



An
Bord
Pleanála

Inspector's Report

ABP-320637-24

Development	Construction of a dwelling house and all associated site works.
Location	17 St. Mary's Villas, Newtownbarry, Bunclody, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20231467
Applicant(s)	John Paul Murphy
Type of Application	Planning permission
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Johanna O'Gorman/Kearney
Date of Site Inspection	16 th January 2025
Inspector	Sarah O'Mahony

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The 0.05ha site is situated in Bunclody, Co Wexford, adjacent to Bunclody GAA grounds and southeast of the town centre. The N80 is situated 310m to the north while the River Clody which forms the Wexford/Carlow county boundary is situated 260m northwest of the site.
- 1.2. The site comprises a semi-detached, two-storey, three bay dwelling and its adjacent open space to the north and east. The dwelling is the last in a row of terraced and semi-detached dwellings forming St. Mary's Villas which is an early-mid 20th century housing estate which has been recently renovated/refurbished including removal of the roadside boundary.
- 1.3. The estate has a narrow, shared access road connecting to Church Road to the southeast.
- 1.4. The land to the west and south of the site all form part of the estate while Bunclody GAA grounds lie immediately adjacent to the north of the site through which it is proposed to provide construction access.
- 1.5. There is a large residential plot east of the site which is accessed through St. Mary's Villas but which does not form part of the estate. The access lane to this plot is situated adjacent the southern boundary of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - Subdivide the site and construct a detached, two storey, pitched roof 110.54m² dwelling to the eastern side of the existing semi-detached two-storey dwelling.
 - Alterations to vehicular access to provide in curtilage car parking for both dwellings.
 - Connections to public water services,
 - A temporary construction stage access via the northern boundary with the adjacent GAA grounds.

3.0 Planning Authority Decision

3.1. Further Information

Further information was sought requesting the Applicant to submit the following:

- A Section 97 Application for Exemption for the provisions of Section 96 of the Planning and Development Act 2000 (as amended). Section 96 requires any Applicant seeking planning permission for residential development to transfer 20% of either the residential units or of the land itself to the Local Authority or a housing body. There are exemptions to this requirement including for schemes under 5no. units or for development on lands less than 0.1ha.
- A section drawing illustrating boundary treatments.
- Confirmation of feasibility from Uisce Éireann consenting to either building over or diverting the existing watermain and foul sewer pipe which traverse the site, or, submit revised plans indicating that the appropriate separation distances can be achieved.

3.1.1. The Applicant's response referred to an enclosed Confirmation of Feasibility (CoF) however the Planning Authority issued a Clarification of Further Information asking specifically for the CoF from Uisce Éireann. This was subsequently submitted with the Applicant's response to the Clarification of Further Information.

3.2. Decision

3.2.1. A notification of decision to GRANT planning permission was issued by Wexford County Council (the Planning Authority) on 02nd August 2024 subject to 8 conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The report considered there would not be any overlooking concerns and that the provision of private open space and car parking is acceptable. Proposed boundary

treatments and compliance with Part V of the Planning and Development Act 2000 (as amended) however were not present in the application documents so further information (FI) was sought in that regard. FI was also sought with respect to Uisce Éireann connections as outlined previously and following receipt of the FI and CFI responses, the report concluded with a recommendation to grant permission.

- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.3.2. Other Technical Reports

- Municipal District Roads Inspection Report: Recommendation to grant permission with conditions including that off-street car parking is provided for both the existing and proposed units.

3.4. Prescribed Bodies

- A report is received from Uisce Éireann noting that a pre-connection enquiry was lodged but recommending that a Confirmation of Feasibility should be issued and submitted as part of a further information response.

3.5. Third Party Observations

3.5.1. One submission is received from local residents who raised the following concerns:

- Traffic hazard.
- No public open space in the housing estate.
- Inadequate surface and foul water services. Existing services are faulty in the housing estate.
- Overlooking.
- Planning application validation issues.

3.5.2. Two submissions were received from the Applicant's Agent which include:

- A letter of consent from the adjacent GAA club grounds to permit construction access via a temporary entrance from the sports ground's car park to the rear (west) of the site. It states that the wall will be reinstated following completion of the works.

- A Construction Management Plan.

4.0 Planning History

The following planning history relates to the subject site:

- Reg ref. 89/0125: Planning permission granted to extend a dwelling.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Wexford County Development Plan 2022-2028 (referred to hereafter as the CDP). Objectives SHO6 and SHO8 seek to deliver compact settlements and deliver new dwellings at higher densities within existing urban areas.

