

FILE NOTE

22/08/2003

**Area Inspected :** Forestry Lands – Mr. Tom Donohue, Cruagh Road  
**Date of Visit :** 22 August 2003  
**Time of Visit :** 11:00  
**Personnel Present** Stuart Roche Environmental Services - SDCC  
Tom Donohue Landowner Edmondstown Rd. Rathfarnham  
01 4935722 087 2538809  
**Purpose of Visit** On request from Tony Donnelly in Planning re FireBreak/Access Road through Forestry Lands – Permit may be required.  
**Type of Waste** C&D waste – bricks and rubble, subsoil, soil and gravel.

**Comments:** Met Tom Donohue at the site at 11am to discuss the activities being carried out off the Cruagh Road. Mr. Donohue has a 12 acre, young forest site. In order for insurance cover and to provide access for tree maintenance, he intends to create a route or roadway through the lands. This access route is essential to prevent any possible fires that may occur and also for future treatment of the young trees. The road-way will consist of construction waste such as bricks, blocks and subsoil. Quarry gravel will then be laid as layer over the fill. The road will be approximately 1 mile in total and will extend through various directions through the forest. Mr. Donohue is a contractor, **Tom Donohue Plant, Rathfarnham**, and will be bringing in the fill material himself. I stressed the importance of inert material being used and a record kept as to the origin of each load deposited. Mr. Donohue replied that the material is not "waste to him" and questioned as to the validity of the Waste Permit Regulations applying to his activity. I informed him that the activity will indeed require a Waste Permit and that all further activity must cease immediately on the site. There is currently 4 or 5 loads of materials deposited at the entrance to the forestry and a small amount of gravel. (see photos) Mr. Donohue informed me that he had a valid Waste Collection Permit. I contacted Vincent Gleeson in Dublin City Council who informed me that Mr. Donohue had applied on 10/7/03 and the Collection permit should be granted by end of October. I informed Mr. Donohue that I would send an application for a Waste Permit in the post and outline the requirements needed in the accompanying letter. Mr. Donohue accepted that if a permit is required then he would make the necessary application. He also stressed that "another Kilakee would not happen as he would be bringing in each load himself personally" and that consideration would be given to the residents in the area as he is one himself. He also agreed not to import any more fill material until further advised by South Dublin County Council. The activities involved are Exempted development under Planning and Development Act, 2000 – Section 4 –(1)(1) of Part 1.

*Stuart Roche - 22/8/03*

Colour Tinted Paper - White - DSG000190

SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CHONTAE ÁTHA CLATH THEAS

Halla an Chontae  
I Ár an Bhaile. Tamlacht  
Baile Átha Cliath 24  
  
Telefon: +353 1 414 9000  
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Environmental Services  
Department  
County Hall  
Town Centre, Tallaght  
Dublin 24  
  
Telephone: +353 1 414 9000  
Fax: +353 1 414 9261

25 August 2003

Tom Donohue  
Edmondstown Road  
Rathfarnham  
**Dublin 16**

Dear Sir,

**Re: Waste Management (Permit) Regulations 1998 (SI 165 of 1998)**

We refer to activities currently being carried out through forestry lands on the Cruagh Road. The activities involved are classified as recovery activities under the Fourth Schedule of the Waste management Act, 1996. In previous visits to the site by South Dublin County Council personnel we have established that the main operation being carried out is the creation of an access route/roadway through the forest. However this activity is also considered to be waste recovery since materials being used are construction and demolition wastes including subsoil, concrete, bricks and blocks. This being the case, the activities would require a waste permit under the Waste Management (Permit) Regulations to be issued by South Dublin County Council. A copy of the waste permit application form is enclosed. Details of information to be submitted with the application are outlined in the form. In addition we also request that details of all sources used for the imported material be included.

The Waste Management (Permit) Regulations 1998, provide for the granting of waste permits by Local Authorities in respect of specified waste disposal and recovery activities such as those being carried out on your lands. A prosecution for operating without a waste permit may be taken under Section 39 of the Waste Management Act, 1996. While we are processing the application, we request that **all activities on site cease until further notice**. As you are no doubt aware, there has been considerable concern raised throughout Ireland recently over all landfill operations. We would therefore appreciate your urgent attention to these matters and thank you for your co-operation.

