



An  
Bord  
Pleanála

## Inspector's Report ABP-316524-23

### Development

Planning permission for (a) change of use of part of ground floor level from retail/commercial use to use as a restaurant, (b) change of use of first floor level from office/commercial unit to use as a guest house (c) formation of new fire escape (d) installation of a lift (e) additional rooflights and new courtyard window (f) retention of attic level to form guesthouse bedrooms and communal area (g) retention of pitched roof connection (h) formation of independent drainage and service connections, independent of the rest of the building (i) car and bicycle parking and refuse storage at basement level.

### Location

Cross Street, Athenry, County Galway.

**Planning Authority Ref.** 23/39

**Applicant(s)** David & Gemma Issott.

**Type of Application** Permission. **PA Decision** Grant Permission.

**Type of Appeal** Third Party **Appellant** John Hickey

**Observer(s)** None

**Date of Site Inspection** 10<sup>th</sup> day of May 2024 **Inspector** Fergal Ó Bric

## **1.0 Site Location and Description.**

1.1 The appeal site is located on the eastern side of Cross Street, south of the Market Square within the town centre of Athenry. The appeal site comprises a three-storey terraced building fronting onto Cross Street with an attached three storey commercial building immediately to its north and a two-storey commercial building immediately to its south. The commercial building within the appeal site is currently vacant. Internally, the building is a shell which is watertight with external windows and doors fitted, however, internally, the floors and walls are bare, in that they are not painted, slabbed, or tiled and the final fix of the plumbing and electrics has not been completed.

1.2 From the planning documentation submitted, it is apparent that the appeal site formed part of the larger three-storey Rivercourt mixed use commercial, immediately adjoining and north of the appeal site, which is also largely vacant (except for one ground floor commercial unit, operating as an auctioneering business) and appears to be in a shell like state. There is a restaurant business located immediately south of the appeal site, at ground floor level. There is an arched entrance along the northern portion of the appeal site, which acts as a ramped access to the basement car park area which serves the overall Rivercourt development. The appeal site is located within the town centre Architectural Conservation Area (ACA). The building is located on a town site comprising an area of c. 0.057 hectares within the designated settlement boundary of Athenry.

## **2.0 Proposed development**

Planning permission is sought for a change of use within the buildings, various alterations, and retention planning permission for other modifications to the floor plans and elevations of a commercial building comprising the following:

- Change of use of part of ground floor level from retail/commercial use to use as a restaurant.
- Change of use of first floor level from office/commercial unit to use as a guest house.

- Formation of new fire escape internally forming a new fire escape door leading to a car park of the adjoining property in the applicant's family ownership.
- Installation of a lift serving all floors from the basement level.
- Four additional rooflights and new window overlooking internal courtyard.
- Retention of attic level to form guesthouse bedrooms and communal area.
- Retention of pitched roof connection over previously approved flat roof area (permitted under reference number 06/4983) linking approved pitch roofs together.
- Formation of drainage and service connections independent to the rest of the building
- Car and bicycle parking and refuse storage at basement level.

### **3.0 Planning Authority's Decision:**

The Planning Authority granted planning permission for the changes of use, alterations to the commercial building and retention of the attic level space and the pitched roof connection, drainage, and parking proposals subject to seven conditions of a standard nature and included the following:

Condition number 2: The permission relates to the development as advertised in the public notices.

Condition number 4: Surface Water management.

Condition number 5: Waste management

Condition number 7: Construction hours.

### **4.0 Planning History**

The following is considered to be the relevant planning history pertaining to the appeal site.

Planning reference 08/2358, in 2008, planning permission was granted for a change of use of a previously approved retail/commercial unit permitted under reference number 05/3837 to a restaurant and take-way including all associated site services (gross floor area 128.9 sq. m).

