



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319493-24

|                                     |                                                                                                             |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Demolition of the existing detached garage for the construction of a dwelling and all associated site works |
| <b>Location</b>                     | 7 The Meadows, The Rock Road,<br>Blackrock, Co. Louth, A91 KH79                                             |
| <b>Planning Authority</b>           | Louth County Council                                                                                        |
| <b>Planning Authority Reg. Ref.</b> | 2460060                                                                                                     |
| <b>Applicant(s)</b>                 | Paula & Noel McKeown                                                                                        |
| <b>Type of Application</b>          | Permission                                                                                                  |
| <b>Planning Authority Decision</b>  | Grant                                                                                                       |
| <b>Type of Appeal</b>               | Third Party                                                                                                 |
| <b>Appellant(s)</b>                 | Ida McDermott                                                                                               |
| <b>Observer(s)</b>                  | Barry Grennan                                                                                               |
| <b>Date of Site Inspection</b>      | 07 <sup>th</sup> January 2025                                                                               |
| <b>Inspector</b>                    | Clare Clancy                                                                                                |

# Contents

|                                                            |    |
|------------------------------------------------------------|----|
| 1.0 Site Location and Description .....                    | 4  |
| 2.0 Proposed Development .....                             | 4  |
| 3.0 Planning Authority Decision .....                      | 5  |
| 3.1. Decision .....                                        | 5  |
| 3.2. Planning Authority Reports .....                      | 5  |
| 3.3. Prescribed Bodies .....                               | 6  |
| 3.4. Third Party Observations .....                        | 6  |
| 4.0 Planning History .....                                 | 6  |
| 5.0 Policy Context .....                                   | 6  |
| 5.1. Section 28 Ministerial Guidelines and Circulars ..... | 6  |
| 5.2. Development Plan .....                                | 7  |
| 5.3. Natural Heritage Designations .....                   | 10 |
| 5.4. EIA Screening .....                                   | 10 |
| 6.0 The Appeal .....                                       | 11 |
| 6.1. Grounds of Appeal .....                               | 11 |
| 6.2. Applicant Response .....                              | 12 |
| 6.3. Planning Authority Response .....                     | 15 |
| 6.4. Observations .....                                    | 15 |
| 6.5. Further Responses .....                               | 15 |
| 7.0 Assessment .....                                       | 17 |
| 7.1. Principle of Development .....                        | 18 |
| 7.2. Impact on Residential Amenity .....                   | 18 |
| 7.4. Access / Shared Boundary .....                        | 21 |

|                                                                   |    |
|-------------------------------------------------------------------|----|
| 7.5. Visual Impact and Impact on Character of Adjoining Area..... | 22 |
| 7.6. Other Matters .....                                          | 23 |
| 8.0 AA Screening.....                                             | 24 |
| 9.0 Recommendation.....                                           | 25 |
| 10.0 Reasons and Considerations.....                              | 25 |
| 11.0 Conditions .....                                             | 25 |
| Appendix 1 – Form 1: EIA Pre-Screening                            |    |

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the rear garden of No. 7 The Meadows, which comprises of a two-storey detached dwelling. It is located within a mature residential area off the Rock Road and is the second last dwelling at the end of a vehicular cul-de-sac road. The area is characterised by two-storey detached dwellings on generous sized plots of varying design and material finishes.
- 1.2. The appeal site comprises of an existing domestic garage and part of the rear private garden space associated with the existing dwelling on site. Vehicular access to the site is from the eastern side of the existing dwelling and off the adjoining cul-de-sac road. The north eastern boundary of the site is defined by a block boundary wall that is approx. 2 m in height. The rear boundary of the site is defined by a 1.8 m high timber panel fence backed by a line of mature hedgerow interspersed with a number of mature trees. The south western boundary of the side is defined by a block boundary wall approx. 1.8 m in height.
- 1.3. There is an existing two-storey dwelling adjoining the site to the northeast and to the southwest, and a row of two-storey dwellings on Hamilton Manor and Hamilton Mews back onto the appeal site.

## **2.0 Proposed Development**

- 2.1. The proposed development entails the demolition of an existing detached garage and the construction of a new detached dormer dwelling to the rear of the existing dwelling, a new vehicular entrance and use of the existing driveway, vehicular parking, new boundary treatments and associated site works.
- 2.2. The site of the existing dwelling will be subdivided to facilitate the appeal site which will have a stated area of 0.080 ha. The proposed garage for demolition has a gross floor area of 37 m<sup>2</sup>. The proposed dwelling will have a gross floor area of 153.62 m<sup>2</sup> and a max roof height of 6.92 m.
- 2.3. The proposed development will be connected to public water mains, public sewer, and surface water is proposed to be discharged to a soakpit.
- 2.4. A Sustainable Urban Drainage Systems compliance report is submitted.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By Order dated 15<sup>th</sup> March 2024 Louth County Council decide to grant permission subject to 9 conditions. The conditions are generally of a standard nature and include for the management of construction related activities, surface water management, a development contribution, Uisce Éireann connection agreement.

