



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500973-LH-26

|                                     |                                                                                                                                       |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Demolition of existing boundary wall enclosing rear garden, other boundary treatments. Construction of a dwelling and all site works. |
| <b>Location</b>                     | 1 Ferrard Park Road, Twenties,<br>Drogheda, County Louth                                                                              |
| <b>Planning Authority</b>           | Louth County Council                                                                                                                  |
| <b>Planning Authority Reg. Ref.</b> | 2560836                                                                                                                               |
| <b>Applicant(s)</b>                 | MNN Properties Ltd.                                                                                                                   |
| <b>Type of Application</b>          | Permission                                                                                                                            |
| <b>Planning Authority Decision</b>  | Refuse Permission                                                                                                                     |
| <b>Type of Appeal</b>               | First Party Appeal                                                                                                                    |
| <b>Appellant(s)</b>                 | MNN Properties Ltd.                                                                                                                   |
| <b>Observer(s)</b>                  | None                                                                                                                                  |
| <b>Date of Site Inspection</b>      | 23 <sup>rd</sup> June 2026                                                                                                            |
| <b>Inspector</b>                    | Shane McGlynn                                                                                                                         |

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## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 0.023 ha, consists of a portion of the side and rear gardens of an existing dwelling at no. 1 Ferrard Park Road, Twenties, Drogheda, Co. Louth.
- 1.2. The site is located some 1.5km north of Drogheda town centre and c. 800m south of a recently completed section of the Port Access Northern Cross Route (hereafter, PANCR), which opened in 2024. The site is located at the entrance to and is part of the Ferrard Park housing estate. The estate forms part of a larger landbank of greenfield and former greenfield lands at the northern fringe of Drogheda which are zoned for new residential development under the current Louth County Development Plan, 2021-2027. The surrounding area includes a number of ongoing and recently opened residential developments.
- 1.3. The appeal site comprises a corner site with frontage to both Ferrard Park Road (to the north) and The Twenties road (to the east). The site is bounded to the south by the attendant grounds of Drogheda Institute of Further Education (DIFE) and to the west by the existing dwelling and remaining curtilage at no. 1 Ferrard Park Road. A wooden fence has been installed to sub-divide the site from the remaining rear garden of no. 1 Ferrard Park Road.

## **2.0 Proposed Development**

- 2.1. The proposed development as described in the public notices consists of the following:
  - (1) Demolition of existing boundary wall enclosing rear garden;
  - (2) Adjustment of existing vehicular entrance to provide an additional car parking space;
  - (3) Construction of two storey brick and render two bedroom dwelling;
  - (4) Construction of 1.8m timber fence to rear garden;
  - (5) Construction of 1.2m blockwork wall with planting and pedestrian access along The Twenties road;

(6) All associated site, civil, drainage and landscaping works required

2.2. The application was accompanied by the following documentation along with standard drawings, statutory requirements etc:

- Planning Report;
- Traffic Report;
- M&E Design (Part L) Report;
- Engineering Services Report and Flood Risk Assessment.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 13<sup>th</sup> February 2026, Louth County Council issued a decision to refuse permission for the following reasons:

1. Having regard to the restricted nature of the site, it has not been adequately demonstrated that the subject site can accommodate a dwelling. Furthermore, it is considered that the imposition of a dwelling in this location does not respect the spatial pattern of development in the immediate vicinity of the site. The development would, therefore, be contrary to the proper planning and sustainable development of the area and, if granted permission, would set an undesirable precedent.

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

##### **3.2.1. Planning Reports**

- The report of the Planning Authority dated 20<sup>th</sup> February 2026 includes a general description of the site, site planning history, planning policy overview, description of the development, internal referrals, EIA and AA screening assessments.
- Principle of Development is acceptable in accordance with site's zoning and policies supporting compact growth and consolidation of development in existing built-up areas as set out in County Development Plan, subject to detailed assessment of proposal.

- Notes site layout and footprint of dwelling has not been amended in response to concerns regarding restricted nature of site as set out in refusal of ref. 25/60216.
- It has not been demonstrated that the site can accommodate a dwelling.
- Concern at close proximity of eastern, western and northern elevations of dwelling to site boundaries, including in relation to general maintenance issues.
- Proposed porch along western elevation overlaps curtilage of adjacent site.
- Represents overdevelopment of a restricted site, does not respect pattern of development in area and sets undesirable precedent.
- Proposal meets minimum room size requirements of Housing Quality for Sustainable Communities Guidelines (2007).
- Quantities of private open space for proposed and existing dwellings is sufficient in accordance with SPPR 2 of Sustainable Residential Development and Compact Settlements Guidelines (2024).
- No concerns identified in relation to separation distances and adverse overlooking arises.
- Suitability of opaque glazing applied to first floor window on southern elevation serving study would require to be addressed by further information, given it is a habitable room.
- Building height is consistent with prevailing height and provisions of County Development Plan.
- Proposed open space is acceptable for refuse storage.
- Indicated provision of 1no. cycle parking space is acceptable.
- Concern as to how appropriate boundary would be provided given the overlap of the adjacent site.
- Given scale of dwelling relative to site and boundaries, it has not been demonstrated that that the dwelling would not impact negatively on nearest residential receptors, in particular dwelling to west.

