



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318583-23

<b>Development</b>	Permission is sought for demolition of shed and greenhouse; construction of part single part two storey dwelling; provision of a vehicular access and all associated site works.
<b>Location</b>	No. 23 Temple Vale, Beaumont, Cork.
<b>Planning Authority</b>	Cork City Council.
<b>Planning Authority Reg. Ref.</b>	2241601.
<b>Applicant(s)</b>	Albert Walsh.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	First Party – V – Condition No.s 4 & 5.
<b>Appellant(s)</b>	Albert Walsh.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> day of May, 2024.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The appeal site relates to an L-shaped parcel of land that forms part of the curtilage of No. 23 Temple Vale, and is located in the suburban area of Beaumont, circa 4km to the southeast of Cork city's centre. The site itself has a stated 0.0341ha area and comprises of part of No. 23 Temple Vale's the rear garden area and includes a restricted in width linear parcel of land that extends along the southern boundary of the site to where it terminates at the public domain of Temple Vale to the east. The main area of the site currently consists of grass lawn but also contains a single storey shed and a mono-pitched glass house structure. The south, west and northern boundary of the main area of the site contain tall solid walls. It is of note that the boundary wall running alongside the public domain of Beaumont Avenue consists of a tall period rubble stone wall that has a curving southerly alignment. The eastern boundary associated with the main portion of the site as well as the northern boundary of the said linear portion of the site are not demarcated with the site forming part of the larger curtilage of No. 23 Temple Vale.
- 1.2. No. 23 Temple Vale consists of a part single, and part two storey gable fronted and back detached dwelling house. It is setback from the public domain of Temple Vale by a paved off-street parking. It forms part of a streetscape scene of similar in-built form and appearance gable fronted detached dwelling houses. To the rear it addresses the well maintained mainly soft landscaped private amenity space that backs onto the said curving in alignment tall period rubble stone wall. This period stone wall bounds Beaumont Avenue, a restricted in width cul-de-sac lane that predominantly runs between the rear of properties on the western side of Temple Vale (Note: No.s 23 to 28 Temple Vale) and properties on the eastern side of No.s 20 to 42 Beaumont Crescent (also referred to as No.s 20 to 42 The Crescent). On the western side of this lane there is a number of access points and mews type dwellings. On the eastern side there are two mews type dwellings addressing it. With these built on the subdivision of the rear garden area of No. 1 Temple Vale and No. 25 Temple Vale. The majority of Temple Vale properties do not have access from their rear garden spaces to this lane.
- 1.3. The surrounding area of the site can be described as established residential in its character.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of existing shed and greenhouse and for the new development consisting of the construction of a new part single-storey, part two-storey detached dwelling house to the rear of No. 23 Temple Vale, with new vehicular access from Beaumont Avenue, together with all ancillary works including connection to services.
- 2.2. On the 30<sup>th</sup> day of June the Planning Authority granted an **extension of time** was granted up to 1<sup>st</sup> day of November, 2023.
- 2.3. On the 9<sup>th</sup> day of October, 2023, the First Party submitted their **Further Information response** to the Planning Authority. This response included revisions to the dwelling and of relevance to the subject matter of this appeal is their response to Item No. 2. In this regard I note that Item No. 2 sought a revised vehicular access width of no greater than 3m in accordance with Section 11.145 of the Development Plan. The response considered that this local planning provision had a general requirement for vehicle entrances to not exceed this width and contends that as the width is compliant given that it does not exceed 50% of the rear boundary as well as is consistent with the pattern of development in Beaumont Avenue. Of further relevance to this appeal case is the First Party's response to Item No. 3 which sought clarity that the required sightlines were achievable. The response supports the maintenance of the width of the vehicle entrance as originally proposed and is accompanied by a response prepared by their Civil and Structural Consulting Engineers which includes the following comments:
- Beaumont Avenue is a low-speed environment in the order of 10km/h and in such situations the Department of Transport's Design Manual for Urban Roads and Streets under Table 4.2 sets out a safe stopping distance of as low as 7m as appropriate.
  - It is their intention to retain much of the perimeter stone wall as possible.
  - To improve traffic safety in both directions along Beaumont Avenue traffic safety mirrors are proposed on the reveals of the front stone wall opening. This allows for in excess of the 7m for exiting traffic onto this lane. No traffic issues would arise from the access arrangement proposed.
  - Parking is provided for other similar developments on the lane.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 6<sup>th</sup> day of November, 2023, the Planning Authority issued a notification of decision to **GRANT** permission subject to 17 no. mainly standard conditions. Of relevance to this appeal case are the requirements of following conditions:

Condition No. 4:

*“Prior to the commencement of development, plan and elevation drawings showing the driveway width shall be no wider than 3m in accordance with the City Development Plan shall be submitted to the Planning Authority for written agreement.*

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

Condition No. 5:

*“Prior to the commencement of development, plan and elevation drawings showing the achievable sight lines for drivers exiting onto Beaumont Avenue, including a ‘setting back’ of the current proposed vehicular access/egress, shall be submitted to the Planning Authority for written agreement.*

*Reason: In the interest of traffic and pedestrian safety.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Senior Executive Planners report (03.11.2023). This report together with the final report of the Acting Executive Planner’s report are the basis for the Planning Authority’s decision. It recommends a grant of permission subject to safeguards.