- Condition 4 requires the en-suite bathroom window at first floor level to be fitted with permanent obscure glazing.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

One planning report dated 15<sup>th</sup> March 2024 forms the basis of the assessment and recommendation to grant planning permission. The following is noted:

- Zoning – ‘A1 Existing Residential’ – To protect and enhance the amenity and character of existing residential communities.
- Notes that the proposal is the first of its type on the cul-de-sac and that a number of similar development within the curtilage of existing properties has occurred in the wider Blackrock area.
- The layout and design of the development was considered acceptable, in particular the internal layout of the dwelling was in accordance with best practice guidelines set out in ‘Quality Housing for Sustainable Communities and satisfied minimum requirements.
- The private amenity space for the existing dwelling and the proposed dwelling is above the minimum development standard of 60 m<sup>2</sup>.
- The proposed dwelling did not impact on adjoining residential amenities.
- The proposed new access and layout is acceptable, noting that the Placemaking & Physical Development Section did not object to the proposals.

- The proposal to connect to the adjoining public services was acceptable including surface water run off proposals.

A grant of permission was recommended.

### 3.2.2. Other Technical Reports

- Placemaking & Physical Development – No objection subject to conditions.
- Environmental Section – No objection subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

Two third party observations were made in relation to the proposed development. The matters raised are largely covered by the grounds of appeal.

## 4.0 Planning History

Appeal Site:

- P.A. Ref. 96/939 Permission granted for two-storey detached dwelling.
- P.A. Ref. 03/1704 Permission granted to convert attic space to living accommodation, alterations to front boundary.

## 5.0 Policy Context

### 5.1. Section 28 Ministerial Guidelines and Circulars

#### 5.1.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, January 2024.

- Section 5.3.1 relates to Separation Distances noting that a high standard of residential amenity and good place making can be achieved with separation distances of less than 22 m. SPPR 1 sets out the required standards that relate to minimum separation distances in relation to considering planning applications.

## 5.2. Development Plan

Louth County Development Plan 2021-2027 (as varied) is the operative plan for the area. The following is relevant to the appeal:

### 5.2.1. The site is zoned A1 'Existing Residential' as per the Dundalk Composite Map.

Section 13.21.5 of the development plan deals with Land Use Categorise.

- The objective for A1 Existing Residential is –  
'To protect and enhance the amenity and character of existing residential communities.
- Guidance – "The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location".
- New residential development is 'generally permitted'.

### 5.2.2. Chapter 2 Core Strategy and Settlement Strategy

- The appeal site is located within the settlement boundary of Dundalk.
- Dundalk is placed in Settlement Level 1 in Table 2.4 Settlement Hierarchy, and is identified as a Regional Growth Centre.
- Section 2.14 identifies Dundalk as the county town and administrative centre for Louth.

### 5.2.3. Chapter 3 Housing

- Section 3.16.1 Infill Corner and Backland Sites
  - Notes that the development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed, between the protection of amenities, privacy, the established character of the area and new residential infill.

- The use of contemporary and innovative design solutions will be considered for this type of development.

- Policy Objective HOU 32

To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.

- Policy Objective HOU 33

To promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

#### 5.2.4. Chapter 13 Development Management Guidelines – Section 13.8 relates to Housing in Urban Areas.

- Section 13.8.9 Privacy

When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis. Where the front elevation of new properties in urban locations are close to or abut the public footpath, consideration shall be given to providing some form of buffer such as a planting strip between the property and the footpath where this is feasible.

- Section 3.8.10 Daylight and Sunlight

Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided. The European Daylighting Standard is set out in EN17037:2018 and provides a harmonised standard for daylighting in

buildings. The UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022) provide useful guidance with regard to daylighting and sunlighting of new developments in accordance with the requirements of EN17037:2018. These publications and any relevant future standards or guidance specific to the Irish context shall be utilised in ensuring the recommended standards of daylighting in new developments are provided.

#### Section 13.8.11 Boundary Treatments

Boundary treatments in residential developments shall consist of the following:

- i) The rear boundary shall consist of a 2 metre high block wall;
- ii) Side boundaries between properties shall be 2 metres in height. If timber boundaries are to be used they must be bonded and supported by concrete posts;
- iii) Walls bounding any public areas shall be rendered and capped on both sides; and
- iv) Front boundaries along the estate road and between properties shall be agreed as part of the planning application. They can be open plan, planted, consist of a low-level wall or railing, or as otherwise agreed with the Planning Authority.

