

# Comhairle Chontae Atha Cliath Theas

**PR/0140/23**

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

**Reg. Reference:** SD22B/0451      **Application Date:** 13-Oct-2022  
**Submission Type:** Additional      **Registration Date:** 17-Jan-2023  
Information

**Correspondence Name and Address:** Jill Noctor, MosArt Clermont House, Rathnew,  
Wicklow, A67 X566

**Proposed Development:** Attic conversion and extension (35.58sq.m) to  
existing two storey dwelling (198.54sq.m); Retrofit  
and alterations to existing dwelling, including  
external wall insulation system and all associated site  
works.

**Location:** 33, Orchardstown Avenue, Rathfarnham, Dublin 14

**Applicant Name:** Pia & David Phelan

**Application Type:** Permission

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

Site Area: stated as 0.0510 hectares on application form.

### **Site Description:**

The subject site is located on a corner site of Orchardstown Avenue and Orchardstown Villas residential streets in Rathfarnham. The subject dwelling is a one-off two-storey detached dwelling. The surrounding area is predominantly residential in nature, with neighbourhood centre uses, including Ballyroan Library and a local supermarket, located to the east of the site. The library is located directly across the street from the side elevation of the dwelling. The surrounding streetscape consists of dwellings of a similar appearance with ground floor horizontal render banding finish and a pebble dash finish to first floor level. The subject dwelling has a different construction than dwellings in the surrounding streetscape which consist of A-frame type roof design and evidence of significant interventions through dormer type additions at upper levels and side extensions. The site has an entrance and driveway from Orchardstown Avenue. The majority of the amenity space for the subject dwelling is located to the front and side of the building with small rear access laneway to rear of dwelling separating it from the side elevation of the neighbouring dwelling No.1 Orchardstown Villas.

### **Proposal:**

The proposed development consists of the following:

- Attic conversion and extension (35.58sq.m) to existing two storey dwelling,
- Retrofit and alterations to existing dwelling, including external wall insulation system and all associated site works.

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### **Zoning:**

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity', under the South Dublin County Council Development Plan 2022-2028.

### **Consultations:**

Surface Water Drainage Section - No report received at time of writing.  
Irish Water - No report received at time of writing.  
Roads - No objections

*SEA Sensitivity Screening* - Indicates no overlap with the relevant environmental layers.

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

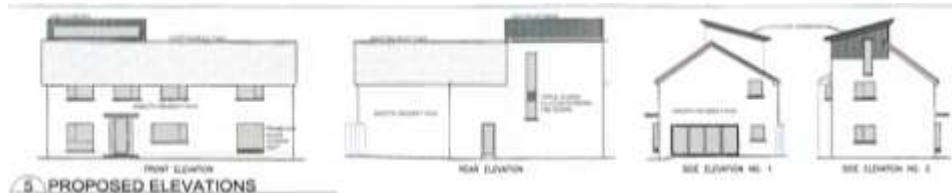
Submission expiry date – 16/11/2022  
No submissions or observations were received.

### **Relevant Planning History:**

#### **Subject Site:**

SD21B/0443 - Attic conversion and extension (33.81sq.m) to existing two storey dwelling (198.54sq.m); retrofit and alterations to existing dwelling including external wall insulation system and all associated site works.

#### **Refuse Permission.**



### **Reason for Refusal:**

1. Having regard to the proposed attic conversion, which significantly breaches the existing ridge line of the dwelling and comes off the back wall of the dwelling giving the appearance of a three storey structure, the proposed development would be visually obtrusive, would contravene the zoning objective (to protect and/or improve the amenities of property in the vicinity) and contravene the Councils House Extension Design Guide (by creating a higher ridge level than the roof of the main house). Thus, the proposed development would contravene the proper planning and sustainable development of the area and the pattern of development in the area.

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SD18A/0137 - Sub-division of existing house into two semi-detached houses, with extension approved in Planning Ref: S00B/0079 forming new two storey house, with additional ground & first floor level extension to fore and side and modification of front elevation of house with opening of new site access and associated site works.

**Refuse Permission.**



S00B/0079 - Alterations, including 2 storey extension to the side.

**Grant Permission.**

### ***Adjacent sites:***

SD08B/0335 - 1, Orchardstown Villas, Rathfarnham, Dublin 14 (*Property directly behind subject site*). Single storey pitched roof rear extension with 1 west-facing roof light, 2 storey pitched roof extension at west, east & north, with 2 west facing roof lights; demolition of existing kitchen, garage, shower/toilet, interior walls & stairs at ground level, dormer bedroom at first floor level & part of main roof.

**Grant Permission.**

SD06B/0832 - 36, Anne Devlin Avenue, Rathfarnham, Dublin 14. (*Corner site*)

Single storey extension beneath existing canopy roof at front of house with new enlarged glazing and provision of 3 no. rooflights to same existing canopy roof.

