

DOC

James Sweeney

From: Michael Lydon <michael@mjdesigns.ie>
Sent: Saturday 20 December 2025 19:38
To: Appeals2
Subject: Case Reference Number: SU07.323825
Attachments: Bridget Stuffle _Observation re Substitute Consent _ ACP 323825_ 19th Dec 2025.pdf

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Observation to An Coimisiun Pleanala

Case Reference Number: SU07.323825

Applicant : George Melville

Description: Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended for development to

(a) retain house, shed, gabion wall (b) decommissioning of septic tank and installation of a new wastewater treatment unit.

This application is accompanied by a Remedial Natura Impact Statement (rNIS).

Dear Sirs,

I have been instructed by Colin Conneely who resides with Bridget Stuffle at Derrigimlagh, Ballyconneely, Co. Galway H71 N635, that he too wants to lodge the attached Observation we have prepared on behalf of Bridget Stuffle under a separate observation in his name.

The Submission is in relation to the above mentioned Substitute Consent Application Ref: **ACP.323825** lodged to An Coimisiun Pleanala by George Melville on the 28th of October 2025.

Please confirm Receipt of This Application

Regards
Michael Lydon

Michael Lydon BE

On behalf of Lydon Consulting Engineers Ltd t/a M J Designs



Boleybeg East, Barna, Co. Galway H91 N12R

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Boleybeg East
Barna
Galway
086-2657596

18th December 2025

An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.-
D01 V902
appeals@pleanala.ie

Observation to An Coimisiun Pleanala

Case Reference Number: SU07.323825

Applicant : George Melville

Description: Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended for development to (a) retain house, shed, gabion wall (b) decommissioning of septic tank and installation of a new wastewater treatment unit. This application is accompanied by a Remedial Natura Impact Statement (rNIS).

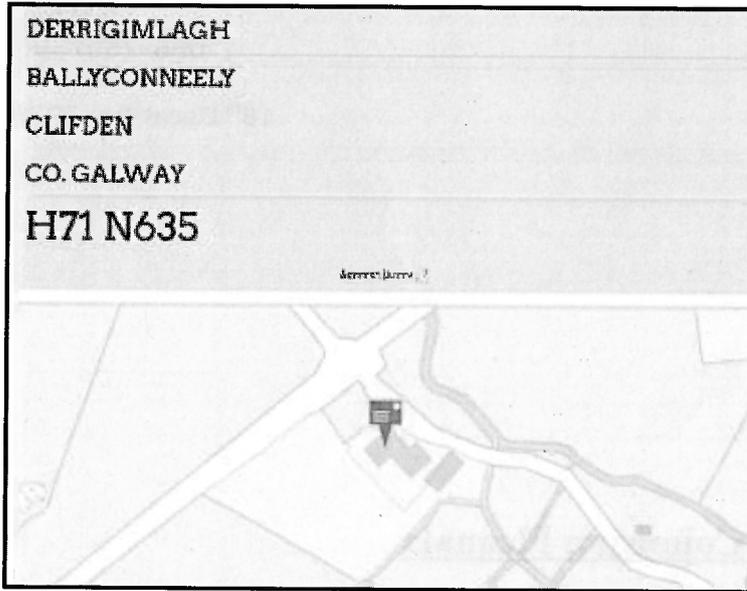
Dear Sirs,

On behalf of our client, Bridget Stuffle of Derrigimlagh, Ballyconneely, Co. Galway H71 N635, we wish to make an Observation in relation to the above mentioned Substitute Consent Application Ref: **ACP.323825** lodged to An Coimisiun Pleanala by George Melville on the 28th of October 2025.

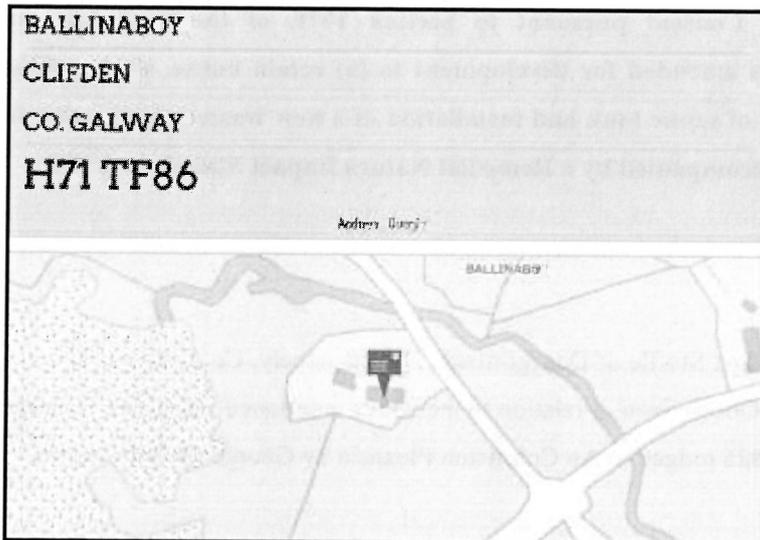
Our client, Bridget Shuffe lives directly to the South of the subject site of the Substitute Consent Application at Eircode H71 N635.

The property owned by George Melville is located at Eircode H71TF86 in the Townland of Ballinaboy.

We include below Screenshots from the Eircode Website showing the location of both properties . George Melville's property is located to the North West of Bridget Stuffle's house, on the Northern Side of the R341 Roadway between Clifden and Ballyconneely.



Bridget Stuffle Residence H71 N636



George Melville Residence H71 TF86

History / Background to Submission

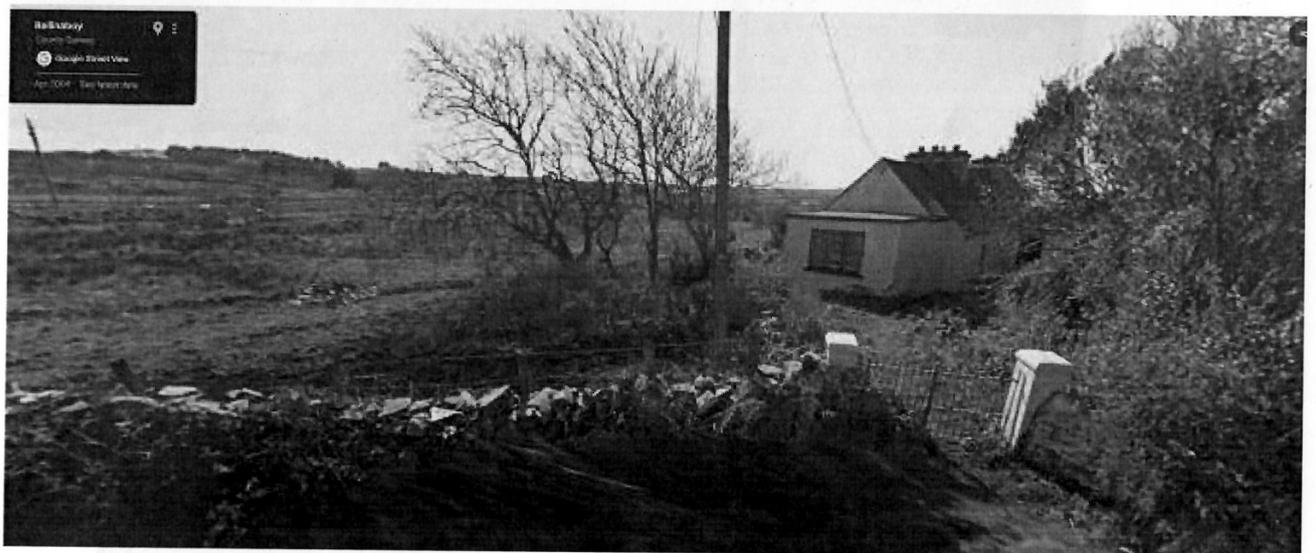
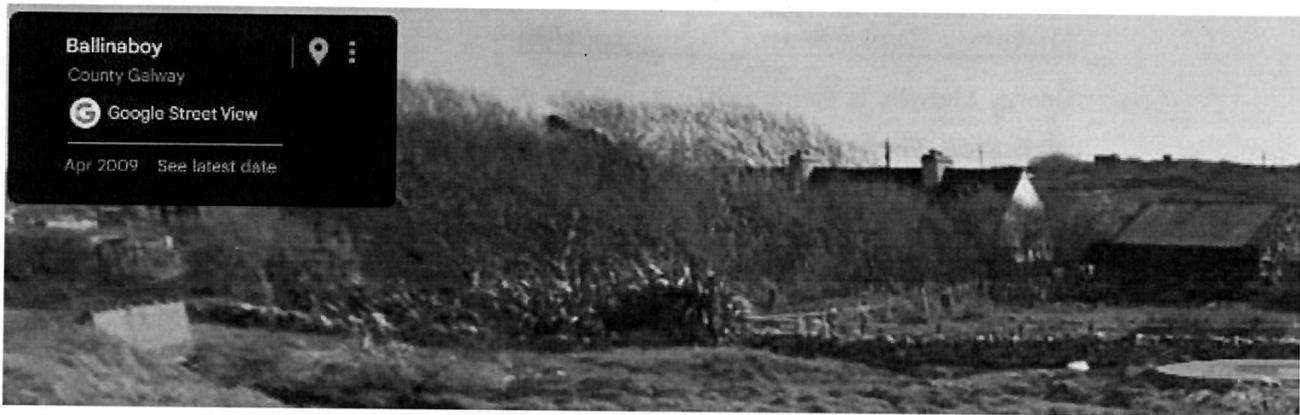
George Melville is the current owner of the property subject to this Subsequent Consent application. The house is located in the townland of Ballinaboy and is located adjacent to Mannin Bay.