- No concerns in relation to access or parking as no concerns were raised in Major Capital Projects and Infrastructure Delivery section report.
- No concerns regarding flood risk.
- Notes no confirmation of feasibility from Uisce Eireann to connect to public network has been provided and this matter could usually be addressed by a further information request.
- Notes Major Capital Projects and Infrastructure Delivery section report requests further information in respect of surface water disposal, however this matter is not pursued due to refusal recommendation.
- Notes Part V Exemption Certificate granted.
- Development is subject to development contributions.

### 3.2.2. Other Technical Reports

- **Major Capital Projects and Infrastructure Delivery:** Requests further information regarding site infiltration rate calculation, rainwater gardens design, omission of tree from rear garden, size and discharge location of rainwater planters.

### 3.3. Prescribed Bodies

None noted.

### 3.4. Third Party Observations

None noted.

## 4.0 Planning History

### 4.1. Subject Site

**P.A Ref. 25/60216** Outline Permission REFUSED on 6<sup>th</sup> June 2025 for subdivision of the existing site for provision of new dwelling, new pedestrian access and car parking space in addition to SUDS measures. Reason for refusal states:

1. *Having regard to the restricted nature of the site, it has not been adequately demonstrated that the subject site can accommodate a dwelling. Furthermore, it is considered that the imposition of a dwelling*

*in this location does not respect the spatial pattern of development in the immediate vicinity of the site. The development would, therefore, be contrary to the proper planning and sustainable development of the area and, if granted permission, would set an undesirable precedent.*

**P.A Ref. 22/592** Permission GRANTED on 17<sup>th</sup> October 2022 for amendments to ref. 08/101 (as extended by ref. 18/667), including new vehicular access to Ferrard Park housing estate from The Twenties road replacing permitted cul-de-sac, and changes to approved house types and elevation treatments for 4no. dwellings.

- **Note:** This permission relates to the junction of Ferrard Park Road and The Twenties adjacent to the appeal site and included for the amendment of the permitted (now existing) dwelling at no. 1 Ferrard Park Road from house type D (4-bedroom, c. 130 sq.m GFA) to type F (3-bedroom, c. 114 sq.m GFA).

**P.A Ref. 18/667** Extension of Duration of Permission ref. 08/101 GRANTED on 4<sup>th</sup> September 2018

**P.A Ref. 08/101** 10-year permission GRANTED on 1<sup>st</sup> December 2008 for a mixed use development comprising 527 no. dwellings and a neighbourhood centre.

- **Note:** Includes delivery of a portion of The Twenties road (now operational) adjacent to the site.

## 5.0 Policy Context

### 5.1 Louth County Development Plan, 2021-2027 (as varied)

The appeal site is zoned **A2 – New Residential Phase 1**, with an objective “*To provide for new residential neighbourhoods and supporting community facilities.*”

#### Chapter 2 (Core & Settlement Strategy)

**Policy Objective CS 2:** *To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.*

#### Chapter 3 (Housing)

**Policy Objective HOU 34:** *To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment protected.*

Chapter 10 (Infrastructure & Public Utilities)

**Policy Objective IU 19:** *To require 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.*

Chapter 13 (Development Management Guidelines)

**Section 13.8.4 (Density and Plot Ratio)** *“The plot ratio is calculated by dividing the total floor area of a development with the site area. The recommended density and plot ratios are set out in Table 13.3.” Table 13.13 sets a recommended minimum density of 35 units/ha and recommended plot ratio of 1 for Edge of Settlement developments in Regional Growth Centres.*

**Section 13.8.9 (Residential Amenity)** *“Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the development. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.”*

**Section 13.8.10 (Daylight and Sunlight)** *“Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided.”*

**Section 13.8.11 (Boundary Treatment)** *“Boundary treatments in residential developments shall consist of the following:*

- i) The rear boundary shall consist of a 2 metre high block wall;*

- ii) Side boundaries between properties shall be 2 metres in height. If timber boundaries are to be used they must be bonded and supported by concrete posts;*
- iii) Walls bounding any public areas shall be rendered and capped on both sides; and*
- iv) Front boundaries along the estate road and between properties shall be agreed as part of the planning application. They can be open plan, planted, consist of a low-level wall or railing, or as otherwise agreed with the Planning Authority.”*

**Section 13.8.17 (Private Open Space)** *“New dwellings and apartments shall be provided with a functional area of private open space as set out in Table 13.4.”* Table 13.4 sets minimum standards of private open space of 30 sq.m for a 2-bed dwelling and 40 sq.m for a 3-bed dwelling.

