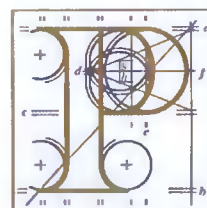


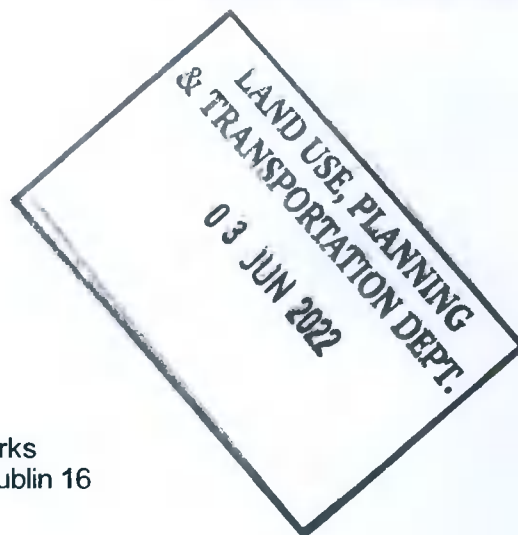
**Our Case Number:** ABP-313705-22

**Planning Authority Reference Number:** SD22A/0076



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



**Date:** 02 June 2022

**Re:** Construction of tea rooms and all associated site works  
O'Neills Tea Rooms, Cruagh Road, Rathfarnham, Dublin 16

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

**Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.**

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaio Áitiúil</b>	<b>LoCall</b>	1890 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Riomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313705-22) the request at 1 on page 1 of this letter has been forwarded.

**Signed:** \_\_\_\_\_

**Print:**( \_\_\_\_\_ )

**Date:** \_\_\_\_\_

Yours faithfully,



\_\_\_\_\_  
Liam Halpin

Direct Line: 01-8737280

BP07

**Teil**  
**Glaó Áitiúil**  
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D01 V902 D01 V902

Frank O'Gorman  
The Farmyard  
Cruagh Road  
Rathfarnham  
Dublin 16

AN BORD PLEANÁLA	
LDG- <u>OSU205 - 22</u>	
ABP- _____	
01 JUN 2022 O K	
Fee: € <u>1500</u>	Type: <u>CASH</u>
Time: <u>16.35</u>	By: <u>HAND</u>

30<sup>th</sup> May 2022

**Re: Appeal against Planning Permission Refusal by South Dublin County Council**

**Reference: SD22A/0076**

**Development Location: O'Neill's Tea Rooms, Cruagh Road, Rathfarnham, Dublin 16**

Dear An Board Pleanála,

As the applicant in respect of application SD22A/0076 I would like to make a first party appeal against the decision by South Dublin County Council to refuse permission for the Tea Rooms proposed on my lands at Cruagh Road. Firstly, I would like to note on review of the Planners Report to the Chief Executive of SDCC, which I had to request as it has not been made publicly available on the SDCC planning portal on 5 may only on Portal 10 days later, that the majority of the Internal Staff and External Body reports that SDCC sought request that Further Information be submitted by the Applicant as follows:

- Roads Section – Additional Information recommended or conditions to be attached in the event of a grant.
- Parks Department - Additional Information recommended.
- Surface Water Drainage – Additional Information recommended.
- Irish Water – Referred to EHO who deem development suitable with conditions
- Environmental Health – Acceptable subject to conditions.
- Heritage Officer – recommend refusal

I was never given the opportunity by SDCC to provide further information to my application which appears to run contrary to the request of the above bodies and also hugely increases my costs in respect of the applications.

### 1. History of Tea Rooms

There is extensive Planning History to this site going back to 1800s. The tearooms were remodeled in the 1920s using the existing walls as per the existing site walls now in situ, with the owners installing wooden Nissan Huts acquired from the Curragh after Internment ended 1924, on top of the existing walls. The tea rooms operated and were lived in until the mid 1960s when a large snowfall brought down the mid-section roof after our family had purchased this site and an adjoining farm. There is several articles re the Tearooms as per planning application mentioned.