Planning reference 06/4983, in 2007, planning permission was granted for modifications to planning reference number 05/3837 including reconfiguration of north-eastern site boundary, demolition of ground floor single storey bay and archway, construction of internal fire escapes and passage ways, change of use of retail units to professional service/auctioneer use, change of use of ground floor from office/commercial use to retail/commercial use, change of use on first floor from residential use to office/commercial use and internalisation of external walkways and balconies and all ancillary site works and services.

Planning reference 05/3837, in 2006, planning permission was granted for the demolition of two terraced buildings consisting of four retail units and two residential units and sheds to rear and construction of basement car park, ground floor retail/commercial space and office/commercial space to rear and first floor office/commercial space and 4 one bed and three 2 bed apartments to rear and all ancillary works and services, total gross floor space 2,019 sq. m.

## **5.0. Local Planning Policy**

### **5.1 Galway County Development Plan 2022 -2028**

The Galway Development Plan (GCDP) was adopted by the elected members on the 9<sup>th</sup> of May 2022 and came into effect on the 20<sup>th</sup> day of June 2022.

#### **Chapter2: Core Strategy, Settlement Strategy and Housing Strategy**

The policy objective set out for Towns of Strategic Potential is as follows:

#### **SS3-Strategic Potential (Level 3)**

“To Support the development of Athenry as a town of Strategic Potential as outlined in the Core Strategy and Settlement Strategy in order to sustain a strong, vibrant urban centre which will act as an important driver for the local economy, reduce travel demand and support a large rural hinterland, while providing a complementary role to the Key Towns and MASP and the smaller towns and villages in the County.”

#### **Section 3.6.5 Town and Village Centres:**

### Section 3.6.7 Town centre infill and brownfield sites

“A number of settlements in the county offer brownfield development opportunities that could deliver the aspirations of Place Making and Compact Growth. They are very often serviceable and located along existing public transport corridors and their re-development would improve the quality of public realm in a place. In accordance with the NPF and the RSES, it is anticipated that a substantial portion of development will be delivered on brownfield and infill sites.”

### Section 3.6-Compact Growth and Regeneration

Policy objective CGR1: Compact Growth

Policy objective CGR8: Town and village centre

### Section 5.5.3-Economic Benefits and Potential: Athenry Strategic Potential

### Section 5.10-Core Shopping Areas

#### Section 5.10.1-Vacancy

#### Section 5.10.2-Local shops and services

#### Section 5.10.3 -Evening and late-night uses

Policy objective CSA 2 -Retail and complementary uses

Policy objective CSA 3-Town centre uses: To support where possible planning applications which propose complementary, non-retail uses in town and village centres, where high vacancy levels are evident.

Policy objective CSA 8-Evening and late-night uses

## **5.2 Athenry Local Area Plan 2024-2030**

This plan came into effect in June 2024.

The Athenry Local Area Plan 2024-2030 refers.

The site is zoned C1-town Centre.

The zoning objective is: To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for the "Living over the Shop" scheme Residential accommodation or other ancillary residential accommodation.

The key aim for these town centre lands is: To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments, ensuring a mix of commercial, recreation and civic uses.

As per the zoning matrix set out in Table 1.7.1, a guesthouse use is permitted in principle on C1 zoned lands as is a restaurant use.

A use that is classified as Permitted in Principle is one that the Local Authority accepts in theory in the relevant zone, subject to compliance with the relevant policy objectives, standards, and requirements set out in this plan and the principles of proper planning and sustainable development.

Section 1.1.1 of the LAP sets out the following strategic aims:

- The LAP will continue its vital role as a town of strategic potential in east Galway. The town will fulfil its role identified in the RSES to bring investment into the local economy and also provide employment opportunities in the town and surrounding regions.
- This can be achieved through the following aims: • Secure the delivery of compact growth with critical mass in a consolidated plan area.
- Promote the reuse of existing buildings along with a sustainable level of densities as appropriate depending on the character of the receiving

environment and access to services and critical infrastructure such as sustainable means of mobility.