**Section 13.8.32 (Infill and Backland Development in Urban Areas)** *“The development of infill and backland sites support the principles of compact growth and the consolidation of development in existing built up areas.*

*When developing such lands it is important to maintain a balance between preserving existing neighbourhood amenities character, and implementing a policy of compact development.*

*Where opportunities arise for infill or backland development, the following considerations shall be taken into account:*

- The prevailing density and pattern of development in the immediate area including plot sizes, building heights, and the proportions of buildings;*
- The design of the building(s) shall be of a high quality and make a positive contribution to the local streetscape and character. Innovative and contemporary designs will be acceptable if it is demonstrated such designs would positively benefit the built environment;*
- Impact on the residential amenities of surrounding properties such as the potential loss of daylight new/increased overlooking;*

- *Private open space for existing and proposed properties;*
- *Car parking for existing and proposed residential units shall be in accordance with the car parking standards set out in Table 13.11 in this chapter. Adequate circulation for the parking and turning of vehicles within the curtilage of sites should be provided; and*
- *The location and orientation of any building(s) and windows in such building(s) shall take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands.”*

## **5.2 Relevant National and Regional Policies / Ministerial Guidelines**

The following planning policy and guidance is relevant:

- National Planning Framework - First Revision (2025)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Development Management: Guidelines for Planning Authorities (2007)
- Housing Quality for Sustainable Communities: Design Guidelines (2007)
- Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.

## **5.3 Natural Heritage Designations**

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in closest proximity to the appeal site are as follows:

- c. 1.4km from River Boyne and River Blackwater SAC (site code: 002299)
- c. 2.6km from Boyne Estuary SPA (site code: 004080)
- c. 2.8km from River Boyne and River Blackwater SPA (site code: 004232)

There are no Natural Heritage Areas within 15km of the appeal site.

## **6.0 EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this

report). 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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

A First Party Appeal was received from Hughes Planning & Development Consultants representing the applicant, MNN Properties Ltd., against the decision made by the Planning Authority to refuse permission for the development.

The following is a summary of the grounds of appeal:

- An alternative design option is presented in Section 4.2 and Appendix A of the appeal report, and the applicant requests that this option is considered by the Commission.
  - Design fully addresses concerns of the Planning Authority.
  - Appeal includes a set of planning drawings illustrating the alternative option.
  - Dwelling is set back further from the rear (southern) site boundary to facilitate service and maintenance. The resulting separation distance between the dwelling and rear boundary as stated in the appeal is c. 0.5 – 0.6m.
  - Rear boundary wall is no longer demolished and instead retained.
  - Proposed rear garden area increased (from c. 60 sq.m to c. 62 sq.m) and rear garden of adjacent dwelling at no. 1 Ferrard Park Road decreased (from c. 72 sq.m to c. 70 sq.m).
  - Site area increased slightly from c. 226 sq.m to c. 231 sq.m due to amended red line site boundary.
  - Appellant submits that alterations to design of proposal submitted at application stage are minor.

- Proposal is consistent with local, regional and national planning policy outlining need for compact growth in built-up areas.
  - Proposal is representative of an appropriately scaled infill dwelling.
  - Proposal is suitably located in respect of access to public transport and services.
- Proposal is consistent with site's zoning objective<sup>1</sup> and County Development Plan development standards, particularly with regard to scale, massing, height and density.
- Proposal provides a high standard of accommodation.
  - Consistent with all quantitative standards for residential development set out in the County Development Plan.
- Proposal does not significantly diverge from spatial pattern of development in the vicinity.
  - Design protects the established built form of the surrounding area.
  - Proposal is consistent with the character of the area and streetscape.
  - Many house typologies (existing and permitted) in the area adjoin or are very close to each other.
  - Variety of building lines and separation distances in area.
  - Materials, form and height (eaves and ridges) are consistent with adjacent development.
- Protection of existing residential amenity is secured.
- Assessment by PA was not consistent with Sections 5.8 and 6.8 of the Development Management Guidelines (2007).
  - Further information should have been sought to allow applicant to address concerns in relation to site constraints.
  - Reason for refusal is unclear and ambiguous, does not explain how site is incapable of accommodating the proposed dwelling.

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<sup>1</sup> Zoning objective for site is incorrectly referred to throughout grounds of appeal as 'A1 – Existing Residential'

- No explanation by PA as to how they have come to the conclusion that the proposal would constitute overdevelopment.
  - No specific policy guidance in County Development Plan or other policy documents that dwellings located directly adjacent to site boundaries are unacceptable.
  - PA did not sufficiently assess the submitted Landscape Plan in relation to boundary treatments.
- Contradictory statements by PA as to whether the proposal would give rise to overdevelopment and impacts to residential amenity.
- A previously granted permission for retention of an infill dwelling in the vicinity of the site (P.A ref. 21/1197 refers) is referenced as a suitable precedent, as it is an appropriately scaled infill dwelling abutting a site boundary.

## **7.2. Planning Authority Response**

The response from the Planning Authority notes the content of the first-party appeal. The Planning Authority request that the Commission support the Planning Authority's decision in this instance and state that the relevant planning issues have been adequately addressed in the planning officer's report on the application. No new planning issues are raised in the response. The following is a summary of the commentary provided in the response:

- Proposal as submitted at application stage had not addressed concerns and reasons for refusal raised in request for outline permission ref. 25/60216 (see section 4.1 of my report above).
- PA decision not to request further information is in line with Section 5.7 of Development Management Guidelines (2007), given that previous reason for refusal had not been addressed.
- The planning officer's report sets out that overlapping of red line site boundary and open space with no. 1 Ferrard Park Road clearly indicate lack of capacity of application site to accommodate proposal and thereby accord with Section 6.8 of Development Management Guidelines (2007).