- Section 13.8.32 Infill and Backland in Urban Areas

- Describes a backland site as an area to the rear of existing buildings.
- The development of infill and backland sites support the principles of compact growth and consolidation of development in existing built up areas.
- In developing such lands, it is important to maintain a balance between preserving existing amenities and neighbourhood character and implementing a policy of compact growth.
- Infill and backland development will normally be required to comply with Development Plan standards but there may be circumstances where these standards can be relaxed, particularly if it will result in the development of vacant or under-utilised lands in central areas of towns and villages. This will be assessed on a case-by-case basis.
- The following considerations shall be taken into account for such development:

- i. The prevailing density and pattern of development in the immediate area including plot sizes, building heights, and the proportions of buildings;
- ii. The design of the building(s) shall be of a high quality and make a positive contribution to the local streetscape and character. Innovative and contemporary designs will be acceptable if it is demonstrated such designs would positively benefit the built environment;
- iii. Impact on the residential amenities of surrounding properties such as the potential loss of daylight or new/increased overlooking;
- iv. Private open space for existing and proposed properties;
- v. Car parking for existing and proposed residential units shall be in accordance with the car parking standards set out in Table 13.11 in this chapter. Adequate circulation for the parking and turning of vehicles within the curtilage of sites should be provided; and
- vi. The location and orientation of any building(s) and windows in such building(s) shall take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands.

5.2.5. The Design Manual for Urban Roads and Streets, 2019 (updated version).

### 5.3. Natural Heritage Designations

- SPA Dundalk Bay (Site Code 004026) – approx. 523 m to the east.
- SAC Dundalk Bay (Site Code 000455) – approx. 523 m to the east.
- pNHA Dundalk Bay (Site Code 000455) – approx. 523 m to the east.

### 5.4. EIA Screening

5.4.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 10(b)(iv) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

- 5.4.2. Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). Having regard to the nature, size and location of the proposed development comprising the construction of a new dwelling to be connected to adjoining public services, and to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA is therefore not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of this third party appeal may be summarised as follows:

#### Precedent

- There is no comparative planning permissions in the immediate area of the site that are two-storey. All are single-storey and do not impinge on neighbouring properties.
- It is not in keeping with any other structure in terms of size and scale currently along the existing building line set among the rear back gardens.
- The proposed development will devalue the appellants proposed.

#### Impacts on Residential Amenities

- The proposed two-storey dwelling will be located to the back of the existing building line and along the boundary of appellant's property. It is not situated in the centre of the site.
- The scale and mass of the dwelling will be overbearing relative to the back garden and will block afternoon and evening light to the house, patio, garden.
- The windows on the northeast elevation will overlook the garden.
- The window at first floor level serving the bathroom will overlook the back garden.

#### Absence of Screening

- At present, there is no screening plants along the shared boundary (northeast) and none in the garden of the subject site. Existing trees along the driveway at no.

7 will be required to be removed to facilitate car passing the new fence which is required to be erected.

#### Roof Height and Length

- The height of the existing garage is used as the datum point to increase the roof height of the proposed development by 1.21 m over the 13.6 m of the proposed dwelling, along the south-western boundary. The height of the existing garage is not a credible base to increase the height of the proposed dwelling over such length resulting in overbearing, overlooking and overshadowing.

#### Flood Risk

- The back garden of no. 7 The Meadows flooded previously despite not being on the OPW flood map. The site of no. 7 The Meadows is at the lowest point in the Meadows.

#### Screening Along Boundary & Access / Traffic

- The use of the driveway along the side of the existing dwelling will increase traffic flow and create noise.
- The proposed new fence along the driveway will reduce the width of the proposed driveway to the new dwelling and will force the driveway closer to the existing boundary wall. The existing retaining pillars of the boundary wall being inside the site of no. 7 will further constrain the driveway. The tree will be required to be removed therefore resulting in the proposed dwelling being visible from the road.
- Car parking space proposed will be too tight for 1 car to back up to go out the narrow driveway if another is parked which will also be the case at the front of the existing dwelling.

## **6.2. Applicant Response**

The applicant's response to the grounds of appeal can be summarised as follows:

- The proposed dwelling is for the applicants who wish to downsize from their existing dwelling.
- A pre-planning meeting was held and the feedback received was positive.

#### Precedent

- The pattern of development in the surrounding area is highly diverse in terms of house type, building and plot size and density requirements.
- Precedent – There is precedent for backland sites in the wider area with several examples given. It would be unreasonable to penalise the applicants for being the first residents in The Meadows particularly when the proposed development is compliant with the zoning and principles of compact growth and development plan objectives.

