



An  
Bord  
Pleanála

## Inspector's Report ABP-317892-23

### Section 5 Referral

#### Question

Whether the construction of a single storey agricultural shed is or is not development and is or is not exempted development

#### Location

Woodview, Curraghphadeen,  
Mallow, County Cork

#### Declaration

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

D/213/23

Applicant for Declaration

Daniel McAuliffe

Planning Authority Decision

Is not exempted development

#### Referral

Referred by

Daniel McAuliffe

Owner/ Occupier

Daniel McAuliffe

Observer(s)

None

Date of Site Inspection

9<sup>th</sup> October 2024

Inspector

Gary Farrelly

## **1.0 Site Location and Description**

- 1.1. The subject site is located within the rural townland of Curraghphadeen, County Cork, which is located approximately 3km north of the town of Mallow. Access to the site is taken from the local road L-1207. The site of the subject referral comprises of a section of a larger agricultural field and is located approximately 100 metres east of Woodview House, which is included in the National Inventory of Architectural Heritage (NIAH) survey (Register No. 20902525). The house is not a protected structure under the Cork County Development Plan 2022-2028.
- 1.2. The subject site is located within a High Value Landscape (HVL) area, as designated under the Cork County Development Plan 2022-2028. The site is also located approximately 230 metres northeast of the Spaglen stream which flows southwards for approximately 7km where it enters the Blackwater River at Mallow. The Blackwater River is designated as a Special Area of Conservation (Site Code 002170).

## **2.0 The Question**

- 2.1. The question before the Board is the following:
  - Whether the construction of a single storey agricultural shed is development, and if it is development, whether or not it is exempted development.
- 2.2. The submitted drawings indicate that the shed is to be used as a proposed machinery, straw, and grain storage shed. The shed will measure 16.154 metres in width and 19.247 metres in length and will have an internal floor area of 296.35sqm. The shed is proposed to be built to a ridge height of 7.21 metres and to be externally finished in metal clad sheeting.
- 2.3. The submitted Section 5 Declaration of Exemption form outlined that the proposed structure would be exempt from applying for planning permission under the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended. However, the submitted documentation did not outline the specific class of development in which an exemption was being sought.
- 2.4. The referral is also accompanied by a screening for appropriate assessment report.

### 3.0 Planning Authority Declaration

#### 3.1. Declaration

In considering the application, the Planning Authority (PA) sought further information on a range of issues, including the following:

- Clarification of the use of the land within the landholding;
- Clarification of all the buildings within the farm complex and gross floor area and specific use of each;
- Clarification on the intended use of the building with a detailed floor plan;
- Rationale for the scale, design and use of the building;
- Clarification on the proposed access to the building including plans for the existing hedgerows and trees;
- Clarification on the proposed external finishes; and
- The requirement for the submission of a Habitats Directive screening report.

After submission of the further information, in a letter dated 1<sup>st</sup> August 2023 the PA issued a declaration that the construction of the single storey agricultural shed was development that was not exempted development on the basis that the use of the building for agricultural use was not sufficiently demonstrated, compounded by a lack of evidence for an active farm at this location.

#### 3.2. Planning Authority Reports

##### Planning Reports

There are a total of 2 no. area planner (AP) reports which assessed the question in the context of Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and Article 6(1) [*This should be Article 6(3)*], Class 9 of Part 3 of Schedule 2 and Article 9(1) of the Planning and Development Regulations 2001, as amended. The AP had a number of concerns with the question and sought further information on a range of issues (as outlined above under Section 3.1). After submission of the further information, the AP was not satisfied that the proposed development was agricultural

related and that it did not comply with Condition no. 1 of Class 9 due to it not being apparent that there was an active farm enterprise at the location. The AP therefore considered that the proposal constituted development and not exempted development. The AP's recommendation was endorsed by the Senior Executive Planner.

#### Other Technical Reports

There are none on file.

## **4.0 Relevant Planning History**

None indicated on subject site, according to the submitted documentation and Cork County Council's planning register.

#### Similar Case

ABP Ref. 310365-21 - Whether the construction of an agricultural shed is or is not development or is or is not exempted development.