The final Acting Executive Planner’s report (03.11.2023) includes the following comments:

- Reference is made to the Engineer for Urban Roads and Street Design Report. In particular, they do not agree that the rear boundary is 19m but appears to be less than 14m and the revisions maintain a 7m in width driveway as well as fails to demonstrate adequate sightlines.

- The time limit for a request for clarification on Item No.s 2 and 3 of the FI request has expired.
- The report concludes with a grant of permission including safeguards including requirements to deal with access and removal of stone wall concerns.

#### 3.2.2. **Other Technical Reports**

3.2.3. **Initial Planning Officer Reports:** Concludes with a request for further information.

3.2.4. **Urban Roads & Street Design:** Their final report (03.10.2023) includes the following comments:

- The length of the front boundary where the driveway entrance is proposed is 19m and not the 14m stated.
- The stated desire to retain the character of Beaumont Avenue is contradicted by the removal of 7m of perimeter stone boundary wall.
- Sightlines should be demonstrated.

3.2.5. **Contributions:** Is not exempt from S48 contribution.

3.2.6. **Environment Waste Management & Control:** No objection.

3.2.7. **Drainage:** No objection, subject to safeguards.

### 3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection.

### 3.4. **Third Party Observations**

3.4.1. A Third-Party submission was received raising concerns that the proposed development would give rise to undue residential and visual amenity impacts.

## 4.0 **Planning History**

### 4.1. **Site**

4.1.1. None.

### 4.2. **Setting**

4.2.1. **ABP-317149-23 (P.A. Ref. No. 2241639)**

**No. 3 Temple Vale** (Note: Adjoins the easternmost part of the southern boundary of this appeal site and relates to the rear garden area of No. 3 Temple Vale).

On the 12<sup>th</sup> day of September, 2023, the Board **granted** permission for a dwelling house subject to conditions. This site does not adjoin Beaumont Avenue. A 3.45m width of this entrance flanked by 1m high rendered walls is indicated in the drawings accompanying this application further information response. This application was considered under the current Development Plan and the grant of permission included the vehicular entrance and revised boundary fronting Temple Vale.

**ABP-313524-22 (P.A. Ref. No. 2240870)**

**No. 3 Temple Vale**

On the 12<sup>th</sup> day of September, 2022, the Board **refused** permission for the construction of a dwelling house for the following stated reason and consideration:

*“Having regard to the nature of the site, the scale and layout of the proposed development, the distance of the proposed two storey structure from the boundary to the west, the layout and disposition of the private amenity space for future occupants, and the lack of screening to the private amenity space of the existing dwelling, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in inadequate private open space, and would seriously injure the amenities of property in the vicinity by reason of proximity and overlooking. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.”*

- **P.A. Reference No. 2241034**

**No.24 Temple Vale (adjoining property to the north).**

On the 27<sup>th</sup> day of September, 2022, permission was **granted** for the demolition of existing shed and carport and for the construction of a new part single-storey, part two-storey detached dwelling, the widening of existing vehicular access together with all

ancillary development works. This site included the full rear subdivision. The drawings show circa half of the boundary removed to accommodate off-street car parking. This boundary is a shorter length in comparison to the subject site.

- **P.A. Reference No. 1838080**

**Rear of No.25 Temple Vale.**

On the 10th day of October, 2018, permission was **granted** for construction of a one and a half storey dwelling house to the rear of No. 25 Temple Vale, Beaumont, Cork with access from Beaumont Avenue and all associated site development works. This application included the subdivision of No. 25 Temple Vale with the rear garden area subdivided to accommodate the construction of a detached dwelling. This site included the full rear boundary of the site which is shown in the accompanying drawings to have a width of 13.033m and with two parking spaces provided at its southernmost end. This application was not determined under the current Development Plan.

- **P.A. Reference No. 2039530**

**Rear of No. 34 Beaumont Crescent (Note: opposite side of Beaumont Avenue)**

On the 31st day of March, 2021, permission was **granted** for the construction of a new two storey dwelling house with a 3m vehicle access onto Beaumont Avenue and all associated site development works.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The Cork City Development Plan, 2022-2028, is applicable. The site forms part of a larger area of suburban land zoned ‘ZO-01 Sustainable Residential Neighbourhoods’. The stated objective for such lands is: “*to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*”. The stated vision for this land use zone is “*one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.*”

5.1.2. Section 11.12 of the Development Plan states: *“all new development should enrich the urban qualities of the city and its towns, villages and suburbs. A high standard of design is essential to this process, as well as the fostering socially and economically viable communities. Creating a distinctive sense of place which takes into account context, character and setting is essential. Development proposals will be assessed on the visual characteristics of the built form and related elements such as aspect and orientation, proportion, the balance of solid to void, the shapes and details of roofs, chimneys, windows and doors and the materials used. Details of walls, gates, street furniture, paving and planting will also be noted. Roof forms should harmonise with and not clash with the city’s traditional pitched roof forms. Layouts of buildings and spaces must be designed to ensure that areas are permeable, pleasant, legible and safe.”*

5.1.3. Section 11.145 of the Development Plan sets out that the cumulative effect of the removal of front garden walls and railings damages the character and appearance of suburban streets and roads. Consequently, proposals for off-street parking need to be balanced against loss of amenity. The removal of front garden walls and railings will not generally be permitted where they have a negative impact on the character of streetscapes. It also sets out that consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety, and traffic generation and where permitted, “drive-ins” should demonstrate compliance with the following criteria:

- Not have outward opening gates.
- In general, have a vehicle entrance not wider than 3 metres, or where context and pattern of development in the area allows not wider than 50 per cent of the width of the front boundary.
- Have an area of hard-standing equivalent parking space of (2.5 m x 5m) with the balance of the space suitably landscaped.
- Hard surfaces must be permeable.
- Inward-opening gates should be provided. (Where space is restricted, the gates could slide behind a wall. Gates should not open outwards over public footpath or roadway).
- Other walls, gates, railing to be made good.

