



An
Bord
Pleanála

Inspector's Report

ABP-318333-23

Development	Self-storage facility with associated site works, for a period of 10 years.
Location	Sites 21 & 22, Hebron Business Park, Leggetsrath West, Kilkenny, R95 Y7CV
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2360363
Applicant(s)	Moonshell Ltd t/a Store4U.
Type of Application	Temporary Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Habron Development Association.
Observer(s)	None.
Date of Site Inspection	2 nd September 2024.
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

1.1. The proposed site (0.354ha) is located in the Hebron Business Park, Leggetsrath West, Kilkenny. The site is approximately 1km east of Kilkenny City centre. The site is currently a brownfield, vacant site and located at the end of a cul de sac along Hebron Road Business Park. An operating railway line is located along the southern boundary of the site. A mature hedgerow exists along the railway line boundary. There are a number of industrial/warehouse businesses operating in Hebron Business Park. There are no dwellings within the immediate vicinity of the site.

2.0 Proposed Development

2.1. The proposed development consists of:

- 84no. containers for self-storage purposes.
- Replacement of the existing entrance gate with electric gate.
- Provision of 10 no. parking spaces.
- Provision of signage and all associated site works.
- Temporary permission for a period of 10 years.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning report discusses the zoning and principle of development on site. Temporary permission for 10 years is acceptable as the site will be available in the future for more permanent nature developments. It is noted that visits to the site will be occasional and there are no requirements for water service connections.

3.2.2. Other Technical Reports

- Roads: No objection subject to lighting design and reinstate any defect to the existing footpath and entrance
- Fire Officer: No objection subject to conditions.

3.2.3. Conditions

- Condition 4(a). The applicant is required prior to commencement to submit for approval of the Planning Authority a revised proposal showing a distance of at least 4m between the fence with Irish Rail and the first container (container 34 shall be omitted if required) and car parking area.

3.3. Prescribed Bodies

- Iarnród Éireann Infrastructure: General observations made and request at least 4m buffer between the storage area and the boundary fence.

3.4. Third Party Observations

2 no. third party observations were received; one of the submissions was received from & Hebron Development Association c/o Terry O’Leary Consulting Engineers & Chartered Town Planners. The concerns raised were:

- Proposal does not comply with “warehouse” zoning as per Kilkenny City & County Development Plan 2021-2027.
- The proposed containers are not considered to constitute as a “high quality-built environment” as required in order to comply with the Urban Design Strategy or policy C2F of the Kilkenny City & County Development Plan 2021-2027.
- No regulation of the proposed activity as no staff on site.
- Visitors will be allowed access 24-hour.
- Illegal dumping could be an issue around the site.
- Permeable hardcore around the site is proposed, how will vegetation growth be managed?

- Is there a need for another storage containers site? Similar granted under planning reference 22663.
- Lighting impact assessment is required.

And the second submission was received from Alexander J Wilsdon. The submission was in favour of the application and stated:

- The zoning is applicable.
- The site is outside the Hebron Urban Design Strategy
- Similar development granted on lands zoned as Business Park. The Industrial/Warehouse zoning is more applicable.

4.0 Planning History

No planning history on site.

Site to the rear:

03540: Permission granted to develop a warehouse/light industrial unit with associated office accommodation and all associated works, site development works permission ref. P98/36 at sites no. 39 & 40 Hebron Business Park.

9836: Permission Granted to develop 6.8 hectare extension to Area 5, for industrial/light industrial warehousing, commercial use with associated site works.

Site to the northeast (adjacent):

03542: Permission granted to develop a warehouse/light industrial unit with associated showrooms & office accommodation and all associated works.

Site to the north:

20636: Permission granted for to use an existing undeveloped site as an open storage area for the purpose of storing materials and equipment.

5.0 Policy Context

5.1. Development Plan

Kilkenny County & City Development Plan 2021-2027 Volume 2.

The site is zoned as Industrial/warehousing. The objective is to provide for industrial employment and related uses. Permitted uses include general industrial uses and ancillary offices and warehouses.

Chapter 2, section 2.7 Employment Land of CDP recognises the lands at Hebron Road and at Business Park zoning at Leggetsrath are strategically located close to the existing transportation corridors such as the N9/N10, the Ring Road extension and the N10 motorway link.

Chapter 2, section 2.8.2 Hebron Road of CDP, it is noted that the historical land uses along the Hebron Road do not reflect or promote the future role of this road as an entrance corridor to the city. A limited number of redevelopments has taken place but there is a considerable road frontage to be redeveloped. As a result, it is recommended to continue with Mixed Use Zoning and an Urban Design Strategy was completed in 2017.