#### Impacts on Residential Amenities

- Scale/ massing / overbearance – the proposed 1.5 storey / dormer dwelling is of substantially less proportions, massing and bulk in comparison to other dwellings and will not materially overbear the appellant's property or diminish residential amenity.
- No evidence proving how overshadowing would occur is provided.
- The bathroom which the appellant alleges will give rise to overlooking when it is opened will be located in the northernmost corner of the dwelling and the window will be fitted with obscured glazing. The window can be made to open in the opposite direction, towards the rear of the appeal site.
- 22 m separation distance standard set out in Section 13.8.9.1 of the Louth County Development Plan does not apply to bathroom windows. The appellant's property and rear garden are already overlooked from the applicant's existing dwelling. The creation of one additional window will not materially exacerbate the degree of mutual overlooking.

#### Absence of Screening

- Other than the front section to facilitate the new entrance no alterations are proposed to the appeal sites hard and soft north-eastern boundary treatment which will not require removal of any boundary trees (photos provided to illustrate extent of existing planting on either side of the appeal site).

#### Roof Height and Length

- The appellant contests the use of the height of the existing garage as a datum point in attributing an overall increase between existing and proposed

development of 1.3 m. It is unclear what the concern of the appellant is. The existing garage was used to demonstrate the height of the proposed dwelling.

#### Flood Risk

- The appeal site flooded several years ago after an adjoining drain had been blocked many years prior by rubble by a contractor carrying out works to an adjoining dwelling. The drain was unblocked and surface water run-off from Hamilton Manor flows unencumbered into lands to the north of the appeal site.
- There is no recorded persistent flooding events relating to the appeal site or surrounding area (CFRAM Fluvial and Coastal Mapping included).

#### Being Hemmed In

- The appellant's property is enclosed by block walls, mature trees and planting. The openness derived from the applicant's rear back garden will not be reduced as the proposed dormer dwelling, with the exception of the proposed ground floor flat roof north eastern elevational protrusions will be set back further from the shared boundary than where the existing garage is currently positioned.
- The increase in building height and mass will be mitigated by the existing hard and soft boundary planting and the majority of the new dwelling will site away from the north eastern boundary wall and the appellant's rear garden.

#### Pinch Points at Driveway

- The trips generated by the new dwelling will be on average 6 per day. This is a negligible increase which the estate road and surrounding road network can accommodate.
- The development will not require the alteration of the boundary wall or removal of trees / planting. Only the planting and fencing defining a portion of the front boundary of no. 7 is required to be removed to accommodate the proposed new entrance.
- Parking and circulation spaces within existing and proposed dwellings are sufficient to accommodate such movements which the council did not object to.
- Both existing and proposed entrances are in compliance with DMURS requirements.

- The increase to noise arising from use of the existing driveway and rear car parking area will be negligible, not different to the current use.

### **6.3. Planning Authority Response**

The planning authority's response to the grounds of appeal note that the issues raised were addressed in the original Planners Report. The following is submitted:

- The subject development accords with development plan policy.
- Sufficient separation distances are provided to avoid any adverse impacts upon residential amenity.
- The site is not located within a known flood zone. Adequate Surface water disposal is demonstrated for the site.
- The proposed development does not disrupt any building lines or detracts from the character of the area.
- Clear visibility is achievable at the site entrance.

### **6.4. Observations**

One observation was received from Barry Grennan no. 4 The Meadows. The issues raised can be summarised as follows:

- The proposed entrance deviates from the existing layout and alters the visual and functional characteristics of the neighbourhood and the streetscape. This arises from its disproportionate size, new pillars and fencing which diminishes the overall character and charm of the cul-de-sac.
- The size and scale of the proposed development is out of character from the prevailing area, it disrupts the established building line and spatial dynamics.
- There is no existing precedent in the area.

### **6.5. Further Responses**

A further response was received from Michael McDermott, no. 6 The Meadows in relation to the first party appeal response.

### Overdevelopment

- The proposed dwelling is excessive in scale, mass and form for a backland site and will injure residential amenities as per the requirements of Section 113.8.9 of the development plan.
- The planning assessment focuses on the visibility from the public road, however, the significant issue arising relates to impact on the appellants property.

### Overlooking

- Potential overlooking arises from 4 rooflights facing the appellant's property. The planning authority notes that these should not create an unacceptable level of overlooking. The appellant's property should not be subject to any direct overlooking caused by backland development.

### Screening

- The site does not have adequate screening along the shared boundary. It will not screen the proposed two-storey house from view or reduce its visual impact.

### Height

- The planning authority assessed the height from the public road. This is not the issue, rather the overpowering impact of the dwelling on existing residential properties i.e. the house and the rear gardens. The visual impact from the rear elevation of the appellant's house will be significantly impaired and from the appellant's rear garden overwhelming.

### Flooding

- The appeal site has flooded more than twice.

### Enclosure

- The proposed dwelling and the house constructed to the north of the appellant's property will enclose the appellant's house and will detract from reasonable residential amenity.

