

Inspector's Report

ABP-322046-25

Development Conversion of house

into two family homes with a garden room and two storey extension to the rear, together with all associated site

works.

Location Iona, Newtownsmith,

Sandycove, Co. Dublin,

A96 VP82

Planning Authority Dun Laoghaire

Rathdown County

Council

Planning Authority Reg. Ref. D24A/0996/WEB

Applicant(s) Gillian Sherrard

Type of Application Permission.

Planning Authority Decision Grant

Type of Appeal Third Party

Appellant(s) Brian & Martina Rowe

Observer(s) None

Date of Site Inspection 30th April 2025.

Inspector Robert Keran

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1.0 Site Location and Description

- 1.1 The appeal site comprises of a single dwelling, Iona, and its curtilage, located at Newtownsmith Sandycove, Co. Dublin. The dwelling is two storeys in height and faces east on to Sandycove strand. Iona is attached to the next dwelling to the south. To the north-west there is a short private driveway with a three storey property, St, Valentine's set back behind the rear building line of Iona.
- 1.2 Iona has a painted render finish externally. The frontage is wide and the front door is not set centrally on the building but rather towards the south, with one ground floor window to its south-east, and two to its north-west. There are two bay windows at first floor and two standard windows. The property has a small front garden/courtyard area enclosed with metal railings. There are no opes to the north-west facing gable except a north-west facing window on a return element set back from the primary gable, and somewhat concealed behind the primary gable. There is an access gate to the rear garden area.
- 1.3 Iona was extended previously to the rear, with a two storey extension mainly focused on the southern side of the rear garden plot.
- 1.4 The terrace of properties at this location whilst typically similar in height, vary in design and detailing.

2.0 Proposed Development

2.1 Permission is sought for conversion of the dwelling into two family homes (a two bedroom house and a three bedroom house), a one storey garden room to the rear garden of the dwelling, and a two storey extension to the rear of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 A notification of decision to grant planning permission was issued by Dun Laoghaire Rathdown Council on the 11th February 2025. There was no request for further information before the decision was issued.

3.2 Conditions

- 3.2.1 The notification of decision was subject to no. 11 conditions.
 - Condition 1 requires the development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and at further information stage.
 - Condition 2 requires the proposed bedroom in the garden room building shall be omitted and replaced with non-habitable accommodation, and that the proposed garden room shall only be used for the incidental enjoyment of the house as such, not for human habitation, and shall not be sub-divided, sold, let, conveyed or otherwise used as a separate dwelling unit or for non-residential purposes.
 - Condition 3 requires that the boundary between the two proposed houses shall be a capped and suitably rendered block wall, 2m high, in line with the submitted drawings.
 - Condition 4 requires that all proposed ensuite/bathroom windows shall be fitted with permanently obscure glazing. The use of film is not permitted.
 - Condition 5 requires that each house shall be used as a single dwelling unit and shall not be sub-divided, sold, let, conveyed or otherwise used as two or more separate habitable units or for non-residential uses.
 - Condition 6 sets out surface water requirements.
 - Condition 7 relates to prevention of any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, repair of any damage to the public road arising from carrying out the works, and avoidance of conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.
 - Conditions 8, 9, 10 and 11 relate to Section 48 development contributions.

3.3 Planning Authority Reports

3.3.1 Planning Reports

• The local planning authority's Planners Report (undated) noted the following:

- The report finds that the principle of subdivision of an existing house is acceptance having regard to the 'Objective A' zoning.
- The report noted that the extent of works required to facilitate the development are relatively minor. It was noted that the proposed extension would facilitate a second staircase between ground and first floor level.
- The report concluded that there would be no visual impact to the existing house or to neighbouring property as a result of the proposed development.
- The report considered that the provision of a bedroom in the garden room is not acceptable, having regard to the provisions of Section 12.3.7.4 of the Development Plan.
- The report also found that the proposed timber fence boundary between the two proposed houses would not be acceptable as it would not provide an appropriate level of privacy and amenity. The report stated that this can be addressed by way of condition.

3.3.2 Drainage Report dated 23rd January 2025

No objection subject to condition relating to surface water runoff

3.3.3 Transportation Planning Report dated 4th February 2025

No objection subject to conditions relating to prevention of any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, repair of any damage to the public road arising from carrying out the works, and avoidance of conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

3.4 Prescribed Bodies

3.4.1 There were no submissions or observations by prescribed bodies.

3.5 Third Party Observations

- 3.5.1 There was one observation on the planning application, by Brian and Martina Rowe. The key points of the submission were:
 - Validation issues raised, including inconsistent red line boundaries
 - Misleading development description
 - Cramped and intensive form of development
 - Would lead to a poor standard of living
 - Claims that the applicant does not have a right of access to the driveway to the north
 - Concern in relation to disturbance from the proposed side door. The observer questions the need for the side door.
 - Proposed extension is excessive and would have a light impact
 - Concern that the proposed development includes a third detached residential element in the form of the family member/granny flat to rear (the 'garden room')
 - The garden room would result in a significant and unacceptable level of overlooking
 - Reference to non-compliance with previous permissions.

