

Could you please advise, if it will be necessary for the Appellant to lodge an objection to any application for retention to Waterford City and County Council the developers at 15 Village View make, and then lodge a second appeal with the Bord? The Appellant takes the view that this approach is adding extra unfair costs both with respect to lodging an objection and then with a second appeal considering the fees already paid, for the Section 5 declaration and the lodgement of this appeal.

Further information with respect to the Section 5 declaration process was requested from the Council but not provided. The Appellant is assuming that the developers at 15 Village View will need to apply for planning permission for the raised soil levels only. However, this appeal concerns both the raised soil levels and the constructed development. The Appellant therefore wishes the Bord to consider both the raised soil levels and the constructed development.

The process, in light of the conflicting decision made by Waterford City and County Council, is unclear to the Appellant. The constructed development was declared to fall within exempted development, but the raised soil levels upon which the development rests was not. The Appellant disagrees with this and takes the view the Council has erred in its decision.

The Appellant requested a Section 5 Declaration under the Planning and Development Act 2000 and the Planning and Development Regulations 2001. The Appellant is not the developer of 15 Village View, but the owner of 18 Village View which adjoins the development at 15 Village View.

Please find enclosed cheque in the amount of €220, Appeal in respect of Section 5 Declaration, Schedule of Supporting Documents, Schedule of Supporting Photographs.

**Re: Waterford City and County Council Reference Number: D52018 6
S. 5 Declaration by Waterford City and County Council of extension and other works carried out at No 15 Village View, Clashmore, Ballyhenry, County Waterford.**

An Bord Pleanála,
64 Marlborough St.,
Dublin 1, D01 V902
Dear Sir or Madam,

18 Village View,
Ballyhenry,
Clashmore,
Near Youghal,
County Waterford.
19th December 2018

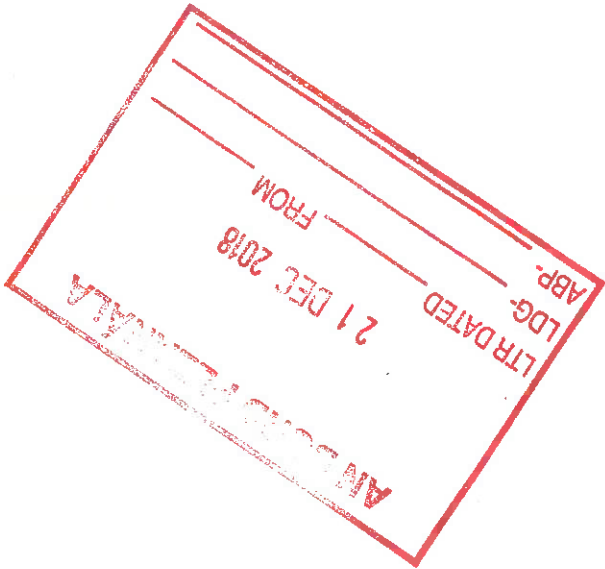
LDG- 10/11/03-18	ABP-
AN BORD PLEANÁLA	
21 DEC 2018	
Fee: € 220.00	Type: cheque
Time:	By: <i>eg 10/15</i>

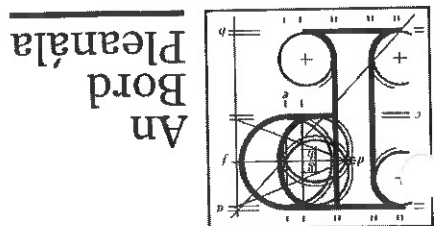
Your urgent advice and decision on this matter would be appreciated. Thank you in
advance.

Yours faithfully,



E. Thorsch





Planning Appeal Check List

(Please read notes overlaid before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

2. State the

name of the appellant
(not care of agent)

E. Thorsch

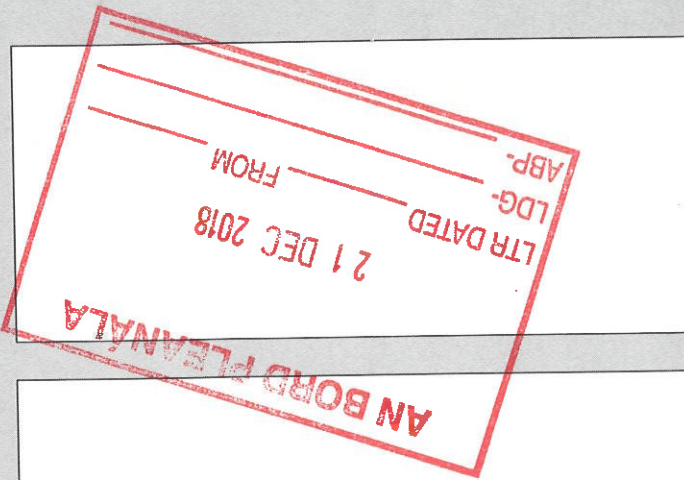
address of the
appellant
(not care of agent)

18 Village View
Ballyhenry
Clashmore
Near Youghal
Co. Waterford.

3. If an agent is involved, state the

name of the agent

address of the agent



4. State the Subject Matter of the Appeal*

Brief description of the development

B. S. Declaration Appeal

Location of the development

15 Village View
Bridges near
Christmore, near Houghal
Co. Waterford

Name of planning authority

Waterford City & County Council

Planning authority register reference number

D 520186

* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.

5. Attach, in full, the grounds of appeal and the reasons, considerations and

arguments on which they are based.

6. Attach the acknowledgement by the planning authority of receipt of your

submission or observations to that authority in respect of the planning

application, the subject of this appeal. (Not applicable where the appellant

is the applicant).

7. Enclose / Pay the correct fee for the appeal and, if requesting an oral

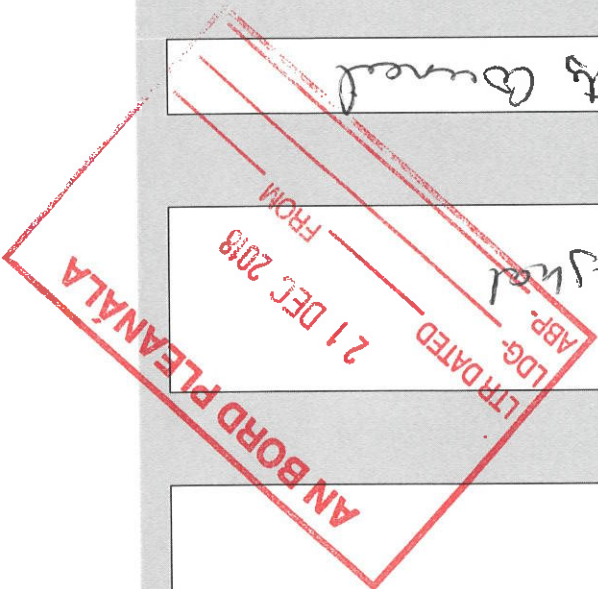
hearing of same, the fee for that request see "Guide to Fees Payable"

under heading of Making an Appeal on Home Page of this website for

current fees.

8. Ensure that the appeal is received by the Board in the correct manner

and in time.



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council



14th February, 2018.

BO/K/O/L/D/5/2018 6


E. Thorsch,
18 Village View,
Clashmore,
Co. Waterford.

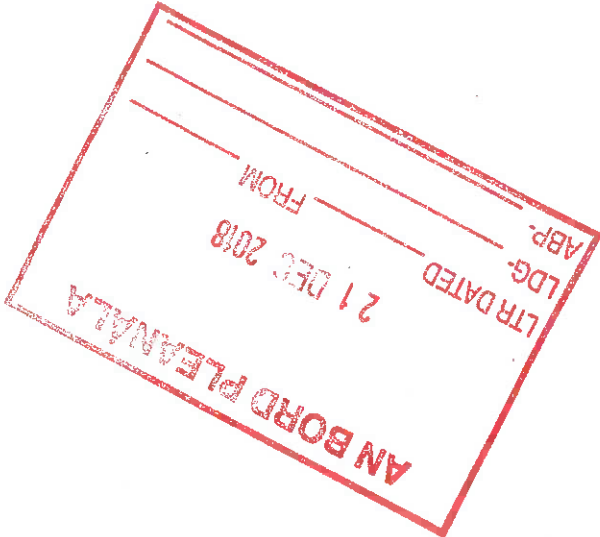
RE: 15 Village View, Clashmore, Co. Waterford.
Section 5 Declaration

Dear Sir or Madam:

I wish to acknowledge receipt of your application for Section 5 Declaration relating to the above mentioned property and enclose receipt herewith.

Yours faithfully,


E. O'Kennedy,
Staff Officer.



Appeal submission by E. Thorsch in respect of S. 5 Declaration of extension and other works carried out at No 15 Village View, Clashmore, Ballyheeny, County Waterford by Waterford City and County Council under the Planning and Development Act 2000 as amended and the Planning and Development Regulations 2001 as amended.

Waterford City and County Council Reference Number: D52018 6



19th December 2018

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(b) Hard surfacing of the whole of house no 15

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(b) Loss of Amenity

(c) Chimney diversion, location, pollution

(d) Drainage

(e) Hard-surfacing of complete rear area, free space,
ecological sustainability.

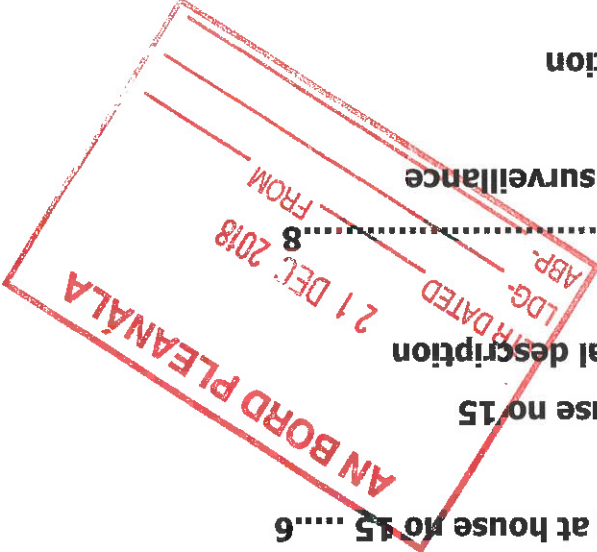
(f) Disproportionate, intrusive size and visibility of the
structure

(g) Absence of Architect or Engineer's Certification

(h) Health and Safety Hazard

(i) Sustainability

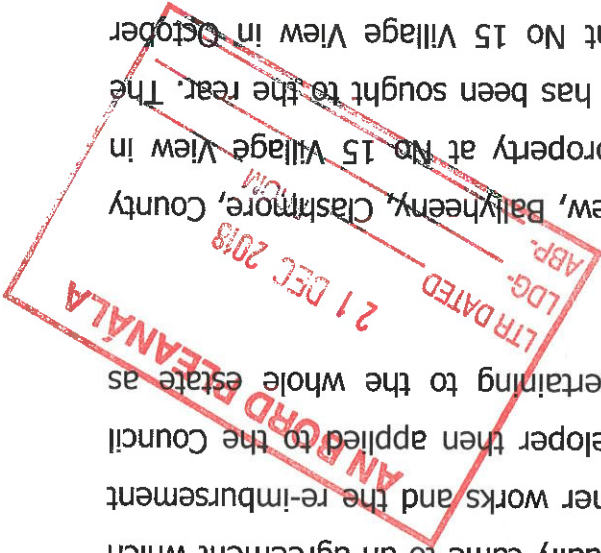
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1. Background and Planning History:

The original developer of the Village View estate commenced partial development of the estate in 1999 but failed to construct a number of dwellings in accordance with planning permission granted. The Appellant purchased the property at No 18 off the plans in 2001. At that time only approximately half of the estate dwellings had been constructed. Soon after the purchase of No 18 the Appellant noticed that dwellings which were being constructed after the purchase of No 18 were not in accordance with planning permission. The Appellant brought this to the attention of Waterford County Council who granted retention permission. House numbers 13 and 12 had not yet been fully constructed. The Appellant appealed the decisions of Waterford County Council in respect of houses 16, 15, 14, 13 and 12 to An Bord Pleanála. The Bord's decisions in respect of house no 16, 13 and 12 are attached in **Tab 1 Schedule of Supporting Documents**. Unfortunately, the Appellant has not been able to locate the Bord's decisions pertaining to house numbers 15 and 14 to date. However, the Appellant recalls that the Bord decided to grant retention as constructed including the ground level. The original developer and the Appellant eventually came to an agreement which included the raising of boundary walls, other works and the re-imbursment of the Appellant's costs. The original developer then applied to the Council and was granted retention permission pertaining to the whole estate as constructed.

The Appellant still lives at No 18 Village View, Ballyhenry, Clashmore, County Waterford. No. 18 directly adjoins the property at No 15 Village View in respect of which the Section 5 declaration has been sought to the rear. The current owners purchased the property at No 15 Village View in October 2012. In 2014 the current owners and developers of No 15 commenced works and development to their property. These have turned out to be extensive. The current owners did not seek planning permission for these works. They failed to consult with any of the property owners at no's 20, 18,



17 and 16 which directly adjoin their property. It is not known to the Appellant if the owners of no 14 were advised.

On 21st December 2017 the Appellant visited Waterford City and County Council at their Dungarvan office and completed the 'Complaint of unauthorised development form'. The Enforcement Officer replied by letter on 17th January 2018 with a three page attachment. The Appellant is of the view the Enforcement Officer was mistaken in fact and in law. The Appellant completed the Section 5 Declaration form and paid the € 80 fee on 1st February 2018. The Appellant wrote to the Council on 10th April 2018 and on 7th June 2018 but did not receive any response. The Appellant wrote again on 20th September 2018 and was advised by letter dated 2nd October that the application would be dealt with within the next 10 to 14 working days. No response with respect to the queries contained in the Appellant's letter of 20th September 2018 were provided but on 4th December 2018 the Council posted out its Section 5 Declaration. The Appellant then visited the Dungarvan office on 7th December 2018 to view the file and obtain any drawings and measurements pertaining to the development. The Appellant was informed that none of the files are kept at the Dungarvan office and that the documentation is scanned. Eventually the Appellant was able to obtain a copy of the Report but no other documentation. She was advised the full file would be at the Dungarvan office on Monday 10th December 2018 but when the file was viewed it did not contain any drawings or measurements pertaining to the development. It should be noted the Appellant had originally requested these on 1st February 2018 but could not obtain them. The Appellant has therefore made three (3) attempts to obtain the measurements of the development but these are being withheld by the Council. The Council has also withheld all correspondence with the owners of No. 15. The file only contained a summary print out of the planning history of the estate, the Section 5 declaration, the Report and the Appellant's correspondence with the Council. The Appellant therefore wishes to bring to the Bord's attention the withholding of documentation and information by the Council and the

circumstances under which this appeal is being made. All the documentation obtained is contained under **Tab 1** of the **Schedule of Supporting documentation.**

2. Description of the works and Development at No 15 Village View, Ballyheney Clashmore, County Waterford.

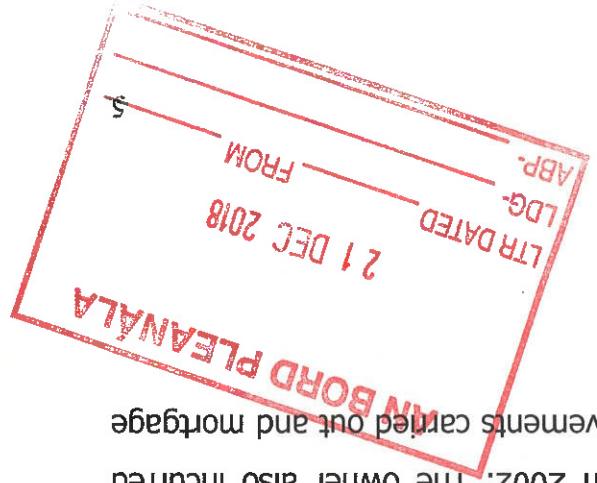
(1) The original building of House no 15

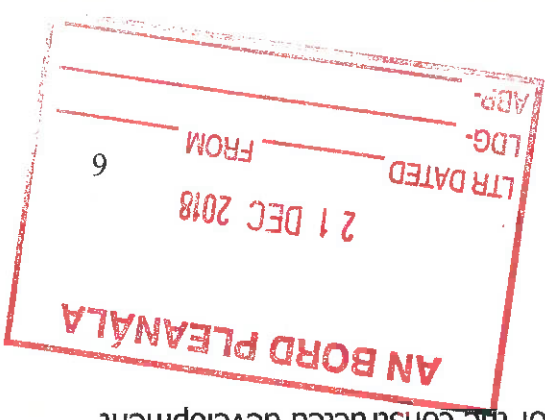
Houses no 15 and 14 were constructed as one unit of two 3 bedroom semi-detached houses. The floor area of house no 15 was 92 square metres. The house is situated on top of a steep downward slope with the rear garden sloping downwards towards house no 20. A concrete soil retention wall separates house 15 from no 20. On top of the retention wall are 3 rows of concrete blocks. The house had two medium sized windows situated approximately 30-60 cm below the original roof. Situated between the two windows was an opaque glazed single sized rear back door. Attached is a photograph of the rear of house no 20. House no 15 would have looked like this before the extensive works.

House no 20, 18, 17, 16 and 14 directly adjoin house no 15.

House numbers 17 and 16 have been rented out for a number of years to different tenants.

House number 20 was only recently sold in the middle of 2018. The house had been on the market for almost one year and was sold for €12,000 less than the original builder had sold it for in 2002. The owner also incurred further costs / losses such as further improvements carried out and mortgage costs.





The raised ground level was then completely hard surfaced with what appears to be tarmacadam. The hard surfaced rear area of house no 15 is now the highest rear surface of that part of the whole estate. The hard-surfacing also included two even higher ramps on each side of the constructed development

(b) Hard surfacing of the whole of house no 15

The downward slope used to end at approximately 4 feet or more **below** the retention wall. This is still the case with house no 14. From the **photographs** showing the rear of house no 15 and 14 it will be seen that the shed at no 14 juts out above the retention wall at approximately half the full height of the shed. Similarly, house number 20 lying immediately below house number 15 confirms the original downward sloping garden towards house no 20. Thus the whole rear garden of house no 15 was raised by 4 feet or more.

It is difficult to calculate how many tonnes of soil were used to raise the rear area which used to be a garden. However, house no 14, the semi-detached house adjoining no 15 provides an approximate level.

(a) Raising of rear ground level

- Raising of the whole rear garden area to the very top of the soil retention wall.
- Hard-surfacing the whole rear area on top of the raised rear area.
- Construction of an extension covering approximately 75% of the rear wall of the original house and approximately the same with respect to the rear garden.

parts:

The works and development carried out by the current owners consist of 3

(2) Subsequent extensive works carried out at house no 15

(c) Construction of extension – general description

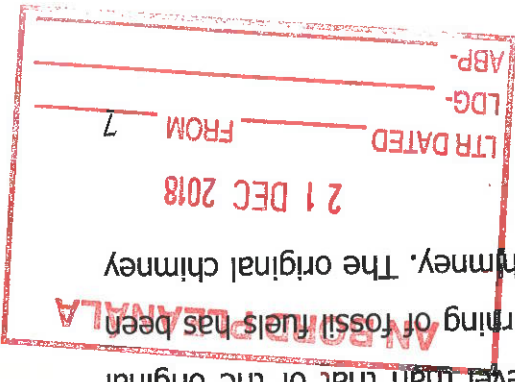
The extension is constructed mainly of transparent glass windows extending to the roof and floor to roof transparent glass double doors located at the side facing the boundary wall of house no 18. All the windows are transparent and much larger than the original windows. Because the ground level was so substantially raised, the windows size is so large and their location extends to the roof, approximately 40 to 50% of the windows and double doors extend above the boundary wall of no 18. The windows can be opened at the top as of course can the double doors.

The transparent glass 'walls' exceed the original stone walls of the house in height. This is particularly so at the end portion of the extension development. Please refer to attached photograph which demonstrates the higher transparent glass 'walls' of the extension compared to the original rear stone wall.

The rear windows of the extension extend approximately 75% of the whole of the width of the rear of house no 15. Only one of the original windows remains to the rear of house no 15. This is clearly located much lower than those of the new extension. Please refer to photographs.

The non-glass portion of the extension consists of concrete blocks which have been plastered and not the bradstone the whole of the estate has been constructed with.

It will be noted that the extension has also a new metal type chimney. This new metal type chimney located at the left side of the extension to the boundary of house no 14 is at a much lower level than that of the original chimney to the house. It appears that all the burning of fossil fuels has been diverted from the original chimney to this new chimney. The original chimney is no longer in use.



The rear of houses no 20 and 14 mirror the original design and extent of house no 15.

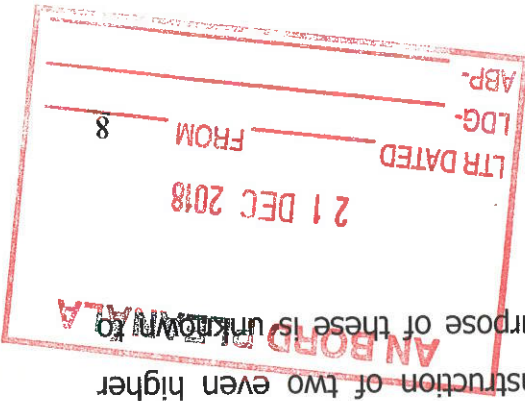
The new extension built on extensively raised ground is visible not only from all the houses immediately beneath it, but also from the green. It is even visible from houses no 1 and no 2 located immediately to the left when entering the estate. Thus the extension actually faces the front of the estate. It should be noted that the floor level inside of the extension is even higher than the extensively raised outside ground levels.

Waterford City and County Council has refused to provide any measurements pertaining to the extension on three separate occasions. I has also refused to provide any drawings with measurements.

(3) Grounds of appeal

(a) Overlooking bordering on 24 hour surveillance

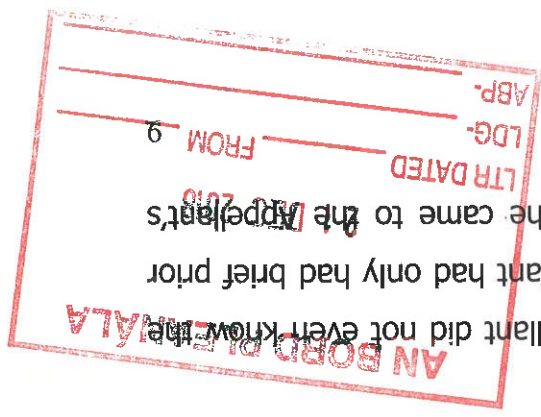
There is no need for the owners of house no 15 to get wet or cold, if they wish to listen in to conversations and / or view what any of the neighbours are doing, saying, or whom they are fraternising with. All this can be done in comfort from the viewing and listening surveillance tower constructed and the extensively raised hard surfaced tarmacadam platform they have developed. This even extends to neighbouring properties that do not immediately adjoin house no 15. In fact the Appellant is aware that one property owner not immediately adjoining house no. 15, has now planted a tree in the garden despite having removed a tree several years earlier. The ground level are further raised by what appear to be the construction of two even higher ramps on either side of the extension. The purpose of these is unknown to the Appellant.



With respect to house no 18, the expensive, mature, specimen fir tree planted 17 years ago was maliciously damaged and the wood stolen. The damage extended to even removing part of the trunk at the bifurcation point. Several side branches were cut to the tree trunk, thus creating large gaps that will never regrow. Virtually all the branches except for the very top of the tree facing house no 15 have been cut to inches of the trunk despite the fact that these branches were growing vertically within the boundary wall of house no 18. One year later none of the tree branches have regrown. It should be noted that since the side gates of house no 18 were locked the only means of access to the tree was from the rear. The damage to the tree has substantially increased the ability of house no 15 to pry and surveil the rear garden and side of house no 18 from within the extension.

The owner of house no 18 is in the process of consulting an expert to determine whether or not the tree has been dangerously unbalanced and rendered in an unsafe condition. If so, the tree will then have to be cut further to render it safe. However, it is certain that the cutting of the side branches to the trunk within the boundary wall of house no 18 will never regrow and thus never return to its original shape. The gaps will remain and any previous semblance of privacy afforded to house no 18 is no longer present with the extension constructed on the extensively raised grounds and ramps. It is submitted that any inspection and assessment of the development at house no 15 should be viewed from the perspective of the tree no longer being present. It is further submitted that the Appellant cannot rely on any natural vegetation to provide privacy and prevent overlooking since this can be damaged at any time. It should be noted the tree was maliciously damaged when the Appellant's 83 year old mother was attending a cardiology appointment and to which the Appellant had brought her.