5.1.2. Volume 3 of the CDP provides Settlement Plans and Specific Objectives. Section 1 sets out the Bunclody Town Settlement Plan and I note therein that the site is zoned 'Existing Residential' which has a land use zoning objective to protect and enhance the residential amenity of existing and developed communities. It goes on to state:

“This zoning relates to existing residential lands. The purpose of this zoning is to preserve existing residential uses and to provide for infill residential development at a density that is considered suitable to the area. While infill or re-development proposals are acceptable in principle, careful consideration will be given to protecting residential amenities.”

5.1.3. A Development Management Manual is set out in Volume 2 of the CDP and Section 3.7 therein refers to Corner/Side Garden Sites. It provides parameters to be met such as maintaining appropriate set backs and responding to the character of the area.

5.1.4. I note Chapter 5 of Volume 1 also provides a narrative and guidance regarding developing brownfield and infill sites. This is a higher and more conceptual level of guidance for larger sites and therefore I consider the guidance set out above from Volume 2 is more applicable however I note that it does categorise 'Subdivision of

larger residential plots to provide residential units' as a type of smaller scale infill opportunity.

5.2. Sustainable Residential Development and Compact Settlement Guidelines

5.2.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and opposing windows in habitable rooms.

5.3. Quality Housing for Sustainable Communities, DoEHLG 2007

5.3.1. The guidelines are a best practice handbook for identifying good quality residential amenity in order to deliver homes and sustainable communities. The guidelines were not published under Section 28 of the Planning and Development Act 2000, as amended, but are intended to provide guidance and recommendations to achieve a minimum standard of residential amenity. They do not purport to be comprehensive nor seek to prescribe design solutions. They are intended to assist designers but proper design input on each project remains essential.

5.4. Natural Heritage Designations

5.4.1. The Slaney River Valley Special Area of Conservation includes the River Cloney and extends into a wooded area between the river and the GAA grounds, 223m northwest of the site.

5.4.2. The Slaney River Valley proposed Natural Heritage Area also encompasses the River Clody but not the adjacent woodland and therefore has a larger separation distance of 313m northwest of the site.

5.5. EIA Screening

5.5.1. See completed Forms 1 and 2 on file. Having 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 based on the nature, size and location of the proposed development. No EIAR is required. A formal determination or notification is not required in these cases.

6.0 The Appeal

6.1. Grounds of Appeal

- Traffic hazard due to inadequate width of existing shared access road, lack of footpaths and lack of turning circle.
- There are no public open spaces serving the housing estate and therefore the site would be better served by a CPO to provide a turning space and public open space.
- Combined surface water and foul sewer serving the housing estate is substandard and has suffered blockages.
- Proposed development cannot comply with Uisce Éireann requirements due to the presence of water and foul mains traversing the site and insufficient space to divert while maintaining separation distances.
- Condition recommending adherence with SuDS principles to manage surface water is inappropriate in urban area where groundwater can destabilise building foundations.
- Overlooking to adjacent private driveway to the southeast.
- Planning application validation issues.
- Applicant allegedly has a history of unauthorised property development subdividing dwellings into flats/apartments which gives rise to concerns regarding additional traffic, bin collections and children playing on the road etc.

6.2. Applicant Response

- No response received.

6.3. **Planning Authority Response**

- No response received.

6.4. **Oral Hearing**

- 6.4.1. I note the Appellants request for an oral hearing. The Board considered the request and in accordance with Section 134(3) of the Planning and Development Act 2000 (as amended), it has decided to determine the appeal without an oral hearing. The Board has concluded that the appeal can be dealt with adequately through written procedures.

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. The existing residential zoning objective for the area provides for infill development at a density that is considered suitable to the area. The addition of one residential unit to the 0.05ha site itself would naturally double the density from 20 units/ha to 40 units/ha. However, when looking at the pattern of development in the wider St. Marys Villas estate, the current density of 46no. dwellings on a total estate area of 2.06ha equates to 22.3 units/ha. The addition of one unit would change this to 22.8 units/ha which is therefore considered a minor change and a density which is suitable to the area.
- 7.1.2. The proposal to build an infill dwelling within the curtilage of an existing dwelling effectively categorises the site as brownfield land, and one which is within the footprint of a settlement. The development therefore complies with Objectives SHO6 and SHO8 which seek to deliver compact settlements and deliver new dwellings at higher densities within existing urban areas.
- 7.1.3. Section 3.7 of the Development Management Manual (Volume 2 of the CDP) requires infill dwelling proposals on side garden sites to have an appropriate setback from existing dwellings, match the existing building line and roof profile and respond to the character of the area. In my opinion, the layout and design of the proposed dwelling meets each of these requirements.

