



An
Coimisiún
Pleanála

Inspector's Report

PL-500000-LH

Development	Home improvements to include new porch, attic conversion and single storey side and rear extension.
Location	211 Árd Easmuinn , Dundalk , Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560363
Applicant(s)	Diarmuid & Edele Warren
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Diarmuid & Edele Warren.
Observer(s)	None
Date of Site Inspection	17 th January 2026.
Inspector	Barry Diamond

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1.0 Site Location and Description

- 1.1. The site comprises a detached single storey dwelling and garage which are located within the settlement limits of Dundalk. The existing dwelling, has three bedrooms, is finished in render with a small amount of stone cladding on the front elevation, profiled concrete tiles to the roof with an overall ridge height of 5.3 metres above finished floor level. There are small garden areas to both the front and rear of the dwelling.
- 1.2. There is an existing single storey garage and driveway located along the western boundary which provides in-curtilage parking. There is no turning area for vehicles within the site. A 1.8 metre high boundary wall defines the rear garden area.
- 1.3. The surrounding area is defined by residential development with a variety of dwelling styles which vary in height and design. The topography in the immediate area (No. 212 to 209) slopes downwards from east to west.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for a mix of elements including:
 - a new front porch extension;
 - attic conversion to provide two bedrooms with two dormers, a bathroom and six rooflights;
 - a single-storey flat-roof side and rear extension for home office and utility.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 On the 12th September 2025 the Planning Authority decided to issue a split decision to refuse permission for the attic conversion which included two bedrooms and a bathroom.

3.2 Refusal Reason

- 3.2.1 1. The development is considered contrary to the proper planning and development of the area and contrary to the policy objectives 13.8.35 of the Louth County Development Plan 2021-2027, as varied, in that the use of obscure glazing to the proposed bedrooms would restrict any outward views for the occupants and provides

decreased daylight levels than in comparison with normal glazing. This in turn results in a lower quality of life for the occupants of these bedrooms, and if permitted within an existing residential environment would set a negative precedent for all future development proposals whether they be new build or conversions to existing units. As the dormer windows are not considered acceptable, the proposed bedrooms and attic conversion are also not considered acceptable by virtue of inadequate provision of daylight and lack of outward views.

3.2.2 The decision also granted permission for a new front porch extension; single-storey flat-roof rear extension; garage conversion to rear and side for home office and utility, including new front-facing window and increased roof height; and one Velux to the west-facing roof slope, and three rooflights to the east-facing slope. There was one condition of note:

3.2.3 Condition 02. Within 3 months of the date of this permission or prior to the commencement of development, whichever is sooner, the developer shall submit comprehensive SuDS assessment. The applicants shall submit:

a) A soakaway design to demonstrate that the required half empty time of less than 24 hours is achievable for the full suite of Storm Durations as specified per BRE 365, i.e., 10, 15, 30, 60, 120 & 240 minutes. Show the figures in the formula when calculating the “half-empty” time for the proposed soakaways. The formula in symbol format alone will not suffice. The soakaway calculations shall include for all impermeable areas associated with the development including hard standing areas and driveway/s.

b) The applicant shall be requested to confirm the dimensions of the trial test hole excavated and used in the soakaway design calculations. The applicants should refer to BRE Digest 365 which states that trial pits should be 0.3m to 1m wide, 1m to 3m long and 1.5 to 2.5m deep for permeable areas up to 100m² draining to the soakaway.

c) Photographic evidence of trial soak pits (minimum size of trial pit as per BRE Digest 365 “Soakaway Design) undertaken within the development site showing local site landmarks and the date the test was carried out.

d) Details of the silt trap/s that must be incorporated into any drains discharging into the soakaway system and all inflow from permeable paved areas must pass through a suitable geo-textile membrane to ensure filtration of fines.

e) Provide calculation details clearly demonstrating how the site infiltration rate was arrived at for this development site. An estimated infiltration rate from previous tests carried out in the area is not acceptable. The “Met Eireann, Return Period Rainfall Depths for Sliding Durations” used in the BRE Digest 365 - Soakaway Design applicable to the site.

f) The applicants should refer to Table 13: Climate Change Scenarios in Volume 5, Strategic Flood Risk Assessment (SFRA) of the Louth County Development Plan 2021- 2027 in relation to the climate change requirements and confirm that the allowance used for climate change in the design calculations is in accordance with Table 13.

g) A site plan outlining the proposed storm water pipe network, including pipe size etc. Proposed soakaway locations, design dimensions and the distance between the soakaway/s and adjacent structures and foundations etc

Reason: In the interest of sustainable development and water drainage.