It should also be noted that until then, the Appellant did not even know the names of the owners of house no 15. The Appellant had only had brief prior contact with the female owner in 2015 when she came to the Appellant's



AN BORD PLEANALA
 LTR DATED 21 DEC 2018
 FROM 11
 LDG-
 ABP-

It is further submitted that because of its low level and proximity to neighbouring properties, it is hazardous to human health. A hazard is defined in the **2001 Planning and Development Regulations** to mean 'the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment; it should, it is argued, be considered as backyard burning, contrary to environmental

Regulations nor Planning Regulations nor Building Regulations.
 It is submitted that the diversion and construction of the new chimney to this much lower level does not comply with **Environmental Pollution**

commences from approximately midday to late night-time. The ash and particulate matter is clearly contaminating the garden of house no 18. It is so uncomfortable and irritating to the nostrils and lungs that it is not possible to carry out any gardening, spend any time in the garden or even open the windows to air out the house properly. The noxious smoke pollution

Depending on the direction of the wind, this creates a polluting ash and smoke fog in the rear garden of house no 18. Literally one cannot see the rear of the garden clearly at house no 18.

chimney of the extension development. For six months of the year, possibly longer, depending on the weather, polluting, health-damaging smoke is emitted from the much lower metal

(c) Chimney diversion, location, pollution

sitting out with a cup of coffee and reading a book can no longer be enjoyed. It is not possible to invite visitors to the garden without being watched or heard. The Council's report completely ignores this issue. Even the planting of a vegetable plot is out of the question because of the pollution from the chimney. This is further addressed below.

legislation i.e. the Waste Management (Prohibition of Waste Disposal by Burning) Regulations 2009 as amended, the Waste Management Act 1996 (Section 32(1)), the Air Pollution Act 1987 and the Protection of the Environment Act 2003. It is a nuisance to neighbouring properties endangering the health of others. Indeed, it may also contravene the Habitats Directive considering the fact that this area had been designated a conservation area for birds. Please refer to the Government Notice by the Minister for the Environment, Heritage and Local Government Mr John Gormley and accompanying map and documentation attached at Tab 2 Schedule of Supporting documentation. This includes Ballyhenry in which the properties are situated.

Further, long-term, permanent damage to human health cannot be ruled out. Attached is an extract of the 2015 World Health Organisation report entitled 'Residential Heating with wood and coal – health impacts and policy options in Europe and North America'. The report refers to 'significant outdoor and indoor pollution through..... penetration from the outside. It refers to serious health effects such as respiratory and cardiovascular morbidity and mortality'. Furthermore, particulate matter and carcinogenic compounds are emitted from the burning of wood and coal. Particulate matter is particularly damaging to the lungs since it enters deep into the lungs causing chronic obstructive pulmonary disease. Carbon monoxide, Nitrous Oxide, Volatile Organic Compounds such as acrolein, formaldehyde, benzene, gaseous and particulate PAHs, other organic compounds such as carboic acid, multiple saturated and unsaturated hydrocarbons, aromatics, PAHs and oxygenated organic compounds such as aldehydes, quinones, phenols and organic acids and alcohol are produced from the burning of solid fuels such as wood and coal and are damaging to health. An extract of the report is attached at Tab 3 Schedule of Supporting documentation. Other academic sources refer to carcinogenic dioxins and ash containing mercury, lead and arsenic.

ABP-
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LDR DATED 21 DEC 2018
FROM 12
ABP-LEASING

Further, young children residing near house no 15 might be particularly vulnerable to the noxious polluting smoke and ash and suffer permanent damage to their health and development. The metal chimney itself is blackened from all the burning, clearly this is also spreading to the neighbouring properties and its occupants.

The smoky, toxic fog from the very low, metal chimney is polluting the blackcurrant bushes, tree and other plants of the Appellant's garden. It was noted that the wall climbing plants in the rear of garden no 18 did not flower to the same extent as in previous years and did not attract the same amount of bees it normally does for the whole of the spring and summer in 2016/2017. The Council's report has completely ignored the chimney issue.

Further, the rear garden particularly at the boundary wall of house no 15 has become far wetter since the development of the extension, raising of the ground level and hard-surfacing at house no 15. This will be further addressed below.

(d) Drainage

Apart from guttering to the new development extension roof, and a single surface water drain at the original rear wall of the house there does not appear to be any other form of drainage. The extensive raising of the ground level has already put significant additional pressure on the boundary walls including the retention wall, with potentially hazardous consequences. The soil in the area is a heavy clay soil. It is poorly draining. The area attracts very heavy and persistent rain. The surface water from no 15 is clearly going into neighbouring properties since the whole the rear and side of the house has been hard surfaced including the extension. Even from the photograph taken by the Council with the commentary 'The adjoining ground level at 20 Village View – 2.7 m below the subject site' it is clear that there is extensive

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LTR DATED 21 DEC 2018

FROM

L.D.G. ABP.

The development simply protrudes from multiple points of the estate and surrounding area, resembling a watchtower with a constantly smoking

(f) Disproportionate, intrusive size and visibility of the structure

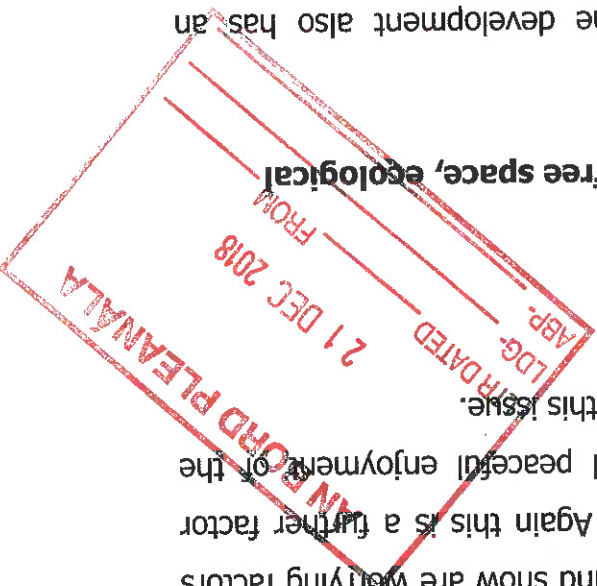
habitat. Apart from the issues referred to above, the development also has an ecological impact. The small amount of remaining completely hard-surfaced space, now a raised tarmac platform / gangway will never have plants grow there. No insects or other animal life will find a home there. No children will ever be able to play or sit out in what was once the back garden, this space being theoretically the safest outside space for a child. From an ecological perspective it is a barren area with no possibility for any plant or animal

sustainability.

(e) Hard-surfacing of complete rear area, tree space, ecological

The rear garden of house no 18 that bounds the walls of house no 15 only i.e. not where house no 18 bounds house no 17 or 19 has been completely waterlogged. Attempts to walk on this portion of the garden results in sinking into the soil. This has only been encountered in recent times since the extension was built and complete hard-surfacing of house no 15. The inadequate provision for drainage of rainwater and snow are worrying factors particularly with respect to ground movement. Again this is a further factor adding to the loss of amenity and quiet and peaceful enjoyment of the garden. The Council's report completely ignores this issue.

run off because of the bald saturated patch and lack of what should be a lawn. Without the - what appears to be hedging absorbing some of the water, the situation would be even worse.



The extensive raising of the ground level to the very top of the retention wall is a health and safety hazard to any future owner of house no 15, and

(h) Health and Safety Hazard

or adjoining properties.

The development was constructed without consulting the planning authorities.

engineering experts.

The development was constructed without consulting architectural or

certificate concerning the new development.

The owners of house no 15 were unable to produce an architect or engineer

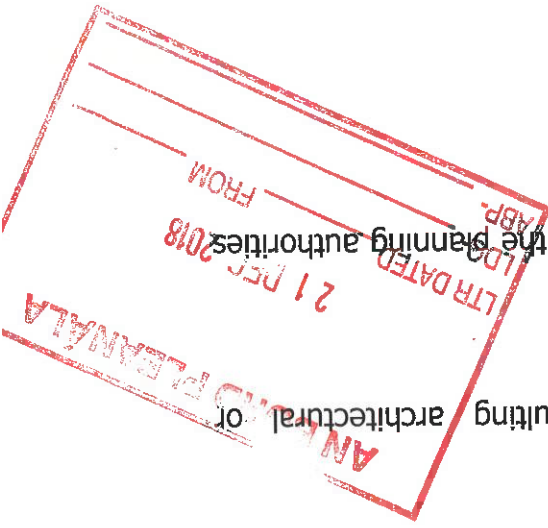
(g) Absence of Architect or Engineer's Certification

relationships with the owners of no 15.

The Appellant consulted with other property owners and they have said they should be noted that in a small estate and village such as this, the reluctance of other neighbours objecting should not be taken to mean they are satisfied with the development at house no 15. As stated previously some of the properties are rented out, in the process of being sold, and/or there is a reluctance to formally object because of personal reasons and future relationships with the owners of no 15.

area in sum is rural with scenic natural views.

chimney. Instead of viewing houses built of beautiful stone in an attractive natural environment filled with green, one's eye is immediately drawn to this towering glass structure. It neither fits in with the estate, nor with the village, which has an old world feel and atmosphere with the thatched cottage, heritage church, distillery and older buildings of the Main Street and surrounding area. Designated nature walks are also a feature of the area. The



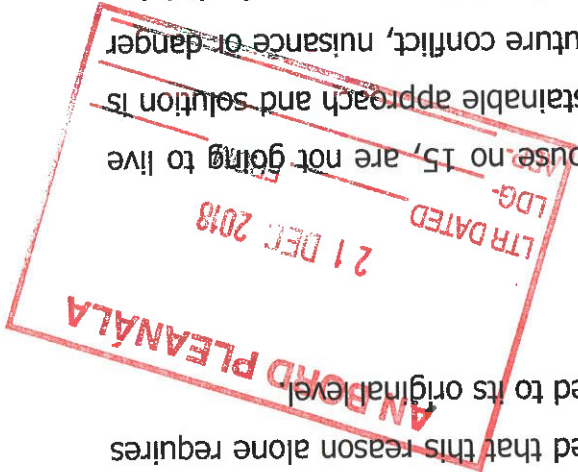
The original builder who had the advice and oversight of a civil engineer would not have been permitted to construct this new development, extensively raise the ground level nor hard-surface the whole rear of house protrude and detract from it.

regulations. It should fit in with the surrounding environment rather than standards such as energy efficiency, emissions, biodiversity and habitat meet health regulations and safety standards. It should meet environmental particularly the right to a private and family life and the right to life. It should planning and building regulations. It should meet human rights legislation should not be a health or other hazard to adjoining properties. It should meet detract aesthetically from adjoining properties, the estate or the village. It sell or rent. It should not reduce the value of other properties. It should not properties i.e. the ability and time taken to market a property if they wish to to adjoining properties. Further, it should not be at the expense of adjoining necessary. It should not cause current and future conflict, nuisance or danger

forever. It is submitted that a long-term, sustainable approach and solution is Like the Appellant, the current owners of house no 15, are not going to live

(i) Sustainability

the ground level of house no 15 to be restored to its original level
been seriously injured or killed. It is submitted that this reason alone requires
might not become aware of this danger until it is too late and a child has
the sloping estate had rectified. Unsuspecting future owners of house no 15
wall (no longer visible) is now a 'built in' hazard that the original developer of
to house no 14. The raising of the ground level to the top of the retention
the retention wall was approximately 4 feet below the retention wall, similar
of concrete block on top of the retention wall. The original ground level below
was an issue before and hence the original developer constructed the 3 rows
possibly house no 20. The drop to house no 20 is approximately 9 feet. This



Regulation.

With respect to the exempted development provided for under Article 6 of the 2001 Regulations and the conditions set out in Schedule 2 Part 1, as stated previously, these are not exclusive to other applicable laws which protect the rights of others. In other words, for instance, the European Convention on Human Rights, specifically Article 2 which respects the right to life and which includes the right not to have one's health damaged - by a low polluting chimney, Article 8 which protects the right to a private and family life and not be constantly overlooked and surveilled by neighbouring property, Article 13 which protects the right to an effective remedy. These rights cannot be excluded by the conditions of the Schedule or the Articles of the 2001

complaint of unauthorised development.

requested in the application for the Section 5 declaration and the form for address the issues raised above apart from the raising of the ground level basic conditions of exempted development. Moreover, the report does not Appellant and indeed the Council that the assessment does not meet the measurements. However, it is clear from the photographs taken by the determination. The Council has refused to provide any drawings or Waterford City and County Council has made a contradictory assessment and

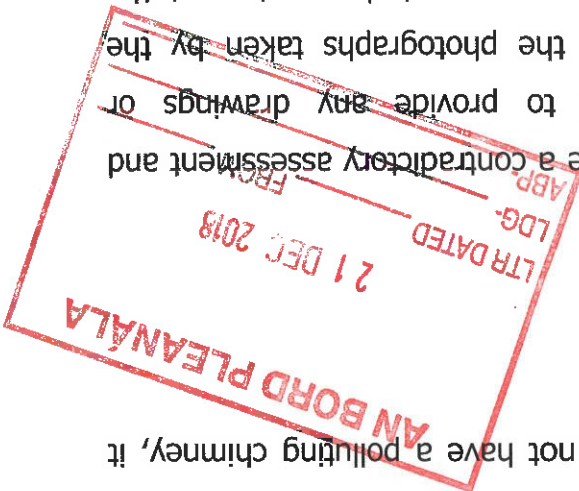
4. Section 5 Declaration report

does not affect adjoining properties.

With respect to the small conservatory attached to house no 19 which is a detached house, it should be noted that this is remarkably different. It is much smaller in size, the ground level was not raised, it is not completely hard-surfaced, ample provisions were made for drainage, the same building materials as the house were used, it does not have a polluting chimney, it

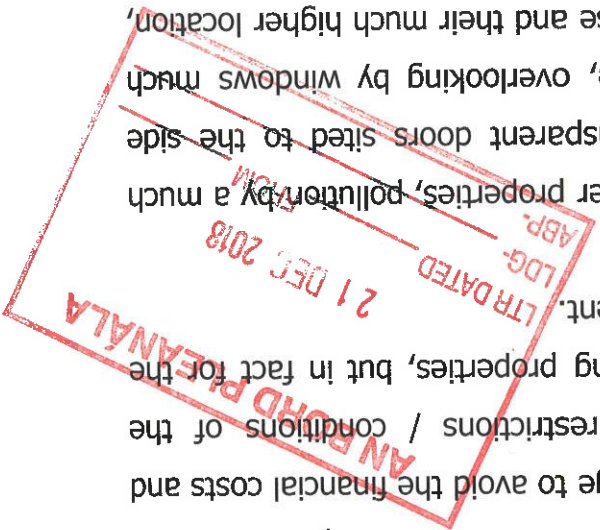
the current owners should not be permitted to do so either.

no 15, with its consequent effects to adjoining properties. It is submitted that



The Appellant further argues in any case the development and report does not meet the criteria of the schedule or the sections / articles cited. It does not address the effect on adjoining properties or specific peculiarities of the estate, site and adjoining properties. This does not mean that these issues can be discounted and ignored or interpreted as if the house was a detached house surrounded by fields. It does not mean that a development can be constructed so as to cause danger or damage to other people or property.

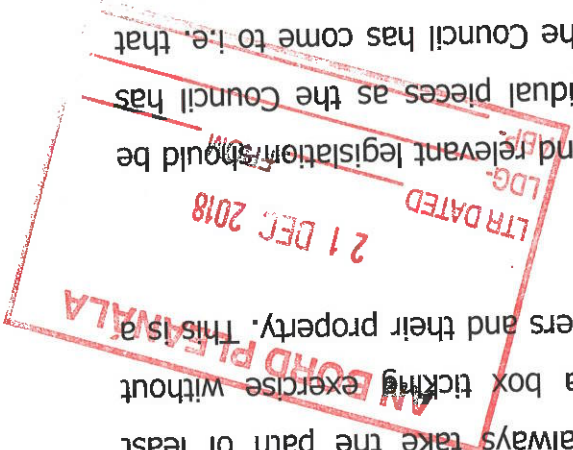
The Appellant argues that the interpretation of the legislation in the Council's report is erroneous, because it is already implied the legislation that loss of amenity by neighbouring properties, protection from overlooking and surveillance, pollution control and the right to not have one's health or property damaged, appropriate drainage etc., are included and met by the exempted development. The conditions or restrictions in the Schedule are, in fact, additional to the implied conditions, because the allowance or permission for exempted development is, as such, a privilege to avoid the financial costs and burden of applying for permission. The restrictions / conditions of the Schedule are not for the benefit of adjoining properties, but in fact for the property proposing the exempted development. Furthermore, issues such as drainage to other properties, pollution by a much lower diverted chimney, double glass transparent doors sited to the side rather than the original rear of the house, overlooking by windows much larger than the windows of the original house and their much higher location, loss of amenity by others, soil retention wall, etc are not addressed in the schedule, but are part of the development. It is implied in the legislation that these damaging issues to others are not present when constructing an exempted development. If they are present, it is implied that steps must be taken to eliminate them. The rights of others are not eliminated by the right to construct an exempted development.



Nor indeed that the neighbouring properties should have to go through the expense of a civil suit to protect the integrity of their own property and other rights associated therewith. The handwritten comment at the bottom of the report: **'The issues raised relate to a party wall between two private properties and as such is deemed to be a civil issue'**, is extremely disturbing. If the council did not erroneously assert that the construction is exempted development on top of ground levels and surfacing that are not exempted development, thereby attempting to legitimise, peculiarly, what is not legitimate, this issue would not arise. The council appears to take this view that if the retaining walls between No 15 and No 20 fall or move this will not have an effect on the other parts of the retention walls and thereby the estate. Water and ground movement will always take the path of least resistance. The council simply completed a box ticking exercise without evaluating the risks and consequences to others and their property. This is a complete misinterpretation of the law.

The Appellant argues that the development and relevant legislation should be considered in toto and not as distinct individual pieces as the Council has done. This explains the unusual conclusion the Council has come to i.e. that the actual construction is exempted development but that the ground upon which it is situated is not. It is the cumulative effect of the development, i.e. the raising of the ground level of the whole garden by approximately 4 feet or more, the hard-surfacing of the whole of the raised ground level and the construction on top of this that must be determined. Considering that the ground level is raised by at least another foot from within the constructed development i.e. the floor level is even higher, it is submitted the approach taken by the Council is irrational.

The Planning Act Section 4 (1) sets out the various forms of exempted development. However, Section 4 (1) (h) excludes the carrying out of works for the maintenance, improvement or other alteration of any structure which materially affect the external appearance of the structure so as to render the



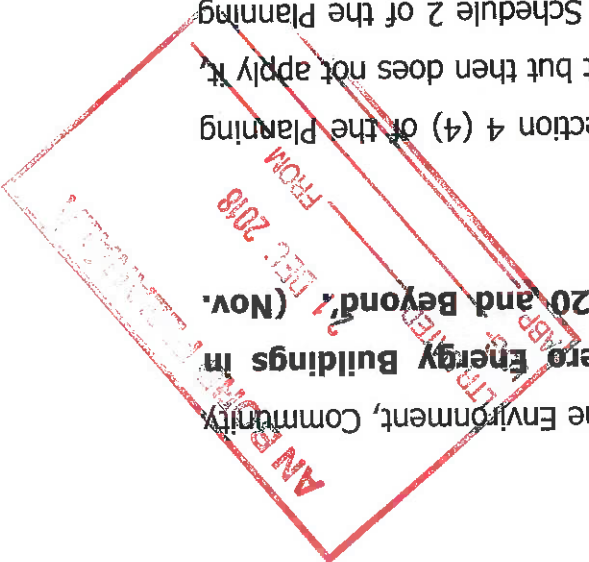
The purpose and general limitations of providing for exempted development is set out in Section 4 (2) (a) (i) '... by reason of the size, nature or limited effect on its surroundings, or development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development. The Appellant argues the size, nature and effect on its surroundings of the development in question is unsustainable. By reason of overlooking and the violation of the right to private and family lives under the European Convention on Human Rights the development is unsustainable and offends against proper planning. It affects multiple properties adjoining it, it affects properties not adjoining it – as stated it can be seen from houses 1 and 2, from the green to the front of the estate, and from all the houses beneath it. Not having any form of a rear garden is from an ecological perspective and even from the perspective of rearing children unsustainable. The Appellant refers to the issues already raised above with respect to drainage, retention wall etc. Furthermore, the development is not energy efficient – its location only allows for early morning sunshine and strong winds batter the area even in summer. It is not in line

appearance inconsistent with the character of the structure, or, of neighbouring structures. Alteration is defined as follows:- alteration includes replacement of a door, window or roof that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structure. The Appellant argues that the materials alone used in the development e.g. the excessive size of windows, the double glass doors to the side and the use of concrete blocks and not bradstone blocks would render the constructed development one for which planning permission would have been required. Further, no other property has raised its ground level. No other property has hard-surfaced a raised ground level. No other property has altered the rear garden to this extent. The Appellant argues that subsection (j) refers to already existing structures.

APPELLANT'S SUBMITTED -
 21 DEC 2018
 APPEAL -
 APPEALANT'S SUBMITTED

The Appellant notes the Council partially cites Section 4 (4) of the Planning and Development Act 2000 on Page 2 of its report but then does not apply it, moving straight on to the box ticking exercise of Schedule 2 of the Planning and Development Regulations 2001. The Appellant argues that the exception cited '...development shall not be exempted development if any environmental impact assessment or an appropriate assessment of the development is required' applies to the development in question. The report on Page 7 states 'Note: the concerns raised with regard to raising of levels and potential impact on the retaining wall should be referred to the Building Control'. The Appellant fully agrees with this statement and an appropriate assessment of the development in question is required from this perspective, at a minimum, to ensure the safety and integrity of other properties and of persons in the housing estate. The Appellant argues that this is one of the functions of Building Control. Abdicating this responsibility to property owners when the Council deems and legitimises the constructed extension to be exempted development, on the (illegitimate) raised ground levels on which it is constructed and which is the actual source of possible danger is unacceptable. The two issues are indivisibly interconnected - the Council was not carrying out its assessment of a development resting on foundations of air, or, on another piece of land, but on this particular site, with these specific attributes. The Appellant accepts that the Planning and Development Act 2010 Section 177 (v) places appropriate assessment under the context of the Habitats Directive. However subsection 2(f) allows for any written submission or observations to be made and considered. The area is a protected area for birds who require not only trees to nest but food sources, which are not gained from a hard-surfaced area or whilst being observed. In fact the large windows might cause or result in birds flying into them. The Appellant found

with Government policy from the Department of the Environment, Community and Local Government – 'Towards Nearly Zero Energy Buildings in Ireland, Planning and Development for 2020 and Beyond', (Nov. 2012).



a dead bird under the specimen fir tree during the summer. Certainly the trees to the front of the Appellants house are used for nesting by smaller birds.

With respect to the exempted development provided for under Article 6 of the 2001 Regulations and the conditions set out in Schedule 2 Part 1, as stated previously, these are not exclusive to other applicable laws which protect the rights of others. In other words, for instance, the European Convention on Human Rights, specifically Article 2 which respects the right to life and includes the right not to have one's health damaged - by a low polluting chimney, Article 8 which protects the right to a private and family life and not be constantly overlooked and surveilled by neighbouring property, Article 13 which protects the right to an effective remedy. They cannot simply be excluded by the conditions of the Schedule or the Articles of the 2001 Regulation.

Referring specifically to the interpretation by the Council of Schedule 2:-

The rear of the house faces the front of the estate;

Raising the whole ground level by four feet or more is not landscaping; A hard surface does not mean completely hard-surfacing the whole garden.

With respect to Article 5 (2) the ground level prior to the works was approximately 4 feet **below the retention wall**. This can be seen from the level of the shed in the photograph at house no 14, photograph no 1.

With respect to Article 6 (1), Article 9 (1) provides 'Development to which Article 6 relates shall not be exempted development for the purposes of the Act- (a) if the carrying out of such development would- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

AN BORD PLEAN
LTD
LTD
FROM 21 DEC 2003

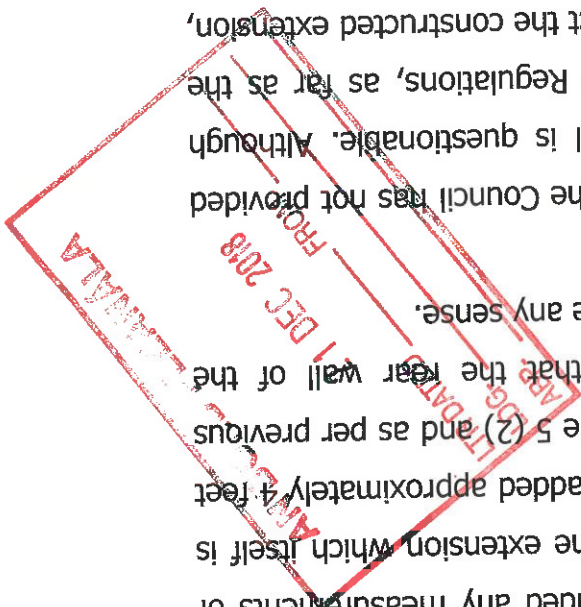
The Appellant argues that the permission granted and the previous decision made by the Bord do not permit the raising of ground levels, complete hard surfacing of the raised ground or the construction of a development upon this raised ground level. Retention permission was granted on the condition that the ground levels remain the same i.e. as they were at the time. The Council has erred in its statement on Page 3 inferring that the subject site was not appealed to the Bord.

With respect to 3 (c) of the assessment report, the rear of the house in fact faces the front of the estate from the lower level of the estate.

The Council has not provided any measurements with respect to the development constructed.

