



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP323756-25**

<b>Development</b>	Demolition of rear garage and construction of two storey house
<b>Location</b>	'Melmount', 64 Beech Park Road, Foxrock, Dublin 18, D18H2P5
<b>Planning Authority</b>	Dún Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D25A/0576
<b>Applicant(s)</b>	Michael O'Kane
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael O'Kane
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> November 2025.
<b>Inspector</b>	Una Smyth

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## **1.0 Site Location and Description**

- 1.1** The appeal site, with a given area of 0.129ha is located in the western side garden of 64 Beech Park Road, a two storey, hipped roof, detached dwelling with single storey front and side extension and large rear garden. To the west sits a single storey semi hipped roof garage attached to neighbouring flat roofed garage. No 64 is located at a slight bend in the road, with the result the site is wider at the rear than the front. The red line of the subject site, is predominantly rectangular in shape, does not extend to the public road but is contained within a larger blue line enclosing No 64. The site rises from north/front to south/rear by approximate 5metres, and rising gently from east to west, with a difference of around 2m in ridge height between No 64 and 66.

The surrounding area of Beech Park Road is an established medium residential area comprising of two storey hipped roof, detached and semi-detached rendered dwellings, gently stepping up in height following topography of the land.

## **2.0 Proposed Development**

- 2.1** The development proposed consists of the demolition of existing single storey rear garage (43Sqm) and the construction of a new two storey, 2 bedroom detached house (228Sqm) and associated ancillary site works.
- 2.2** The gable fronted pitched roof dwelling measures 11.75m long, 5.2m to the eaves and 7.2 to the ridge.
- 2.3** The proposal indicates bedroom accommodation to the ground floor, with living and kitchen areas to the first floor, with balcony over front porch and rear terrace off first floor living area.
- 2.4** The floor level of the proposed dwelling at the front is broadly similar to that of adjacent properties, however the land rises to the rear, requiring excavation to

facilitate for the ground floor rear. the rear, where a terrace is positioned at the rear, first floor, due to the level differences.

- 2.5 The front gable of the proposed dwelling is located behind the rear building line of adjacent dwellings, the dwelling is linear in form, parallel to the boundary with adjacent property of No 66 Beech Park Road at a distance of 900cm. Proposed height is 5.6m to the parapet.
- 2.5 One parking space is proposed to the front of proposed dwelling positioned between the side gables of the two adjacent properties. The red line does not continue to the public road, but is contained within blue land in the control of the applicant/appellant, the owner of No 64 Beech Park Road.
- 2.6 An amended scheme was submitted as part of the appeal statement, and includes some deviations from the application drawings, the critical deviation being the removal of the pitched roof, removal of the front balcony and addition of privacy screens to the rear terrace.

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

On 4<sup>th</sup> September 2025 Dún Laoghaire-Rathdown County Council issued a decision recommending the refusal of permission for the development sought citing one reason for refusal as follows: -

‘Having regard to pattern of development in the area, the configuration of the site and its relationship with No. 64 Beech Park Road and No. 66 Beech Park Road, it is considered that the proposed detached dwelling, located on A zoned lands with the objective ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’, would adversely impact on the residential amenity of adjacent properties by reason of overlooking and overbearing appearance. The proposed development would detract from the existing residential amenities of the area and represent an unsatisfactory deviation from the established building line along Beech Park Road. As a result, the proposed development is not considered to be in accordance with Section 12.3.7.5



Corner / Side Garden Sites and Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity of the Dun Laoghaire-Rathdown Development Plan 2022-2028. To permit the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

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

3.2.1. Planning Reports. The undated planning report forms the basis for the decision by the PA to refuse permission. In making this recommendation, the planning officer assessed the information submitted by the applicant against the relevant policy objectives as well as considering the third -party concerns. The planning officers report included the following comments:

- The principle of development consistent with Policy Objective 45 of the NPF which promotes increased density through infill, Objective A of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (LDRCDP) where residential development is permitted in principle and PHP18 Residential Density and PHP19 Existing Housing Stock Adaption of the above plan subject to protection of residential amenity.
- The proposal complies with floor space, private amenity space and parking standards.
- The contemporary design contrasts to existing streetscape but not sufficiently as to impact visual amenity.
- Abrupt change in building and roof line.
- Impact on existing residential amenity by way of overbearing, overshadowing and overlooking

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

Drainage – no objection subject to conditions

### **3.3. Prescribed Bodies**

Uisce Eireann – no objections subject to conditions.

