

# Comhairle Chontae Atha Cliath Theas

**PR/0046/23**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22B/0159      **Application Date:** 14-Apr-2022  
**Submission Type:** Additional      **Registration Date:** 08-Dec-2022  
Information

**Correspondence Name and Address:** Jong Kim, AKM Design Unit 6, Kingswood Business Centre, 4075 Kingswood Road, Citywest, Dublin 24

**Proposed Development:** Retention of alterations to dwelling including single storey pitched roof extension to the rear; dormer attic extension to the front and rear roof; single storey extension to the front and internal changes to the layout and associated site works.

**Location:** 7, Mountdown Park, Dublin 12

**Applicant Name:** Billy Sheehan

**Application Type:** Retention

(CS)

### **Description of Site and Surroundings:**

Site Area: Stated as 0.036 Hectares.

#### Site Description:

The site is located in an established residential area at Mount Down Park, a street located off Limekiln Road. The site contains a dormer style semi-detached dwelling in a mid-row location. The dwellings in the immediate vicinity are of similar design and with a mainly uniform building line.

### **Proposal:**

The application for **retention** consists of the following:

- **Retention** of single storey pitched roof extension to the rear (35sq.m.).
- **Retention** of dormer attic extensions to the front and rear (77sq.m.).
- **Retention** of single storey front extension (1sq.m).
- **Retention** of associated site works.
- **Retention** of a total internal floor area of 113sq.m.

### **Zoning:**

The subject site is subject to zoning objective RES - 'To protect and/or improve Residential Amenity'.

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### **SEA Sensitivity Screening**

No overlap indicated.

### **Consultations:**

*Irish Water* – **Additional Information** recommended.

Surface Water Drainage – **Additional Information** recommended.

### **Submissions/Observations /Representations**

A number of submissions in objection were received

Concerns raised relate to the following:

- Out of character with neighbouring dwellings in the vicinity.
- No. 7 now has a significant adverse impact on visual amenity.
- As currently constructed it is obtrusive to its immediate neighbours.
- Concerns regarding the existing sewer pipe which is connected to the councils sewerage system on the main road.
- Owners of houses upstream of No.7 have had to hire drainage companies to address blockages created by No.7.
- Raw sewage oozing up through numerous gardens is continuing which is a health hazard.
- No. 7 has built over a sewer access point at the rear.
- Sewerage system is now being compromised by the overdevelopment of the site.
- Concrete and waste concrete etc. is making its way into the drainage system as a result of the unauthorised works.
- Odour of foul water and effluent is pervasive.
- Separation distances between No.7 and the neighbouring No.5 have been compromised where there are now issues with overshadowing.
- Overdevelopment of the site, size, scale and overbearing impact of the building is having a significant adverse impact on neighbouring properties.
- The applicant seeking permission was issued an Enforcement Notice which is still live.
- Overlooking and overshadowing.
- There is a balcony to the front which contributes to overlooking.
- Devaluation of neighbouring properties in the vicinity.
- No permission was sought for an obtrusive high powered floodlighting system which is in regular use.
- Damage reported to neighbouring property while works were taking place.

The objection/s and submission/s lodged with the application have been considered in the overall assessment of the development

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### **Relevant Planning History**

**SD16B/0230:** 7, Mountdown Park, Manor Estate, Dublin 12.

Conversion of the existing garage which adjoins the house into a habitable room with a new bay window, a new utility and WC of 15sq.m to the rear of the garage, extension of the first floor dormer roof space over the existing garage comprising of 17sq.m of an additional bedroom and bathroom at first floor level, a new dormer window to the front and extensions of the dormer roof space to the rear and associated site and landscape works.

Decision: **GRANT PERMISSION.**

### *Adjacent sites*

**SD17B/0034:** 21, Mountdown Park, Manor Estate, Dublin 12.

(1) Relocation of the front entrance door, from side facing to front facing, a window is to be installed in the existing side facing front door location. (2) The replacement of the existing flat roof dormer on the front elevation, with a pitched roof dormer, with increased width, (5m internal width). (3) The construction of a pitched roof dormer, on the rear elevation, (6.14m internal width). (4) The inclusion of a 1 roof window to the rear roof pitch.

Decision: **GRANT PERMISSION.**

### **Relevant Enforcement History**

S8534: Live case remains open.

### **Pre-Planning Consultation**

None indicated for subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2016-2022**

#### ***Policy H18 – Residential Extensions***

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

**H18 Objective 1:** To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

#### ***Section 11.3.3 Additional Accommodation***

##### ***Section 11.3.3 (i) Extensions***

***House Extension Design Guide, South Dublin County Council Planning Department (2010)*** referenced in the South Dublin County Council Development Plan 2016-2022

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### **Relevant Government Guidelines**

*Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government (2008).