## Section 2.1 Town Centre and Regeneration

The following policy statement is set out within this section of the LAP:

Reuse of existing town centre buildings will be supported where possible... the town centre zoning promotes an appropriate mix of uses such as residential, retail, services, facilities, and amenities for the local community.

Town centre policy objective:

ASP 11 a) It is a policy objective of Galway County Council that Athenry Town Centre will remain the primary focus for the location of new retail and commercial development. The Planning Authority will ensure that the location of future retail development is consistent with the key policy principles and order of priority as set out in the Guidelines for Planning Authorities: Retail Planning 2012 (and any updated/superseded document) and will require Retail Impact Assessments, including details of the sequential approach and Design Statements for retail developments in accordance with the Retail Planning Guidelines.

b) This plan will also promote the development of commercial and complementary mixed uses, on suitable land that can provide a focal point for the provision of services to the town and opportunities for commercial enterprises, retail developments and employment creation.

The site is within the Athenry ACA and within the zone of archaeological potential for Athenry Town (GA084-001).

The flood mapping included within the Strategic Flood Risk Assessment prepared in conjunction with the Athenry LAP sets out that the site is located within Flood Zone C and, therefore, at low risk of flooding.

## **5.2 Natural Heritage Designations**

The closest designated European Sites are the Galway Bay Complex SAC (site code 00268) located approximately ten kilometres south-west of the appeal site. and the Inner Galway SPA (site code 004031) located approximately thirteen kilometres south-west of the appeal site.

The site is located approximately ten kilometres north-east of the Galway Bay Complex pNHA (site code 00268).

## **6.0 The Appeal**

### **6.1 Third Party Appeal.**

The appeal has been submitted by an individual stating that he is one of the adjoining property owners within the adjoining mixed use Rivercourt Development complex. The Rivercourt development included the appeal site and the commercial development immediately north and adjoining the appeal site. The issues raised relate to the following matters:

- The appellant does not object to the principle of the development, however, states that there are consequences of elements of the development which impact him.
- The Planning Authority appear to have dismissed the issues raised within his observation and granted planning permission for the development.
- The applicants attempted to impose changes on the overall Rivercourt Development under planning reference 22/360 and that application was subsequently withdrawn.
- The issues raised by the appellant relate specifically to the formation of a new fire escape leading to the car park of the adjoining property in the ownership of the applicant's family, the installation of a lift serving the basement and upper floors, the formation of independent service connections, separate from the remainder of the Rivercourt development and the provision of car and bicycle parking and refuse storage within the basement level.



## **6.2 P.A. Response**

- None.

## **6.3 Applicant Response to third parts appeal submissions**

- The applicants state that they can find no evidence to substantiate that the appellant is a landowner within the adjoining Rivercourt development.
- The adjoining property is owned by somebody other than the appellant.
- The adjoining property folio number is in the name of a third party, not in the name of the appellant.
- The works (the subject of this appeal) relate to a property with a certified property folio number and is in the name of one of the applicants.
- Details of property folios from land registry have been submitted.
- The Rivercourt commercial development was commenced but never completed.
- Only one commercial unit within the overall Rivercourt Development was ever occupied, that being by an auctioneering business.
- There has been water ingress and damage within the building and basement.
- The basement level has never been used as a car park area.
- The Rivercourt development is in a state of significant disrepair and dilapidation.
- The upper floors are incomplete and have never been occupied.
- Applicants contend that the appeal may be vexatious, frivolous and/or without substance.
- The Rivercourt development has failed to be completed for a period in excess of fifteen years and one of three property folio titles was made commercially available and sold to the current applicants in 2021.

