

**POTTER & FINN**  
**Chartered Consulting Engineers**

Architects, Surveyors & Loss Assessors

Kevin T. Finn B.E., C.Eng, MBA., BCI

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AN COIMISIUN PLEANALA

LDG- 085 421-25

ACP-

28 NOV 2025

Fee: € 300 Type: Lay

Time: 9.15 By: PTF

Date: 25th November 2025

An Coimisiun Pleanala  
64 Marlborough Street  
Dublin 1

Cc: William O'Donnell  
No 2, Coolnanave  
Mitchelstown  
Co. Cork

**Re: Section 5 Appeal - Exempt development at site at Coolagarranroe Burncourt Cahir Co. Tipperary**  
**Applicant/Appellant: William O'Donnell - No 2, Coolnanave Mitchelstown Co. Cork.**

Dear Sirs

I confirmed that I act for William O'Donnell in this matter, who wishes to appeal/refer the decision of Cork County Council of 04<sup>th</sup> November 2025 regarding this Section 5 referral to An Coimisiun Pleanala, for the reasons already set out in the Referral letter dated 10<sup>th</sup> October 2025 and additionally as set out below.

I would note that my records are somewhat incomplete due to circumstances beyond Client's control. I would therefore ask you to obtain and take into consideration the full enforcement file with TCC. I enclose a copy of the following:

- A. Signed authority/consent of 02<sup>nd</sup> February 2024.
- B. Section 5 Referral letter dated 10<sup>th</sup> October 2025 .
- C. Decision letter from TCC of 04<sup>th</sup> November 2025.
- D. Potter & Finn letters to TCC of 13<sup>th</sup> December 2023.
- E. Potter & Finn letters to TCC of 29<sup>th</sup> December 2023.
- F. Potter & Finn Figures 1 - 3 of 25<sup>th</sup> November 2025
- G. Site Layout Map of 08<sup>th</sup> Oct 2025
- H. TCC Enforcement Notice 24<sup>th</sup> February 2024
- I. Warning Letter of 24<sup>th</sup> November 2023 and 01<sup>st</sup> June 2022
- J. Enforcement Notice of 18<sup>th</sup> March 2025
- K. Cheque for fee of €220.00

**1.0 History.**

- 1.1 Mr O'Donnell is an unemployed man of very limited means.
- 1.2 He acquired what is a small area of land in March/April 2022 with the intention of using it for his own use as a hobby farmer, or other farming/horticultural use.

- 1.3 The land as we understand used for agricultural purposes historically and most of it lay fallow and/or wilded for a number of years before Mr O'Donnell acquired it in 2022.
- 1.4 When he acquired the land the entrance and stoned access into the site you see today was already in place and had been there for several years before.
- 1.5 The designation of the land as agriculture was accepted and confirmed by TCC in various correspondence and warning letter requiring the land to be restored to its agriculture use.
- 1.6 On acquiring the land, on further examination Mr O'Donnell found the land on the southern side adjacent to the stream/drainage ditch running along this side to be quite wet and waterlogged and was at the time covered in rushes further indicating the waterlogged nature of the site.
- 1.7 Some further history of the site can be seen in references to previous alleged unauthorised development contained in my correspondence to TCC of 29<sup>th</sup> December 2023.
- 1.8 Being of limited income Mr. O'Donnell has limited resources with which to carry out whatever works he wishes including the drainage works in question, and is obliged to carry them out as funds which are very limited allow.
- 1.9 There is no provision in planning law that exempted works including drainage works should or must be carried out within any particular time period. The works in question are in a state of temporary completion.

**Refer to the Map provided at Figure 2 and 3.**

- 1.10 The land in the area drains generally from north to south into the Glengarra river a short distance to the east from the subject site. This can be seen from the flow direction of small streams in the area.
- 1.11 The land in the immediate area south of Mr O'Donnell's plot rises to the south. The result is that Mr O'Donnell's plot is the lowest land in the immediate area.
- 1.12 A drainage ditch/stream runs along the west side of the road leading from the R629 (formerly the N8). The stream/ditch turns east under the road opposite the north west corner of Mr O'Donnell's land, and from there runs east within the plot to the north of Mr O'Donnell's land.
- 1.13 Another drainage ditch/stream runs north adjacent to the road to the south of Mr O'Donnell's land and appears within Mr O'Donnell's land opposite the south west corner and from there runs east and then north and then joins the drainage ditch/stream on the northern side of Mr O'Donnell's plot and then runs variously east toward the Glengarra river east of the subject plot.
- 1.14 You can see therefore that Mr O'Donnell's land is almost an island but for a short section on the west side close to the entrance.

**2.0 Land Drainage and Reclamation works.**

- 2.1 The land adjacent to the stream/ditch on the southern side was soft wet and boggy. In order to rectify the very poor drainage situation Mr O'Donnell decided to drain the land by removing the top surface of the soil adjacent to the southern side opposite the stream and placing a layer of 75 - 150mm round stone fill (not crushed stone and references to same in correspondence are incorrect) on the land and then replace the topsoil and cultivate the land as normal.
- 2.2 On receiving correspondence and warning letter from TCC of 24<sup>th</sup> November 2023, Mr O'Donnell stopped the above works as directed and contacted this firm a short time later.
- 2.3 The replacement of the topsoil on top of the drainage stone is not completed and is still a work in progress. This is set out in my letter to TCC of 29<sup>th</sup> March 2024, and continues to be the case.
- 2.4 We do not assert that the reclamation drainage works carried out are an efficient way of effecting drainage of the land in question, merely that this was and is the purpose of the works carried out. I note further that there is no evidence that Mr O'Donnell has used the land for any other purpose other than agriculture and related activity.
- 2.5 The management of harvested forestry, referenced in TCC's first correspondence was and is an agricultural activity which Mr O'Donnell was perfectly entitled to undertake at the land. In fact this element of the works carried out at the site is evidence of the continued use of the land for agriculture.

### **3.0 The Section 5 question asked was:**

- 3.1 Whether the following works carried out comprise exempted development under Section 8B and 8C of the Planning & Development Regulations 2001-2024 as amended:
  - 3.1.1 "Land reclamation and drainage works comprising the recontouring of an area of agricultural land by: The stripping of topsoil to a depth of 0-50mm or thereabouts, and placing drainage stone on the area of land to a depth of 0 - 20cm or thereabouts, and replacement of the topsoil on the area of land, all carried out within the farm holding."
- 3.2 TCC's decision was that:
  - 3.2.1 The subject site does not constitute a farm holding,
  - 3.2.2 Inert stone, a waste material was imported into the site for the purposes of land reclamation.
  - 3.2.3 The development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
  - 3.2.4 The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

- 3.3 On further consideration no re-contouring works were carried out, nor was there any intention to carry out re-contouring works. The reference to re-contouring was in the context of the possible marginal raising of the level of the section of land in question where the drainage works were effected. This is not re-contouring which refers to large scale or at least non minor change of level of the affected land such as filling in large or significant depressions in the land or other large scale earth works as might be carried out in earth works forming a golf course or landscaped gardens or similar operations.
- 3.4 The issue of whether the landholding constitutes a farm holding or not therefore does not arise and/or is mute in this instance. We address this issue additionally at point 4 below.