If you have any queries regarding the above please contact Stuart Roche at extension 4239 or email [sroche@sdblincoco.ie](mailto:sroche@sdblincoco.ie)

Yours sincerely,

**John Kearney**  
A Senior Engineer  
Environmental Services

SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

Hall an Chontae  
Lár an Bhaile, Tamhlacht  
Baile Átha Cliath 24



Environmental Service:  
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30 June 2004

Tom Donohue  
Edmondstown  
Rathfarnham  
Dublin 16

**Re: Waste Management (Permit) Regulations 1998 – Permit No. WPR 040**

Dear Sir

We refer to a site inspection carried out by authorised officers at your facility on Monday 28<sup>th</sup> June 2004. From the inspection a number of issues have arisen which may lead to breaches of the conditions attached to your permit – WPR 040.

- There is evidence of deterioration of the culvert used at the entrance to the forest. This culvert must be repaired or replaced in order to cater for any incidents of excess flooding which may have an adverse affect to the surrounding environment.
- The storage of topsoil is permitted for later use, however it must be kept a sufficient distance from the watercourse that runs adjacent to the land. We would recommend a distance of at least 20 metres from the river to prevent undue silting of the riverbed.
- The importation of bitumen based road chippings to the site is not permitted. The material acceptable at the site is outlined clearly under Condition 4.1 of your permit.
- Condition 6.7 state that forestry guidelines in relation to water quality, forestry harvesting, firebreak installations and the environment must be complied with. Further inspections will be carried out with officials from the Planning department here in South Dublin County Council and also officers from Coillte to determine fully if these forestry guidelines have been breached.

Please ensure that the above issues are addressed to fully comply with all the conditions of permit WPR 040. In the event of any breach of permit WPR 040, the permit may be suspended or revoked.

Should you have any queries regarding the above please don't hesitate to contact our offices.

Yours sincerely,

**John Kearney**  
Senior Executive Engineer  
Environmental Services

Colour Ticker Paper White DEC000100

—Original Message—

From: Dunne, Seamus

Sent: 01 December 2005 11:50

To: 'Jennifer Murphy'

Subject: RE: S4461 - Cruagh Road, Rockbrook, Rathfarnham, Dublin 16.

Jennifer

I visited the site with Tony Donnelly, SDCC Inspector, yesterday and he asked me to email him some information regarding a normal road for harvesting.

Can you pass on this email to him please.

The works observed yesterday are not consistent with Forest Road development for a number of reasons

Material type used

Normally coarse stone with a crushed stone dressing is used  
In this instance builders rubble and soil was used which is totally inadequate/unacceptable.

Material Volume used

The volume of material was wholly excessive in terms of the depth of material brought into the site some of which ended up as banks on either side of the road. This would impede traffic from the forest to the road. The material was stacked in some areas over 2 m high which would also impede traffic. Normally organic soil would be stripped and approx 0.3m depth of base coarse with a surfacing would be spread.

Road layout density and length

The normal density for forest roads in their development stage is 7 linear metres per hectare and forests at harvesting stage 20 linear metres per hectare. The density here is far in excess of both these figures. In a small forest of this size it would not be unusual that there would be a small layby for loading timber and no other road development or a very short road through the middle of the plantation. Forest roads are rarely around the edge as they will then only serve one side

Road width

Normally formation width of 5.5m and a carriageway of 3.4 m  
The road in Cruagh bellowed out to almost 40m at one point.

Timber Extraction

There is no timber for extraction on this site and won't be for some years.

In summary I have no hesitation in stating that the works in this forest can not be described as a forest road in any normal sense of the term

For further information see Forest Road scheme in Forestry Schemes Manual (Forest Service 2003) or Forest Road Manual - Guidelines for the design construction and management of Forest Roads (Tom Ryan et al, COFORD 2003)

Best Regards

Seamus Dunne  
Forestry Inspector

Calculating Ticket Dates White DCC000100

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SOUTH DUBLIN COUNTY COUNCIL  
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

Roinn Seirbhísí Comhshaoil,  
Halla an Chontae,  
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Environmental Services Department  
County Hall  
Tallaght, Dublin 24  
Telephone: 01-414 9000  
Fax: 01-414 9334

Idirlíon: [www.southdublin.ie](http://www.southdublin.ie)  
SMS: cccounter - 086 173 1707

Website: [www.southdublin.ie](http://www.southdublin.ie)  
SMS: cccounter - 086 173 1707

11<sup>th</sup> May 2007

Tom Donohue  
Edmondstown  
Rathfarnham  
Dublin 16

**Re: Waste Management (Permit) Regulations 1998 – Permit No. WPR 040**

Dear Sir

We refer to a site inspection carried out by authorised officers at your facility on Tuesday 1<sup>st</sup> May 2007. From the inspection a number of issues have arisen which may lead to breaches of the conditions attached to your permit – WPR 040.