- The applicants have the right to elect for the separation of the appeal site and to redevelop it and bring back to life this significant vacant commercial building on Cross Street.
- The owners of the remaining two property folios of the Rivercourt Complex have not made any formal appeal against the planning decision.
- There is no mention by the appellant of bringing the building back into use, and it remains as a vacant and deteriorating shell of a building.
- Correspondence from Uisce Eireann (UE) correspondence has been submitted infirming feasibility of connections to the watermains and wastewater networks. UE state that the connections would not increase the overall load on the Irish Water network as an existing connection would be split into two.

**7.0 EIA Screening** - Having regard to the relatively minor nature of the alterations to the commercial building and the changes of use proposed, its location removed from any sensitive locations or features on zoned serviced lands within a brownfield site, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

**8.0 AA Screening** - The subject site is located approximately ten kilometres east of the Galway Bay Complex SAC (site code 00268) and approximately thirteen kilometres east the Inner Galway SPA (site code 004031). Having regard to the scale and nature of the alterations to the commercial building sought and to the changes of use proposed, the location removed from any European Sites, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. This issue is discussed in greater detail within Section 2.4.4 of this report below.

## **2.0 Assessment**

### **2.1. Introduction**

2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of development.
- Design and Layout
- Other Matters
- Appropriate Assessment

### **2.2. Principle of Development**

2.2.1. The appeal site comprises a vacant and underutilised commercial building located on the eastern side of Cross Street within the town centre of Athenry, a designated town of Strategic potential. The appeal site is zoned C1-town centre within the current Development Plan.

2.2.2. The key aim on town centre zoned lands as set out within the Athenry LAP is to “To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments, ensuring a mix of commercial, recreation and civic uses.”

I consider that the current proposals would assist in improving the vibrancy and vitality of Cross Street within an existing vacant and underutilised commercial building through the introduction of appropriate and compatible town centre uses and would assist in provided uses above ground floor level, which is supported by national and local planning policy.

2.2.3. A restaurant use is proposed at ground floor level and guest house use within the first floor and attic floor levels. The uses are both permitted in principle as set out within the zoning matrix included within the current Athenry Local Arae Plan (LAP) 2024-30.

I consider that the proposed uses are appropriate within a town centre location and I note that there are a number of precedents of established restaurant and café uses further south and south-west along Cross Street. The commercial building within the appeal site is presently vacant and, therefore, the proposals would assist in revitalising and reducing the level of vacancy within the town centre, one of the objectives as set within Section 5.10.1 of the current Galway County Development Plan 2022-28. The establishment of local shops and services and evening and late night uses within the town centre are also objectives set out within Sections 5.10.2 and 5.10.3 within the Development Plan.

2.2.4. On balance, I consider that the proposed restaurant and guest house uses, which provide for uses within the whole of the appeal site would assist in revitalising and reusing a vacant commercial building within a town centre site. Therefore, I consider the principle of the proposed uses to be acceptable subject to matters in relation to design and layout, impact upon adjoining properties is fully considered. These matters will be addressed later within this assessment. I note that the Cross Street area has a number of mixed uses, and I consider that the provision of viable and sustainable uses for the building would best protect the physical fabric and vitality of Cross Street and the town centre.

2.2.5. In conclusion, I consider that the alterations are of a relatively modest nature and would result in the reuse of an underutilised commercial building within a town centre location. Therefore, I am satisfied that the principle of the change of use and the associated design and servicing changes are acceptable in principle and would accord with the C1-town centre zoning objective that pertains to the site.

### **2.3. Design and layout**

2.3.1 The changes of use proposed will have little or no material impact upon the street elevation of the building in that the ridge height, footprint, fenestration detailing, and external finishes of the building will remain as permitted originally in 2006. The appellant has set out that he has no objection to a number of the design alterations in the form of the additional rooflights and a new window overlooking the internal courtyard area, the retention of the attic level for use as guesthouse accommodation, the retention of the pitched roof connection linking the previously permitted two

pitched roofs together. The Planning Authority similarly raised no issue in relation to any aspect of the development and permitted the change of use and the alterations sought. Therefore, these particular design elements will not be subject to further scrutiny as part of this assessment.