## **5.2. Natural Heritage Designations**

5.2.1. The site is located c1.1km to the north of Cork Harbour SPA (Site Code: 004030).

## **5.3. EIA Screening**

5.3.1. See completed EIA Pre-Screening and Preliminary Screening attached in Appendix 1 and 2 below.

## **6.0 The Appeal**

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

6.1.1. The First Party's appeal submission can be summarised as follows:

- This appeal relates to the requirements of Condition No.s 4 and 5 of the Planning Authority's notification to grant permission only.
- Comparative images have been provided for the Board to demonstrate the visual appropriateness of the proposed scheme which is characterised by retained sections of old stone walls and the new series of driveway openings. In this regard the existing and proposed context are illustrated.
- The adjoining permitted development of P.A. Ref. No. 22/41034 at No. 24 Temple Vale includes a 6,750mm wide driveway onto Beaumont Avenue.
- Objective 11.145 of the Development Plan provides for the removal of up to 50% of the width of the front boundary for vehicle entrances.
- Condition No. 4 and 5 seek to reduce the driveway width to no more than 3m and to include a setting back of the proposed vehicular access/egress. This restricts the applicant's ability to park their cars in the driveway and compromises the viability of this development as it doesn't cater for their needs. They would also give rise to an *ad hoc* pattern of entrances on Beaumont Avenue.

### **6.2. Planning Authority Response**

6.2.1. None.

### **6.3. Observations**

6.3.1. None.

## **7.0 Assessment**

- 7.1. This is a First-Party appeal only against Condition No. 4 and 5 attached to the Planning Authority's decision to grant permission for the development sought under P.A. Ref. 2241601. The Appellant by way of their appeal to the Board seek that these particular conditions and their requirements are omitted from the Planning Authority's decision notification on the basis that the new vehicular entrance is consistent with the pattern of development in this area, is consistent with local planning provisions, through to it is essential component of the proposed development and the amendments required would make the proposed development unfeasible.
- 7.2. Having examined the remainder of the proposed development sought under this application as permitted by the Planning Authority in their notification to grant permission I consider that these give rise to no substantive visual, residential ,or other issue, that cannot be overcome by standard safeguards like those attached to the subject notification to grant permission.
- 7.3. As such in this case it is my considered opinion that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.4. I firstly note to the Board that both conditions require the written agreement of the Planning Authority prior to the commencement of any development on site.
- 7.5. As set out under Section 3.1.1 of this report Condition No. 4 of the notification to grant permission requires that the driveway serving the proposed dwelling house be no wider than 3m in accordance with the Development Plan. The stated reason for this condition is in the interests of visual amenity.
- 7.6. This condition I note correlates with the concerns raised by the Planning Authority's Planning Officer who concurred with the Planning Authority's final Urban Roads & Street Design report. In a consistent manner it was considered that, if permitted, that

only 7m would remain of the rear boundary which in its current form is 19m in length and consists of a period rubble stone wall which is desirable to retain.

- 7.7. On this point I accept that the 19m length of the boundary adjoining Beaumont Avenue referred to is an accurate representative of the actual length of this boundary than the lesser 14m contended by the First Party. This is on the basis of the measurement of this boundary taken during my site inspection that also concluded on it being c19m in its length.
- 7.8. Additionally, it was considered that the loss of original roadside boundary treatment and the extent of the opening that would remain to serve the proposed dwelling was contrary to the provisions of the Development Plan (Note: Section 11.145 thereof) which in general seeks that driveways shall be no wider than 3m.
- 7.9. Condition No. 5 of the Planning Authority's notification to grant of permission is in my view inextricably linked to the requirements of Condition 4.
- 7.10. This condition requires that adequate sightlines for drivers exiting onto Beaumont Avenue from the proposed dwelling permitted under the Planning Authority's notification to grant permission be provided and demonstrated.
- 7.11. It further seeks a setting back of the current proposed vehicular access/egress to serve the permitted dwelling.
- 7.12. A dwelling which I note to the Board as granted has a floor area of 184m<sup>2</sup> and contains four rooms that are indicated in the submitted drawings as containing double bedrooms. These double bedrooms are all of a size and dimensions to provide a high standard of qualitative residential amenity as two person bedrooms. Additionally, the drawings show that the dwelling would have two bathrooms with bath/shower washing facilities and one ensuite with bath. As such this dwelling is not a modest mews type dwelling despite its location on a mews type lane given its potential to be occupied by a population equivalent of 8 persons.
- 7.13. I also note that the Planning Authority's Planning Officer and the Planning Authority's Urban Roads & Street reports raised as a concern the lack of demonstration of adequate sightlines for the proposed new entrance onto Beaumont Avenue.
- 7.14. An entrance that I observed is in proximity to a number of other vehicle entrances as well as is located in proximity to where this restricted in width and only safe to cater

for one vehicle movement journeying along most of its length reduces into a pedestrian pathway that runs in between the side boundaries of No.s 1 Temple Vale (and the detached property constructed in what was formerly part of the rear garden of No. 1 Temple Vale) and No. 42 Temple Vale. With this route offering a more direct route for a number of properties in the immediate vicinity to the Bus Stops on Beaumont Drive to the west and at further distance Blackrock Road to the north.