**3.5 The section 5 question is therefore properly restated as:**

- 3.6 Whether the following works carried out comprise exempted development under Section 8B of the Planning & Development Regulations 2001-2024 as amended:

3.6.1 “Land reclamation and drainage works comprising: The stripping of topsoil to a depth of 0-50mm or thereabouts, and placing drainage stone on the area of land to a depth of 0 - 20cm or thereabouts, and replacement of the topsoil on the area of land, all carried out within the farm holding.”

**4.0 Whether the subject site constitutes a farm holding.**

- 4.1 TCC has accepted that the land is agricultural land, though at one point it asserted that its use was changed to something other than agriculture without setting out what that something is or was. It further asserts that the land could be restored to agricultural use by ‘removing the hardcore material and spreading a layer of topsoil over the ground and grass seeding.’
- 4.2 The Enforcement Notice of 18<sup>th</sup> March 2025 does not assert that the land is not agricultural land, merely that the current use is not for agricultural purposes.
- 4.3 In its decision of 04<sup>th</sup> November 2025, TCC does not assert that the land is not agricultural land or that the use is not for agriculture, but merely asserts that the land does not constitute a “farm holding”.
- 4.4 “Farm” is not defined in the Planning Acts or regulations. The common meaning is any use for the purpose of agriculture.
- 4.5 Under Section 2(1) of the Planning and Development Act 2000: “agriculture” includes horticulture, fruit growing, seed growing, dairy farming and the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses, the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly.

- 4.6 The land in question has not or is not being used for any purpose other than its existing use for agriculture, which TCC appears to accept is grass. No planning application or permission for any other use or for any change of use has been made or granted. The land therefore retains its existing use for agriculture.
- 4.7 The Planning Act or Regulations provide for a change of use from any existing use, in this case Agriculture, to any other use but not the same use. As no application for a change of use has been made and no change of use has been made, the land use remains as agriculture.
- 4.7.1 Section 10 of the Regulations provides as follows:  
Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not:  
(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.
- 4.7.2 The land in question falls under this section where clearly the use of the land for agricultural purposes has not been abandoned and is not an unauthorised use, I.e. agriculture.
- 4.7.3 Notwithstanding that it is not accepted that any change of use has occurred, the owner has taken steps to comply with TCC's stipulation to restore the land to (its existing) agriculture use by 'spreading a layer of topsoil over part of the ground affected by the drainage works and grass seeding' and has indicated his intention to complete these works for the remaining area of land he carried out drainage works on, in due course.
- 4.8 In the Farm Tax Act 1985 the term "agricultural land-holding" is defined as "the aggregate of the land in the occupation of the same person or persons."
- 4.8.1 Clearly Mr O'Donnell is the owner and sole occupier of the land in question.
- 4.9 In the context of statistical survey by the Central Statistics Office, a "farm/holding" or "agricultural holding" is defined as a single unit, both technically and economically, under one management which undertakes agricultural activities listed below within the economic territory of the European Union, either as its primary or secondary activity
- growing of non-perennial crops
  - growing of perennial crops
  - plant propagation
  - animal production
  - mixed farming

- support activities to agriculture and post-harvest crop activities

4.9.1 Support activities to agriculture and post harvest activities, includes anything to do with agriculture, crop rotation, fallow land, bio diversity, land wilding or rewilding etc

## 5.0 Fallow Land and Set Aside Land.

- 5.1 TCC seems to assume that because land is fallow or in a temporary state of non productive use for a period of time, that it is therefore no longer agriculture land. This is incorrect.
- 5.2 The EU's agricultural **set-aside system** was operational from **1988** and became compulsory for large arable farmers in **1992**, before being formally abolished in **November 2008**. The system required farmers to leave a proportion of their land out of intensive production to reduce chronic food surpluses and provide environmental benefits.
- 5.3 The system worked by requiring farmers to take a certain percentage of their arable land out of production in exchange for receiving direct income support payments from the EU.
- **Objective:** The primary goal was to manage the supply of surplus commodities (like cereals) that were accumulating under the previous system of guaranteed high prices. A secondary, but important, benefit was the positive environmental impact on soil quality and biodiversity, particularly with non-rotational set-aside.
  - **Implementation:**
    - Farmers were required to declare which areas of their land would be "set-aside" and had to ensure that no agricultural production, including grazing or forage production, took place on that land during a specific period (e.g., January 15 to August 31).
    - In return for the lost production on the set-aside land, farmers received compensatory direct payments.
    - The land could be left fallow or managed under specific environmental regimes.
  - **Evolution:** After the system's abolition, similar ideas resurfaced in the form of "greening" measures in later CAP reforms (2014-2020), which required farmers to maintain "Ecological Focus Areas" (EFAs), such as fallow land, on a portion of their land to receive payments. These modern environmental requirements were conceptually similar to set-aside but integrated into broader sustainability goals.
- 5.4 There is no requirement on a land owner farmer to complete drainage works within any specified time limit. This is a decision for the land owner farmer not TCC.

- 5.5 Mr O'Donnell's land is currently in a state of 'temporary fallow land' and is temporarily given over to natural regeneration biodiversity and temporary wilding while further topsoiling and grass seeding is awaited. However it remains agricultural land.

## 6.0 Fallow Land.

- 6.1 Statutory context — Planning and Development Act 2000  
The Planning and Development Act 2000 (as amended) defines "agriculture" but does not define "fallow land" specifically.

Section 2(1) — "agriculture" includes:

*horticulture, fruit growing, seed growing, dairy farming, and the breeding and keeping of livestock ... the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds...*

- 6.2 Fallow Land Meaning: Land that is temporarily not under crop or grazing but remains part of an *agricultural use* (because it's part of a farming rotation) can still be treated as agricultural land under this definition. So — even "fallow" land remains *agricultural land* if it is part of an agricultural rotation or intended to return to active production.

- 6.3 EU / CAP definition (used in Irish agricultural administration)

- 6.3.1 The Department of Agriculture and the EU's CAP regulations define "fallow land" more precisely for scheme purposes:

"Fallow land" means *arable land left to recover for a period, normally not exceeding five years, without being used for the production of crops but maintained in good agricultural and environmental condition (GAEC).*

— (Article 4, Regulation (EU) 1307/2013 and Department of Agriculture CAP Strategic Plan definitions)

- 6.3.2 In Irish CAP administration (DAFM) :

- Fallow land is *eligible* for payments if maintained in GAEC.
- It remains part of the *arable area* of the holding.
- It is often used for crop rotation, biodiversity, or soil recovery.

- 6.4 Arable land and Fallow Land.

- 6.4.1 The definition of Arable Land under Irish and EU agricultural law (CAP basis) is as follows:

- 6.4.2 Ireland applies EU definitions of land types in its CAP legislation and in Department of Agriculture (DAFM) policy.

These definitions are used in most planning contexts when specifying agricultural uses.