2.3.2 However, the appellant has raised concerns in relation to a number of the alterations. These include the formation of a new fire escape leading to a car park area in the ownership of one of the applicants family and the closing of one of the existing fire escapes, the insertion of a lift within the basement car park area, the formation of separate drainage and service connections, independent to the remainder of the Rivercourt development and the provision of car and bicycle parking and refuse storage within the basement area.

2.3.3 The issues raised by the appellant are largely of a technical nature and relate to fire safety, access to piped water services and the use of the basement area, which is shared with the adjoining Rivercourt development. In relation to the layout of the basement car park, from the drawings submitted as part of their planning documentation, it is apparent that the proposals will not significantly alter the layout of the basement area, as the structural walls in place will not be altered and, therefore, the original footprint, as permitted in 2006 will remain in place. The applicants set out that the basement car park has never been operational. The applicants propose that the area of the basement car park that is within their ownership will be re-configured in order to provide for bicycle and bin storage space and a lift shaft will be provided in order to service the proposed restaurant and guest house uses and to comply with Part M of the Building regulations, in relation to wheelchair/buggy access. I am satisfied that the reconfiguration of the basement car park space, in the ownership of the applicants will not prejudice the remainder of basement car park area which will remain available to the adjoining owners of the adjoining property folio numbers, if and when the adjoining Rivercourt development is completed and occupied.

2.3.4 The development as permitted has two existing fire escapes. The first is directly onto Cross Street at ground floor level and it is proposed to retain this as one of the fire escape routes, in the event of a fire emergency. A second fire escape route exists at

first floor level and opened into the adjoining Rivercourt development, immediately adjoining, and north of the appeal site. The applicants are now proposing to open a second, new fire escape into the car park area of the adjoining property to the south, at a property known as the Barracks. This property is owned by one of the applicant's family and a letter of consent to this effect has been submitted. I do not consider it reasonable to have a fire escape opening into the vacant, unfinished Rivercourt commercial development. I consider that the alternative fire escape proposal is, therefore, acceptable. The issue of compliance Fire Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

- 2.3.5 In terms of the creating new connections to the piped water services to the appeal site, independent to those of the adjoining Rivercourt development, again this is matter that should be assessed on its individual merits, Correspondence from Uisce Eireann was submitted by the applicants (dated the 9<sup>th</sup> November 2022) and the pre-connection enquiry response from UE sets out that a connection to the water and wastewater infrastructure is feasible without any upgrade works necessary to the piped water service networks. Therefore, I am satisfied that the proposed water service connections are feasible and would not adversely impact any adjoining property owners.
- 2.3.6 The basement reconfiguration, with the introduction of the lift is stated to be required by the applicants to fulfil their obligations in terms of compliance with current building regulation standards, which I consider to be acceptable. The provision of refuse storage and bicycle parking will not adversely affect adjoining property owners within the Rivercourt development to complete and/or occupy their elements of the basement car park space. Therefore, I am satisfied that the appellant, stated to be an adjoining landowner, will not be disenfranchised by the current proposals.
- 2.3.7 In conclusion, the alterations, which are largely of an internal nature, are stated to be within lands under the control of the applicants, a matter not contested by the appellant, will not materially impact the design or layout of the property. The alterations are mainly of an internal nature and relate to the change of use to the guesthouse and restaurant uses and to comply with updated fire and building

regulation standards, which have been updated since the original development was permitted on the site back in 2006. The alterations would accord with the policy objectives ASP11 and b in terms of providing new commercial development and complementary uses mixed uses within the town centre and opportunities for employment creation as set out within the current Athenry Local Area Plan. I am satisfied that the proposals will not adversely impact upon the ability of the neighbouring property owners to occupy or redevelop the adjoining commercial development, or into the future by reason of their ability to operate independently of each other. The proposals will provide for the restaurant and guest house uses to be compliant with current planning, building and fire regulation standards. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

