THE FOLLWING ARE OR ARE NOT DEVELOMENT and ARE OR ARE NOT EXEMPTED DEVELOPMENT Philip and Josephine Horgan seek declarations in the following matters :

(D) completion of pergola on a paved area as part of an ornamental garden.

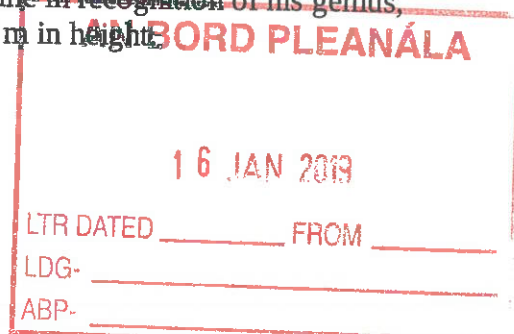
(E) painted lettering advertisement on the roof,

(J) erection of a statue of Liam Madden as a roadside shrine in recognition of his genius,

(M) private paved area and a stone wall not exceeding 1.2 m in height.

Yours faithfully,

Liam Madden,
Convent Road,
Longford N39 EE72



Comhairle Contae Chorcaí Cork County Council

Philip & Josephine Horgan,
C/O Vitruvius Hibernicus,
Convent Road,
Longford
N39 EE72

11th January, 2019

REF: D/310/18
LOCATION: Man Friday, Scilly, Kinsale, Co. Cork.

RE: **DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000**

Dear Sir/Madam,

On the basis of the information and plans submitted by you on 29th November, 2018 the Planning Authority, having considered the matters outlined below relating to the site at **Man Friday, Scilly, Kinsale, Co. Cork** and having had regard to:

- Section 3 of the Planning and Development Act (2000, as amended).

It is concluded by the Planning Authority that:

- (A) The removal of a tree including replacement planting within does not constitute development as defined within the meaning of the Planning Acts.

Not development

- (B) Re-paving the disturbed terrace after removal of tree (Ref: A) constitutes development (i.e. construction of private paving) as defined within the meaning of the Planning Acts but it comes within the scope of Sundry Works in Class 13 of Schedule 2, Article 6, Part 1 (exempted development – general).

Development & exempted development

- (C) This ramped paving relates to a closed Enforcement Case EF11/104 (see attached letter). The Planning Authority stated it was 'exempted development' as it comes within the scope of a *Sundry Works* under Class 13 of Schedule 2, Article 6, Part 1 (exempted development – general).

Development & exempted development

- (D) The pergola structure is development as defined within the meaning of the Planning Acts. It cannot come within the scope of a *development for amenity or recreational purposes* under Class 33 of Schedule 2, Article 6, Part 1 (exempted development – general), nor Section 4(1)(h) of the

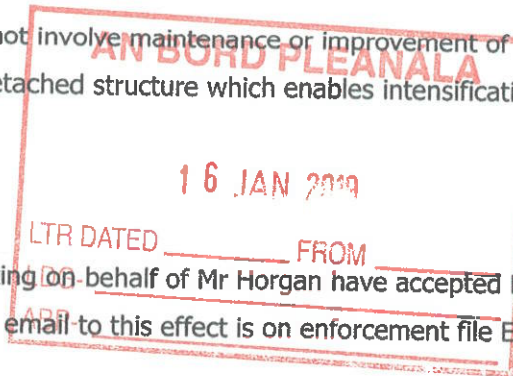
An Rannóg Pleanála,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891 • Faics: (021) 4276321
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning Department,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891 • Fax (021) 4276321
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



Planning Act. This pergola structure does not involve maintenance or improvement of the existing structure. It is, however, a new detached structure which enables intensification of outdoor terrace area.

Development & not exempted

It should be noted Planning Consultants acting on behalf of Mr Horgan have accepted Planning Permission is required for this structure. An email to this effect is on enforcement file EF 18/174.



- (E) The painted advertisement lettering 'Man Friday' on the roof is development as defined within the meaning of the Planning Acts. It comes within the scope of Class 1 in Schedule 2, Part 2, Article 6, (Exempted Development – Advertisements) but does not comply with condition and limitation 4(b) being 4m above ground level or condition and limitation 8 as lettering exceeds 0.3m in height.

Development & not exempted

It should be noted Planning Consultants acting on behalf of Mr Horgan have accepted Planning Permission is required. An email to this effect is on enforcement file EF 18/174.

- (F) Decorative wall and planting on the southern edge of the paved area does not constitute development as defined within the meaning of the Planning Acts.

Not development

- (G) Painting of external walls of Man Friday is development within the meaning of the Planning Acts. It comes within the scope of a *Sundry Works* in Class 12, of Schedule 2, Article 6, Part 1 (exempted development – general) of the Planning Regulations, and is exempted development.

Development & exempted development

- (H) The erection of flag pole for advertisement is development as defined within the meaning of the Planning Acts. It comes within the scope of CLASS 4 in Schedule 2, Part 2, Article 6, (Exempted Development – Advertisements) and is exempted development.