In this case the Board considered the question to be development that was not exempted development as the subject shed was not linked to any agricultural activity and therefore could not be considered within the scope of Class 9, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

## **5.0 Legislative Context**

### **Planning and Development Act 2000, as amended**

#### Section 2(1)

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and "agricultural" shall be construed accordingly.

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate.

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

### Section 3(1)

“development” means the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.

### Section 4

(1) The following shall be exempted developments for the purposes of this Act-

- (a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

2(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development,

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

### **Planning and Development Regulations 2001, as amended**

### Article 6(3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Schedule 2, Part 3 Exempted Development - Rural

<b>Column 1</b>	<b>Column 2</b>
<b>Class 9</b>	<b>Conditions and Limitations</b>
Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.</li> <li>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.</li> <li>3. No such structure shall be situated within 10 metres of any public road.</li> <li>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</li> <li>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> </ol>

## Article 9 Restrictions on exemption

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan;

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site;

## **6.0 Policy Context**

### **6.1. Cork County Development Plan 2022-2028**

#### Objective EC: 8-15 Agriculture and Farm Diversification

a) Encourage the development of sustainable agriculture and related infrastructure including farm buildings;

#### Section 14.7 Landscape

Very high sensitivity landscapes are extra vulnerable landscapes (e.g. seascape area with national importance) which are likely to be fragile and susceptible to change. Landscape Character Types which have a very high or high landscape value and high or very high landscape sensitivity and are of county or national importance are considered to be our most valuable landscapes and therefore are designated as High Value Landscapes (HVL).

#### Objective GI 14-9: Landscape

(a) Protect the visual and scenic amenities of County Cork's built and natural environment.

#### Objective GI 14-10: Draft Landscape Strategy

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

#### GI 14-12: General Views and Prospects

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

### **6.2. Natural Heritage Designations**

The subject site is not located within any designated natural heritage area. The nearest designated site is the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) which is located approximately 4km south of the proposed development. The Spaglen stream is located approximately 230 metres southwest of the subject site which flows southwards for approximately 7km where it enters the Blackwater River SAC in Mallow to the east of Mallow Bridge (R620).



## **7.0 The Referral**

### **7.1. Referrer's Case**

A referral was lodged to the Board on 28<sup>th</sup> August 2023 by the applicant Daniel McAuliffe. The grounds for the referral is summarised as follows:

- The proposed shed is for the sole purpose of agriculture and the intended use is for the storage of farm machinery and grain. Currently, the majority of agricultural equipment is stored offsite. The grain is produced on adjacent rented farms and grown for sale to local distilleries.
- The applicant has an equine premises registration number.
- A letter from the accountant of the applicant's business 'Albon Motors Limited' states that the primary objective of the company is that of property and land rental with a portion of agricultural activity.
- There are some machinery and storage facilities onsite that demonstrates an agricultural activity, such as a grain storage silo with a photograph attached.
- The floor area of the shed is below the 900sqm limit taking into account the floor areas of the current buildings onsite.
- The drawings submitted at further information mistakenly showed a low level concrete wall to the perimeter of the façade of the building. However, it is the applicant's intention to have a fully painted metal cladded external finish, as shown on the submitted original drawings.

### **7.2. Planning Authority Response**

The PA issued a response which was received by the Board on 25<sup>th</sup> September 2023. It stated that on the basis of the available information and the submissions received, it was considered that the proposed development constitutes development and not exempted development, by virtue of condition no. 1 of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

## 8.0 Assessment

- 8.1. It should be stated at the outset that the purpose of the assessment of this referral is not to determine the acceptability or otherwise of the “*agricultural shed*” in respect of the proper planning and sustainable development of the area, but rather, whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

### **The Question of Development**

- 8.2. The proposal comprises the construction of an “*agricultural shed*”. This act of construction may reasonably be determined to comprise “*works*” in accordance with the definition set out under section 2(1) of the Planning and Development Act 2000, as amended. The works would be carried out on, in and over land and thereby constitute “*development*” in accordance with section 3(1) of the Planning and Development Act 2000, as amended.

### **The Question of Exempted Development**

- 8.3. The Board should note that the applicant does not specify which class of development it is seeking an exemption under. The PA decided to determine the declaration under Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended. Having regard to the submitted plans and particulars, to the description of the development outlined within the plans and within the grounds of referral, I am in agreement with the PA that the relevant class of development is said Class 9.
- 8.4. However, firstly, under Section 4(4) of the Planning and Development Act 2000, as amended, the Board should note that no development can be exempted development if it requires an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA).