- 7.15. Against this context I consider that a demonstration of adequate sightlines, irrespective of the proposed mirrors to be provided as safety features to add views onto Beaumont Avenue, and modification to the entrance layout to include appropriate setback so that its design is suitable for the relative to the conditions Beaumont Avenue are reasonable given its substandard nature including restricted width on road safety grounds.
- 7.16. Alongside I consider the requirements of Condition No. 5 reasonable given the considerations and requirements set out under Section 11.145 of the Development Plan for the new entrance element of the proposed development.
- 7.17. With this section of the Development Plan setting out for consideration of this type of development that regard will be had to the effect on traffic flows, pedestrian/cyclist safety through to traffic generation.
- 7.18. This section of the Development Plan also sets out a number of requirements where drive in on-site parking are permitted.
- 7.19. Of relevance in this regard is that it indicates that in general, the vehicle entrance should not be wider than 3 metre or where the context and pattern of development allows not wider than 50 per cent of the width of the front boundary. Yet this proposal seeks a vehicle entrance of c7m in width which is 4m wider than the maximum width generally deemed acceptable to serve dwelling units in this type of context.
- 7.20. Also having examined the site context it is significantly larger than the prevailing pattern of entrances that characterise properties of Temple Vale, including the host dwelling of No. 23 Temple Vale, as well as the principal properties of the Beaumont Crescent (The Crescent), properties that back onto Beaumont Avenue.
- 7.21. On the latter point whilst I observed during my inspection of the site setting that there are examples of where vehicle entrances serving residential development accessed

from Beaumont Avenue exceed 50% of the width of their lane side boundary, I observed that they are an exception rather than representative of the existing prevailing pattern of development. Having examined the planning history of the site setting I also note that no such developments have been determined under the provisions of the current Development Plan along Beaumont Avenue or within the wider surrounding area that conflicts with the requirements of Section 11.145 of the Development Plan.

- 7.22. Of further note in relation to the design and layout of the proposed vehicular entrance and setback area to the front of the proposed dwelling, Section 11.145 of the Development Plan indicates the hard standing equivalent of 2.5m by 5m for parking space with the balance suitably landscaped. Of concern the design and layout provided in the submitted drawings fails to demonstrate this for the proposed off-street car parking spaces in the setback area. With I note the southern most space due to the lateral separation distance from the proposed dwelling and the edge of Beaumont Avenue carriage only marginally exceeding the 5m depth and the drawings showing limited soft landscaping of the remaining space.
- 7.23. The appellant contends that it should be accepted that the cul-de-sac is a low-speed environment and a lightly traffic public lane of restricted width. Against this context the design and layout of the proposed vehicular entrance, the interventions to the Beaumont Avenue lane-side boundary through to the treatment of the setback area are in their view acceptable and consistent with national standards such as DMURS for low-speed environments of 10kmph.
- 7.24. In relation to this contention, I raise a number of concerns that this shared usage lane, a lane that is not only used by pedestrians but likely cyclists, that the removal of 7-meters of roadside boundary to accommodate two car parking spaces to serve future occupants of the proposed dwelling where adequate sightlines are not demonstrated. Alongside where the southernmost car space proposed to the front of the dwelling is one that as a result of its inadequate depth there is potential for a car parked in the southern paved setback area to the front of the proposed dwelling to overhang the public carriage of Beaumont Avenue. When taken together with the drawings appearing to suggest that the boundary treatments through to the timber screening for the bin and bicycle enclosures to the north and south of the vehicular entrance would be of a height that would also obscure views onto Beaumont Avenue whose north

south directional alignment has an easterly inflection. The drawings do not demonstrate that the provision of mirrors would overcome the sightline concerns.

