Campbell, Pat

From: Paul O'Grady <paul.ogrady@limerick.ie>
Sent: Friday 17 July 2020 14:56
To: Campbell, Pat; Morrissey, Colm; Murray, Maura
Subject: [CASE:410632] WASTE - Disposal of C&D Waste from Site at 33 Strandville Gardens, North Circular Road, Limerick V94 E7RN (S14 Direction Issued)
Attachments: 20200717 - Scanned Copy of Letter to Mr Jeremiah Horan.pdf

Maura/Colm/Pat,

Please find attached, further correspondence received from Mr. Jeremiah Horan and my response to him this afternoon.

Note in particular his and my comments about the placing of earth/dirt etc.

Regards,

Paul O'Grady

(sent from SUGAR CRM)

Paul O'Grady
Acting Senior Executive Engineer
Environmental Services

Planning & Environmental Services Department

Limerick City & County Council
Dooradoyle Road
Dooradoyle
LIMERICK
V94 WV78

Directions: https://goo.gl/maps/m2greyw2XCx Public Transport: City Bus Routes 301, 304 and 304A

tel.: +353 (61) 556 000
e-mail: paul.ogrady@limerick.ie
web: www.limerick.ie/council/services/environment

Facebook: Limerick.ie **Instagram: limerick.ie** **Twitter: @Limerick_ie** **You Tube: Limerick.ie**

Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Seirbhísí Pleanála & Comhshaoil
Comhairle Cathrach & Contae Luimnigh
Tuar an Dáil
Luimneach
V94 WV78
Planning & Environmental Services Department
Limerick City & County Council
Dooradoyle
Limerick
V94 WV78
t.: +353 (0) 61 496 000
f.: +353 (0) 61 496 001

Mr. Jeremiah Horan
"Finchley"
17 Revington Park
North Circular Road
LIMERICK
V94 VKK7

Date: **Friday, 17th July, 2020**

Our Ref.: **CRM 410632**
Insp. No.: ***29094***

Ref: Section 14 of the Waste Management Act, 1996 (as amended)

Re: Construction Works at no. 33 Strandville Gardens, North Circular Road, Limerick V94 E7RN

Dear Mr. Horan,

I refer to your letter e-mailed to me earlier today and dated Thursday, 16th July, 2020, a copy of which is appended to this letter...

As stated to you previously, I will not be commenting further about any right-of-way issue ***and you are required to comply fully with the Direction received by you within the stated deadline.***

I appended a copy of the text of Section 14 of the above Act to the Direction. This is the legal basis for the issue of that Direction and I am satisfied that due process has been followed.

I note also your comment in point no. 7 where you state that you have placed a "small quantity of soil and dirt (you) removed from the surface on the right hand side of the entrance and it is visible". This in itself, is an offence that is enforceable under litter and waste legislation. Furthermore, I am also informing the Council's Insurance Team accordingly in the context of public liability insurance cover.

Finally, the points you have raised about the Gardaí, alleged harassment/obstruction, the circulation of documents in the neighbourhood or any planning enforcement documents sent to you by the Council etc. are outside of my remit and of no relevance to this particular waste issue.

Yours Sincerely,

Paul O'Grady

Acting Senior Executive Engineer 17/7/2020.
Pollution and Environmental Services Department
+353 (61) 556 492 +353 (61) 556 002 paul.ogrady@limerick.ie
Limerick.ie @Limerick_ie limerick.ie Limerick.ie

File Path: O:\ENV\Pollution Control\Pollution Complaints\GENERAL\20200717 - Response To Mr. Jeremiah Horan's Letter.Docx, Saved on 17 July 2020 at 13:23:00, Authored by O'grady, Paul, Word Count: 1325, Page Count: 3

Copy of Letter Sent by Mr. Jeremiah Horan, dated 16th July, 2020

17 Revington Park,
North Circular Road,
Limerick,
16/7/20.

Your ref: CRM 410632
Mr Paul O'Grady,
Senior Executive Engineer,
Planning & Environmental Services Department,
Limerick City & County Council

Re: **Construction Works at no. 33 Strandville Gardens, North Circular Road**

I refer to your letters dated 13the and 14th July 2020 in connection with the above matter and I would like to begin by pointing out that you have misquoted me in your letter of 14/7/20.
In that letter you said that I had acknowledged that the waste issue is of serious concern. I actually said that I had noted 'your comment that the matter in question is of serious concern to the Council'.
I don't believe that there are any grounds for serious concern by anybody in relation to waste at my site because I have complied fully with all the provisions of the Waste Management Act but I do believe that I would not need to look very far to see that there is another agenda at play here.
I would like to place on record some of the facts as I see them and I am open to correction if I am incorrect in anything I say:

1. The grass margin at the north (Clanmaurice Gardens) side of my property is not owned by the Council and the Council does not have documents to show that it was taken in charge.
2. The Right of Way into the rear of no. 33 & 34 Strandville Gardens was obtained in writing from the then owners in 1978 and subsequently noted in the Deeds of Conveyance.
3. I have used that Right of Way for vehicular and pedestrian access every year since I purchased the property in 1979 and carried out the maintenance that was essential to that use.
4. When I was granted planning permission for the current development, I appointed a registered builder to complete the works and a Chartered Engineer, Mr Gus Ahern, to supervise the construction.
5. Mr Ahern submitted a Waste Management Plan and all construction and demolition waste was removed in accordance with that plan.
6. The fill material you refer to at number 5 in your direction is placed in its present location on a temporary basis. Approximately half of that fill will be used as a foundation for footpaths and paving slabs around my development and the remaining portion will be used by my neighbour as a surface dressing to improve access to the rear of his house.
7. The maintenance and repair work I carried out on the Right of Way was done to facilitate the vehicular access to the site and prevent soiling of the public road. I placed the small quantity of soil and dirt I removed from the surface on the right hand side of the entrance and it is visible in the photograph you included in your letter dated 9/7/20.
8. I do not intend to comply with part 1 or 3 of your direction because I don't believe there is a legal basis for those directions.
9. I will not respond to part 4 of your direction because it is nonsense.

I would like to ask the Council to consider the overall context in which Council officials are targeting enforcement activities against me.

of t Garda Siochana who were called to the site by residents of Clanmaurice Gardens and once by a council official, Michael Seehan. I would like to say that I have no issue with the way Michael Sheehan dealt with the matter. He is a total gentleman and was highly professional and balanced in his approach.

- My tenant tells me that a Development Inspector called to her front door during the Covid 19 Lockdown and asked to be admitted to her home. She thankfully had the good sense to refuse to allow him in the house.
- Almost every person who worked on the site has been targeted in a campaign of interference, harassment and obstruction with the result that many were intimidated and felt they had no option but discontinue working there.
- A letter from the Director of Service Planning & Environmental Services (DC-049-20) dated 23/3/20 with the heading 'Unauthorised works' and which contains my full name and home address has been circulated around the area and used as a justification for obstructing entry to and exit from the site.
- On 10/7/20 I received your initial letter threatening legal action against me.
- Four days later I received two letters, one an Enforcement Notice (DC-049-20) alleging various offences against me including that I had not submitted a site specific waste management plan (which of course I had) and telling me telling me that I already owed costs of €400 to the Council with more to come.
- The second letter I received on 14/7/20 was from you and it restated your Direction in more forceful terms and included the formal legal caution.

I personally feel that much of what I have described above is designed to compel me to abstain from doing certain things that I have a lawful right to do and there is an element of coercion involved that could potentially be a breach of Section 9 of the Non-Fatal Offences Against the Person Act, 1997.
In view of your stated deadline for dealing with this matter, I am requesting that one Council official with the necessary authority would consider these matters in in their entirety, that is your S.14 Direction and the Enforcement Notice issued by Mr Pat Campbell, and decide to either bring the matters before the courts as soon as possible or discontinue both sets of proceedings.

Yours sincerely,

Jeremiah Horan

Campbell, Pat

From: O'Grady, Paul
Sent: Friday 17 July 2020 09:04
To: Campbell, Pat
Subject: FW: Direction under Section 14 WMA - CRM 410632 - Insp. No. 29094 - Jeremiah Horan
Attachments: Paul O Grady 2.docx

Pat,

FYI.