The development is on the newly raised ground level as defined in Article 5 (2) of the Regulations and therefore not within the Council's assertion of 'single storey' and above ground level. In fact, the rear wall of the original house is substantially lower in height than the rear wall of the development on the raised ground. This can be seen from the Council's own photograph where the woman is walking up the newly constructed ramp towards the gate on Page 15. The Appellant argues the development is in fact 1½ storey. The Council ignores condition 4 (a) and has not provided any measurements of the rear wall of the house nor the rear wall of the extension, which itself is higher than the house wall and to which must be added approximately 4 feet as per the original ground level as defined in Article 5 (2) and as per previous permission granted. The Council's assessment that the rear wall of the proposed extension is a hipped roof does not make any sense.

With respect to condition 5, private open space, the Council has not provided any measurements. The wording of the Council is questionable. Although Private open space is not defined in the Act or Regulations, as far as the Appellant is aware, the Council appears to subtract the constructed extension,

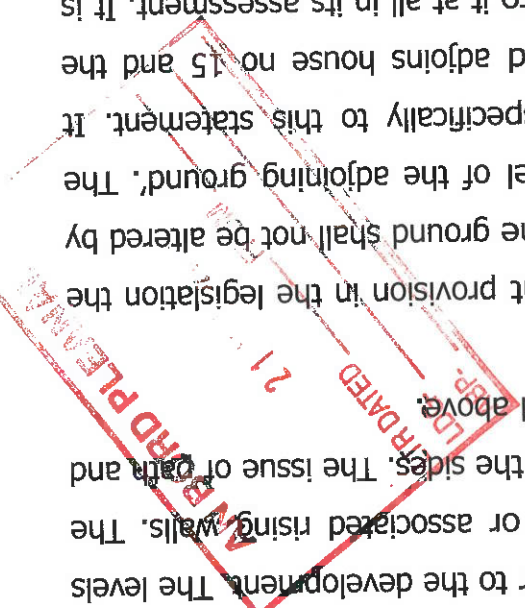


The Appellant is unclear with respect to what provision in the legislation the Council refers to when stating 'The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground'. The Appellant is therefore unable to respond specifically to this statement. It should be noted that the Appellant's ground adjoins house no 15 and the Council did not take measurements or refer to it at all in its assessment. It is also unclear where exactly the Council measured the ground level of no 14 from its photograph on Page 16. The photograph does not correspond with photograph no 1 of the Appellant. From the Appellant's photograph it is clear that house no 14 does not have the 3 rows of concrete blocks on top of the retaining wall. It has a wooden fence at the retaining wall. The photograph has a wall to the left. The vegetation on the left side of the Council's photo does not correspond with that of house no 21 below. It is therefore unclear

The Appellant argues the Council has misinterpreted Article 9. The Appellant has already referred to the previous planning conditions and the Bord's decision. The development is above ground level. Additional raised ramps have been constructed at both sides of the development not footpaths. Even the oil tank was not on a raised platform prior to the development. The levels were not raised merely for any foundation or associated rising walls. The whole ground level has been raised including the sides. The issue of path and hard surface area has already been addressed above.

Condition 6 (b) refers to distance of a window from a boundary. According to the original ground level and on this basis that the extension is in effect 1 1/2 storey the Appellant argues that any window should be 11 metres from the boundary wall not 1 metre. Further, the conditions are silent with respect to double glass doors facing the boundary and windows overlooking the boundary. The Appellant argues that this condition is not met.

which clearly could not be regarded as open space, in its assertion that the open space condition has been met.

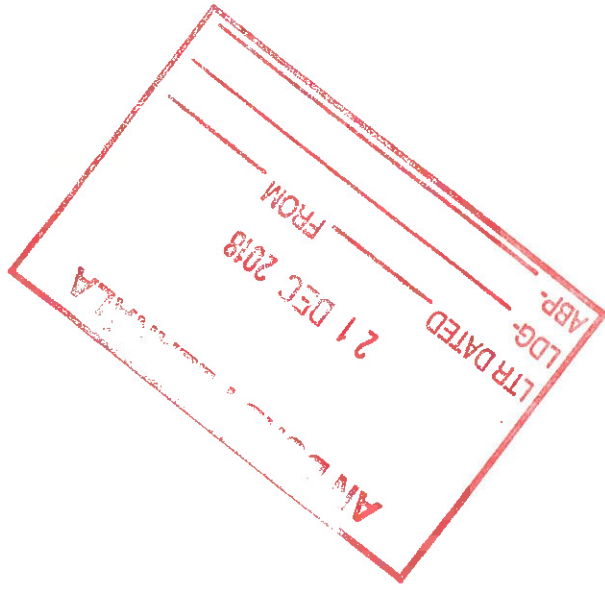


where exactly the council made the measurement since the council has refused to provide drawings and measurements on 3 separate occasions to the appellant. However, house no 14 has a similarly sloping garden to what house no 15 had prior to the development. As stated they were built together as one unit, at the same time. Both ground levels were therefore the same, as were the gardens.

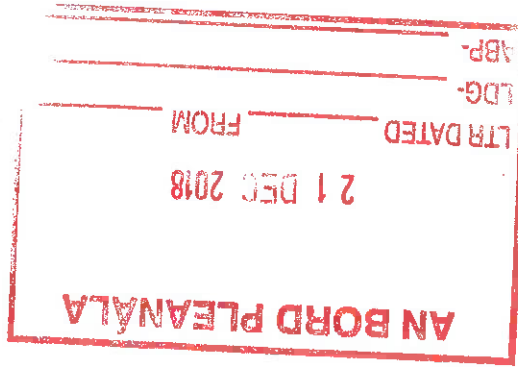
The Appellant attaches photographs and a **Photograph Schedule and Description** describing the development from the photographs.

The Appellant attaches **Schedule of Supporting documentation** made available to the Appellant.

The Appellant wishes to draw to the attention of the Bord that it has taken 1 year for the Council make its assessment and that it refused to provide drawings, measurements etc. to mount an appeal properly to the Bord. The Appeal is therefore submitted on the basis of the information made available.



Appeal by E. Thorsch 18 Village View, Ballyhenry, Clashmore, Co. Waterford



S. 5 Declaration by Waterford City and County Council of extension and other works carried out at No 15 Village View, Clashmore, Ballyhenry, County Waterford.

Waterford City and County Council Reference Number: D52018 6

Schedule of Supporting Documents

INDEX

TAB 1:

An Bord Pleanála decision re 16 Village View, Clashmore.
An Bord Pleanála decision re 13 & 12 Village View, Clashmore.
Complaint of unauthorised development form dated 21st December 2017.
Response from Enforcement Officer dated 17th January 2018 and
attachment.
Section 5 Declaration Application Form dated 1st February 2018.
Letter by Appellant to Waterford City and County Council dated 10th April
2018
Letter by Appellant to Waterford City and County Council dated 7th June
2018
Letters by Appellant to Waterford City and County Council dated 20th
September 2018
Letters by Waterford City and County Council 2nd October 2018.
Section 5 Declaration

Section 5 Declaration Report dated 4th December 2018 obtained at Council
Office on 7th December 2018.

TAB 2

Notice by the Minister for the Environment, Heritage and Local
Government Mr John Gormley

TAB 3

Residential Heating with wood and coal – health impacts and policy
options in Europe and North America

Our Ref: PL 24.204625
P.A.Reg.Ref: PD03/769
Your Ref:

Ellen Thorsch
18 Village View,
Clashmore,
Co. Waterford

20 JAN 2004

Appeal Re: Retention of and alterations to no. 16 (original planning ref. 99/823).
16 Village View, Ballyheeny, Clashmore, Co. Waterford.

Dear Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts, 2000 to 2002. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Board Direction on the appeal on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Yours faithfully,

M. Shaw
Maeve Shaw
Administrative Assistant
Direct Line:

BP 100n.ltr

Encl:

64 Sraid Maolbhríde,
Baile Átha Chath 1.

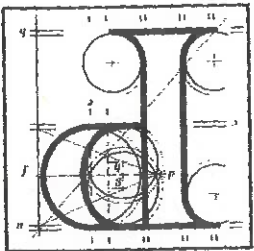
Tel: (01) 858 8100

LoCall: 1890 275 175

Fax: (01) 872 2684

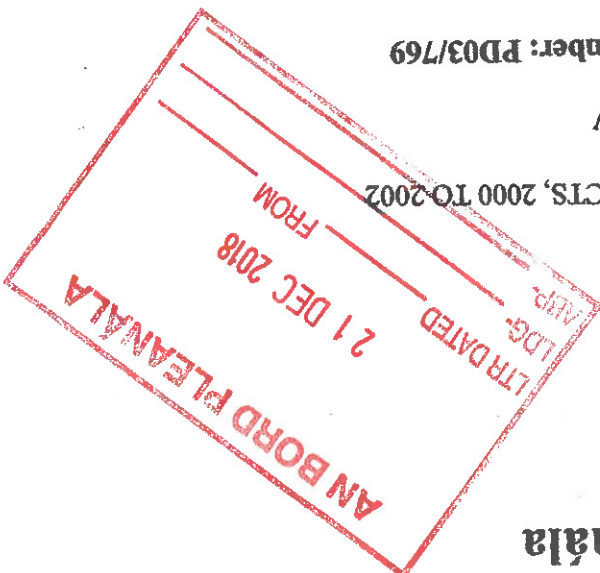
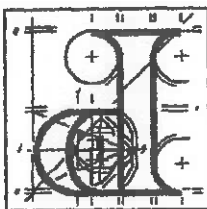
Web: <http://www.pleanala.ie>

email: board@pleanala.ie



An Bord Pleanála

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS, 2000 TO 2002

Waterford County

Planning Register Reference Number: PD03/769

An Bord Pleanála Reference Number: PL 24.204625

APPEAL by Ellen Thorsch of 18 Village View, Clashmore, County Waterford against the decision made on the 11th day of September, 2003 by Waterford County Council to grant subject to conditions a permission to Crowley Homes care of Bill Mullins of 14 South Mall, Cork.

PROPOSED DEVELOPMENT: Retention of and alterations to Number 16 "Village View", Ballyheeny, Clashmore, County Waterford (original planning register reference number 99/823).

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

It is considered that the bungalow proposed to be retained would, by reason of its height and location in relation to adjoining dwellings, seriously injure the amenities of property in the vicinity by reason of overlooking and visual obstruction. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 14th day of *January* 2004.

Having regard to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

FIRST SCHEDULE

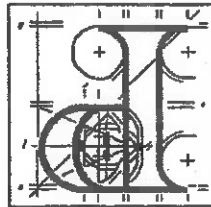
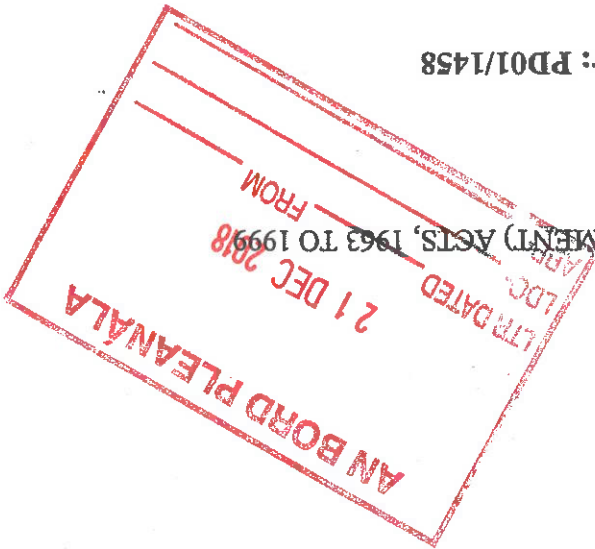
DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

APPEAL by Ellen Thorsch of 18 Village View, Clashmore, County Waterford against the decision made on the 12th day of February, 2002 by Waterford County Council to grant subject to conditions a permission to Crowley Homes care of Bill Mullins of 17 South Mall, Cork for development comprising substitution of two number detached bungalows with a pair of semi-detached bungalows on sites numbers 12 and 13 Village View, Ballyheeny, Clashmore, County Waterford in accordance with plans and particulars lodged with the said Council:

Planning Register Reference Number: PD01/1458

Waterford County

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999

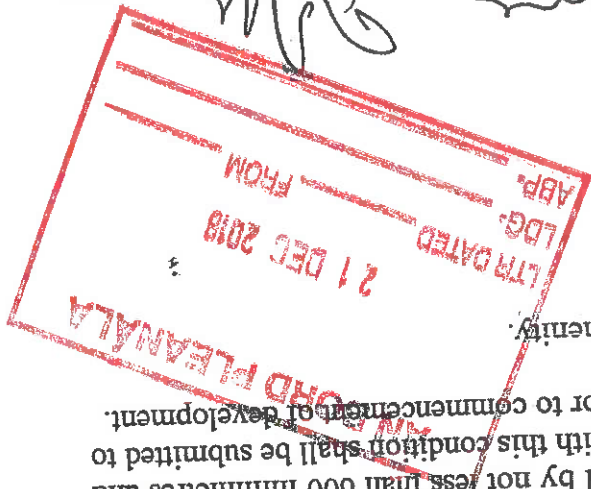


SECOND SCHEDULE

1. The proposed development shall be carried out in accordance with the conditions attached to the permission granted under planning register number 99/823 on the 21st day of March, 2000 except as amended to conform with the provisions indicated in the plans lodged in connection with this application and with the following condition.

Reason: To ensure consistency with the development as previously permitted.

2. The finished floor level shall be lowered by not less than 600 millimetres and revised drawings showing compliance with this condition shall be submitted to the planning authority for agreement prior to commencement of development.
Reason: In the interest of residential amenity.



[Handwritten signature]
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 2nd day of October 2002.



**Waterford City and County Council,
Planning Department, Menapia Building, The Mall, Waterford.**

Telephone : 0761 102020 Fax : 0761 099701 Email:planning@waterfordcouncil.ie

Complaint of unauthorised development

Please print in BLOCK CAPITALS (Essential information*)

Site Location	
Full address of subject site*	IS Village View Clashmore Co. Waterford
Nature of subject site (i.e. building/site/field/private residence/etc)	extension to take of property 3 sided transparent glass building with shed roof extending to main house ANANALA
Please ensure that you comply with the following:	
- Attach an accurate location map of site*	
- Outline the site boundaries in colour*	
- Submit photograph(s) if available	
Developer(s) details	
Name(s)*	
Address(es)*	
Detailed description of the development/activity*	Extension built in 2013/2014 By new owners
If the development relates to a structure, please provide details of:-	
- Approximate height (metres)	
- Approximate floor area (metres ²)	
- Any other relevant information	
Date and time of commencement of the development/activity (or when first)	
2013/2014	

You should note that your complaint will not be treated as valid until all the above essential information has been provided and you have signed this complaint form. Your identity can be withheld if requested subject to compliance with the Freedom of Information Act 1997.

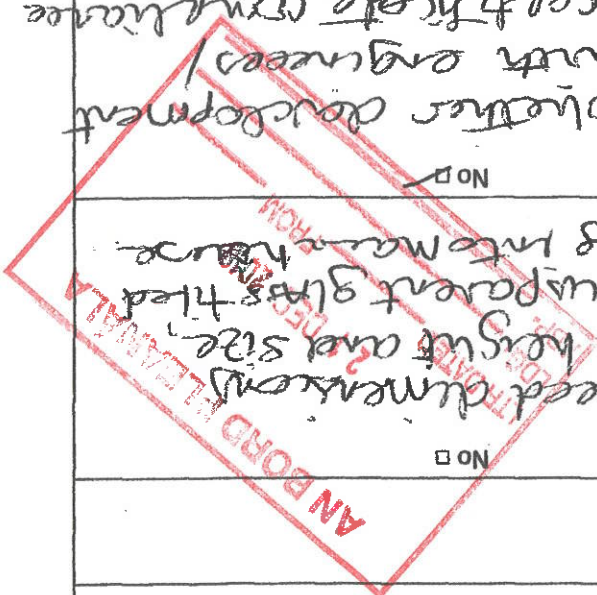
Signed: E. Thornish Date: 21/12/2017

- The above information is correct to the best of my knowledge at the date of this complaint.
- If requested, I am prepared to swear an affidavit, and/or attend at court, to give evidence pursuant to this complaint.

noticed)	Has the development/activity taken place at specific times? If yes, please give details	
Site owner(s)		
Name(s)*		
Address(es)*		
Have you established whether or not the development is exempted development?*	(Refer to Council website at http://www.waterfordcouncil.ie/en/service/planning/faqs/exempteddevelopment/ for details of commonly constructed exempted developments)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Have you carried out a planning search on the site to check if the development is the subject of a planning permission?*	(This can be done on line at www.waterfordcouncil.ie using Gplan or by visiting the Planning Office, Menapia Building, The Mall, Waterford - Open 9.30am to 1 pm and 2 pm to 4 pm Mon - Fri	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please give planning application reference number of any planning application(s) on site		
Your details		
Name*	E Thornish	
Address*	18 Village View Cl. Knmore, Co. Waterford	
Phone number*	XXXXXXXXXX	
Email address		
Do you want your identity withheld*		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Ensure whether development complies with engineers/ architect certificate compliance requirements

It may exceed dimensions in terms of height and size, 3 sided transparent glass tiled roof extending into main house



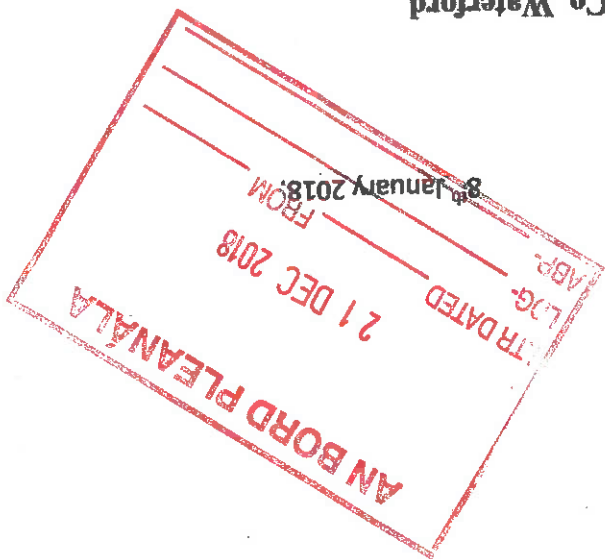
N/A

Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council



Our Ref: DP/2712

E. Thorsch,
18 Village View,
Clashmore,
Co. Waterford.



Re: Extension at 15 Village View, Clashmore, Co. Waterford
Ref: 2712

Dear E. Thorsch,

I wish to acknowledge receipt of your correspondence received on 21st December 2017 regarding above.

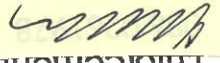
I wish to inform you that the Planning Authority shall investigate the nature of the development which is taking place and accordingly this Department shall revert to you.

Yours sincerely,

D. Purcell
Deirdre Purcell,
Asst Staff Officer,
Planning Department.

Waterford City and County Council, City Hall, The Mall, Waterford.
Comhairle Cathrach agus Contae Phort Láirge, Halla na Cathrach, An Meal, Port Láirge

Waterford City and County Council, City Hall, The Mall,
Waterford.
Comhairle Cathrach agus Contae Phort Láirge, Halla na Cathrach, An Meall,
Port Láirge
Tel : 0761 10 20 20
www.waterfordcouncil.ie
contact@waterfordcouncil.ie


Eila Whelan
Enforcement Officer

Yours sincerely

I would like to thank you for your interest in the matter.
Further to your recent complaint regarding an extension at No. 15 Village View, I am to advise you that this extension comes within exemption size and meets all the criteria attaching to same. I attach herewith copy of extract from Planning & Development Regulations 2001 - Class 1, for your information.

Dear Ms. Thorsch,

Waterford
Re : Extension to the Rear of No. 15 Village View, Clashmore, Co.

Ms. E. Thorsch
No. 18 Village View
Clashmore
Co. Waterford

Mo Thag:

CRM 2712

Do Thag:

17th January, 2018



Waterford
City & County Council

AN BORD PLEANÁLA
21 DEC 2018
FROM
APPROVED

PART 1

Exempted Development — General

AN BORD PLEANALA
 21 DEC 2018
 LDG. DATED
 FROM
 ABP.

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>Development within the curtilage of a house</p> <p>CLASS 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964 shall not exceed 40 square metres.</p>

Not applicable as extension is not above ground.

6. (a) Any window proposed at ground level shall be so placed as to give a clear view of the occupants of the house, to the rear of the house to less than 25 square metres.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

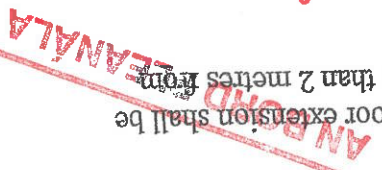
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.



- 1. The turbine shall not be erected on or attached to the house or any building or other structure within its curtilage.
- 2. The total height of the turbine shall not exceed 13 metres.
- 3. The rotor diameter shall not exceed 6 metres.
- 4. The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 metres.
- 5. The supporting tower shall be a distance of not less than the total structure height (including the blade of the turbine at the highest point of its arc) plus one metre from any party boundary.
- 6. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise,

- (a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.
- (b) The construction, erection or placing within the curtilage of a house of a wind turbine.

CLASS 2

- (a) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary if faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary if faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary if faces.
- 7. The roof of any extension shall not be used as a balcony or roof garden.

LTR DATED 21 DEC 2018
 LDG- FROM
 AN-BORD PLEANALA



This form appears to be for the party who has carried out the development of a. not the developer. Developer is Mr & Mrs Fitzgerald, 15 Village View, Clashmore. Is fee refundable to me?

AN BORD PLEANÁLA
 21 DECEMBER 2009
 LPT DATE: 21 DECEMBER 2009
 MRB

Waterford City and County Council,
Planning Department, Menapia Building, The Mall, Waterford.

Telephone : 0761 102020
 Fax : 0761 099701
 Email: planning@waterfordcouncil.ie

Application for Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000, as amended.

1. Name of Applicant: F. The Ksch
2. Address: 18 Village View, Clashmore, Co. Waterford
3. Tel. No.: 089-4667881
 Email Address: Richard and Patricia Fitzgerald
4. Postal Address of Site or Building: 15 Village View, Clashmore, Co. Waterford
5. Applicant's interest in site: adjoining property
 (if applicant is not freehold owner of the property in question, please provide name & address of owner)
6. Full Description of the proposed Development: Unauthorized extension of garden

7. If the proposed development is an extension to a dwellinghouse, please include the following floor areas:
 - (i) Proposed ExtensionSq. metres
 - (ii) Existing Structure.....Sq. metres
 - (iii) Rear private open space.....Sq. metres

hard surfaced and gravel raised by 4 feet at rear garden level up to and including unauthorised extension for previously existing levels prior to unauthorised extension. See N plan attached
8. If the proposed development is for the erection of Garage/Shed/Store etc., and including:
 - (i) Proposed Garage/Shed/Store etc.....Sq. metres
 - (ii) Existing Structure.....Sq. metres
 - (iii) Rear private open space.....Sq. metres

development a storage garden prior to unauthorised extension

Documents to be included with this application form to be submitted to the Planning Department):
 Site Location Map
 Scale 1:1000 or 1:2500
 Floor Plans & Elevations
 Site Layout Map
 Scale 1:200 or 1:500
 Fee (€80.00)

Compliant with Building Regulations? Engineer / Architect with care? Hazardous raising of ground level? Quercoring privacy & quiet & peaceful enjoyment of other property. On noise & materials not hazardous. Double door. Double door. Please provide detailed maps, Measure Ments, ground level, new, added gate cost etc

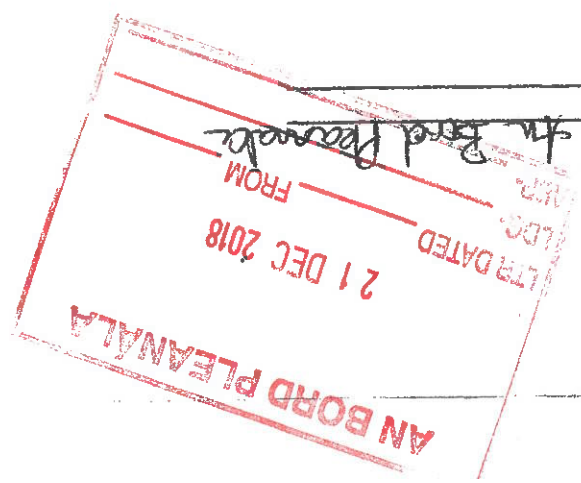
Note: Not ground floor level not ground level that has been raised and unauthorised development built on, but ground level prior to development.

S. 5 (2) Planning + Development Regulations 2001
In Solved 2, unless the context otherwise requires any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from the ground level and for that purpose "ground level" means the level of the ground immediately adjacent to the structure, plant or machinery, or where the level of the ground when it is situated is not uniform the level of the lowest part of the ground adjacent to it.

Please refer to previous request dated 21st December 2017 on form exhibited. 'complaint of unauthorised development' ref 2712.