- 6.4.3 Under Article 4 of Regulation (EU) 1307/2013 and repeated in the Irish CAP Strategic Plan 2023–2027:
- 6.4.3.1 “Arable land” means *land cultivated for crop production or areas available for crop production, including land lying fallow, temporary grassland and areas under glasshouses or polytunnels.*
- 6.4.4 DAFM and the CSO (Farm Structure Survey) define:
- 6.4.4.1 “Arable land” comprises *land under cereals, root crops, protein and oil crops, forage crops, vegetables, and land lying fallow.* (*My emphasis*)
- 6.4.5 EU law — Regulation (EU) No 1307/2013 (CAP definitions)
- 6.4.5.1 The Regulation defines “arable land” as: *“land cultivated for crop production or areas available for crop production but lying fallow”* (i.e. arable includes land lying fallow or set-aside, irrespective of greenhouses/cover).
- 6.5 Irish Planning Law Considerations.
- 6.5.1 Arable / tillage land (planning context): land that is used, available, or capable of being used for crop production (cereals, vegetables, root crops, tillage crops). This includes land temporarily lying fallow or under temporary grass as part of a cropping rotation.
- 6.5.2 Arable land is a subset of “agricultural land” under s.2 of the Planning & Development Act 2000 and is treated as agricultural land for planning decisions (e.g., rural housing, farm development, vacant/derelict site considerations), provided it is being managed or is capable of management for agriculture.

## 7.0 Conclusion

- 7.1 The subject site is being managed and is capable of being managed for agriculture, and therefore remains agriculture notwithstanding its temporary fallow condition as a result of agri drainage works and reclamation works in the process of being carried out at the property.
- 7.2 Its recent use history is use for agriculture purposes, I.e. forestry related activity.
- 7.3 TCC accepts that by carrying out certain minimal earth works the land can be restored (as it puts it) as agricultural land. It therefore accepts that its use for agri purposes has not been abandoned.
- 7.4 TCC’s real objection is therefore as to whether the works carried out constitute drainage works. Clearly it is for the landowner to decide how and what drainage works are carried out on the land, not TCC.
- 7.5 The question of how effective the works are is a separate question. However, clearly the works carried out have been effective as the area of land in question adjacent to the stream/drainage ditch is no longer wet and boggy underfoot.

- 7.6 How productive the land will be when finally completed is again another matter and a matter for the landowner/farmer as to whether the monies expended are good value or not.

It is accepted that the works carried out constitutes development.

Refer to maps enclosed.

Yours faithfully

A handwritten signature in black ink, appearing to read "Kevin T. Finn". The signature is written in a cursive style with a horizontal line underneath it.

Kevin T. Finn.



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
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Oifigí Cathartha,  
Cúisín Meála,  
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**Date:** 18<sup>th</sup> March 2025

**Reference:** TUD-23-195

William O'Donnell  
2 Coolnanave  
Mitchelstown  
Co Cork

**Re: Development at Coolagarranroe, Burncourt, Co Tipperary**

Dear Sir

I refer to previous correspondence in relation to the above.

I wish to advise that Enforcement Notice which was issued on 28 February 2024 pursuant to Section 154 of the Planning and Development Act 2000 (as amended) was withdrawn on 21 February 2025 for the following reason:

- Legal proceedings did not commence on foot of same

Please be further advised that a revised Enforcement Notice dated 18<sup>th</sup> March 2025 is attached.

Should you have any queries in relation to this matter, please contact Planning Enforcement Section on 0818 06 5000.

Yours faithfully

for Director of Services



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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tipperarycoco.ie

Ref: TUD-23-195

William O'Donnell  
2 Coolnanave  
Mitchelstown  
Co Cork

### ENFORCEMENT NOTICE

pursuant to Section 154 of the Planning and Development Act 2000 (as amended).

WHEREAS it appears to Tipperary County Council, the Planning Authority for the functional area of County Tipperary, that an unauthorised development, within the meaning of the Planning and Development Act 2000 (as amended), namely:

- The infilling of the lands within folio TY47177F with imported crushed stone to provide vehicular access with turning area and storage / parking area

has been and is being carried out by you at **Coolagarranroe, Burncourt, Co Tipperray**

TAKE NOTICE that Tipperary County Council requires that you shall **cease** the said development within the period from the date of service upon you of this notice to **5 pm on 25<sup>th</sup> March 2025**.

And further take notice that you are hereby required to carry out the works listed below within the period of service upon you of this notice to **5 pm on 22<sup>nd</sup> May 2025**.

- Restore the lands within the curtilage of the site to agricultural use through removal of the hardcore material and spreading a layer of topsoil (150mm) deep on the ground surface occupied by said areas, rake and remove unsuitable debris and seed with grass

TAKE NOTICE that, if within the period specified above, or within such extended period (not being more than six months) as the Planning

(2)

Authority may allow, the steps specified in the Notice to be taken are not taken, the Planning Authority may enter on the land and take such steps including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by the Planning Authority.

AND FURTHER TAKE NOTICE that you are required to refund to the Planning Authority the costs and expenses reasonably incurred by the Authority in relation to the investigation, detection and issue of this Enforcement Notice and the Warning Letter served by the Planning Authority on you under Section 152 of the Planning and Development Act 2000 (as amended) including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisors amounting to date to the sum of €498.09.

FURTHER TAKE NOTICE if within the period specified by this Notice or such extended period, not being more than six months, as the Planning Authority may allow, the steps specified in the Notice to be taken are not taken, you may be guilty of an offence and be liable to prosecution under Section 157 of the Planning and Development Act 2000 (as amended) the penalties for which are:

- On conviction on indictment, to a fine not exceeding €12,700,000 or to imprisonment for a term not exceeding 2 years, or to both and to a fine not exceeding €12,700 or to imprisonment for a term not exceeding 2 years or both for each day on which the offence so continues.
- On summary conviction to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 6 months, or to both and to a fine not exceeding €1,500 or to imprisonment for a term not exceeding 6 months or both, for each day on which the offence so continues.
- On conviction on indictment of the construction of an unauthorised structure, to a fine of €12,700 or the cost of construction of the structure, whichever is the lesser.
- On summary conviction of the construction of an unauthorised structure, to a fine of €2,500 or the cost of construction of the structure, whichever is the lesser.

Dated this 18<sup>th</sup> day of March 2025

Signed

T. Kiedy  
For Director of Services



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifig Cathartha,  
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E45 A099

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8 0618 06 5000  
8 0618 06 5000  
tipperarycoco.ie

Our Ref:  
**TUD-23-195**

Your Ref:

Date  
**12<sup>th</sup> August 2024**

William O'Donnell  
2 Coolnanave  
Mitchelstown  
Co. Cork

**Re: Development at Coolagarranroe, Burncourt, Co. Tipperary.**

Dear Sir

The Planning Authority refer to TUD-23-195, the Enforcement Notice dated 28/2/2024 and the correspondence received from Kevin T Finn Potter & Finn, Chartered Consulting Engineers on 2<sup>nd</sup> July 2024.

The Planning Authority notes your intention to comply with the Enforcement Notice however you are advised that the Notice requires as follows;

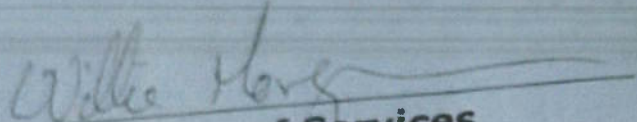
"Restore the lands within the curtilage of the site to agricultural use through **removal of the hardcore material** and spreading a layer of topsoil (150mm) deep on the ground surface occupied by said areas, rake and remove unsuitable debris and seed with grass".

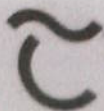
*You are advised that any fencing erected on the site is required to comply with the available exemptions set out under the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended.*

The Planning Authority will be inspecting the site in advance of the 24<sup>th</sup> September 2024 to determine if the Enforcement Notice has been complied with and a decision will be made on foot on this inspection as to whether to commence legal proceedings.