Regards,

Paul

Paul O'Grady
***Acting* Senior Executive Engineer**
Environmental Services

Planning & Environmental Services Department
Council Offices
Dooradoyle Road
Dooradoyle
LIMERICK
V94 WV78

Directions: https://goo.gl/maps/m2qreyw2XCx Public Transport: City Bus Routes 301, 304 and 304A

tel.: +353 (61) 556 000
e-mail: paul.ogrady@limerick.ie
web: www.limerick.ie/council/services/environment

Facebook: Limerick.ie Instagram: limerick.ie Twitter: @Limerick_ie You Tube: Limerick.ie

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From: Jeremiah Horan [mailto:jerhoran@hotmail.com]
Sent: Friday, July 17, 2020 7:52 AM
To: O'Grady, Paul <paul.ogrady@limerick.ie>
Subject: Re: Direction under Section 14 WMA - CRM 410632 - Insp. No. 29094 - Jeremiah Horan

Dear Mr O Grady,

Please see attached letter.

Jeremiah Horan

From: Jeremiah Horan
Sent: Tuesday 14 July 2020 12:41
To: paul.ogrady@limerick.ie <paul.ogrady@limerick.ie>
Subject: Direction under Section 14 WMA - CRM 410632 - Insp. No. 29094 - Jeremiah Horan

Dear Mr O'Grady,

I refer to your direction dated 9/7/20 and I have noted your comment that the matter in question is of serious concern to the Council. I have also noted that it is being dealt with at a very senior level and you letter contains a threat of criminal prosecution for an offence that carries a penalty, on conviction on indictment, of imprisonment for a term not exceeding 10 years.

The time limit set for dealing with this matter is 15 days and because I, and almost every other person working on the development at 33 Strandville Gardens, have been subjected to a campaign of constant interference, harassment and intimidation and I would like, for my own peace of mind, to have the matter concluded as soon as possible. For that reason, I will not be submitting an application for an extension of the deadline.

On the basis of the legal advice I have received in this matter, I am satisfied that everything I have done at the site to-date is legally compliant but it would assist me greatly in dealing with your direction if you could respond to my email of 10/7/20 before my next consultation. That email was in relation to your claim that the grass margin is 'Council-owned'.

I would ask to appreciate the full impact of the direction you have issued and respectfully request that you provide clarification on one issue:

1. In the event that I am to comply with the items listed at 1,2,3 & 5 of your direction, the Right of Way, which has been in existence since 1978 and which provides access to the rear of my property, will be rendered impassable to vehicular traffic. This will make it difficult for the builder to comply with Section 2.c of the Second Schedule of the Planning Registered Number 19/584 and all building materials will have to be taken through the old house and onto Strandville Gardens. It may also be necessary for me to ask the existing tenants to move out of the house on a temporary basis. The additional financial cost involved will be significant and you should note that, in the event that a Court subsequently finds against the Council in this matter, I will be seeking the full quantum of legal fees, compensation and damages.
2. With reference to Direction Number 4, I simply cannot understand the logic of you asking me to account for how my neighbour at no. 34 Strandville Gardens disposes of his garden waste. Can you please explain what I am expected to do to comply with that particular part of your Direction.

Finally, I am appealing to you again to respond to this email and my other email dated 10/7/20, well in advance the deadline you have set for my compliance with your Section 14 direction.

Yours sincerely,

Jeremiah Horan

17 Revington Park,
North Circular Road,
Limerick,
16/7/20.

Your ref: CRM 410632

Mr Paul O'Grady,
Senior Executive Engineer,
Planning & Environmental Services Department,
Limerick City & County Council

Re: **Construction Works at no. 33 Strandville Gardens, North Circular Road**

I refer to your letters dated 13the and 14th July 2020 in connection with the above matter and I would like to begin by pointing out that you have misquoted me in your letter of 14/7/20.

In that letter you said that I had acknowledged that the waste issue is of serious concern. I actually said that I had noted 'your comment that the matter in question is of serious concern to the Council'.

I don't believe that there are any grounds for serious concern by anybody in relation to waste at my site because I have complied fully with all the provisions of the Waste Management Act but I do believe that I would not need to look very far to see that there is another agenda at play here.

I would like to place on record some of the facts as I see them and I am open to correction if I am incorrect in anything I say:

1. The grass margin at the north (Clanmaurice Gardens) side of my property is not owned by the Council and the Council does not have documents to show that it was taken in charge.
2. The Right of Way into the rear of no. 33 & 34 Strandville Gardens was obtained in writing from the then owners in 1978 and subsequently noted in the Deeds of Conveyance.
3. I have used that Right of Way for vehicular and pedestrian access every year since I purchased the property in 1979 and carried out the maintenance that was essential to that use.
4. When I was granted planning permission for the current development, I appointed a registered builder to complete the works and a Chartered Engineer, Mr Gus Ahern, to supervise the construction.
5. Mr Ahern submitted a Waste Management Plan and all construction and demolition waste was removed in accordance with that plan.
6. The fill material you refer to at number 5 in your direction is placed in its present location on a temporary basis. Approximately half of that fill will be used as a foundation for footpaths and paving slabs around my development and the remaining portion will be used by my neighbour as a surface dressing to improve access to the rear of his house.
7. The maintenance and repair work I carried out on the Right of Way was done to facilitate the vehicular access to the site and prevent soiling of the public road. I placed the small quantity of soil and dirt I removed from the surface on the right hand side of the entrance and it is visible in the photograph you included in your letter dated 9/7/20.

8. I do not intend to comply with part 1 or 3 of your direction because I don't believe there is a legal basis for those directions.
9. I will not respond to part 4 of your direction because it is nonsense.

I would like to ask the Council to consider the overall context in which Council officials are targeting enforcement activities against me.

- Since the work on this development commenced, I have been interviewed on two occasions by members of the Garda Siochana who were called to the site by residents of Clanmaurice Gardens and once by a council official, Michael Seehan. I would like to say that I have no issue with the way Michael Sheehan dealt with the matter. He is a total gentleman and was highly professional and balanced in his approach.
- My tenant tells me that a Development Inspector called to her front door during the Covid 19 Lockdown and asked to be admitted to her home. She thankfully had the good sense to refuse to allow him in the house.
- Almost every person who worked on the site has been targeted in a campaign of interference, harassment and obstruction with the result that many were intimidated and felt they had no option but discontinue working there.
- A letter from the Director of Service Planning & Environmental Services (DC-049-20) dated 23/3/20 with the heading 'Unauthorised works' and which contains my full name and home address has been circulated around the area and used as a justification for obstructing entry to and exit from the site.
- On 10/7/20 I received your initial letter threatening legal action against me.
- Four days later I received two letters, one an Enforcement Notice (DC-049-20) alleging various offences against me including that I had not submitted a site specific waste management plan (which of course I had) and telling me telling me that I already owed costs of €400 to the Council with more to come.
- The second letter I received on 14/7/20 was from you and it restated your Direction in more forceful terms and included the formal legal caution.

I personally feel that much of what I have described above is designed to compel me to abstain from doing certain things that I have a lawful right to do and there is an element of coercion involved that could potentially be a breach of Section 9 of the Non-Fatal Offences Against the Person Act, 1997.

In view of your stated deadline for dealing with this matter, I am requesting that one Council official with the necessary authority would consider these matters in in their entirety, that is your S.14 Direction and the Enforcement Notice issued by Mr Pat Campbell, and decide to either bring the matters before the courts as soon as possible or discontinue both sets of proceedings.

Yours sincerely,

Jeremiah Horan

Campbell, Pat

From: gus ahern <gusahern@live.ie>
Sent: Tuesday 14 July 2020 15:55
To: Campbell, Pat
Subject: Planning Reference 19/584
Attachments: waste management receipt.PNG; Roof tiles.PNG

Hi Pat,

Re: Extension at 33 Strandville Gardens, Limerick

I am the agent employed by Jerry Horan to supervise the construction of the above extension.
In relation to the enforcement notice issued for the above:

1. The gate and portion of land at the rear of the site is not owned by the applicant as it is a right of way for 33 & 34 Strandville Gardens and was therefore not shown in the plans.
2. The tiles on the roof are not red, but are dark brown roof tiles and were approved by me (see attached photograph).
3. I submitted the waste management plan on 01/06/20 (see attached receipt). Waste from the excavations were deposited at Michael Bagnell's waste facility at Crecora, Co. Limerick in June 2020 after the waste management plan was submitted.