- 7.1.4. I note that sufficient private open space and in-curtilage car parking would be provided for both dwellings to comply with the requirements of the Development Plan. Both dwellings would be triple aspect structures, and I note the proposed internal floorspaces all meet the required standards as set out in the Quality Housing for Sustainable Communities document including room widths and internal storage. Both dwellings would retain pedestrian access to the rear to facilitate bin storage and bicycle parking.
- 7.1.5. A number of items are raised in the appeal which do not come within the remit of An Bord Pleanála or the scope of a planning appeal assessment. The Appellants recommend that the land should be subject to a Compulsory Purchase Order to provide a turning space and play area for the wider community however this is a matter for the Local Authority to put forward as An Bord Pleanála has no powers to commence a CPO. Additionally, I note the Local Authority granted permission for the development and did not initiate any such CPO proceedings or refuse permission on the basis suggested in the third party submission.
- 7.1.6. In terms of validation issues, I note this matter was also raised in the third party submission to the planning application and considered acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned parties from making representations. This assessment represents my de novo consideration of all planning issues material to the proposed development.
- 7.1.7. Lastly, references to the Developer's history of alleged unauthorised development are noted however planning enforcement is ultimately a matter for the Local Authority. I recommend a condition should be included in the event of a grant of permission which requires any further sub-division of either the existing or permitted dwelling to be subject to a prior grant of permission.
- 7.1.8. Therefore, having established the principle of development and 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:
- Traffic hazard
 - Water Services

- Overlooking

7.2. Traffic Hazard

- 7.2.1. The appeal suggests planning permission should be refused because of the inadequate and substandard shared access road serving the entire St. Mary's Villas estate. I note that in curtilage car parking for two vehicles would be provided for both dwellings and therefore blocking of the access road is not likely to be an issue. I also note a letter of consent from the adjacent GAA club which permits construction stage access via its property to the rear of the site which would minimise any construction stage vehicular impacts to the access road.
- 7.2.2. Any remaining potential traffic related impact relates to the volume of additional trips generated from the proposed 3-bed dwelling. I consider this would be negligible having regard to the scale and nature of the development as well as its proximity to the town centre. I also note the Local Authority's Municipal District report which does not raise any concerns in this regard. I consider the trip generation associated with one additional 3-bed dwelling would be minor and an insufficient reason to refuse permission, particularly in the context of the sites town centre and brownfield context.
- 7.2.3. In conclusion, I do not agree with the appeal that the proposed development would constitute a traffic hazard.
- 7.2.4. I note that elevation drawings are not received of the proposed entrance alterations and boundary treatment and that the entire boundary has already been removed. The site layout plan states that the existing entrance would be utilised to serve the new dwelling and a new entrance would be opened to serve the existing dwelling. I recommend a condition is attached requiring this boundary to be agreed with the Planning Authority prior to the commencement of development.

7.3. Water Services

- 7.3.1. There are currently two pipes crossing the site at the rear of the existing dwelling which then turn southeast through the location where it is proposed to construct the new dwelling. They carry the public water mains and combined sewer. The appeal considers that permission should be refused for two reasons relating to the sewer pipe as it is allegedly substandard with insufficient space to divert or relocate it.

- 7.3.2. As noted previously in this report, further information was sought as recommended by Uisce Éireann, who have ownership and all authority over works to such pipes. A Confirmation of Feasibility was received from Uisce Éireann as part of the further information response which indicates Uisce Éireann's agreement in principle to diverting the pipes to the north around the proposed dwelling.
- 7.3.3. As Uisce Éireann are the competent body in this matter, I consider the matter to be resolved and that permission should be granted for the layout and details submitted with the further information responses.
- 7.3.4. The appeal also submits that SUDs are not an appropriate approach to surface water management in an urban area due to the potential for groundwater to undermine building foundations. It recommends that the Planning Authority's condition no, 6(e) is inappropriate where it recommends all surface water generated within the site shall be collected and disposed of within the site in accordance with SUDs. I disagree however and consider SUDs, which is an acronym for Sustainable Urban Drainage Systems, to be by its very nature an appropriate solution to management of surface water in urban areas and is unlikely to result in any damage to neighbouring buildings.