*Quality Housing for Sustainable Communities-Best Practice Guidelines*, Department of the Environment, Heritage and Local Government, (2007).

### **Assessment**

The main issues for assessment relate to the following:

- Zoning and Council Policy,
- Residential & Visual Amenity,
- Services and Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

### ***Zoning and Council Policy***

The site is located in an area which is zoned 'RES' 'To protect and/or improve residential amenity.' It is considered that the application for retention is permitted in principle subject to compliance with the SDCC Development Plan 206-2022.

### ***Residential & Visual Amenity***

*Single storey rear extension (34sq.m.)*

The extension has a pitched roof and is finished with parapet walls on either side to the adjoining properties. The elevation to the rear has a glazed gable component. At c.8.5m the extension extends the full width of the existing dwelling. The extension projects outwards from the main rear building line of the existing dwelling by c.4.5m. The ridge height of the extension measures c.4m and the parapet wall finish has a height of c.3.4m. It is noted that the applicant states in their cover letter submitted that the extension is similar to the plans submitted under SD16B/0230 however the roof was originally proposed to be a flat roof whereas now the application is seeking retention for a pitched roof. The extension integrates reasonably well with the character of the existing dwelling and with the character of the local area. The extension does not have a significant adverse impact on residential and visual amenity.

### ***Front Dormer***

At c.8.3m the front dormer spans almost the full width of the existing dwelling. It will be inset either side of adjoining properties by c.0.1m. The dormer projects outwards from the roof by c.3.6m and has a flat roof. The floor to ceiling height is c.2.7 metres making the dormer habitable.

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The entire front dormer needs to be inset from the main gutter level so as to be visually more acceptable within the streetscape and avoid the impression of an extra storey. This inset only occurs on the southern side of the front dormer. Furthermore, the full length window on the front elevation of the front dormer is out of character with the predominant window form of front dormers in the street. This should be revised to a standard window to match the other windows on the front elevation. Further information is required on these issues.

### *Rear Dormer*

At c.8.5m the rear dormer spans the full width of the existing dwelling. The dormer projects outwards from the roof by c.3.6m and has a flat roof. The floor to ceiling height is c.2.7 metres making the dormer habitable. The extension integrates reasonably well with the character of the existing dwelling and with the character of the local area.

### *Single storey front extension*

The flat roof extension is built to the boundary with the immediate adjoining neighbour to the north (No.9 Mount Down Park). It projects outwards from the main front building line by c.2.3m and spans a width of c.5.2m. It has a parapet height of c.2.6m. To comply with *Sc.4 Front Extensions* of the *SDCC House Extension Design Guide 2010* building an extension more than 1.5m in front of the existing front wall of the house if there is a regular building line along the street should be avoided. In this instance although the front extension projects outwards from the main front building line by c.2.3m it is considered that the front garden is of an adequate size to accommodate the extension and to maintain a minimum driveway length of 6m as per the *SDCC House Extension Design Guide 2010*.

It is considered that the application seeking retention would not impact on the amenities of adjoining properties and the design elements are consistent with the pattern of development in the immediate area.

### *Services & Drainage*

Both Irish Water and Surface Water Drainage have issued reports recommending **Additional Information** be requested. It is also noted a number of submissions have been made outlining concerns regarding drainage in the area and on the subject site.

An extract taken from the Irish Water report states the following:

#### *1. Water*

*1.1 Submit a drawing showing the watermain layout for proposed development.*

*- All development shall be carried out in compliance with Irish Water Standards codes and practices*

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### *2. Foul*

*2.1 Carry out a CCTV Survey of foul drain/sewer network on site and submit CCTV report to Water Services of South Dublin County Council (SDCC). Such a CCTV survey shall be carried out in the presence of an SDCC official. Contact SDCC Water Services prior to CCTV survey being carried out to arrange for an SDCC presence on site during CCTV survey.*

*All development shall be carried out in compliance with Irish Water Standards codes and practices*

It is considered appropriate to request the above **additional information**.

An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report:      **Further Information Required:***

*1.1 Carry out a CCTV Survey of surface water network and submit CCTV report to Water Services of South Dublin County Council (SDCC). Such a CCTV survey shall be carried out in the presence of an SDCC official. Contact SDCC Water Services prior to CCTV survey being carried out to arrange for an SDCC presence on site during CCTV survey.*

*1.2 Include water butts as part of Sustainable Drainage Systems (SuDS) for the proposed development*

*Flood Risk Report:                      No objection subject to:*

*The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*

*All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

It is considered appropriate to request the above **additional information**.

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### ***Screening for Appropriate Assessment (AA)***

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### ***Screening for Environmental Impact Assessment (EIAR)***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Other considerations**

#### ***Development Contributions***

- Retention of residential extension 113sq.m.
- Assessable area is 113sq.m.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Retention of Residential Extension	113sqm
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.036ha

### **Conclusion**

Request **additional information** on the front dormer and the issues relating to Surface Water and Irish Water requirements.