Regards,

Gus Ahern Chartered Engineer MIEI

Campbell, Pat

From: Frawley, Elizabeth
Sent: Tuesday 14 July 2020 15:12
To: Campbell, Pat; Murray, Maura
Cc: O'Grady, Paul
Subject: Section 14 Waste Management Act, 1996 : Jeremiah Horan
Attachments: 20200714 Response to Jeremiah Horan's 2nd Email.pdf

RE: Construction Works at no. 33 Strandville Gardens, North Circular Road, Limerick, V94 E7RN

Dear Pat/Maura,

Paul has asked me to forward on a scanned copy of his response to Mr. Jeremiah Horan, for your information.

Please find letter attached.

Kind Regards,

Elizabeth

Elizabeth Frawley | Assistant Staff Officer
Planning & Environmental Services
Limerick City and County Council | Dooradoyle
Limerick | V94 WV78
t: 061 557132 | e: elizabeth.frawley@limerick.ie
limerick.ie/council | @LimerickCouncil

Re: 33 Strandville Gardens, NCR

Dear Mr O'Grady,

I refer to your letter dated 9/7/20 and I note that at 1) you refer to the 'Council-owned grass margin' at the north of Clanmaurice Gardens.

I was not aware that the grass margin in question was owned by the Council and, before I address the other issues in the letter, I would appreciate if you could let me have some evidence that the Council does actually own the grass margin in question.

Yours sincerely,

Jeremiah Horan

Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Seirbhísí Pleanála & Comhshaoil
Comhairle Cathrach & Contae Luimnigh
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t.: +353 (0) 61 496 000
f.: +353 (0) 61 496 001

Mr. Jeremiah Horan
"Finchley"
17 Revington Park
North Circular Road
LIMERICK
V94 VKK7

Date: **Tuesday, 14th July, 2020**

Our Ref.: **CRM 410632**
Insp. No.: ***29094***

Ref: Section 14 of the Waste Management Act, 1996 (as amended)

Re: Construction Works at no. 33 Strandville Gardens, North Circular Road, Limerick V94 E7RN

Dear Mr. Horan,

I refer to your e-mail, to me, dated Tuesday, 14th July, 2020 (12:42 hrs) as copied overleaf and I note your intention to have the matter concluded and not to seek an extension to the stated deadline.

It is standard practice for the Council to advise recipients of such notices, as a matter of courtesy, of the penalties applicable for any breaches.

In relation to your comment about the existence of a right-of-way, I have been advised that there is no mention of such a right-of-way on the Council's Road Schedule for Public Road No. 238 (Clanmaurice Gardens west of the bollards). I will not be commenting further on that matter as there are legal and insurance considerations outside of my remit.

The Council has no desire to impede the completion of works for which planning permission has been granted and it will adapt a pragmatic approach in that regard (subject to any legal, environmental and safety considerations) on receipt of any submission from you.

However, as you have acknowledged, the waste issue is of serious concern. At the time of writing, the Council still has no information on how and where, waste from the site has been or continues to be disposed of.

Continued Overleaf >

As can be seen from one of the photographs I included in the direction, the western part of the back garden of no. 34 appears to be *de-facto* within the confines of the works site for which you have been granted planning permission. If this is not the case, then please confirm in writing.

I would be obliged for your co-operation in having this matter concluded.

Yours Sincerely,

Acting Senior Executive Engineer
Pollution and Environmental Services Department
+353 (61) 556 492 **+353 (61) 556 002** **paul.ogrady@limerick.ie**
Limerick.ie @Limerick_ie limerick.ie Limerick.ie

File Path: O:\ENV\Pollution Control\Pollution Complaints\GENERAL\20200714 - Response To Mr. Jeremiah Horan's Second Email.Docx, Saved on 14 July 2020 at 13:40:00, Authored by O'grady, Paul, Word Count: 934, Page Count: 3

Copy of E-mail

From: Jeremiah Horan [mailto:jerhoran@hotmail.com]
Sent: Tuesday, July 14, 2020 12:42 PM
To: O'Grady, Paul <paul.ogrady@limerick.ie>
Subject: Direction under Section 14 WMA - CRM 410632 - Insp. No. 29094 - Jeremiah Horan

Dear Mr O'Grady,

I refer to your direction dated 9/7/20 and I have noted your comment that the matter in question is of serious concern to the Council. I have also noted that it is being dealt with at a very senior level and you letter contains a threat of criminal prosecution for an offence that carries a penalty, on conviction on indictment, of imprisonment for a term not exceeding 10 years.

The time limit set for dealing with this matter is 15 days and because I, and almost every other person working on the development at 33 Strandville Gardens, have been subjected to a campaign of constant interference, harassment and intimidation and I would like, for my own peace of mind, to have the matter concluded as soon as possible. For that reason, I will not be submitting an application for an extension of the deadline.

On the basis of the legal advice I have received in this matter, I am satisfied that everything I have done at the site to-date is legally compliant but it would assist me greatly in dealing with your direction if you could respond to my email of 10/7/20 before my next consultation. That email was in relation to your claim that the grass margin is 'Council-owned'.

I would ask to appreciate the full impact of the direction you have issued and respectfully request that you provide clarification on one issue:

1. In the event that I am to comply with the items listed at 1,2,3 & 5 of your direction, the Right of Way, which has been in existence since 1978 and which provides access to the rear of my property, will be rendered impassable to vehicular traffic. This will make it difficult for the builder to comply with Section 2.c of the Second Schedule of the Planning Registered Number 19/584 and all building materials will have to be taken through the old house and onto Strandville Gardens. It may also be necessary for me to ask the existing tenants to move out of the house on a temporary basis. The additional financial cost involved will be significant and you should note that, in the event that a Court subsequently finds against the Council in this matter, I will be seeking the full quantum of legal fees, compensation and damages.
2. With reference to Direction Number 4, I simply cannot understand the logic of you asking me to account for how my neighbour at no. 34 Strandville Gardens disposes of his garden waste. Can you please explain what I am expected to do to comply with that particular part of your Direction.

Finally, I am appealing to you again to respond to this email and my other email dated 10/7/20, well in advance the deadline you have set for my compliance with your Section 14 direction.

Yours sincerely,

Jeremiah Horan

Campbell, Pat

From: Campbell, Pat
Sent: Thursday 9 July 2020 10:06
To: Jeremiah Hogan
Subject: Your Ref: DC-049-20 Veronica Ronan, Planning and Environmental Services

From: Jeremiah Horan [mailto:jerhoran@hotmail.com]
Sent: Sunday, May 31, 2020 8:48 AM
To: Customer Services <customerservices@limerick.ie>
Subject: Your Ref: DC-049-20 Veronica Ronan, Planning and Environmental Services

Your Ref: DC-049-20

Dear Ms Ronan,

I refer to the letter dated 25/3/20 in connection with 33 Strandville Gardens. You requested my observations within 4 weeks but I am sure you will understand that matters have been put on hold due to the Covid-19 lockdown.

1. In relation to condition no. 1 of the Planning Permission reference 19/584, I have appointed a contractor to carry out the work and he has taken on responsibility for those issues. I have also appointed the architect to deal with planning issues and oversee the works.
2. The entrance from the public roadway on Clanmaurice Gardens formed part of the original planning P/78/275, granted 30/3/79.

Jeremiah Horan

Comhairle Cathrach & Contae Luimnigh
Limerick City & County Council

ATLANTIC EDGE LIMERICK EUROPEAN EMBRACE

Dear Mr Horan,

I refer to your email dated the 31st of May.
Condition 1 of the Permission has not been complied with as the extension is roofed with red tiling instead of the agreed dark coloured tiling. Also the entrance driveway to the rear of the site was not shown on the plans submitted for the development under Permission 19/584.
Also Condition 9 of the Permission has not been complied with as a site Specific Waste Management Plan has not been submitted for written agreement.
This condition should have been agreed prior to commencement of the development.
As these issues have not been dealt with to date, an Enforcement Notice will now be prepared.

Regards,

Pat.

Pat Campbell.

Development Inspector.
Planning and Environmental Services,
Limerick City & County Council,
Dooradoyle,
Limerick.

(061)556408.