## 2. Relevant Planning History

SDCC note in Planners Report:

Adjacent sites: ED12/0020: Cruagh, Rathfarnham, Dublin 16.  
Illegal forest road site and other works.  
Decision: SDCC Cannot Determine.  
ABP. 06S.RL.3048. : Appeal Dismissed.

RE "Decision: SDCC Cannot Determine."

Decision was SDCC managers orders PR / 571 / 22. I suggest ABP contact the Environmental Protection Agency regarding the extensive remedial works completed and the fact the confirmation has been provided by SDCC that the file is closed. An Bord Pleanála and the EPA gave direction that remedial works should be carried out by SDCC and after several visits and heavy machine work in certain areas then EPA and SDCC wrote that remedial works were fully completed.

My Father sold these lands and immediately thereafter lorries of illegal infill was brought in by the new owners. I made a complaint to SDCC environmental and lorries stopped for a month and then started again with SDCC overseeing and investigating at same time. I was alerted by Michael Mc Coy Tragically deceased, he explained to me that an ED SEC 5 was being taken with no sign or Newspaper notice required and no contact re same from SDCC, and SDCC would not make me aware of such a move as it was a well-worn path by County Council's to bring enforcements to an end.

With the knowledge and help Michael offered me then, and for the many more years after with this Site Debacle we had to procure reports, site visits, sample, meetings with senior officials SDCC, Greata Hannigan of Rivers, ED section 5s and on first meeting with Michael Mc Coy suggested we submit my own Parallel ED section 5s against the ED put in by the local perpetrators and we won. Retention attempts were made after my complaint, which resulted in more contact with EPA more meetings samples reports. The EPA took over after ABP directions given to remove ALL" infill and on it went not to mention the costs and time and frustration we had, after all this with the ins and outs of the planning and environmental shenanigans that Michael explained to me was unfolding before my eyes as happens throughout the country when lay Persons try to protect areas of Outstanding natural beauty. I can only suggest ABP goes on site Visit.

RE: ABP. 06S.RL.3048. PAE . 2006 / 473 : Appeal Dismissed.

Appeal dismissed relates to my appeal against SDCC. Michael Mc Coy and I went to court on the day and were startled when the solicitor of the Law section of SDCC got up and stated that all directions by ABP to the EPA to return to agricultural condition was complete.

I stood up and said nothing as such was done and the Judge asked who I was and I explained I was the Complainant regarding the Infill and the adjoining landowner where infill in the guise of a forest road was put through my lands in an attempt at adverse possession. As I was not a party to the case as SDCC brought the case (even though I was the original complainant to SDCC and the EPA) the Judge informed me as I was not a Party to the case I could not speak and the SDCC solicitor proceeded to advise all works were complete and that the case could be closed which the Judge agreed with.

**As written in the Planners Report it reads as if there is active enforcement and a failed appeal on the case file when in fact there is no active enforcement on the site.**

### **3. Relevant Enforcement History**

SDCC noted live enforcement per E reference NF S7710. This is not related to the current planning application but the reading the planners report one would think it was. This has nothing to do with the Tearooms Planning Application.

The widening access to public has always been there as side entrance to the existing yard.

Previous to this the same yard has been under enforcement for not having planning permission for keeping of chickens, 2 pigs and 3 goats which when I wrote into to SDCC that they forgot about the 50 sheep (I have a herd number for all animals) they eventually dismissed the enforcement as the site has always been a farm.

Before that I had allowed Walk in Walkinstown to erect a Polly Tunnel for Down Syndrome clients to grow potted plants and received an enforcement notice, as the enforcement was to Walk in Walkinstown not me, they left my farm, I believe SDCC was a client of Walk In.

### **4. Pre-Planning Consultation**

Some of the issues previously with SDCC in regards this Tearoom site made me uneasy to approach them for a pre planning consultation.