In 2019, George Melville made a Planning Application under **Pl. Ref: 19/1491** to demolish and rebuild part of the existing dwelling, permission for a sewage treatment system, permission for external changes to house and shed and ancillary site works.

In order to get context of what the property looked like prior to the 2019 Planning Application, it was possible to use Google Maps and in particular Google Streetview and review images of the property and adjacent grounds which were recorded by Google in 2009.

The Following images are screenshots from Google Streetview.











The Google Streetview photos show the subject site before any developemnt took place and also showed the ground level adjacent to the stream which runs from Lough Nagap into Mannin Bay -Stream in photo above.

As can be noted from the photographs, and in particular the photograph above, the lands were low lying and at the mouth of the stream where it flows into Mannin Bay.

These low lying lands were always subject to costal flooding from high tides which occurred once per month but at various times during the year, tides were higher and if accompanied with winds from the South West (The Prevailing Wind) then all the lands around the subject house and stone walled shed were subject to flooding.

My client, Bridget Stuffle provided me with the following two photos which show how the rising tide flows over the lands and walls adjacent to the house and shed currently owned by George Melville.



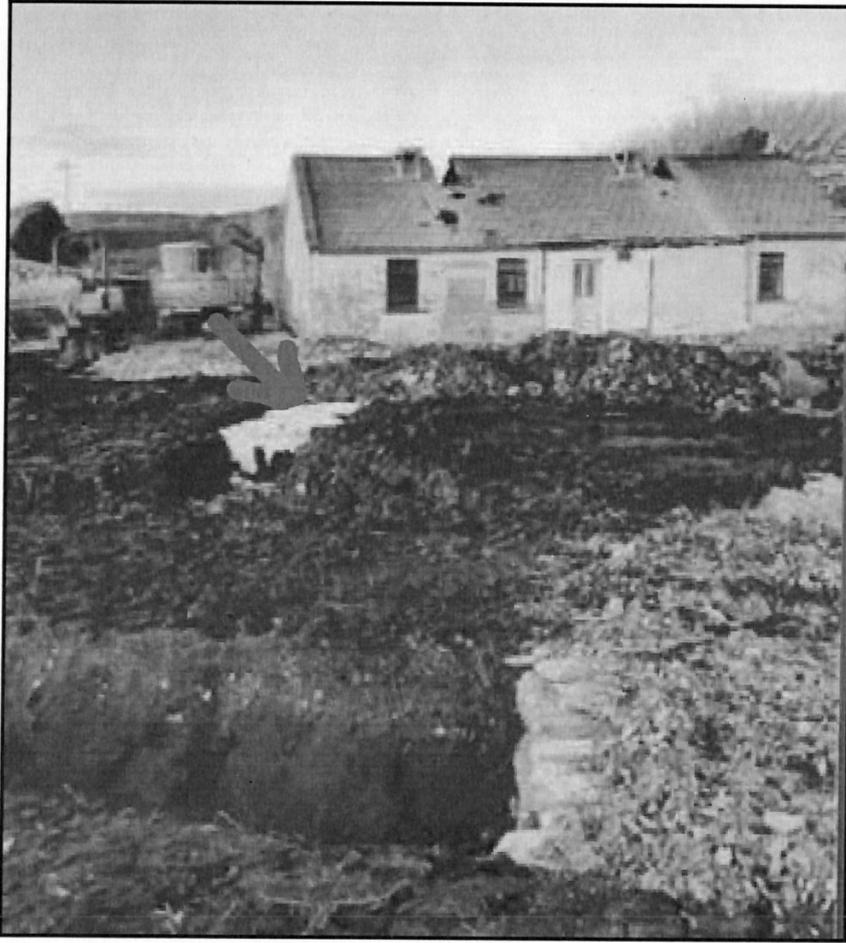


Historical Costal / Fluvial Flooding around the original cottage owned by George Melville – This is prior to the Unauthorised Works carried out by George Melville in between March 2020 and February 2022.

The following are a series of photographs showing the Unauthorised Works which were carried out between 2020 and 2022. (Photos supplied by Bridget Stuffle)