Signature of applicant/agent: Z. Thorsh
Date: 1st Feb 2018

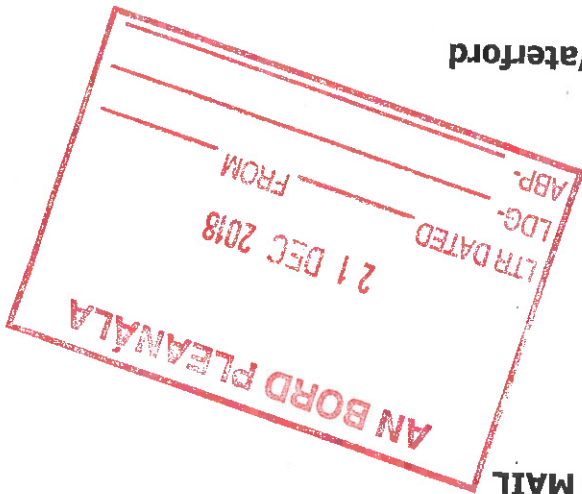
I hereby declare that the information given on this form is correct.



10. She History: See previous in Board Papers Planning reference number(s): Decision

18 Village View,
Clashmore,
County Waterford,
10th April 2018

CERTIFIED MAIL



Waterford City & County Council,
Planning Section,
City Hall,
The Mall,
Waterford.
Dear Sir or Madam

**Re: 15 Village View, Clashmore, County Waterford
Section 5 Declaration**

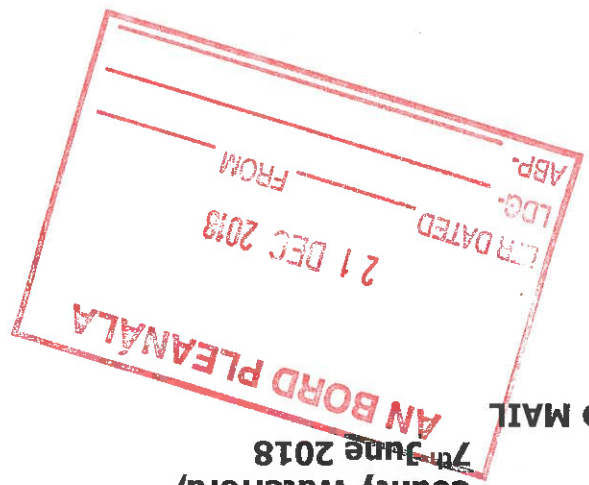
With respect to your letter dated 14th February 2018 and attached copy receipt, could you please advise approximately when you will be in a position to provide me with a copy of the report and any declaration concerning the above matter? Thank you in advance.

Yours faithfully,

E. Thorsch

**18 Village View,
Clashmore,
County Waterford,
7th June 2018**

CERTIFIED MAIL



**Waterford City & County Council,
Senior Planner,
Planning Section,
City Hall,
The Mall,
Waterford.**

Dear Sir or Madam

**Re: 15 Village View, Clashmore, County Waterford
Section 5 Declaration**

I refer to previous correspondence to your office dated 10th April 2018 (copy attached) sent by certified mail.

I have not received a response to date.

I would be obliged if you could please respond and progress this matter which has, in fact, been with your office since December 2017 i.e. 6 months.

Yours faithfully,

**E. Thorsch
18 Village View**

Waterford City & County Council,
FAO: Mr Michael Quinn,
Director of Planning & Development,
City Hall, The Mall,
Waterford.

Dear Mr Quinn

**Re: 15 Village View, Clashmore, County Waterford
Planning and Development Acts Section 5 Declaration –
unauthorised development**

I refer to previous correspondence to your office dated 10th April 2018 and 7th of June 2018 sent by certified mail. I refer to previous visit to the Planning Department in Dungarvan in December 2017 and the subsequent payment of €80 and completion of S. 5 form in January 2018 pertaining to the above.

I have not received a response to date to any of my letters to the planning department or the senior planner referred to above.

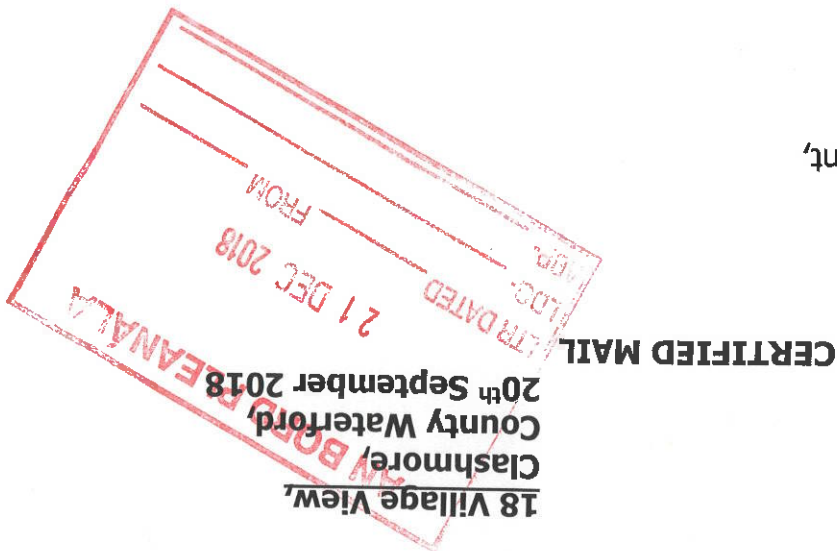
Please be advised that in addition to the issues referred to on the S 5 declaration form, the unauthorised development also has a serious environmental pollution problem. The main chimney has been diverted to the much lower chimney of the unauthorised development. I refer you to the World Health Organization Report entitled 'Residential Heating with wood and coal - health impacts and policy options Europe and North America 2015'.

I also wish to draw your attention to the Charter of Fundamental Rights of the European Union (2010/C 83/02) and the European Convention on Human Rights specifically Articles 2, 6, 8, 13 and 17.

Please provide a copy of the process pertaining to S 5 declarations, reference number pertaining to the above matter and response to requests of progress to date.

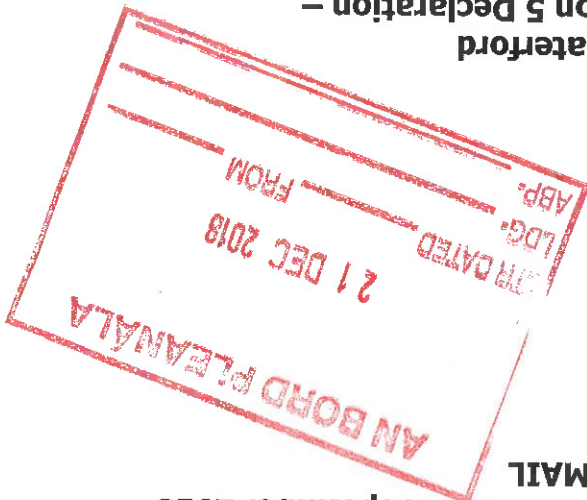
Yours sincerely,

E. Thorsch
18 Village View



**18 Village View,
Clashmore,
County Waterford,
20th September 2018**

CERTIFIED MAIL



**Waterford City & County Council,
FAO: Mr Michael Walsh
Director of Services,
City Hall, The Mall,
Waterford.**
Dear Walsh

**Re: 15 Village View, Clashmore, County Waterford
Planning and Development Acts Section 5 Declaration –
unauthorised development**

I refer to previous correspondence to Planning Office dated 10th April 2018 and 7th of June 2018 sent by certified mail. I refer to previous visit to the Planning Department in Dungarvan in December 2017 and the subsequent payment of €80 and completion of S. 5 form in January 2018 pertaining to the above.

I have not received a response to date to any of my letters to the planning department or the senior planner referred to above.

Please be advised that in addition to the issues referred to on the S 5 declaration form, the unauthorised development also has a serious environmental pollution problem. The main chimney has been diverted to the much lower chimney of the unauthorised development. I refer you to the World Health Organization Report entitled 'Residential Heating with wood and coal - health impacts and policy options Europe and North America 2015'.

I also wish to draw to your attention to the Charter of Fundamental Rights of the European Union (2010/C 83/02) and the European Convention on Human Rights specifically Articles 2, 6, 8, 13 and 17.

Please provide a copy of the process pertaining to S 5 declarations, reference number pertaining to the above matter and response to requests of progress to date.

Yours sincerely,

E. Thorsch
18 Village View

Waterford City and County Council, City Hall, The Mall, Waterford.

Michael Walsh,
Chief Executive
(Designated Public Official under the
Regulation of Lobbying Act 2015)

Yours sincerely,

Your letter has been referred to Mr. Michael Quinn, Director of Services, Planning and
Economic Development, for attention and direct response.

I acknowledge receipt of your correspondence of 20th September, 2018.

Dear Sir/Madam,

E. Thorsch,
18 Village View,
Clashmore,
Co. Waterford.

2nd October, 2018

Our Ref: MW/AOS

AN BORD PLEANALTA
LTR DATED 21 DEC 2018
FROM



AN BORD PLEANÁLA
LTR DATED 21 DEC 2018
LDG-
ABP-
FROM

MO/OL/D52018 6

Mr. E. Thorsch,

18 Village View,

Clashmore,

Co. Waterford.

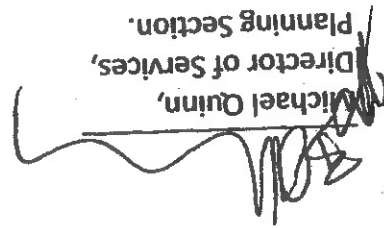
2nd October, 2018.

Re: 15 Village View, Clashmore, Co. Waterford.
Planning and Development Acts Section 5 Declaration – unauthorised development.

Dear Sir,

I wish to acknowledge receipt of your letter dated 20th September, 2018 and would advise that your application will be dealt with within the next 10 to 14 working days.

Yours faithfully,


Michael Quinn,
Director of Services,
Planning Section.



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED.

Section 5

Planning Authority Reference No. D52018 6

RECORD PLEANALA
21 DEC 2018
FROM

WHEREAS a question has arisen as to whether the residential extension to the rear of 15 Village View, Clashmore, Co. Waterford is development and is or is not exempted development within the meaning of the Act.

And
WHEREAS a question has arisen as to whether the raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford is development and is or is not exempted development within the meaning of the Act.

AND WHEREAS Mr. E. Thorsch, 18 Village View, Clashmore, Co. Waterford has requested a declaration on the said question from Waterford City & County Council on the 1st February, 2018.

AND WHEREAS Waterford City and County Council, in considering this referral, had regard particularly to –
(a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
(b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
(c) Article 9 of the Planning and Development Regulations 2001 (as amended)

It is concluded that the development does constitute development in the form of the residential extension to the rear of 15 Village View, Clashmore, Co. Waterford and works under the meaning of Section 3 of the Planning & Development Acts 15 Village View, Clashmore, Co. Waterford and does fall under the exempted development provisions set out under Section 4 of the Planning and Development Act 2000, as amended.

AND WHEREAS Waterford City and County Council has concluded that –
The development consisting of the residential extension to the rear of 15 Village View, Clashmore, Co. Waterford is development and is exempted development under provisions of the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

NOW WHEREAS Waterford City and County Council, in exercise of the powers conferred on it by section 5(2)(a) of the 2000 Act, as amended, it is hereby decided that the residential extension to the rear of 15 Village View, Clashmore, Co. Waterford at the site in question is development and is exempted development.

And
WHEREAS a question has arisen as to whether the raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford is development and is exempted development:

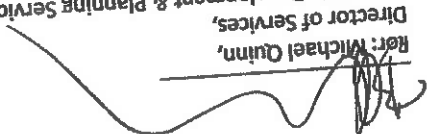
AND WHEREAS Waterford City and County Council, in considering this referral, had regard particularly to –
(d) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
(e) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
(f) Article 9 of the Planning and Development Regulations 2001 (as amended)

it is concluded that the development does constitute development in the form of the raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford and works under the meaning of Section 3 of the Planning & Development Acts and does not fall under the exempted development provisions set out under Section 4 of the Planning and Development Act 2000, as amended.

AND WHEREAS Waterford City and County Council has concluded that -

The development consisting of the raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford is development and is not exempted development under provisions of the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

NOW WHEREAS Waterford City and County Council, in exercise of the powers conferred on it by section 5(2)(a) of the 2000 Act, as amended, it is hereby decided that the raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford at the site in question is development and is not exempted development.

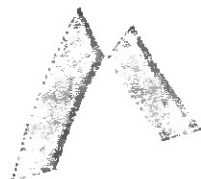

Ror: Michael Quinn,
Director of Services,
Economic Development & Planning Services.

Dated this the 4th December, 2018.

APPROVED
FOR DATED
21 DEC 2018
FROM
AN BORD PLEANALA

In accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended), any person issued with this declaration may, on payment of the prescribed fee, refer this declaration for review by An Bord Pleanála, 64, Marlborough Street, Dublin 1, within 4 weeks of date of issuing of the declaration.

Comhairle Cathrach & Contae Phort Láirge



AN BORD PLEANÁLA
21 DEC 2018
FROM

Application for Declaration under Section 5
Planning & Development Act 2000 as amended
LDG DATED

2018/6 (Section 5)

Applicant: E Thorsch, 18 Village View, Clashmore, Co. Waterford.

Development Address: 15 Village View, Clashmore, Co. Waterford.

Subject Development: Alleged unauthorised development in the form of an extension and the raising of site levels.

1. GENERAL

A request was received for a declaration under Section 5 of the Planning and Development Act 2000, as amended, by E Thorsch, 18 Village View, Clashmore, Co. Waterford as to whether or not the following works constituted development and if so, whether same was exempted development:

Alleged unauthorised development in the form of an extension and the raising of site levels at 15 Village View, Clashmore, Co. Waterford.

2. PLANNING & DEVELOPMENT ACT 2000, as amended, / PLANNING & DEVELOPMENT REGULATIONS 2001, as amended, - STATUTORY PROVISIONS

Section 2 (1) of the Planning and Development Act 2000, as amended, states as follows:-

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...."

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of this act. Section 4(2) (a) of the same Act states that the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4(4) of the Planning and Development Act 2000, as amended, states -

Notwithstanding paragraphs (a), (i), (ia) and (j) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Class 1 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended, provides an exemption for

"The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house."

Subject to complying with conditions and limitations.

Class 6 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended, provides an exemption for

*"(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.
(b) Any works within the curtilage of a house for—
(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such..."*

Subject to complying with conditions and limitations.

Article 5(2) of the Regulations states as follows:

In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose "ground level" means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

Article 6(1) of the Regulations states as follows:

"Subject to article 9, development of a class specified in column 1 of part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1."

3. ASSESSMENT

a. Site Location

The current Declaration request relates to alleged unauthorised development in the form of an extension of a dwelling and the filling of lands / raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford.

The applicant has stated that the unauthorised extension has been built on the raised site levels.

b. Planning History

Relevant Planning History:

04/417 Permission granted to Crowley Homes for the retention of the Village View housing estate as constructed, except for house no.16 subject of separate application and permission for new road turning head adjacent to house no.11, retaining wall to rear of houses 25 to 20 and side of no.20 limestone boulders as a safety barrier to the front of the houses no.22 to 25 and a steelrailing on the front wall

99/823 Permission granted to Crowley Homes for 26 No. Bungalows

There is further planning history on site which relates to amendments to dwellings and sites as part of the larger development but not to the subject site.

c. Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

Article 6 of the Regulations provides subject to Article 9 that the classes of development set out in Column 1 of Part 1 of Schedule 2 of the Regulations are exempt development. Class 1 of Part 1 of Schedule 2 provides for:

"The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house."

The proposed extension is to the rear of the house and meets the above criteria.

The following assesses the proposal under the conditions and limitations specified in column 2 for the class of development (Class 1) in column 1.

"1(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres."

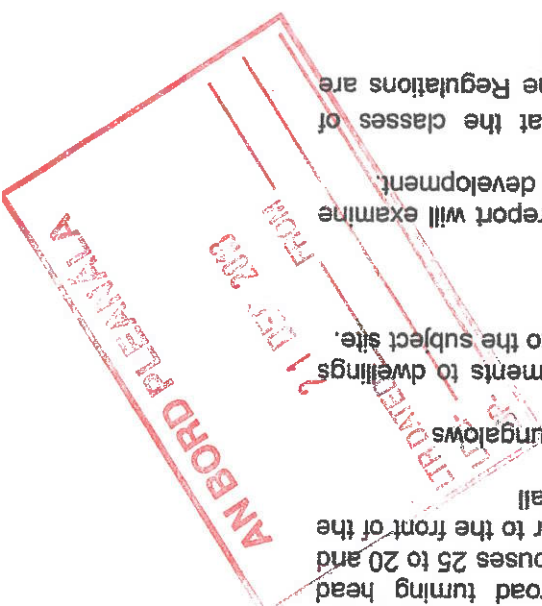
The dwelling has not been extended previously and the proposed extension is less than 40 square metres

"1(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres."

The proposal relates to a semi detached dwelling but the proposed extension is single storey only.

"1(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres."

The proposal relates to a semi detached dwelling and the proposal is for a ground floor extension only.



"2(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

2(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

2(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres."

This is not applicable as the house has not been extended previously and the proposal is less than 40 square metres.

"3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary."

This is not applicable as the proposed extension is ground floor only.

"4(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

4(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

4(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling."

The roof height for the proposal does not exceed the height of the existing dwelling roof. The rear of the existing dwelling does not include a gable. The rear wall of the proposed extension is a hipped roof, i.e. does not include a gable.

"5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres."

The rear garden of the dwelling less the subject extension exceeds 25 square metres in area and the proposal therefore does satisfy this limitation/condition.

"6(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

6(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

6(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces."

The proposal satisfies the above conditions/limitations, the ground floor windows facing the party boundary are in excess of 1m from the boundary they face.

"7. The roof of any extension shall not be used as a balcony or roof garden."

The proposal complies with the above condition/limitation.

Section 9(1), 9(2) and 9(3) of the Regulations provides for restrictions on exempted development. The restrictions have been considered in relation to the proposal in question and it is considered that no restrictions are applicable in this case.

While it is noted that Article 9 (1) stated development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(VIII) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

The above restriction is not applicable in this instance. The subject extension is a ground floor / single storey extension. Any foundation or associated rising walls to form a level / at grade extension cannot be considered to be unauthorised fill or an unauthorised structure.

To the rear and sides of the extension are associated footpaths. To the rear of the site and beyond the footpaths is a hard standing area.

Class 6 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended, provides an exemption for

"(e) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

(b) Any works within the curtilage of a house for—

(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such..."

The following assesses the proposal under the conditions and limitations specified in column 2 for the class of development (Class 6) in column 1.

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

In this instance it is unclear what the levels of the ground to the rear of the site previously were. The occupier of the development acknowledged that they have raised levels, stated 2 foot only. In this instance the works have provided a finish level of 1m over the adjoining ground at 14 Village View but 2.7m over the adjoining ground at 20 Village View. While it is unclear how much the levels were raised same are in excess of 1m over the adjoining ground, therefore this infilling of the site and subsequent placement of a hardstanding area is not in compliance with Class 6 and not exempt.

With regard to Environmental Impact Assessment the subject development of a residential extension and the raising of site levels alone or in combination is not a type of development included for under Schedule 5 of the Planning and Development

Regulations 2001, as amended. Based on the information submitted with the application, Waterford City and County Council has considered the nature, size and location of the development in the context of the criteria set out in Schedule 7 to the 2001 Regulations and is satisfied that EIA is not required.

An Appropriate Assessment Screening Report is also attached. AA is not required.

To conclude;

The development itself comprises of 2no. elements

- The residential extension to the rear of 15 Village View, Clashmore, Co. Waterford and
- The raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford

A) "is or is not Development"
Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the residential extension to the rear of 15 Village View, Clashmore, Co. Waterford did involve "works" and "development" within the meaning of Section 3 of the Act.

B) "is or is not Exempted Development"
It is considered that the works did come within the criteria as set under Section 4 of the Planning and Development Act 2000, as amended, and Part 2 of the Planning and Development Regulations 2001, as amended, which relate to 'Exempted Development'.

and

C) "is or is not Development"
Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the raising of site levels to the rear of 15 Village View, Clashmore, Co. Waterford did involve "works" and "development" within the meaning of Section 3 of the Act.

D) "is or is not Exempted Development"
It is considered that the works did not come within the criteria as set under Section 4 of the Planning and Development Act 2000, as amended, and Part 2 of the Planning and Development Regulations 2001, as amended, which relate to 'Exempted Development'.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the residential extension to the rear of 15 Village View, Clashmore, Co. Waterford is development and is exempted development:

AND WHEREAS Waterford City and County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Article 9 of the Planning and Development Regulations 2001 (as amended)

Note: the concerns raised with regard to raising of levels and potential impact on the retaining wall should be referred to the Building Control.

omk

The issues raised relate to a party wall between two private properties as such is deemed to be a civil issue.

AND'S
SEP 11 11:00 AM

AND WHEREAS Watford City and County Council has concluded that -
The development consisting of the raising of site levels to the rear of 15 Village View, Clashmore, Co. Watford is development and is not exempted development under provisions of the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.
NOW WHEREAS Watford City and County Council, in exercise of the powers conferred on it by section 5(2)(a) of the 2000 Act, as amended, it is hereby decided that the raising of site levels to the rear of 15 Village View, Clashmore, Co. Watford at the site in question is development and is not exempted development.

It is concluded that the development does constitute development in the form of the raising of site levels to the rear of 15 Village View, Clashmore, Co. Watford and works under the meaning of Section 3 of the Planning & Development Acts and does not fall under the exempted development provisions set out under Section 4 of the Planning and Development Act 2000, as amended.

AND WHEREAS Watford City and County Council, in considering this referral, had regard particularly to -

- (d) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (e) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (f) Article 9 of the Planning and Development Regulations 2001 (as amended)

WHEREAS a question has arisen as to whether the raising of site levels to the rear of 15 Village View, Clashmore, Co. Watford is development and is exempted development:

AND WHEREAS Watford City and County Council has concluded that -
The development consisting of the residential extension to the rear of 15 Village View, Clashmore, Co. Watford is development and is exempted development under provisions of the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.
NOW WHEREAS Watford City and County Council, in exercise of the powers conferred on it by section 5(2)(a) of the 2000 Act, as amended, it is hereby decided that the residential extension to the rear of 15 Village View, Clashmore, Co. Watford at the site in question is development and is exempted development.

AN BORD PLEANMHA
21 DEC 2013
FROM

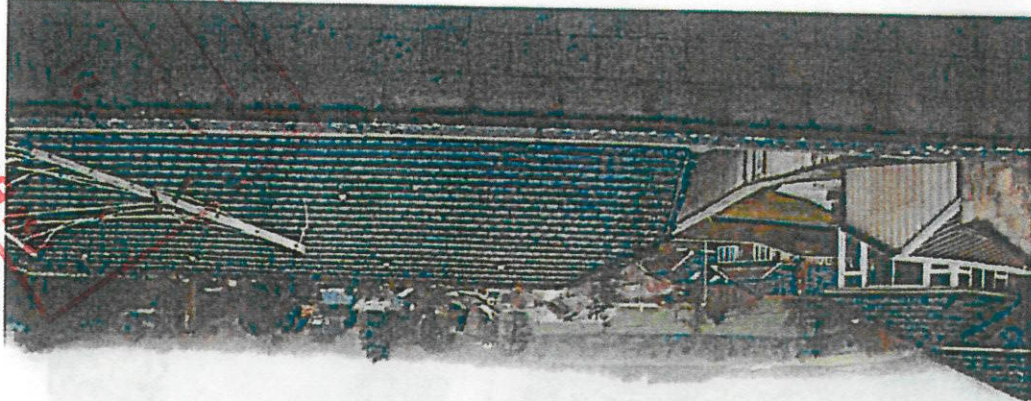
It is concluded that the development does constitute development in the form of residential extension to the rear of 15 Village View, Clashmore, Co. Watford and works under the meaning of Section 3 of the Planning & Development Acts and does fall under the exempted development provisions set out under Section 4 of the Planning and Development Act 2000, as amended.

Signed: M. Ormea
Hazel O'Sullivan
Senior Executive Planner

Date: 04/12/18

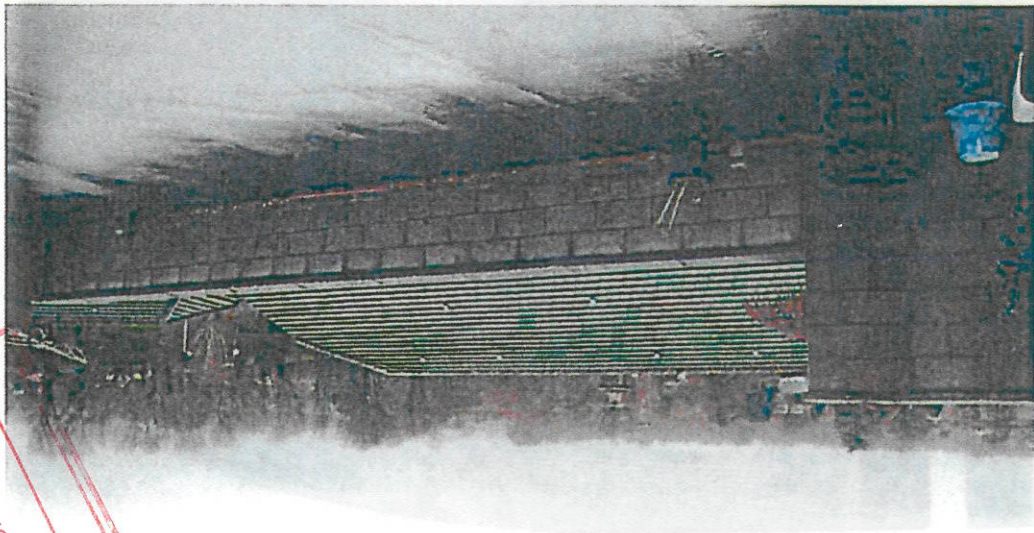
Signed: A. Walsh
Aidan Walsh
Executive Planner

Date: 27/11/18



2019 FROM BOARD PHOTOGRAPHY

The picture above shows the rear party boundary between the subject site and 20 village view, same is 1.8m in height to the left of the picture and 0.8m in height at the lower section. It is noted that the subject site is 2.7m over the adjoining site level at 20 Village View. This difference in levels is at the rear of the site where the difference in adjoining levels is greatest.