### **Recommendation**

Request Further Information.

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### **Further Information**

- Further Information was requested on 08.06.2022
- Further Information was received on 08.12.2022

### **Further information**

The following Further Information was requested.

#### **Item 1: Service & Drainage Requirements**

a) The applicant is requested to carry out a CCTV Survey of surface water & foul drain/sewer network on site and submit CCTV report to Water Services of South Dublin County Council (SDCC). Such a CCTV survey shall be carried out in the presence of an SDCC official. Contact SDCC Water Services prior to CCTV survey being carried out to arrange for an SDCC presence on site during CCTV survey.

b) The entire front dormer needs to be inset from the main gutter level so as to be visually more acceptable within the streetscape and avoid the impression of an extra storey. This inset only occurs on the southern side of the front dormer. Furthermore, the full length window on the front elevation of the front dormer is out of character with the predominant window form of front dormers in the street. This should be revised to a standard window to match the other windows on the front elevation. The applicant is requested to submit revised drawings accordingly.

No submissions/observations on the further information have been made.

### **Further Consultations**

Surface Water Drainage – No report received.

Irish Water – No report received.

### **Further Submissions/Observations**

None.

### **Assessment**

#### **Item 1: Service & Drainage Requirements**

1(a). The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

##### **Item no. 1 Drainage**

The applicant made a new waste connection application to Irish Water. This was approved and the new connection on site was made by Irish Water. See enclosed plans showing a new manhole built in the front garden and the connection was made to the foul network by Irish water. The Irish Water Reference is CDS2100185501. A rainwater butt is added to the rear garden as an additional SUDs measure.



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**The submission was referred to Surface Water Drainage no response was received.** Therefore, standard drainage conditions should be attached in the advent of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

1(b). The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

Item no. 1 - Front Dormer

The applicant need to make immediate changes to the front elevation on foot of health and safety advice (removal of openable door from dormer). The previous door was replaced with a window due to safety concerns. We ask the planning authority to review the enclosed drawing and photo at appendix.



Front elevation to Moundown Park.

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The applicant has shown that the existing full length window and door will be replaced by a smaller window. However the applicant has not inset the whole front dormer from the main gutter/eaves level (by three tile courses) as requested so as to be visually more acceptable within the streetscape.

Therefore, in the event of a grant a **condition** shall be attached that, at the location beside the existing single storey front extension, the whole front dormer shall be set back by a least one tile course from the eaves providing continuity across the whole of the front elevation and these works shall be carried out within 6 months of the final grant date.

The continuity in tile coursing line required is illustrated with the red line below whereby the slope of the new roof tiles shall match the slope of the existing roof tiles.

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### Other Considerations

#### *Development Contributions*

- Development subject of this application for retention is 113sq.m.sq.m.
- Assessable area is 113sq.m.

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### Development Contributions

<b>Planning Reference Number</b>	SD22B/0159: Retention for residential extensions.
<b>Summary of permission granted &amp; relevant notes:</b>	
<b>Are any exemptions applicable?</b>	
<b>If yes, please specify:</b>	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	119.10
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€119.10
<b>Area of Development (m<sup>2</sup>)</b>	113
<b>Amount of Floor area, if any, exempt (m<sup>2</sup>)</b>	
<b>Total area to which development contribution applies (m<sup>2</sup>)</b>	113
<b>Total development contribution due</b>	€13,458.30

SEA Monitoring Information	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – warehouse extension	113sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.036

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### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development to be in accordance with submitted plans and details.  
The development shall be retained and completed fully in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 08/12/2022, save as may be required by other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. (a) External Finishes.  
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.  
REASON: In the interest of visual amenity.  
(b) Restriction on Use.  
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.  
REASON: To prevent unauthorised development.

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(c) Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to

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construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

### 3. Front Dormer.

The whole front dormer shall be set back by a least one tile course from the eaves providing continuity across the whole of the front elevation and these works shall be carried out within 6 months of the final grant date of permission. The continuity in the tile coursing line required is illustrated with the red line in the attached graphic in the Planning report. The slope of the new roof tiles shall match the slope of the existing roof tiles.

REASON: In the interest of visual amenity and preserving the character of the streetscape and in the interest of proper planning and sustainable development.

### 4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €13, 458.30 (Thirteen Thousand, Four Hundred and Fifty Eight Euros and Thirty Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

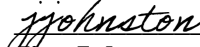


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**REG. REF. SD22B/0159**  
**LOCATION: 7, Mountdown Park, Dublin 12**

  
\_\_\_\_\_  
**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 13/01/23

  
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**Gormla O'Corrain,**  
**Senior Planner**