Development & exempted development

- (I) The re-aligning of drains and new ANUA holding tank and pumping station is development as defined within the meaning of the Planning Acts.

The Council's Environment Department has confirmed works were required.

It therefore comes within the scope of CLASS 41(c) in Schedule 2, Article 6, Part 1 (exempted development – general) of the Planning Regulations, and is exempted development.

Development & exempted development

- (J) The erection of statue of Liam Madden constitutes development as defined within the meaning of the Planning Acts. It cannot come within the scope of a *development for amenity or recreational purposes* under Class 33 Schedule 2, Article 6, Part 1 (exempted development – general) of the Planning Regulations as the structure concerned is not a roadside shrine.

Development & is not exempted development

- (K) Re-tarmacing and re-surfacing of a private lane constitutes development as defined within the meaning of the Planning Acts. It is 'exempted development' as defined within the meaning of the Planning Acts because it comes within the scope of a *Sundry Works* under Class 13 in Schedule 2, Article 6, Part 1 (exempted development – general) of the Planning Regulations of the Planning Regulations.

Development & exempted development

- (L) Temporary builders accommodation constitutes development as defined within the meaning of the Planning Acts. It is 'exempted development' as defined within the meaning of the Planning Acts because it comes within the scope of a *Temporary Structures* under Class 16 in Schedule 2, Article 6, Part 1 (exempted development – general) of the Planning Regulations of the Planning Regulations.

Development & exempted development

- (M) The private paved area and erection of stone wall constitutes development as defined within the meaning of the Planning Acts. It cannot come within the scope of a *Sundry Works* under Class 11 or 13 of Schedule 2, Article 6, Part 1 (exempted development – general) of the Planning Regulations because the development involves formation of a parking area and material widening of the public road.

Development & not exempted development

And therefore

Items A & F do not constitute development as defined in Section 3 of the Planning and Development Act.

Items D, E, J, K and M constitute development as defined in Section 3 of the Planning and Development Acts but are NOT exempted development.

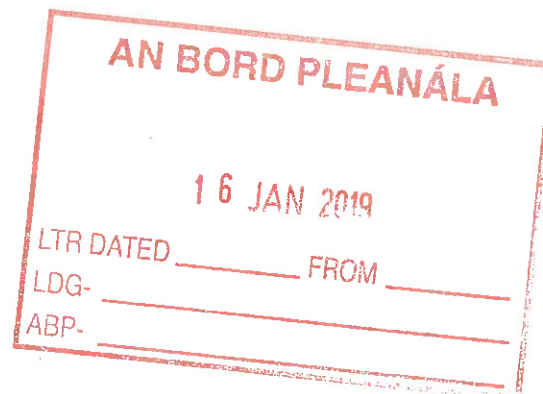
Items B, C, G, H, I & L constitute development as defined in Section 3 of the Planning and Development Act and are exempted development.

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,



JAMES KEANE,
SENIOR EXECUTIVE OFFICER,
PLANNING DEPARTMENT.



PHILIP & JOSEPHINE HORGAN
C/O VITRUVIUS HIBERNICUS
2 THE GATE LODGE,
WINDSOR CHASE,
81 LOWER WINDSOR AVENUE
BELFAST
BT9 7DX

29-NOV-2018
12:21:57

Cork County Council
County Hall
Cork
Tel - 021 427 6891
VAT Registration No - 0007458M



Receipt : PL20001724

Header Details

Receipt Reference: PL20001724
Received From: PHILIP & JOSEPHINE HORGAN
Billing Address: C/O VITRUVIUS HIBERNICUS
2 THE GATE LODGE,
WINDSOR CHASE,
81 LOWER WINDSOR AVENUE
BELFAST
BT9 7DX
Account No.: POS
7000004
Amount Paid (EUR): 80.00
Type: CHEQUE
Comments: DEC. OF EXEMPTION - D/310/18
Receipt Issued By: ACARRIGY
Receipt Date: 29-Nov-2018
Site: 0302 : Planning Floor 2
D/N/U: D
Invoice Reference: 9000151150 : CHEQUE

Line Details

From Reference	To Reference	Transaction Date	Remarks	Amount
PL20001724	9000151150	29-Nov-2018	DECLARATION OF EXEMPTION	80.00

RECEIPT IS ISSUED SUBJECT TO CLEARANCE OF CHEQUE/CREDIT CARD
ISSUED ON BEHALF OF
Planning Floor 2,
PLANNING FLOOR 2 TOWER,