- There is evidence of materials namely metal within the filling of the access track other than filled material 17 01 01, 17 01 02 and 17 05 04 as specified in the permit.
- Sections of track ways exceed the 5 meters in width of filling which were proposed in the filling widths of the permit.

Please ensure that the above issues are addressed to fully comply with all the conditions of permit WPR 040. In the event of any breach of permit WPR 040, the permit may be suspended or revoked.

Should you have any queries regarding the above please don't hesitate to contact our offices.

Yours sincerely,

**John Kearney**  
Senior Executive Engineer  
Environmental Services

## Our refs S4741 & S4461- lands at Cruagh, Rathfarnham, Dublin 16.

From: **Mairead Hunt** (mhunt@SDUBLINCOCO.ie)  
Sent: 24 January 2012 16:00:57  
To: Frank O'Gorman (frankogorman@hotmail.com)  
Cc: Marie Malone (mmalone@SDUBLINCOCO.ie)

Dear Mr O' Gorman,

Further to previous correspondence in relation to the above matter, I wish to advise you as follows;

Following the initiation of legal proceedings in the Dublin Circuit Court in relation to the unauthorised development on the above lands, the land owners commenced removal of all unauthorised materials from the lands.

These works were monitored by South Dublin County Council.

Following completion of these works, the Planning Authority is satisfied that all unauthorised materials have been removed from the lands.

Accordingly, the legal proceedings in relation to the unauthorised development were struck out on 19<sup>th</sup> December 2011.

Yours sincerely,

Mairead Hunt

**Mairead Hunt** Administrative Officer Planning Department South Dublin County Council  
County Hall Tallaght, Dublin 24 ☎ +353 1 4149000 📠 +353 1 4149104

Stop running water! Use 10% less now, or we could all run into trouble - see <http://bit.ly/lgEw4G>  
[you tube]

## Lands at Cruagh

From: **Leo Magee** (Imagee@SDUBLINCOCO.ie)

Sent: 12 September 2011 16:05:01

To: Frank O'Gorman (frankogorman@hotmail.com)

Cc: Frank Nevin (fnevin@SDUBLINCOCO.ie); Mairead Hunt (mhunt@SDUBLINCOCO.ie); Joe Horan (jhoran@SDUBLINCOCO.ie); d.flynn@epa.ie

Mr O' Gorman,

I wish to acknowledge receipt of your emails of both Friday September 9<sup>th</sup> and today's date, addressed to the County Manager Joe Horan. I wish to respond to the queries raised as follows –

1. The work being carried out by Mr Donohue is necessary to comply with the terms of the EPA notice of advice and recommendations under Section 63 of the EPA Act, dated 24 March 2010. The extent of the work necessary has been discussed and agreed with Mr Donohue by South Dublin County Council's planning and waste enforcement sections.
2. The work being carried out on site B is necessary to achieve compliance with the conditions of the waste permit WPR 040, as per the recommendations of the EPA, and involves the removal of surplus soil from this site.
3. The court proceedings are adjourned to 17 October 2011.
4. As per 3 above, these proceedings are adjourned to 17 October 2011.
5. I cannot comment on the dispute around land ownership, however I would comment that you have advised in the past that Mr Donohue has placed fill material on your land in breach of WPR 040. If this is the case then it will be necessary for him or his agents to enter onto your lands to remove that material, if compliance with the permit is to be achieved. Entry onto lands for this purpose should only take place with the consent of the land owner.
6. As you are aware South Dublin County Council has issued proceedings against Mr Donohue under Section 160 of the Planning and Development Act 2000.
7. It had been my intention to carry out a site inspection today and issue a reply to you before the close of business, as I have now done.

Leo Magee,

Senior Engineer,

Environmental Services.