7.4. **Overlooking**

- 7.4.1. First floor windows are proposed to a bathroom on the western elevation which should be conditioned to have opaque glass ensuring no overlooking can occur. There are also windows proposed on the front southern elevation to serve a staircase and bedroom no. 3. As the staircase is a transitory location I do not consider overlooking opportunities are likely to occur. A bedroom is however a habitable space where overlooking would occur and I note the closest opposing first floor windows are situated in no. 16 St. Mary's Villas to the southeast. These windows would have a separation of 20m which exceeds the 16m minimum required by SPPR1 of the Compact Settlement Guidelines. Further, the front elevation of no. 16 is not directly parallel to the proposed dwelling, but would be at an obtuse angle to the windows in bedroom no.3 which would further restrict any overlooking opportunities.

- 7.4.2. The appeal considers permission should be refused because of overlooking from the same bedroom no. 3 to the driveway situated adjacent the southeast boundary of the site. This driveway is a narrow laneway which is not an amenity area and therefore I consider any overlooking would be negligible on the residential amenity of the overall property.
- 7.4.3. Some limited overlooking would be afforded to the private open space at the front of no. 16 St. Mary's Villas to the southeast. This space is already overlooked by dwellings adjacent to and opposite no. 16 and I note it is also served by private open space to the rear. I therefore consider that any overlooking afforded by the new dwelling would have a negligible impact on the residential amenity of no. 16.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located 223m south of the Slaney River Valley Special Area of Conservation.
- 8.3. The proposed development comprises subdivision of a site, construction of a detached 110m² two storey dwelling, revisions to vehicular access and diversion and connection to public water services.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- 8.6. The small scale and residential nature of the works in a serviced urban area and on zoned residential lands,
- 8.7. The distance from the nearest European site and lack of connections, and
- 8.8. Taking into account the screening reports/determinations by Wexford County Council,

- 8.9. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.10. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Wexford County Development Plan 2022-2028 including the existing residential zoning objective for the area, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would comply with local design guidance and would not seriously injure the visual or residential amenity of the area. The development is, therefore, 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 04 th day of June 2024 and 11 th day of July 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity.
2.	<p>This grant of permission permits subdivision of the site and construction of one dwelling unit only. The existing and permitted dwellings shall be not further subdivided without a prior grant of planning permission.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Opaque glazing shall be permanently fitted to the first floor bathroom window.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
5.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>The Developer shall submit plan, elevation and section drawings illustrating the revised access arrangements and boundary treatments at the south of the site, for the written agreement of the planning authority prior to the commencement of development. All materials and finishes of any new pillars or walls shall match the existing boundary.</p> <p>Reason: In the interest of visual amenity.</p>

7.	<p>All construction stage access including deliveries and staff parking shall be via the adjacent GAA grounds as outlined in the Construction Management Plan dated 10th January 2024.</p> <p>Reason: In the interest of traffic safety.</p>
8.	<p>The development shall be carried out in accordance with the Construction Management Plan dated 10th January 2024.</p> <p>Reason: In the interest of public safety and amenity.</p>
9.	<p>Site development and building works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with</p>

	the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Sarah O'Mahony
Planning Inspector

22nd January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	320637		
Case Reference			
Proposed Development Summary	Subdivision of residential site, construction of detached dwelling, revision to vehicular entrances and connection to public services.		
Development Address	17 St. Mary's Villas, Newtownbarry, Bunclody, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	X
(that is involving construction works, demolition, or interventions in the natural surroundings)		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)?			
Yes	X	Class 10 (b)(i) Construction of more than 500 dwelling units.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	One dwelling proposed which is below the threshold of 500.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Threshold = 500 dwelling units. Proposed development = 1 dwelling unit.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Form 2

EIA Preliminary Examination

<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>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The urban site is serviced and forms part of the curtilage of an adjacent dwelling which is not exceptional in the context of the surrounding area and development.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources,</p>

	<p>or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an urban area on an infill site to the side of an existing dwelling and the scale of the single unit proposal is not considered exceptional in the context of surrounding development.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development and the nature of the works constituting a single dwelling unit, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____

Date: _____