4.0 Planning History

Appeal Site

- 4.1 The following recent permissions are noted:
 - Reg. Ref: D08B/0457 was a split decision by An Bord Pleanala (Ref: PL06D.230853) which granted permission for new front railings and plasterwork to the front door but refused permission for other works at the front facade including patent glazing in roof, new parapet, window at first floor level to be replaced with double doors and small balcony.
 - Reg. Ref: D08B/0191 was a grant of permission by Dun Laoghaire Rathdown County Council in June 2008 for a two storey extension to the rear and the refurbishment of the existing rear return.

Surrounding Area

4.2 No recent permissions relevant to the proposed development subject to this appeal.

5.0 Policy Context

Development Plan

- 5.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2022 2028.
- 5.2 The following are the key provisions of the Development Plan relating to the appeal site and appeal:
 - The appeal site is zoned Objective 'A', which is "To provide residential development and improve residential amenity while protecting the existing residential amenities" Residential is a use permitted in principle under this zoning objective (Table 13.1.2 of the County Development Plan).
 - Policy Objective PHP18: Residential Density states that "It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
 - Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development".
 - Policy Objective PHP19: Existing Housing Stock Adaptation states that "It is a Policy Objective to:
 - Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
 - Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods".

- Section 12.3.7.2 of the County Development Plan relates to 'Sub-Division of Dwellings' and states that "In accordance with Policy Objective PHP19: Existing Housing Stock Densification and Adaptation, the sub-division of existing dwellings into two or more dwelling units will be encouraged in circumstances where it would contribute to maintaining a viable community in an area, will allow for the opportunity of downsizing, is in a location well served with amenities, and where the existing dwelling is of an appropriate size. The maximum number of units in any proposed subdivision will depend upon the characteristics of the area, the suitability of the dwelling for sub division, availability of services, parking, private amenity space, privacy, and other factors".
- Section 12.3.7.4 of the County Development Plan relates to 'Detached Habitable Room' and states that "This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family member/granny flat nor shall the structure be let or sold independently from the main dwelling".
- Section 12.3.7.1 of the County Development Plan relates to 'Extensions to Dwellings' and provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.
 - 12.3.7.1(ii) relates to extensions to the rear and states that ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. It further states that the extension should match or complement the main house.

5.2. Natural Heritage Designations

5.2.1 The appeal site is located at Iona, Newtownsmith Sandycove, Co. Dublin, approximately 1.75 kilometers to the east of South Dublin Bay and River Tolka Estuary SPA. It is also noted that the appeal site is only a matter of metres away from the proposed Natural Heritage Areas at Dalkey Coastal Zone And Killiney Hill which is present along this part of the coast and extending in to the public open space between Newtownsmith and the sea.

6.0 EIA Screening

6.1 Having regard to the nature, scale and location of the development and the criteria set out schedule 7 of the Planning and Development Regulations 2001, there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development and therefore no EIA is required in this instance. See completed EIA Pre-Screening and Preliminary Screening attached in Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 There is a first party appeal from the neighbouring property at St. Valentines. The appeal states that the appellant stands to the greatly affected by the scale and form of the proposed development and then refers to the grounds that were raised in the observation to the local planning authority. These grounds have been summarised above at 3.5.1.

7.2 Applicant Response

7.2.1 There is no response on file from the applicant.

7.3. Planning Authority Response

7.3.1 A response from the planning authority dated 7th April 2025 stated that in the view of the planning authority no new issues were raised which would justify a change in attitude of the planning authority.