### **Environmental Impact Assessment (EIA)**

- 8.5. In relation to EIA, I consider that the 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 preliminary examination or screening assessment. I refer the Board to Appendix 1 in this regard.

### Appropriate Assessment (AA) Screening

- 8.6. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 4km north of the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170).
- 8.7. I note that the applicant submitted a 'screening for appropriate assessment' as part of the further information response which concluded that the proposed agricultural shed, either alone or in-combination with other plans or projects, would not have the potential to significantly affect any European site in light of their conservation objectives. It noted that there were no watercourses or drainage ditches within the subject site which provided a hydrological connection to the Blackwater River SAC. It also noted that whilst the Spaglen stream is located approximately 230 metres southwest of the subject site it is buffered by agricultural grassland. I note that the PA itself did not undertake a screening in response to the submission of this report.
- 8.8. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Having visited the site and having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and any designated site. The nearest watercourse (the Spaglen stream) is located approximately 230 metres southwest of the site.
  - Having regard to the distance from the European Site regarding any other potential ecological pathways.
  - Having regard to the treatment of surface water onsite via soak pits.
  - Having regard to the nature and scale of the proposed development.
- 8.9. I conclude that on the basis of objective information, that the proposed development would not likely have a 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.

8.10. Therefore, having regard to the above, I am satisfied that the restriction highlighted under paragraph 8.4 above does not apply in this instance and I will now proceed to determine the question of the referral under Article 6(3) and Class 9, Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 9: Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

8.11. I note that the floor area of the proposed structure is 296.35sqm and therefore is below the 300sqm limit of Class 9. The referrer has stated that the purpose of the proposed shed is for the storage of farm machinery and grain.

*(1) No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.*

8.12. Firstly, the referrer primarily bases his justification for the shed on an equine registration permit in which a screenshot of a portion of the form is attached as part of the submitted referral form. However, I note that a full copy of the form has not been provided. I also note that no information is provided by the referrer in relation to the type of equine activity (e.g. farm/rearing, training, pet/leisure etc.) or numbers involved. The Board should note that the extent of the red line boundary was reduced at further information stage and does not include any agricultural lands, with the exception of the subject site. Having inspected the site on 9<sup>th</sup> October 2024 I did observe 2 no. horses within the field to the south of the subject site, however, I did not observe any evidence of an equine agricultural enterprise or any other type of agricultural activity within the subject site or on adjoining lands. The Board should note that Section 2(1) of the Planning and Development Act 2000, as amended, defines “agriculture” to include “the training of horses and the rearing of bloodstock”. However, on the basis of the information provided by the referrer I am not satisfied that it has been adequately demonstrated that this agricultural activity is taking place onsite or any other type of agricultural activity. Furthermore, the Board should note that the referrer has provided no details with regards to the type or number of machinery associated with such an activity.

- 8.13. Secondly, I note that a letter from the accountant of the applicant's business is provided, stating that Albon Motors Limited's principle and primary objective is that of property and land rental with a "*portion of agricultural activity*". The Board should note that I do not consider that this letter provides any evidence that there is an agricultural activity onsite.
- 8.14. Thirdly, the referrer provides a photograph of an existing grain silo onsite. It is stated that grain is produced on adjacent rented farm fields and sold to local distilleries.
- 8.15. I noted this silo in situ on the date of my site inspection and it appeared not to be in use. Having reviewed imagery from Google Earth, I also note that this silo was in existence on 4/3/2013 and appears to have been associated with a larger shed to the north of the "*existing machinery shed*" as it was located in the same yard. However, I noted on the date of my site inspection this larger shed and yard are no longer in-situ and the location of the original larger shed is outside the red line boundary to which this referral relates. Notwithstanding this, I do not consider that the existence of this structure adequately demonstrates that there is an agricultural activity onsite.
- 8.16. Overall, based on the information submitted by the referrer and to the observations of my site inspection, I am not satisfied that it has been adequately demonstrated that there is an agricultural activity onsite and, therefore, I am not satisfied that there is sufficient evidence provided by the referrer to support a conclusion that the shed would be used for agricultural purposes. Therefore, it is my view that the development does not comply with Condition/Limitation Number 1.