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**From:** Frank O'Gorman [mailto:frankogorman@hotmail.com]

**Sent:** 12 September 2011 09:56

NEW YARD AND INFILL <sup>LARGE</sup> PIPING CEMENT  
ARB OBS RL 3048 TARMAC

You forwarded this message on Mon 16/05/2022 08:41

AP Andrew Parkes <parkes.andrew39@gmail.com>  
To: You

← ⏪ → ...  
Wed 03/03/2021 15:24

Resending in narrower format:

To Frank O'Gorman

Your email of February 17th has been considered in our Committee and we have received a report on the works that are being carried out beside the existing shed on Mr. Heavey's land. We are not intending to take up this matter.

If you consider that the works are not exempted development, you can draw them to the attention of the Council and/or use the procedure for seeking a declaration under Section 5 of the Planning and Development Act, with which you are familiar.

Regards,

Andrew Parkes, for the Planning Sub-committee,  
An Taisce South County Dublin Association

On Wed, Mar 3, 2021 at 1:56 PM Frank O'Gorman <frankogorman@hotmail.com> wrote:  
can you send again as i can not read all

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**From:** Andrew Parkes <parkes.andrew39@gmail.com>  
**Sent:** Wednesday 24 February 2021 17:55  
**To:** Frank O'Gorman <frankogorman@hotmail.com>  
**Subject:** Re: Works at Cruagh "Site B"

To Frank O'Gorman

Your email of February 17th has been considered in our Committee and we have received a report on the works that are to take up this matter. If you consider that the works are not exempted development, you can draw them to the attention of the Planning and Development Act, with which you are familiar.

Regards,

Andrew Parkes, for the Planning Sub-committee,  
An Taisce South County Dublin Association



**RE: w040**

From: **Jennifer McGrath** (jmcgrath@SDUBLINCOCO.ie)  
Sent: 28 February 2008 11:27:42  
To: frank ogorman (frankogorman@hotmail.com)  
Cc: Dermot Finch (dfinch@SDUBLINCOCO.ie)

Frank,

Could you send me your address and I will post the requested map ie the map included in the Waste Management Application WPR040.

Jennifer McGrath

Executive Engineer

Environmental Services

South Dublin County Council

Tel:4149150 ext 4239



Please consider the Environment before printing this email.

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**From:** frank ogorman [mailto:frankogorman@hotmail.com]  
**Sent:** 26 February 2008 00:08  
**To:** Jennifer McGrath  
**Cc:** Dermot Finch  
**Subject:** RE: w040

Hi Jennifer

I am again again again and again fed up requesting the map of planning permission of actual roadway route of dump granted by SDCC by way of waste permit w040 to T Donahue to determine if the material dumped on far south of site B on OUR lands was sanctioned by SDCC or did T donahue take/took it upon himself to dump on OUR lands. This is to be removed and we are at this stage fed up wondering and going around in slow circles trying to deal with both T Donahue and SDCC where to send the bill for cleanup. Please send me on the map so that we can eliminate somebody.

Frank O Gorman

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From: frankogorman@hotmail.com  
To: jmcgrath@sdblincoco.ie  
Subject: RE: w040  
Date: Tue, 17 Jul 2007 13:18:16 +0000

Hi Jennifer

As per my phone call before I collected file requesting if all info I asked for was given. Your suggestion that all I requested is being given is not correct. There is no maps. I again request all that is in file and can only once again go and bring what I have with me to see what I am missing. Telling me that the pile that I requested has been given is not correct.  
Frank O Gorman

## **FW: Lands at Cruagh, Rockbrook, Dublin 16 - PAE2006/473**

From: **Thomas Sexton** (T.Sexton@epa.ie)  
Sent: 01 February 2012 10:17:57  
To: Frank O'Gorman [frankogorman@hotmail.com] (frankogorman@hotmail.com)  
(frankogorman@hotmail.com)

**From:** Thomas Sexton  
**Sent:** 31 January 2012 12:48  
**To:** Frank O'Gorman [frankogorman@hotmail.com] (frankogorman@hotmail.com)  
**Subject:** RE: Lands at Cruagh, Rockbrook, Dublin 16 - PAE2006/473

Dear Frank,

South Dublin County Council's correspondence was not entirely to the satisfaction of the Agency. South Dublin County Council was requested today to provide the Agency with further information not later than Friday 10 February 2012. The Agency will, on receipt, consider the response and revert to you in due course.