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

One third party submission was received on behalf of Mr Jamie O'Reilly of No. 66 Beech Park Road, Foxrock, the neighbouring property to the northwest of the site. Issues raised included:- heights/levels of no 66 estimated, red line not extending to the road so concerns regarding access and car parking, bin access, inaccuracy with drawings of No 66, description of proposal (regarding balcony, terrace, boundary walls, excavations and level changes, and soakaway), removal of garage on shared boundary, potential building over a foul water main, impact of excavation on adjacent property, loss of amenity via overlooking, planning history of refused application.

## **4.0 Planning History**

- 4.1 A review of Dún Laoghaire-Rathdown County Council's planning records indicates no recent planning history on the appeal site or in the immediate vicinity and relevant to the issues raised in the appeal.

D08A/0155 for Erection of new house, new vehicular entrance and off street car park and associated site works. - 42Beech Park Road - Recommended approval by PA but refused following Third Party Appeal - Ref. 228983

## **5.0 Policy Context**

- 5.1 **The Development Plan.** Dún Laoghaire-Rathdown County Development Plan 2022-2028 is the relevant statutory plan for the area. The site is zoned Objective A for which the zoning objective is to "To provide residential development and improve residential amenity while protecting the existing residential amenities". Residential development is 'Permitted in Principle' under this zoning objective.

- **Chapter 4 - Neighbourhood, People, Homes and Places,**
- 4.3.1.1 Policy Objective PHP18: Residential Density. It is a Policy Objective to increase housing 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.

- 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity – Ensure that the residential amenity of existing homes in the built-up area is protected where they are adjacent to proposed higher density and greater height infill developments.
- **Chapter 12 Development Management Standards –**
- Section 12.3.1 of the Plan relates to Quality Design, 12.3.3 relates to Qualitative Standards for All Residential Development. Section 12.3.4 relates to Residential Development – General Requirements, Section 12.3.7 of the Plan relates to Additional Accommodation in Existing Built-Up Areas and includes Section 12.7.3.5 - Corner/ Side Garden Sites. This also includes subdivision of an existing curtilage to provide an additional house in a built-up area. The PA, will have regard to parameters such as size, design, layout and relationship with existing dwelling; impact on adjoining properties, accommodation standards for occupiers, development plan standards for existing and proposed dwellings, building lines followed, car parking provision for existing and proposed, adequate usable private open space and visual harmony
- 12.3.7. Infill:- New infill development will be encouraged. It shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings.

## **5.2 Relevant National or Regional Policy / Ministerial Guidelines**

- 5.2.1 **The National Planning Policy Framework (NPF)** is generally supportive of residential development in existing built-up areas. National Policy Objective 45 states 'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, areas of site-based regeneration, increased building heights and more compact forms of development.

**5.2.2 Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-** Also supportive of an additional residential development in existing built-up areas. Regional Policy Objective 4.3 states ‘

### **5.3. Natural Heritage Designations**

5.3.1 The appeal site does not form part of, adjoin, or is located within close proximity to any designated Natura 2000 site.

## **6.0 EIA Screening**

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 in Appendices of this report). Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required (Refer to Forms 1 and 2 in Appendix 1 of report.)

## **7.0 The Appeal**

### **7.1 Grounds of Appeal**

7.1.1 A First Party Appeal has been received on behalf of the appellant, Mr Michael O’Kane. They do not accept the PA’s determination and reasons for refusal and have submitted an amended scheme which they consider addresses the PA’s reasons for refusal. A summary of the grounds of appeal and the amendments is provided below.

- Request for further Information mechanism was not but should have been used as the PA’s concerns can be addressed by minor amendments
- Siting of the dwelling behind the building line not sufficient reason to refuse, as it is not uncommon in infill situations.



- Amended scheme submitted showing amended ridge line, by using a flat roof resulting in overall roof height of 5.65m to parapet level. The removal of the pitched roof removes issue of overbearing.
- Removal of the first-floor balcony and first-floor side window (eastern elevation) and the introduction of 1.8m high translucent glass privacy screen on both sides of rear terrace and 1.8m semi-mature screen wall along rear boundaries will remove any issues of overlooking of either No.64 or No. 66.
- Daylight and Sunlight assessment demonstrate no significant shadow impacts.

## **7.2. Planning Authority Response**

7.3.1 The Board (Commission) is referred to the previous Planner's Report. No additional information has been received which would justify a change of attitude to the proposed development.