## **7.3. Observations**

None.

## 8.0 Assessment

Having examined the application details and all other documentation on file, including the contents of the appeal, having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are the reasons for refusal and are therefore as follows:

- Principle of Development;
- Compliance with Section 13.8.32 (Infill and Backland Development in Urban Areas);
- Other Matters.

I wish to highlight to the Commission at the outset that the appellant has submitted a new set of architectural drawings as part of the appeal which illustrate an alternative development proposal. The appellant has described this alternative proposal as an 'optional design' for the Commission to consider which seeks to address the concerns of the Planning Authority. A description of the alternative proposal and the ways in which it differs from the proposal submitted at application stage is provided in Section 7.1 of my report.

Having reviewed the alternative proposal presented in the appeal, I consider that although the differences between it and the original proposal are minor in nature, the alternative proposal would nonetheless result in a development which is materially different from that proposed at application stage and subject to public consultation. In particular, the proposal would not correspond to the description in the public notices (regarding demolition of the rear boundary wall) and would result in an altered and enlarged application site boundary. I note in this regard that Section 37 of the Planning and Development Act, 2000 (as amended) requires the Commission to consider the planning application which was before the Planning Authority.

Accordingly, I have not assessed the alternative proposal submitted with the appeal as I do not consider it appropriate to have regard to a materially different proposal which has not been subject to public participation. In the interest of fair procedure, I have therefore confined my assessment to the original development proposal

described in the plans and particulars submitted at application stage, which was the basis for the Planning Authority's decision.

#### **8.1. Principle of Development**

The appeal site is located on lands zoned A2 – New Residential Phase 1 under the current County Development Plan, with a stated zoning objective *“To provide for new residential neighbourhoods and supporting community facilities.”*. Residential dwellings are permitted in principle under this zoning objective.

The proposed development is located in the recently developed Ferrard Park housing estate within a residential area in northern Drogheda. The proposed dwelling will be sited on a plot that forms part of the rear and side garden curtilage of the existing dwelling at no. 1 Ferrard Park Road, adjacent to the junction of Ferrard Park Road and The Twenties. I am satisfied that the proposal represents an infill development in a residential area. It is my opinion that a new dwelling on this plot of land would comply with the overarching objectives of the County Development Plan (in particular Policy Objectives CS 2 and HOU 34), which seek to promote compact growth and infill development within existing settlements. However, whilst principles of compact growth support infill and intensification of use, this must be balanced with protection of residential amenity.

I therefore consider that the proposal for a new dwelling at the appeal site is acceptable in principle in accordance with the principles of compact growth and infill development, subject to compliance with the County Development Plan's development management standards relating to new dwellings and infill development.

#### **8.2. Compliance with Section 13.8.32 (Infill and Backland Development in Urban Areas)**

The Planning Authority's reason for refusal includes that due to the restricted nature of the subject site, it has not been adequately demonstrated that the site can accommodate a dwelling. In relation to this matter, the planning officer's report identifies a wide variety of issues regarding overdevelopment, the development's encroachment on the adjoining dwelling at no. 1 Ferrard Park Road, the proximity of the proposed dwelling to the site boundary for general maintenance access

purposes and residential amenity impacts. I address these matters in turn under separate headings within my overall assessment below.

The appellant refutes the Planning Authority's concerns regarding overdevelopment and submits in the grounds of appeal that the proposal is representative of an appropriately scaled infill dwelling which is suitably located in respect of access to public transport and services. The appellant submits that the Planning Authority have provided no explanation as to how the proposal would constitute overdevelopment.

I consider that the proposal has characteristics of both infill and backland development. Section 13.8.32 (Infill and Backland Development in Urban Areas) provides a list of considerations for the assessment of infill development. I have considered each of these under the headings below.

**8.2.1. *Prevailing density and pattern of development in the immediate area including plot sizes, building heights, and the proportions of buildings:***

The appeal site forms part of Phase 1 of the Ferrard Park housing estate as set out above. Phase 1 is currently complete and occupied and consists of 70no. dwellings on a site of c. 2.3ha, yielding a gross site density of c. 30 dwellings per hectare. Having regard to the prevailing density of the suburban area in which the site is located, I consider that 1no. new unit will not materially impact on the overall density of the estate.

The dwelling has a footprint of c. 109 sq.m on a site with an overall area of c. 0.023 ha. I acknowledge that the proposed layout has responded to the configuration of the rear garden of No. 1 Ferrard Park Road in which it is located, which is irregular in shape and larger in size in comparison with other properties in the estate. I note that the massing of the proposed dwelling has been accommodated towards the site's frontage with The Twenties and thereby minimises the need to locate development directly to the rear of the existing dwelling, however the massing presents other concerns regarding the dwelling's relationships with the site boundaries as I have set out below.