Regards,

Thomas

**Thomas Sexton**

Inspector

Environmental Enforcement (Dublin)

**Environmental Protection Agency, Regional Inspectorate.**

McCumiskey House, Richview, Clonskeagh Road, Dublin 14, Ireland

Tel: +353 1 268 0100 | Fax: +353 1 268 0199

(No subject)

Frank O'Gorman <frankogorman@hotmail.com>

Tue 31/05/2022 18:54

To: Frank O'Gorman <frankogorman@hotmail.com>

**From:** Planning - Enforcement <Planenforcement@SDUBLINCOCO.ie>

**Sent:** Tuesday 16 July 2019 09:44:21

**To:** Frank O'Gorman

**Subject:** RE: Scanned Document

Dear Mr O Gorman,

There was no Enforcement notices served under File ref S7710 ( file is still open)

There was no enforcement notices served under file ref S7051

The alleged unauthorised development was in relation to the use of the yard and structures on the property for the housing of poultry, goats and pigs which may not conform with Classes 6,7,8 & 9 of Part 3 Exempted Development -Rural of the Planning & Development Regulations 2001(as amended)  
The file was closed 27/12/2012 as it was deemed there was no unauthorised development taking place.

Yours sincerely

P Davis

Planning Enforcement

**From:** Frank O'Gorman <frankogorman@hotmail.com>

**Sent:** Tuesday 18 April 2017 10:07

**To:** Barry.Coad@coillte.ie <Barry.Coad@coillte.ie>; dworrall@sdblincoco.ie <dworrall@sdblincoco.ie>

**Subject:** Tearooms Cruagh

Hi David

Just connecting with e mail re our meeting on site last week re SDCC clearing infill from entrance to Tearooms when we make Paint and erect Steel Boom along roadway over next two weeks at my Cost will call you when near completion for Dumped infill to be removed.  
Your suggestion of self contained, concealed camera I am looking into.  
Frank O Gorman

**om:** Frank O'Gorman <frankogorman@hotmail.com>

**Sent:** Wednesday 16 March 2016 13:19

**To:** Bernadette Kenny <bernadettekenny@sdblincoco.ie>

**Subject:** Exempted development section 5

Hi Bernie

As requested a covering letter for my Exempted Development Section 5

The Shed being rebuilt is from the Damage caused by snow storm in 2010 which brought down one wall and roof on roadside Shed along with bringing down all the roofs on all sheds in both our Yards which was claimed against FBD insurance and which our claim was paid out by FBD and we replaced all roofs in 2012 except shed on roadside as drains were blocked across road which meant water backed up into shed and had weakened walls and undermined a tree which also collapsed against shed which also further weakened wall which wall and roofs came down in Snow Storm and had to be removed but this roadside shed could not be replaced as water from drains and road were being diverted into shed as drains were blocked and was impossible to rebuild until SDCC had resolved the Problem which took 4 years for SDCC to act.

There is now a new drainage system put in place by SDCC late last year which by passes blocked

drain and now allows water to flow away without backing up into this roadside shed and I have now, only being able to rebuild the wall and re roof roadside shed.

I dont need Planning permission to rebuild an existing agricultural Shed but I am now forced to apply for an EXempted Development Section 5 after receiving an Crazy enforcement notice from SDCC stating that I do. RefS.7710

There is no new entrance onto Cruagh Road from my Lands

There has been no widening of access to Cruagh Road from my lands

Frank O gorman

**From:** Frank O'Gorman <frankogorman@hotmail.com>

**Sent:** Tuesday 12 June 2012 11:19

**To:** deshenry@walk.ie <deshenry@walk.ie>

**Subject:** Complaint

Des

The Problem is Tunnell is within 100 metres of a House without approval from household.

So Lets save the situtation by putting our heads together.

No Panic as we have 4 weeks, then they will give decision within another 4 weeks then we have another 4 weeks to taake to An Bord Pleanala , But really lets put this to bed.

There is no View lost from his downstairs as kitchen view is below and his own fence blocks tunnell.

So there you Go

Frank

rank O'Gorman <frankogorman@hotmail.com>

**Sent:** Wednesday 17 April 2013 15:21

**To:** colinryan@sdublincoco.ie <colinryan@sdublincoco.ie>

**Cc:** mmalone@sdublincoco.ie <mmalone@sdublincoco.ie>

**Subject:** Ref S7051

Dear Mr. Ryan,

in reply to your email dated 18 February 2013, I wish to clarify that there was no material change of use concerning the building over the past 100 years. There was no planning permission required as it was prior 1963. In addition, I did not demolish the building and am not rebuilding, but rather repairing the building.