- 7.25. In terms of setting to the immediate south of the site there is a setback vehicle entrance serving a detached dwelling house located to the rear of No. 1 Temple Vale. With this property also bound by mainly tall solid boundary walls. Through to there are a number of vehicle entrances existing within the immediate vicinity to the south on Beaumont Avenue.
- 7.26. This I note includes a vehicle entrance opening onto the lane from a garage structure located to the rear of No. 36 Beaumont Crescent and a vehicle entrance serving No. 17 Beaumont Avenue both located to the immediate southwest of the proposed new vehicular entrance.
- 7.27. Moreover, running alongside the original curtilage of No. 1 Temple Vale there is a public restricted in width access route that is suitable for pedestrian and cyclist movements. This passageway opens onto the junction of Temple Vale and Beaumont Crescent to the south. As well as to the southeast of where it terminates there is a pocket of green communal open space that forms part of the larger Temple Vale scheme.
- 7.28. There are also a number of existing vehicle entrances to the immediate north of the site on Beaumont Avenue.
- 7.29. For example, in close proximity to the site there are a number of vehicle entrances through to two examples of setback areas to the front of detached dwellings constructed in subdivisions created from rear garden areas of Temple Vale and Beaumont Crescent. With the public carriageway of Beaumont Avenue narrowing in its width to on average circa 4m. In relation to the setback areas this includes the No. 32A located to the northwest which has a limited in-depth setback area (Note: this property is located in the former rear garden of No. 32 Beaumont Crescent) which is a semi-private setback area used for parking of cars at a side angle only due to the limited depth of the setback area.
- 7.30. I also observed that there is a vehicle entrance providing access to the rear of the adjoining property to the north, i.e. No. 24 Temple Vale.

- 7.31. With this property as set out in the planning history above having a grant of permission for the subdivision of the rear garden to create an independent plot on which a detached dwelling. To the rear of No. 25 Temple Vale there is an example of the front boundary having been removed to accommodate a semi-private undefined setback area for off-street car parking.
- 7.32. Further several of the neighbouring properties further north including vehicle entrances opening onto Beaumont Avenue along its c300m length from where it meets Blackrock Road to the north. Though maintaining a high level of containment with the lane side edge of Beaumont Avenue.
- 7.33. It is of note that vehicles generated by the proposed development would have to access Beaumont Avenue at a further distance from the site.
- 7.34. In this regard there are two possibilities for access and egress to the public road network from Beaumont Avenue. The closest route is the junction of Beaumont Avenue and Blackrock Road which is located c275m to the north of the site. The longest but potentially the safest route is from a spur of Beaumont Avenue that opens onto Beaumont Drive to the southeast c380m to the northwest of the site. Along both stretches there are a considerable number of properties dependent upon this lane for vehicle access to the public road network. Moreover, Beaumont Avenue for the most part is restricted in its width but also contains cul-de-sac spurs. This includes the residential scheme of Clifton Estate that are solely dependent on Beaumont Avenue for access to the public road network.
- 7.35. Given the nature of this lane together with number of existing properties dependent upon it for their sole and/or secondary access to the public domain I am not of the view that the quantum of traffic along its two routes to the site is likely to be or has been demonstrated by the information provided with this application to be light.
- 7.36. It is also a concern in my view that there is no masterplan in place for mews type development along the stretch of Beaumont Avenue, particularly to the south of its junction with Clifton Estate and Rivendell. Such a plan could for example require a coherent setback requirement on mews type developments so that the restricted and substandard in width nature of Beaumont Avenue along this stretch is addressed to allow for safer flow of vehicle traffic in opposite directions alongside a safer shared public domain space for vulnerable road users.

- 7.37. Additionally, examination of the planning history of the area also shows that there is permission for yet to be implemented additional dwellings proposing vehicle access onto Beaumont Avenue. If implemented the extant permissions for additional dwellings like that on the adjoining site of No. 24 Temple Vale would further add to the generation of traffic along Beaumont Avenue but particularly at its end point where it reduces to a pedestrian pathway where there has been a concentration of existing and permitted mews development. However, unlike this site the rear of No. 24 already has the benefit of an existing vehicle access onto Beaumont Lane and any amendments to the same as set out in the accompanying drawings for this permitted development would not involve a comparative loss of a characterful period stone boundary wall.
- 7.38. Against this context this proposal seeks the loss of 7m in width of the existing period wall that I concur with the Planning Authority positively contributes to the character of this lane. The design and layout of the modifications proposed to the site's Beaumont Avenue lane side boundary fails to demonstrate compliance with Section 11.145 of the Development Plan. In this regard it fails to demonstrate adequate sightlines and that the car parking spaces proposed are of a suitable depth through to would sit comfortably alongside a suitably landscaped private domain. The applicant has not demonstrated the low-speed nature and low volume of vehicle movements along Beaumont Avenue to where it meets the surrounding public road network is one that would not be unduly burdened by the provision of two off-street car parking spaces proposed and that the design and layout of these would not give rise to any road safety or traffic hazard inconvenience issues.
- 7.39. In this regard the documentation with this application does not include an examination by an expert of traffic volume and speed survey of Beaumont Avenue.
- 7.40. Such an examination in my view is essential if it were to be accepted that the applicant's contention that a stopping distances of 7m as set out under Table 4.2 Design Manual for Urban Roads and Streets on the basis is sufficient for the vehicular entrance proposed under this application. Through to that the setting back and reduction in width of the proposed vehicle entrance is not necessary.
- 7.41. I also note from my inspection of Beaumont Avenue that though it contains a number of *ad hoc* standard lighting poles. These where present further restrict the width of this lane. There is I note the presence of one lighting standard utility pole along the

Beaumont Avenue frontage of the site positioned forward of the site's period stone wall and positioned on the public domain of this cul-de-sac lanes carriageway. Maintaining this pole at this position would impede sightlines.