3.3 Further Information Request

During the processing of the planning application the Planning Authority requested further information from the applicant/agent. This can be summarised as follows:

- The floor to ceiling height of the first floor attic conversion does not comply with Technical Guidance Document F of the Building Regulations (2019) in that the floor to ceiling height must be a minimum of 2.4 metres across 50% of the floor area;
- The dormer windows of the first floor attic conversion would result in overlooking of the adjoining property (No. 210). An amended design to address this issue is requested;
- Details were requested of the level difference between the finished floor level of the extension and the ground levels of the rear garden area and how this is to be addressed were requested; and
- Details of how surface water is to be addressed is requested and specifications are detailed.

3.4 Planning Authority Reports

3.4.1 Planning Report

3.4.2 The decision of the planner reflects the need for amendments during the processing of the application. It includes the following points:

- The conversion of the garage including the increase in height and the porch extension are considered to be acceptable.
- There is limited details of the finished floor level of the rear extension and external decking;
- The proposed attic conversion does not comply with Building Regulations (2019) Technical Guidance Document F which requires a floor to ceiling height of 2.4 metres (minimum) across 50% (minimum) of the floor area;
- There would be an impact on the amenity of the adjoining dwelling (No.210) given the proposed dormer windows and the height of the proposed decking; and
- Policy IU19 requires a SUDS Assessment for all new developments, including extensions and none has been provided.

3.4.3 Further information was submitted and the planner comments:

- The floor to ceiling height of 2.4 metres has been achieved for the bedrooms in the attic conversion;
- The proposed decking has been removed from the scheme with steps down into the garden;
- The first floor dormer windows are to be finished in obscure glazing, however, this would affect the levels of natural light and outward views from these bedroom windows. In addition, when the windows would be opened views would be achieved of No. 210;
- The rear extension would have the same finished floor level as the dwelling and would not have an unacceptable impact on neighbour amenity;
- The revised drainage plans include SUDs features and is acceptable subject to the attachment of a condition requiring the submission of a Surface Water Design Report;
- There are no EIA or Appropriate Assessment concerns with the development; and

- Extensions to dwellings and the conversion of a garage for ancillary domestic purposes is considered exempt from development contribution charges as per Note 1 of the Louth County Council Development Contribution Scheme 2023.

3.4.4 Other Technical Reports

- Placemaking & Physical Development: no comment on file.

3.5 Prescribed Bodies

None

3.6 Third Party Observations

A third party who owns an adjoining dwelling to the west of the appeal site (No. 210 Árd Easmuinn) raised an observation during the processing of the planning application which indicates that they have no objection in principle, however, the opposing windows should be finished in obscure glass.

4.0 Planning History

No relevant history.

5.0 Policy Context

5.1. Development Plan

The Louth County Development Plan, 2021-2027 (LCDP) as amended applies. The site is zoned A1 Existing Residential with the objective “To protect and enhance the amenity and character of existing residential communities.”

Section 3.16.2 - Extensions to Dwellings and HOU 36 seeks to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment, residential amenities, surrounding properties, or the local streetscape and are climate resilient.

Chapter 13 provides Development Management Guidance.

Section 13.8.35 states the extension or renovation of dwellings is generally encouraged and supported as it results in the upgrade and/or improvement to an existing building, maximises the existing building stock, and is often more sustainable than the construction of a new dwelling unit. Any application for the

extension to or renovation of a property shall consider the following criteria, which is summarised where relevant.

- Scale - The scale of the extension shall normally be ancillary to the main dwelling.
- Design - Normally reflect the character of the existing property. Contemporary designs will be considered.
- Privacy - Extensions shall not result in overlooking.
- Daylight- Extensions shall not result in a significant decrease in daylight or sunlight entering a property. There may be instances where a daylight and sunlight assessment will be required.
- Private Open Space - An adequate area of functional private open space shall be retained.

Car Parking – Any development resulting in the loss of in-curtilage parking shall not result in an increase in on-street parking.

- Services

Section 13.16.12 and Table 13.11 - Car Parking Standards

Policy Objective IU 19 - Requires the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

Section 13.20.4 Sustainable Drainage Systems' (SuDS) - All new developments (including amendments/extensions to existing developments) will be required to incorporate 'Sustainable Urban Drainage Systems' (SuDS) as part of the development/design proposals.

The Dundalk Local Area Plan 2025-2031 (DLAP) was adopted at a Special Council Meeting on the 6th March 2025. The appeal site is zoned A1 Existing Residential with there being no particular policies within DLAP being applicable to the site or form of development.

5.2. **Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated site (Dundalk Bay SPA 004026) being 1.2km to the northeast of the appeal site.