Left of the picture shows the party boundary between no. 15, 17 and 18 Village View, this wall is 1.7m or greater above existing site levels.



App. 100% DATED 21 Dec. 2008 FROM AIRBORNE PHOTOGRAPHY

Habitats Directive Project Screening Assessment

Table 1: Project Details

Application		Details	
Development	Consent	Section 5 Declaration	Type
			15 Village View, Clashmore, Co. Waterford
			2018/6
Description of combined		Alleged unauthorised development in the form of an extension	
project		and the raising of site levels.	

Table 2: Identification of Natura 2000 Sites (SACs and SPAs) which may be impacted by the proposed development

Please answer the following five questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development.

Response

Question

Number

1 Impacts On Freshwater Habitats Is the development within a Special No

Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same? Sites to consider: Blackwater River, Lower River Suir Habitats to consider: Rivers, Lakes and Lagoons.

2 Impacts On Wetland Habitats Is the development within a Special No

Area of Conservation whose qualifying interests include wetland habitats, or within 1 km of same? Sites to consider: Comeragh Mountains Habitats to consider: Bogs, Fens, Marshes and Wet Heaths.

3 Impacts on Intertidal and Marine Habitats Is the development No

located within a Special Area of Conservation whose qualifying interests include intertidal and/or marine habitats and species, or within the catchment of same. Sites to consider: Tramore Dunes and Backstrand, River Suir (Tidal Section as far as Carrick on Suir), River Blackwater (Tidal Section as far as Cappoquin), Waterford Estuary, Habitats to consider: Mudflats, Sandflats, Saltmarsh, Estuary, Shingle, Reefs, Sea Cliffs.

4 Impacts On Woodlands, Grasslands and Dry Heaths Is the No

development within a Special Area of Conservation whose qualifying habitats include woodlands or grasslands habitats, or within 200m of same. Sites to consider: Glendine Wood Nire Valley Woods, Ardmore Head, Helvick Head Habitats to consider: Woodlands, Grasslands or Dunes.

5 Impacts On Birds Is the development within a Special Protection No

Area, or within 1 km of same. Sites to consider: Tramore Backstrand, Dungarvan Bay, Blackwater Callows, Blackwater Estuary, Helvick Head -Ballyquin Coast, Mid Waterford Coast

Conclusion Table 2: If the answer to all of these questions is No, significant impacts can be ruled out for Natura 2000 sites. No further assessment is required, proceed to the Habitats Directive Conclusion Statement. If the answer to any of these questions is Yes please refer to tables 3 and 4 below.

Table 3: Determination of Possible Impacts On Natura 2000 Sites.

Where it has been identified that there is a Natura 2000 site within the potential impact zone of the proposed development, it is necessary to try to determine the nature of the possible impacts. Please answer the following questions as appropriate.

Number	Question	Response
1	Impacts on designated freshwater habitats (rivers, lakes streams and lagoons). Sites to consider: Blackwater River, Lower River Suir. Please answer the following if the answer to question 1 in table 2 was yes: Does the development involve any of the following: Works inside the boundary of designated site All works within the boundary of any SAC whose qualifying features include freshwater habitats/species, excluding small extensions/alterations to existing buildings. Works outside the boundary of designated site	N/a
1.1	All works within the boundary of any SAC whose qualifying features include freshwater habitats/species, excluding small extensions/alterations to existing buildings.	N/a
1.2	Discharge to surfacewater or groundwater within the boundary of an SAC whose qualifying features include freshwater habitats/species.	N/a
1.3	Abstraction from surfacewater or groundwater within 1km of the boundary of an SAC whose qualifying features include freshwater habitats/species.	N/a
1.4	Removal of topsoil within 100m of the boundary of an SAC, whose qualifying features include freshwater habitats/species.	N/a
1.5	Infilling or raising of ground levels within 100m the boundary of any SAC whose qualifying features include freshwater habitats/species.	N/a
1.6	Construction of drainage ditches within 1km of the boundary of an SAC whose qualifying features include freshwater habitats/species.	N/a
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 100 m of the boundary of an SAC site whose qualifying features include freshwater habitats/species.	N/a
1.8	Construction within a floodplain of EU designated watercourse whose qualifying features include freshwater habitats/species.	N/a
1.9	Crossing or culverting of rivers or streams within 1km of the boundary of any SAC whose qualifying features include freshwater habitats.	N/a
1.1	Storage of chemicals hydrocarbons or organic wastes within 100 m of the boundary of an SAC whose qualifying features include freshwater habitats/species.	N/a
1.11	Development of a large scale, within catchment of an EU designated watercourse or waterbody, which involves the production of an EIS.	N/a
1.12	Development or expansion of quarries within catchment of an EU designated watercourse or waterbody.	N/a
1.13	Development or expansion of windfarms within catchment of an EU designated watercourse or waterbody.	N/a
1.14	Development of pumped hydro electric stations within catchment of an EU designated watercourse or waterbody.	N/a
2	Impacts On Wetland Habitats - is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or within 1 km of same? Sites to consider: Comeragh Mountains. Habitats to consider: Bogs, Fens, Marshes and Wet Heaths. Please answer the following if the answer to question 2 in table 2 was yes.	N/a
2.1	Works inside the boundary of designated site All works within the boundary of an SAC whose qualifying features include heath, marsh, fen or bog, excluding small extensions/alterations to existing buildings.	N/a
2.2	Construction of roads or other infrastructure on peat habitats within 1km of any SAC whose qualifying features include heath, marsh, fen or bog.	N/a
2.3	Development of a large scale within 1km of any SAC, whose qualifying features include heath, marsh, fen or bog.	N/a

AM BIDDING - MANUAL
 21 DEC 2018 FROM

features include heath, marsh, fen or bog, which involves the

production of an EIS.

impacts on intertidal and Marine Habitats - is the development located within a Special Area of Conservation whose qualifying interests include intertidal and/or marine habitats and species, or within the catchment of same. Sites to consider: Tramore Dunes and Backstrand, River Suir (Tidal Section), River Blackwater (Tidal Section), Waterford Estuary.

Please answer the following if the answer to question 1 in table 3 was yes.

Works inside the boundary of designated site

All works within the boundary of any SAC whose qualifying features include intertidal or marine habitats, excluding small extensions/alterations to existing buildings.

Works outside the boundary of designated site

Coastal protection works within 5km of any SAC whose qualifying features include intertidal or marine habitats.

Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of any SAC whose qualifying features include intertidal or marine habitats.

Dredging within 5km of any SAC whose qualifying features include intertidal or marine habitats.

Works within 1km of any SAC whose qualifying features include intertidal or marine habitats, which will result in discharges to rivers or streams directly connected to the designated site.

Infilling of coastal habitats within 500m of any SAC whose qualifying features include intertidal or marine habitats.

Removal of topsoil or infilling of terrestrial habitats within 100m of any SAC whose qualifying features include intertidal or marine habitats.

Development of a large scale within 1km of any SAC whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.

Development of a large scale within 1km of any SAC whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.

impacts on other designated woodlands and grasslands - (woodland, upland grassland, lowland grassland, coastal grassland including dunes). Sites to consider: Glendine Wood Nire Valley Woods, Ardmore Head, Helvick Head

Please answer the following if the answer to question 4 in table 2 was yes. Does the development involve any of the following:

Works inside the boundary of designated site

All works within the boundary of any SAC whose qualifying interests include woodland or grassland habitat types excluding small extensions/alterations to existing buildings.

Works outside the boundary of designated site

Development within 200m of any SAC whose qualifying interests include woodland or grassland habitat types.

Development of a large scale within 1km of any SAC, whose qualifying interests include woodland or grassland habitat types, which involves the production of an EIS.

Development of a large scale within 1km of any SAC, whose qualifying interests include woodland or grassland habitat types, which involves the production of an EIS.

impacts on birds in SPAs - Sites to consider: Tramore Backstrand, Dungarvan Bay, Blackwater Callows, Blackwater Estuary, Helvick Head -Ballyquin Coast, Mid Waterford Coast.

Many of our Special Areas of Conservation are designated for species as well as for habitats. These are listed below, alongside the sites for which they are designated. Included is a short list of the types of activities which could have an impact on these species. Please tick if you are concerned that the proposed development could have an impact on these species.

Table 4: Consideration of Potential Impacts on Protected Species

Number	Question	Response
1	Species: Otter. Relevant Sites: Lower River Suir, River Blackwater, No	No
2	Species: Bats (all species outside designated sites). Relevant Sites: No Wood, Lismore Woods Nire Valley Woods. Along with above, in Blackwater River, Lower River Suir, Waterford Estuary, Glendine general all sites with any of the following: woods, mature treelines and hedgerows, old buildings and bridges. Activities which could have impacts on species: Activities that result in loss of woodland or hedgerow habitat or causes disturbance to roost sites. Renovations of old buildings; Repointing of old bridges..	No
3	Species: Salmon. Relevant Sites: Lower River Suir, River Blackwater, No Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality, levels or the river bed;	No
4	Species: River Lamprey. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality, levels or the river bed;	No
5	Species: Brook Lamprey. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality, levels or the river	No

Conclusion Table 3:
If the answer to all of the above is no or n/a, significant impacts on Natura 2000 sites can be ruled out. No further assessment is required, proceed to the Screening Conclusion Statement. If the answer to any question in table 3 is yes, you may require further information, unless you are satisfied that the project proponents have incorporated adequate mitigation into their design to avoid impacts on the Natura 2000 site (eg water pollution protection measures). Such information should be provided in the form of a Natura Impact Statement which should address the particular issues of concern as identified through the above.

5.1	Works inside the boundary of designated site All works within the boundary of any SPA excluding small	N/a
5.2	Works outside the boundary of designated site extensions/alterations to existing buildings:	N/a
5.2	Erection of wind turbines within 1km of any SPA.	N/a
5.2	Erection of wind turbines within 1km of any SPA.	N/a
5.3	All construction works within 100m of any SPA.	N/a
5.4	Infilling of coastal habitats within 500m of intertidal SPA.	N/a
5.5	Works within 1km of coastal/wetland SPAs which will result in discharges to rivers or streams that are directly connected to designated sites.	N/a
5.6	Development of cycleways or walking routes within 100m of SPAs.	N/a
5.7	Construction works on feeding areas adjacent to SPAs	N/a

AN BORD PLEANALA
 21 DEC 2018 FROM
 LTR DATED
 LDG-
 ABP-

Question	Answer
Development Type	Section 5
Development Location	15 Village View, Clashmore, Co. Waterford
Natura 2000 sites within impact zone	Blackwater River SAC – 0.65km Blackwater Estuary SPA – 1.6km Helvic to Ballyquin SPA 9.5km Ardmore Head SAC – 9.9km Dungarvan Harbour SPA – 12.8km
Planning File Ref	2018/6 (Section 5)
Description of the combined project	Alleged unauthorised development in the form of an extension and the raising of site levels
Describe how the project or plan (alone or in combination) could affect Natura 2000 site(s).	The subject development alone or in combination does not negatively impact on any Natura 2000 sites
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not.	N/a

Habitats Directive Screening Conclusion Statement

Conclusion Table 4: If the answer to all of the above is no, significant impacts on species can be ruled out. If the answer to any of the above is yes, then further information is likely to be required in relation to potential for impact on that particular species. Where potential impacts on the above listed species are within designated sites, then further information should be sought in the form of a Natura Impact Statement. Where impacts are outside designated sites, then a species specific survey should be requested.

6	Species: Sea Lamprey. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality or the river bed – estuarine areas.	No
7	Species: Twaité Shad, Allis Shad. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality or the river bed – estuarine areas.	No
8	Species: White-clawed Crayfish. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality or the river bed.	No
9	Species: Freshwater Pearl Mussel. Relevant Sites: Lower River Suir, River Clodiagh, River Lickey, River Blackwater. Activities which could have impacts on species: Activities that interfere with water quality levels or the river bed.	No
10	Species: Whorled Snail, Vertigo moulinsiana. Relevant Sites: River Blackwater. Activities which could have impacts on species: Activities that result in loss of fen, marsh or wet grassland habitat within or close to the SAC.	No
11	Species: Killarney Fern. Relevant Sites: Glendine Wood, Lismore Woods (River Blackwater). Activities which could have impacts on species: Woodland clearance or other activities resulting in loss or disturbance to woodland habitat within the relevant SACs.	No

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 21 DEC 2018 FROM

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 LTR DATED 21 DEC 2018
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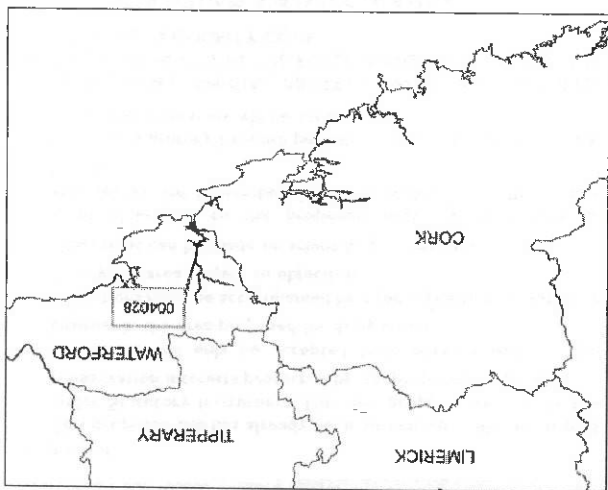
Conclusion of assessment
 Having regard to the location of the subject site and to the nature of the proposed development, and the intervening distance with the identified Natura 2000 Sites, I consider that no appropriate assessment issues arise in this case. In my opinion the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 Site.

Documentation reviewed for
 Watmaps and NPWS website and MyPlan

Completed By
 Aidan Walsh, Executive Planner

Date
 27/11/18

AN BORD PLEANAITIA
 LTR DATER 21 DEC 2018
 LDG. ABP. PPGM



BLACKWATER ESTUARY SPA (Site Code 004028):
 CO. WATERFORD: ARDSALLAGH, BALLYHENRY (D. WN. BY) CLASHMORE PAR.,
 BALKNOCK (COS. BY), BALLYNACLAGH, BALLYNATRAY, DEMESNE, BLACKBOG,
 CHERRYHUNT, DLOUGHTANE MOORD, NEWPORT EAST, NEWPORT WEST,
 NEWTOWN (D. WN. BY) KINSALEBEG PAR., PILLPARK, PILLTOWN, PROSPECTHALL,
 RINCREW, SHANACOLE, STAEL, TEMPLEMICHAEL, TIKNOCK and TINNABINNA.

THIS PROPOSED SPECIAL PROTECTION AREA IS LOCATED WHOLLY OR PARTLY IN THE FOLLOWING TOWNSLANDS AND LOCATIONS IN COUNTY WATERFORD:

- This proposed site has already been advertised and/or protected under Statutory Instrument. This new proposal will specify the conservation interests protected by the proposed designation
- Objects for designation proposed for persons with a legal interest in the area must be accompanied by a good quality map outlining clearly the area subject to objection
- Objections can be made on scientific grounds only
- Valid objections to the proposals must be submitted by Wednesday, 3rd November 2010 (i.e. within 3 months of this notice)
- Once the statutory 3-month period for objections has concluded, no further objections will be accepted

Please Note:

- Further details in respect of SPAs and their implications for land owners and land users, as well as contact details for local Conservation Rangers are available by calling Freephone 1 800 405000, e-mailing natureconservation@envi.ie or accessing www.npws.ie.
- Teagasc and AES offices
- Social Protection offices in the locality
- National Parks & Wildlife Service (NPWS) offices
- City and County Planning offices
- Garda Stations in the locality
- County Libraries

A map showing the extent of the proposed SPA may be viewed in:

SPA sites:

This site has been identified and selected on ecological and ornithological grounds and will be recognised as an internationally important site for birds. Ireland must take appropriate measures to protect such sites and prevent pollution, deterioration of the site or excessive significant disturbance. Designation does not restrict existing activities that are not harmful to wild birds. Those with a legal interest in areas affected by this proposal are required to consult with this Department before undertaking new activities in or near these sites. Planning authorities will include this site in all relevant Development Plans. The proposed designation will be taken into account when assessing any future development proposals in or near the SPA sites.

Those identified by the Department as having a legal interest in areas affected by this proposal are notified directly in writing. Others who believe that they should have been notified will be provided with this documentation on request.

The Minister for the Environment, Heritage and Local Government, Mr. John Cornley, T.D., proposes to designate the Blackwater Estuary in county Waterford as a Special Protection Area (SPA) for wild birds in accordance with Article 4 of European Directive 2009/147/EC on the conservation of wild birds known as "The Birds Directive". SPAs form part of Natura 2000, a network of protected areas throughout the European Union. The map here indicates the approximate location of the proposed SPA in county Waterford.

For the attention of Landowners and Marine/Land users

GOVERNMENT NOTICE
For the attention of Landowners
and Marine/Land users
SPECIAL PROTECTION AREA
COUNTY WATERFORD



Comhaltas Oidhreachta agus Rialtas Áimh
 Environment, Heritage and Local Government





Comhshaoil, Oidhreacht agus Rialtas Áiríúil
 Environment, Heritage and Local Government
 NPWS Ref: SPA Blackwater Estuary 4028

ELLEN THORSCH
 18 Village View
 Ballyheeny
 Clashmore
 County Waterford

Notice of intention to designate a Special Protection Area (SPA) in Counties Cork and Waterford
Blackwater Estuary SPA - Site Code 4028

AN BORD ÁIRÍÚIL
 21 FÉB 2018
 LTR DATED
 21 FEB 2018
 FÉB 2018
 JULY 30 2010

A Chara,

Ireland is a special place for wild birds. Internationally important numbers of waterbirds come here for the winter from North America, Greenland, Iceland and the Arctic. In Spring and Summer, Ireland provides important breeding grounds for bird species from the continents of Europe and Africa. Our long coastlines provide safe breeding and wintering grounds for large numbers of seabirds.

One of our obligations as an EU member State is to protect places important to birds. The EU Birds Directive (2009/147/EC) requires the designation of sites, known as Special Protection Areas (SPAs), in each Member State to protect birds at their breeding, wintering and staging posts along their migration routes.

In Ireland a programme to identify and designate SPA sites has been in place since 1985 and a recent review of the Irish network of SPA sites has identified a number of sites that require re-notification. This notice is to advise you of a specific proposal to update the SPA designation of the Blackwater Estuary in counties Cork and Waterford. The Blackwater Estuary was originally designated by Statutory Instrument in 1994 (S.I.349/1994). This proposal is also being advertised in local media.

You live near, may own land, or may have a legal interest in land that is an important habitat area for wild birds in the Blackwater Estuary area of Cork or Waterford. It is considered important to safeguard this habitat and to prevent significant disturbance to wild bird populations. Key to good conservation practice is the need to get full information to landowners and land users in the areas involved. The support of landowners and those who use the land is crucial to ensure effective conservation.

The enclosed material explains the basis for the site being proposed for designation as an SPA (qualifying species and an ecological site description), also included is a schedule of works for which the Minister's consent is now required by any party wishing to undertake these works in or near the SPA. For those persons who own land in the proposed designated area, it details potentially harmful works that should not be undertaken without first consulting your local NPWS conservation ranger. This site is considered to be classified in accordance with Article 4(1) and (2) of Council Directive 2009/147/EC (The Birds Directive) from the date of issue of this notice.

Please note that inclusion of land in a SPA does not extend access rights to that land to the public.

In broad terms, the proposed SPA designation has similar implications for landowners and land users to those that apply to *Special Areas of Conservation (SACs)*. SACs and SPAs together form a network of sites collectively known as NATURA 2000 - see <http://ec.europa.eu/environment/nature/> for further information.



It is open to you to object to this proposed designation. Objections can be made on scientific grounds only and details of the objection process, including the time period for lodging an objection are set out in the enclosed material also.

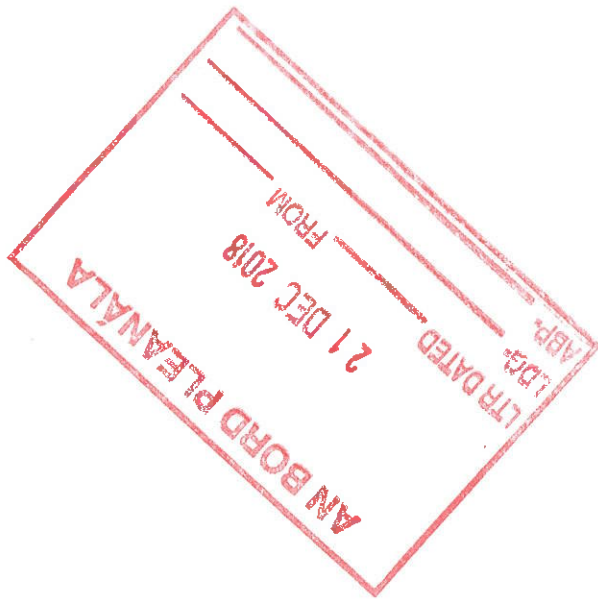
Should you have further queries in regard to this designation, or would like a more detailed map, please call us on our Freephone No: 1-800-405000.

Tá leagan Gaeilge de na cáipéisí ar fáil ach iad a iarradh.

Yours sincerely

Francis Donohoe

Francis Donohoe
Assistant Principal
National Parks & Wildlife Service





NOTICE OF INTENTION TO DESIGNATE

BLACKWATER ESTUARY (Site Code: 004028)

COUNTIES CORK AND WATERFORD

as a

SPECIAL PROTECTION AREA (SPA)

AN BORD TIEANNALA
21 DEC 2018
FROM

(1). LOCATION OF BLACKWATER ESTUARY SPA

The Blackwater Estuary SPA is a moderately-sized, sheltered south-facing estuary, which extends from Youghal New Bridge to the Ferry Point peninsula, close to where the river enters the sea. It comprises a section of the main channel of the River Blackwater to Ballynaclash Quay. At low tide, intertidal flats are exposed on both sides of the channel. On the eastern side the intertidal channel as far as Kinsalebeg and Moor Cross Roads is included, while on the west side the site includes part of the estuary of the Tourig River as far as Kilmagner.

The following townlands/locations are included in the SPA. Please note that some townlands/locations may be only partially included within the SPA.

CO. CORK: FOXHOLE, KILMAGNER, MUCKRIDGE, YOUGHAL MUDLANDS.

CO. WATERFORD: ARDSALLAGH, BALLYHEENY (D.W.N.BY.) CLASHMORE PAR., BALLYKNOCK (COS. BY.), BALLYMACLASH, BALLYNATRAY DEMESNE, BLACKBOG, CHERRYMOUNT, D'LOUGHANE, MOORD, NEWPORT EAST, NEWPORT WEST, NEWTOWN (D.W.N.BY.) KINSALEBEG PAR., PILLPARK, PILLTOWN, PROSPECTHALL, RINCREW, SHANACOLE, STAEL, TEMPLEMICHAEL, TIKNOCK, TINNABINNA.

(2). WHY BLACKWATER ESTUARY IS OF ECOLOGICAL INTEREST

The intertidal sediments are mostly muds or sandy muds, reflecting the sheltered conditions of the estuary. Green algae (*Enteromorpha* sp. and *Ulva lactuca*) are frequent on the mudflats during summer, and Bladder Wrack (*Fucus vesiculosus*) occurs on the upper more stony shorelines. The sediments have a macrofauna typical of muddy sands, with polychaete worms such as Lugworm (*Arenicola marina*), Ragworm (*Hediste diversicolor*) and the marine brittle worm *Nephtys hombergii* being common. Salt marshes fringe the estuarine channels, especially in the sheltered creeks.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Wigeon, Golden Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew and Redshank. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland and Waterbirds.

(4) SAFEGUARDING SPECIAL PROTECTION AREAS (SPAs)

In order to protect ecologically important sites, certain potentially harmful works are restricted within SPAs. These works (*known as Activities Requiring Consent (ARC), damaging activities or operations requiring consent*) are works liable to destroy or to significantly alter, damage or interfere with the ecology of the site. They vary depending on the type of habitat present.

A landowner/user contemplating undertaking such works is required to seek the consent of the Minister for the Environment, Heritage and Local Government. (*In practice, such consent should be sought initially from the local NPWS conservation ranger.*) The works can only commence on the grant of the Minister's consent.