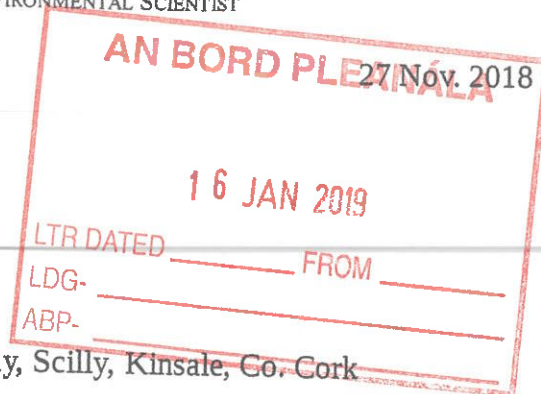
ANGELA CARRIGY 021-4285860

J.L. Leary - 8 Jan 19

VITRUVIUS HIBERNICUS

Liam Madden B. Arch. NUI, M.Appl.Envir. Sc., Cert.Arch.Prof., Dip. Micro-Proc. Tech.,
CHARTERED MEMBER OF THE ROYAL INSTITUTE OF BRITISH ARCHITECTS 1978 - 2017
REGISTERED ARCHITECT U.K. REG. NO. 0461701
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ENVIRONMENTAL SCIENTIST

Cork County Council,
Planning Department,
County hall,
Carrigrohane Road,
CORK
T12 R2NC



my ref : T 1921 Man Friday, Scilly, Kinsale, Co. Cork

Dear Sir/Madam,

this is a Section 5 Request by my clients, Philip and Josephine Horgan, Man Friday, Scilly, Kinsale, Co. Cork. My clients are the owners-occupiers of the well-known restaurant establishment.

BACKGROUND

Aproximately ten years ago, my clients had occasion to advance Circuit and High Court proceedings against the immediate next door neighbours, Ms Imelda Gimblett and her parents Anne and Joe (now deceased) Gimblett.

An application for Planning Permission was made by Imelda Gimblett ref : 04/6426 seeking to erect a large house extension on Horgan lands, falsely declared by the applicant to be in Gimblett ownership. Unbeknownst to my clients, a Section 49 Application, had been lodged with the Land Registry seeking to have part(s) of my clients' land registered into the Gimblett name on foot of a claim of Adverse Possession. The large house extension was erected on the occupied lands in the teeth of on-going litigation.

The Section 49 application was, of course, rejected and the High Court found in my clients' favour, ordering the demolition and removal of the extension, the re-instatement of my clients' land and the vacating of the said lands. The order was eventually executed but not before Application for Attachment and Committal to prison for contempt of the High Court order. The very significant High Court costs payable by the Gimbletts still remain unpaid.

COMPLAINTS to PLANNING DEPT., EPA and HSE et al.

Throughout and subsequent to the Court proceedings, my clients' establishment was the subject of multiple complaints in every conceivable arena and forum. The complaints came from and on the behalf of the Gimbletts. Each and every matter was addressed. I attach one angry letter from an agent and brother-in-law of Imelda Gimblett which my clients perceived as threatening and which demonstrates the mind-set of the complainants.

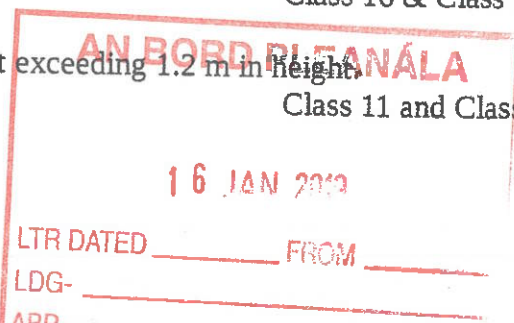
2 THE GATE LODGE, WINDSOR CHASE, 81 LOWER WINDSOR AVENUE, BELFAST BT9 7DX
POSTBUS 41882, 1009 DB AMSTERDAM, NEDERLAND
RESIDENCE : VITRUVIUS HIBERNICUS, CONVENT ROAD, LONGFORD N39 EE72 Tel./Fax 043-33 41151

QUESTIONS

The purpose of this Section 5 request is to formally regularise the many vexed issues raised. Since 2008, certain works and related matters were commenced on the Horgan site. Some works remain to be completed/executed. Attaching is an OS Map and Site Layout with the various matters identified.

The matters are/were :

- (A) Cutting and removing over-large tree in the centre of a paved terrace, and provision of planting in the area generally. (Not development.)
- (B) Re-paving the disturbed terrace after tree-cutting. (Class 13 and S.4.-(1)(h))
- (C) paving a ramped section of pathway with surface water channel at the top thereof, (Class 13 and S.4.-(1)(h))
- (D) completion of pergola on a paved area as part of an ornamental garden. Class 33 (a) Sch. 2 Part 1
- (E) painted lettering advertisement on the roof, Class 1 Advertisements
- (F) decorative wall and planting at the southern edge of the paved terrace and planting does not constitute "development" as defined. Class 33 (a) Sch.2 Part 1
- (G) painting of the external walls of Man Friday, Class 12 Sch. 2 Part 1
- (H) the (proposed) erection of an advertising flag above roof level on a vertical pole, following the removal of the roof painted advertisement Class 4 Advertisements
- (I) re-aligning of drains and new ANUA holding tank and pumping station, Class 41 (a), (b) and (c)
- (J) erection of a statue of Liam Madden as a roadside shrine in recognition of his genius, Class 33 (b)
- (K) the re-tarmacing and re-surfacing of a private pathway, Class 13 and S.4.1.-(h)
- (L) temporary builders accommodation for the purposes of carrying out permitted and/or exempted works on site, Class 16 & Class 17
- (M) private paved area and a stone wall not exceeding 1.2 m in height. Class 11 and Class 13



DEFINITIONS

Article 5 (a) Part 2 Exempted Development 2001 Planning and Development Regulations, as amended.