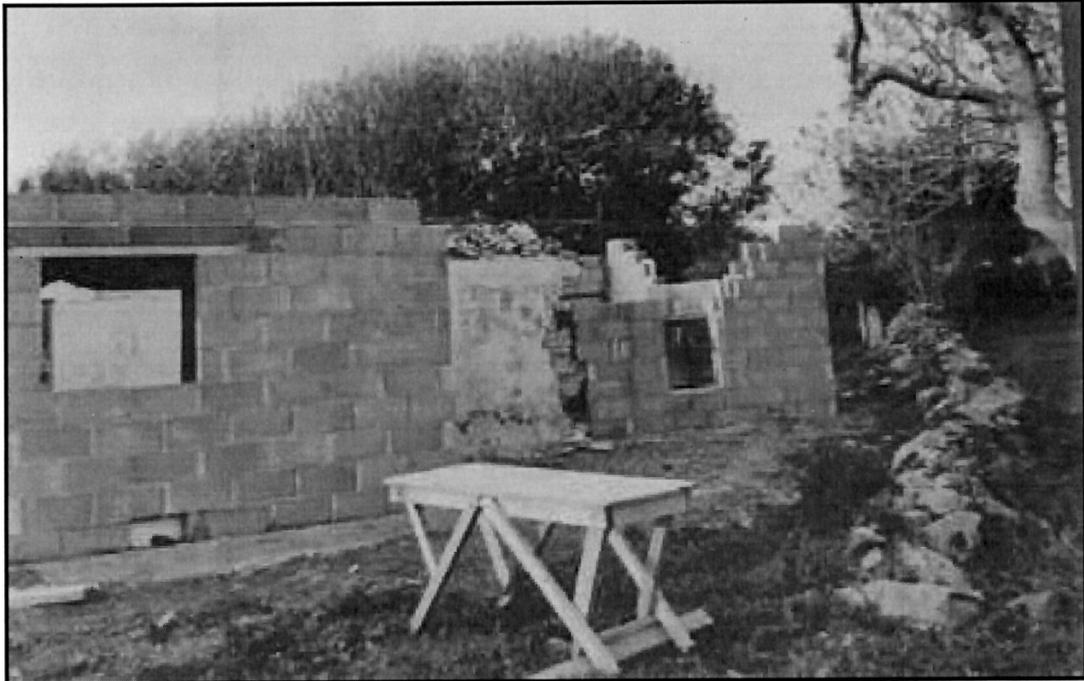


Property at Eircode H71TF86 Prior to Unauthorised Works



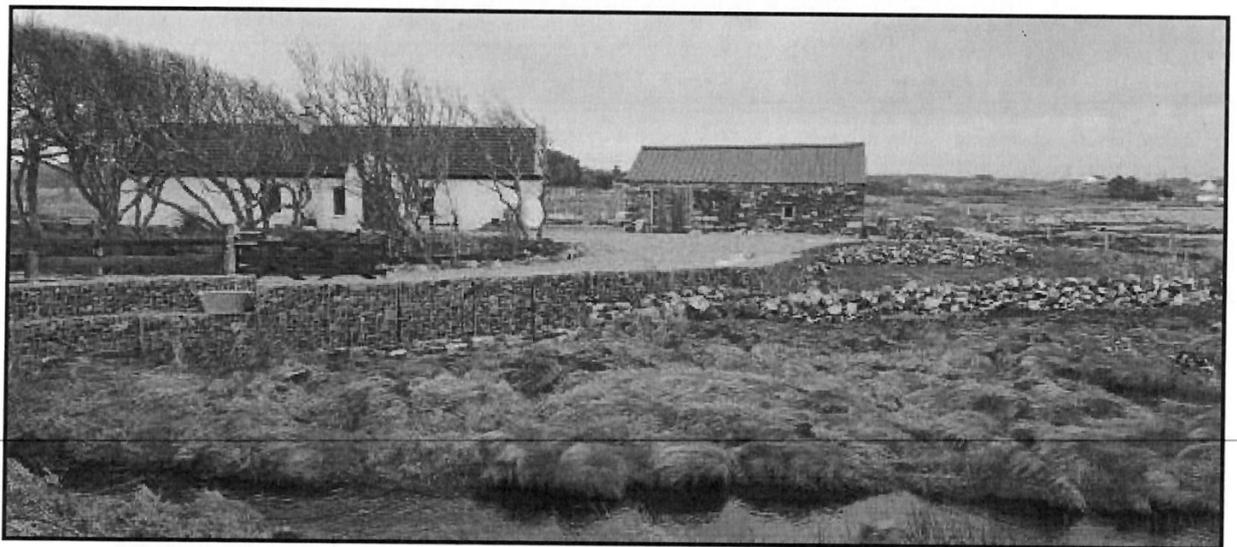
Note- In the near foreground, a new precast concrete septic tank is visible in the freshly dug ground.





Original cottage being extensively rebuilt and gable / ridge height raised.

As part of the Unauthorised Works completed at the subject property, the ground to the North of the House and Shed has been raised by more than 1.0m and a long wall of Stone Rock Gabions have been installed to act as a retaining wall for the raised ground and also to act as a sea wall / barrier to prevent the rising sea waters at spring tide flowing onto the curtilage of the house and shed.





As part of the Unauthorised Works completed at the subject property, the ground to the North of the House and Shed has been raised by more than 1.0m and a long wall of Stone Rock Gabions have been installed to act as a retaining wall for the raised ground and also to act as a sea wall / barrier to prevent the rising sea waters at spring tide flowing onto the curtilage of the house and shed.

As a result of these works, the Gabions and raised ground on the subject site prevents the rising tide spreading over its old flood plain of old and now the rising tide is pushed pushed up the path of the stream from Lough Nagap which flows under the R341.

The Rising Tide Location of bridge marked RED below.



The Bridge has now become a bottleneck at times of high spring tides causing extensive flooding to the Southern Side of the Bridge and causing flooding that never occurred before to Bridget Stuffles house and lands.

The following photos, again provided by Bridget Stuffle shows examples of the flooding that has occurred around the curtilage of the hoisue and lands as a result of the unauthorised works carried out on behalf of George Melville. This flooding has occurred between 2022 and 2025

The flooding is due to the rising tide pushing up under the bridge as the Unauthorised Gabions and raised ground level prevents the tide from spreading over its historic flood plain and how is forced up the stream and under the bridge above.

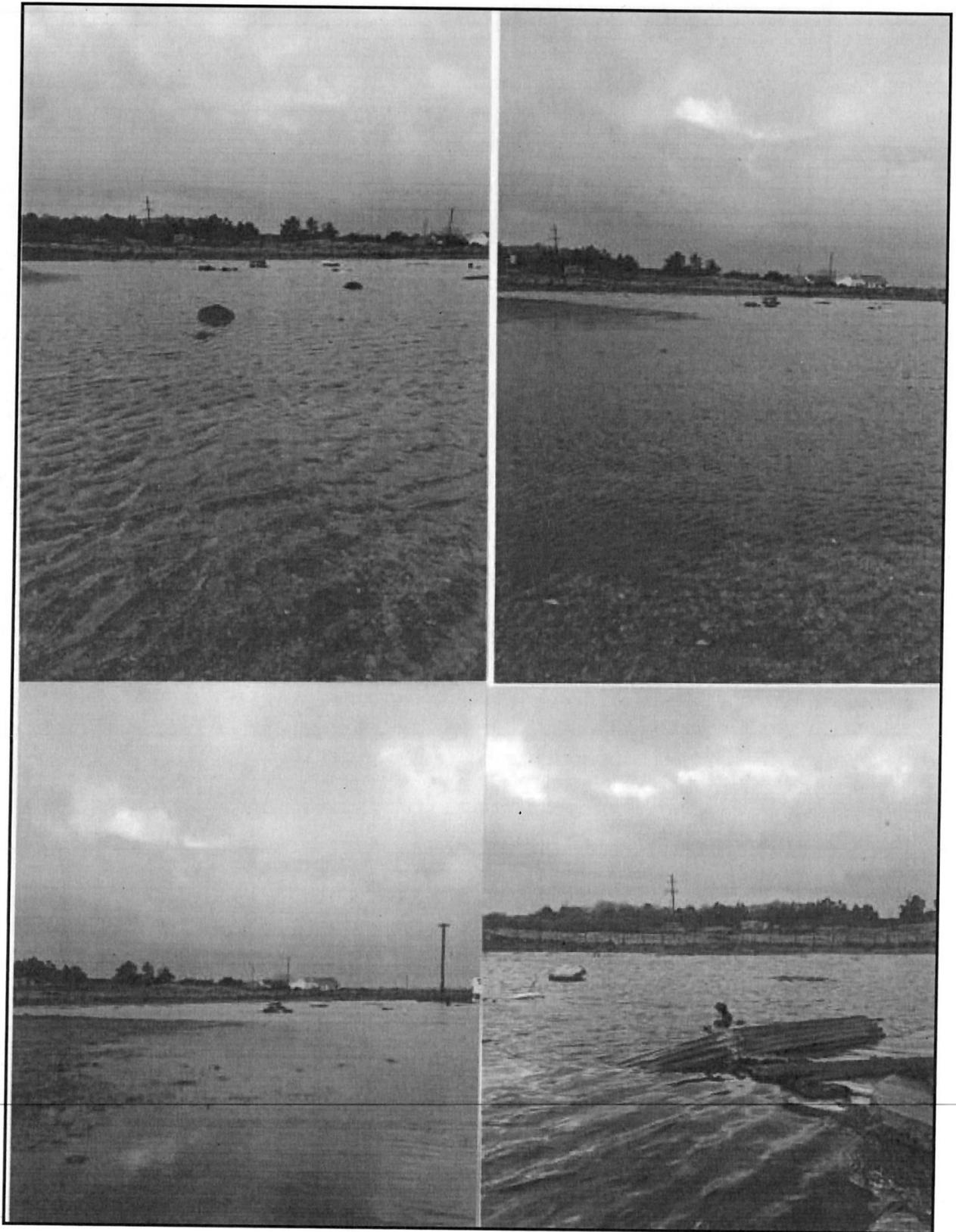
Then the water flowing from Lough Nagap cannot flow out to the sea and overflows the stream and floods Bridgets Stuffles lands and around her house / shed causing extensive flood damage as can be seen in the following photpos.