**Grant Permission.**

SD19B/0007 - 36, Orchardstown Avenue, Rathfarnham, Dublin 14.

(i) Single storey extension to the rear of dwelling with flat roof; (ii) conversion of rear half of garage to utility & wc space with increased roof height; (iii) first floor dormer extension to the side of dwelling and all associated site works necessary to facilitate the development.

**Grant Permission.**

SD09B/0179 - 32, Orchardstown Avenue, Rathfarnham, Dublin 14

Revisions to granted planning permission register reference SD05B/0550 being the increase of 400mm in ridge height of the constructed two-storey extension and the addition of a half-hip gable end to the extension pitched roof.

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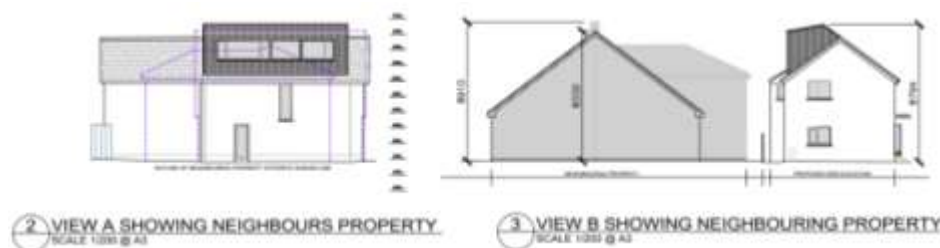
### Grant Permission for Retention.

#### **Relevant Enforcement History:**

None identified for subject site on APAS.

#### **Pre-Planning Consultation:**

PP038/22



#### Key Considerations:

- It would be unacceptable to create a higher ridge level than the roof of the main house.
- Dormer windows must be located below the ridge of the roof, even where a roof has a shallow pitch.
- Large and dominant roof extensions and dormer windows that are over-scaled in relation to the roof of the house should be avoided.
- Do not obscure the main ridges and eaves features of the roof.

#### **Relevant Policy in South Dublin County Council Development Plan 2022 - 2028**

##### *6.8.2 Residential Extensions*

*Policy H14: Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.*

*H14 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 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*

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### *Policy G11: Overarching*

*G11 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.*

*G12 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.*

*G14 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

### *Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

#### *Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

### *Chapter 12 Implementation and Monitoring*

#### *Section 12.5.8 Residential Consolidation*

##### *Extensions*

*The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

### **National Guidelines & Policy relevant to Development Management**

*The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

The House Extension Design Guide contains the following general guidance on house extensions and specific guidance on dormer windows:

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### For attic conversions and dormer windows:

- *Use materials to match the existing wall or roof materials of the main house;*
- *Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape;*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch;*
- *Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses);*
- *Relate dormer windows to the windows below in alignment, proportion and character;*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*

### Elements of Good Extension Design:

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible'.*

### **Relevant Government Guidelines**

***Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas***, Department of the Environment and Local Government (2009).

***Urban Design Manual: A Best Practice Guide***, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 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:

- Zoning and Council policy
- Residential and Visual Amenity
- Services and Drainage
- Roads
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

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

A development comprising of the attic conversion and extension, along with Retrofit and alterations to the existing dwelling, including external wall insulation system would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity,' subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide. A residential extension is 'Permitted in Principle' under this zoning objective.

### ***Residential and Visual Amenity***

#### ***Attic conversion and extension***

The proposed development will include two south facing rear dormer windows and an attic conversion providing 35.58sqm of internal space comprising of an office and office/store room. The proposed attic extension would have an internal ceiling height of 2.09m in the landing area with a max height of 2.4m where the dormer windows extend upwards by 5degrees. The dormer windows would be appropriately set in from the roof edge on each side gable wall of the property. The dormer windows would measure 2m in width for the smaller window and 2.9m in width for the larger second window.

In terms of residential amenity and the potential for overlooking, the proposed dormer windows would be located c2.9m from the side elevation of the neighbouring dwelling No.1 Orchardstown Villas. It is noted that the windows would be located at roof level of the neighbouring dwelling and not extending past the rear building line of the neighbouring dwelling limiting the potential for overlooking into the rear garden/amenity space.

The planning authority acknowledges the significant improvement in terms of design and how the applicant has sought to address the concerns of the planning authority since the proposal tabled at pre-planning meeting, however the proposed development is not in accordance with guidance for rear dormer windows and attic conversions as stated in the South Dublin House Extension Design Guide 2010. Section 4 of the design guide state:

*'Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch.'*

And

*'Avoid dormer windows that are over dominant in appearance or give the appearance of a flat roof.'*

The proposed dormer windows, while they may be set at the ridge line (No details or measurements are presented in the drawings on how far below the ridge line the dormer is set, if at all) rises above the ridge line of the main dwelling due to the incline noted at 5degrees on the drawing P.05. This creates an over dominant structure on the roof with the dormer effectively creating an increased ridge line from the rear elevation rather than being subservient to the

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dwelling. This would be visual dominant and impact significantly on the amenity of the area due to the location on the corner site of the development. The dormer window structures as proposed are not acceptable to the planning authority, however, this can be overcome by means of **Additional Information**. The applicant is requested to resubmit revised plans and details for the two rear dormer structure windows clearing showing the structure located below the roof ridge line and above the eaves line and omitting the 5degree incline of the dormer structures roof so that it is below ridge level.