## **7.4. Observations**

None received

## **8.0 Assessment**

8.1. Having examined the application details and other documentation on file, inspected the site, and regarding the relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Principle of development.
- Impact on residential amenity
- Impact on character of the area
- The amended scheme

8.2 **Principle of Development.** The appeal site is located in an established residential area. The relevant zoning objective is 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. Residential development is 'Permitted in Principle' under

this zoning objective, subject to assessment against normal planning considerations. It is proposed to demolish a garage and erect a dwelling with much larger footprint in its position, in the side/rear garden of an existing dwelling. I find that the principle of residential development in this area is acceptable. Additionally, the dwelling meets the design standards for open space, separation distance and room sizes

**8.2 Impact on residential amenity-** Overbearing and overlooking. The PA's reason for refusal cites concerns in respect to the scale, bulk and design of the proposed dwelling and its potential to adversely impact on the amenities of neighbouring properties. The proposed dwelling is set back on the site, located behind the rear building line of adjoining dwellings Nos 64 and 66, replacing the existing single storey garage of No 64.

**8.2.1 Impact on No 66** - The dwelling is proposed 0.9m from the boundary of No 66, with the ridge height 2.4m above the height of their garage and 1.3m higher than the garden room, (both buildings located along the common boundary). Despite these buildings screening the dwelling to some degree, I consider the bulk of an additional building visible over the existing structures will have an overbearing impact on the residents of No 66. Due to the orientation of the dwelling, the proposal may result in some overshadowing in the early morning but is sufficiently distanced from the existing dwelling house to ensure daylight is not impacted.

**8.2.2 Impact on No 64.** For similar reasons, the location of a 11.75m long, 7.2m high structure to the rear of the property will have a detrimental impact on the amenity of the residents of No 64. Despite being slightly angled away from the dwelling (following existing building line), the scale of the structure will result have a dominant and overbearing impact on the residents when viewed from the rear windows, sunroom and garden patio area.

**8.2.3 Overlooking** – The proposal involves a first-floor front balcony accessed from the kitchen dining area. This will result in direct overlooking of the driveways of both properties, including views into side windows of both properties, and the front door area of No 66. I acknowledge that driveways to the sides of dwellings are not considered private areas where amenity to be protected, particularly as the front door of No 66 is located on the side of the dwelling however, I do consider that

direct overlooking from a first floor balcony introduces an unacceptable intrusion on privacy and loss of amenity for residents of both properties.

8.3.4 There will also be significant overlooking from the rear terrace with views into the rear garden and back windows of No 64 and also into the garden building of No 66 which has small upper high windows on the common boundary elevation. I am satisfied that the first-floor side window overlooking the garden of No 64, which is indicated to be obscured, could be conditioned as such, thereby removing the potential for overlooking from this element of the proposal.

8.4 **Impact on character of the area.** Having regard to the pattern of development in the vicinity of the appeal site and to the design of the proposed dwelling, I consider the form, massing, design and relationship with other dwellings, is not in keeping with existing dwellings in the vicinity of the site, thereby having a detrimental impact on the character of the area.

8.4.1 The location of the dwelling behind the rear building line is determined by the narrow nature of the site. In the wider area, buildings to the rear of dwellings are subordinate in scale. Dwellings follow a defined but not rigid building line, are staggered, rising gently in height, following the topography and curve of the road when travelling from east to west. The proposed dwelling does not follow this pattern of development, being located behind the rear building line of the adjacent dwellings and having a ridge height which dips between the two properties. In addition, the gable fronted pitched roof, first floor balcony and full height window does not respect the architectural style of dwellings in the area. The proposed dwelling is not subordinate to No 64, its height, location or design does not reflect the character of the surrounding area and as such the dwelling would be incoherent with neighbouring property, visually obtrusive on the streetscape and would detract from the character of the area.

8.5 **Revised scheme:** The applicant has submitted a revised design proposal for consideration to address the PA refusal reason. The PA has not taken the opportunity to comment on the amendments. I will address the elements in turn.

8.5.1 **Removal of pitched roof** – The removal of the pitched roof has reduced the overall height of the structure by around 1.5m, however, a rectangular box like structure over 11m in length and over 5.5m in height remains, positioned behind

the rear building line where it would appear imposing and dominant when viewed from rear ground floor windows, the sunroom and the patio area of No 64. It would result in a significant and detrimental impact on the amenity of the existing dwelling.