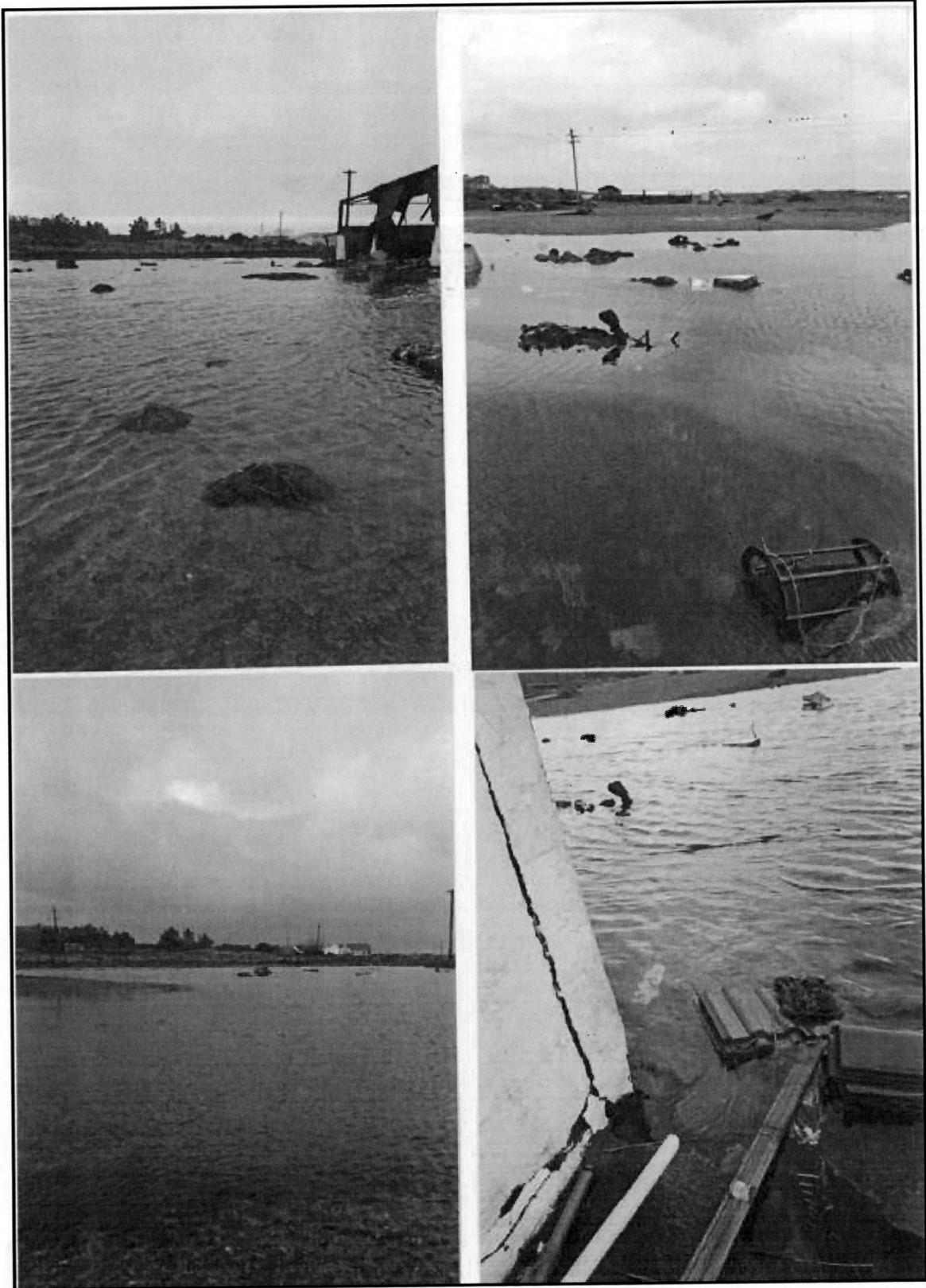
Flooding to Bridgets Stuffles Property - 2022



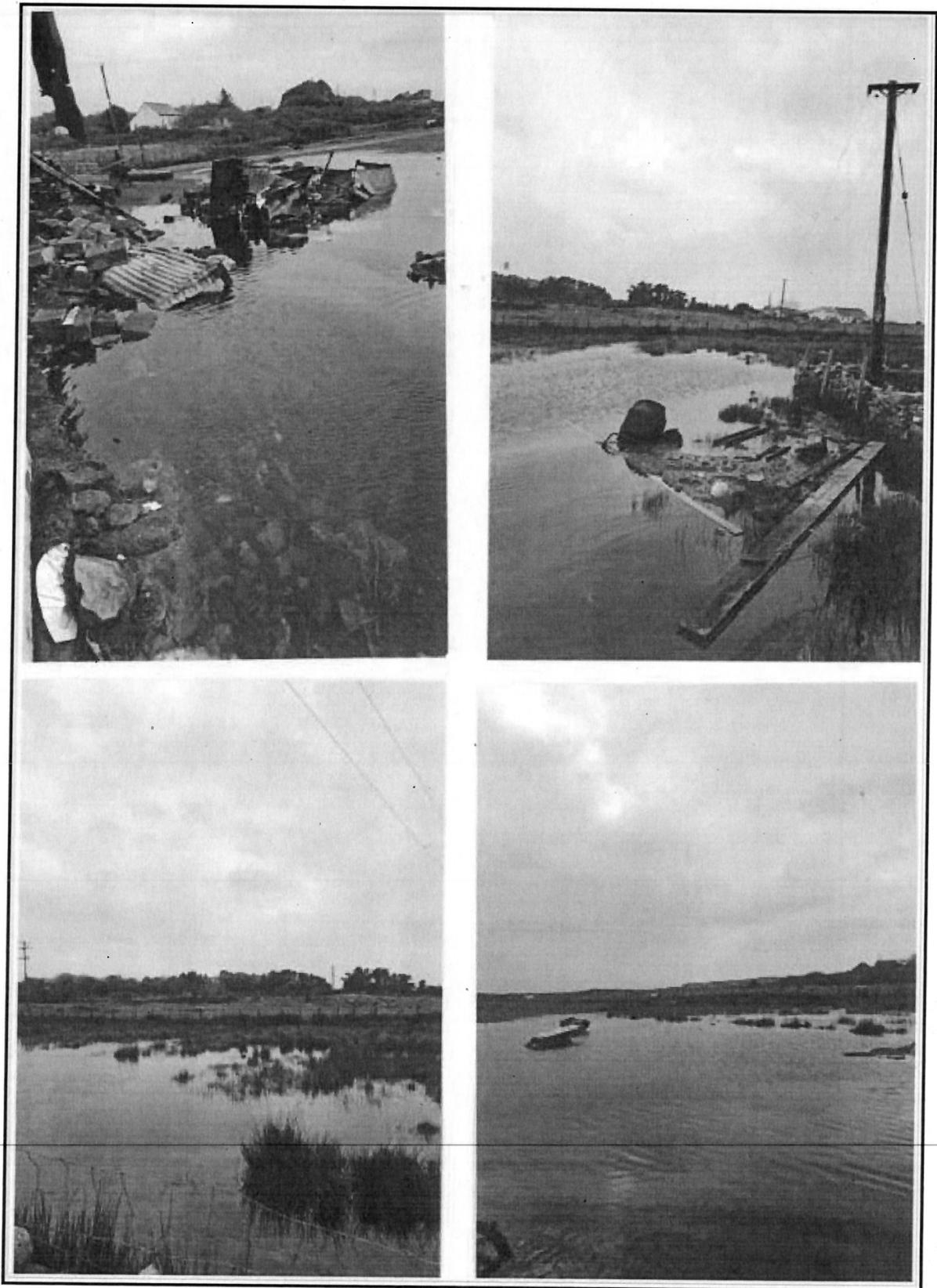
Flooding to Bridgets Stuffles Property - 2022