Should you have any queries in relation to this matter, please contact Planning Enforcement Section on 0818 06 5000.

Yours faithfully

  
for Director of Services



TUD-23-195

**PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**ENFORCEMENT NOTICE** pursuant to Section 154 of the Planning and Development Act 2000 (as amended).

To: **William O'Donnell**  
**2 Coolnanave**  
**Mitchelstown**  
**Co. Cork**

WHEREAS it appears to Tipperary County Council, the Planning Authority for the functional area of County Tipperary, that an unauthorised development, within the meaning of the Planning and Development Act 2000 (as amended), namely:

- **The infilling of the lands within folio TY47I77F with imported crushed stone to provide vehicular access with turning area and storage/parking area,**
- **Use of the site for the storage of timber logs,**

has been and is being carried out by you at **Coolagarranroe, Burncourt, Co. Tipperary.**

**TAKE NOTICE** that Tipperary County Council requires that you shall **cease** the said development within the period from the date of service upon you of this notice to **5 pm on 4<sup>th</sup> March 2024.**

**And further take notice** that you are hereby required to **carry out the works listed below** within the period from the date of service upon you of this notice to **5 pm on 24<sup>th</sup> April 2024** to:

- **Restore the lands within the curtilage of the site to agricultural use through removal of the hardcore material and spreading a layer of topsoil (150mm) deep on the ground surface occupied by said areas, rake and remove unsuitable debris and seed with grass.**

extended period (not being more than six months) as the Planning Authority may allow, the steps specified in the Notice to be taken are not taken, the Planning Authority may enter on the land and take such steps including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by the Planning Authority.

AND FURTHER TAKE NOTICE that you are required to refund to the Planning Authority the costs and expenses reasonably incurred by the Authority in relation to the investigation, detection and issue of this Enforcement Notice and the Warning Letter served by the Planning Authority on you under Section 152 of the Planning and Development Act 2000 (as amended) including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisors amounting to date to the sum of **€332.70**.

FURTHER TAKE NOTICE if within the period specified by this Notice or such extended period, not being more than six months, as the Planning Authority may allow, the steps specified in the Notice to be taken are not taken, you may be guilty of an offence and be liable to prosecution under Section 157 of the Planning and Development Act 2000 (as amended) the penalties for which are:

1. On conviction on indictment, to a fine not exceeding €12,700,000 or to imprisonment for a term not exceeding 2 years, or to both and to a fine not exceeding €12,700 or to imprisonment for a term not exceeding 2 years or both for each day on which the offence so continues.
2. On summary conviction to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 6 months, or to both and to a fine not exceeding €1,500 or to imprisonment for a term not exceeding 6 months or both, for each day on which the offence so continues.
3. On conviction on indictment of the construction of an unauthorised structure, to a fine of €12,700 or the cost of construction of the structure, whichever is the lesser.
4. On summary conviction of the construction of an unauthorised structure, to a fine of €2,500 or the cost of construction of the structure, whichever is the lesser.

Dated this 28<sup>th</sup> day of February 2024

Signed

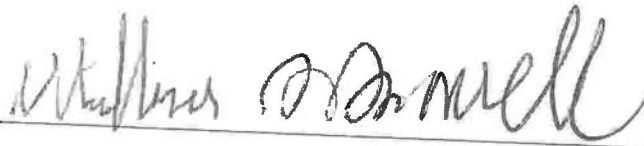
D. Duly  
For Director of Services

**William O'Donnell**  
**2, Coolnanave**  
**Mitchelstown**  
**Co. Cork**  
**P67E107**

Date: ...02... February 2024

**TO WHOM IT CONCERNS**

I ... **WILLIAM O'DONNELL**..., with address at No 2 Coolnanave Mitchelstown Co. Cork P67E107 confirm that I give **Mr. Kevin T Finn, Potter And Finn Chartered Consulting Engineers Kingston Close Mitchelstown P67EY97**, full authority to act as Advocate and Agent/ Representative on my behalf, and to access the full files, records and data including all personal records and data, and including Planning Enforcement files Ref: TUD-23-195, TUD-22-076, TUD-22-130 and all other Planning, Enforcement and other records in relation to the plot of land at Coolagarranroe Burncourt Cahir Co. Tipperary the subject of the above Enforcement correspondence/Warning letters, and to make all inquiries and correspond and communicate with all persons and entities whatever in relation to same until further notice from me in writing.

Signed: 

Print Name: ... William O'Donnell .....



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary  
E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A090

t 0818 06 500  
e customerservi  
@tipperarycoco  
tipperarycoco.ie

**Date: 24<sup>th</sup> November 2023**

**Reference: TUD-23-195**

**William O'Donnell,  
2 Coolnanave,  
Mitchelstown,  
Co. Cork.**

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

**WARNING LETTER**

SECTION 152 PLANNING AND DEVELOPMENT ACT 2000 (as amended)

**Re: Development at Coolagarranroe, Burncourt, Co. Tipperary.**

Dear Sir,

It has come to the attention of the Planning Authority that unauthorised development consisting of:

- The removal of trees and infilling of the lands within folio TY47177F with imported crushed stone to provide vehicular access with turning area and storage/parking area,
- Use of the site for the storage of timber logs,

may have been, is being or may be carried out by you at, **Coolagarranroe, Burncourt, Co. Tipperary.**

Please note that in accordance with Section 152, subsection 4 (b) of the Planning and Development Act 2000 (as amended), you may make submissions or observations in writing to the Planning Authority regarding the above, not later than 4 weeks from the date of service of this Warning Letter.

This letter is a Warning Letter issued under Section 152 of the Planning and Development Act 2000 (as amended) and a decision in relation to enforcement under Section 153 will be taken in due course having due regard to any representations made by you within the 4 week period specified above.

Please note that an Enforcement Notice requiring the cessation, demolition or discontinuance of the development may be issued if the Planning Authority considers that unauthorised development may have been, is being, or may be carried out.

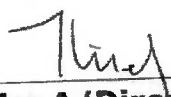
Please further note that officials of the Planning Authority may at all reasonable times enter onto the lands for the purposes of inspection.

Please also note that in the event of a decision to institute enforcement proceedings you will be liable for penalties as set out in Section 156 of the Planning and Development Act 2000 (as amended), details of the penalties involved for failure to comply with an Enforcement Notice are:

1. On conviction on indictment, to a fine not exceeding €12,700,000 or to imprisonment for a term not exceeding 2 years, or to both and to a fine not exceeding €12,700 or to imprisonment for a term not exceeding 2 years or both for each day on which the offence so continues.
2. On summary conviction to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 6 months, or to both and to a fine not exceeding €1,500 or to imprisonment for a term not exceeding 6 months or both, for each day on which the offence so continues.
3. On conviction on indictment of the construction of an unauthorised structure, to a fine of €12,700, or the cost of construction of the structure, whichever is the lesser.
4. On summary conviction of the construction of an unauthorised structure, to a fine of €2,500 or the cost of construction of the structure, whichever is the lesser.

In addition to these penalties, any costs reasonably incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person to whom an Enforcement Notice is issued or where Court Action is taken.