### Driveway

- The proposed new driveway will introduce a new level of traffic and parking noise that the existing garage does not e.g. turning movements, emptying car boot, talking which are more associated with the front of a dwellings.
- The proposed new fencing and third pillar are not in keeping with the style of the development.

#### Parking / Traffic

- Due to the location of the proposed dwelling, not being centrally located and its proximity to the appellant's property, the parking area is constrained making it difficult for forward entry and exit movements which will result in reversing outward movements from the proposed access potentially damaging the party wall and giving rise to road safety.

#### Shadowing

- The proposed dwelling will be located to the west of the appellant's property and will cause maximum shadowing of the house and open space.

#### Residential Amenity

- The planning authority's assessment that there will be no injury to residential amenity concentrates on windows and separation distances. There is no reference to the visual impact on the appellant's existing dwelling in particular the appellant's reading / sitting room.

#### Devaluation

- The proposed development will devalue the appellant's property as outlined in the issues raised.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development

- Impact on Residential Amenity
- Access and Shared Boundary
- Visual Impact and Impact on Character of Adjoining Area
- Other Matters

## **7.1. Principle of Development**

- 7.1.1. The appeal site is located within the settlement boundary of Dundalk town and is zoned A1 'Existing Residential'. It comprises the sub-division of the site and the construction of a dormer style dwelling to the rear of the existing dwelling on the site. Residential uses are permitted uses within this zoning and the Louth County Development Plan provides supporting policies, objectives and guidance for such development that include for backland development. Having regard to the zoning objective of the site I am satisfied that the overall principle of the proposed development is acceptable subject to the amenities of surrounding properties being protected and the scale, character and design of a development respecting the character of the area. These matters will be considered below.

## **7.2. Impact on Residential Amenity**

- 7.2.1. The grounds of appeal argue that the proposed development will adversely impact on residential amenity in terms of overlooking, overshadowing, loss of light and visual dominance.
- 7.2.2. The proposed dwelling can be described as inverted 'L' in shape which is proposed to be sited to the rear of the existing dwelling on the site. It is dormer in style and will have a max roof ridge height 6.92 m.

### Overlooking

- 7.2.3. Window openings are located at first floor level. The first floor element provides for accommodation space (2 x bedrooms) including a bathroom and ensuite. A total for 4 no. roof lights are proposed on the northeast of the roof and 1 no. window proposed on the northeast gable elevation that will serve an en-suite bathroom. This window is proposed to contain obscure glazing. The northeast elevation of the dwelling will be set back from the shared boundary by c. 3.4 m and 2.9 m respectively.

- 7.2.4. The appellant's dwelling is positioned at an angle to the existing dwelling on the appeal site and at approx. the same building line and I note that the northwest facing elevation contains a patio door.
- 7.2.5. I note from the plans and sections of the first floor, that the floor to ceiling height is 2.4 m and that the proposed roof lights generally align with this height which would be above eye level. SPPR 1 of Section 5.3.1 of the Sustainable Residential Development and Compact Settlement Guidelines (Jan. 2004) notes that separation distances (at least 16 metres) to be maintained in relation to opposing windows above ground floor level that serve habitable rooms at the rear or side of houses. This does not apply to habitable rooms at first floor level with windows on the front elevation of a dwelling. I note that the development plan reflects this requirement in Section 13.8.9.
- 7.2.6. I am therefore satisfied that no direct overlooking or unacceptable overlooking will occur from the roof lights. The first floor window proposed on the gable end of the northeast elevation will serve an ensuite which is proposed to be obscure. Consequently I do not consider that direct overlooking arises in this instance. Condition 4 of the decision of the planning authority requires this bathroom window to be permanently obscured. In the event of a grant, I recommend the inclusion of a similar condition.

#### Overshadowing & Loss of Daylight

- 7.2.7. In relation to overshadowing and loss of daylight, I note that the rear back garden of the appellant's property is the main area where overshadowing or loss of daylight may occur.
- 7.2.8. Section 3.8.10 of the development plan relates to Daylight and Sunlight and notes that care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided. The European Daylighting Standard is set out in EN17037:2018 and provides a harmonised standard for daylighting in buildings. The UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022) provide useful guidance with regard to daylighting and sunlighting of new developments in accordance with the requirements of EN17037:2018.
- 7.2.9. Section 3.3 of BRE Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2022) deals with the impact of development on sunlight to existing amenity

spaces. I note that the appellant's rear back garden is located to the northeast of the proposed dwelling. I note the sun path indicated on the site layout plan in the application details and I note that the proposed dwelling is located to the northwest of the appellant's rear back garden. Section 3.3.7 of these guidelines recommends that at least half of the garden area should receive at least two hours of sunlight on 21<sup>st</sup> March.