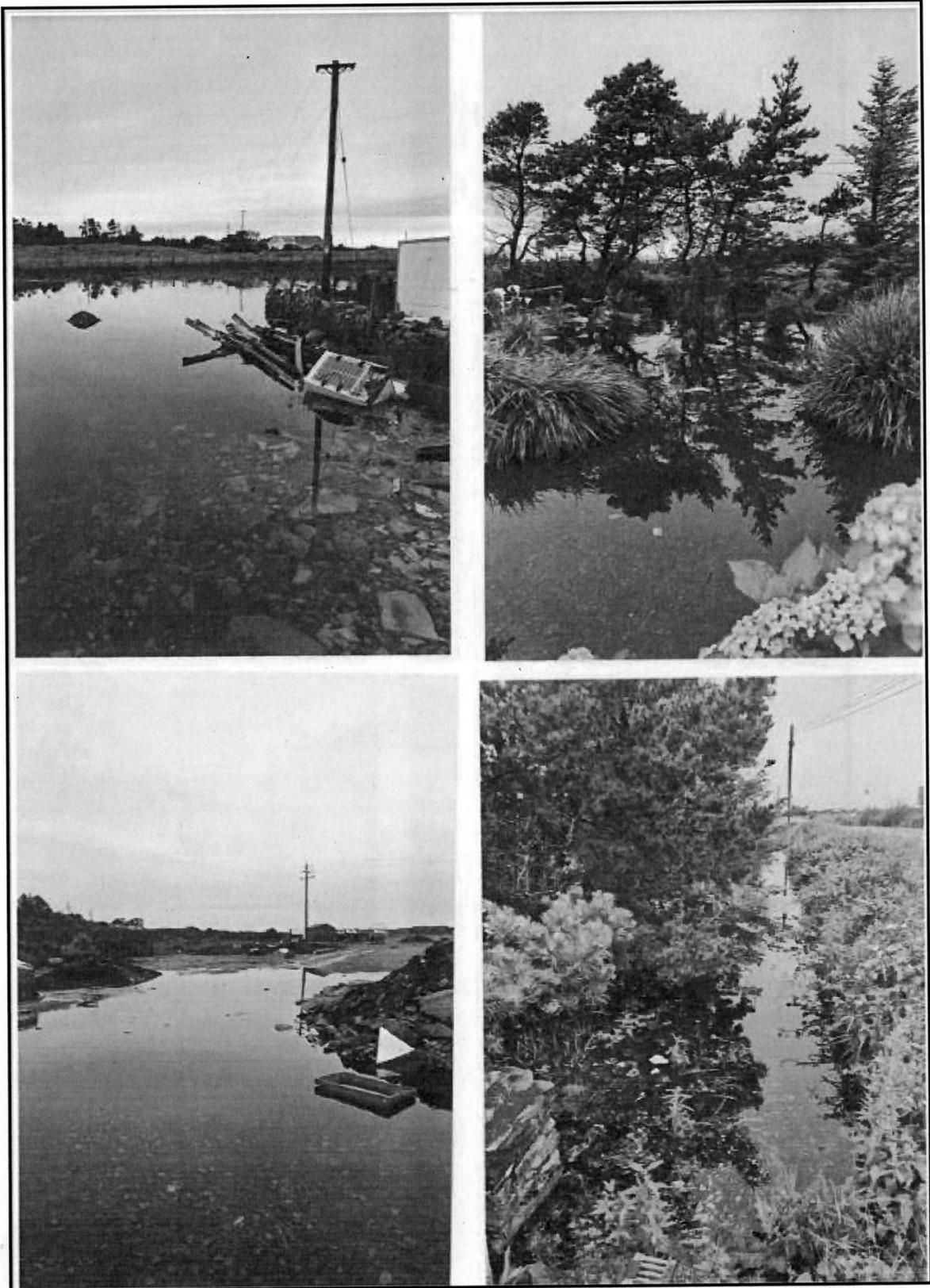
Flooding to Bridgets Stuffles Property – November 2024



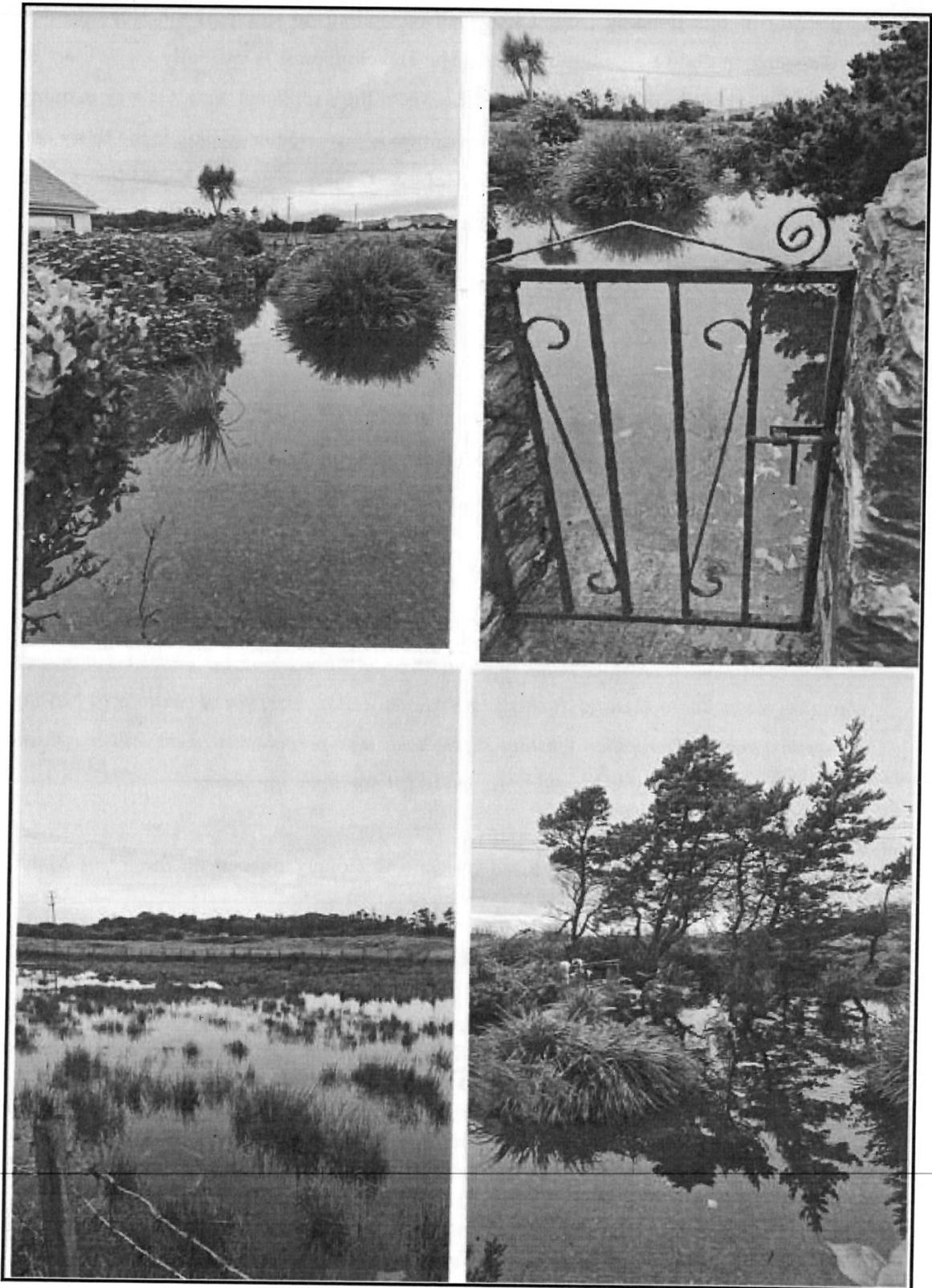
Flooding to Bridgets Stuffles Property – January 2025



Flooding to Bridgets Stuffles Property – January 2025



Flooding to Bridgets Stuffles House Garden & Property – June 2025



Flooding to Bridgets Stuffles House Garden & Property – June 2025

As a result of this flooding , our Client had no option but to report the Unauthorised Developemnt to Galway County Council (The Developp[emnt is currently the subject of Unauthorised Developemnt Proceedings between the Applicant and Galway County Council) and this Subsequent Consent Application is just another stalling tactic to try and hold off the inevitable prosecution by Galway County Council in relation to the unauthorised works.

Planning History

Pl. Ref: 19/1491.

On the 26th of September 2019, George Melville made a Planning Application to Galway County Council seeking Planning Permission for the following works:

To (1) demolish existing rear and side elevations of existing house and construct new rear and side single storey extensions (2) demolish existing porch and replace with new porch (3) proposed external and internal alterations to existing house (4) construct new side elevation extension to existing domestic garage as well as external alterations to existing domestic garage (5) replace existing septic tank and percolation area with a effluent treatment system and polishing filter as well as all ancillary site works.