ACTIVITIES REQUIRING CONSENT

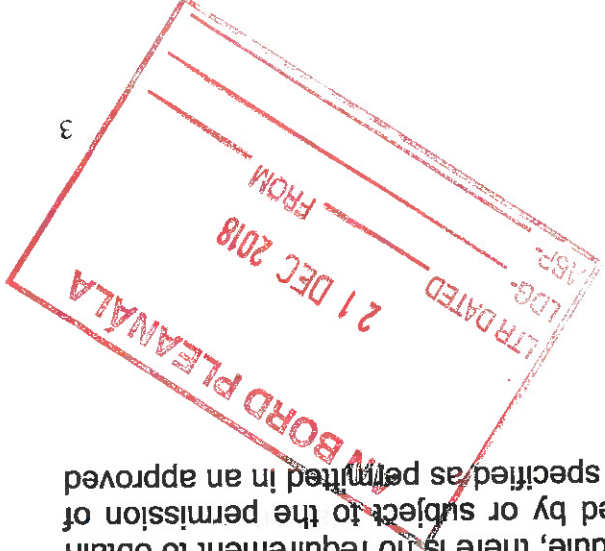
(ACTIVITIES LIKELY TO ALTER, DAMAGE, DESTROY OR INTERFERE WITH THE INTEGRITY OF THE SITE)

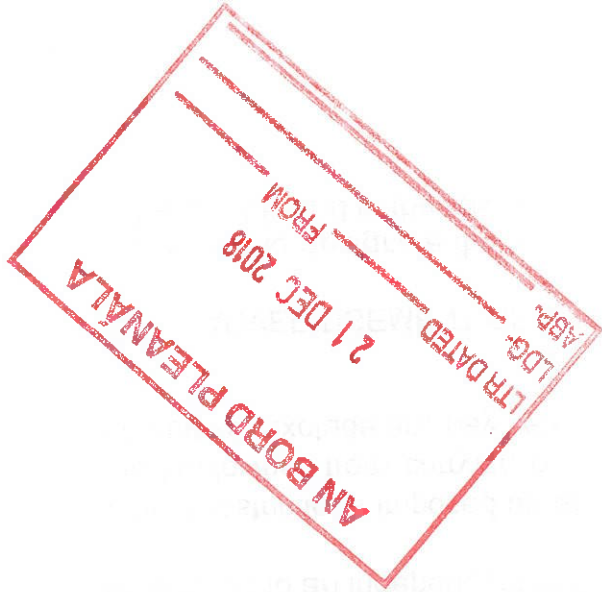
The following Activities Requiring Consent apply:

- Altering watercourses or wetlands, including changing the height of the water table, blocking or altering the flow of the water or deepening any channel.
- Developing, operating or allowing leisure or sporting activities liable to cause significant disturbance to those birds listed at (3) above or damage to their habitats.
- Use of off-road recreational vehicles, other than by a landowner or on a public road or a non-public road serving forests or woodlands.
- Harvesting marine species, unless for personal use not exceeding certain limits as may be set by the Minister from time to time.
- Construction or alteration of tracks, paths, roads, embankments, car parks or access routes, or using or permitting the use of land for car parking.
- Reclamation or infilling.
- Removal of soil, mud, sand, gravel, rock or minerals.
- Dredging whether for fishing or other purposes.
- Introduction (or re-introduction) into the wild of plants or animals not currently found in the area.
- Any activity which destroys habitat, except normal maintenance activities as defined in approved farm plans.
- Reclaiming land for agricultural purposes, including spraying or burning vegetation, clearing scrub and rough vegetation, draining or moving soil, ploughing, harrowing or reseedling.

PLEASE NOTE:

In respect of any of the activities listed in the above Schedule, there is no requirement to obtain the consent of the minister if the said activity is licensed by or subject to the permission of another Minister, Public Body, State or Local Authority or specified as permitted in an approved farm plan for the land in question.





NB It should be noted that only one of the options outlined above may be availed of (either option A or option B). Participation in one scheme means that you are ineligible for the other.

- Full details of REPS and the new AEOS Scheme are posted on the Department of Agriculture, Fisheries and Food website at www.agriculture.gov.ie

Farmers with land in an SAC/SPA and who participate in the REPS or the new AEOS scheme will be required to comply with the farming prescription necessary for the preservation of the habitat or species for which the site is designated. Both schemes are currently closed to new applications.

(B) RURAL ENVIRONMENT PROTECTION SCHEME (REPS) AND AGRICULTURE ENVIRONMENT OPTIONS SCHEME (AEOS) SCHEME
 (Administered by the Department of Agriculture, Fisheries and Food)

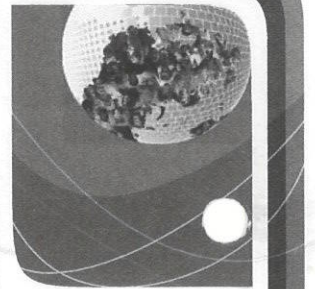
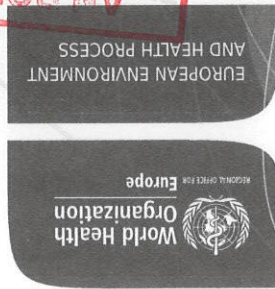
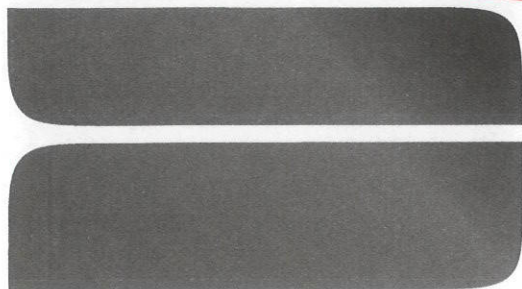
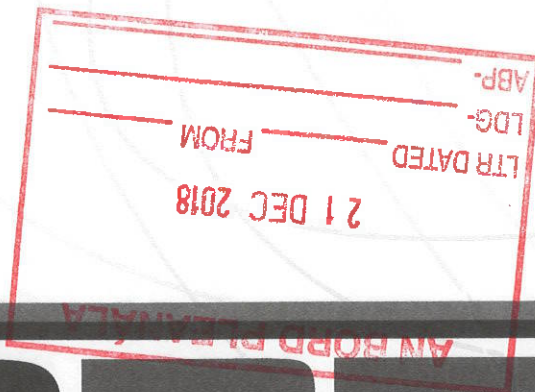
If you would like information on the NPWS Farm Plan Scheme please contact (01) 8883255 .

(A) REGIONAL PARKS & WILDLIFE SERVICE FARM PLAN SCHEME

(6). AGRICULTURE ENVIRONMENT SCHEMES

health impacts
and policy options
in Europe and
North America

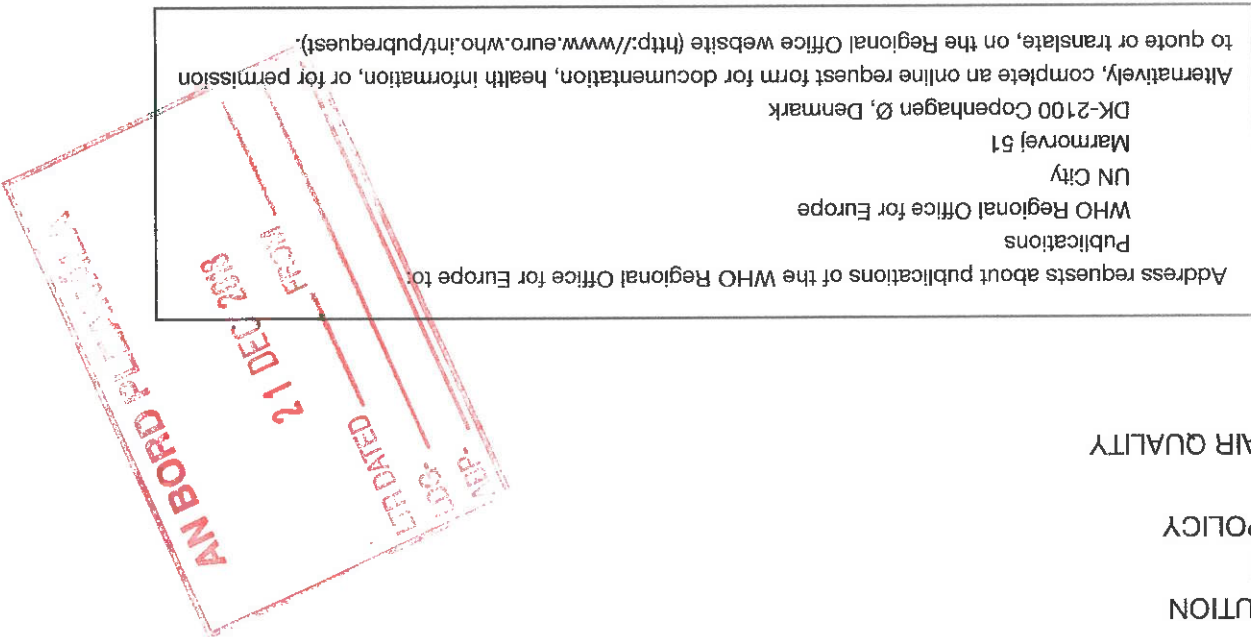
Residential heating with wood and coal:



Residential heating with wood and coal is an important source of ambient (outdoor) air pollution; it can also cause substantial indoor air pollution through either direct exposure or infiltration from outside. Evidence links emissions from wood and coal heating to serious health effects such as respiratory and cardiovascular mortality and morbidity. Wood and coal burning also emit carcinogenic compounds. The results presented in the report indicate that it will be difficult to tackle outdoor air pollution problems in many parts of the world without addressing this source sector. A better understanding of the role of wood biomass heating as a major source of globally harmful outdoor air pollutants (especially fine particles) is needed among national, regional and local administrators, politicians and the public at large.

Keywords

AIR POLLUTION
BIOMASS
HEALTH POLICY
HEATING
INDOOR AIR QUALITY



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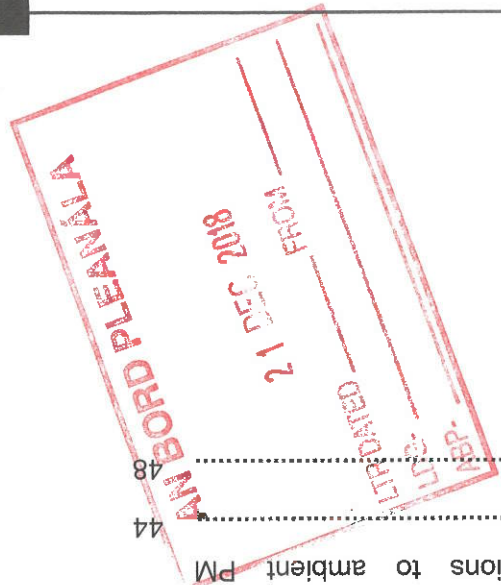
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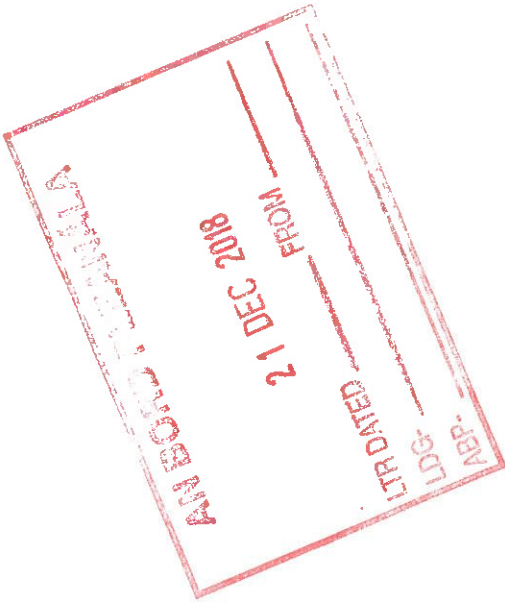
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BC	black carbon
BTU	British Thermal Unit
CCME	Canadian Council of Ministers of the Environment
CH ₄	methane
CI	confidence interval
CO	carbon monoxide
CO ₂	carbon dioxide
COPD	chronic obstructive pulmonary disease
CSA	Canadian Standards Association
DALY	disability-adjusted life-year
EC	elemental carbon
EC JRC	European Commission Joint Research Centre
EPA	United States Environmental Protection Agency
EU	European Union
GAINS	Greenhouse Gas and Air Pollution Interactions and Synergies [model]
GBD	Global Burden of Disease (Study)
HEPA	high-efficiency particulate air
IIASA	International Institute for Applied Systems Analysis
LPG	liquefied petroleum gas
NO ₂	nitrogen dioxide
NO _x	oxides of nitrogen
NSPS	new source performance standard
OC	organic carbon
PAH	polycyclic aromatic hydrocarbon
PM	particulate matter
PM _{2.5}	PM with an aerodynamic diameter of less than 2.5 micrometres
PM ₁₀	PM with an aerodynamic diameter of less than 10 micrometres
SO ₂	sulfur dioxide
VOC	volatile organic compound

biomass biodegradable products, waste and residues from agriculture, forestry, fisheries and related industries, as well as the biodegradable fraction of industrial and municipal waste

fossil fuel carbon rich fuel other than biomass, including anthracite, brown coal, coke, bituminous coal and peat

hydronic heater wood-fired boilers, often located outside the building (in a shed, for example) from which the heat is being generated and then circulated into the building as heat source

solid fuel a fuel that is solid at normal indoor room temperatures, including biomass and coal

solid fuel boiler a device with solid fuel heat generator(s) that provides heat to a water-based central heating system, with heat loss of <6% of rated heat output to its surrounding environment

solid fuel local space heater an open fronted or closed fronted space heating device or cooker that uses solid fuels to emit heat by direct heat transfer with or without heat transfer to a fluid

woody biomass biomass originating from trees, bushes and shrubs, including log wood, chipped wood, compressed wood in the form of pellets, compressed wood in the form of briquettes and sawdust

¹ All definitions are taken directly or adapted from the draft European Commission Directive on requirements for solid fuel boilers (available at: <http://ec.europa.eu/transparency/rectomitoology/index.cfm?do=Search.getPDF&YrbCuiY/4yCAKX8F1akUCXCT-KEMVcaXWhWT3pm5SVAw47eF02NzJLXFBE77kGVLz02PusuyjPpE0HGhnt1Yyub8shcefgN5ixnqYI=>, accessed 4 February 2015)

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Wood, coal and other solid fuels continue to be used for residential cooking and heating by nearly 3 billion people worldwide at least part of the year, including many in Europe and North America. Residential heating with wood and coal is an important source of ambient (outdoor) air pollution; it can also cause substantial indoor air pollution through either direct exposure or infiltration from outside. The specific magnitude of the problem varies greatly by geography, prevalence of solid fuel use and the technologies used.

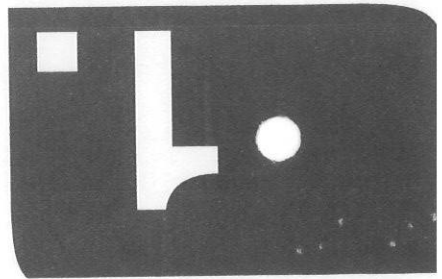
Across Europe and North America, central Europe is the region with the highest proportion of outdoor particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM_{2.5}) that can be traced to residential heating with solid fuels (21% in 2010). Evidence links emissions from wood and coal heating to serious health effects such as respiratory and cardiovascular mortality and morbidity. Wood and coal burning also emit carcinogenic compounds. Each year 61 000 premature deaths are attributable to ambient air pollution from residential heating with wood and coal in Europe, with an additional 10 000 attributable deaths in North America.

Existing regulatory measures include ecodesign regulations and labels in the European Union (EU) and technology-based emission limits in the United States of America and Canada. Financial fuel switching and technology change-out incentives – as well as targeted “no burn” days and ecolabelling – are other tools available to policy-makers.

Given the substantial contributions to air pollution from residential heating with solid fuels, it will be difficult to tackle outdoor air pollution problems in many parts of the world without addressing this source sector. Nevertheless, the use of solid fuels for heating is expected to persist and probably even expand, especially within the EU, in the coming decades as a result of climate policies that favour wood burning. Better alignment is therefore needed between climate and air pollution policies in many countries. Information campaigns – especially those that increase knowledge about the energy efficiency of heating options – are encouraged.

Measures are available to reduce emissions of solid fuels for residential heating in most places. Encouraging fuel switching (away from coal and other solid





Introduction and context

including many products of incomplete combustion such as $PM_{2.5}$ and carbon monoxide (CO) – two major air pollutants. Small-scale solid fuel combustion is also an important source of black carbon (BC) emissions. BC is a component of $PM_{2.5}$ that warms the climate. When coal is used for residential heating it can also result in emissions of sulfur and other toxic contaminants found in some types of coal; even with good combustion these contaminants are not destroyed.

The amount of heating fuel needed in a particular climate is dependent on the fuel efficiency of the stove, as well as the characteristics of the housing in which it is used (such as insulation infiltration – infiltration through the building envelope), further. In developed countries nearly all space heating devices have chimneys; in some developing countries much space heating is done with open stoves inside the house. In both cases most of the emissions end up in the atmosphere and contribute to outdoor air pollution, which is the focus of this report (see Box 1).

Residential heating is an essential energy service required by many people worldwide. Even with widespread availability of electricity and natural gas, the use of solid fuels for residential heating continues to be common practice in many places, including within European and North American countries. Solid heating fuels consist primarily of wood and coal but can also include forestry and agricultural residues and even garbage. Most fuels are burned in small-scale combustion devices, such as household heating stoves or small boilers for single houses, apartment buildings or district heating. Open fireplaces are popular in many parts of the developed world but do not actually provide net heating in most circumstances; they are therefore often characterized as for recreational use rather than space heating.

Currently, most burning of solid fuels for space heating is done in devices that incompletely combust the fuel owing to their low combustion temperature and other limitations. This results in relatively high emissions per unit of fuel,



Box 1. New WHO indoor air quality guidelines

WHO recently released indoor air quality guidelines for household fuel combustion (WHO, 2014a). The guidelines describe the household combustion technologies and fuels (and associated performance levels) needed to prevent the negative health effects currently attributable to this source of air pollution. Recommendations pertinent to household space heating include:

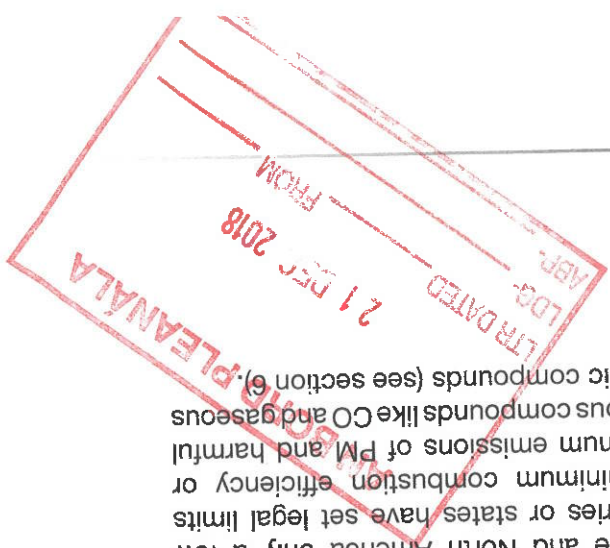
- setting emission rate targets (see the guidelines for specific target values) for both vented and unvented household stoves (for $PM_{2.5}$ and CO);
- encouraging governments to accelerate efforts to meet air quality guidelines, in part by increasing access to and encouraging sustained use of clean fuels and improved stoves, including maintenance and replacement of the stoves over time;
- preventing use of unprocessed coal as a household fuel, given that indoor emissions from household combustion of coal are carcinogenic to humans, according to the International Agency for Research on Cancer (IARC, 2010) – note that unprocessed coal is distinguished here from so-called “clean” or “smokeless” coal, for which less research on health effects has been done;
- discouraging household combustion of kerosene since there is strong evidence that heating with kerosene leads to indoor concentrations of $PM_{2.5}$, nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) that exceed WHO guidelines, and household use of kerosene also poses burn and poisoning hazards;
- encouraging governments to maximize health gains while designing climate-relevant household energy actions.

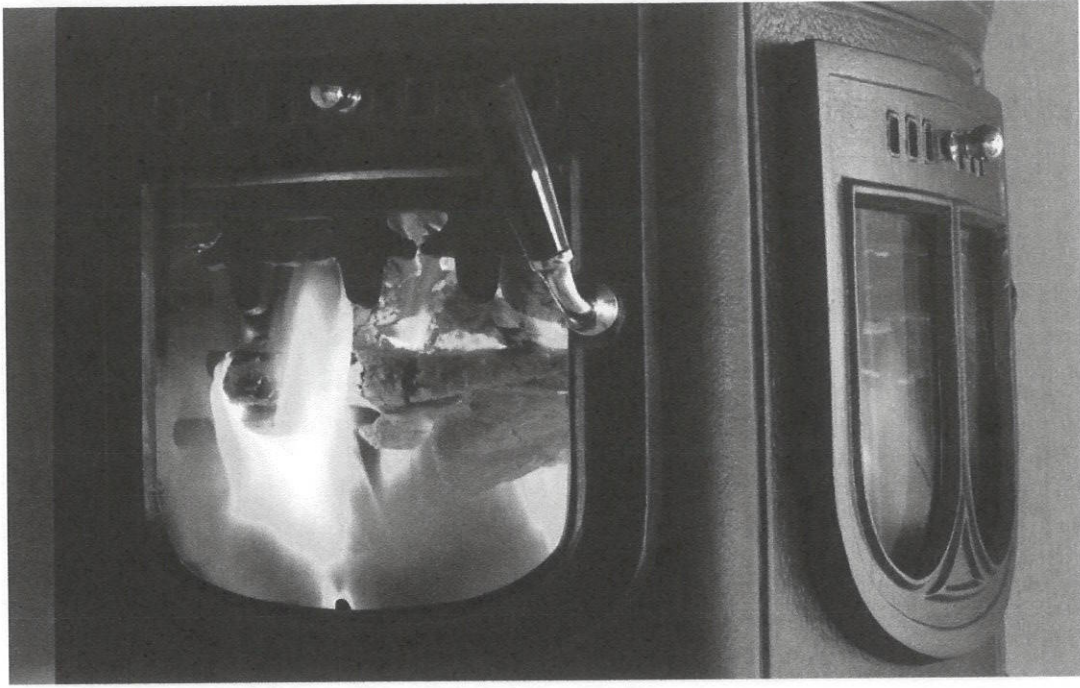
The dangers of coal burning for residential heating in cities in developed countries were slowly recognized over centuries, but a major policy response was triggered by the Great Smog of London in December 1952, which caused thousands of premature deaths within a short period (Brimblecombe, 2012) due to smoke from household heating with coal. Wood heating, while still a common practice even in some urban areas, has not received the same attention as coal, although it is also a major source of ambient air pollution during the heating season in nearly all parts of the world where wood is available (see Annex 1). For example, wood space heating was responsible for 11% of California’s annual average $PM_{2.5}$ and 22% of the state’s winter $PM_{2.5}$ emissions

Residential heating with wood is a sector in which $PM_{2.5}$ and BC emissions can potentially be reduced with greater cost-effectiveness than many other emission reduction options. Nevertheless, within Europe and North America only a few countries or states have set legal limits for minimum combustion efficiency or maximum emissions of PM and harmful gaseous compounds like CO and gaseous organic compounds (see section 6).

In 2012 (Air Resources Board, 2014), in the Helsinki Metropolitan Area, Finland, the contribution of wood heating to $PM_{2.5}$ emissions for the six-month cold season in 2005–2009 was 19–28% at urban and 31–66% at suburban monitoring sites (Saarnio et al., 2012).

Residential heating with wood is a sector in which $PM_{2.5}$ and BC emissions can potentially be reduced with greater cost-effectiveness than many other emission reduction options. Nevertheless, within Europe and North America only a few countries or states have set legal limits for minimum combustion efficiency or maximum emissions of PM and harmful gaseous compounds like CO and gaseous organic compounds (see section 6).





Parties to the United Nations Economic Commission for Europe's Convention on Long-Range Transboundary Air Pollution adopted emission reduction targets for $PM_{2.5}$ in participating countries in 2012. They decided to prioritize $PM_{2.5}$ mitigation

measures, with a focus on BC reductions, primarily because of the strong climatic influence of BC and the opportunity to "provide benefits for human health and the environment" (UNECE, 2012).

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countries in North America and Europe are actively encouraging residential heating with wood and other biomass (see Table 1). Biomass is touted, in some cases, as a renewable fuel that can assist with climate change mitigation and contribute to energy security. For example, the United Kingdom's Renewable Heat Incentive, introduced in 2014, explicitly includes payment to households using biomass boilers as part of the strategy to reduce the country's greenhouse gas emissions by 80% (from 1990 levels) by 2050 (Ofgem, 2014). Biomass fuels were also included in the European Commission's strategy for reaching the "202020" targets (20% reduction in greenhouse gas emissions, 20% of final energy consumption from renewable energy and 20% increase in energy efficiency by 2020), although much new biomass use in the EU has been for electricity production rather than household heating (ECF, 2010).

Reasons for concern

The main reason for concern from residential heating using wood and coal is the effect it has on ambient air pollution and health. The types of fuel used for residential heating are an important determinant of both outdoor and indoor air quality in many countries. Burning solid fuel in homes produces more neighbourhood-level PM pollution than using electricity, gas or liquid fuels for heating. Burning conditions are often inefficient and household-level emission controls or regulations are often lacking. WHO reports that 3.7 million premature deaths from exposure to ambient particulate air pollution occurred in 2012, including 482 000 in Europe and 94 000 in Canada and the USA (WHO, 2014b). Household use of solid fuels for heating is a contributor to this outdoor air pollution (see section 3).