Objective C2F seeks to implement the Urban Design Strategy for the Hebron Road as resources permit and as redevelopment opportunities arise.

Chapter 3 of Volume 2 of CDP relates to Economic and Retail Strategy. C3G objective is to ensure that an adequate quantity and range of land is available for enterprise development and that the appropriate infrastructure is provided.

Hebron Urban Design Strategy (October 2017) is located north of the subject site. The purpose of the strategy is to provide a coherent approach to the planning, design and implementation of improvements to the character and fabric of the Hebron Road strategy area.

5.2. Natural Heritage Designations

- River Nore SPA (site code 004233) is located approximately 300 metres southwest of the subject site.
- River Barrow and River Nore SAC (Site code 002162) is located 300 metres southwest of the subject site.

5.3. EIA Screening

The proposal relates to the installation of 84 no. containers for self-storage purposes on a site size of 0.354ha. No connection to public services is required. Hardcore will be used on site, and natural infiltration of surface water will occur. Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the PDR's and projects listed in Schedule 5, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from Hebron Development Association which is a voluntary group made up of local business interests. The concerns raised are as follows:

- Site does not comply with the zoning as per Kilkenny City & County Development Plan 2021-2027. The zoning objective is for Industrial/warehousing. The proposal does not constitute as “warehousing.”
- The proposal does not comply with Objective C2F which relates to Hebron Road vicinity and the implementation of the Urban Design Strategy for the area – “To implement the Urban Design Strategy for the Hebron Road as resources permit and as redevelopment opportunities arise.

Section 2.8.1 states “any development that takes place along this corridor will have to reflect and promote the role of the Hebron Road as an entrance corridor to the city and reflect the objectives of the Urban Design Strategy. This will require a high-quality built environment. The proposal will be unsightly and visually damaging to the Hebron Road.

- No staff to be employed on site and no regulation of the activity and possible use for inappropriate use for illegal purposes.
- Visitors allowed access to the site 24 hours.
- Illegal dumping is possible if no staff on site.
- Permeable hardcore proposed on site, how will vegetation be managed?
- Permission granted for similar facility under planning reference 22663 for 338 no. storage containers.
- No lighting impact assessment was carried out.

6.2. Applicant Response

A response was received from the applicant. The following comments were made:

- Industrial & warehousing is the most suitable zoning in the Kilkenny Development Plan.
- Permission granted for planning reference 22663 on lands zoned as business park zoning and the site has a greater visual impact from the N10 Ring Road.
- Moonshell Ltd t/a Store4u operate multiple sites across the country, and all are remotely managed. Advance 24-hour monitoring CCTV is used on all sites. They also use AMPR vehicle recognition software and cameras. Access to the site is only granted through a programmed GSM Dialler. Only existing clients can use this system. An electronic fingerprint of all movements in and out of the site is digitally recorded.
- The company are trading 7 years and have had zero incidents of mismanagement or foul play.
- Moonshell Ltd t/a Store4u provide a level 9 high security lock with each unit. They have 24hr access to the lock and unit. As the sites are monitored 24.7, if any suspicious activity or movements are detected, the company has the right to inspect and monitor all units.

- The staff and management of Moonshell Ltd t/a Store4u visit all of their sites on weekly basis. CCTV will capture any unwanted items left outside of units and the appropriate customer contacted immediately.
- All sites are sprayed for weeds and vegetation a minimum of four times a year to prevent overgrowth and to maintain the appearance of the site.
- Hebron Business Park is located outside the boundary of the HRUDS area; therefore, the provision & objectives are not relevant to the application.
- A competitor is seen as a positive rather than a negative as the business will maximise efficiency and offer their products at the keenest prices.
- Condition 7 attached to grant of permission from the Planning Authority requests a detailed lighting design to be submitted for approval.

6.3. **Planning Authority Response**

- No further comments to make.

6.4. **Observations**

- None

6.5. **Further Responses**

- None

7.0 **Assessment**

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

- Principle of Development
- Urban Design Strategy Objective
- Site Maintenance

- Conditions
- Appropriate Assessment

7.2. Principle of Development

7.3. The proposed site is located in an existing Business Park on a vacant site at the end of a cul de sac. The site is zoned as Industrial/Warehousing as per Kilkenny City & County Development Plan 2021-2027, Volume 2, City Zoning Map. The objective is to provide for industrial employment and related uses.