This planning application was refused by Galway County council on the 3rd of March 2020 for the following 2 Reasons:

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 19/1491

1. **The development site is within a coastal and fluvial flood risk area, the Planning Authority is of the opinion that the Flood Risk Assessment Report submitted does not eliminate beyond all reasonable doubt, any floodrisk associated with the proposed development therefore to permit the proposed development in the absence of sufficient scientific data would be contrary to Objective FL1 of the County Development Plan 2015-2021, the DoEHLG Flood Guidelines 2009 entitled "The Planning System and Flood Risk Management", wouldset an undesirable precedent for similar future developments in the area, and would therefore be contrary to the proper planning and sustainable development in the area.**

2. Having regard to the following:

- The fact that a substantial part of the subject site and aspects of the proposed development works are located in Slyne Head Peninsula SAC,
- The coastal flood risk vulnerability of the site,
- The fluvial flood risk vulnerability of the site,

The Planning Authority is of the opinion that the development will adversely affect the integrity and conservation objectives of protected European sites. Therefore, if permitted as proposed the development would materially contravene Objectives, NHB1 of the Galway County Development Plan 2015-2021 and contrary to the proper planning and sustainable development of the area.

As can be seen for the reasons for refusal, the Planning Authority had grave concerns that any development on the subject site would be contrary to **Objective FL1** of the Development Plan and the DOE Flood Guidelines 2009. The Planning Authority were aware that the site was subject to both Coastal and Fluvial Flooding and therefore they refused Planning Permission for the developments sought under Pl. Ref: 19/1941.

Notwithstanding the fact that Galway County Council refused Planning Permission for works to the property, George Melville and /or his agents carried out extensive works to the cottage along with ancillary site works which included the installation of Stone Gabion Cages to raise the ground level adjacent to the cottage in order to create a flood barrier. These works were carried out between March 2020 and February 2022.

I refer back to pages 8, 9 and 10 of this report where we have shown a number of photographs showing the Unauthorised Works carried out to the Cottage and the Surrounding Site.

Pl. Ref: 22/60055.

Once Galway County Council became aware of the Unauthorised Works, they issued a Warning Letter / Notice of Unauthorised Works and then George Melville made a new Retention Planning Application under Pl. Ref: 22/60055.

At the time of Pl. Ref: 22/60055, we made a submission to Galway County Council to object to the Planning Application. As part of said submission, we also pointed out that

the Unauthorised Stone Gabions were pushing the flood waters up the river and causing major flooding to Bridget Stuffle's property.

The Unauthorised Works for which Retention was sought under Pl. Ref: 22/60055, would have required either an EIA or AA Screening.

As the Application was for Retention and the Unauthorised Works were complete, Galway County Council invalidated Planning Reference 22/60055 on the 30th of March 2022.

The Unauthorised Works are still in place and we understand the Legal Department of Galway County Council are now tasking Court Action to have the Unauthorised Works removed.

We are very much in favour of the Unauthorised Works being removed and in particular the Unauthorized Stone Gabions and Fill which has raised the ground level around George Melvilles House. The unauthorised Gabions are preventing the natural overflow of costal / fluvial flooding onto the lands around George Melvilles house and instead, the flood water is now being pushed up the river mouth and is causing extensive flooding of Bridget Stuffle's Lands.

While the Unauthorised Stone Gabions and fill remain in place, the flooding will continue and this is having a very detrimental effect on our clients health along with causing extensive ongoing damage to her lands and property.

Subsequent Consent Application -Case Ref. No. SU07.323825.

An application for Subsequent Consent was lodged to An Coimisiun Pleanála on the 28th of October 2025.

The Following is An Coimisiun Pleanála's description of the application on their website.

Description	Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended for development to (a) retain house, shed, gabion wall (b) decommissioning of septic tank and installation of a new wastewater treatment unit. This application is accompanied by a Remedial Natura Impact Statement (rNIS).
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On behalf of Bridget Stuffle, we are now objecting to this application.

GROUNDS FOR OBJECTION

1. Incomplete Description.

The Description in the Public & Site Notice does not properly describe the unauthorised works to be retained

The Public & Site Notice seeks the retention of the Gabion Walls but there is no mention of the raised ground inside the Gabion Walls which must also be retained. The photographs below from 2009 and 2025 clearly demonstrate that the ground inside the gabion walls has been extensively raised and Subsequent Consent should have been sought for this work



Google Street View 2019



Google Street View 2025

2. **No EIAR.**

No Environmental Impact Assessment Report has been submitted with the Application.

3. **Major Flaws in Findings of both the rNIS and the Flood Impact Assessment.**

The Flood Impact Assessment and the Remedial Natura Impact Statement both make the assumption that the Gabion Walls and raised ground inside the said walls do not affect the adjacent lands

The Remedial Natura Impact Statement states in relation to the Gabion Walls:

Their construction does not appear to have altered surface hydrology or introduced any significant environmental pressures

3. Driveway and Gabion Walls – Neutral Impact
The gravel driveway and associated gabion retaining walls were constructed outside the SAC boundary with a small portion of the gabion wall inside the SAC but not interfering with any qualifying habitats. These features were built using clean, dry stone and geotextile-free materials, and no excavation was required near watercourse s. As such, there is no evidence of sediment mobilisation or chemical contamination affecting the adjacent SAC. Their construction does not appear to have altered surface hydrology or introduced any significant environmental pressures, and they are considered to be of neutral ecological impact. All gravels are certified also as invasive species free (see appendix)

The Flood Risk Assessment at Paragraph 6.6 notes that:

The development will not have adverse impact on adjoining lands , will not result in flooding at site or elsewhere

*Flood Risk Assessment for the development
at derrygimlagh, Clifden, Co. Galway
for George Melville*

6.6 Implications of development on flooding at site or elsewhere

The natural flow paths are towards the sea as shown by blue arrows on Figure 16. The natural flow paths are along the stream to the North and South of the proposed development. Therefore, the development is not on a flow path and will not obstruct natural flow paths. Therefore, the development will not have adverse impacts on adjoining lands, will not result in flooding at site or elsewhere. The development is not within a flood risk area as detailed in Section 6.1 and Section 6.2, flood mitigation measures are not necessary.

The Conclusions of both the Remedial Natura Impact Statement and the Flood Risk Assessment **cannot be taken at face value as they have not taken into account the impact of a high spring tide** on the stream from Lough Nagap /

Bridge over the R341 and the subsequent flooding that occurs on Bridget Stuffle's lands. The Photographs on Pages 14-19 above clearly show the flooding that has occurred since 2022 as a result of the Gabion Walls.

Both reports are very singular in their assessment and content and have not taken into account the impact of the "Spring Tides" nor have they taken into account that a huge amount of fill has been imported onto the subject site to raise the ground levels inside the Gabion Walls.

Neither Report refers to the historical Tidal Flooding of the lands adjacent to the house and garage and it would appear that the authors of both reports were unaware of the spring tide overflow that used to occur prior to the unauthorised works on the house and site .

The Applicant was obviously aware of the impact of the spring tides otherwise they would not have gone to the huge costs of raising the ground levels and building the gabion walls.