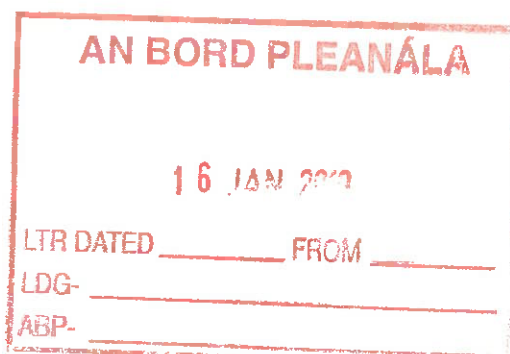
“business premises” means – any structure or other land (not being an excluded premises) which is normally used for the carrying out of any professional, commercial or industrial undertaking or any structure (not being an excluded premises which is normally used for the provision of services to persons).

S.2.-(1) *“works”* includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal etc.

S.3.-(1) In this Act, *“development”* means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change of use of structures or other land.

S.4.-(1)(h) The following shall be exempted development 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.

S.4.-(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act etc.



SUPPORTING ARGUMENTS

Below I refer to :

- Class 11, 12, 13 of Sch. 2 Part 1 *Sundry Works*
- Class 16 and 17 of Sch. 2 Part 1 *Temporary Structures and uses.*
- Class 33 of Sch. 2 Part 1 *Developments for amenity or recreational purposes*
- Class 39 of Sch. 2 Part 1 *Miscellaneous*
- Class 41 (c) of Sch. 2 Part 1 *Miscellaneous*
- Class 1 and Class 4 of Sch. 2 Part 2 *Advertisements.*

I submit that :

- (A) *Cutting and removing over-large tree in the centre of a paved terrace, and provision of planting in the area generally* does not constitute "development", as defined. I refer to the above definition See attached photo 2009 and Map
- (B) *Re-paving the disturbed terrace after tree-cutting,* is development but is exempted development under Class 13 and/or S.4.-(1)(h). See attached photo 2009 and Map.
- (C) *providing a ramped section of pathway with surface water channel at the top thereof,* is development but is exempted under Class 13 and/or S.4.-(1)(h). See attached photo 2009 and Map
- (D) *completion of pergola on a paved area as part of an ornamental garden,* is development but is exempted under Class 33 (a). See current photo and Map.
- (E) *painted lettering advertisement on the roof,* is development but is exempted under Class 1 Advertisements See current photo and explanatory sketch.
This an interesting question.
The word "MAN" is more than 4 m above ground level but the word "FRIDAY" is not. Therefore the P.A. may conclude that FRIDAY is exempt but MAN is not.
Note also that the wording is an advertisement but NOT an advisement structure. (i.e The roof structure already exists.)
Moreover, the area to be computed is NOT a notional enclosing rectangle but instead the actual collective surface area of the letters themselves.
The collective area meets the Conditions/Limitations of Class 1.
If the P.A. concludes that FRIDAY is except and MAN not exempt, that leaves my clients with an interesting problem.....
- (F) *decorative wall and planting at the southern edge of the paved area.* Planting is not development as defined and wall is exempted under Class 33 (a) See photo and map.

- (G) *painting of the external walls of Man Friday,*
is development but is exempted under Class 12.
- (H) *the (proposed) erection of an advertising flag above roof level on a vertical post, following the removal of the existing painted roof advertisement*
is development but is exempted under Class 4 Advertisements.
See explanatory sketch.
It should be noted that the only limitation/condition is that there be one only such advertisement. There is no limitation on area or size. To achieve compliance with this the roof painted advertisement would, of course, have to be removed.
- (I) *re-aligning of drains and new ANUA holding tank and pumping station,*
is development but is exempted under Class 41 (b) and/or (c).
See attached explanatory sketch and letter from Cork Co. Co.
On foot of a Notice under the Water Pollution Act, agreed corrective works were ordered to be carried out. Cork Co. Council has in writing confirmed that the corrective works would not require planning permission. It should be noted that there are no Conditions or Limitations attaching to Class 41 (b) and/or (c) and therefore no detailed plans, sections or elevations need to be submitted.
This S. 5 Request seeks to have it confirmed that permission is not required for the corrective works.
- (J) *erection of a statue of Liam Madden as a roadside shrine in recognition of his genius*
is development but is exempted under Class 33 (b)
See explanatory sketch/photo. The costs of this monument will be by public subscription from the patrons of The Spaniard Pub in Kinsale.
- (K) *the re-tarmacing and re-surfacing of a private pathway,*
is development but is exempted under Class 13 and S. 4.1.-(h)
See photo and map.
- (L) *temporary builders accommodation for the purposes of carrying out permitted and/or exempted works on site,*
is development but is exempted under Class 16 & 17
- (M) *private paved area* is development but is exempted under Class 13
and a stone wall not exceeding 1.2 m in height is exempted under Class 11.
See explanatory sketch and map.

