

KIRWAN & KIRWAN LLP

SOLICITORS

Cornmarket,
Wexford,
Y35A260,
DX 142 001 Wexford 2.

P: 053 9143020
F: 053 9145995
E: info@kirwanandkirwan.com

Our Ref: LC/CAS049/0001

Your Ref: Case Number: ABP-306762-20

Mr. Rory Kelleedy,
Administrative Assistant,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

D01 V902

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
10 JUN 2021	
Fee: €	Type: _____
Time: _____	By: <u>post</u>

9th June, 2021

Re: Our Client: Patrick Cashe

Dear Mr. Kelleedy,

Further to your letter of the 19th of May, 2021 to our client.

We act on behalf of Mr. Cashe in a Right of Way action in which Ms. Hopkinson is the Defendant. Our client is seeking a Right of Way over a portion of the laneway the subject matter of the above referral.

By way of background and while not directly relevant to the referral Ms. Hopkinson has refused to consent to a Grant to our client. She has delayed and frustrated the proceedings at every opportunity. Her most recent Solicitors have now come off record and she is representing herself in the proceedings. The matter should come before the Courts before the end of this year.

This referral can only be seen as another attempt by Ms. Hopkinson to cause our client and his family unnecessary upset, inconvenience and expense.

We confirm that we have been asked to reply to same with the following observations:

1. Our client instructs that some time back a neighbouring landowner was having extensive clearing works carried out to his land.
2. There is a marl hole that is primarily on the neighbouring landowners land but approximately five percent of it is bordered by our client's land.
3. In the context of these works the Contractor engaged by the neighbouring landowner contacted our client and asked permission to access the marl hole from his lands in an effort to level off an embankment and in order to make the marl hole safer.
4. As it benefited both landowners our client agreed to this.
5. With regards to any suggestion of works having been carried out to the laneway our client instructs that no works were carried out to the laneway by him or on his behalf.
6. The house referred to in Ms. Hopkins referral was occupied on a full-time basis by members of our client's family. Sworn Declarations can be provided setting out dates during which the property was occupied.
7. It is clear having reviewed the photos submitted that a trespass has occurred and our client will address this separately with Ms. Hopkinson and her experts.

Kindly note our client's position.

Yours faithfully,



**Kirwan & Kirwan, LLP
Solicitors**