Campbell, Pat

From: O'Grady, Paul
Sent: Friday 3 July 2020 09:41
To: White, Kathleen; Campbell, Pat
Subject: Case 410632 = WASTE - Disposal of C&D Waste from Site at 33 Strandville Gardens, North Circular Road, Limerick V94 E7RN
Attachments: Rear Garden Towards House Friday 2020-07-03_05-21-12.jpg; Rear Garden Towards Rear Friday 2020-07-03_05-22-58.jpg; Severed Boundary With House to Rear Friday 2020-07-03_05-24-07.jpg; Access Track and Gateway Friday 2020-07-03_05-17-47.jpg; Access Track and Wall Friday 2020-07-03_05-19-03.jpg; Fill Material on Access Track Friday 2020-07-03_05-22-03.jpg; Front of House Wall Friday 2020-07-03_05-16-23.jpg; Rear Garden behind No 34 Friday 2020-07-03_05-20-10.jpg

Kathleen/Pat,

I had a look at this site earlier this morning.

From the planning perspective, the pre-existing gap in the wall is still wider than as shown in Google Street View photographs from May 2009 and July 2019,

There also seems to have been an "annexation" of part of the back garden of no. 34 which is at variance with the boundaries shown on the Land Registry website. Unfortunately, actual folio records for these two properties are not available on that website.

The boundary with the house to the rear "The Chase", Clanmaurice Avenue V94 336C seems to be in the process of being altered.

Furthermore, the temporary access track is still in-situ.

From the environmental perspective, I propose to issue a Direction under S14 of the Waste Management Act, 1996 (as amended) to Mr. Horan requiring him to provide documentary proof of having disposed of waste from the site legitimately and also to have all remaining waste removed legitimately, including the fill material on the access track to the gateway.

Regards,

Paul

Paul O'Grady
***Acting* Senior Executive Engineer**
Environmental Services

Planning & Environmental Services Department
Council Offices
Dooradoyle Road
Dooradoyle
LIMERICK
V94 WV78

Directions: https://goo.gl/maps/m2qreyw2XCx Public Transport: City Bus Routes 301, 304 and 304A

tel.: +353 (61) 556 000

e-mail: paul.ogrady@limerick.ie
web: www.limerick.ie/council/services/environment

Facebook: Limerick.ie Instagram: limerick.ie Twitter: @Limerick_ie You Tube: Limerick.ie