I hope that this clarifies the situation. Thanking you

Frank o Gorman

**From:** Frank O'Gorman <frankogorman@hotmail.com>

**Sent:** Friday 16 September 2011 20:03

**To:** seamus.dunne@agriculture.gov.ie <seamus.dunne@agriculture.gov.ie>

**Subject:** FW: Lands at Cruagh Requesting SDCC report

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From: D.Flynn@epa.ie

To: frankogorman@hotmail.com

Date: Tue, 13 Sep 2011 16:06:48 +0100

**FW: Ref:-Circuit Court Case2011/04513.**

Frank O'Gorman <frankogorman@hotmail.com>

Wed 23/05/2012 17:25

To: [directorgeneral@epa.ie](mailto:directorgeneral@epa.ie) <[directorgeneral@epa.ie](mailto:directorgeneral@epa.ie)>

Bcc: [liam-joseph.cashman@ec.europa.eu](mailto:liam-joseph.cashman@ec.europa.eu) <[liam-joseph.cashman@ec.europa.eu](mailto:liam-joseph.cashman@ec.europa.eu)>

Even though there was no Permission for works done up to 2007 and had been refused retention and declared Not Exempted development by An Bord Pleanala and the works agreed by EPA and SDCC and Tom Donahue and carried out sept to Oct 2011 had no Planning Permission just an in house agreement between EPA SDCC and T Donahue Judge struck out even though this was a Planning case,

I will be putting in to SDCC another Ex Dev section 5 to ascertain whether works agreed with SDCC and T Donahue without applying for planning Permission is ex Dev and to confirm that the Bords direction in 2007 is confirmed and direction all Infill to be Removed including my land and State Lands.

Frank O Gorman

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From: [frankogorman@hotmail.com](mailto:frankogorman@hotmail.com)

To: [jhoran@sdublincoco.ie](mailto:jhoran@sdublincoco.ie); [securemail@beauchamps.ie](mailto:securemail@beauchamps.ie); [lmagee@sdublincoco.ie](mailto:lmagee@sdublincoco.ie); [mhunt@sdublincoco.ie](mailto:mhunt@sdublincoco.ie); [officeoftheceo@courts.ie](mailto:officeoftheceo@courts.ie); [jmcgrath@sdublincoco.ie](mailto:jmcgrath@sdublincoco.ie); [mcoleman@sdublincoco.ie](mailto:mcoleman@sdublincoco.ie); [mmalone@sdublincoco.ie](mailto:mmalone@sdublincoco.ie)

CC: [d.howley@epa.ie](mailto:d.howley@epa.ie); [liam-joseph.cashman@ec.europa.eu](mailto:liam-joseph.cashman@ec.europa.eu)

Subject: Ref:-Circuit Court Case2011/04513.

Date: Sun, 5 Feb 2012 18:43:19 +0000

Frank O Gorman Greyfort,  
Cruagh Rd,  
Rockbrook,  
Dublin 16.

Ref:-Circuit Court Case2011/04513.

SDCC v Thomas Donohue, Adrian Donohue and Tomas Donohue

I hereby give notice to J Horan ( SDCC ), Mairead Hunt ( SDCC ), Leo Magee ( SDCC ), Thomas Donohue (c/oBeaucamp Solicitors), that I intend to make representations to the Court dated 13th February 2012 in connection with Circuit Court case2011/04513.

Matters of concern:-

Waste Permit Ref:SDCCWPR - 040 granted 1<sup>st</sup> Feb 2004.

a)Why works are continuing on Site B dated 1st and 3rd Feb 2012.SDCC having stated that the case was struckout on the 19<sup>th</sup>December 2011.

b)Why any material was dumped by Thomas Donohue on my land without my permission under WPR040.

c) Failure to call me/ The Complainant as an expert Witness In connection with their decision to take this case(2011/04513) contravenes natural justice and has placed me at a severe disadvantage. SDCC were fully informed by me prior to this court case that material had been dumped on my land under WPR040 without my permission and that the development was unauthorised. This material has not been removed to date. The land has not been returned to its original condition, fencing has not been replaced which was damaged and covered over and a clean bill of health for the land has not been furnished tome.

E)The development carried out under WPR040 is unauthorised and requires planning Permission.