## **2.4. Other Matters**

- 2.4.1. The appellants set out that the Planning Authority did not give due weight or consideration to their observations. I note that the Planning Authority within its assessment considered the principle of the development, the merits of the internal and external alterations having regard to the existing and permitted uses within the appeal site and within the neighbouring properties. The applicants acknowledge that the alterations proposed represent a departure from the building permitted on site. The extent of the departure is clearly set out within the planning documentation submitted and assessed within Section 2.3. of the report above. The alterations are significant enough to require planning permission. However, I consider that the departure has been clearly illustrated and justified within the planning documentation submitted, in terms of the commercial uses permitted within the appeal site and the town centre land use zoning that pertains to this site, which is considered to be acceptable.
- 2.4.2. The appellants have raised issue of devaluation of their property that would arise as a result of the development proposals. The appellant has failed to submit any documentary evidence to substantiate this claim. In the absence of such documentary evidence, I am not satisfied that this claim can be substantiated and therefore, I do not consider it appropriate to assess this issue any further within this report.

- 2.4.3. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the alterations to the commercial building as proposed.
- 2.4.4. I consider that the proposed changes of use, alterations and modifications and proposed changes of use within the existing commercial building on a brownfield town centre site that is fully serviced are not so significant as to adversely impact upon the Galway Bay Complex SAC nor the Inner Galway Bay SPA both of which are located in excess of ten kilometres south-west of the appeal site and on the opposite side of the N67 National Secondary Route. Having regard to the location of the development on a brownfield site, the relatively modest scale of the alterations, the fully serviced nature of the site, the lack of suitable habitat within the appeal site boundary and the separation distance from Natura 2000 sites and unlikelihood of ecological/hydrological connectivity to any European site via surface or groundwater. I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and, therefore, a Stage 1 Appropriate Assessment screening, is not required in this instance.

### **3.0 Recommendation**

I recommend that planning permission for the change of use from commercial/retail/office use to use as a restaurant at ground floor level and guest house accommodation at first floor and attic floor levels and the various associated alterations, modifications and reconfigurations within the existing vacant town centre building be granted.

### **5.0 Reasons and Considerations:**

Having regard to the C1-town centre land use zoning that pertains to the site, the brownfield, vacant and underutilised nature of the building for several years, the town



centre location where the restaurant and guest house uses are permissible in principle and having regard to the policy objectives as set out within the current Athenry Local Area Plan 2024-2030, specifically policy objective ASP11 (a and (b) in terms of the town centre being the primary focus for commercial development and promoting complementary mixed uses and the current Galway County Development Plan 2022-28, specifically CGR8 and CSA3 in relation to promoting town and village centre development, encouraging complementary non-retail uses and reducing vacancy. I am satisfied that the proposals would not adversely impact upon adjacent property owners in terms of their ability to redevelop and reutilise their properties, many of which are vacant and underutilised. I am satisfied that the proposed uses and the alterations and modifications required to implement the uses are acceptable based on the information submitted and that they would accord with the proper planning and sustainable development of the area.

## 6.0 Conditions

- 1 The development shall be constructed in accordance with the plans and particulars lodged with the application on the 9th day of February 2023 as submitted to the Planning Authority, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 Details of the materials, colours, and textures of all the external finishes to the development, including details the balustrade shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

- 3 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

- 4 Details of external signage shall be agreed in writing with the Planning Authority prior to the occupation of the restaurant and guest house uses.

**Reason;** In the interest of architectural heritage.

- 5 The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

- 6 Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

- 7 The construction of the development shall be managed in accordance with a Construction Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 8 All public roads and footpaths shall be maintained free from dirt and debris during construction. Any damage to the public road or footpath shall be repaired by the developer at his/her own expense to the satisfaction of the Local Authority.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Fergal Ó Bric

Planning Inspectorate

17th day of October 2024