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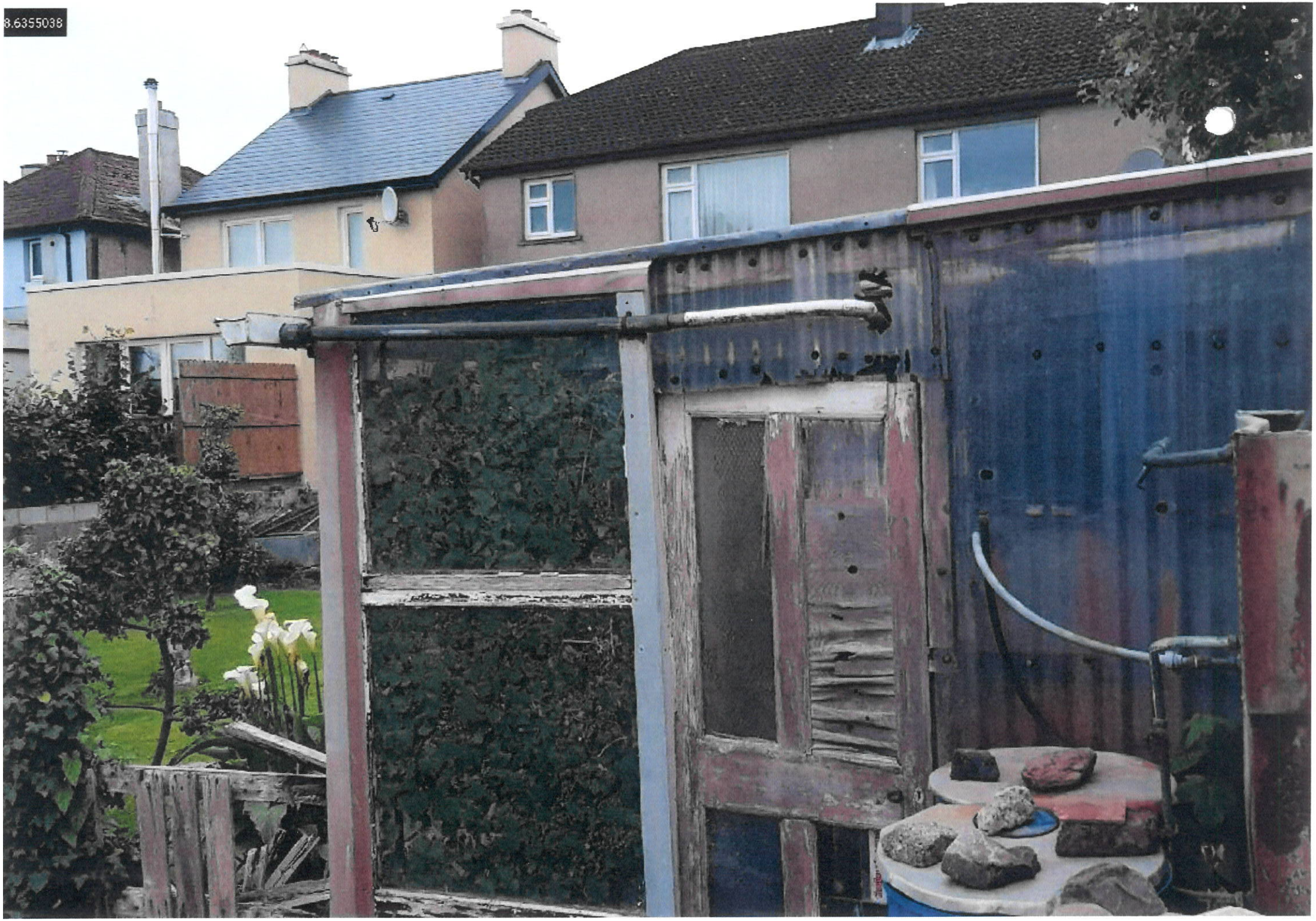
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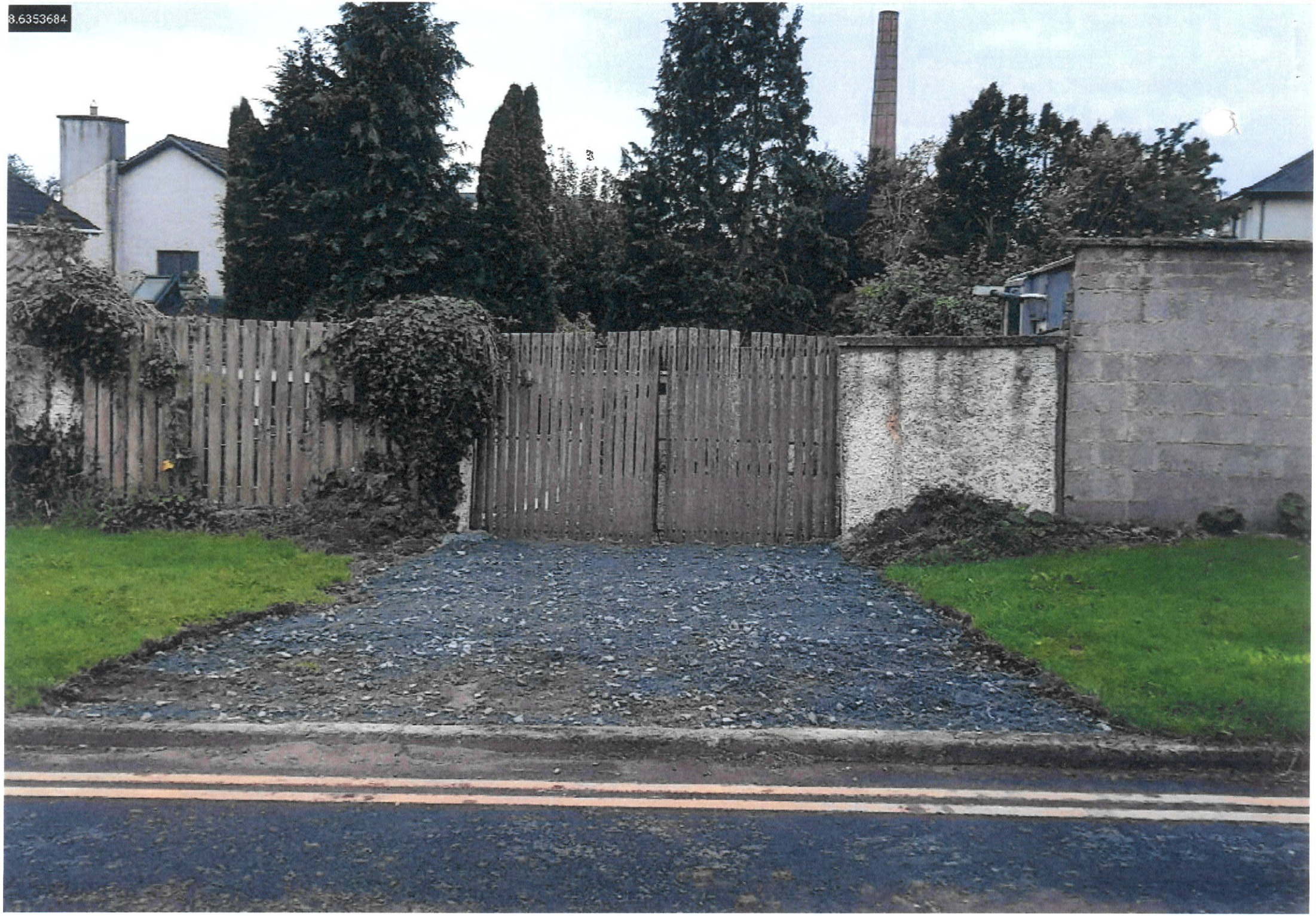
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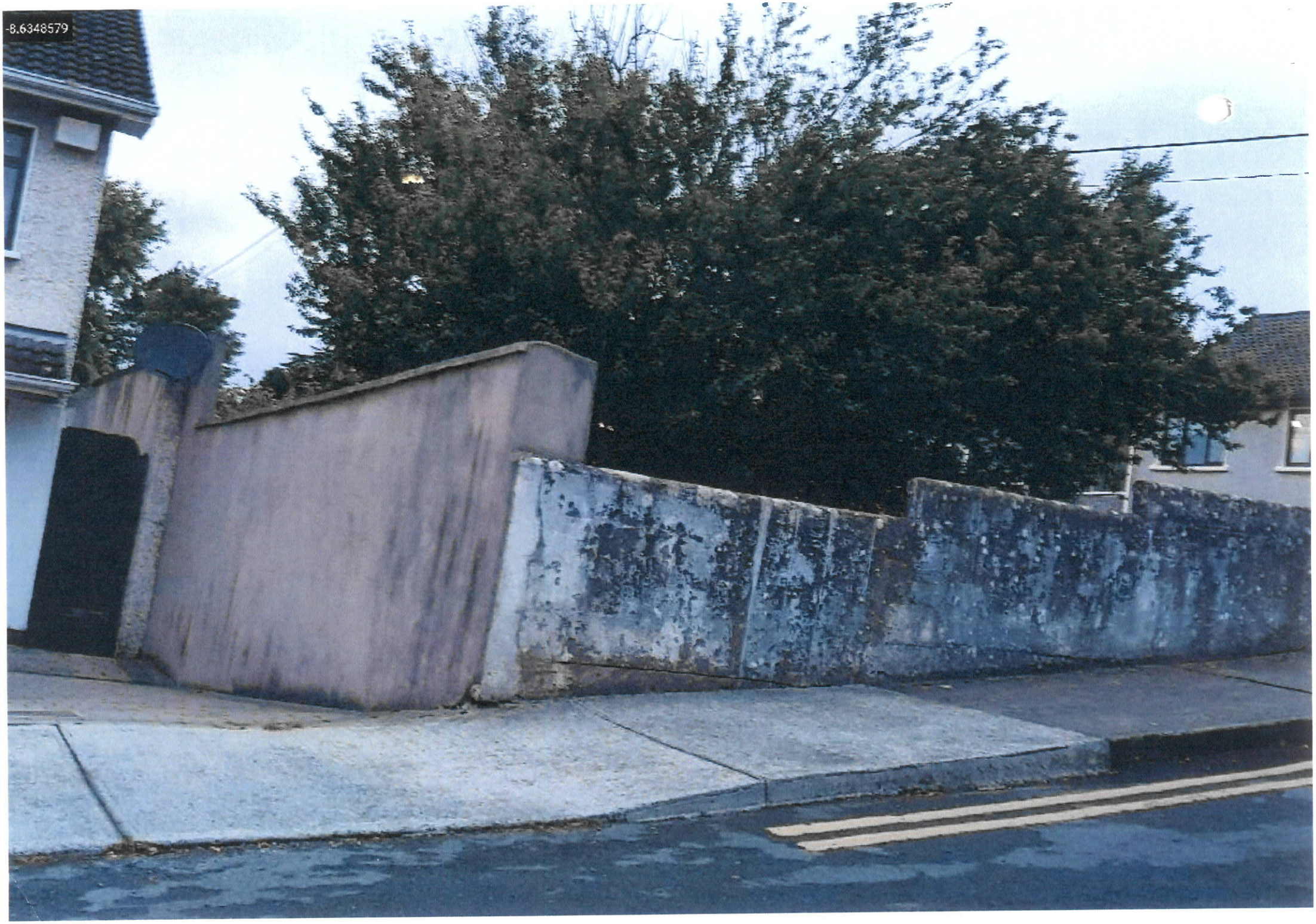
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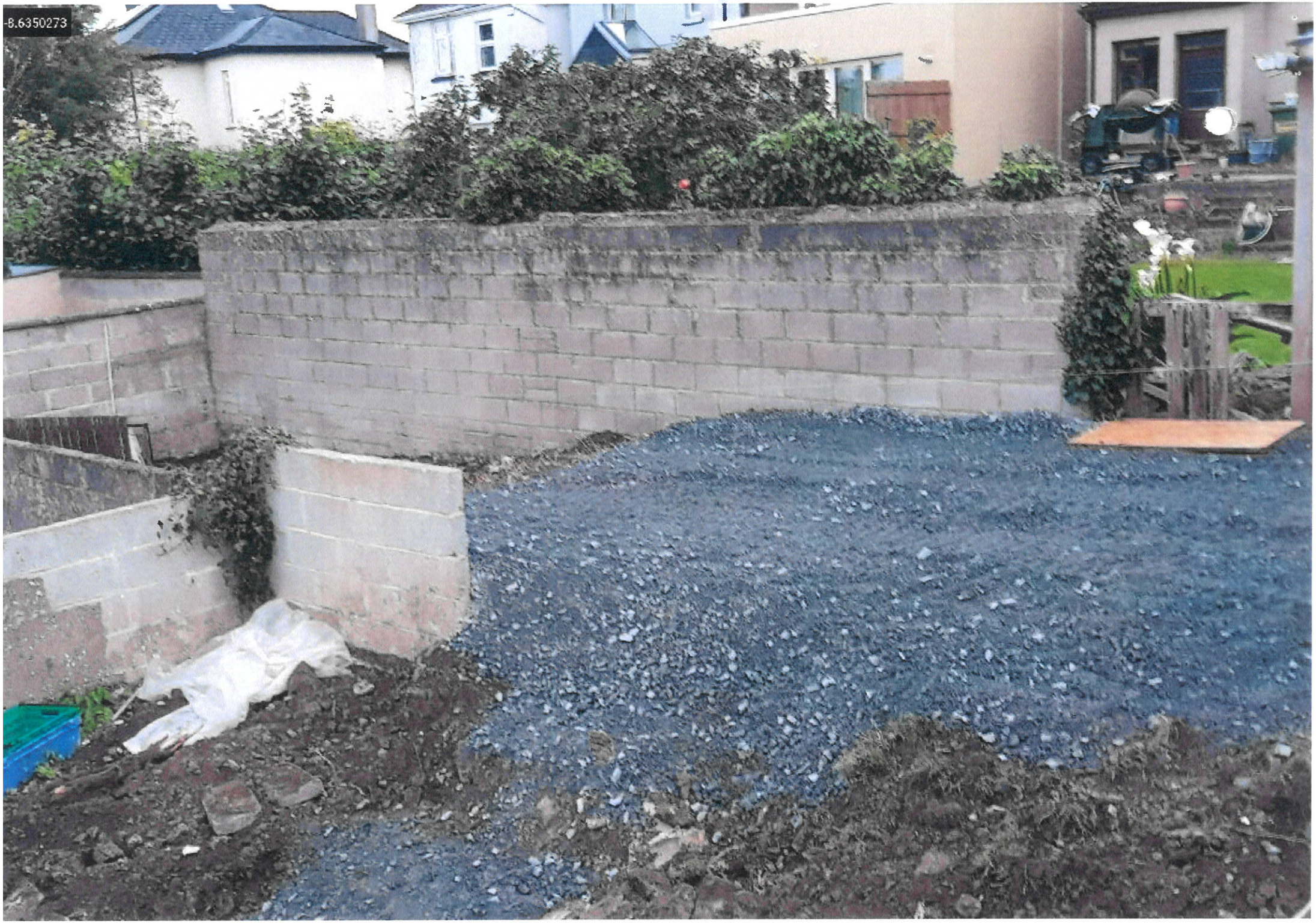