6.0 **EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of my report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.1.1 The appellants grounds of appeal were submitted by House and Extension Plans on behalf of the appellant and can be summarised as follows:

- The Planning Authority's rationale switched from concerns of overlooking to concerns of reduced light and outward views which was procedurally unfair;
- The use of obscure glazing was requested by the Planning Authority and is a recognised design solution;
- Adequate daylight has been provided through the use of six rooflights in addition to the proposed dormer windows;
- The second condition cannot be justified given the additional information provided or its requirements for trial pits, percolation tests and engineering reports is disproportionate to the nature of the development; and
- SUD's features including two rainwater planters, two rainwater butts and permeable paving has been provided for this modest extension.

7.2. **Planning Authority Response**

7.2.1 The Planning Authority in response states that it was not possible to comment on the acceptability of the design solution put forward by the applicant when it was not

before them on the original submission and obscure glazing was not requested by the Council as stated;

7.2.2 Policy IU 19 of the LCDP 2021-27 requiring a SUDs Assessment refers to extensions to existing development and not just new development. There is an additional 98sqm of hard standing and the adequacy of the SUDs measures needs to be assessed for suitability.

7.3. **Observations**

None

8.0 **Assessment**

8.1.1 Although the proposed development contains a number of different elements the Planning Authority issued a split decision and the appellant has specifically appealed the refusal of planning permission for the attic conversion and has sought the removal or variation of condition 02 of the grant of permission which applied to the remaining elements, namely the requirement to submit a comprehensive SUDs assessment.

8.1.2 The side and rear extension along with the proposed porch has been considered acceptable by the Planning Authority. I am of the opinion that these elements of the development are subordinate to the existing dwelling, are acceptable in terms of design and would not have any adverse impact on the amenity of the adjoining dwellings or the character of the area. The side and rear extension would include the loss of the existing garage, however, I consider that adequate space still remains within the curtilage of the dwelling for parking. Having regard to the foregoing and the submissions on file, I propose to limit my assessment to the refusal of permission for the attic conversion and the appeal against condition 02 of the grant of permission.

8.1.3 Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Design

- Neighbour Amenity
- Variation of Condition 02

8.2 Design

- 8.2.1 The Planning Authority did not raise any concerns on design grounds with the conversion of the attic roof space with the inclusion of two dormer windows and six roof lights. I note that Section 3.16.2 and HOU 36 of the LCDP seeks to encourage sensitively designed extensions to existing dwellings while Section 13.8.35 states the scale of any extension shall normally be ancillary to the main dwelling and the design should reflect the character of the existing property with contemporary designs being considered.
- 8.2.2 The attic conversion includes dormer windows on the western roof plane of the dwelling and will be visible from the public road which runs along the front of the application site. The proposed dormers are subordinate in scale to the existing dwelling and do not dominate the roofscape although they will be a notable feature upon it. I note that there is a variety of roof styles and box dormers evident in the surrounding area which includes front facing dormers on No. 210 Árd Easmuinn and a single side dormer at No. 209 Árd Easmuinn, these properties are located either side of the application site. In addition, there are a plethora of rooflights on the roofscapes of the surrounding dwellings and I do not consider that the proposed six rooflights on the application building would have any impact on the surrounding area.
- 8.2.3 I am of the opinion that the proposed dormers are acceptable in the context of the existing dwelling and the variety of dwelling designs in the area which have similar design features. It is also notable that the Planning Authority did not raise any concerns with the design of the dormers or the rooflights within its reasons for refusal.

8.3 Residential Amenity

- 8.3.1 The potential for overlooking from the two proposed dormer windows on the side elevation led to the submission of a further information request which resulted in the submission of an amended scheme during the processing of the application. The amended scheme included obscure glazing on the dormer windows to protect the amenity of No. 210 Árd Easmuinn.

- 8.3.2 The use of obscure glazing caused the Planning Authority to refuse permission based on the limited daylight and the poor outlook for the future occupants of the proposed first floor bedrooms. The applicants consultant suggests that the use of obscure glazing was requested by the Planning Authority, however, I note that they requested a 'design solution' which allowed the applicant to provide a range of options which can in some cases, such as this case, generate new concerns. I do not consider that there was any unfairness expressed by the Planning Authority.
- 8.3.3 The attic conversion incorporates two bedrooms, both of which allow light from a dormer window and two rooflights. I am of the view that while the obscure glazing in the dormer window is not ideal, the bedrooms would still be adequately lit given the dormer window and the two roof lights for each of the bedrooms which would allow natural light to penetrate the rooms.
- 8.3.4 I do not consider that it is necessary to condition that the windows are glazed with obscure glass. The dormer windows face southwest and the application dwelling sits higher than the adjoining dwelling (No. 210). There is only one window on the northeastern elevation of No. 210 which is a ground floor window finished in obscure glazing. Given the height difference between the two dwellings, views from the proposed dormers would be over the roofscape of No. 210 and there is also only one opposing window which is already finished in obscure glazing. I do not consider that there is any overlooking into the adjoining dwelling (No. 210). While views of the rear amenity space of No. 210 would be possible, these would be at an oblique angle and would not cause any significant loss of amenity. In addition, some degree of overlooking of the amenity space of dwellings is to be expected in the urban area.
- 8.3.5 I consider that the attic conversion, including the dormer windows is acceptable and that a condition to secure the glazing of the windows in obscure glass is not necessary.