- 7.42. This lane does not contain any coherent pedestrian footpaths, particularly in the case of the stretch from Clifton Estate in a southerly direction towards the subject Beaumont Avenue frontage of the site and towards where it reduces in width to a pedestrian passageway in close proximity to the south of the site. As said for the most part its width averages circa 4m through is wider in proximity to its pedestrian passage way.
- 7.43. Moreover, I noted that this hard surfaced laneway contains non-permeable hard surfacing with no evident robust provision for the capturing of surface water.
- 7.44. Finally, I also note that the Development Plan seeks a reduction in car parking provision. This I note is evident under Section 11.9 of the Development Plan which seeks to ensure that all developments ensure that placemaking is at the heart of all developments. With this including but not limited to requiring under Item 5 increasing greening in the city by designing green spaces at the earliest stage and reducing car parking at the earliest stage. Alongside Section 11.243 of the Development Plan sets out the maximum parking requirements for all zones as one space for each dwelling unit but I also note this table indicates a maximum provision of 2.25 spaces for dwelling units with three plus bedrooms for Zone 3 (Note: City Suburbs). Moreover, in relation to Zone 3 the Development Plan sets out that Bus Connects Cork is proposed to serve these areas of the city and that it is envisaged that parking standards serving this zone will be reduced to reflect the level of public transport services over time.

7.45. Conclusion

Having regards to the above considerations I am satisfied that the requirements set out under Condition No. 4 and 5 of the Planning Authority's notification to grant permission are reasonable.

This is on the basis that collectively they ensure that the resulting development's vehicle entrance, Beaumont Avenue boundary interventions through to treatment of the off-set area to the front of the proposed dwelling would be consistent with the Development Plan provisions. In this regard, their requirements would achieve consistency with Section 11.145 of the Development Plan.

Further, the amendments they require to the design and layout of the vehicle entrance and Beaumont Avenue boundary are such that they address the potential of the submitted design to potentially give rise to undue adverse road safety and traffic hazards onto the substandard in nature public domain of Beaumont Avenue for its existing users, including its vulnerable users.

Moreover, they require a design and layout solution that is more consistent with the prevailing character of Beaumont Avenue whose visual amenities is positively contributed to by its period tall rubble stone walls and high degree of containment.

Additionally, the site is an accessible location in easy walking distance of a number of bus stops and bus routes on Blackrock Road and Beaumont Drive. A suburban city location where the Development Plan indicates improvements to the public bus transport provision.

For these substantive reasons I recommend that the Board do not omit Condition No. 4 and 5 from the Planning Authority's notification to grant permission for the development sought under this application in the interests of proper planning and sustainable development of the area.

## **8.0 AA Screening**

8.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that 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. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

8.2. This conclusion is based on:

- The serviced suburban location of the site.
- The nature and scale of the development sought.
- The site forming part of the curtilage of an existing dwelling house with no substantive or of merit features of merit thereon.

- The lateral separation distance between the subject site and the nearest European site, which is Cork Harbour SPA (Site Code: 004030) and the brownfield serviced nature of the urban landscape in between.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- The absence of meaningful pathway to any European site.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Impacts predicted would not affect the conservation objectives of the nearest of any other European site of interest.

## 9.0 Recommendation

- 9.1. I am satisfied that this appeal can be determined under the provisions of Section 139 of the Planning and Development Act 2000, as amended. I recommend that the Board direct the Planning Authority to **not omit** condition numbers 4 and 5 from their notification to grant permission for the proposed development sought under this application (P.A. Ref. No. 2241601) for the reasons and considerations set out hereunder.

## 10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development together with the pattern of development in the area and the provisions of the Cork City Development Plan, 2022-2028, it is considered that the modifications to the development as required by the planning authority in its imposition of condition number 4 and 5 in their notification to grant permission for the development permitted under P.A. Ref. No. 2241601 are warranted, and that the proposed development, with the attachment of both of these conditions as a result of their specific requirements would be in accordance with the provisions of the said Development Plan, they would safeguard the visual amenities of the area particularly the character of Beaumont Avenue from undue loss of a significant stretch of period stone wall as well as they would give rise to vehicular entrance and boundary treatment onto Beaumont Avenue that would not

prejudice the road safety of existing users or would give rise to any undue traffic hazard in the form of obstruction arising from overspilling of parking and vehicle manoeuvres accessing and egressing onto Beaumont Avenue where sightlines are restricted, its public domain is substandard in width, this public domain is in use as a shared space by vehicle and vulnerable road users through to there are a number of entrances in the immediate vicinity with public domain of Beaumont Avenue along this stretch not capable of accommodating two way traffic along it.

Additionally, in the absence of the modifications required under condition number 4 and 5 the proposed development would give rise to a vehicle entrance and setback for off-street car parking that would fail to provide adequate sightlines in a northerly and southerly direction, it would fail to comply with the criteria of Section 11.145 of the said Development Plan, in particular in terms of width that exceeds the maximum 3m generally deemed permissible through to the lack of adequate depth for cars to park conveniently without obstructing movement on the public domain and in the setback area between the proposed dwelling and Beaumont Avenue's eastern side lane edge.

For these reasons, the requirements of condition number 4 and 5 address these substantive road safety, traffic hazard, visual amenity through to compliance with local planning provision concerns that if not addressed by way of condition would result in a type of that would be contrary to the proper planning and sustainable development of the area.

*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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Patricia-Marie Young  
Planning Inspector

30<sup>th</sup> day of May, 2024.