I

I respectfully suggest that it is manifestly clear the above either do not constitute development or are exempted development.

I seek the Council's declarations to finally put an end to the never-ending complaints.

I say that the above are not development, as defined, are exempted under the Act and/or fall into the respective Exemption Classes made under the Regulations.

Those development Exemption Classes are not de-exempted by falling foul of any of the provisions of Article 9 of the Regulations in particular (vi) and (vii).

Inasfar as it of any relevance the only related planning applications which I can find are 09/7600, 08/10148, 1068/68, 1622/77, 2259/84 and 2268/83.

I also mention that the Scilly area is not an Area of Architectural Conservation and none of the above matters to be considered would impinge upon the scenic views from Scilly over the surrounding townscape or from the townscape over Scilly.

WHEREAS QUESTIONS HAVE ARISEN AS TO WHETHER THE FOLLWING ARE OR ARE NOT DEVELOPMENT and ARE OR ARE NOT EXEMPTED

DEVELOPMENT Philip and Josephine Horgan seek declarations in the following matters :

- (A) Cutting and removing over-large tree in the centre of a paved terrace, and provision of planting in the area generally.
- (B) Re-paving the disturbed terrace after tree-cutting.
- (C) paving a ramped section of pathway with surface water channel at the top thereof,
- (D) completion of pergola on a paved area as part of an ornamental garden.
- (E) painted lettering advertisement on the roof,
- (F) decorative wall and planting at the southern edge of the paved area.
- (G) painting of the external walls of Man Friday,
- (H) the (proposed) erection of an advertising flag above roof level on a vertical pole, following the removal of the roof painted advertisement,
- (I) re-aligning of drains and new ANUA holding tank and pumping station,
- (J) erection of a statue of Liam Madden as a roadside shrine in recognition of his genius,
- (K) the re-tarmac and re-surfacing of a private pathway,
- (L) temporary builders accommodation for the purposes of carrying out permitted and/or exempted works on site,
- (M) private paved area and a stone wall not exceeding 1.2 m in height.

Attached is the €80 fee, together with explanatory maps, drawings, photos and sketches and copy correspondence.

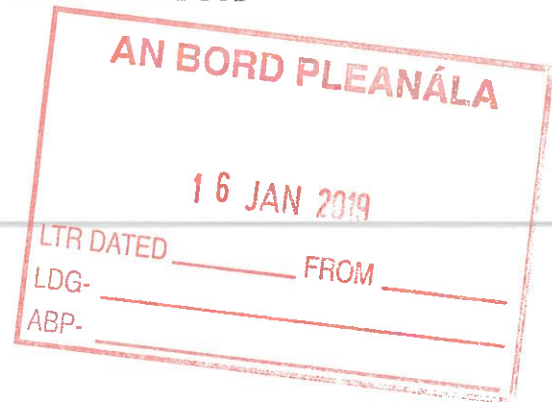
I look forward to your declarations in due course.

Yours faithfully,

Liam Madden,
Convent Road,
LONGFORD.

Joseph & Helen Shannon
Pallace Wharf
Scilly
Kinsale
Co Cork
Ph 0871916741

BY REGISTERED POST



14th August, 2014.

Phillip & Josephine Horgan
Man Friday Restaurant
Scilly
Kinsale

Private and Personal

Re: Planning permission for extension to Man Friday Restaurant and other non approved works. Reg ref : S /95/0254 Order No 288/95.

Dear Phillip an Josephine,

Both of you run a great restaurant and is great for Scilly businesses. I've had great nights there until I was involved by marriage as you might say with the opposition, I became the enemy. I have personally nothing against both of you.

I have had no input into the litigation between you and Imelda and was just an observer to the proceedings. Imelda ran her own defence with her own engineer and legal team, lost the argument with conflicting evidence. Whose evidence do I believe?. It would have to be Anne Gimblett, at 84 is extremely religious and is close to meeting her maker. Me, I don't believe in the God nonsense. Observing both of you in church, reinforces my opinion. Anybody who coerces their children to give false testimony under oath and then gives out communion!. I believe in humanity and truth. Why ?

My own personal complaint with regard is to your sewerage and outfall was put on hold until the legal processes were over, I resisted making a complaint to the EPA and the HSA as it might be seen as interfering with the legal process. My wife and I are the recipient of your effluent discharges, mostly on Mondays and in our dock , (photographs are available). The August Monday was probably the worst we have ever seen ever.

I made a complaint to the EPA (on the 28th July, 2014, copy included).
The EPA have asked the County Council to update the enforcement file. I was advised to make a complaint to the HSA as it is a health hazard. I am in correspondence with them a

The reconstructed stairway access from the road, does not comply in any way with the Requirements of planning and building control. It would take a week to list the requirements.