*(2) The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

- 8.17. The gross floor space of the structure has been outlined as 296.35sqm. The referrer has stated the floor areas of all the buildings to the west of the subject site, however, I only consider the "*existing machinery shed*", outlined as 269sqm, to be relevant in relation to the proposed development having regard to the "*such structures*" terminology of Condition/Limitation number 2. Therefore, I am satisfied that the proposed development would not exceed the limitation of 900sqm for such structures and therefore it complies with Condition/Limitation Number 2.

*(3) No such structure shall be situated within 10 metres of any public road.*

8.18. The nearest public road to the subject site is the L-1207 which is located approximately 200 metres west of the proposed structure. Therefore, I am satisfied that the proposed development complies with Condition/Limitation Number 3.

*(4) No such structure within 100 metres of any public road shall exceed 8 metres in height.*

8.19. The subject structure is not located within 100 metres of any public road and therefore Condition/Limitation Number 4 is not applicable.

*(5) No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*

8.20. Having regard to the information submitted by the referrer, I note that there are no houses or other such buildings outside the ownership of the referrer within 100 metres of the proposed structure. Therefore, I am satisfied that the proposed development complies with Condition/Limitation Number 5.

*(6) No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

8.21. The referrer has stated that it is its intention to have a fully painted metal clad external finish. Therefore, I am satisfied that the proposed development complies with Condition/Limitation Number 6 in this regard.

### **Article 9(1) Restrictions on Exempted Development**

8.22. If the Board are minded to disagree with my recommendations above, I have proceeded to assess the question under Article 9(1) of the Planning and Development Regulations 2001, as amended, which applies to restrictions on exemptions of development to which Article 6 of said Regulations relates. It is my view that 2 no. restrictions are applicable in this instance; those being (vi) and (viiB).

*(vi) Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or,*

*pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan*

- 8.23. The subject site is within an area designated as a high value landscape under the Cork County Development Plan 2022-2028. Objectives GI14-9, GI14-10 and GI14-12 seek to protect visual and scenic amenities and preserve the character of all important views and prospects. I note that the subject site is not visible from any public road or other viewpoints, the nearest public road being approximately 200 metres to the west. I also note that there are no scenic views in close proximity to the site. Therefore, having regard to the design, scale and siting of the proposed development, I am satisfied that the development would not interfere with the character of the landscape or a view or prospect of special amenity value or special interest. Therefore, I consider that the development would not be de-exempted in this regard.

*(viiB) Comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site*

- 8.24. As assessed above under paragraphs 8.6 to 8.9, an Appropriate Assessment is not required and therefore I consider that the development would not be de-exempted in this regard.

## **9.0 Recommendation**

- 9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the construction of a single storey agricultural shed is or is not development or is or is not exempted development:

**AND WHEREAS** Daniel McAuliffe requested a declaration on this question from Cork County Council and the Council issued a declaration on the 1<sup>st</sup> day of August, 2023 stating that the matter was development and was not exempted development:

**AND WHEREAS** Daniel McAuliffe referred this declaration for review to An Bord Pleanála on the 28<sup>th</sup> day of August, 2023:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), Section 3(1) and Section 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(3) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) The submissions of the parties to the referral,
- (f) The pattern of development in the area,
- (g) The report and recommendation of the Planning Inspector,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The construction of the single storey agricultural shed constitutes development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (b) The shed has not been adequately linked to any agricultural activity and therefore could not be considered within the scope of Class 9 of



Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended; and

- (c) There are no other exemptions in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, by which the construction of the shed would constitute exempted development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the construction of an agricultural shed at Woodview, Curraghphadeen, Mallow, County Cork, is development and is not exempted development.

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.

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Gary Farrelly  
Planning Inspector

29<sup>th</sup> October 2024

## Appendix 1: EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	317892-23		
<b>Proposed Development Summary</b>	Construction of an agricultural shed		
<b>Development Address</b>	Woodview, Curraghphadeen, Mallow, County Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	X		No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>		Preliminary Examination required	
<b>Yes</b>		Screening Determination required	