In respect of the plot size and proportions of the proposed dwelling, the Planning Officer's Report raises concerns generally regarding the encroachment of the proposed dwelling on the site boundaries, as well as concerns regarding the proposed dwelling's proximity to the northern site boundary wall in relation to general

maintenance and repair of the dwelling during its lifetime. These issues form part of the Planning Authority's reasoning that the site is not capable of accommodating a dwelling, which forms part of their reason for refusal. I have assessed the site boundary and maintenance access issues under separate sub-headings below:

*Encroachment on Site Boundaries:*

The architectural and landscape drawings submitted at application stage illustrate that the removal of portions of the existing site boundary walls / fences is proposed in order to accommodate the proposed dwelling within the appeal site. This includes a c. 8m. long portion of the rear (southeastern) site boundary wall with the DIFE lands and a c. 2.5m long of the northwestern boundary fence with the rear garden of No. 1 Ferrard Park Road. At these locations, the dwelling would directly abut the site boundary with no boundary treatment proposed.

In response to the Planning Authority's concerns, the appellant submits that there is no restriction on dwellings located adjacent to site boundaries and that there is no specific policy guidance in the County Development Plan or other relevant planning policy documents in this regard. They state that the Planning Authority also did not sufficiently assess the submitted Landscape Plan in relation to boundary treatments.

I consider that the proposed site boundary design and inconsistent application of boundary treatments would not be in keeping with the existing character of the neighbourhood and would thereby be contrary to Section 13.8.32 (Infill and Backland Development in Urban Areas) of the County Development Plan. Additionally, I consider that the proposed boundary treatment is not consistent with Section 13.8.11 (Boundary Treatment) of the County Development Plan, which requires the provision of 2m high side and rear boundaries, with rear boundaries comprising a block wall.

I note that the extent of modifications to the development that would be required to address the issue of encroachment on the site boundaries would be minor in scale, however the modifications would affect the design and internal layout of the dwelling in addition to the relationship of the appeal site with the adjacent dwelling. I consider this to be a material change to the development which may in isolation be feasible to address by condition in accordance with the provisions of Section 34(4)(a) of the Planning and Development Act, 2000 (as amended), however the issue is

compounded by the issues regarding maintenance access which I have assessed under the below sub-heading.

Separately, I note the roof of the front porch serving the proposed dwelling appears to overhang the rear garden of No. 1 Ferrard Park Road by c. 200mm. I consider this encroachment is marginal and could be addressed by condition through omission of the encroaching element, in the event that the Commission is minded to grant permission, given that this would not result in impacts to the structure or functioning of the porch.

**Maintenance Access:**

The proposed layout of the dwelling and its relationship with the appeal site's boundaries as set out above precludes external circulation around both sides of the dwelling. Rear garden access is available through the internal living areas of the dwelling only. Additionally, a rainwater garden proposed at ground level within the staggered setback area between the dwelling and northeastern site boundary wall cannot be accessed externally due to the proximity of the dwelling to the site boundary.

The layout would therefore appear to significantly restrict the carrying out of routine maintenance access during the lifetime of the development. Maintenance access to the exterior would need to take place from the rear garden of No. 1 Ferrard Park Road and third party lands to the south. While No. 1 Ferrard Park Road is currently within the applicant's ownership, I consider that the reliance on routine maintenance from this property's rear garden would not be a viable long term solution as the future ownership of that property would likely not be within the control of the future occupants of the proposed dwelling. With regard to the third party (DIFE) lands to the southeast, no evidence of legal agreement with the landowner for on-going access has been provided and no evidence of an easement, right-of-way or right of access to the site has been provided.

Having regard to the planning and design principles which guide infill development including the criteria of Section 13.8.32 of the County Development Plan, I consider the identified issues in respect of routine maintenance access are demonstrate that the design of the propose dwelling has not been adequately considered in this

regard and that the dwelling by reason of its proposed scale, massing and layout would represent overdevelopment of the site.

As stated above, the inadequacies in respect of maintenance access are compounded by the design issues with the proposed boundary treatment. The combined affect of the alterations required to address both of these issues (i.e to provide both consistent boundary treatment and external circulation / access) would result in a significantly amended layout which would be materially different and would alter the dwelling's relationship with No. 1 Ferrard Park Road. For these reasons, I consider that it would not be appropriate to address these issues by condition should the Commission be of a mind to grant permission.

Having regard to the foregoing, I consider that the proposed dwelling by reason of its massing, layout and relationships with the site boundaries would result in an unsuitable site boundary treatment and inadequate provision for routine maintenance access over the lifetime of the development, including the maintenance and implementation of the SUDS strategy. I consider that the proposal would therefore be contrary to the design principles for infill / backland development as set out in Section 13.8.32, in addition to the requirements of Sections 13.8.11 (Boundary Treatment) and Policy Objective IU 19 (relating to use of SUDS measures) of the County Development Plan.

As I have set out under Section 8.1.1 above, I note that the alternative design option presented in the grounds of appeal is an attempt by the appellant to address the Planning Authority's concerns including those in relation to site boundaries and maintenance access, however I have determined above that it comprises a materially different proposal to that submitted at application stage, that revised public notices would be required and that I am accordingly not considering the alternative proposal.

In relation to the proposed SUDS strategy, I also refer the Commission in this regard to my assessment of surface water disposal in Section 8.3 of my report below.

I have considered the issue of impacts to the existing pattern of development further under the below heading, in tandem with impacts to streetscape and character.