7.4. Observations

7.4.1 There are no observations on file.

7.5. Further Responses

7.5.1 There are no further responses.

8.0 Assessment

- 8.1 I consider the main issues in determining this appeal are as follows:
 - Principle of development
 - Character, Design and Impact on Residential Amenity
 - Other Issues

Principle of Development

- 8.3 The appeal site is located on lands zoned Objective 'A', which is "To provide residential development and improve residential amenity while protecting the existing residential amenities" Residential is a use permitted in principle under this zoning objective (Table 13.1.2 of the County Development Plan).
- 8.4 Section 12.3.7.2 of the County Development Plan relates to 'Sub-Division of Dwellings' and generally encourages the subdivision of existing dwellings into two or more dwelling units. The existing dwelling is large and capable of subdivision. The appeal site is well located in terms of access to services and facilities, including public transport. There is sufficient space available for private open space for both dwellings. The proposed garden room is acceptable in principle having regard to Section 12.3.7.4 of the County Development Plan which relates to 'Detached Habitable Room', subject to consideration of the use of the garden room. Section 12.3.7.4 clearly restricts such use to non residential accommodation. The drawings submitted show bedroom, living room and shower facilities in the proposed single storey garden room. In the event that the Board is minded to grant permission, it is recommended that a condition be attached restricting the garden room to uses ancillary to the residential accommodation only. This would reflect the condition attached to the notification of decision to grant by Dun Laoghaire Rathdown County Council, and noting that such condition has not been subject to a first party appeal.
- 8.5 Having regard to the above, and subject to an appropriate condition relating to the use of the garden room, the principle of the proposed development is considered acceptable In principle subject compliance with other policies, objectives and standards of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

Character, Design and Impact on Residential Amenity

- 8.6 In design terms, the proposed introduction of a new door at ground floor level to the front elevation is considered acceptable. The front elevation currently appears as unbalanced and the additional door will be a positive addition in this respect. There is a variety of design and design features along this terrace and the proposed front elevation will not be out of character with the surrounding area.
- 8.7 The single storey garden room to the end of the rear garden is appropriate in terms of scale and design, using salvaged bricks on the façade. The distance of the garden room from the neighbouring properties, and absence of windows in the gables of the proposed garden room, are considered appropriate to ensure protection of residential amenities. As stated previously, in the event that the Board is minded to grant permission, it is recommended that a condition be attached restricting the garden room to uses ancillary to the residential accommodation only.
- 8.8 In terms of the rear extension, the drawings submitted are poorly considered in terms of information provided, with clear dimensions not clearly provided and the extent of demolition and new build not clearly shown. Notwithstanding this, the drawings provide sufficient information to allow an assessment to be undertaken. The proposed extension would extend above eaves height to the rear of the property, and close to the ridge height. The rear extension would not be visible from any public vantage point. The relationship of the proposed extension with the original house, and with the later two storey extension, would be appropriate in terms of massing and design. The material palette, including zinc roof and use of granite, is also considered appropriate.
- 8.9 The relationship of the proposed massing of the proposed two storey extension to the neighbouring property to the north-west would be acceptable. There is already a two storey extension on the property, with windows facing north-west towards the neighbouring property at St. Valentines and whilst the proposed extension would extend closer to the property at St. Valentines, there are no proposed windows in the gable of the proposed extension and the massing would be sufficiently removed from the neighbouring property so as not to be overbearing or to cause potential daylight or sunlight access issues.

- 8.10 The appellant raises issues of potential noise and general disturbance from the proposed side door, to replace an existing window, which would be accessed from the driveway to the north-west of the property. The property at Iona has an existing rear access gate accessed from this driveway. I consider that the addition of a door at this location, which would be complemented by a second door to the front of the property, is unlikely to material increase movement on the driveway, or generate a level of use/access that would be detrimental to residential amenities.
- 8.11 The boundary treatment separating the rear garden plots is shown as a timber fence. A more solid and aesthetically pleasing solution would be more appropriate and this can be addressed by way of condition.

Other Matters

- 8.12 It is noted that the appellant raises ownership issues relating to the current driveway. The property at Iona has an existing rear access gate accessed from this driveway. No clear evidence has been submitted by the appellant to support the position that this driveway is in private control and that the applicant does not have a right to use/access this driveway. Neither has any evidence been submitted by the applicant. No works are proposed to or within the driveway as part of the application. The right of access to the driveway is a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act (see above).
- 8.13 The appellant also raises issues in relation to validation, including absence of details on drawings. Whilst the drawings submitted are poorly considered in terms of information provided in some places, with clear dimensions not always clearly provided and the extent of demolition and new build not always clearly shown, it is my view that the drawings provide sufficient information to allow an assessment to be undertaken and are generally in accordance with Article 23 of the Planning and Development Regulations 2001, as amended. Similarly, the development description provided in the public notices, whilst succinct, is not misleading in my view. The garden room should be conditioned in terms of its use as previously outlined in this report.
- 8.14 In terms of validation and procedural matters, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.15 Finally, I note that the appellant raises issues in relation to previous failures of the applicant to comply with planning permission. This is a matter for the local planning authority.