-8.6350273


8.6353632


-8.6353817

Campbell, Pat

From: enforcements
Sent: Wednesday 1 July 2020 11:09
To: Campbell, Pat
Subject: FW: Clanmuarice Gardens
Attachments: Letter verfiying Visit Planning.pdf; Boundary Wall Issues.docx; Part C Residents Fuather Info 10.04.2019 .docx; Rev·D.Residents Clanmuarice Gardens the Undersigned (Autosaved).docx; Site Plan.JPG

From: cora franklin [mailto:corafranklin2018@outlook.com]
Sent: Wednesday, July 1, 2020 11:03 AM
To: enforcements <enforcements@limerick.ie>
Cc: avril considine <avril.considine@googlemail.com>
Subject: Clanmuarice Gardens

Dear Mr. Campbell,
Many thanks for your assistance, I have added some files for your information. My deeds going back to 1962 show no clearway or site entrance.
Regards
Cora

On Mon, 17 Feb 2020, 16:25 avril considine, <avril.considine@googlemail.com> wrote:
Planning reference: 19584

Dear Mr O'Brien,

Thank you for meeting with Mr. Franklin and I this morning. Thank you for confirming that Mr Horan will be obliged to comply with the full conditions of the planning permission grant.

However, when I arrived home from the meeting I was confronted with Mr Horan in the process of moving a significant amount of soil and topsoil from the common green area diagonally across from my house into his back garden. He then commenced spreading stones and gravel on the former green common ground creating a pathway in excess of 3 meters wide (see photos attached). I immediately tried phoning your office without success so I phoned Michael Sheehan using the mobile number that you had supplied. Michael Sheahan attended the site after approximately 20 minutes. It was at this point that I spoke to you on Mr Sheahan's phone. Michael Sheahan then went and spoke with Mr Horan. Mr Sheahan advised the following:

1. That was he was acquainted with Mr Horan so it put him in a difficult position

2. That Mr Horan had advised him that despite Mr Sheahans request, Mr Horan will not restore the grassed common area on completion of the works

3. That I should revert to Michael O'Brien on the matter as there was nothing more that Mr Sheahan do

Mr Horan was in excess of five hours spreading on the common ground and compacting using his motor vehicle.

As the matter continues to deteriorate, your urgent attention and response would be appreciated,

Yours sincerely,

Sylvia Considine (#5),

and Avril Considine (#3) and Adrian Franklin (#6) on behalf of the Clanmorris Residents Association.

Customer Services,

The residents of Clanmuarice Gardens reside opposite a boundary wall separating 33 StrandVille Gardens from Clanmuarice Gardens wish to draw your attention to the current structural state of this boundary wall. The Owner; non-resident Landlord of 33 StrandVille Gardens and his agents have over a period, altered and remodeled the structure of the boundary wall in a non-professional manner.

Herein are our observations with pictorial (overleaf) reference:

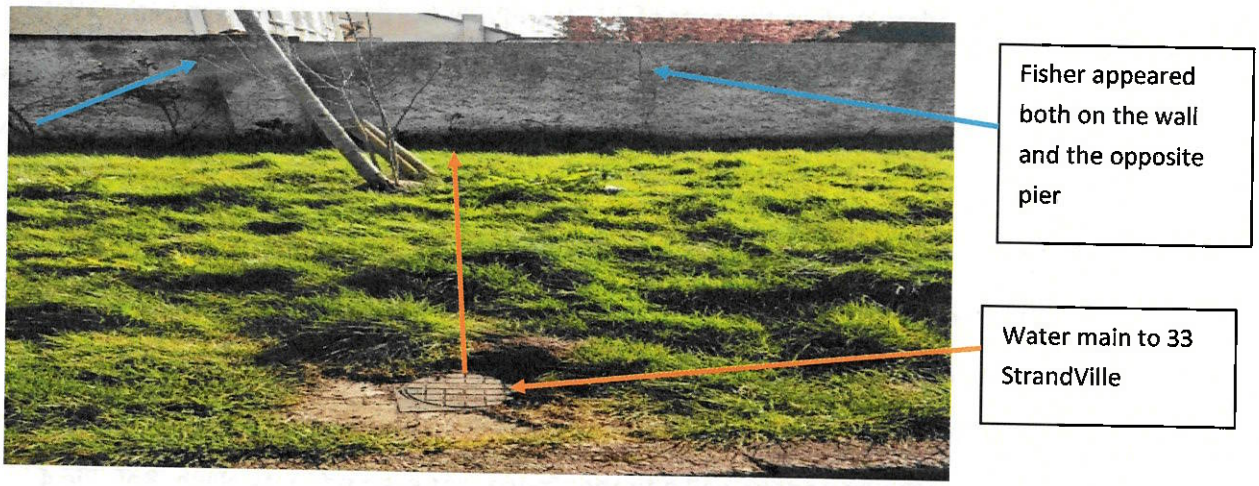
1. A portion of the wall was removed and rebuilt at a reduced height, I believe without Planning permission. Ref: Pic 1.
2. A water main was installed through the green area from Clanmuarice Gardens under the Boundary wall to the rear of 33 StrandVille Gardens. At the time *Irish* Water were notified of this development but it failed to take any action. This water pipe was installed under the boundary wall which now shows signs of structural decay. Ref: Pic 2.
3. Agents working for the owner removed the capping from a large section of the boundary wall again effecting the walls long term structural durability. Ref: Pic 3.
4. During high winds a tree at the rear of 33 StrandVille Gardens blow down and damaged a section of the boundary wall. The tree was removed and instead of replacing the boundary wall a timber fence was erected in its place. Ref: Pic 4.
5. The residents objected to the Owner installing a vehicle access point from Clanmuarice gardens to the rear of 33 StrandVille Gardens. It was reported to the Council who halted the development but the timber gates that were installed as part of this entry point are at still in place, the wall and support wall have not been reconstituted. Ref: Pic 5.Note: The owner regularly uses this access point to bring materials in and out of this dwelling, parking his vehicle or trailer in Clanmuarice Gardens were parking is probated (double yellow lines in place).
6. The Ivy that has been allowed to grow over a section of the boundary wall is also a decaying element with reference to the structural integrity of the wall. Ref: Pic 6.

Yours Sincerely,

Clanmuarice Gardens Residents

Pic 1.

Pic 2.



Pic 3.

P[illegible].

Timber structure installed after tree knocked wall

Pic 5.

Road access point which was in the process of development when stopped. Underlay and gravel base removed but timber fence remained

Pic 6.

Ivy growing from 33 StrandVille Gardens

OBJECTING TO A PLANNING APPLICATION NUMBER: 18849

From Residents Clanmuarice Gardens the Undersigned

Receipt Cash Office number: LA25/0/25/099585

Dear Planning Department

On reviewing the Planning Application online and the subsequent correspondence between the Planning department and the Applicant, we wish to make a further observation.