7.2.10. Having carried out a site inspection and observed the appeal site from the appellant's rear back garden which I noted was extensive in area, and having regard to the scale of the proposed development including its max roof ridge height and the separation distance of the proposed dwelling from the existing boundary, I do not consider that the proposed development would contribute to significant overshadowing or loss of daylight of the appellant's rear back garden. The proposed development is positioned northwest of the adjoining property and in this context I am satisfied the sun path across March 21<sup>st</sup> would be such that the amenity space of the appellant's property would receive no less than 2 hours direct sunlight.

7.2.11. I am further satisfied that the appellant's own dwelling including the patio area will not be impacted by loss of light or overshadowing having regard to its location relative to the existing two-storey dwelling adjacent to the appeal site.

#### Visual Dominance / Overbearing Impact

7.2.12. The proposed dwelling has a gross floor area of 153.62 m<sup>2</sup>. It extends for a length of approx. 12.3 m along the northeastern boundary and will be set back by 3.42 m and 2.99 m respectively at the rear, from the northeast shared boundary which is 1.8 m in height. The proposed dwelling will be dormer in style and will have a max roof height of 6.92 m and would be smaller in scale and mass relative to the existing dwelling on site and neighbouring dwellings. The appearance of the northeast elevation is broken up by a gable end at the rear and a ground floor flat roof projection.

7.2.13. I note the relationship between the proposed development and the appellant's property. The appellant's private amenity space to the rear of the dwelling is open in nature and generous in size and the proposed dwelling will be located to the northwest of the appellant's dwelling. Given the setback distance of the proposed dwelling from shared boundary of approx. 3.2 m and from the rear garden, I consider that there is sufficient separation distance from the shared boundary to mitigate against any

overbearance from the new dwelling on the private amenity space to the rear of the appellant's dwelling. The ground floor flat roof projection also assists in breaking up the massing of the northeast elevation. I am also satisfied that the proposed development would not have an overbearing impact when viewed from the adjoining dwelling of the appellant which is located to the southeast of the propose dwelling with a setback distance of approx. 14 m.

- 7.3. The development by reason of its design and location will not unduly impact on the amenities of adjacent residential properties or be at odd with the character of development in the vicinity. I am also satisfied that the overall scale and massing of the development is appropriate, that the site can accommodate it and that the development would not be unduly overbearing or intrusive when viewed from surrounding properties.

**7.4. Access / Shared Boundary**

- 7.4.1. In relation to the proposed access and driveway to serve the new dwelling, it is proposed to alter the existing entrance to facilitate a new entrance off the adjoining cul-de-sac road, and to use the existing driveway which currently provides access to the rear. I note that no alterations are proposed in regard to the existing northeast shared boundary. A 1.25 m high timber fence will sub-divide the front garden of the existing dwelling and a 1.8 m high boundary fence is proposed alongside the northeast elevation of the existing dwelling which will define the overall boundary of the proposed application site.
- 7.4.2. I note the provisions of the development plan in Section 13.8.11 which relates to boundary treatments, and notwithstanding, I consider that the proposals outlined above are acceptable.
- 7.4.3. The appellant has raised concern in regard to the increased traffic use arising from the proposed dwelling causing increased noise using the existing driveway which will be made narrow as a result of the new perimeter fencing, thus forcing traffic closer the northeastern shared boundary.
- 7.4.4. The existing driveway along the northeastern side of the dwelling on site is not proposed to be altered in terms of width and currently provides access to the rear.

Parking is already facilitated to the rear of the dwelling. In this regard, I do not consider that the proposed development will give rise to increased noise or disturbances.

- 7.4.5. The existing entrance will be widened to facilitate 2 separate vehicular accesses each measuring 3.2 m in width and to be sub-divided by a new block wall pier, similar to that existing. The egress from the site is onto the adjoining cul-de-sac road, before the turning circle to the northeast. Section 4.4.4 of the Design Manual for Urban Roads and Streets 2019 (DMURS) notes that the standard carriageway width of local streets should be between 5-5.5 m. I note that the width of the adjoining carriageway is approx. 5.4 m and I note that sufficient sight lines are available from the proposed entrance. I note that the proposed access arrangements are acceptable to the planning authority. I consider the proposals outlined to be acceptable and that the development would not result in a traffic hazard.

#### **7.5. Visual Impact and Impact on Character of Adjoining Area**

- 7.5.1. The grounds of appeal argue that the proposed development deviates from the existing layout of streetscape of The Meadows with specific reference to the provision of a new entrance, and the scale and size of the proposed dwelling. The proposed development will alter the character of the existing pattern of development of the area.
- 7.5.2. Section 3.16.1 of the development plan relates to infill corner and backland sites which notes that such development will be encouraged and that a balance is required between the protection of amenities, privacy, the established character of the area and new residential infill. Policy Objective HOU 33 seeks to promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- 7.5.3. Pursuant to site inspection, I noted that The Meadows comprises of 10 no. detached dwellings, predominantly two-storey in scale and some with attic conversions, on large generous sites. The material finishes vary as does the architectural design. In this regard there is a diverse mix of dwellings.
- 7.5.4. The applicant submits that the proposed dwelling was designed to minimise impacts, particularly in regard to residential amenities and is subservient to the existing dwelling in terms of height and scale.