8.4 **Variation of Condition 02**

- 8.4.1 Condition 02 of the split decision requires the applicant within 3 months of the date of permission or prior to the commencement of development, the developer shall submit comprehensive SuDS assessment this entails trial pits and soakaway calculations and other information.
- 8.4.2 The applicant did submit SUDs measures which included 2 planters, a rainwater butt and permeable paving following a request by the Planning Authority for further

information, however, the Planning Authority was concerned that the SUDs measures did not demonstrate the suitability of the measures put forward.

- 8.4.3 Objective IU 19 stipulates that all development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality. This requirement extends to new build development and extensions to existing developments.
- 8.4.4 While I note that the Planning Officers report states that the drainage section 'Placemaking & Physical Development' did not raise any objections to the development, there is no consultation response available on file.
- 8.4.5 The proposed extension includes 98sqm of hardstanding and while SUDs features have been provided there is no quantification of the level of runoff or the suitability of the SUDs features to manage the runoff. In addition, the details of the existing surface water drainage for the site is not clear with there being a level difference between the application site and the adjoining property (No. 210).
- 8.4.6 I do not accept that the minor nature of the extension would negate the need for surface water drainage details to be provided as stated by the applicants consultant, however, some level of proportionality on the level of assessment would be applicable for a house extension. I note that the LCDP does not specify the drainage assessment criteria.
- 8.4.7 I consider a revised condition requiring the on-site attenuation and disposal of surface water from the proposed development. The design of site infiltration is to be in accordance with BRE 365 and to be prepared by a suitably qualified chartered engineer, to be submitted and agreed with the Planning Authority prior to development commencing on the site.

9.0 AA Screening

- 9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at 211 Árd Easmuinn , Dundalk , Co. Louth and no relevant designated sites are close by.
- 9.2 The proposed development comprises home improvements to include a new porch, attic conversion and single storey side and rear extension. No nature conservation concerns were raised in the planning appeal. 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.

9.3 The reason for this conclusion is as follows:

- Small scale and nature of the development;
- Distance from nearest European site and lack of connections; and
- The determination of the Planning Authority.

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. 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 **Water Framework Directive**

10.1 The subject site is located at 211 Árd Easmuinn , Dundalk , Co. Louth which is 237metres east of the nearest water body.

10.2 The proposed development comprises home improvements to include a new porch, attic conversion and single storey side and rear extension. No water deterioration concerns were raised in the planning appeal.

10.3 I have assessed the development 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 water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development ; and
- Distance from nearest water bodies and/or lack of hydrological connections.

10.4 I conclude that on 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. That planning permission be granted for the reasons and considerations set out below and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the design, appearance of the proposed attic conversion, the pattern of development in the vicinity, and the requirement to provide details on the proposed drainage, I consider that, subject to compliance with conditions below, the development proposed would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity and would not adversely impact on the character of the area. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

13.0 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 12 th day of June 2025 and the subsequent details received on the 20th August 2025, except for the need to provide obscure glazing to the first floor dormer windows and 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.	Surface water from the proposed development must be addressed through on-site attenuation and disposal. The design of site infiltration is to be in

	<p>accordance with BRE 365 and is to be prepared by a suitably qualified chartered engineer, to be submitted and agreed with the Planning Authority prior to development commencing on the site.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<p>a) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road/footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand thereof being issued by the Council.</p> <p>b) All necessary measures, as may be determined by the Planning Authority, shall be taken by the developer/contract/servants/agents to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning work.</p> <p>Reason: In the interests of traffic safety and to protect the visual amenities of the area.</p>

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.

Barry Diamond
Planning Inspector

26th January 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-500000-LH
Proposed Development Summary	Home improvements to include new porch, attic conversion and single storey side and rear extension.
Development Address	211 Árd Easmuinn , Dundalk , Co. Louth
	In all cases check box /or leave blank
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(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)</p>	<p><input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input checked="" type="checkbox"/> No, No further action required.</p>
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, 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?	
<p><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</p>	

<p>Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. 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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