### **5. Relevant policy in south Dublin County council development Plan 2016 2022 housing**

My Family have owned the lands and significant adjoining since 1964, I live locally and farm locally and am the one trying to protecting the area against the deprivations of local vested interests while trying to make an honest living in the area I come from.

### **6. Heritage and ecology Parks and Landscaping EHO Services and Drainage**

If the site is an area of outstanding natural beauty why is SDCC not protecting the surrounding areas, at the far north end of the site of same site APB 2006 direction, recent huge infill quantities have since been brought in, a shed was put up in this H area and I complained but SDCC insured retention.

During the middle of the Covid pandemic it was nonstop and the new shed was taken down and another huge shed building several times bigger has been built without again seeking planning Permission, the whole area has been cemented as a yard and tarmacked roads without attempting to apply for planning permission. Huge Piping has been put in 2 meter wide to divert streams, walls have been built to contain more infill, it never stops right to river. Where is the concern From SDCC Heritage or Environment Planning?

I wrote to An Taisce and include there reply .

### **7. Roads**

It is a very quiet road and at weekends arrive hundreds of cyclists that reduce car speed.

I went to compare proposed junction to a Road Junction outside Rock brook Park school down the hill which is continuous traffic negotiating a serious 3-way junction at extreme angles which SDCC have no concerns about. Dublin Bus actually has a Terminus there outside Rock brook Park School

There also a rat run from Tallaght side on mount Venus's road to R116 Junction then into an extreme turn at Rock brook Park School to continue on twisting road to Marley and Lambs Cross to Stillorgan dual carriageway with no problems,

There is Pitches rented out by Rock brook school all weekend nonstop, up to 11pm each evening during week at this junction. There's the GAA and Cemetery entrance on to continues white line on this same mount Venus Road Rat run.

Cruagh Cemetery has very little sight lines.

At Tearooms about 2% of this traffic lower down Rock brook Road is what we are talking about and the junction proposed at my tea room is far less dangerous. I don't intend to want or allow Tour Busses or minibuses into tearooms, I am not greedy as I want to use the area as is mainly walkers' cyclists and Car Day Trippers only to maintain beautiful Tree lined Entrance, I come from here.

### **8. Heritage & Ecology**

Heritage ecology state Tearooms is in H area and needs to be protected, I agree. Where were these people of SDCC when Environmental SDCC oversaw thousands of lorries bring in infill to my complaint into an H area. When my father owned these lands, it was beautiful swampy lands full of mosses and frogs by the Millions.

### **9. Access and road Layout**

Planners report says site served by existing entrance which is permanently barricaded which gives the lie that it is blocked. It is not there is a Boom and then a Gate to allow me to get to my lands. The reason I put the boom there was there has been 3 attempts to permanently block my access to Tearooms location by local vested interests attempting to gain my land.

- First Blockage, the Gate was stolen and full 30 tons of mixed infill was dumped at tearoom entrance. 30/5/16
- Several weeks later another 30 tons of mixed infill bricks, broken cement tar soil was dumped on top of gates, gate posts attempted ripped out of foundations. 21/7/16
- 1 year later 30 tons of industrial cement was dumped at entrance and I had to hire a Hymac track vehicle with rock breaker to remove. 22/11/ 16 All reported to Garda
- When I made Original Complaint to SDCC my father was the owner of Tearooms and when I stated the illegal infill forest roadway was going through my Land SDCC stated there is no lands in my name on west side of river, and after several years of this infill Debacle my Father Gifted Tearooms to me as he was tired of all this.

In agreement with local forestry management, I installed a boom at my expense with again further gate behind attached wrought iron original entrance. The Boom was to stop any more lorries being able to reverse and Tipp load to block my access which never happened before these 3 attempts to lock me out as then it could be said I never utilized the Land in an attempt to gain adverse possession. Both local forestry management and I have keys to boom and Gate.

In conclusion I can only ask that anything ABP needs to come to a Decision on the actual Facts of reality on the Ground I would supply by way of further information.

Frank O Gorman