Yours faithfully,

  
\_\_\_\_\_  
for A/Director of Services



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council  
Civic Offices, Clonmel,  
Co. Tipperary  
E91 N512

Comhairle Contae  
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Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council  
Civic Offices, Navagh,  
Co. Tipperary  
E45 A389

t 0815 06 5000  
@customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

**Our Ref:**  
**TUD-22-076**

**Your Ref:**

**Date**  
**1st June 2022**

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

**WARNING LETTER**

SECTION 152 PLANNING AND DEVELOPMENT ACT 2000 (as amended)

**Re: Development at Coolagarranroe, Burncourt, Co. Tipperary**

Dear Sir/Madam

It has come to the attention of the Planning Authority that unauthorised development consisting of:

- **The removal of trees and infilling of the lands within folio TY47177F with imported crushed stone to provide vehicular access with turning area and parking area.**

may have been, is being or may be carried out by you at, **Coolagarranroe, Burncourt, Co. Tipperary.**

Please note that in accordance with Section 152, subsection 4 (b) of the Planning and Development Act 2000 (as amended), you may make submissions or observations in writing to the Planning Authority regarding the above, not later than **4 weeks from the date of service of this Warning Letter.**

This letter is a Warning Letter issued under Section 152 of the Planning and Development Act 2000 (as amended) and a decision in relation to enforcement under Section 153 will be taken in due course having due regard to any representations made by you **within the 4 week** period specified above.

Please note that an Enforcement Notice requiring the cessation, demolition or discontinuance of the development may be issued if the Planning Authority considers that unauthorised development may have been, is being, or may be carried out.

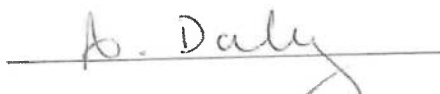
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In addition to these penalties, any costs reasonably incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person to whom an Enforcement Notice is issued or where Court Action is taken.

Yours faithfully

  
for Director of Services

**William O'Donnell**  
**2 Coolnanave**  
**Mitchelstown**  
**Co. Cork**



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

Tipperary County Council,  
Civic Offices, Clonmel,  
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Civic Offices, Nenagh,  
Co. Tipperary

E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie

tipperarycoco.ie

**Our Ref:**  
**TUD-22-076**

**Your Ref:**

**Date**  
**1<sup>st</sup> June 2022**

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

**WARNING LETTER**

SECTION 152 PLANNING AND DEVELOPMENT ACT 2000 (as amended)

**Re: Development at Coolagarranroe, Burncourt, Co. Tipperary**

Dear Sir/Madam

It has come to the attention of the Planning Authority that unauthorised development consisting of:

- **The removal of trees and infilling of the lands within folio TY47177F with imported crushed stone to provide vehicular access with turning area and parking area.**

may have been, is being or may be carried out by you at, **Coolagarranroe, Burncourt, Co. Tipperary.**

Please note that in accordance with Section 152, subsection 4 (b) of the Planning and Development Act 2000 (as amended), you may make submissions or observations in writing to the Planning Authority regarding the above, not later than **4 weeks from the date of service of this Warning Letter.**

This letter is a Warning Letter issued under Section 152 of the Planning and Development Act 2000 (as amended) and a decision in relation to enforcement under Section 153 will be taken in due course having due regard to any representations made by you **within the 4 week** period specified above.

Please note that an Enforcement Notice requiring the cessation, demolition or discontinuance of the development may be issued if the Planning Authority considers that unauthorised development may have been, is being, or may be carried out.

Please further note that officials of the Planning Authority may at all reasonable times enter onto the lands for the purposes of inspection.

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In addition to these penalties, any costs reasonably incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person to whom an Enforcement Notice is issued or where Court Action is taken.

Yours faithfully

---

for Director of Services

**William O'Donnell**  
**2 Coolnanave**  
**Mitchelstown**  
**Co. Cork**



**POTTER & FINN**  
**Chartered Consulting Engineers**  
Architects, Surveyors & Loss Assessors

Kevin T. Finn B.E., C.Eng., MBA., BCL

Our Ref: ODW 23-06  
Your Ref:

Kingston Close

Mitchelstown

Co. Cork P67 EY97

Mobile: 086-3822427

email: [PotterAndFinn@gmail.com](mailto:PotterAndFinn@gmail.com)

Date: 10<sup>th</sup> October 2025

<b>Planning Department</b> <b>Tipperary County Council (TCC)</b> <b>Civic Offices</b> <b>Emmet Street</b> <b>Clonmel</b> <b>Co. Tipperary</b> <b><u>Planning@TipperaryCoCo.ie;</u></b> <b><u>customerservices@tipperarycoco.ie;</u></b>		Cc: William O'Donnell No 2, Coolnanave Mitchelstown Co. Cork
--	--	---

**Re: Alleged unauthorised development at site at Coolagarranroe Burncourt Cahir Co. Tipperary.**

**My Client: William O'Donnell - site at Coolagarranroe Burncourt Cahir Co Tipperary**

Dear Sirs

I act for the above client in this matter and enclose herewith a Section 5 application to exempt development works on the land at **Coolagarranroe Burncourt Cahir Co Tipperary.**

In making this referral, it is accepted that the works constitute development. However it is Clients position that the works carried out comprise exempted development under Section 8B and 8C of the Planning & Development Regulations 2001-2024 as amended.

Land reclamation and drainage works comprising the recontouring of an area of agricultural land by: The stripping of topsoil to a depth of 0-50mm or thereabouts, and placing drainage stone on the area of land to a depth of 0 - 20cm or thereabouts, and replacement of the topsoil on the area of land, all carried out within the farm holding. The area of the land/farm holding in question is 0.46 hectares. The are of land over which the land reclamation works took place is a strip of land variously 5 - 10m wide adjacent to a drainage ditch along the boundary, having an area of 0.15 hectares or thereabouts.

I understand also that a representative of TCC met with Mr O'Donnell on site at Mr O'Donnell's request at or about the time of the initial warning letter, that Mr O'Donnell explained the nature and extent of the drainage/reclamation works being carried out and that TCC's representative indicated

general satisfaction that the works comprised drainage/reclamation works to overcome wet conditions and drainage problems evident on the land adjacent to the southern boundary at the time.

I enclose the following:

Site Layout Map - Scale 1:500.

Site Location map taken from Google Maps (Not to any scale)

Receipt for fee of €80.00

Please acknowledge receipt.