The slope of the ramp on the right of way is in excess of the 1:20, has no guard rails, toe guards and no stairs with steps not exceeding 150mm and impedes the right of way for users.

There is one solution to your considerable problems at this moment and it would be in your best interests to give it serious consideration is that you sell the land to Imelda for € 25,000. and also cover your own legal costs. In return I will support your applications for permissions and will not object to any applications.

I will give you seven days on the receipt of this letter to seek advice from a reputable and professional architect and make a response. The time pressure imposed is because the lodgement of an objection to the licence has to be made before the 1st September. I have been asked to detail my complaint with copies to the EPA, HSA and the Planning Dept.

I would have preferred to say all of this to your face, but as you have become unapproachable are unlikely to listen to reason and distort what I have to say. Furthermore, having listened in disbelief to which you lied under Oath in Court (You paid for Helens wedding), I felt it necessary to put my thoughts and plans in writing and leave you in no doubt of my intentions.

Yours



Joseph Shannon

at this time with the purpose of seeking an injunction against the Planning Dept for non compliance and enforcement under the planning Acts if they don't act against you. If there is a delay, I will seek an injunction against you and the Restaurant personally. The injunction will ask for the Restaurant to be closed down until the sewerage is connected to the main sewer.

When the legal proceedings are finished, planning permission will be needed to revise your drainage and pumping station proposal. It is possible that you will get a period of time to comply. A fire safety certificate will be required before lodgement, which can take two months after the proposal is lodged with them, three months for planning permission and the planning appeal takes minimum of 6 months. Be advised that construction cannot interfere with the public right of way through your property.

With regard to the Gimblets, there are other breaches of the Planning Acts that have come to my attention. What you have done to this 84 year old woman is inhumane and has to be undone. Imelda has very little money and you certainly will not get any of mine. With that in mind, I want to advise you of the following:

I am told that after the 1989 fire at the Restaurant you had the building reconstructed without permission with one month. A question to be investigated. No planning, no licence for the main restaurant. It would appear that you have no permission for the existing extension because of non compliance with conditions of the 1995 permission. No licence.

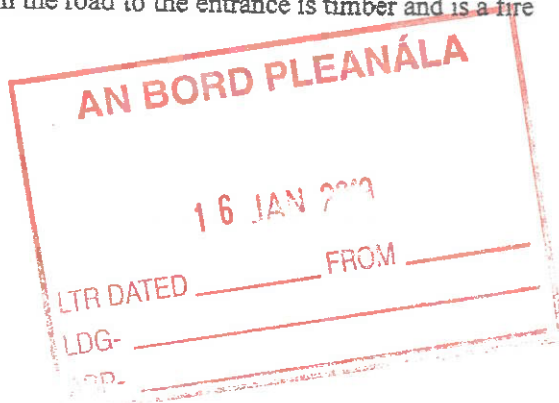
I would advise you that your 2009 permission part of which was for the connection to the foul sewer expired in March, 2014.

As the Restaurant development does not appear to have a valid permission. The liquor licence comes up for renewal in September, it would be my intention to object as you have no valid permission.

By now I think that you are getting the message. I can't see you opening again for some time!

Before construction begins (see above) for development exempt or otherwise, a Fire Certificate is required for a commercial premises, you constructed a terrace in recent times which is over a metre high which is development and needs a permission. It is used as an overflow for the restaurant and does not have a licence or planning permission for use.

The reconstructed covered way from the road to the entrance is timber and is a fire hazard.