Another reason for concern arises from climate and energy policies. Many

Table 1. Examples of government incentives and subsidies for residential heating with wood

Country (scheme)	Incentive/subsidy	Notes on implementation
Denmark (Incentive to scrap pre-1980 wood boilers)	Grant of <€530 for households replacing old wood boilers with new boilers meeting an emissions limit (2008-2009)	3500 wood boilers have been replaced – about twice what would have been expected without the grant.
Germany (Market incentive programme)	Subsidy for installation of pellet boilers (over 150 kW) of >€2000 or €2500 when combined with solar panels	The programme is more than a decade old; designated funding has been adjusted downwards in some years.
Norway (Ban on electrical and oil heating in new buildings; 40% of heat demand in new buildings must be supplied by non-grid electricity or non-fossil fuel energy)	Subsidies of 20% for purchase of a new pellet stove (<€490) or new pellet boiler (<€1225)	The fund from which these subsidies come totalled €4.3 billion in 2013 and was managed in part by Enova SF, a state-run company.
United Kingdom (2014 Domestic Renewable Heat Incentive)	Household tariff from government of 12.2p (€0.15) per kW hour of energy generated when biomass boilers and pellet stoves used to heat home	As of August 2014 >1600 household biomass-fuelled home heating systems had been approved to participate in this programme.

Sources: IEA (International Energy Agency) (2013); Levander & Bodin (2014); Ofgem (2014).

Household wood combustion for heating seems to be rising in some countries thanks to government incentives and subsidies, the increasing costs of other energy sources and the public perception that it is a "green" option (see Table 1 and Fig. 1). As in many areas emissions from other sources (such as ground transportation, industry and power plants) are already controlled or legislation is in place to reduce them, residential biomass combustion is expected to gain prominence as a source of PM_{2.5}, especially if no efforts are made to encourage (or incentivize) use of modern and efficient residential wood-heating devices. The World Bank noted in 2013: "there is an urgent need to design and implement an effective approach to limiting black carbon emissions from home heating sources as their use continues to rise" (Pearson et al., 2013). Further reasons for concern are economic downturns and fuel switching. Some families revert to heating with solid fuels (such as discarded furniture, wood scrap and coal) in response to economic hardship; this has happened recently in Greece and other European countries (Saffari et al., 2013). A 2012 study by the International Energy Agency concluded that, even in the absence of a global climate change agreement, biomass use in the residential energy sector will increase (quoted in Pearson et al., 2013). In the USA the number of households (especially low – and middle-income

This publication does not represent a full systematic review of all relevant literature; the authors relied primarily on recent comprehensive reviews, reports and WHO guidelines to present a general policy-relevant overview of these topics. Seasonal space heating with wood is common in mountainous regions of many middle-income and poor countries – Chile and Nepal, for example – and coal is used for space heating in the parts of middle-income countries lying in temperate zones, such as Mongolia and China.

to reduce emissions of solid fuel use for residential heating in most places (sections 5–8).

states the number of households heating with wood more than doubled during this period (Alliance for Green Heat, 2011).

- measures available and policy needs and 4);
- evidence of health effects from exposure to PM from this source sector in epidemiological studies (sections 3 and 4);
- persistent levels of emissions from residential solid fuel combustion for heating (section 2);
- concurrent factors:

Motivated by the threat of increasing emissions from a push for more bioenergy combustion driven by renewable energy and energy security considerations and climate change mitigation policies (without proper consideration of health effects), this report addresses several

Structure of the report

households) heating with wood grew 34% between 2000 and 2010 – faster than any other heating fuel – and in two

Note: A petajoule is 10^{15} joules.
 Source: personal communication from Dr Niko Karvosenoja, Finnish Environment Institute (SYKE), Figure prepared on the basis of public data provided by Statistics Finland (2014).

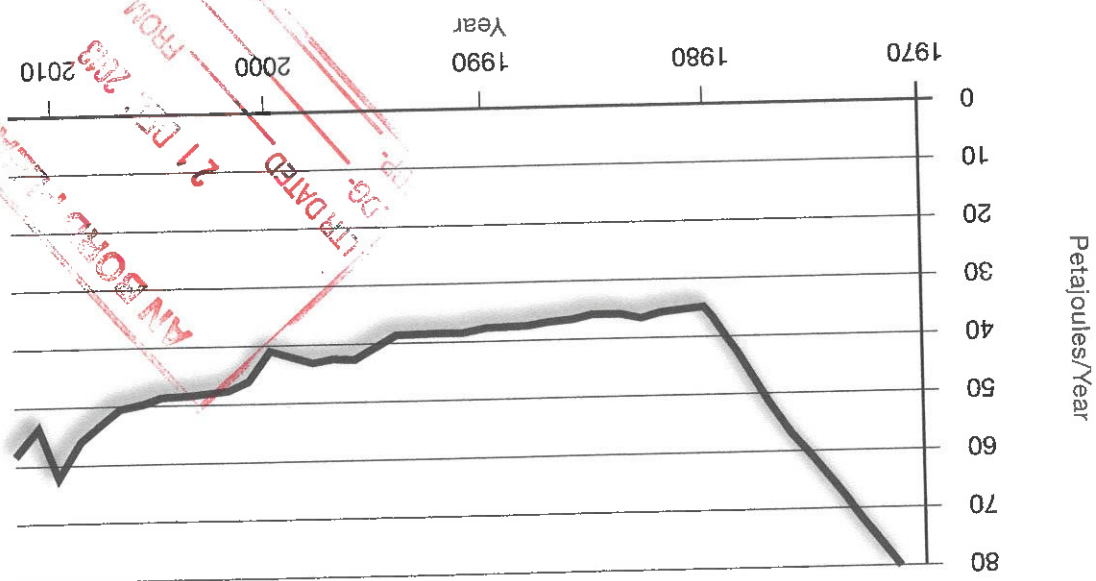


Fig. 1. Residential use of wood in Finland, 1970–2012, according to national energy statistics

Category	Main focus	Less emphasis
Geographical scope (regions)	Europe and North America	Other countries where residential heating is required, including China and India
Type of fuel	Wood and coal	Other solid fuels, such as charcoal, peat, agricultural waste and garbage
Type of heating	Single-home residential heating	District heating
Type of exposure	Population-level exposure to ambient air pollution from heating appliances	Indoor (in-home) air pollution; emissions from cooking with solid fuels

Table 2. Focus of the report

Owing to time and resource constraints, combined with the relative lack of data on usage and emissions in Asia and Latin America, however, this report focuses on Europe and North America (see Table 2).

2.

Use of solid fuels for residential heating as a major source of air pollution

Residential heating with wood and coal is a significant source of ambient air pollution; it can also cause substantial indoor air pollution, through either direct exposure or infiltration from outside. The specific magnitude of the problem varies greatly by geography, prevalence of solid fuel use and the combustion technologies used. Nevertheless, use of solid fuels for heating is expected to persist and probably even expand within the EU in the coming decades as a result of climate policies that favour wood burning.

Residential combustion of solid fuels: a major source of PM_{2.5}

Worldwide, less than 10% of total ambient PM_{2.5} (from both primary PM emissions and secondary PM formation) comes from residential heating stoves and boilers; about half of that comes from biomass heating, while most of the rest comes from household coal burning for heating (see Box 2). (These figures do not include district heating, e.g. pp. 100-101.)



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Box 2. Residential heating with coal

Coal has been used for residential heating for centuries. In the 1960s coal and coke (a coal derivative) were the residential heating fuels of choice in Germany (84% of energy use in the residential sector) and France (68%), and were second only to oil in Denmark (33%) and Canada (22%). By the 1980s, however, residential coal/coke use was virtually nonexistent (<0.5%) in Canada, Norway and Sweden (Schipper et al., 1985). In the Netherlands coal was the major heating fuel in the 1950s and 1960s but disappeared from use by the mid-1970s, primarily due to domestically available oil and natural gas resources (Dzioubinski & Chipman, 1999).

In the USA 55% of homes used coal/coke for space heating in 1940, but this fell to 12% in 1960, below 5% in the early 1970s and below 1% from the early 1980s (Schipper et al., 1985; United States Census Bureau, 2011). One study estimates that reductions in the use of bituminous coal for heating in the USA from 1945–1960 decreased winter all-age mortality by 1% and winter infant mortality by 3%, saving nearly 2000 lives per winter month, including 310 infant lives (Barreca et al., 2014).

Coal typically requires a higher ignition and combustion temperature and has a higher content of sulfur and nitrogen than wood and other biomass. This means that residential coal combustion is a source of SO₂ and oxides of nitrogen (NO_x) (4% of SO₂ and 1% of NO_x emissions globally), as well as toxic pollutants adsorbed (adhering to the surface in an extremely thin layer) or absorbed to PM. In China (where residential coal combustion accounts for 7–8% of national SO₂ emissions) and some central European countries that use substantial amounts of coal for heating, the proportion can be much higher than average global emissions. To make matters worse, coals mined in certain geographical regions contain toxic elements (such as fluorine, arsenic, selenium, mercury and lead). Burning these types of coal in households has been associated with poisoning from the toxic compounds released during combustion.

Based on this and evidence that indoor emissions from household combustion of coal are carcinogenic to humans, the latest WHO indoor air quality guidelines strongly recommend against the residential use of unprocessed or raw coal, including for heating (WHO, 2014a). WHO currently makes no recommendation about the residential use of processed coal but calls for future research to examine the content of, emissions from and exposure to pollutants – including toxic contaminants – from the use of “clean” or “smokeless” coal.

While the residential sector as a whole represents about 40% of global anthropogenic PM_{2.5} emissions, the majority of this portion (about 80% of the PM_{2.5} produced directly by household combustion) comes from cooking rather than heating stoves in developing countries (see Box 3). In several specific regions of the world, however, residential combustion of solid fuels (biomass and coal) for heating makes a substantial contribution to total ambient PM_{2.5} emissions, including Europe (13–21% in 2010, central Europe being the highest), the USA and Canada (10%) and central Asia (10%) (Chate et al., in press) (see section 4).

via emissions from a household's own appliances and/or those of neighbouring homes. Such exposure largely occurs indoors (due to indoor emissions from

is high potential for elevated exposure close proximity to where people live, there its nature, occurs in residential areas in Since residential wood combustion, by

Role of infiltration

In Seattle 31% of $PM_{2.5}$ measured at an outdoor monitoring site close to residential areas was apportioned to wood combustion and other vegetative burning (Kim & Hopke, 2008). During heating season the contribution has been as high as 62% at neighbourhood measurement sites (Larson et al., 2004).

In Austria during the winter months of 2004 wood smoke caused about 10% of PM_{10} near Vienna and around 20% at rural sites in two densely forested regions (Salzburg and Styria) (Caseiro et al., 2009). A study in a small village in the Czech Republic – where the only major wintertime source of particulate air pollution was residential combustion of wood, coal and household waste – found that average winter PM_{10} was higher in the village (around $40 \mu g/m^3$) than in Prague (around $33 \mu g/m^3$) in 1997–1998 and 1998–1999 (Branis & Domasova, 2003).

In some places wood combustion is the major source of ambient $PM_{2.5}$, especially during the heating season (see Annex 1). Source apportionment studies, which identify the types of emission source contributing to measured air pollution levels, generally indicate that wood combustion accounts for 20–30% of local heating-season ambient $PM_{2.5}$ levels, although this estimate varies greatly by location. For example, a study in Italy found that in 2008 residential heating with wood caused 3% of PM_{10} in Milan, 18–76% in seven other urban areas and 40–85% in three rural areas (Gianelle et al., 2013).

In areas where wood combustion for residential heating is prevalent, studies have found relatively high short-term $PM_{2.5}$, PM with an aerodynamic diameter of less than 10 micrometres (PM_{10}) and volatile organic compound (VOC) concentrations.

Observed outdoor pollution levels from residential heating

Approximately 40% of the world's population – some 2.8 billion people – cook with solid fuels (Bonjour et al., 2013). The resulting household $PM_{2.5}$ air pollution, which shares the same constituents produced by residential heating with solid fuels, is associated with an estimated 3.5 million deaths per year. In addition, residential cooking accounts for approximately 12% of all outdoor $PM_{2.5}$ pollution worldwide (with a much higher proportion in some regions) and about 370 000 premature deaths each year from exposure to outdoor $PM_{2.5}$ pollution from this source worldwide (Chafe et al., 2014). In two regions – east Asia (including China) and south Asia (including India) – a large proportion of $PM_{2.5}$ comes from both residential heating and cooking. When considered alongside their high population numbers, these two regions represent high-priority areas for shifting people away from residential solid fuel use and towards grid (electricity) connections or access to piped natural gas or liquefied petroleum gas (LPG).

Box 3. Residential cooking with solid fuels

Indoor pollution levels

Modern wood stoves and fireplaces, when operated according to the manufacturers' instructions, release some PM and gaseous pollutants directly into indoor air, although in most cases the evidence for substantial indoor emissions from these modern stoves is very limited. With poor operation, poor ventilation or backdrafting, however, elevated concentrations of combustion products (such as PM, CO, VOCs, NO_x and aldehydes) may result indoors. Acute CO poisoning, which can sometimes even be fatal, may occur due to indoor

wood burning and infiltration of dirty ambient air), especially during the winter. A household with wood-burning appliances is likely to be surrounded by other homes with wood-burning appliances, and wood burning also tends to aggregate temporally; thus, on cold evenings and nights most homes in the area may be burning wood. Given that most wood burning occurs in cold locations where homes are well insulated, buildings are expected to have low infiltration (meaning that relatively small amounts of outdoor air pollution, including wood-burning smoke, enter the house and contribute to indoor air pollution), especially during the heating season. Comparisons in European cities, however, do not show a strong relationship between annual climate and annual average infiltration: the infiltration rate does not vary much according to the climate when

averaged over a year (Hoek et al., 2008). In North America heating-season outdoor temperature is an important determinant of infiltration, and infiltration levels are generally lower in the heating than the non-heating season, when doors and windows are likely to be open more (Allen et al., 2012). In British Columbia the mean infiltration fraction of PM_{2.5} in winter was found to be 0.28, compared to 0.61 in summer, although infiltration factors for individual homes in winter ranged from 0.1–0.6 (Barn et al., 2008); another study reported similarly low mean infiltration levels of 0.32 ± 0.17 during the winter (Allen et al., 2009). Combustion of wood in residential areas and often under cold, calm meteorological conditions can nonetheless lead to high exposure compared to other pollution sources, owing to the principle of intake fraction (see Box 4).

Box 4. Intake fraction

Intake fraction describes the fraction of released emissions inhaled by humans; it is expressed in terms of the proportion of a pollutant taken in by humans of a given amount of a pollutant emitted. This fraction is dependent on the proximity of the population to the emitting source (and thus potential for dilution) and the density of the population exposed to the source (Bennett et al., 2002). An analysis for the urban area of Vancouver, Canada, indicated a high intake fraction for wood smoke during the heating season (Ries et al., 2009), in part driven by the high population density in areas where wood was burned. Winter intake fractions of 5–13 per million were estimated, which is similar to estimated intake fractions for traffic emissions in North America. An analysis of the wood smoke intake fraction conducted for the entire population of Finland, however, reported a considerably lower intake fraction (2.9 per million compared to 9.6 per million for traffic sources), probably due to lower population density (Talmisto et al., 2011).

Notes: EU-28 is countries belonging to the EU after July 2013; current legislation scenario as in Amann et al. (2014), using the Greenhouse Gas and Air Pollution Interactions and Synergies (GAINS) model (Amann et al., 2011).
Source: reproduced with permission from the International Institute for Applied Systems Analysis (IIASA).

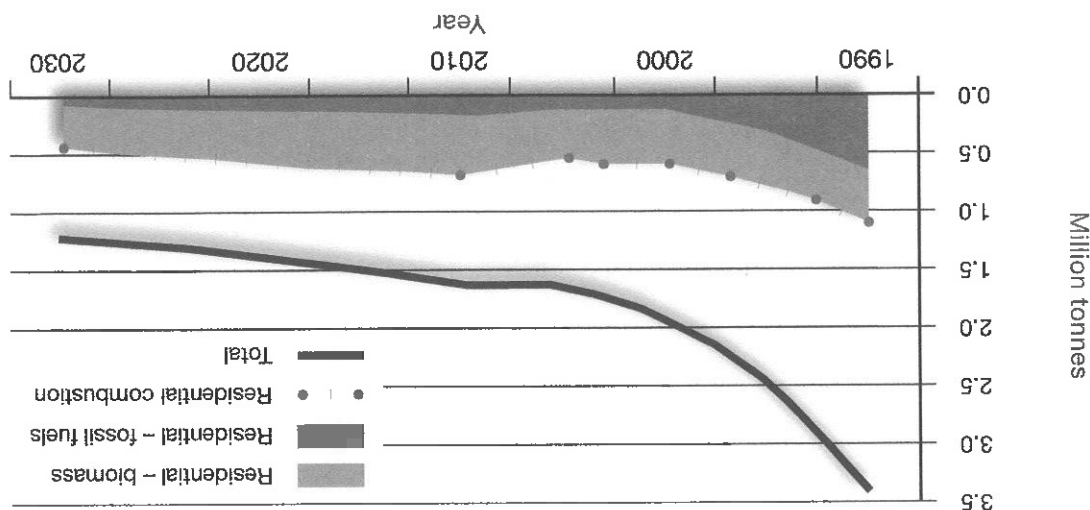


Fig. 2. Emissions of $PM_{2.5}$ from residential sources in the EU-28, 1990–2030

In general, if current trends continue, the relative contribution of primary $PM_{2.5}$ emissions from biomass combustion for household heating are expected to increase in the future, although declining in absolute terms (see Fig. 2).

Future trends in residential biomass emissions

The fraction of total $PM_{2.5}$ emissions due to residential heating with solid fuels greatly increased in many regions between 1990 and 2005. This was due partly to much increased use of biomass fuels and partly to a reduction in emissions from other sources like industry, power plants and ground transportation in Europe and North America. This last sector has historically generated a significant amount of $PM_{2.5}$ (now partially controlled) and continues to be a major source of air pollutants, including those that contribute to the formation of tropospheric ozone (Chate et al., in press).

Residential heating emissions compared to other sectors

Indoor wood combustion sources are often closer to recipients than some emissions of wood combustion products when ventilation of the wood-burning appliance is not managed properly. In some situations exposure to ultrafine particles (PM with a diameter of less than 100 nanometres) may be high as well. Indoor wood combustion sources are often closer to recipients than some

outdoor sources; as a result, the intake fraction is higher. The composition of particles is different because of the shorter mixing time for atmospheric reactions and the typically higher indoor than outdoor temperatures. Exactly how these factors modify exposure and subsequent health effects is unclear.

The less than ideal combustion conditions in most household fireplaces and stoves – including low combustion temperatures, suboptimal air circulation/oxygen availability, overloading of the firebox with wood, moist biomass fuel, and heat loss – cause emissions of harmful PM and gaseous compounds often referred to as “products of incomplete combustion” (see Box 5).

Most residential stoves and boilers in use today are relatively inefficient, compared to the best models available for sale. Under ideal burning conditions, all the carbon in wood and other types of biomass, coal, kerosene, LPG, natural gas, diesel and gasoline would be completely converted to carbon dioxide (CO₂) while releasing energy. This is known as 100% combustion efficiency. Unfortunately, combustion efficiency of simple household stoves burning solid

Note: EU-28 is countries belonging to the EU after July 2013; current legislation scenario as in Amann et al. (2014), using the carbonaceous particles module (Kupainen and Klimont, 2007) of the GAINS model (Amann et al., 2011).
Source: reproduced with permission from IASA.

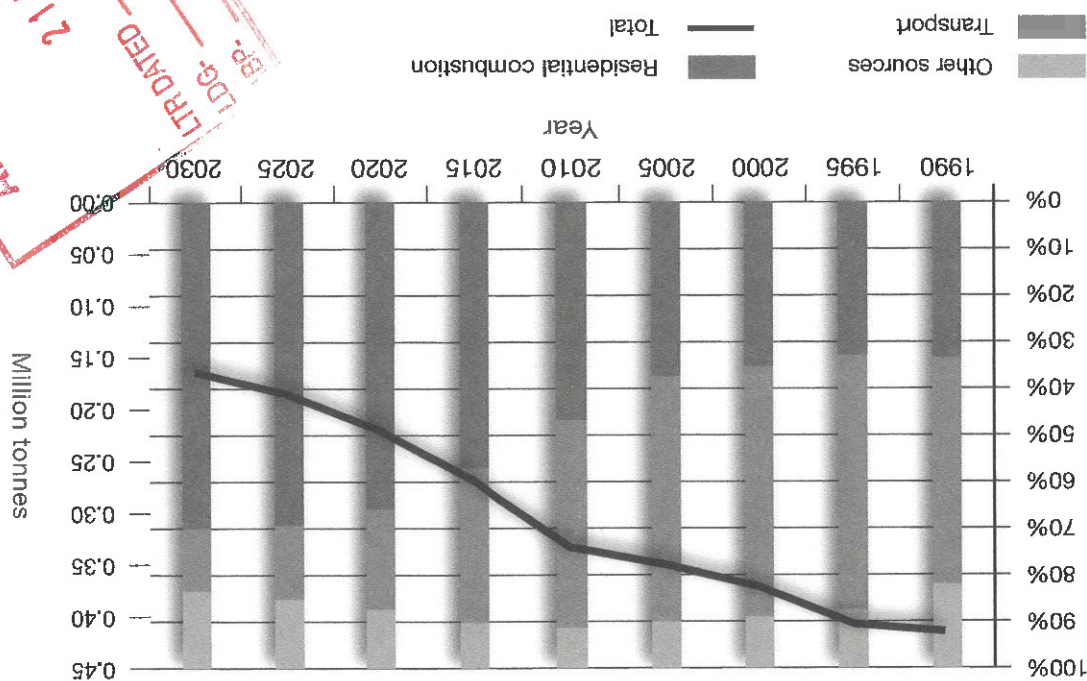


Fig. 3. Baseline BC emissions from the common major sources in the EU-28, 1990-2030

The reasons for this include the push for climate change mitigation (with biomass considered a renewable fuel under some climate policies), the potential for economic hardship to increase dependence on solid fuels, slow adoption of state-of-the-art technologies and the lack of strong incentives for exchanging

current inefficient stoves and boilers. These PM_{2.5} emissions include BC, which is a potent climate-warming substance (see Fig. 3). The net warming impact of BC-emitting sources, however, depends on the concurrent emissions of cooling aerosols, such as organic carbon (OC).

Box 5. Constituents of pollution from residential biomass and coal combustion

Particles: PM_{2.5}, BC, OC

PM_{2.5} is one of the major air pollutants produced by burning solid fuels. Fine particles are generally considered to a good indicator of the health impacts of wood combustion sources: they have been the most broadly studied and are the focus of most emissions regulations.

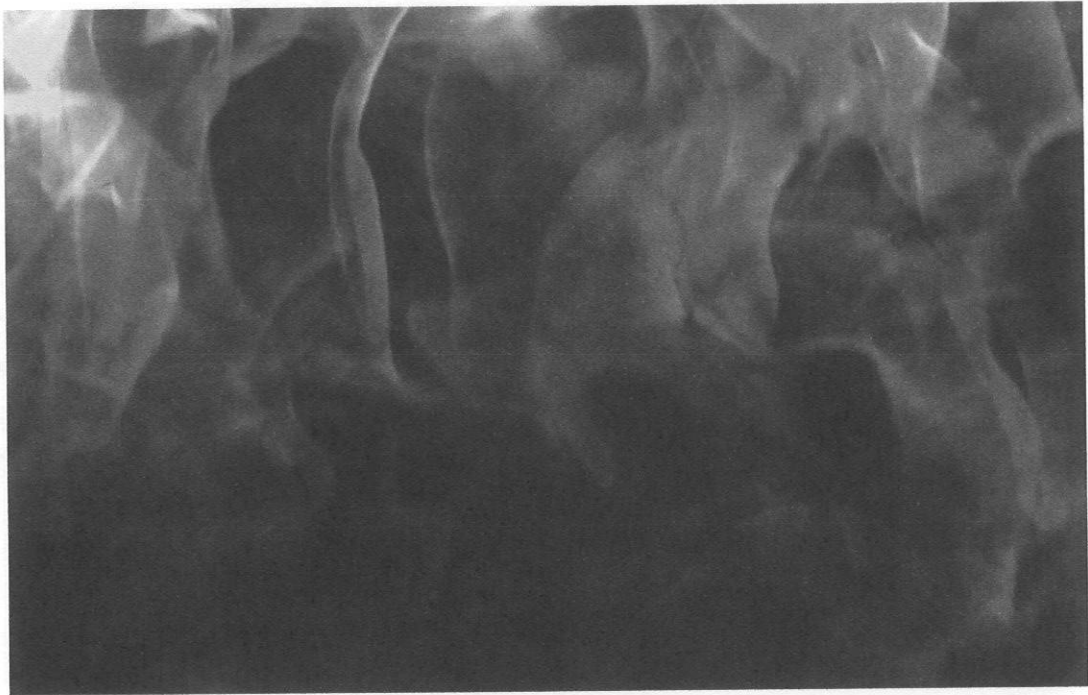
BC is one constituent of PM_{2.5} that has been associated with adverse health effects (see section 3) and is recognized as an important short-lived climate forcer (Bond et al., 2013; Janssen et al., 2012). (See section 8 for more on the climate implications of residential solid fuel use for heating.) As emissions from wood stoves or long-wood burners cool or “age”, a series of gaseous hydrocarbons adsorb onto the BC. When used correctly to optimize airflow, pellet stoves produce a much lower level of BC and polycyclic aromatic hydrocarbons (PAHs) than conventional wood stoves (Eriksson et al., 2014).