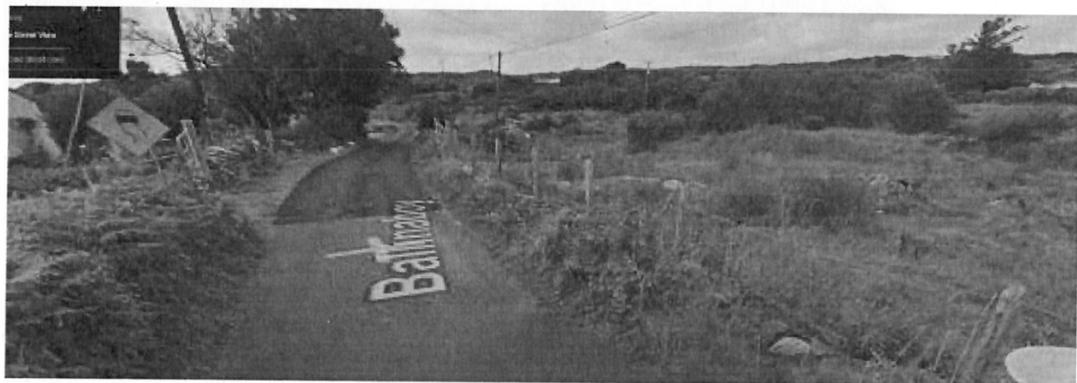
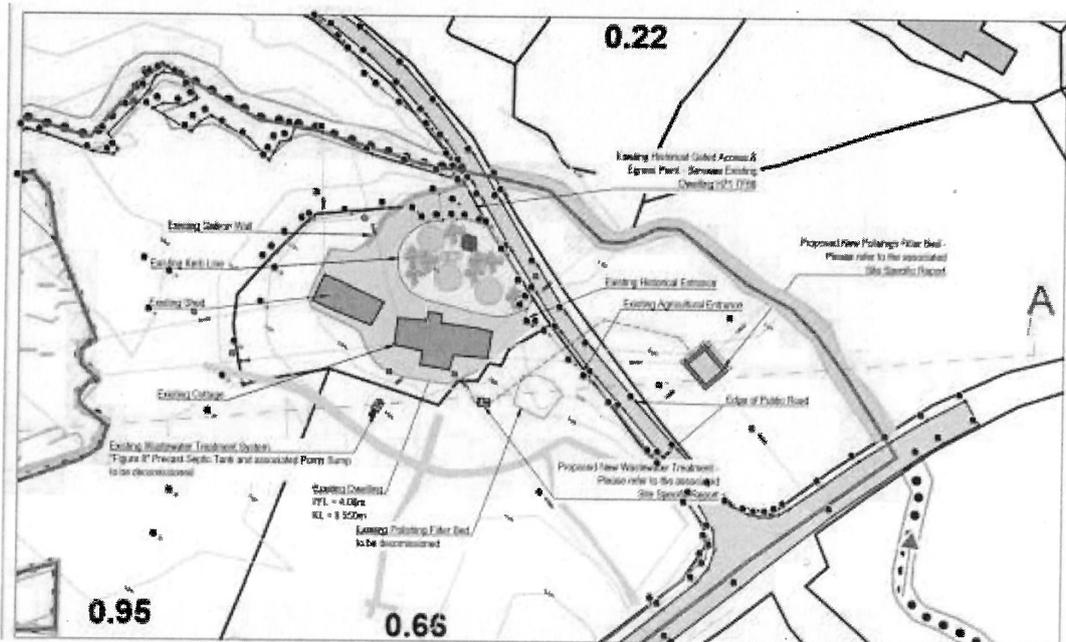




December 2025 – Water Building up at bridge

4. **Site Suitability Assessment.**

Based on visual inspection of the site for the proposed polishing filter bed , located to the West of the Local Ballinaboy Road, it is our opinion that the selected site is NOT SUITABLE for the Safe Disposal of Effluent.



There are lots of Rock Outcrops on the subject lands as shown in the photograph above.

We have reviewed the Site Suitability Assessment Report and the report states that the Trial Hole was excavated on the 13th of August 2025 and Inspected on the 27th of August 2025.

The Trial Hole is recorded as being 0.6m deep and the Site Suitability Assessment Report states that there was NO water in the Trial Hole when the hole was inspected.

I now refer to a Streetview Image Taken from Google Maps website dated August 2025.



This shows one of the excavated holes on site almost full of water.

The following are more photographs from December 2025 showing the current water level in the Trial Holes on site.





Conclusion

We have clearly shown that there are major issues in relation to this application and the works for which consent are sought is having a very negative impact on the lands and health of our client, Bridget Stuffle.

To grant Subsequent Consent Permission for this development should not be considered. The Application is incomplete, is causing major flooding issue for neighbouring properties and the proposed location for the polishing filter is not suitable for the safe disposal of effluent due to the high water table and the trial holes being full of water.

Galway County Council have previously Refused Permission for this development due to Flooding Concerns and the impact on adjacent SAC.

We have shown throughout this submission that all of the reasons for Refusal by Galway County Council were proper and correct.

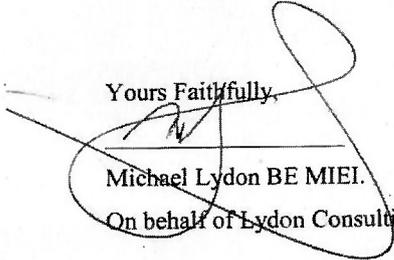
I trust An Commission Pleanala will REFUSE Subsequent Consent for this Application.

This will then allow Galway County Council to continue with their Unauthorised

Development Prosecution through the courts which in turn will require the lands to be returned to their condition prior to the Unauthorised Works in 2020 -2022 which will require the removal of the Gabion Walls and raised ground inside same. This in turn will prevent the flooding of our clients lands which occurs at times of High Spring tides / Storm .