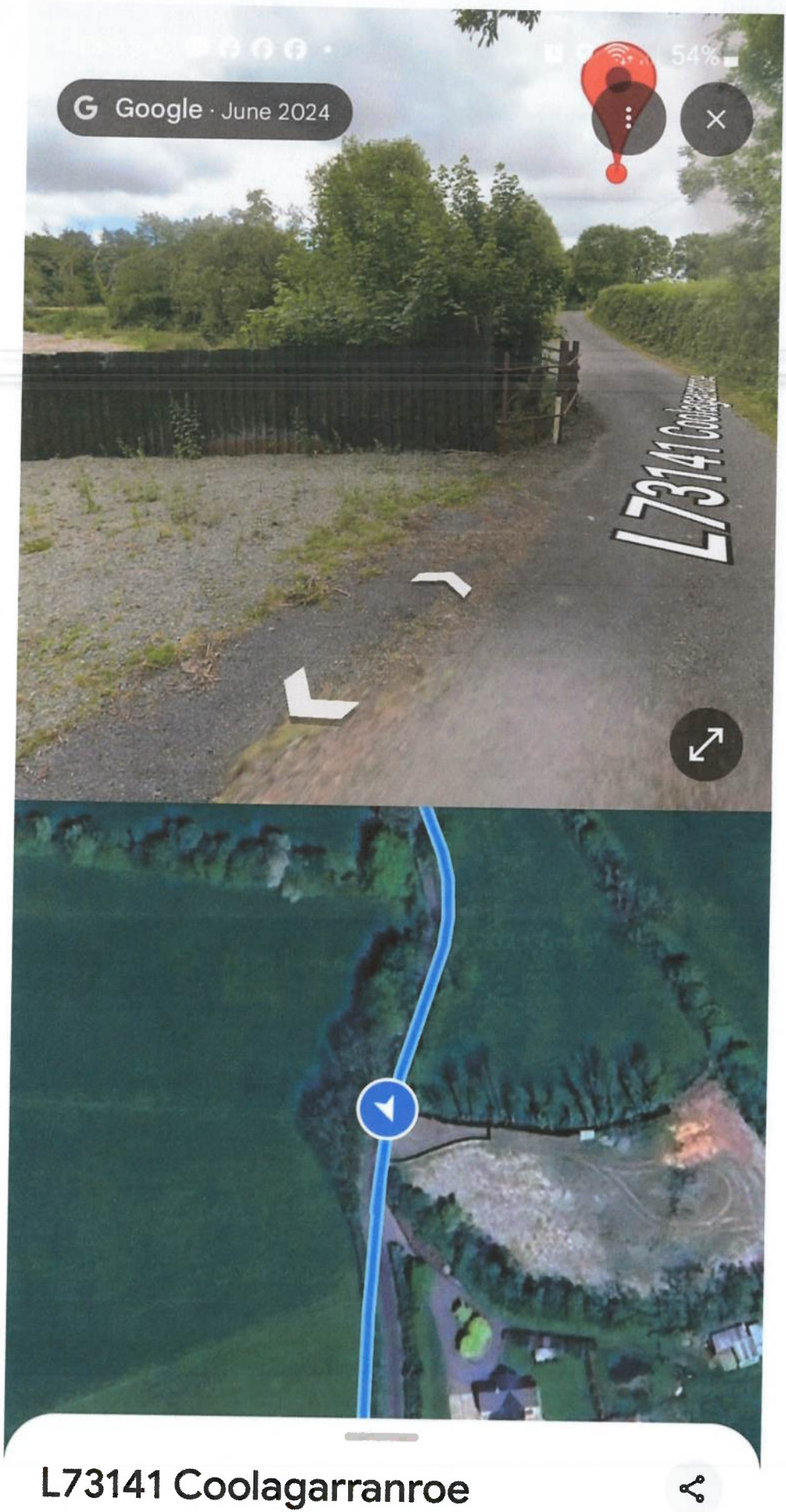
Yours faithfully

A handwritten signature in black ink that reads "Kevin T. Finn". The signature is written in a cursive style with a horizontal line underneath the name.

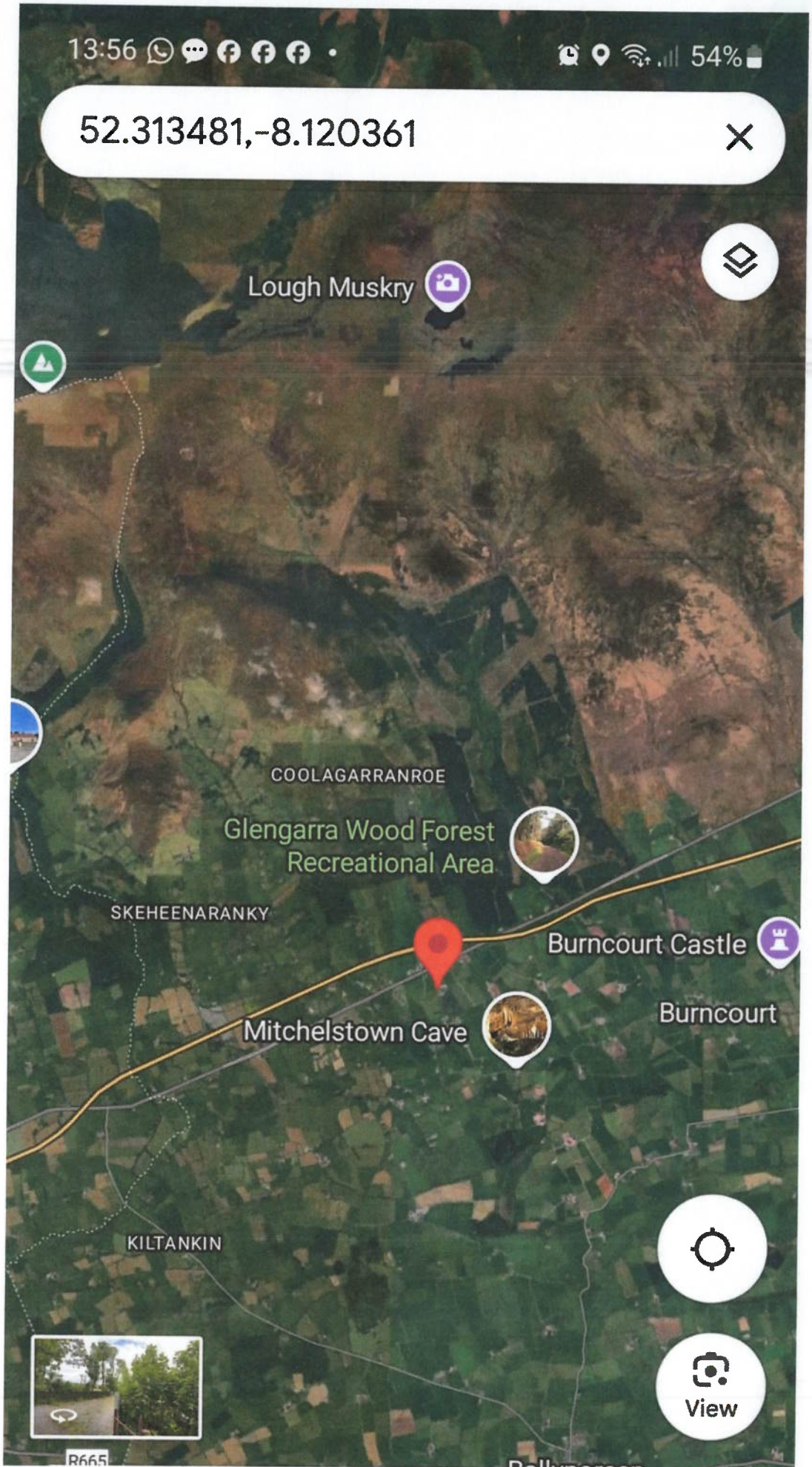
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Kevin T. Finn.