**8.2.2. *The design of the building(s) shall be of a high quality and make a positive contribution to the local streetscape and character:***

The Planning Authority's reason for refusal states that the proposed development does not respect the spatial pattern of development in the immediate vicinity of the site.

The appellant submits in the grounds of appeal that the proposal does not significantly diverge from spatial pattern of development in the vicinity of the site. They state that the design protects the established built form of the surrounding area and is consistent with the character of the area and streetscape. They note that many house typologies (existing and permitted) in the area adjoin or are very close to each other and that there are a variety of building lines and separation distances within the area. They also note that the materials, form and height (eaves and ridges) are consistent with adjacent development.

The proposal comprises a detached 2-storey dwelling with gable fronted pitched roof. The maximum ridge height of the dwelling of c. 9.1m above ground level is consistent with the adjacent dwelling at No. 1 Ferrard Park Road and is similar to that of the existing dwellings within the estate. At c. 109 sq.m and with 2 bedrooms, the proposed dwelling is smaller than the other dwellings within the estate, which exclusively consist of 3 and 4-bedroom dwellings. I consider that the height and proportions of the dwelling are therefore consistent with other dwellings in the Ferrard Park estate.

In terms of design, I note that the size and dimensions of the windows, the roof pitch and the orientation of the dwelling are consistent with other dwellings in the estate. Material finishes include slate roofing and render and brick external walls, which I consider would be consistent with the finishing of other dwellings within the estate as observed during my site inspection. I have noted some inconsistencies with the design of the proposed site boundary treatments (see section 8.3.6 of this report), however I have determined that the issues are minor and could be addressed by condition should the Commission be of a mind to grant permission.

The side (northeastern) boundary of the rear garden of the existing dwelling at No. 1 Ferrard Park Road faces onto a verge at the side of The Twenties road. The proposed dwelling would directly address The Twenties road. I consider that the proposal enhances the local streetscape in this regard through increased dual frontage, passive surveillance and overlooking of public realm and a public road.

I consider on the basis of the foregoing assessment that the proposed development sufficiently respects the spatial pattern of development in the vicinity of the site and that its design has generally had due regard to the existing Ferrard Park estate in terms of its size, proportions and material finishes, however I consider that the proposed removal of a substantial proportion of the rear boundary wall of the site (as set out in section 8.3.1 above) would result in a boundary treatment which is inconsistent with other properties in the estate and would not be in keeping with the character of the surrounding area.

On balance, having regard to the principal views of the appeal site from Ferrard Park Road and The Twenties, I consider that the proposal makes an overall positive contribution to the local streetscape and character. However, I consider that this is offset slightly by provision of an inconsistent rear boundary treatment and I do not consider that the positive impact on the streetscape and character alone is sufficient to overcome the concerns I have identified above in relation to the massing and layout of the proposal.

**8.2.3. *Impact on the residential amenities of surrounding properties such as the potential loss of daylight, new/increased overlooking:***

With regard to loss of light to surrounding properties, I note the proposed dwelling is located southeast of No. 1 Ferrard Park Road and has a minimum separation distance of c. 7m from the rear building line. Given the size, position and orientation of the dwelling, I consider that it would have a degree of impact on light access to No. 1 Ferrard Park Road and that any impacts to other properties would be negligible. Given the orientation and position of the proposal and having regard to the submitted shadow analysis provided as part of the application, I note that impacts arising would be confined to morning time during Spring / Autumn / Winter.<sup>2</sup> In addition, the dwelling benefits from a southeastern aspect which is not obstructed by any existing built structures. Having regard to these factors, I consider that any impacts to light access at surrounding properties would be limited and acceptable due to the scale, position and orientation of the proposal and given the built-up urban

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<sup>2</sup> I note several errors in the Shadow Analysis including an inaccurate analysis of orientation relating to a different site and discrepancies between the existing and proposed shadow casting illustrated for 1pm March / September and the 9am March / September. I wish to highlight that the errors noted have not impacted my ability to adequately assess the proposal in relation to loss of light at surrounding properties.

context of the appeal site, and I consider that No. 1 Ferrard Park Road would remain served by a high standard of light access to the rear. I consider the proposal accords with the guidance of Sections 13.8.10 (Daylight and Sunlight) and 13.8.32 (Infill and Backland Development in Urban Areas) of the County Development Plan in this regard.

In relation to overlooking, Section 13.8.9 (Residential Amenity) of the County Development Plan requires that a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses is maintained. Having regard to these criteria, I consider that the proposed window on the northwestern elevation serving the first floor level study raises issue in relation to overlooking, as it is within 16m separation distance, opposes the rear windows of No. 1 Ferrard Park Road and serves a habitable room. No other windows raise issue either due to their orientation (i.e they do not directly oppose) or because they serve non-habitable rooms.

The study is a 5.8 sq.m room served by windows on both the northwestern and southwestern elevations of the dwelling. Having regard to the size of the room and the additional window, I consider that the window on the northwestern elevation can be omitted from the design while retaining an adequate standard of light access to the room. Separately, I note the window on the southwestern elevation is proposed to be provided with obscure glazing. I consider that the provision of obscure glazing on this window is not necessary as it does not directly oppose any neighbouring dwellings or directly overlook any rear gardens. I therefore consider that the glazing should be omitted and this window remains transparent, in order to maintain an adequate standard of amenity for the study. I recommend that this matter is addressed by condition in the event that the Commission is minded to grant permission.