Surveyed 1978
Revised 2009
Levelled 1983

Urban PLACE Map

AN BORD PLEANÁLA

16 JAN 2019

LTR DATED

LDG- _____

ABP- _____

FROM _____



90410

ITEM CENTRE PT COORDS

564209.550391

DESCRIPTION

MAP SHEETS

1:1000
6641-11



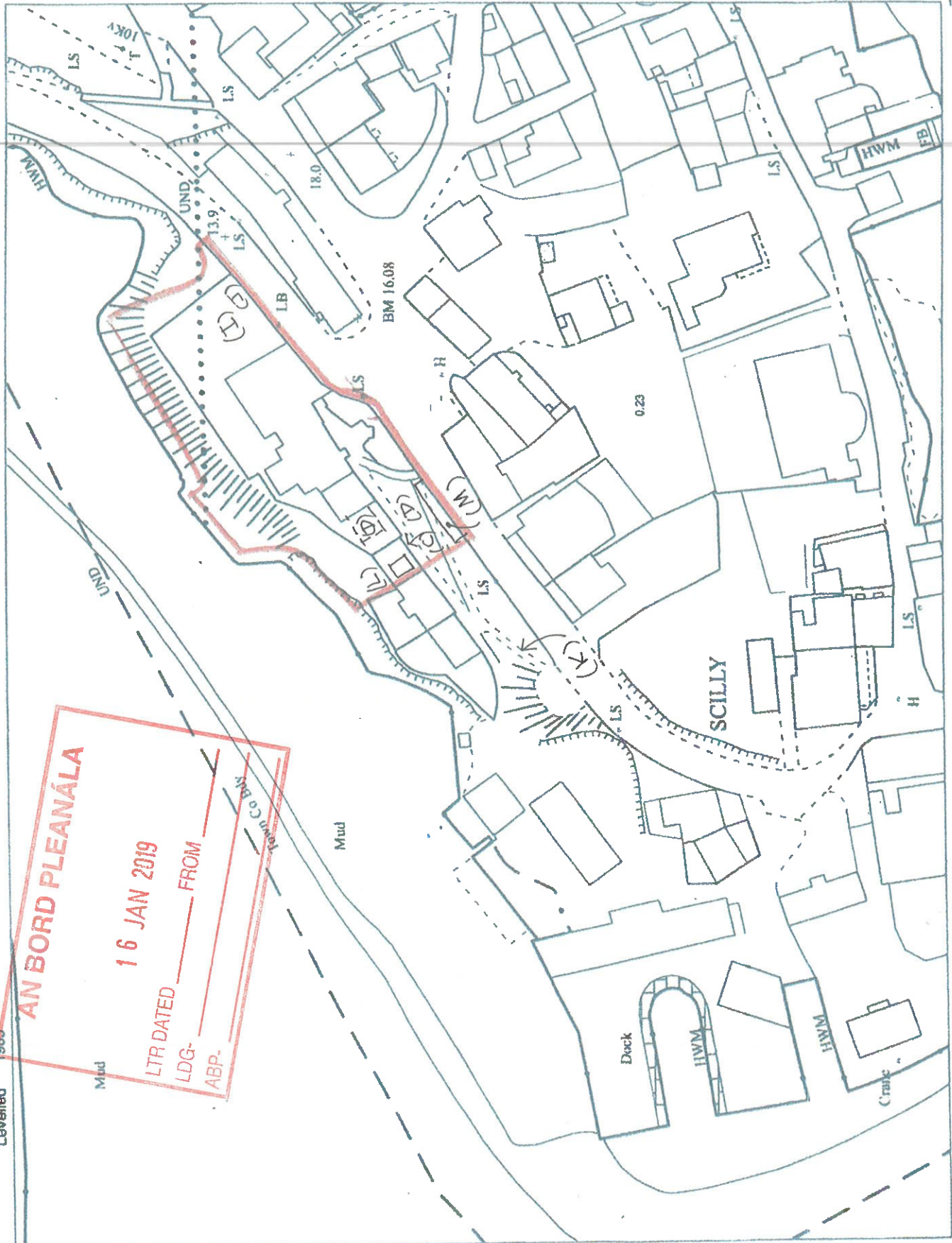
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60238



