HPLG-734-2019
REC'D 8/7/19

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Maria Bailey
The Chairperson,
Committee Planning Housing and Local Government
Dail Eireann,
Leinster House.
Kildare Street,
Dublin 2.

04.07.2019

Re: An Post decision to move to an Unauthorised Development at Thurles Shopping Centre, Slievenamon Road, Thurles, Co. Tipperary.

Dear Ms Bailey,

Thurles shopping centre has been served with an enforcement letter by Tipperary County Council. (See warning letter attached.)

In light of the decision of An Post, a semi state body to relocate to this building, I believe this relocation cannot take place until the unauthorised developments are regularised.

It amazes me that An Post have no regard for our planning laws and have ignored the warning letter and are presently working away on an unauthorised development.

This is a massive waste of money and I am asking you to investigate why a semi state body could behave in this way.

It is also contra to Government Policy. Plan 2040 proposes re-generation of our town centres and An post are moving their business out of town.

It also sets a dangerous precedence. If An Post a semi-state body shows no regard for the Planning and Development Act, how can you expect anyone else to?

I hope you can be of assistance in this matter.

Yours sincerely

Hugh Ryan
Registered Architect

2019 Registered Architect RIAI Hugh Ryan Member No. 14058

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Tipperary County Council

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

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Our Ref:	Your Ref:	Date
TUD-19-066		30th May 2019

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

WARNING LETTER

SECTION 152 PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Re: Development at Slievenamon Road & Kavanagh Place, Thurles, Co. Tipperary

Dear Sir/Madam

It has come to the attention of the Planning Authority that unauthorised development consisting of non-compliance with **Condition Nos. 1, 8, 14 and 17** of **Planning Permission 06/54/0032** under which planning permission was granted conditionally for **extension and expansion of the existing retail units to include, 16 new commercial units, extensions and alterations to existing units, a cafe and outdoor eating area, a covered street, a four screen cinema, a medical centre, office accommodation, totem signage, a new service yard and loading bay, a new service entrance and revisions to existing entrance, a Four level multi storey car park, amenity space and river walk, demolition of existing sheds, and all associated site works**, may have been, is being, or may be carried out by you at **Slievenamon Road and Kavanagh Place, Thurles, Co. Tipperary.**

The said development has not been carried out in conformity with the said **Condition Number 1** attached to Planning Register Reference **06/54/0032**, in that:-

- **The development has not been constructed in accordance with the drawings and documentation submitted to the Planning Authority**

The said development has not been carried out in conformity with the said **Condition Number 8** attached to Planning Permission Reference **06/54/0032** in that:-

- **Vehicular access has not been restricted to emergency vehicles only from the development onto Kavanagh Place**

The said development has not been carried out in conformity with the said **Condition Number 14** attached to Planning Permission Reference **06/54/0032** in that:-

- **Additional signage erected without the written agreement of the Planning Authority.**

The said development has not been carried out in conformity with the said **Condition Number 17** attached to Planning Permission Reference **06/54/0032** in that:-

- **Landscape scheme has not been completed in accordance with drawings submitted to the Planning Authority.**

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 from 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 served, or against whom Court Action is taken.

Yours faithfully

for Director of Services

Management
Thurles Shopping Centre
Slievenamon Road
Thurles
CO. TIPPERARY