9.0 AA Screening

- 9.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The appeal site is located at Iona, Newtownsmith Sandycove, Co. Dublin, approximately 1.75 kilometers to the east of South Dublin Bay and River Tolka Estuary SPA. It is also noted that the appeal site is only a matter of metres away from the proposed Natural Heritage Areas at Dalkey Coastal Zone And Killiney Hill which is present along this part of the coast and extending in to the public open space between Newtownsmith and the sea.
 - The development comprises permission for subdivision and minor extension of an existing dwelling, and a new garden room.
 - No nature conservation concerns were raised in the planning appeal.
- 9.3 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:
 - The small scale and minor nature of the development
 - The urban location in an existing residential area
 - The distance to the nearest European site and lack of pathways between the development and the European Site.
 - Taking into account screening determination by Dun Laoghaire Rathdown County Council.
- 9.3 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.
- 9.4 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1 I recommend that permission be granted with conditions.

11.0 Reasons and Considerations

11.1 Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, in particular the zoning objective, Policy Objective PHP18 on residential density, Policy Objective PHP19 on existing housing stock adaptation, and Sections 12.3.7.1 and 12.3.7.2 relating to subdivision of existing dwellings, and subject to attachment of appropriate conditions, the nature, scale and design of the proposed development, it is considered that the development would not impact on adjoining structures or on the amenities of adjoining properties, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 16 th December 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. Reason: In the interest of clarity.
2	The proposed bedroom in the garden room building shall be omitted and replaced with non-habitable accommodation. The proposed garden room shall only be used for the incidental enjoyment of the house as such, not for human habitation, and shall not be sub-divided, sold, let, conveyed or otherwise used as a separate dwelling unit or for non-residential purposes. Reason: In the interest of residential amenity and to prevent unauthorised development.

3	A boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following details of the proposed boundary between the two proposed houses which shall be a capped and suitably rendered block wall, 2m high. Reason: In the interest of visual amenity.
4	The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.
5	Reason: To protect the residential amenities of properties in the vicinity. The developer shall pay to the planning authority a financial contribution of €14,366.11 (euro) 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. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with
	as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
6	Site development and building works shall be carried out only between the hours of 7.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.
	Reason: In order to safeguard the residential amenities of property in the vicinity.

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.

Robert Keran

6th May 2025

Appendix 1 - Form 1 and Form 2 EIA Pre-Screening and Preliminary Examination

Form 1

EIA Pre-Screening

			ABP-320046-25		
Case	Referen	ce			
Proposed Development		relopment	Conversion of house into two family homes with a garden room and two storey extension to the rear, together with all associated site works.		
Devel	opment	Address	Rock Road, Blackrock, Co. Louth, A91 RY70		
		posed deve he purpose	elopment come within the definition of a es of EIA?	Yes	√
(that is	s involvin	g constructi	ion works, demolition, or interventions in the		·
natura	al surrour	ndings)		No	
			oment of a CLASS specified in Part 1 or Part ent Regulations 2001 (as amended)?	rt 2, S	chedule 5,
	-	Class 10(b)(i) – Part 2 of Schedule 5	Pro	ceed to Q3.
Yes	✓				
No				Tic	k if relevant.
				No	further action
				req	uired
		posed devent Class?	elopment equal or exceed any relevant THI	RESHO	OLD set out
Yes					

No	✓			
		osed development belo ent [sub-threshold deve	ow the relevant threshold for the elopment]?	Class of
Yes	✓			Preliminary examination required (Form 2)
5 H	las Sci	hedule 7A information	heen suhmitted?	
No		✓		
Yes				

Inspector: Robert Keran Date: 5th April 2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321189-24
Proposed Development Summary	Planning permission is being sought for a single storey dwelling of 122 sqm.
Development Address	Iona, Newtownsmith Sandycove, Co. Dublin

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.

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

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).

The development has a modest footprint and is of modest scale. The project is a standalone project and does not anything other than minor domestic scale demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

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).

The appeal site is located at lona, Newtownsmith Sandycove, Co. Dublin The site is located relatively close to the coast/

The appeal site is occupied by a single two storey dwelling.

Whilst located adjacent to a proposed natural heritage area and 1.75 km from the nearest SPA, the proposed development will not have a pathway to same.

The proposed development is consistent with the existing land use in the area.

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).

Having regard to the modest nature of the proposed development, its location removed from and with no pathways to sensitive habitats/features, 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.

Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No	

There is no real likelihood of	EIA is not required.	No
significant effects on the		
environment.		

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information- required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:	Robert Keran	Date: 5 th A	pril 2025	
DP/ADP:			Date:	
(only whe	ere Schedule 7A	information or EIAR required)		