7.4. The grounds of appeal state that the proposed development does not comply with the zoning as per Kilkenny City & County Development Plan 2021. The zoning objective is for Industrial/warehousing and that the proposal does not constitute as “warehousing”.

7.5. I have reviewed the CDP; I note the objective is to provide for industrial employment and related uses. Under permitted uses, warehouses are permitted. The definition of warehouse is the process of storing goods. In my opinion, the proposed storage units comply with the permitted use of warehouse under this zoning. The applicant has proposed storage units which will be available to the public to store goods.

7.6. Therefore, having regard to the objective and zoning of the proposed site, in my opinion, the proposed development is in accordance with the zoning objective of the Kilkenny City & County Development Plan 2021, Volume 2. I am satisfied that the proposal within the context of the existing and surrounding development can be accommodated at this location.

7.7. Urban Design Strategy objective

7.8. Chapter 2, section 2.8.2 Hebron Road of the CDP outlines that the historical land uses along the Hebron Road do not reflect or promote the future role of this road as an entrance corridor to the city. As a result, an Urban Design Strategy was completed in 2017. Objective C2F seeks to implement the Urban Design Strategy for the Hebron Road as resources permit and as redevelopment opportunities arise. A map is included in the Urban Design Strategy for the Hebron Area and the proposed site is outside the strategy area identified.

7.9. The grounds of appeal state the proposal does not comply with Objective C2F which relates to Hebron Road vicinity and the implementation of the Urban Design Strategy

for the area. The appeal outlines that the proposed development does not comply with Section 2.8.1 of the CDP which states “*any development that takes place along this corridor will have to reflect and promote the role of the Hebron Road as an entrance corridor to the city and reflect the objectives of the Urban Design Strategy. This will require a high-quality built environment*”. The appellant is concerned that the proposal will be unsightly and visually damaging to the Hebron Road Design Strategy.

- 7.10. I have examined the Hebron Road Urban Design Strategy, October 2017, the strategy area predominantly relates to the main Hebron Road connecting the N77 & N10 roundabout westwards to the MacDonagh Junction Shopping centre & Castlecomer New Road roundabout. The proposed site is located approximately 130 metres south of the identified area. I do not consider that the proposed site will negatively impact on the Hebron Road Urban Design Strategy area as the proposed site is sufficiently separate from the area.
- 7.11. Having regard to the Hebron Urban Design Strategy, the location of the site, the zoning of the area, it is my opinion, that the proposed development will not have any adverse impact on the Hebron Urban Design Strategy.
- 7.12. **Site Maintenance**
- 7.13. The site is a vacant site at the end of an existing industrial/warehouse park known as Hebron Business Park. The proposal will consist of 84 no. self-storage containers and associated works.
- 7.14. The grounds of appeal have raised concerns in relation to the number of staff to be employed on site, regulation of the activity and general maintenance of the proposed site. The appeal also mentions that no lighting impact assessment was carried out.
- 7.15. In response to the appeal, the applicant has addressed the issues raised above. The applicant has outlined that the site will be remotely managed, and that advanced 24-hour monitoring CCTV will be installed. In addition, access is only granted through a programmed GSM Dialler and electronic fingerprint of all movements in and out of the site is digitally recorded. The applicant has 24hr access to the lock for each unit and if any suspicious activity or movements are detected, the company has the right to inspect and monitor all units.

- 7.16. In regard to the maintenance of the site, the applicant has outlined that the CCTV will capture any dumping outside of the units and the appropriate customer will be contacted immediately. As part of the maintenance the site will be sprayed for weeds and vegetation a minimum of four times a year to prevent overgrowth and to maintain the appearance of the site. Any public lighting will be installed as per agreement with the Planning Authority.
- 7.17. I consider given the nature of the proposed development for self-storage containers which do not require on site employees and the sporadic visitors to the site, that the monitoring and maintenance proposal put forward by the applicant is adequate. If the Board wish to grant permission, a maintenance condition shall be attached.
- 7.18. In regard to public lighting, the site is located within an existing industrial estate, the nearest dwelling is located approximately 100metres to the northwest of the subject site. Therefore, there are no potential issues for light overspill to a nearby residential property.
- 7.19. Having regard to the nature of the site within an industrial/warehouse location and the monitoring procedures to be implemented by the applicant and the temporary nature of the development, I consider the proposed development can be appropriately maintained and monitored at this location. In the event of a grant of permission, appropriate conditions shall be attached in relation to maintenance and landscaping.
- 7.20. **Conditions**
- 7.21. The Planning Authority imposed a number of additional conditions on the grant of permission. Irish Rail had made comment requesting a 4 metre buffer zone between the storage area of the proposed site and the boundary fence.
- 7.22. In my opinion, this condition is applicable and should be attached to any grant of permission, should the Board be mindful to grant permission.
- 7.23. The Roads department also requested a condition to be included regarding public lighting on the site. The applicant has not submitted any details in relation to Public Lighting. In my opinion, a public lighting assessment is required, as the proposal will operate on a 24hr basis, and a lighting assessment should be agreed with the