SDCC Sd06a/1002 2/7/2007 Refused Retention

SDCC ED07/0027 19/9/2007 Declared not exempted Development  
An Board Pleanala PL065S.RL.2485 29/5/2008 Declared Not Exempted Development  
SDCC SD08A/0676 16/10/2008 Declared Invald Application  
SDCC SD09A/0094 10/6/2010 Declared Withdrawn  
EPA PAE2006/473 Cruagh Mountain 24/3/2010 Remove Excess Material

Yours faithfully

Frank O' Gorman.

Subject: RE: Lands at Cruagh Requesting SDCC report

Dear Mr. O'Gorman,

I acknowledge your emails (3) to this office today. Following our discussion this afternoon, I've also now received your fax copy of the up-to-date folio maps, which are most useful to understanding the source of your concern regarding the situation at Cruagh. I am now fully familiar with your position on this aspect of the case.

As we discussed, the Agency has received and is now examining the recent report on this case by South Dublin County Council. We have also been copied on the Council's e-mail detailing their findings on what I understand was a site inspection conducted yesterday. We will be in contact with you following our determination on the matter. I am not currently in a position to give you a copy of the Council's report, as it is not be available for public release at this time.

As I explained on the phone, I am engaged on other matters for today and tomorrow. I expect to return to you on this matter before the end of this week.

With regards,  
David Flynn

**David Flynn**  
Manager  
Environmental Enforcement (Dublin)

Environmental Protection Agency, Regional Inspectorate,  
McCumiskey House, Richview, Clonskeagh Road, Dublin 14, Ireland  
Tel: +353 1 268 0100 | Direct: +353 1 268 0133 | Fax: +353 1 268 0199

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**From:** Frank O'Gorman [mailto:frankogorman@hotmail.com]  
**Sent:** 13 September 2011 09:53  
**To:** David Flynn  
**Subject:** FW: Lands at Cruagh Requesting SDCC report

Hi David

After reading Leo Magee E mail nothing has changed ,, on goes this charade.

I would like you to Forward me E mail report from SDCC you recieved on fri 9sept , or scan and email or I can collect same ,today, as on reading then I can reply to Both.

Can you also confirm time on thurs if Possible or fri morning to meet me to show you Site B for you to understand frustration with SDCC that i have encountered ,

Leo magee E mail is same old story you can come to your own conclusions for EPA.

Frank

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Subject: Lands at Cruagh  
Date: Mon, 12 Sep 2011 17:07:48 +0100  
From: Imagee@SDUBLINCOCO.ie

To: frankogorman@hotmail.com  
CC: fnevin@SDUBLINCOCO.ie; mhunt@SDUBLINCOCO.ie; jhoran@SDUBLINCOCO.ie; d.flynn@epa.ie

Mr O' Gorman,

I wish to acknowledge receipt of your emails of both Friday September 9<sup>th</sup> and today's date, addressed to the County Manager Joe Horan. I wish to respond to the queries raised as follows –

1. The work being carried out by Mr Donohue is necessary to comply with the terms of the EPA notice of advice and recommendations under Section 63 of the EPA Act, dated 24 March 2010. The extent of the work necessary has been discussed and agreed with Mr Donohue by South Dublin County Council's planning and waste enforcement sections.
2. The work being carried out on site B is necessary to achieve compliance with the conditions of the waste permit WPR 040, as per the recommendations of the EPA, and involves the removal of surplus soil from this site.
3. The court proceedings are adjourned to 17 October 2011.
4. As per 3 above, these proceedings are adjourned to 17 October 2011.
5. I cannot comment on the dispute around land ownership, however I would comment that you have advised in the past that Mr Donohue has placed fill material on your land in breach of WPR 040. If this is the case then it will be necessary for him or his agents to enter onto your lands to remove that material, if compliance with the permit is to be achieved. Entry onto lands for this purpose should only take place with the consent of the land owner.
6. As you are aware South Dublin County Council has issued proceedings against Mr Donohue under Section 160 of the Planning and Development Act 2000.
7. It had been my intention to carry out a site inspection today and issue a reply to you before the close of business, as I have now done.

Leo Magee,  
Senior Engineer,  
Environmental Services.