The letter dated 21/02/2019 states on page 2 of this document that the applicant proposes to replace the current plot boundary which is shown as the highlighted area. However on the drawing supplied ref: 2018.21.201 the Plot boundary wall is not accurately shown in its entirety. It appears that the applicant is calming that the boundary wall seems to stop where the applicant in the past installed twin timber gates and proceeded to create a foundation for vehicle access to the rear of this dwelling. As stated in our previous observations this access was stopped by the City Council. The roadway was returned to its original grass state however the timber gates have remained which we have objected to.

The drawing ref: 2018.21.201 claims a **right of way** is in existence on this property, this has taken us by surprise as we were not aware that such a **right of way** was present on this property. Our understanding of a **right of way** in the legal term, "*establishes by usage or grant, to pass along a specific route through grounds or property belonging to another*" If such a **right of way** exists it's not referenced on O.S drawing ref: 4682 which was also submitted, the O.S. map and our own property Deeds clearly shows the Boundary as a continuous boundary wall separating Clanmuarice Gardens from StrandVille Gardens no **right of way** shown. Our fear here is that the applicant is claiming that a **right of way** exists and if Planning is granted his next step would be to reactivate the rear access to this property.

Yours Sincerely,
Mrs. Cora Franklin

corafranklin2018@outlook.com

Clanmuarice Gardens

Residents Association

Reference: Planning Application 18/849 and 19/584.

Full details of each Planning Application and Observations can be obtain from the Resident association on request.

The residents of Clanmuarice Gardens reside opposite a current development site (the back garden of 33 Strandville Gardens) currently being developed by Mr. Jerry Horan (Landlord) a non-resident. Mr. Horan applied for Planning to the Authority on the 24th August 2018 reference Planning application 18/849. The development as proposed was REFUSED by the Planning Authority on the grounds that the site was being developed as a standalone Granny Flat and the boundary wall shall be maintained. Mr. Horan on this application had including the removal of a section of the boundary wall to incorporate it into his development. Mr. Horan submitted two revised drawings after being refused which were again rejected by the Planning Authority on the grounds the developed was a standalone Granny Flat.

Mr. Horan reapplied 17th June 2019 Planning reference 19/584. The residents had objected to the development but were unsuccessful, the Planning Authority granted permission with a revised construction plan. However, the residents hold the construction as developed is not compliant with proper planning and sustainable development in the area. That the construction (Planning reference 19/584) is cosmetic and breaches the First and Second Schedule in parts 7 and 10. The *development should have been fully incorporated into the existing dwelling* (33 Strandville Gardens). The only connection the development has to the existing dwelling main joists are NOT integrated into the existing dwelling just screwed to the back wall of 33 Strandville Gardens. The extension of over 10 meters in length this is not in keeping with existing extensions in the area or compliant with proper planning.

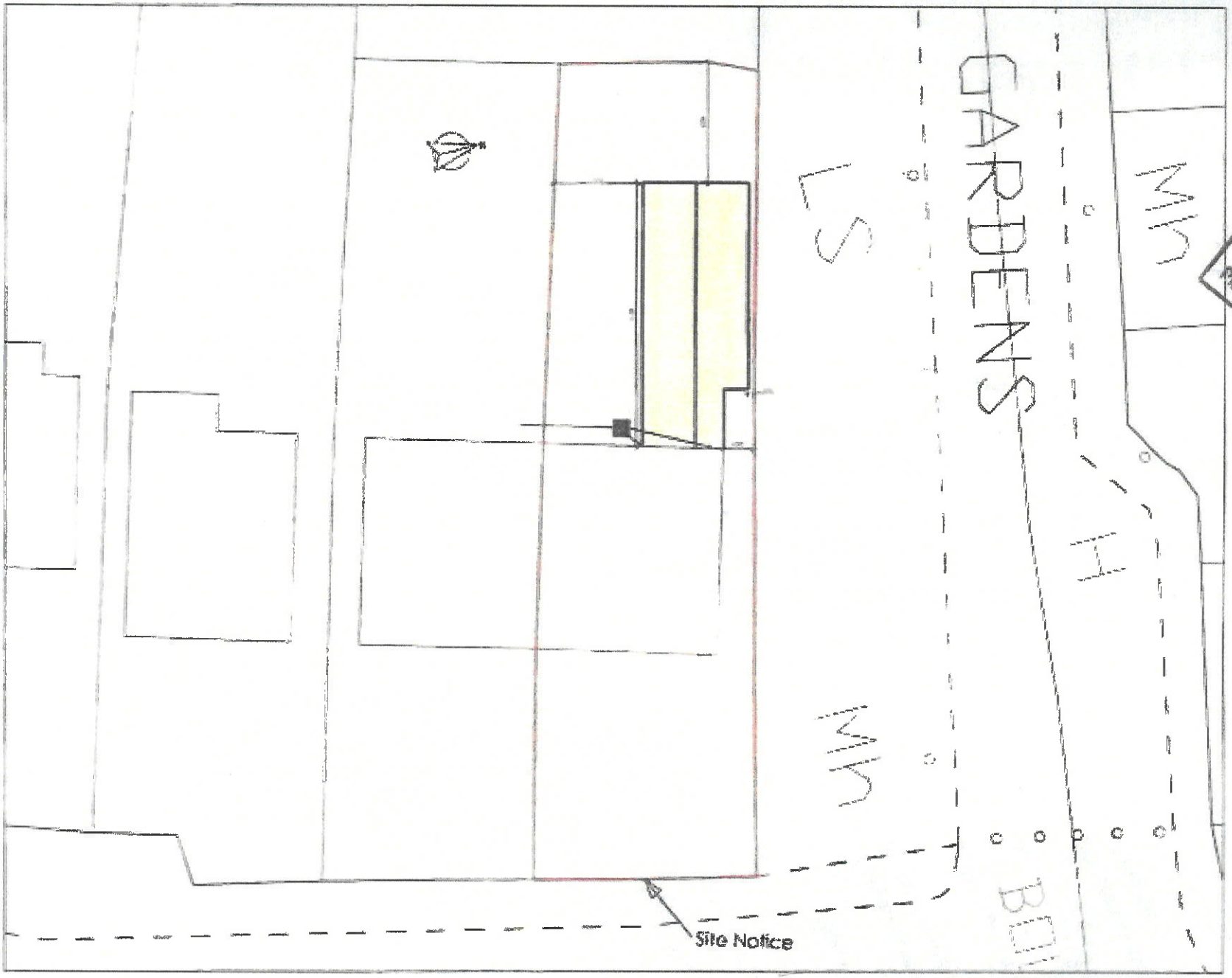
The residents hold that the development is cosmetic to facilitate the requirements of the Planning Authority and still constitutes a Granny Flat which was originally refused by the Planning Authority.

Herein a brief outline of our concerns:

1. In the original Planning Application 18/849 and drawings submitted, the green area is listed in the Planning Application as a public area, this is not the case. On the drawing the area leading into the rear 33 Strandville Gardens through timber gates (boundary wall) shows this as a Clear Way. The Ordinance Survey map reference 4682, contradicts this drawing, there has never been a Clear Way from Clanmuarice Gardens to the rear 33 Strandville Gardens.
2. In the past (2015) the Boundary gates in question Mr. Horan proceeded to create a stone foundation to gain access from the roadway in Clanmuarice Gardens to the rear of 33 Strandville Gardens, the City Council halted the development once it was highlighted, access to the rear of 33 Strandville Gardens from Clanmuarice Gardens was closed and the ground reinstated.
3. In 2017 Mr. Horan had a contractor install a water main and water meter from Clanmuarice Gardens through the green area under the boundary wall to the rear of his property. Irish Water were contacted but their response was nothing could be done.
4. The boundary wall unfortunately continues to be downgraded by the installation of two timber gates. Mr. Horan has also replaced a portion of the Boundary wall when a tree on his property fell and damaged the wall, he reinstated the block wall with a timber fence. He has removed the capping from the wall and has to date not reinstated the capping thereby wreaking the structural reliability of the wall.
5. The residents main concern is that Mr. Horan is creating a development to increase the living occupancy of his property. Access to the site is being gained through these gates from Clanmuarice Gardens. Will this access continue after the development works are completed? Will the new residents in this development be allowed to park and gain access from Clanmuarice Gardens to the rear of 33 Strandville Gardens? Clanmuarice is already clogged with non-residents parking in the area.
6. Mr. Horan has never contacted or spoke to residents on any of these matters and has ignored any attempts when asked about these issues. The green area is a valued play area for our children and an amenity that is cherished by the residents and would hope with your support that the boundary wall is reinstated and closed permanently.