Planning Authority. If the Board, consider granting permission a condition shall be attached.

8.0 AA Screening

- 8.1. Having regard to the proposed development of 84no. containers for self-storage purposes on a zoned industrial/warehouse site in Kilkenny City. The proposal does not require connection to public sewer/water. The applicant has proposed the use of a hardcore surface in order to provide natural surface water infiltration. There is a potential for contaminated runoff from vehicular movement on site, however, the vehicle movements will be limited given the nature of the proposal and there is no direct source/pathway to a Natura 2000 site.
- 8.2. The nearest European Site is River Nore SPA (site code 004233) & River Barrow and River Nore SAC (Site code 002162) lies c.300m to the southwest of the subject site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European Site.

9.0 Recommendation

Permission shall be granted subject to the conditions set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Kilkenny City and County Development Plan 2021 Volume 2 City, it is considered that the proposed development, subject to compliance with the conditions set out below, is in accordance with the zoning Industrial/warehouse and objectives for the area and would not seriously affect the visual amenity or zoning objectives of the area. The proposed development 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of August 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The proposed development shall be amended to allow the distance of at least 4 metres between the fence with Irish Rail and the first container (Container 34 shall be omitted if required) and the car parking area.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of Irish rail preservation.

4. No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road or outside the containers.

Reason: In the interest of public health and visual amenity.

5. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

6. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the site and any potential light spill onto the neighbouring railway line. Such lighting shall be provided prior to the making available of the self-storage units.

Reason: In the interest of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual amenity.

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

Reason: To safeguard the amenity of property in the vicinity.

9. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the use of the self-storage units. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

10. 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 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.

Reason: 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.

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.

Jennifer McQuaid
Planning Inspector
13th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318333-23		
Proposed Development Summary	Provision of (i) 84 no. containers for self-storage purposes, (ii) replacement of the existing entrance gate, (iii) provision of 10 no. parking spaces, (iv) provision of signage and all associated site works.		
Development Address	Sites 21 & 22, Hebron Business Park, Leggetsrath West, Kilkenny, R95 Y7CV		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	Class 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-	The proposal is for 84. Self-storage containers on a site area of 0.354ha. The
			Proceed to Q.4

		up area and 20 hectares elsewhere.	subject site is within an urban area.	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 318333-23	
Proposed Development Summary	The proposed development is for 84no. self-storage containers within the settlement boundary of Kilkenny City on zoned lands.	
Development Address	Hebron Business Park, Leggetsrath West, Kilkenny City.	
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> • The proposed development relates to the temporary development for 10 years of self-storage containers. • The site is within the development boundary of Kilkenny City on zoned lands. • The development will consist of portable containers with hardcore surface, electric gates. • Surface water will be disposed off through the natural infiltration through the hardcore surface. <p>There is potential for contaminant run-off from vehicles movement</p>	No

	<p>on site, however, these movements are limited and there is no direct source or pathway to a protected site.</p> <ul style="list-style-type: none"> • No requirement for public sewer or public water connection. 	
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<ul style="list-style-type: none"> • The proposed site measures 0.354 hectares. The size of the development is not exceptional in the context of the existing urban environment. • The site is located within an existing operating industrial/warehouse business park, however, there is no real likelihood of significant cumulative effects with the existing and permitted projects in the area. 	No
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<ul style="list-style-type: none"> • The site is not located within any designated site. The nearest designated site is the River Nore SPA (site code: 004233) and the River Barrow and River Nore SAC (Site code: 002162) which lie appropriately 300 metres southwest of the subject site. • My Appropriate Assessment Screening undertaken concludes 	No

	<p>that the proposed development would not likely have a significant effect on any European Site.</p> <ul style="list-style-type: none"> • The subject site is located outside Flood Zones A and B for coastal or fluvial flooding. 	
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Conclusion

There is no real likelihood of significant effects on the environment.

EIA is not required.

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)