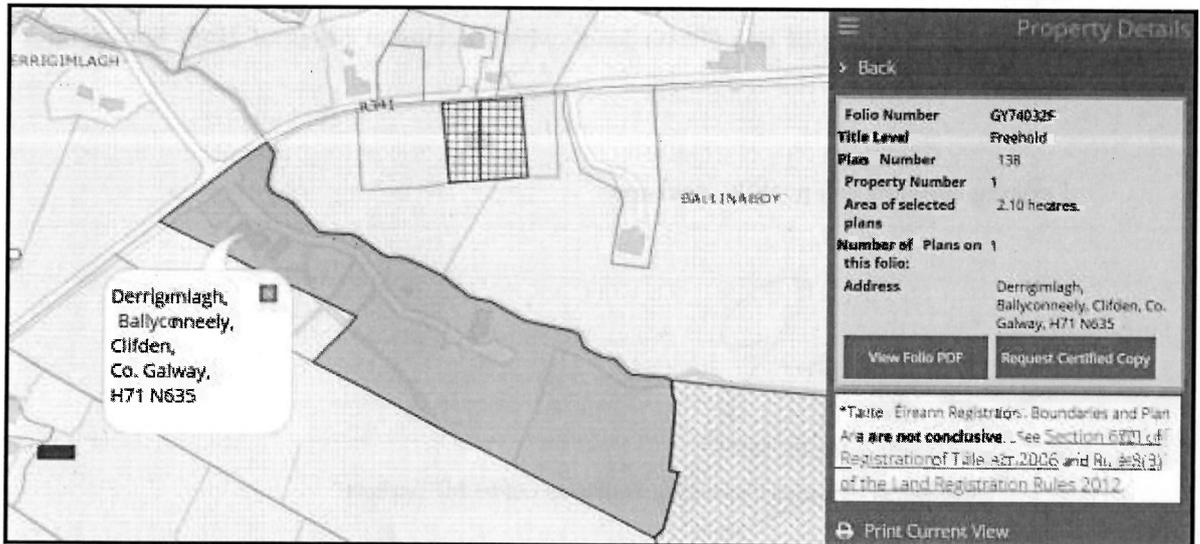
Looking forward to a positive decision

Yours Faithfully,

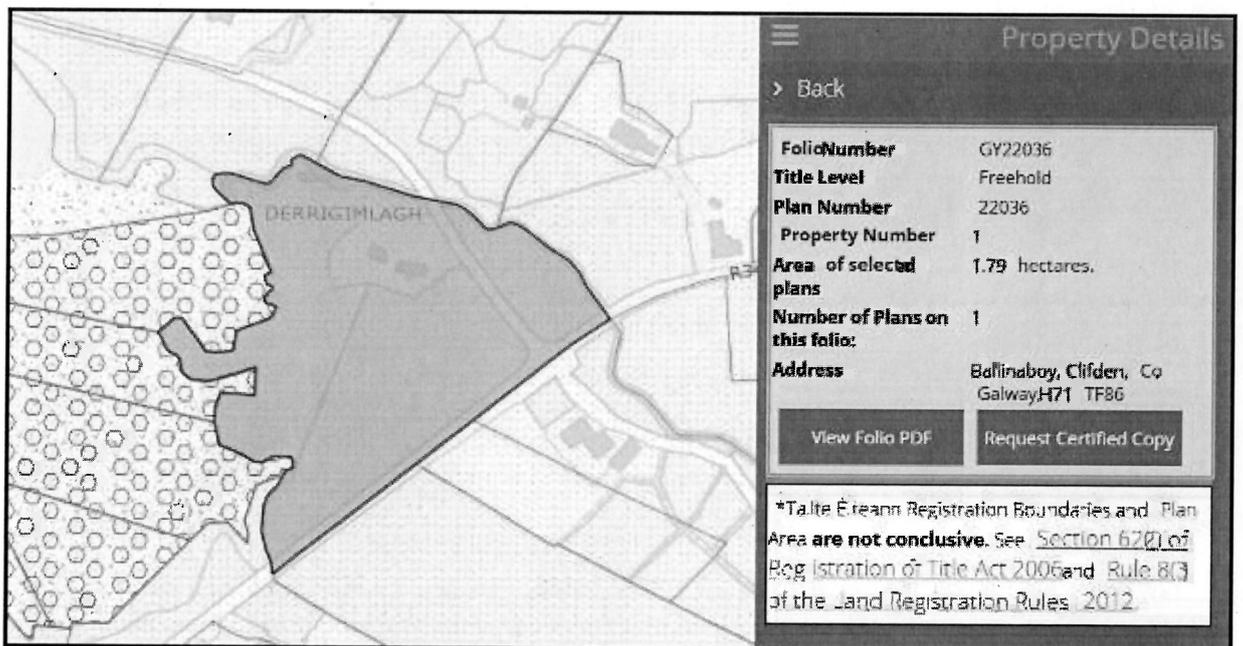

Michael Lydon BE MIEI.

On behalf of Lydon Consulting Engineers Ltd t/a MJ Designs

Appendix A-Land Registry Folios



Folio GY 74032F – Bridget Stuffle.



Folio GY 74032F – George Melville.

James Sweeney

From: Deirdre Prendiville <deirdreprend@gmail.com>
Sent: Monday 22 December 2025 09:02
To: Appeals2
Subject: Appeal
Attachments: 4244_001.pdf

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Sent from my iPhone

Details

Submitter:

Name	DEIRDRE PRENDIVILLE
Address	POTTLERATH, KILMANAGH
Note	KILKENNY

In relation to application

ACP Reference	322154-25
KCC Planning File	256003
Name	Briskalagh Ltd.
Address	In the townlands of Acragar, Ballyconra, Ballycuddihy, Ballyroe, Ballyroe (Grace), Ballyroe (Maher), Baunaniska, Boherkyle, Briskalagh, Brittas, Clone, Coolnapisha, Curraghduff, Freshford, Freshford Lots, Graigueswood, Grange, Huntstown, Kilmanagh, Knockeenglass, Knockown, Moatpark, Monabrika, Monavadaroe, Moneenaun, Oldtown, Oldtownhill, Parksgrove, Picketstown, Rathealy, Sart, Sweethill, Tobernapeastia, Tullaroan, Upperwood Demesne, Co. Kilkenny.

Subject: An Coimisiún Pleanála Reference 322154-25

KCC Planning Application Ref. 2560003

To: An Coimisiún Pleanála

Dear Inspector,

as a party to
I make this observation regarding the First Party Grounds of Appeal (GOA) submitted by Briskalagh Ltd, and in response to the Further Information provided in respect of the proposed wind farm development within the Kilmanagh, Ballycallan, and Tullaroan communities.

This submission reiterates serious and well-founded concerns regarding residential amenity, the inadequacy of the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), and failures in stakeholder engagement.

My opposition to the Briskalagh Wind Farm is rooted in deep concern over how this specific proposal has been handled, both in terms of its excessive scale and the lack of transparency and engagement throughout the process.

Kilkenny County Council (KCC) conducted a comprehensive review of the planning application and have found *"there are a number of significant deficiencies in the quality and quantum of data provided, particularly in the areas of landscape and visual effects, material assets, noise, ecology and hydrology. Furthermore, insufficient detail has been provided on the matter of cumulative effects, especially in regards to the likely effect on the residential amenity of the immediately adjacent residential areas.*

The EIAR was found not meet the statutory EIA requirements in relation to fourteen sections contained therein.

Having considered the applicant's First Party Grounds of Appeal and the subsequent response to Further Information (FI) submitted to An Coimisiún Pleanála, including the updated bat surveys and hydraulic modelling, my position remains unchanged. The Briskalagh proposal is inappropriately scaled, poorly sited, and procedurally flawed. The proposed development is located within an area that is already making a substantial contribution to national renewable energy targets.

Furthermore, the FI responses fail to address the serious deficiencies identified by local residents, independent experts, Kilkenny County Council, and CAAS.

"The cumulative effects of the proposed development will impose an unreasonable and disproportionate environmental loading on the character of a rural area with a locally concentrated population due principally to the combined effect of potential visibility and noise, as well as flicker and disruption of material assets, especially roads, during a prolonged period.

While proximities between individual turbines and individual dwellings appear to fall at, or close to, minimum standards, the cumulative effects will, arguably, exceed the threshold of what a community can be reasonably expected to tolerate for the overall residential amenity of the community. Guidelines and precedence do not offer reliable relevant thresholds for cumulative effects such as will occur." Kilkenny County Council Planning Report, Appendix 3, CAAS Ltd, Environmental Impact Assessment Review Page 55.

Issues which have not been resolved through the FI response

1. Human health and residential amenity: The proposal presents an unacceptable risk to nearby residents arising from operational noise (including low-frequency noise and infrasound), shadow flicker, construction disturbance, and the close proximity of 185-metre turbines to two villages and approximately 218 homes within a 2 km radius. These impacts also give rise to legitimate concerns regarding adverse effects on residential amenity and property values.
2. Inadequate assessment of cumulative effects: There is a clear failure to properly evaluate the combined impacts of this proposed development and other wind farm developments in the area, particularly in relation to human health, landscape character, noise, ecology, and the cumulative burden on the local area. The communities of Kilmanagh, Ballycallan and Tullaroan have accommodated several wind farms including Foyle, An Cnoc, Ballybay, Farranrory.
3. Risks to water resources and flooding: The development poses a significant threat to a sensitive aquifer, local group water schemes, and the already flood-prone village of Kilmanagh. The new Fluvio R&D Ltd report contains significant and concerning errors.
4. Deficiencies in environmental assessment: The EIAR and NIS are fundamentally inadequate, with serious shortcomings in baseline data, cumulative assessment, hydrology, ecology, noise, landscape and visual impact, and human health. These deficiencies have been independently identified and confirmed by CAAS.
5. There remain ongoing failures to protect biodiversity and comply with Appropriate Assessment requirements.
6. Landscape and visual impacts: The visual impact assessment understates the worst-case effects, especially from the most affected homes and from the communities of Kilmanagh, Ballycallan, and Tullaroan.
7. Traffic, haul routes and construction impacts: The proposed construction phase would impose a disproportionate and unreasonable burden on the local community, with serious traffic and road safety implications. Of particular concern are risks to children and school users arising from haul routes and construction compounds located close to Kilmanagh village centre.
8. Corporate structure and accountability: Serious concerns remain in relation to the applicant's limited structure, offshore ownership arrangements, and similarities with other wind farm developments that have experienced significant compliance issues.
9. Planning policy compliance and site suitability: The site is not identified as suitable for large-scale wind energy development under the operative Wind Energy Strategy (Figure 10.2 of the Kilkenny City and County Development Plan 2014–2020). As such, the proposal represents a material contravention of both local and national planning policy objectives.
10. Community engagement and Aarhus Convention concerns: The developer has consistently failed to engage in a meaningful and transparent manner with the affected communities of Kilmanagh, Ballycallan and Tullaroan. This includes repeated errors in identifying sensitive receptors and the provision of inconsistent, poor-quality information over time, contrary to the principles and my rights as a resident of this community under the Aarhus Convention.

In light of all of the above, my view remains that the developers appeal the Further Information, and the updated technical reports largely restate the original position and fail to resolve the substantive issues, which are incapable of remediation.

As per Kilkenny County Council's Planning Report, page 73

"there is evidence that the proposed development by reason of its size and scale will give rise to excessive levels of adverse effects on residential amenity due to the cumulative effects of visual intrusion, combined with noise, flicker and disturbance of access on many nearby dwellings in and around the settlements of Tullaroan, Kilmanagh, and Ballycallan. These effects are integral and incapable of being mitigated because they arise from the extent and scale of the proposed works and their proximity and position relative to dwellings."

The FI response does not alter these facts.

Kind regards,

Deirdre Prendiville

Dated 18/12/25