OC is another PM component that is emitted directly from combustion of many solid fuels; it also forms as a secondary pollutant. The organic and some inorganic emissions undergo rapid physicochemical transformation, followed by more delayed reactions in the atmosphere (Kochbach Balling et al., 2009; Naeher et al., 2007). The speed of many reactions depends on the availability of sunlight (ultraviolet radiation) and on atmospheric temperature, which means that they are much slower in the cold and dark heating season than in the much brighter warm season of the year. In contrast to BC, which is light in colour, OC aerosols tend to be cooling for the climate.

Even as combustion efficiency of small-scale heaters is improved, the amount of BC emitted from a given amount of fuel will remain nearly constant. More complete combustion, however, will result in a much smaller amount of organic compounds and an increase in inorganic salts such as potassium sulfates, chlorides and carbonates and zinc, depending on the type of biomass (Larson & Koenig, 1994; Lighty et al., 2000).

Gases: CO, NO_x, PAHs, SO₂, VOCs

Wood (and other biomass) smoke also contains gaseous air pollutants linked with a range of potential health outcomes like CO, NO_x and VOCs such as acrolein, formaldehyde, benzene, gaseous and particulate PAHs, as well as other organic compounds including carboxylic acids, multiple saturated and unsaturated hydrocarbons, aromatics, PAHs and oxygenated organic compounds such as aldehydes, quinones, phenols and organic acids and alcohols. Combustion of biomass that contains chlorine, for example, which has been treated or transported via saltwater, can also emit chlorinated organic compounds. Burning coal often causes emission of SO₂ owing to its potentially high sulfur content (see Box 2).



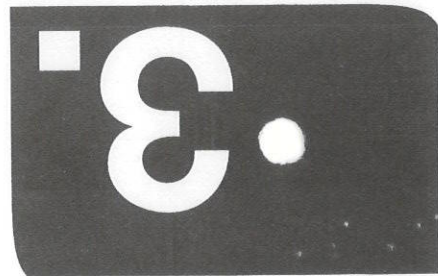
Box 5. Contd

Levogluconan

Levogluconan is a tracer of biomass combustion and is often used as an indicator to determine exposure to biomass fuels or for source apportionment research. While it has proved useful as a marker of biomass combustion, more research is needed to evaluate the quantitative relationship between levogluconan levels and PM mass concentration, given scenarios involving different wood types and combustion devices (Mazzoleni et al., 2007).

Other emissions

Burning coal can release elements and compounds that are particularly harmful to human health, such as fluorine, arsenic, selenium, mercury and lead; burning coal at the household level can release these into the indoor environment (see Box 2). When economic conditions are acutely bad, people often resort to burning furniture, plastics and garbage. Combustion of these products causes emissions that are of special concern to human health, such as dioxins and lead.



Health effects of solid fuel heating emissions

Evidence links emissions from wood and coal heating to serious health effects. Both short-term and long-term exposures to wood and coal smoke are harmful to health: they contain cancer-causing compounds and appear to act in the same way as PM from other sources. Respiratory problems are a common concern associated with exposure to wood smoke. Recent studies suggest that exposure to wood and coal smoke may also harm cardiovascular health. Studies of other biomass burning (such as forest fires) can help improve understanding of the health effects of residential wood burning.

Short-term exposure to particles from wood combustion appears to be as harmful to health as exposure to particles from the combustion of fossil fuels. At least 28 pollutants present in smoke from solid fuel use have been shown to be toxic in animal studies, including 14 carcinogenic compounds and four cancer-promoting agents (Smith et al., 2014). Undifferentiated PM was recently declared carcinogenic by the International Agency for Research on Cancer, including from household combustion of coal and household use of solid fuels (Loomis et al., 2013). The results of studies such

Epidemiological studies

Hundreds of epidemiological time-series studies, conducted in different climates and populations, link daily increases in outdoor PM concentration with increased mortality and hospitalization. Long-term (years) PM exposure appears to influence health outcomes more strongly than short-term (days) exposure, although fewer studies have been done on longer-term exposure. Exposure to PM leads not only to acute exacerbation of disease, these studies suggest, but may also accelerate or even initiate the development of chronic diseases (WHO Regional Office for Europe, 2013). Long-term high-level exposure to wood smoke in low-income countries has been associated with lower respiratory infections (including pneumonia) in children; chronic obstructive pulmonary disease (COPD), reduced lung function and lung cancer in women; stillbirths and low birth weight of newborn babies (Smith et al., 2011; WHO, 2014a). Although relatively few studies on the health effects of residential wood combustion specifically in developed countries have been undertaken, there is evidence of an association between wood combustion and respiratory symptoms. Ambient levels of particulate air pollution from wood combustion appear to be associated with exacerbation of respiratory diseases – especially asthma and COPD (Gan et al., 2013) – and including bronchitis (Karr et al., 2009) and otitis media (beginning as upper respiratory infection) (MacIntyre et al., 2011). A review of the health effects

as these were taken into account in the development of the WHO indoor air quality guidelines (WHO, 2014a; see Box 1) and are summarized in their supporting documents. Several approaches have been taken to understand the effects of solid fuel heating emissions on human health. These include epidemiological studies that track the health effects of air pollution in human populations, studies of other biomass burning such as forest fire smoke and toxicological and clinical exposure studies.

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Fewer controlled human exposure studies have focused on residential wood combustion than have examined the effects of $PM_{2.5}$ or PM_{10} from diesel engine exhaust. The particulate concentrations used in these studies (200–500 $\mu\text{g}/\text{m}^3$ $PM_{2.5}$ or PM_{10}) correspond to the highest hourly levels measured during wintertime temperature inversions in suburban residential areas

The particles in wood smoke cause harm to human health through oxidative stress, direct cellular toxicity, impaired renewal of damaged cells, lung damage with secondary inflammation and genotoxicity (causing increased risk of respiratory cancer). Pulmonary inflammation may further lead to systemic inflammation. Particulate PAHs and their derivatives may cause many of these effects.

Toxicological and clinical exposure studies

Few studies have been done on the effects of long-term or prenatal exposure to residential wood smoke in developed countries. Exposure to wood smoke during pregnancy (number of days), however, was associated with small size for gestational age (Gehring et al., 2014); exposure to wildfire smoke during pregnancy slightly reduced average birth weight in infants (Holstius et al., 2012).

Burning of agricultural residues also seems to produce respiratory effects. In Winnipeg, Canada, a group of people with mild to moderate airway obstruction reported symptoms (cough, wheezing, chest tightness, shortness of breath, breathing trouble) during a smoke episode caused by burning of straw and stubble (Long et al., 1998). Burning of residues from rice farming in Iran was associated with increased prevalence of, among others, asthma attacks, use of asthma medication, cough and decreased lung function (Golshan et al., 2002).

is consistent with the associations found with urban air pollution (Dennekamp & Abramson, 2011). Smoke from landscape fires causes an estimated 339 000 deaths annually (Johnston et al., 2012).

Learning from other types of biomass burning

studies suggest that short-term exposure to particles from biomass combustion is associated with not only respiratory but also cardiovascular health (McCracken et al., 2012; WHO Regional Office for Europe, 2013).

of particles from biomass combustion concluded that there was no reason to consider PM from biomass combustion less harmful than particles from other urban sources, but that there were few studies on the cardiovascular effects (Naeher et al., 2007). Recent epidemiological

People with asthma or COPD seem to be especially threatened. A review of the respiratory effects of wildfires found an association between respiratory morbidity and exposure to bushfire smoke, which

increased use of COPD medication and decreased lung function from PM exposure (Caamano-Isorna et al., 2011; Jacobson et al., 2012).

increased rates of respiratory hospital admissions and emergency room visits (Arbex et al., 2007; Duclos & Sanderson, 1990; Hanigan et al., 2008; Jacobs & Kreuzer, 1997; Johnston et al., 2007; Mott et al., 2005; Ovadnevaite et al., 2006); eye irritation and respiratory symptoms, such as cough and wheezing among children and teenagers (Kunili et al., 2002; Mirabelli et al., 2009);

effects, including: increased rates of respiratory hospital admissions and emergency room visits (Arbex et al., 2007; Duclos & Sanderson, 1990; Hanigan et al., 2008; Jacobs & Kreuzer, 1997; Johnston et al., 2007; Mott et al., 2005; Ovadnevaite et al., 2006);

None of the studies, however, showed a change in lung function. In particular, studies using healthy volunteers found that exposure to wood smoke was associated with:

- systemic inflammation and bronchial and alveolar inflammation (Ghio et al., 2012);
- increased tendency towards blood coagulation (Barregard et al., 2006);
- inflammation in distal (lower) airways (Barregard et al., 2008);
- increased upper airway symptoms (Sehstedt et al., 2010);
- higher self-reported mucous membrane irritation (Riddervold et al., 2011).

Three-hour exposure to smoke from wood combustion, with intermittent exercise, caused an acute increase in stiffness of major arteries and heart rate (Unooson et al., 2013).

Health effects of BC

of developed countries, where wood is used as the primary and secondary fuel for heating homes. Only one peer-reviewed journal paper provides data on $PM_{2.5}$ or PM_{10} at more than one exposure level (Riddervold et al., 2011). Comparison of results is hampered by inconsistent protocols. Different burning phases (start-up, optimal burning and burnout phases) may result in differences in exposure, and different handling of the burning device may alter exposure and possibly effects.

Wood smoke is rich in BC: biomass fuels combusted for household heating and cooking contribute an estimated 34–46% of total global BC emissions (Bond et al., 2013). A recent review (Janssen et al., 2012) of epidemiological, clinical, and toxicological studies reported sufficient evidence of both short-term and long-term health effects of BC. The researchers found associations between daily outdoor concentrations of BC and all-cause mortality, cardiovascular mortality and cardiopulmonary hospital admissions. In addition, another study found an association between long-term BC concentrations and all-cause and cardiopulmonary mortality in a single-pollutant model (Smith et al., 2009). BC itself may not be a major toxic component of $PM_{2.5}$, but it rather acts as an indicator of other combustion-originating toxic constituents. BC may carry a wide variety of chemicals to the lungs, the body's major defence cells and possibly the circulatory system. Reducing exposure to $PM_{2.5}$ that contains BC should lead to a reduction in the health effects.

Wood smoke is rich in BC: biomass fuels combusted for household heating and cooking contribute an estimated 34–46% of total global BC emissions (Bond et al., 2013). A recent review (Janssen et al., 2012) of epidemiological, clinical, and toxicological studies reported sufficient evidence of both short-term and long-term health effects of BC. The researchers found associations between daily outdoor concentrations of BC and all-cause mortality, cardiovascular mortality and cardiopulmonary hospital admissions. In addition, another study

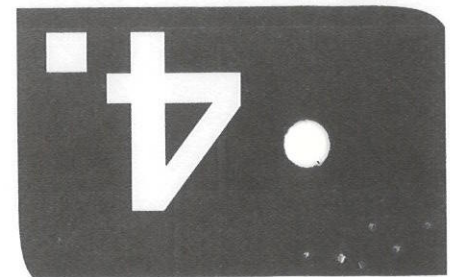
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The burden of disease attributable to ambient air pollution from residential heating with wood and coal



Across Europe and North America, central Europe is the region with the highest proportion of outdoor PM_{2.5} that can be traced to residential heating with solid fuels (21% in 2010). Each year 61 000 premature deaths are attributable to ambient air pollution from residential heating with wood and coal in Europe, with an additional 10 000 attributable deaths in North America.

Household space heating with biomass-based solid fuels (wood, crop residues and similar) creates outdoor air pollution that in turn results in an important public health burden (both in terms of premature deaths and in healthy life-years lost) across many regions of the world. Europe is among the regions with the most serious challenges in this regard: the proportion of outdoor PM_{2.5} caused by household space heating with wood and coal is especially high across many parts of Europe (see Table 3).

In 2010 an estimated 61 000 premature deaths in Europe were attributable to outdoor PM_{2.5} pollution originating from residential heating with solid fuels (wood and coal) – about the same number as in 1990 (Chate et al., in press). This represents 55% of all deaths worldwide that can be attributed to exposure to outdoor air pollution from residential heating with wood and coal. Outdoor air pollution from household heating with solid fuels also is estimated to be responsible for 1 million DALYs (see Box

Table 3. Residential heating contribution to outdoor PM_{2.5} and burden of disease, selected regions, 1990 and 2010

Region	PM _{2.5} from residential heating (%)		PM _{2.5} from residential heating (µg/m ³)		Premature deaths/year		Disability-adjusted life-years (DALYs)/year	
	1990	2010	1990	2010	1990	2010	1990	2010
Central Europe	11.1	21.1	3.5	3.4	18 000	20 000	370 000	340 000
Eastern Europe	9.6	13.1	2.0	1.4	24 000	21 000	480 000	410 000
Western Europe	5.4	11.8	1.3	1.7	17 000	20 000	280 000	290 000
High-income North America	4.6	8.3	0.9	1.1	7 500	9 200	140 000	160 000
Central Asia	9.9	8.3	2.4	1.6	5 500	4 200	180 000	110 000
Global	3.0	3.1	0.9	0.7	120 000	110 000	2 800 000	2 200 000



Globally, Europe has the highest proportion of outdoor $PM_{2.5}$ emissions attributable to household heating with solid fuels at 12% of total $PM_{2.5}$ in western Europe, 21% in central Europe and 13% in eastern Europe in 2010. This corresponds to average population-weighted $PM_{2.5}$ concentrations of 1.7, 3.4 and 1.4 $\mu g/m^3$, respectively. In comparison, 8% of the total ambient $PM_{2.5}$ in North America (Canada and the USA) comes from household heating with solid fuels (1.1 $\mu g/m^3$).

Box 6. DALYS

DALYs are a combined unit composed of mortality (premature death) in the form of years of life lost plus morbidity (injury and illness) in the form of years of life lost to disability in order to fully understand the ill health caused by a risk factor or disease. In the case of morbidity, a disability weight is assigned to each year lived with a specific affliction.

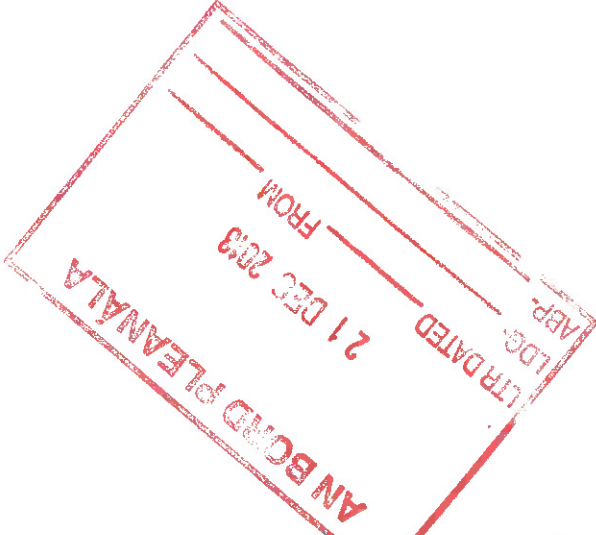
6) across Europe in 2010 (47% of the global total), down from 1.3 million DALYs in 1990. In North America exposure to outdoor $PM_{2.5}$ pollution from residential heating with solid fuels resulted in 9200 deaths in 2010, an increase from 7500 in 1990. This

pollution also caused 160 000 DALYs in 2010, up slightly from 140 000 in 1990. Reducing the use of biomass for space heating or reducing emissions through better combustion or pollution capture would lessen this burden.

Methodology

The analysis in section 4 combines energy use and emissions estimates from the GAINS model hosted by IIASA, secondary PM formation calculated with TM5-FASST software at the European Commission Joint Research Centre (EC JRC), and health impact data from the 2010 Global Burden of Disease (GBD) Study (Amann et al., 2011; IIASA, 2014; EC JRC, 2014; Lim et al., 2012). All ambient air pollution estimates are population weighted and account for other sources of PM, such as open biomass burning (forest fires, agricultural burning) and dust. Health impacts are estimated by taking a proportion of the total impacts from outdoor air pollution, based on the proportion of total air pollution attributable to residential solid fuel combustion for heating. This procedure is in line with the approach taken by the Global Energy Assessment (Riahi et al., 2012) and a World Bank report on the burden of disease from road transportation (Bhalla et al., 2014). Although health impacts are presented by region here, the health benefits of reducing exposure to outdoor air pollution will vary significantly by country as a result of background health and pollution conditions.

An important consideration is to what extent results from epidemiological studies on urban PM can be generalized to PM from residential wood combustion. In the WHO air quality guidelines (WHO Regional Office for Europe, 2006) it was concluded that there was little evidence that the toxicity of particles from biomass combustion would differ from the toxicity of more widely studied urban PM. This same approach was followed in the analysis presented in section 4 and in the recent GBD Study (Lim et al., 2012), in which all combustion particles, regardless of source, were considered to be hazardous depending on the exposure level. This was based on the integrated exposure response curves developed for the GBD Study, which linked exposures to combustion particles across four sources – ambient air pollution, secondhand tobacco smoke, household air pollution and active smoking – to the health outcomes ischaemic heart disease, stroke, COPD, lung cancer and child pneumonia (Burnett et al., 2014).

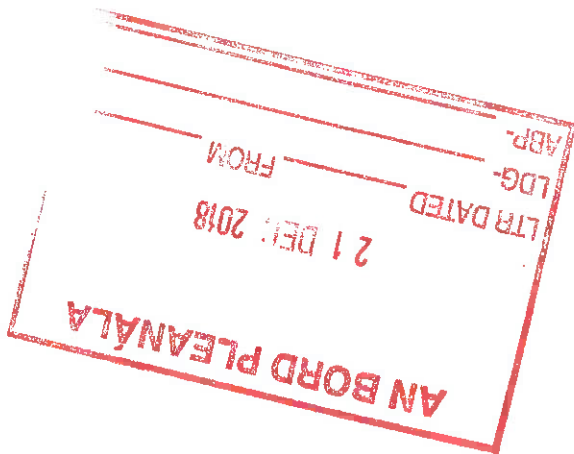


Schedule of Supporting Photographs

Waterford City and County Council Reference Number: D52018 6

S. 5 Declaration by Waterford City and County Council of extension and other works carried out at No 15 Village View, Clashmore, Ballyhenry,

County Waterford.



Appeal by E. Thorsch 18 Village View, Ballyhenry, Clashmore, Co. Waterford

HOTOGRAPH NO. 1: The house with the rotary washing line is the rear of house no 15. On the other side of the wooden fence is house no 14. The wooden shed to house no 14 demonstrates the original ground level that house no 15 would have been at prior to the raising of the ground level and the construction of the extension. The soil retention wall begins underneath the 3 rows of concrete blocks. The ground level would have been 4 feet beneath this.

PHOTOGRAPH NO. 2: This is a photograph of house no 20 immediately below house no 15. House no 15 looked like this prior to the extensive raising of the ground level, the hard surfacing and the construction of the extension development. The windows are much smaller and a single opaque glass and pvc door were the rear exit, not the double glass side exit as exists now at no 15.

PHOTOGRAPH NO. 3: This photograph is taken from house no 20 which lies immediately below house no 15 with the extension development as constructed. The low blackened metal chimney can be seen at the side. The overlooking glass windows / wall extend to the whole width of the extension. The ground level of no 25 above would have been approximately 4 feet beneath the top of the retention wall i.e. approximately at the level of the small shed immediately below the wall. House no 15 was built on top of a slope and the ground level would have continued down to house no 20 following the slope. It took almost 1 year for house no 20 to be sold. The former owner lost €12,000 on the sale price. It had to be sold for €125,000. The purchase price originally in 2002 was €137,000 excluding mortgage, improvement costs etc. It should be noted house no 7 in the estate was sold within 3 weeks. It is not overlooked.

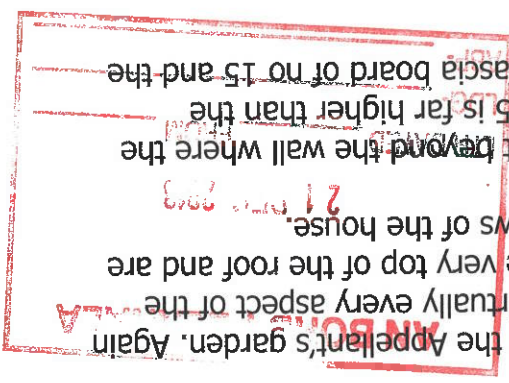
PHOTOGRAPH NO. 4: This is the same photograph as no 3 but the Appellant has tried to visualise the previous ground level for the Bord by marking it with a blue line.

PHOTOGRAPH NO. 5: This is the development extension at house no 15 taken from the Appellants garden. The Appellants garden is overlooked at virtually every aspect.

PHOTOGRAPH NO. 6: This photograph is taken from the Appellant's garden. Again it demonstrates the overlooking by house no 15 into virtually every aspect of the garden no 18. The windows of the extension reach the very top of the roof and are substantially higher and larger than the original windows of the house.

PHOTOGRAPH NO. 7: To the left is house no 14, just beyond the wall where the oil tank is. The rear glass wall of the extension at no 15 is far higher than the original rear wall. This can be seen by comparing the fascia board of no 15 and the fascia board of no 14.

PHOTOGRAPH NO. 8: This photo is taken from the left side of the Appellants garden. Recalling that the floor level within the extension of house no 15 is even



higher than the outside ground level the Appellant has nowhere to work or sit in the garden without being observed.

PHOTOGRAPH No. 9: This photograph is taken from the right side of the Appellant's garden just beneath the boundary wall. As stated although an attempt has been made by the Appellant to obscure the view from inside the extension of house no 15, the windows are everywhere. Moreover, the Appellant cannot rely on vegetation to obscure the constant surveillance, the malicious damage to the specimen fir tree on the right made it crystal clear what the purpose of raising the whole ground level and the construction of the extension was.

PHOTOGRAPH No. 10: A closer view of the overlooking windows taken from the Appellant's garden further towards the right.

PHOTOGRAPH No. 11: This photo is taken slightly further away towards the middle of the Appellant's garden. The intrusive size of the extension and its windows is clearly visible.

PHOTOGRAPH No. 12: The extension of house no 15 close up and taken from the Appellant's boundary wall. The glass windows and the double glass door reach to the roof. The last remaining original window is much smaller and significantly lower.

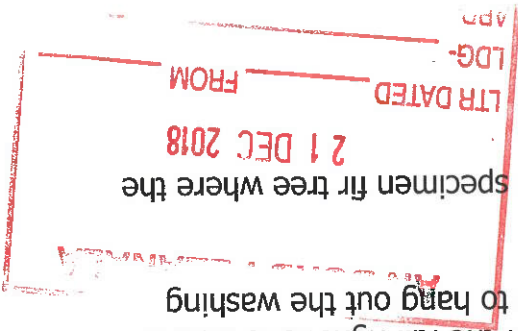
PHOTOGRAPH No. 13: The double glass door of the extension facing the boundary wall of No 18. As can be seen the materials used for the extension are not the bradstone of the original house. The inside floor level adds at least 1 foot to the already raised ground level. Further the area to the right by the gate is a ramp that was also constructed.

PHOTOGRAPH No. 14: The whole rear of No 15 has been hard-surfaced. No provision has been made for drainage. The retention wall is no longer visible only the 3 rows of concrete block built on top of it are. The small distance between the boundary wall of No 18 and the extension is also visible.

PHOTOGRAPH No. 15: A closer view of the hard-surfaced rear of house no 15. No provision for drainage of surface water is visible. The distance between the boundary wall and the extension is estimated to be the length of an arm.

PHOTOGRAPH No. 16: The large gaps made in the specimen fir tree at the Appellant's house number 18 allow house no 15 to view the full right hand side of the Appellant's garden and side. It is not even possible to hang out the washing without being observed.

PHOTOGRAPH No. 17: The malicious damage to the specimen fir tree where the trunk was cut as it bifurcates.



PHOTOGRAPH No. 18: The malicious damage to the specimen fir tree at house no 8 where the bifurcations of the trunk were cut to the quick so they would never regrow.

PHOTOGRAPH No. 19: This is the specimen fir tree facing the boundary wall of house no 15. It has been stripped bare at virtually every level from the side facing the boundary wall.

PHOTOGRAPH No. 20: The remains of the tree facing the boundary wall of house no 15 following the malicious damage.

PHOTOGRAPH No. 21: Virtually all the branches have been cut from the Appellant's specimen fir tree facing the boundary wall of no 15.

PHOTOGRAPH No. 21: The specimen fir tree prior to the malicious damage. As can be seen it never encroached over the boundary wall of house no. 15. The first bush is at house no 16, the shed is at house no 17 and the specimen fir tree is house no 18. The photo is taken from the front side of house no 15.