7.5.5. I note that the planning authority were satisfied that the proposed development did not unduly impact on the character of the area and noted that the main prominent visual feature from the public roads related to the alteration of the existing access to facilitate a second entrance. Given the backland nature of the site, I do not consider that the proposed development will alter the character of the receiving environment or unduly impact on the surrounding visual amenities, and in this regard, I concur with the planning authority's assessment. I am therefore satisfied that the proposed development on balance, represents an efficient use of zoned and service land and would be in accordance with the proper planning and sustainable development of the area.

## **7.6. Other Matters**

### Flood Risk

- 7.6.1. The appellant has highlighted that the appeal site was the subject of flooding in previous years. I note that the applicant has stated that flooding did occur on the site which was attributed to a drain that was blocked in error by a contractor carrying out works on an adjoining dwelling. It is stated that the drain was unblock and no flood event occurred since.
- 7.6.2. I note the proposals to address surface water runoff from the proposed development which are addressed in the SUDS Design Report accompanying the application. These include the installation of an ACO channel along the entrance to take runoff from the driveway and then direct to a soakpit in the garden. Rainwater runoff will be discharged directly to the ground via 2 no. individual soak pits to be constructed in the garden. The SUDS Design Report concluded that the measures proposed will have sufficient storage capacity to ensure that flooding will not occur and there will be no significant impact on the drainage of adjoining property. I note that this conclusion is based on the application of the SUDS principles to the design of the surface water drainage system for the proposed development. I note that the planning authority raised no objection to the surface water drainage proposals.
- 7.6.3. In reviewing Map 1.2 "Dundalk Zoning and Flood Zones Map", I note that the appeal site is not located within an identified flood risk area. Having regard to the foregoing, I am satisfied that the need for a Strategic Flood Risk Assessment of the site is not

warranted and that the measures proposed to address surface water runoff in terms of attenuation and discharge to the public storm sewer are acceptable and in accordance with the proper planning and sustainable development of the area.

#### Precedent

- 7.6.4. The issue of precedent is raised by the appellant in terms of no comparative planning permissions of such development in the immediate area.
- 7.6.5. I note that this issue also arose at application stage and that the planning authority acknowledged that the nature of the proposed development was the first of its type in this area, but was satisfied that other such development existed in the wider area and assessed the development based on its individual merits.
- 7.6.6. I note the concerns raised by the appellant however I am of the viewpoint that the subject appeal should be considered on its own merits and on a site-specific basis, having regard to national and local planning policy and other relevant planning.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is located in an urban area. Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) are the closest European sites located c. 520 m to the east.
- 8.1.3. The proposed development comprises the demolition of an existing garage and the construction of a detached dormer dwelling.
- 8.1.4. No conservation concerns were raised in the planning appeal.
- 8.1.5. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development.
- The location of the development in a serviced urban area.
- Location-distance from nearest European Sites and lack of connections.

- Taking into account the AA Screening determination by the planning authority.

8.1.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

8.1.7. Likely significant effects are excluded and therefore appropriate assessment (stage 2) (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

## 9.0 Recommendation

I recommend that permission is granted subject to the following conditions.

## 10.0 Reasons and Considerations

Having regard to the Louth County Development Plan 2021-2027 (as varied), the Zoning Objective of the site A1 to protect and enhance the amenity and character of existing residential communities, the development management standards including infill and backland sites in urban areas, the pattern of development in the area, the backland nature of the application site and the nature, scale and orientation of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would not result in a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | The development shall be carried out in accordance with the plans and particulars lodged with the planning application on the 31 <sup>st</sup> January 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, and the |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>                                                                                                                                                                                                                                                                                                        |
| 2. | <p>The site entrance, access driveway and roadside boundary treatment serving the proposed development shall comply with detailed requirements of the planning authority for such works. Proposal shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and of traffic safety and pedestrian safety.</p>                                       |
| 3. | <p>The first floor window on the northeast elevation of the proposed dwelling serving the en-suite bathroom shall be permanently fitted with obscure glazing.</p> <p><b>Reason:</b> To protect the residential amenities of the adjoining property.</p>                                                                                                                                                                                                   |
| 4. | <p>(a) The timber boundary fencing at the front of the existing dwelling shall not exceed 1.25 metres in height.</p> <p>(b) The proposed driveway on the northeastern side of the existing dwelling, and the proposed rear garden shall be bounded by 1.8 metre high concrete post and timber panel fencing, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p> |
| 5. | <p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>                                                                                             |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.  | <p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 7.  | <p>All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 8.  | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>                                                                                                                                                                                                  |
| 9.  | <p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interest of public safety and amenity.</p>                                                                                                                                                                                                 |
| 10. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