### *Retrofit and alterations to existing dwelling, including external insulation system.*

The proposed development also includes for the removal of 2 chimney stacks from the roof and two internal chimney breasts. The removal of the chimneys will not provide an issue to the local authority and is deemed acceptable. The development also proposes the installation of new windows and doors to the existing dwelling. No additional openings will be created on the front elevation, a frameless glass window seat is proposed on the front elevation which is considered acceptable. A new door is proposed on the rear elevation in place of an existing window. A ground floor window serving a w/c will be closed, being replaced with a long narrow window which is proposed to serve the staircase. The external changes are deemed appropriate and acceptable.

It is proposed to install external insulation around the subject dwelling, finished with a smooth render. This is considered acceptable.

### ***Services and Drainage***

No report was received from Water Services or Irish Water at the time of writing; however, it is deemed appropriate that standard conditions for sustainable water measures can be obtained by means of **condition**.

### ***Roads***

The roads department of the council have reviewed the subject application and have stated no objections and submitted the following report:

#### *Description:*

*Attic conversion and extension (35.58sq.m) to existing two storey dwelling.  
The proposed development will not have any impact on parking or access.*

*No Roads objections'*

The report from the roads department is noted and deemed acceptable. No works are proposed to the site access or egress. This would mean there would be no increase in the risk to road users from the proposed development.



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### ***Green Infrastructure***

The subject application provides for a relatively small increase in the footprint of the subject house on an established suburban residential site. The site appears not to be located within a Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

### ***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 the attic conversion and extension (35.58sq.m) to existing two storey dwelling, Retrofit and alterations to existing dwelling, including external wall insulation system.

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 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.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – dormer window extension	35.58sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0510

### **Conclusion**

Having regard to the provisions of the South Dublin House Extension Design Guide 2010 and the overall design and scale of the proposed development, it is considered that, additional information is required from the applicant to address the issues highlighted in this report.

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### Recommendation

Request Additional Information.

### Additional Information

Additional Information was requested on the 7<sup>th</sup> of December 2022.

Additional Information was received on the 17<sup>th</sup> of January 2023.

### Additional Information Consultations

Roads Department -

No report at time of writing.

Public Realm -

No report at time of writing.

### Assessment of Additional Information

#### *Item 1 Requested*

*The applicant does not comply with Section 4, Attic Conversions and Dormer Windows of the South Dublin House Extension Design Guide 2010 and should submit the following:*

*Revised drawings including floor plans, elevations and cross sections reducing the height of the proposed dormer window structures clearly showing the dormer windows located below the existing roof ridge line and above the eaves line while omitting the 5degree incline of the dormer structures roof so that it is below ridge level.*

#### Applicant's Response:

The applicant has submitted revised drawings 798 No. P.05 Revision A and P.06 Revision A that shows two revised rear dormer designs. The dormers are flat roof in design and appear to be located below the ridgeline of the main dwelling. The dormer window structures are also located above the eaves line of the dwelling and are to be cladded with zinc.

#### Assessment:

The revised drawings for the dormer structures are located back from the eaves line of the dwelling and are flat roof in design, located under the ridgeline of the main dwelling. No measurements are provided notifying the level below the ridge line the dormer roof would be located however, this can be addressed by means of **condition** to ensure the dormer is located no less than 100mm below the ridgeline of the main dwelling. The revised design of the dormer will ensure compliance with Section 4, Attic Conversions and Dormer Windows of the South Dublin House Extension Design Guide 2010. It appears that the converted attic space would not be habitable and therefore financial contributions are not levied on the related floorspace.

It is therefore considered that this item has been satisfactorily addressed subject to **conditions**.

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#### *Development Contributions*

*Previous Extension* 65.9sqm

*(Side Extension)*

Proposed works 35.58sqm (non-habitable)

Total Assessable **0sqm**

#### Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### 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 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 in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

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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.

(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.

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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 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. The applicant shall ensure that:

The dormer window structures are located at least 100mm below the ridge of the main roof and located at least three tile courses back from the eaves line.

Reason: In the interest of proper planning and sustainable development of the area.

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 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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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

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**REG. REF. SD22B/0451**

**LOCATION: 33, Orchardstown Avenue, Rathfarnham, Dublin 14**



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**Barry Coughlan,  
Assistant Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission 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:** 08/02/2023



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**Deirdre Kirwan,  
Senior Executive Planner**