#### **8.2.4. *Private open space for existing and proposed properties:***

Section 13.8.17 (Private Open Space) of the County Development Plan requires a minimum private open space provision of 30 sq.m for a 2-bed dwelling and 40 sq.m for a 3-bed dwelling. I note these correspond with the minimum standards set out under SPPR 2 of the 'Sustainable and Compact Settlements: Guidelines for Planning Authorities' (2024). The rear garden of the proposed 2-bedroom dwelling is c. 60

sq.m and the remaining rear garden area at No. 1 Ferrard Park Road (a 3-bedroom dwelling) is c. 72 sq.m. I am satisfied on this basis that the proposal results in a sufficient quantity of private open space for both the proposed and existing properties affected.

**8.2.5. *Car parking for existing and proposed residential units shall be in accordance with the car parking standards set out in Table 13.11 in this chapter. Adequate circulation for the parking and turning of vehicles within the curtilage of sites should be provided:***

In accordance with Table 13.11 of the County Development Plan, the maximum car parking standard applicable to the appeal site is 1.5no. spaces per residential unit. Section 13.16.12 sets out that a reduction below this standard may be acceptable subject to various criteria including availability of parking in the vicinity, public transport access and active travel connectivity to amenities.

The proposed development includes the sub-division of the front garden and driveway of No. 1 Ferrard Park Road to provide separate vehicular entrances and in-curtilage parking for both the existing and proposed dwellings. No alterations result to the existing vehicular entrance width or paved driveway area of the existing dwelling, which would maintain its provision of 2no. in-curtilage parking spaces. The proposed dwelling will be served by a c. 4m wide new vehicular entrance and single in-curtilage parking space. No turning facilities are proposed within the driveway.

The proposal results in a combined total of 3no. parking spaces serving 2no. dwellings. This meets the maximum standard of 1.5no. spaces per dwelling required under the County Development Plan. I consider the allocation of the spaces, whereby 2no. spaces are allocated to the existing dwelling and 1no. space is allocated to the proposed dwelling, to be appropriate given the respective sizes of each dwellings and I consider that the provision is compliant with Table 13.11 of the County Development Plan.

The driveway serving the proposed dwelling has a clear area of c. 5.2m length and c. 4.3m width, which is not sufficient to facilitate turning requirements for cars within the site. Vehicular manoeuvring would therefore be required on the carriageway of Ferrard Park Road for access / egress to the driveway. Having regard to the 30km/h speed limit and observed low traffic volumes on Ferrard Park Road, given that it

does not facilitate any existing or permitted through access and having regard to the c. 7.5m distance between the proposed vehicular entrance and the junction with The Twenties to the northeast, I consider that the proposed vehicular access arrangement would not give rise to a traffic hazard.

Having regard to the foregoing, I consider that the proposal results in a sufficient quantity of car parking and adequate and safe vehicular access arrangements for both the existing and proposed dwellings in accordance with the relevant requirements of Section 13.8.32 of the County Development Plan.

**8.2.6. *The location and orientation of any building(s) and windows in such building(s) shall take cognisance of the potential of adjacent infill/backland sites being developed and shall not prejudice the development potential of such lands:***

Having regard to the nature of the existing land uses adjoining the site, comprising an existing dwelling to the north and west, sports grounds / third level campus to the south and an existing link road to the east, I consider that the proposal would not impact access to or the development potential of any other prospective infill or backland sites.

**8.3. Other Matters**

The Planning Authority have noted no confirmation of feasibility from Uisce Eireann to connect to public network has been provided with the application. I have reviewed Uisce Eireann's Wastewater Treatment Capacity Register for County Louth (published April 2026). Drogheda is categorised Green indicating available spare capacity within the wastewater treatment system. I consider on this basis that the proposed development, comprising a single dwelling within an existing housing estate with connection to the foul drainage network, can feasibly be connected to the water and wastewater network subject to agreement with Uisce Eireann.

The report of the Planning Authority's Major Capital Projects & Infrastructure Delivery Section recommended requesting further information in relation to the proposed surface water disposal methods. The Planning Officer's Report stated that the matter would not be pursued due to the refusal of permission recommended in relation to other matters. Having regard to the layout of the development, the scale of the dwelling relative to the appeal site and the requirement of Policy Objective IU 19 of

the County Development Plan, I consider that the issues and matters of clarity identified in the further information items would be of a scale and nature that could be accommodated within the appeal site without undue impacts to the proposed dwelling or adjacent properties and could therefore be addressed by means of planning condition. However, these would have to be considered in combination with any further required modifications to the SUDS Strategy arising from the issues of routine maintenance access which I have set out in Section 8.3.1 of this report. Given the combined extent of issues, I consider that the applicant has failed to provide a comprehensive SUDS Strategy as required under Policy Objective IU 19, as set out above.

The proposed dwelling includes for amendments to the existing front vehicular entrance and front garden serving No. 1 Ferrard Park Road to provide 2no. segregated vehicular entrances and driveways serving each dwelling. Having regard to the speed limit of Ferrard Park Road, existing traffic volumes, the width of the vehicular entrances and their location relative to the junction of Ferrard Park Road and The Twenties, I consider that the proposed amended vehicular entrance arrangement is acceptable.