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Clare Clancy  
Planning Inspector

25<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

|                                                                                                                                                                                                                |                                                                                                          |                                                                 |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>                                                                                                                                                               | ABP-319493-24                                                                                            |                                                                 |                                              |
| <b>Proposed Development</b><br><b>Summary</b>                                                                                                                                                                  | Demolition of the existing detached garage, the construction of a dwelling and all associated site works |                                                                 |                                              |
| <b>Development Address</b>                                                                                                                                                                                     | 7 The Meadows, The Rock Road, Blackrock, Co. Louth, A91 KH79                                             |                                                                 |                                              |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                                                                                          | <b>Yes</b>                                                      | ✓                                            |
|                                                                                                                                                                                                                |                                                                                                          | <b>No</b>                                                       | Tick if relevant. No further action required |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>                                                            |                                                                                                          |                                                                 |                                              |
| <b>Yes</b>                                                                                                                                                                                                     | ✓                                                                                                        | Class 10(b)(iv) – Urban development                             | Proceed to Q3.                               |
| <b>No</b>                                                                                                                                                                                                      |                                                                                                          |                                                                 | Tick if relevant. No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>                                                                                                  |                                                                                                          |                                                                 |                                              |
| <b>Yes</b>                                                                                                                                                                                                     | Tick/or leave blank                                                                                      | State the relevant threshold here for the Class of development. | EIA Mandatory EIAR required                  |
| <b>No</b>                                                                                                                                                                                                      | ✓                                                                                                        |                                                                 | Proceed to Q4                                |

| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                           |
|-----------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Yes                                                                                                                   | ✓ | <p>Class 10(b)(iv) – Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.<br/>           (“business district” means a district within a city or town in which the predominant land use is retail or commercial use).</p> <p>The appeal site is located in the urban environs of Dundalk town. It has a stated area of 0.080 ha which is below the stated threshold of 2 ha.</p> <p>The site of the existing dwelling will be subdivided to facilitate the proposed development which will have a stated area of 0.080 ha. The proposed garage for demolition has a gross floor area of 37 m<sup>2</sup>. The proposed dwelling will have a gross floor area of 153.62 m<sup>2</sup> and a max roof height of 6.92 m.</p> | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? |                     |                                                                    |
|------------------------------------------------|---------------------|--------------------------------------------------------------------|
| No                                             | ✓                   | Pre-screening determination conclusion remains as above (Q1 to Q4) |
| Yes                                            | Tick/or leave blank | Screening Determination required                                   |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

|                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>An Bord Pleanála Case Reference</b>                                                                                                                                                                                                                                                                                                                                                                                              | ABP-319493-24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                 | Demolition of the existing detached garage for the construction of a dwelling and all associated site works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Development Address</b>                                                                                                                                                                                                                                                                                                                                                                                                          | 7 The Meadows, The Rock Road, Blackrock, Co. Louth, A91 KH79                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Characteristics of proposed development</b><br/>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>                                                                                                                                     | <p>The proposed development comprises the demolition of a garage and the construction of dwelling on a site with a stated area of 0.080 ha. The appeal site is located on zoned lands within the settlement boundary of Dundalk. The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development by virtue of its type does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risk to human health.</p> |
| <p><b>Location of development</b><br/>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European</p>                                                                                                    | <p>The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Éireann, upon which its effects would be marginal.</p> <p>It is considered that the proposed development would not be likely to have a significant effect individually</p>                                                                                                                                                                                                                                               |

|                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                       |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).                                                                                                                                                                   | or in-combination with other plans and projects on a European site and Appropriate Assessment is therefore no required.                                                                                                                                                               |                  |
| <b>Types and characteristics of potential impacts</b><br>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act. |                  |
| Conclusion                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                       |                  |
| <b>Likelihood of Significant Effects</b>                                                                                                                                                                                                                                   | <b>Conclusion in respect of EIA</b>                                                                                                                                                                                                                                                   | <b>Yes or No</b> |
| There is no real likelihood of significant effects on the environment.                                                                                                                                                                                                     | EIA is not required.                                                                                                                                                                                                                                                                  | <b>Yes</b>       |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment.                                                                                                                                                               | Schedule 7A Information required to enable a Screening Determination to be carried out.                                                                                                                                                                                               | -                |
| There is a real likelihood of significant effects on the environment.                                                                                                                                                                                                      | EIAR required.                                                                                                                                                                                                                                                                        | -                |

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)