Site Location  
Map



Site Location  
Map





Comhairle Contae Thiobraid Árann  
Tipperary County Council

**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration  
Development/ Exempted Development**

1. **Applicant's address/contact details:**

<i>Applicant</i>	WILLIAM O'DONNELL
<i>Address</i>	NO. 2 COOLNANAVE MITCHELSTOWN CO CORK
<i>Telephone No.</i>	C/O 086-3822427
<i>E-mail</i>	POTTERANDFINN@GMAIL.COM

2. **Agent's (if any) address:**

<i>Agent</i>	KEVIN T FINN,
<i>Address</i>	POTTER & FINN CHARTERED CONSULTING ENGINEERS KINGSTON CLOSE MITCHELSTOWN CO CORK P67EY97
<i>Telephone No.</i>	086-3822427
<i>E-mail</i>	POTTERANDFINN@GMAIL.COM
<i>Please advise where all correspondence in relation to this application is to be sent:</i>	
Applicant <input type="checkbox"/> Agent <input checked="" type="checkbox"/> YES	

3. **Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	COOLAGARRANROE, BURNCOURT CO TIPPERARY
--	---

**4. Development Details:**

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Land reclamation and drainage works comprising the recontouring of an area of agricultural land by: The stripping of topsoil to a depth of 0 - 50mm or thereabouts, and placing drainage stone on the area of land to a depth of 0 - 20cm or thereabouts, and replacement of the topsoil on the area of land, all carried out within the farm holding.
Proposed floor area of proposed works/uses: 0.25 hectares

**5. Legal Interest of Applicant in the Land or Structure:**

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Agent  
Signature of Applicant(s) Karin T. Purn

Date: 09th October 2025

**Note:** If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

**POTTER & FINN**  
**Chartered Consulting Engineers**  
Architects, Surveyors & Loss Assessors

Kevin T. Finn B.E., C.Eng., MBA., BCL

Kingston Close

Mitchelstown

Co. Cork P67 EY97

Mobile: 086-3822427

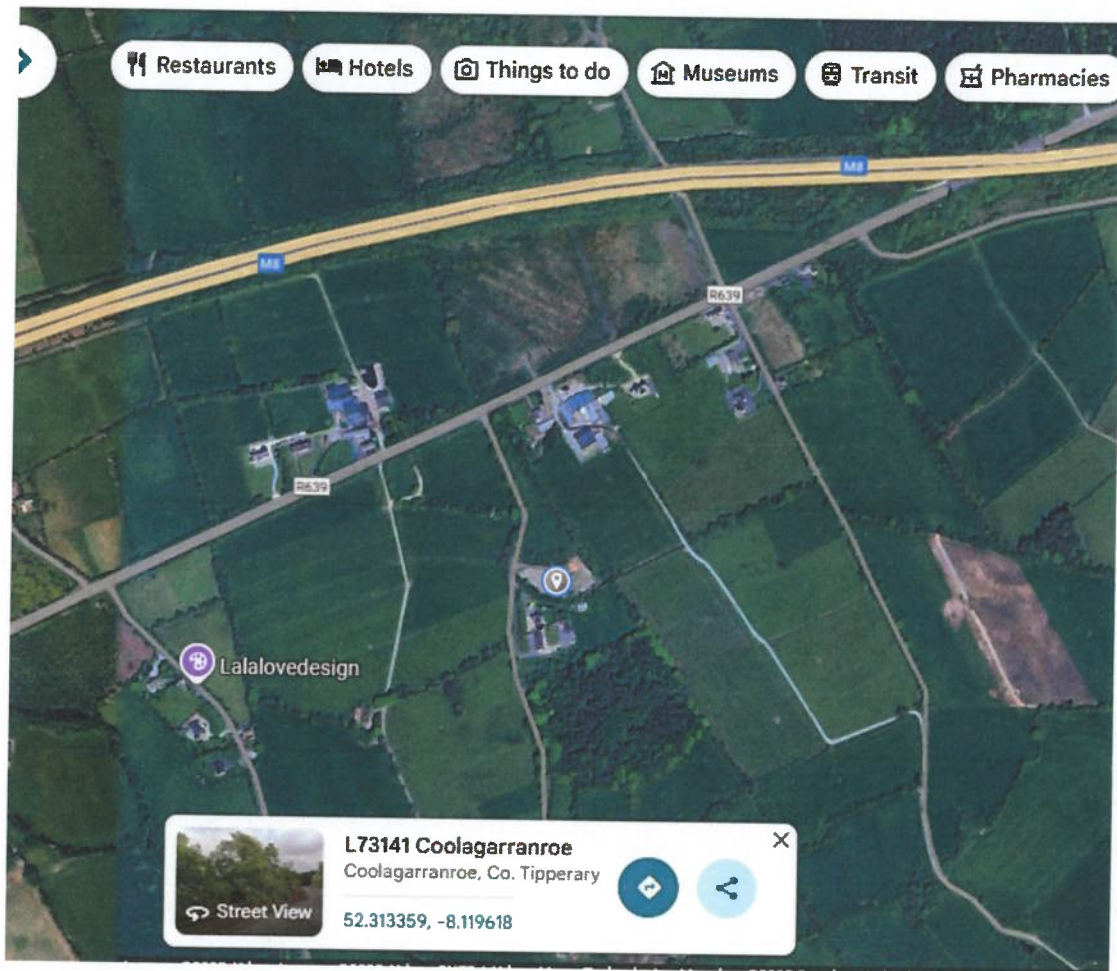
email: [PotterAndFinn@gmail.com](mailto:PotterAndFinn@gmail.com)

Our Ref: ODW 23-06  
Your Ref:

Date: 25th November 2025

Re: Section 5 Application - Exempt development at site at Coolagarranroe Burncourt  
Cahir Co. Tipperary

Applicant/Appellant: William O'Donnell - No 2, Coolnanave Mitchelstown Co. Cork.



William O'Donnell Coolagarranroe - Figure 1.

Kevin T. Finn.

**William O'Donnell Coolagarranroe - Figure 2.**



William O'Donnell Site

Drainage direction from site.

Drainage ditch indicated by faint blue line.



William O'Donnell Site

Drainage direction indicated by blue lines.

**William O'Donnell Coolagarranroe - Figure 3.**



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
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Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary

E91 N512

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Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

E45 A099

t 0818 06 5000/6000  
e customerservice  
@tipperarycoco.ie

tipperarycoco.ie

Date: 4<sup>th</sup> November 2025

Our Ref: S5/25/131

Civic Offices, Nenagh

William O'Donnell  
C/O Kevin Finn  
Potter & Finn  
Kingston Close  
Mitchelstown  
Co. Cork

**Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.**

Dear Mr Finn,

I refer to your application for a Section 5 Declaration received on 10<sup>th</sup> October, 2025 in relation to the following proposed works:

**Whether land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil on the area of land, all carried out within the farm holding is development and if so, does it constitute exempted development at Coolagarranroe, Burncourt, Co. Tipperary.**

**WHEREAS** a question has arisen as to whether the proposed development is or is not exempted development:

**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 8 of the Planning and Development Regulations 2001 (as amended)
- the details pertaining to the development as set out by the querist.