- 8.5.2 The reduction in the height reduces the dominance and overbearing impact on No 66. Due to the difference in levels between the two properties, and the rising land to the rear, the parapet level of the proposed 2 storey flat roofed dwelling would be 0.85m higher than the single storey garage of No. 66 but lower than the ridge of their garden building. Despite being located only 0.9m from the common boundary, the impact of the bulk and massing of the proposed dwelling will be mostly screened by the garage and garden structure. I consider the reduction in the height of the proposed dwelling has addressed issues of dominance and overbearing and the proposal will not have a demonstrable harm on the amenity of No 66 in this regard.
- 8.5.3 **Removal of first floor balcony.** – This has reduced but not eliminated some element of direct overlooking. The first-floor kitchen window remains, hence due to the position of the proposed structure behind the building line of its neighbours, there are indirect views into the first-floor side windows of both dwellings and the ground floor windows of No 66. I find the proximity of the proposed kitchen window and the relationship of the proposed two storey dwelling to its neighbouring properties unacceptable and out of character, resulting in a demonstrable loss of private amenity.
- 8.5.4 **Privacy screen to rear terrace.** – These address concerns regarding overlooking into the private amenity of No 66. Overlooking into No 64 will be reduced to views when descending the external steps on the side gable, where there will be glimpses into some of the rear windows. I consider the level of overlooking is not detrimental as its views are limited by the proposed 1.8m boundary wall.
- 8.5.5 **Removal of first floor gable window** – As stated above, this window was to be obscured and therefore I considered it did not impact on amenity. Its removal however, has resulted in the blank first floor gable having a more detrimental and overbearing impact on the residents of No 66 as it reduces any animation on this elevation.



**8.5.6 Impact on character of the area** -The alterations to the proposed dwelling do not alter my consideration that the building to the rear does not reflect the character of the area. While I acknowledge that flat roofs are a feature of the area, they are on subordinate, single storey buildings. The scale of the dwelling is not subordinate, and the insertion behind the rear building line of a two-storey, flat roof dwelling, with a contemporary design in the form of double height window and box porch, contrasts drastically with the traditional form of the adjacent hipped roof dwellings. The excessive scale and massing of the dwelling is increasingly evident due to the juxtaposition of the building to the single storey, flat roofed garage building on the elevated site at No 66. The proposed dwelling would have a detrimental impact on the character of this area.

## **9.0 AA Screening**

**9.1.** I have considered the proposal for the existing dwelling in light of the requirements of S177U of the Planning and development Act 2000 as amended.

- The subject site is not located within, or directly adjoining any designated sites
- The proposed works are modest in scale and are domestic in purpose.
- No nature conservation concerns were raised in the planning appeal.

Having considered the domestic nature and modest scale of the project, its location and the screening report of the LPA, I can conclude, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177 V of the Planning and Development Act 2000) is not required.



## **10.0 Water Framework Directive**

- 10.1. The subject site is not located within, or directly adjoining any designated sites
- 10.2 The proposed development is for the demolition of an existing garage and the erection of a two-storey dwelling in an urban area.
- 10.3 No water deterioration concerns were raised in the planning application or appeal.
- 10.4 I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows

- the modest nature, limited scale and domestic use of the development sought,
- the distance from any known watercourse and the onsite provision of mains drainage,
- the nil concern from the LPA,

I conclude that the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

- 11.1. I recommend that permission is refused for the development as proposed.

## 12.0 Reasons and Considerations

Having regard to the established pattern of development in the area, the configuration of the site with Nos 64 and No 66 Beech Park Road, it is considered that the proposed development and the amended development by reason of its layout, massing, form, design would adversely impact on the residential amenity of adjacent properties by reason of overlooking and overbearing. The proposed development would seriously injure the amenities of adjoining residential property and would be visually obtrusive on the streetscape and out of character with development in the vicinity. As such, the proposed development would be contrary to the Zoning Objective 'A', Sections 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity, 12.3.7.5 Corner/Side Garden Sites and 12.3.7.7 Infill of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and to permit the development would be contrary to the proper planning and sustainable development of the area.

  
Una Smyth

Planning Inspector

27 November 2025

## Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP323756
<b>Proposed Development Summary</b>	Demolition of existing single storey rear garage and the construction of a new two storey, 2 bedroom detached dwelling and associated ancillary site works
<b>Development Address</b>	Melmount', 64 Beech Park Road, Foxrock, Dublin 18, D18H2P5
<b>IN ALL CASES CHECK BOX /OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q	
<b>3 Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	



<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10 (b) (i) (infrastructure – less than 500 Units)
<b>1. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: Una Smyth

Date: 27 November 2025

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-322756-25</b>
<b>Proposed Development Summary</b>	Demolition of existing single storey rear garage and the construction of a new two storey, 2 bedroom detached dwelling and associated ancillary site works
<b>Development Address</b>	Melmount', 64 Beech Park Road, Foxrock, Dublin 18, D18H2P5
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>	The development comprises of the demolition of a domestic garage building and erection of a two-storey dwelling house. It is located in an existing built-up urban area connected to existing water and sewage networks and does not 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.
<b>Location of development</b>	The development is situated in a built up residentially zoned urban area on a previously developed site.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	



<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	The proposed development has been subject to preliminary examination for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.
<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>	
<b>There is a real likelihood of significant effects on the environment.</b>	

Inspector: Una Smyth

Date: 27 November 2025

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)