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-318583-23</b>		
<b>Proposed Development Summary</b>	Permission is sought for demolition of shed and greenhouse; construction of part single part two storey dwelling; provision of a vehicular access and all associated site works. With this appeal relating to a S139 appeal against Conditions.		
<b>Development Address</b>	No. 23 Temple Vale, Beaumont, Cork.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓	Class 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. But does not exceed quantity or area of this class and is therefore subthreshold.	Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			<b>Conclusion</b>
			No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Whilst this appeal can be determined under S139 due to it relating to	<u>Sub-Threshold Development</u>
			Proceed to Q.4

		conditions attached to a grant of permission, notwithstanding the project as a whole falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district. This proposal relates to one dwelling unit on a site of 0.0341ha area.		
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4. Has Schedule 7A information been submitted?		
No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

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

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

## Appendix 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-318583-23</b>	
<b>A. Case Details</b>		
<b>Proposed Development</b>	Permission is sought for demolition of shed and greenhouse; construction of part single part two storey dwelling; provision of a vehicular access and all associated site works. With this appeal relating to a S139 appeal against Conditions.	
<b>Development Address</b>	No. 23 Temple Vale, Beaumont, Cork.	
<b>4.</b> <b>Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	
<b>Overview</b>	<b>Yes/No/ NIA</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	
<b>2. Has Schedule 7A information been submitted?</b>	<b>No</b>	Significantly sub threshold class of development in terms of size and area (Note: Class 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended).
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>No</b>	Not necessary on the basis of location, lateral separation distance between nearest European site and the nature of development which is significantly below the size and area associated with Class 10b Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended.
<b>4. Is an IED/IPC or Waste Licence (or review of Licence) required from the EPA? If YES has the EPA commented on the need for an EIAR</b>	<b>No</b>	
<b>5. Have any other relevant</b>	<b>No.</b>	Not necessary for the reasons given to Q2 and Q3 above.

assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA			
<b>B. EXAMINATION</b>	Response: Yes/No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (i.e., the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (i.e., the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1</b>  Is the project significantly different in character or scale to the existing surrounding or environment?	<b>No</b>	Though the proposed development would give rise to increased densification of its suburban setting, it is not a type of development that is at odds with the pattern of development in this residential suburban area and under the residential zoning of this site as well as setting as provided for under the Development Plan.	<b>No</b>

<p><b>1.2</b></p> <p><b>Will construction, operation, decommissioning, or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposed development will change the subject site from forming part of the private and semi-private amenity space of an existing serviced detached dwelling house (Note: No. 23 Temple Vale) with the demolition associated with the proposed development relating to ancillary structures in a rear garden area as well as part of a rear boundary wall. The provision of a dwelling on the proposed subdivision which relates to the rear garden area is consistent with the pattern of development, with the design including permeable paving solutions, surface water drainage measures and connection to the existing foul drainage network that has capacity to absorb the nature and scale of the development permitted. Further, there are no substantive waterbodies on site or adjacent to the site and no hydrological or other links to any European sites.</p>	<p><b>No</b></p>
<p><b>1.3</b></p> <p><b>Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals, or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of the type of urban development proposed under this application. The operation of the proposed development will be a single dwelling unit which is consistent with the pattern of development in this predominantly residential area.</p>	<p><b>No</b></p>
<p><b>1.4</b></p> <p><b>Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Demolition and construction activities by their nature will require the use of potentially harmful materials, such as fuels and other such substances on site. Use of such materials would be typical for construction sites. Any impacts would be localised and temporary in nature. It is standard practice for such works to accord to the implementation of the standard measures outlined in a Construction Environmental Management Plan, Construction and Demolition Waste Management Plan, and other standard safeguards. I note that the notification to grant permission include such safeguards. In particular I draw the Boards attention to Condition No. 12 and 15. These would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>

<p><b>1.5</b></p> <p><b>Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Demolition and construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a Construction Environment Management Plans, Construction and Demolition Waste Management Plans and Resource and Waste Management Plan would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts and petrol interceptors would capture potential pollutant/contaminants from the site. Other significant operational impacts are not anticipated. I note that the notification to grant of permission includes a range of safeguards in the form of Conditions to deal with this issue. Of particular note are the requirements of Conditions No. 9, 10, 11, 12,13, 14 and 15.</p>	<p><b>No</b></p>
<p><b>1.6</b></p> <p><b>Will the project lead to risks of contamination of land or water from releases?</b></p>	<p><b>No</b></p>	<p>No significant risks are identified. Operation of standard measures outlined in Construction Environment Management Plans, Construction and Demolition Waste Management Plans and Resource and Waste Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to public mains drainage and surface water drainage will be separate to foul drainage within the site and leaving the site as well as accord to best practice. Conditions attached to the grant of permission provide safeguards to adequately deal with this matter.</p>	<p><b>No</b></p>
<p><b>1.7</b></p> <p><b>Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>During the demolition and construction phases there is potential for noise, dust through to vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a Construction Environment Management Plans and Construction and Demolition Waste</p>	<p><b>No</b></p>