The appellant submits in the grounds of appeal that, as the Planning Authority did not seek further information to allow the applicant to address their concerns in relation to site constraints, the Planning Authority's assessment was not consistent with the guidance of the Development Management Guidelines (2007) for seeking further information and revised plans. I note this is a procedural matter relating to the Planning Authority's assessment of the application only. My assessment is based on the First Party's appeal of the Planning Authority's decision and, as such, I consider that scrutiny of the procedure by which the Planning Authority reached that decision is beyond the scope of the Commission's assessment of the subject appeal.

## **9.0 AA Screening**

- 9.1. I have considered the development seeking permission in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The appeal site is located within c.

1.4km of River Boyne and River Blackwater SAC, c. 2.6km of Boyne Estuary SPA, and c. 2.8km of River Boyne and River Blackwater SPA, the nearest European Sites.

- 9.2. The development for which permission is sought consists of the construction of a new single storey dwelling house with integrated garage and associated works including wastewater treatment system and percolation area, on-site soakaway, repurposing of existing access.
- 9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The works are limited in scale.
  - Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
  - There are no identifiable hydrological/ecological connector pathways between the application and any SAC or SPA.
- 9.4. 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, as amended) is not required.

## 10.0 Water Framework Directive

- 10.1. The subject site is in a serviced urban area and is to connect to the existing sewer network. There are no water courses in the immediate vicinity of the appeal site which is situated within an urban area.
- 10.2. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale and location of the proposal it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or

coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the subject development is considered to be compliant with the requirements of Article 4 of the Water Framework Directive.

## **11.0 Recommendation**

- 11.1. I recommend that permission be refused for the following reasons.

## **12.0 Reasons and Considerations**

- 12.1. The proposed dwelling by reason of its scale, massing, layout and relationships with the site boundaries would result in the overdevelopment of this restricted site and would be contrary to the design principles for infill / backland development as set out in Section 13.8.32 (Infill and Backland Development in Urban Areas), in addition to the guidance of Section 13.8.11 (Boundary Treatment) and requirements of Policy Objective IU 19 of the Louth County Development Plan, 2021-2027 (as varied), and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Shane McGlynn  
Planning Inspector

8<sup>th</sup> July 2026



## Appendix 1: Form 1 EIA Pre-Screening

|                                                                                                                                                                                                                                                                               |                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                         | PL-500973-LH-26                                                                                                                       |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                           | Demolition of existing boundary wall enclosing rear garden, other boundary treatments. Construction of a dwelling and all site works. |
| <b>Development Address</b>                                                                                                                                                                                                                                                    | 1 Ferrard Park Road, Twenties, Drogheda, County Louth                                                                                 |
| <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>                                                                                                                                                                    | <input checked="" type="checkbox"/> Yes, it is a 'Project'.                                                                           |
|                                                                                                                                                                                                                                                                               | <input type="checkbox"/> No                                                                                                           |
| (For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)         |                                                                                                                                       |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                               |                                                                                                                                       |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.                                                                                                                                                                                                              |                                                                                                                                       |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1.                                                                                                                                                                                                |                                                                                                                                       |
| <b>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?</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. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.                                                                                            | <p>10 (b)(i): Construction of more than 500 dwelling units.</p> <p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p> |
| <b>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)?</b>                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Yes <input type="checkbox"/>                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| No <input checked="" type="checkbox"/>                                                                                                                                                           | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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

## Appendix 2: Form 2 - EIA Preliminary Examination

|                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                        | PL-500973-LH-26                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                          | Demolition of existing boundary wall enclosing rear garden, other boundary treatments. Construction of a dwelling and all site works.                                                                                                                                                                                                                                                                                                                                                           |
| <b>Development Address</b>                                                                                                                                                                                                                                                                   | 1 Ferrard Park Road, Twenties, Drogheda, County Louth                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <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><br><br>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>The proposed development consists of planning permission for 1 no. dwelling and all associated site works.</p> <p>The development consists of typical construction and related activities and site works. The proposed works do not result in the production of significant waste, emissions or pollutants.</p> <p>On-site SUDS measures proposed for disposal of surface water. Wastewater and water connections to public mains proposed.</p>                                              |
| <b>Location of development</b><br>(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.                       | <p>The development is situated in an urban area within the side garden of an existing dwelling. The site is not close to any European Site. Following screening for Appropriate Assessment, it has been ascertained 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.</p> <p>Given the scale and nature of development there will be no significant environmental effects arising.</p> |

|                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>                                                                                                                     |                                                                                                                                                                                                                                           |
| <p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p>Having regard to the 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.</p> |
| <p><b>Conclusion</b></p>                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                           |
| <p><b>Likelihood of Significant Effects</b></p>                                                                                                                                                                                                                                       | <p><b>Conclusion in respect of EIA</b></p>                                                                                                                                                                                                |
| <p><b>There is no real likelihood of significant effects on the environment.</b></p>                                                                                                                                                                                                  | <p>EIA is not required.</p>                                                                                                                                                                                                               |

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