**Tipperary County Council has concluded that**

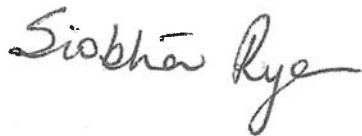
- The subject site does not constitute a farm holding,
- Inert stone, a waste material was imported onto the site for the purposes of land reclamation,
- the development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
- The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

**Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes "development" within the meaning of the Planning and Development Act 2000 but **"does not constitute exempted development"**.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



---

for **Director of Services**

**POTTER & FINN**  
**Chartered Consulting Engineers**

Architects, Surveyors & Loss Assessors

Kevin T. Finn B.E., C.Eng., MBA., BCL

Our Ref: ODW 23-06

Your Ref: TUD 23-195

Kingston Close

Mitchelstown

Co. Cork P67 EY97

Mobile: 086-3822427

email: PotterAndFinn@gmail.com

Date: 13th December 2023

<b>Tipperary County Council</b> <b>Planning Department</b> <b>Civic Offices</b> <b>Clonmel</b> <b>Co. Tipperary</b> <a href="mailto:customerservices@tipperarycoco.ie">customerservices@tipperarycoco.ie</a> ;	Cc: William O'Donnell No 2, Coolnanave Mitchelstown Co. Cork	
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**Re: Alleged unauthorised development at site at Coolagarranroe Burncourt Cahir Co. Tipperary.**

Dear Sirs

I refer to your Warning Letter of 24<sup>th</sup> November 2023 re alleged development at the above site at Coolagarranroe Burncourt Cahir Co. Tipperary, which Mr. O'Donnell has now furnished to me to address on his behalf. .

I confirm on Mr O'Donnell's behalf that he intends to regularise matters at the site and apply for any permissions which may be necessary as soon as possible after Christmas. You might therefore allow me until the end of January 2024 to visit the site and respond fully and address any matters arising on foot of your Warning letter of 24<sup>th</sup> November 2023.

I trust that this will be satisfactory

Please acknowledge receipt.

Yours faithfully

*Kevin T. Finn*

---

Kevin T. Finn.

**POTTER & FINN**  
**Chartered Consulting Engineers**

Architects, Surveyors & Loss Assessors

Kevin T. Finn B.E., C.Eng., MBA., BCL

Kingston Close

Mitchelstown

Co. Cork P67 EY97

Mobile: 086-3822427

email: [PotterAndFinn@gmail.com](mailto:PotterAndFinn@gmail.com)

Our Ref: ODW 23-06

Your Ref: TUD 23-195

Date: 29th December 2023

Tipperary County Council (TCC) Planning Department Civic Offices Clonmel Co. Tipperary <a href="mailto:customerservices@tipperarycoco.ie">customerservices@tipperarycoco.ie</a>	Cc: William O'Donnell No 2, Coolnanave Mitchelstown Co. Cork	
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**Re: Alleged unauthorised development at site at Coolgarranroe Burncourt Cahir Co. Tipperary.**

Dear Sirs

I refer to your letter of 20<sup>th</sup> December 2023, received on 29<sup>th</sup> December 2023 enclosing some documents in response to my correspondence request of 14<sup>th</sup> December 2023, thank you.

I received a copy of the following from you:

No.	Item Ref	Item Received	No. Of Pages
1	Planning Ref: P3 7920	Notification of Grant of permission, Dated 15 <sup>th</sup> January 1982	1
		Notification of Decision to Grant Permission, Dated 03 <sup>rd</sup> December 1981 (and conditions)	2
		Site Location Plan stamped Received 23 <sup>rd</sup> November 1981	1
2	Enforcement Ref: ENF 149/09	Enforcement Notice dated 30 <sup>th</sup> November 2010, addressed to Mr Noel Bradley 23 Primrose Street Waterside Derry Northern Ireland. 47BT2AW	2
		Warning Letter dated 10 <sup>th</sup> September 2010, addressed to Mr Noel Bradley 23 Primrose Street Waterside Derry 47BT2AW Northern Ireland.	2
		Warning Letter dated 12 <sup>th</sup> October 2009, addressed to Noel Kavanagh 23 Primrose Street Waterside Londonderry 47BT2AW Northern Ireland. (two copies)	2
		Warning Letter dated 21 <sup>st</sup> October 2009, addressed to Noel Bradley 23 Primrose Street Waterside	2

		Londonderry 47BT2AW Northern Ireland. (two copies)	
		Warning Letter <b>dated 12<sup>th</sup> October 2009</b> , addressed to <b>Noel Bradley, C/o Sullivan Waters &amp; Co Solicitors West End Mallow Co. Cork.</b>	2
3	Enforcement Ref: TUD -22-076	Warning Letter <b>dated 01<sup>st</sup> June 2022</b> , (No addressee noted) <b>Possibly</b> addressed to <b>William O'Donnell 2 Coolnanave Mitchelstown Co. Cork</b>	2
4	Enforcement Ref: TUD -23-195	Warning Letter <b>dated 24<sup>th</sup> November 2023</b> , addressed to <b>William O'Donnell 2 Coolnanave Mitchelstown Co. Cork</b>	2

Please confirm who the Warning letter of 01<sup>st</sup> June 2022 was addressed to, and forward a clean/full copy of that Warning Letter.

I note the Warning Letter of **10<sup>th</sup> September 2010** and Enforcement Notice of **30<sup>th</sup> November 2010** listed four items of alleged unauthorised development, briefly as follows:

1. Construction of hardstanding area on agricultural lands
2. Construction of metal hoarding variously 2.1 - 2.4 meters high.
3. Storage on lands of caravans/campervans.
4. Deposit of vehicles.

Please confirm/forward a copy:

- A. What response was received to the Warning Letter and furnish a copy.
- B. What response was received to the Enforcement Notice and furnish a copy.
- C. Whether the Enforcement Notice was proceeded with /followed up with court action.
- D. What the outcome was of the Enforcement Notice/Action and furnish a copy.
- E. Whether any court order was made in relation to the Enforcement Action and furnish a copy.
- F. Any note of any rectification works carried out, and confirm the nature and extent of same.

I note the Warning Letters of **12<sup>th</sup> October 2009** and of **21<sup>st</sup> October 2009** listed just one item of alleged unauthorised development, briefly as follows:

5. Construction of hardstand area on agricultural lands.

Please confirm/forward a copy:

- G. What response was received to the Warning Letter and furnish a copy.
- H. What the outcome was of the Enforcement Warning and furnish a copy.
- I. Any note of any rectification works carried out, and confirm the nature and extent of same.

I note the Warning Letter of **01<sup>st</sup> June 2022** listed just one item of alleged unauthorised development, (with two elements) briefly as follows:

6. Removal of trees and infilling of lands, allegedly to provide vehicular access with turning area and parking area.

Please confirm/forward a copy:

- J. What response was received to the Warning Letter and furnish a copy.
- K. What the outcome was of the Enforcement Warning and furnish a copy.
- L. Any note of any rectification works carried out, and confirm the nature and extent of same.

I note the Warning Letter of **24<sup>th</sup> November 2023** listed two items of alleged unauthorised development, (with two elements) briefly as follows:

7. Removal of trees and infilling of lands, allegedly to provide vehicular access with turning area/parking area.
8. Use of the site for storage of timber logs.

Please confirm/forward a copy:

- M. What initial response was received to the Warning Letter from or on behalf of Mr. O'Donnell and furnish a copy.

Please Please confirm/forward a copy:

Why a copy of the Warning Notice Ref: TUD-22-130 was not furnished and furnish a copy.

A full and complete copy of the full files in relation to the above is necessary in order to assess, address the issues raised in the Warning Letter of 24<sup>th</sup> November 2023 and regularise planning on the site, and a full response is deferred pending receipt.

I note the position in relation to:

and Planning application/permission Ref: 06562 (Liam Curtin) on the adjoining site.

and Planning application/permission Ref: P37920 (Robert Gardiner) on the adjoining site.

Please acknowledge receipt, and respond in early course.

Yours faithfully

*Kevin T. Finn*

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Kevin T. Finn.