Yours Sincerely

The Residents of Clanmuarice Garden's



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Seirbhísí Pleanála agus Comhshaoil,
Comhairle Cathrach agus Contae Luimnigh,
Tuar an Daill,
Luimneach

Planning and Environmental Services,
Limerick City and County Council,
Dooradoyle,
Limerick

EIRCODE V94 WV78

t: +353 (0) 61 556 000
f: +353 (0) 61 556 001

PLANNING & ENVIRONMENTAL SERVICES

DC-431-19/MOB/CL

08th January 2020

Cora Franklin

RE: 33 Strandville Gardens, O' Callaghan Strand.

Dear Madam,

I refer to your e-mail dated 11th December 2019 regarding the above and wish to inform you that our records show that a gate has been in place at this location since at least 2009.

Please be advised that the Planning Authority is statute barred from taking any Enforcement proceedings in respect of development where no planning permission has been granted and the development has been in place for a period of 7 years or more.

Therefore, the Planning Authority is not in a position to confirm that the access point will be closed up, however the Council will ensure that the green area is restored.

The health and safety issues are matters for the property owners and the builders to comply with.

Accordingly, the Planning Authority will be taking no further action on this matter.

Any further queries in relation to this matter should be addressed to Michael O' Brien, Development Inspector.

Yours faithfully,

For Director of Service
Planning & Environmental Services.

Campbell, Pat

From: enforcements
Sent: Wednesday 1 July 2020 10:33
To: Campbell, Pat
Subject: FW: clanmuarice

From: cora franklin [mailto:corafranklin2018@outlook.com]
Sent: Wednesday, July 1, 2020 10:23 AM
To: enforcements <enforcements@limerick.ie>
Cc: avril considine <avril.considine@googlemail.com>
Subject: clanmuarice

Dear Mr. Campbell,
Following on from our conversation this morning on the issue of the gates and access. A meeting was held with the Planning Authority in Limerick with a Mr. Michael O'Brian with Mrs Considine and a Mr Franklin. Mr O'Brien stated that the timber fence would be reclaimed and a wall rebuilt but the gates would remain. He also stated that the access was pedestrian and not vehicular. On planning references 18/849 & 19/584 there were no references to a road being built or for that matter access or the use of this area for construction. There is no reference on my deeds going back to 1962 or on the Ordinance survey of the area. In 2017 a water main and meter was installed in the green area allocated for resident car space which meant the water main was installed on private property, no recourse from Irish water.
Regards
cora

Campbell, Pat

From: enforcements
Sent: Tuesday 30 June 2020 10:34
To: Campbell, Pat
Subject: FW: Warning Letter DC-049-20
Attachments: 20200624_182054.jpg; warning letter.jpg

From: Customer Services
Sent: Monday, June 29, 2020 12:11 PM
To: 'corafranklin2018@outlook.com' <corafranklin2018@outlook.com>
Subject: Warning Letter DC-049-20

Good Afternoon,

I wish to acknowledge receipt of your email re: Warning Letter DC-049-20

I have forwarded same to the relevant team for their attention and direct response to you.

Kind Regards,
Alanna.

Le gach dea mhéin
Seirbhisí Custaiméirí
Comhairle Cathrach & Contae Luimnigh

Customer Services
Limerick City & County Council
Telephone: 061 556000

From: cora franklin <corafranklin2018@outlook.com>
Sent: Monday, June 29, 2020 10:52 AM
To: Customer Services <customerservices@limerick.ie>
Subject: Warning Letter DC-049-20

Dear Mr Pat Campbell,
I'm writing to you with regards to your warning letter dated the 24/03/2020 attached. The situation continues to deteriorate and with the constant access to the site being abused. There has never been any barriers, warning notices or any Health and Safety guidelines being adhered to. The latest is that the contractor has marked out the green area with blue paint, a 14 ft wide area (see picture attached) for access from the public road (Clanmuarice Gardens) to the rear of his property. He intends as we have been told to install a roadway, a consignment of gravel has been delivered to the site with this in mind. In any of the two Planning applications was there any mention of

access or a road development from Clanmuarice Gardens. Can you let me know if the City Council is still progressing this matter.

Regards

Clanmuarice Residents

Le[redacted] Carmel

From: Customer Services
Sent: Tuesday 2 June 2020 09:54
To: Jeremiah Hogan
Subject: RE: Your Ref: DC-049-20 Veronica Ronan, Planning and Environmental Services

Good Morning,

I wish to acknowledge receipt of your email Re:

I have forwarded same to the relevant team for their attention and direct response to you.

Kind Regards,
Alanna.

Le gach dea mhéin
Seirbhisí Custaiméirí
Comhairle Cathrach & Contae Luimnigh

Customer Services
Limerick City & County Council
Telephone: 061 556000

From: Jeremiah Horan [mailto:jerhoran@hotmail.com]
Sent: Sunday, May 31, 2020 8:48 AM
To: Customer Services <customerservices@limerick.ie>
Subject: Your Ref: DC-049-20 Veronica Ronan, Planning and Environmental Services

Your Ref: DC-049-20

Dear Ms Ronan,

I refer to the letter dated 25/3/20 in connection with 33 Strandville Gardens. You requested my observations within 4 weeks but I am sure you will understand that matters have been put on hold due to the Covid-19 lockdown.

1. In relation to condition no. 1 of the Planning Permission reference 19/584, I have appointed a contractor to carry out the work and he has taken on responsibility for those issues. I have also appointed the architect to deal with planning issues and oversee the works.
2. The entrance from the public roadway on Clanmaurice Gardens formed part of the original planning P/78/275, granted 30/3/79.

Jeremiah Horan

Ronan, Veronica

From:	plandev
Sent:	Wednesday 12 February 2020 16:44
To:	enforcements
Subject:	FW: Sylvia Considine Clanmaurice Gardens
Attachments:	20200207_104247.jpg; 20200207_104237.jpg

From: Catherine Slattery <Catherine.Slattery@oireachtas.ie> **On Behalf Of** Willie O'Dea
Sent: Wednesday 12 February 2020 16:02
To: plandev <planning@limerick.ie>
Subject: FW: Sylvia Considine Clanmaurice Gardens

Good Afternoon

I wish to make representation on behalf of The residents of Clanmaurice Gardens please see attached letter. I would appreciate your comments please.

Yours sincerely
Willie O'Dea T.D.

DC-049-20

Clanmuarice Gardens

Residents Association

Herein a brief outline of our concerns:

1. In the original Planning Application 18/849 and drawings submitted, the green area is listed in the Planning Application as a public area, this is not the case. On the drawing the area leading into the rear 33 Strandville Gardens through timber gates (boundary wall) shows this as a Clear Way. The Ordinance Survey map reference 4682, contradicts this drawing, there has never been a Clear Way from Clanmuarice Gardens to the rear 33 Strandville Gardens.
2. In the past (2015) the Boundary gates in question Mr. Horan proceeded to create a stone foundation to gain access from the roadway in Clanmuarice Gardens to the rear of 33 Strandville Gardens, the City Council halted the development once it was highlighted, access to the rear of 33 Strandville Gardens from Clanmuarice Gardens was closed and the ground reinstated.
3. In 2017 Mr. Horan had a contractor install a water main and water meter from Clanmuarice Gardens through the green area under the boundary wall to the rear of his property. Irish Water were contacted but their response was nothing could be done.
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5. The residents main concern is that Mr. Horan is creating a development to increase the living occupancy of his property. Access to the site is being gained through these gates from Clanmuarice Gardens. Will this access continue after the development works are completed? Will the new residents in this development be allowed to park and gain access from Clanmuarice Gardens to the rear of 33 Strandville Gardens? Clanmuarice is already clogged with non-residents parking in the area.
6. Mr. Horan has never contacted or spoke to residents on any of these matters and has ignored any attempts when asked about these issues. The green area is a valued play area for our children and an amenity that is cherished by the residents and would hope with your support that the boundary wall is reinstated and closed permanently.

Yours Sincerely

The Residents of Clanmuarice Garden's

- SYLVIA CONSIDINE
087-6715906