Plot Ref. No. 1376271_1_1
Print Date 25-11-2009

100 Metres

80

60

40

20

0

Scale:- 1:1,000

60238

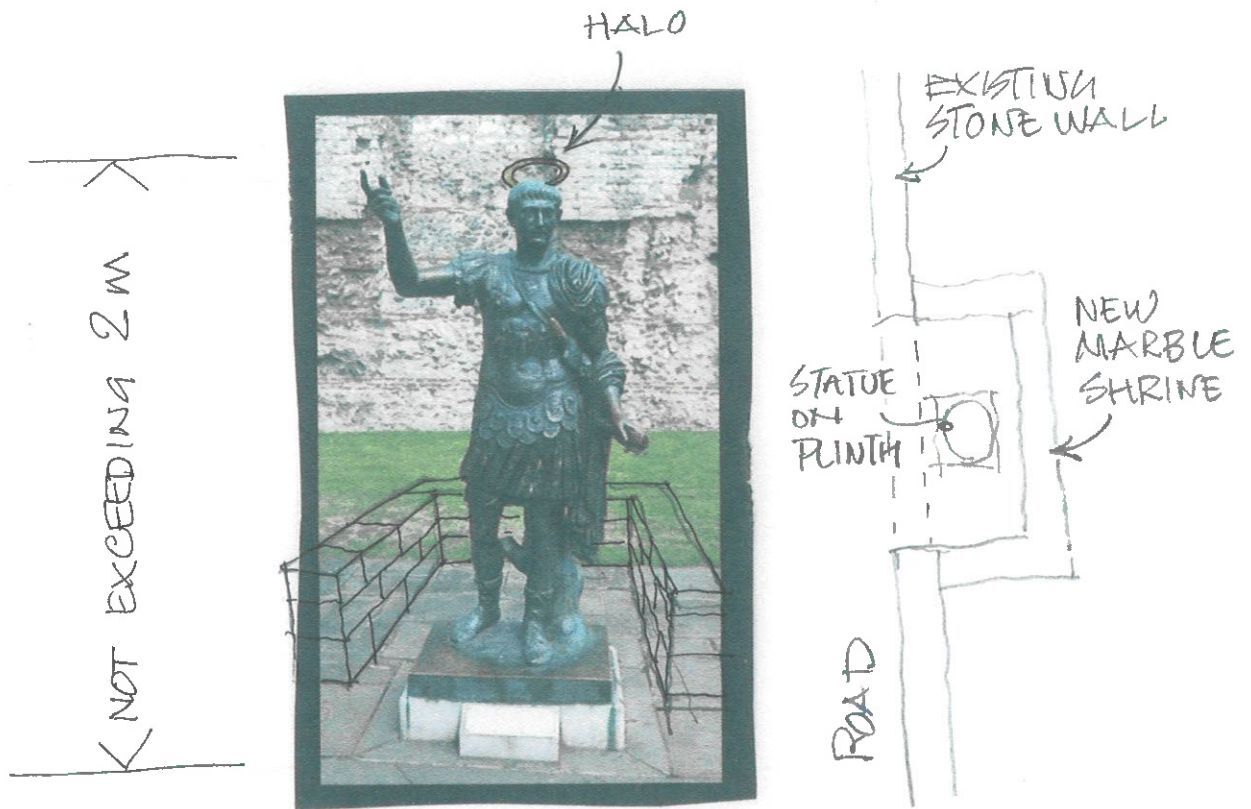
AN BORD PLEANÁLA

16 JAN 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



(J) STATUE OF UAM MADDEN
BRONZE & PAID FOR BY PUBLIC
SUBSCRIPTIONS BY THE PATRONS
OF THE SPANIARD PUB, KINSALE



(E) PAINTED ROOF ADVERTISEMENT

(D) PERGOLA

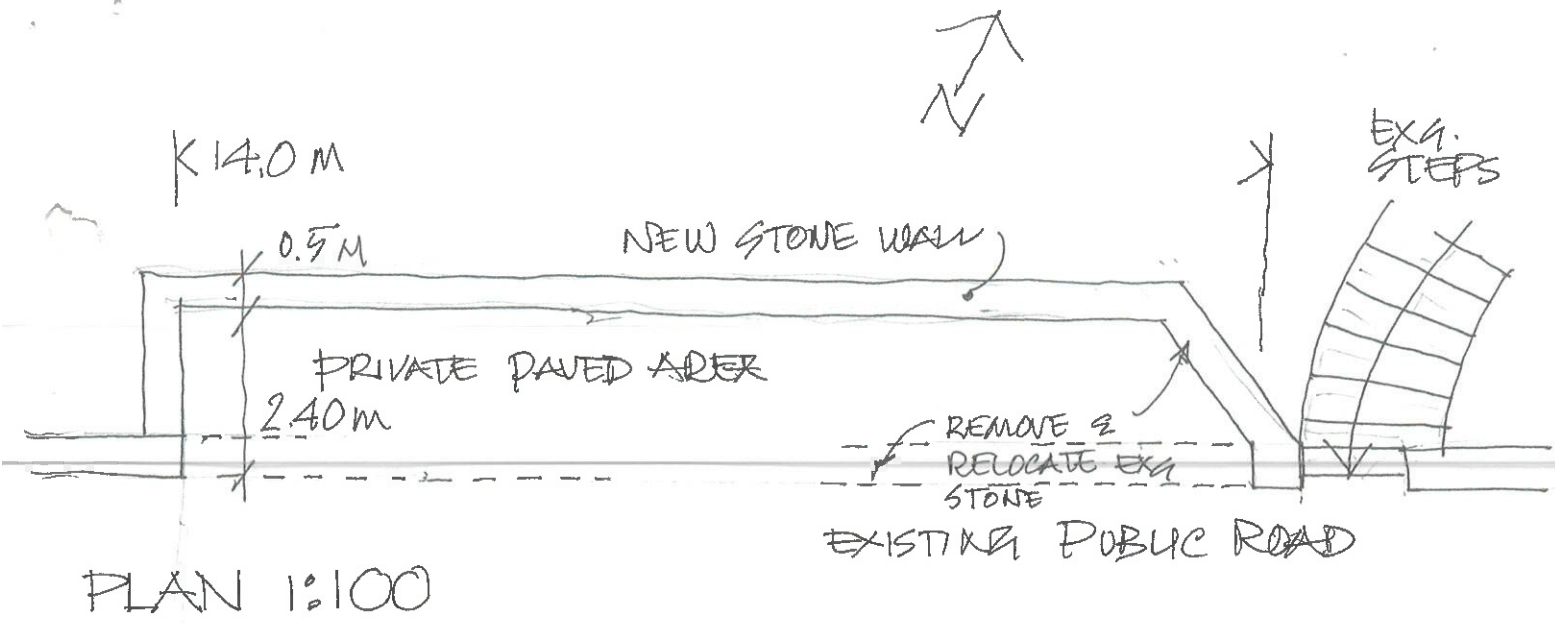
AN BORD PLEANÁLA

16 JAN 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____



AN BORD PLEANALA

16 JAN 2022

LTR DATED _____

LDG- _____

ABP- _____