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**From:** Frank O'Gorman [mailto:frankogorman@hotmail.com]  
**Sent:** 12 September 2011 09:56  
**To:** Joe Horan; Leo Magee; Mairead Hunt; Frank Nevin; fnevin@southdublincoco.ie  
**Cc:** d.flynn@epa.ie  
**Subject:** Urgent reply needed

Dear Mr Horan,  
I wish to inform you that Mr Donohue has been carrying out development works on Site A and Site B at Cruagh Rd. Rathfarnham, Dublin 16.

I would be grateful if you can clarify the following:

- (1) Please state if SDCC have given permission to Mr Donohue to carry out such works.
- (2) In view of the fact that SDCC have initiated Circuit Court Proceedings against Mr T Donohue, and the fact that the Court has not ruled on this case please state why Mr Donohue is carrying out development works on Site B.
- (3) I wish to be informed immediately when the next hearing date and time for the Circuit Court case between SDCC v Mr Tom Donohue. (Site B)
- (4) I would also like to be informed if Site A is being processed in the District or Circuit Court and wish to be informed what is the current situation with regard to Site A and when the next hearing date is due.
- (5) I would like to inform you that the Gardai were called on Friday 9th September to instruct Mr Donohue that he was carrying out unauthorised works on my land. He was also informed that he was trespassing on my land without any authorisation from me.
- (6) Both Sites A and B have been Refused Retention by an Bord Pleanála and direction given, with no action



(No subject)

Frank O'Gorman <frankogorman@hotmail.com>

Tue 31/05/2022 18:13

To: Frank O'Gorman <frankogorman@hotmail.com>

From: Dermot Finch <dfinch@SDUBLINCOCO.ie>

Sent: Friday 3 August 2007 11:29

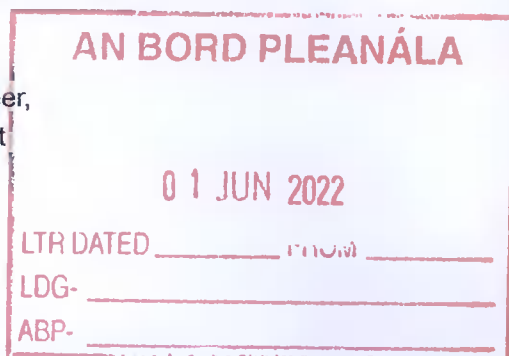
To: frank ogorman <frankogorman@hotmail.com>

Subject: RE: - Cruagh area

Mr. Frank O'Gorman,

1. South Dublin County Council has written to Mr. Donohoe seeking clarification on the ownership of the land around the "tea rooms". We have also written to him in relation to the width & depth of the fill material in the forest roads.
2. We are a bit confused in relation to Liffey Oils which we understood was on Mr. Powers land. We have therefore asked Planning to investigate his Planning Permission(s) or lack of them. Your attached E-mail seems to indicate that we should be investigating Mr. Donohue in relation to Liffey Oils not Mr. Power?
3. All alleged illegal dumps in the area are being investigated once we can establish the landowners which is not an easy task.

Dermot Finch,  
Senior Engineer,  
Environment



om: frank ogorman [mailto:frankogorman@hotmail.com]

Sent: 31 July 2007 14:21

To: Dermot Finch

Subject: RE: - Cruagh area

Hi Dermot

In file w040 it clearly shows owners for all lands includeing the tea rooms which is in my farthers name not mine.

hope this confirms actual conversation we had.

What about W040 permit giving permission to dump on my fathers land that J Kearney approved and you gave extentions to for 2006/ 2007 as other SDCC emploies were handing out enforcement notices.

We want copy of w040 map of roads permitted. again as discussed.

In fact your report recently states a little metal was found , but what about sticking to forest guidelines of 5.5 metres wide and 30ml deep as was part of conditions of w040.

Date: Mon, 30 Jul 2007 14:38:17 +0100

From: dfinch@SDUBLINCOCO.ie

Subject: Re:- Cruagh area

To: frankogorman@hotmail.com

Mr. Frank O'Gorman,

Further to our telephone conversation this morning and points raised by you:-

1. SDCC cannot find any land registered to you beside Donohoe permitted forest site. The only land registered to you is the field behind your house with the old quarry on it.
2. We are still trying to trace the ownership of the land just over the bridge beside the stream where dumping of clay allegedly took place.
3. We have asked Planning to check if Mr. Power has planning permission for the yard & diesel storage facilities at the back of his house.

Dermot Finch