		Management Plans. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts. I also note that the grant of permission includes standard in nature condition to deal with potential noise nuisance and hours of construction are limited to standard generally accepted hours.	
<b>1.8</b>  <b>Will there be any risks to human health, for example due to water contamination or air pollution?</b>	<b>Yes</b>	Demolition and construction activity is likely to give rise to dust and noise emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a Construction Environment Management Plans and Construction and Demolition Waste Management Plans together with limiting construction hours to standard hours and days permitted would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services. Of further note the grant of permission includes standard in nature conditions to deal with such matters. The risks that would arise are not deemed to be exceptional for the nature of development proposed or such that they can not be satisfactorily deal with by way of standard conditions.	<b>No</b>
<b>1.9</b>  <b>Will there be any risk of major accidents that could affect human health or the environment?</b>	<b>No</b>	No significant risk is predicted having regard to the nature and scale of development sought under this application. Any risk arising from demolition and construction will be localised and temporary in nature as well as best practices in relation to the same are required by way of standard conditions attached to the grant of permission. The site is also not located on Flood Zone A or B lands. The nature and function of the development when operational is as a single dwelling unit and this is a type of land use that is consistent with the nature and function of the surrounding urbane. Additionally, the site is outside the consultation / public safety zones for Seveso / COMAH sites.	<b>No</b>
<b>1.10</b>	<b>Yes</b>	The proposed development would result in an increase in population of this suburban	<b>No</b>

Will the project affect the social environment (population, employment)		area by the addition of a dwelling unit. The provision of this additional dwelling unit meets an existing demand for dwelling units in this suburban locality and within the cityscape itself. With densification and compact development supported by local through to national planning policy provisions as well as guidance. Additionally, densification and compact development at accessible to public transport, services, and facilities like those present in this area that would be synergistic to the future occupants of the proposed dwelling permitted is consistent with climate resilient and sustainable development. Furthermore, there are a range of employment opportunities within easy reach of this locality include the city centre of Cork City. Thus, the proposed development would reinforce and add to the efficiencies of scale of this suburban serviced accessible locality. In turn this would positively contribute to the social environment of this locality.	
1.11  Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No	The proposed development relates to a pattern of densification and more compact development in a suburban area where similar developments have occurred on suitable brownfield sites. It would not result in adverse large scale cumulative effects on the environment. With the Development Plan seeking to encourage and support the more efficient use of serviced urban and suburban land at accessible locations.	No
<b>2. Location of proposed development</b>			
2.1  Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:  a) European site (SAC/ SPA/ pSAC/ pSPA)  b) NHA/ pNHA  c) Designated Nature Reserve  d) Designated refuge for flora or fauna	No	<p>Sensitive ecological sites are not located on site or adjacent to the site.</p> <p>The nearest European site is located c1.1km to the north of the site, i.e. Cork Harbour SPA (Site Code: 004030) and there is a significant lateral separation distance to other European sites within the wider area.</p> <p>The proposed development would not result in significant impacts to any of these sites.</p> <p>Further, Annex II habitats or habitats suitable for protected species, including plants, are not present on the site.</p>	No

e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan			
<p>2.2</p> <p>Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	No	<p>This site is an existing urban brownfield site comprised of ancillary shed and greenhouse and with the remainder of the site area mainly comprised of maintained lawn. The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures in the form of additional soft landscaping could potentially be achieved in part by seeking more consistency in the design and layout with Section 11.145 of the Development Plan through to including more soft landscaping in deep soil.</p>	No
<p>2.3</p> <p>Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>Despite the presence of a historic rubble stone wall the site and surrounding area do not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity. There is also no evidence to support the presence of any undiscovered archaeological below ground on this brownfield site.</p>	No
<p>2.4</p> <p>Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No	<p>There are no such features in this urban location.</p>	No
<p>2.5</p> <p>Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could</p>	No	<p>The documentation submitted indicates that the proposed development will implement SUDS measures to control surface water run-off. I have considered the potential impacts arising from the discharge of surface waters to receiving</p>	No

be affected by the project, particularly in terms of their volume and flood risk?		waters are considered, however, no likely significant effects are anticipated to arise from the additional foul drainage discharge into the existing public infrastructure.	
2.6  Is the location susceptible to subsidence, landslides, or erosion?	No	This is a brownfield site in a relatively flat urban scape with no evidence of subsidence, landslides, or erosion.	No
2.7  Are there any key transport routes (e.g., National primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	No	The site is remote from key transport routes being located on a backland site that bounds the service lane of Beaumont Avenue at a distance that is considerably setback from Blackrock Road and Beaumont Drive. Whilst the proposed development would not give rise to a cumulative contribution to traffic obstruction on Beaumont Avenue, this cul-de-sac lane is not a key transport route.	No
2.8  Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	The site forms part of an established residential suburban setting and therefore is adjoined by residential development to the north, east and south as well as neighbouring residential development on the opposite side of Beaumont Avenue to the west. No significant demolition, construction or operational impacts would be anticipated from this proposed development.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
3.1  Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity of the site that would have the potential to give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during demolition and construction would be subject to a project construction traffic management plan. With this being the case also for the adjoining development permitted to the immediate north of the site if implemented.	No

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	None.	No
<b>4. Conclusion</b>			
No real likelihood of significant effects on the environment	✓		<b>EIAR Not Required.</b>
Real likelihood of significant effects on the environment.	N/A		N/A
<b>D. Main Reasons &amp; Considerations</b>			
<p>Having had regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.</p>			

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

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