



An
Bord
Pleanála

Inspector's Report

ABP-320522-24

Development	A telecommunications monopole and associated equipment.
Location	2 Kickham Street Parking - Parking lot, Kickham Street, Thurles Townparks, Thurles, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2460388
Applicant(s)	APW UK WIP Limited t/a Icon Tower
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	22 nd October 2022
Inspector	Kenneth Moloney

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1.0 Site Location and Description

The subject site is located to the rear of an existing public car park situated in Thurles town centre.

The car park is located to the rear of high street properties and their curtilages. The said properties face onto Cathedral Street, and the properties are two-storey in height and generally in commercial use, although some of the properties are currently vacant.

The subject site is located to the immediate east of the Munster Hotel and its rear curtilage. The hotel is currently vacant.

The lands to the immediate south of the appeal site are the grounds of Mary Immaculate College, which is a protected structure.

2.0 Proposed Development

- 2.1. The proposed development is for a 21-metre-high telecommunications monopole, situated to the rear of an existing public car park in Thurles town centre.
- 2.2. The proposed monopole structure will be located within a proposed 42 sq. metre compound, enclosed by a 2.4-metre-high palisade fencing. The compound includes a 3-metre-wide double access gate.
- 2.3. The proposed monopole structure will include dishes and antennas and associated equipment.

3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to **refuse** planning permission, for the following reasons.
 1. The Planning Authority consider that the proposed development would significantly and adversely impact on the receiving environment and would conflict with the strategic objectives of the Thurles & Environs Local Area Plan 2024 as they relate to this Regeneration Site. The proposed development would, therefore, contravene Policy 6-6 of the Tipperary County Development

Plan 2022, and the Guidelines for Planning Authorities on Telecommunications, Antennae & Support Structures (DoELG) 1996 and would, therefore, be contrary to the proper planning and sustainable development of the area. Having regard to the location of the proposed development on a regeneration site, relative to existing educational uses and protected structures, schools and its visual prominence.

2. The Planning Authority is not satisfied, having regard to the limitations in information on other existing telecommunication sites considered, that no other location has been identified which would provide adequate telecommunication. It is further considered, having regard to the existing masts in the wider vicinity of the subject site, that the proposed development would lead to a proliferation of telecommunications structures where an opportunity for co-location exists and would seriously injure the visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. The following is a summary of the key issues raised in the local authority planner's report.

- The guidelines recognise the importance of telecommunications infrastructure to enhance connectivity.
- Policy 6-6 of the County Development Plan seeks to provide for telecommunications infrastructure where it can be established that there is no significant adverse impact on the surrounding area.
- The proposed development would negatively impact on the development potential of the subject site.
- The proposed development is considered at variance with the relevant section 28 guidelines given its proximity to a primary school.
- The proposed development is considered to have an overbearing and obtrusive visual impact.

- The applicant did not appropriately consider the impact on residential amenities, given the proximity to established residential properties.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

Irish Aviation Authority

- No objections

3.4. Third Party Observations

- None

4.0 Planning History

On site

- None

On adjoining lands

LA Ref. 21/1349 – Planning permission granted, subject to conditions, on the 5th of September 2022, for a change of use from ground floor hotel to retail use and single storey extension to the rear and alterations to existing car into garden area.

LA Ref. 21/1708 – Planning permission granted, subject to conditions, on the 25th of January 2022, for works to St. Patrick's College, a protected structure, including

alterations to existing building opens, conversion of existing window to a door, new internal finishes.

LA Ref. 21/188 – Planning permission granted, subject to conditions, on the 13th of April 2021, for works to 3 no. teaching spaces at St. Patrick's College, a protected structure.

LA Ref. 20/1296 – Planning permission granted, subject to conditions, on the 7th of January 2021, for works to St. Patrick's College, a protected structure, including, removal of a section of boundary wall, erection of new gated entrance at that location, new footpaths and new site lighting.

LA. Ref. 15/600305 – Planning permission granted, subject to conditions, on the 17th November 2015, for change of use from hotel to health care use.

5.0 Policy Context

5.1. National Planning Framework, 2018

It is a national policy objective (NPO 48) to develop a stable, innovative and secure digital communications and service infrastructure on an all-island basis.

5.2. Section 28 Guidelines – Department of the Environment Telecommunication Guidelines, 1996

As part of the planning application, operators should furnish a statement of compliance with the International Radiation Protection Association Guidelines.

Section 4 of the Guidelines relates to development management. The applicant should be asked to explore the possibility of using other available designs where these might be an improvement. Similarly, location would be substantially influenced

by radio engineering factors. In most cases the applicant will have only limited flexibility.

Circular amending Development Contribution Guidelines 2013

Circular PL03/2018 – Revision of Development Contribution Guidelines in respect of Telecommunications Infrastructure (3rd July 2018). This circular was mandatorily required to be applied by planning authorities. Reference was made to the previous Circulars and specifically to the requirement for L.A.s to include waivers and reductions in their Development Contribution Schemes, including the application of a specific waiver for broadband infrastructure (masts and antennae). It was noted that whilst this waiver was primarily aimed at facilitating the roll-out of broadband infrastructure, most local authorities had extended it to include mobile phone infrastructure for the purpose of improving mobile phone coverage in their areas. The Circular requires those local authorities who have not yet done so, to ensure that their Development Contribution Schemes are updated to include such waivers in respect of both mobile phone and broadband infrastructure. Specifically, it is stated –

This waiver shall apply to any telecommunications infrastructure, both mobile and broadband, being deployed as part of a Government endorsed telecommunications strategy, plan or initiative. Where mobile or broadband operators demonstrate to the satisfaction of the planning authority that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service, such infrastructure shall not attract development contributions. Furthermore, the waiver applies to

masts, antennae, dishes and other apparatus or equipment being installed for such communication purposes

5.3. Tipperary County Development Plan, 2022 – 2028

Strategic Objective SO-2 of the CDP, is an objective to facilitate and promote the development of Thurles, a Key Town, as an economic driver and significant population centre.

Policy 6–6 of the CDP is relevant and this is a policy to facilitate digital infrastructure where it is demonstrated no adverse impacts on the environment.

Policy Objective 6-K is also relevant and this policy objective supports the delivery of the National Broadband Plan and enterprise and remote working opportunities.

Section 5.6 of Appendix 6 of the Tipperary County Development Plan, 2022-2023, refers to Satellite Dishes and Telecommunications Apparatuses.

5.4. Thurles Local Area Plan, 2024 – 2030

- 5.5. The subject site is zoned Urban Core and is located in a designated Regeneration Area. The land use zoning objective for Urban Core in Table 9.1 is defined as, *‘provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses’*.

Section 3.2 ‘Consolidation, Regeneration and Compact Growth’ is relevant. The appeal site is also a designated Regeneration Site 1 (Munster Hotel) in accordance with the provisions of Appendix 3 ‘Regeneration Sites’ of the LAP.

The grounds of Mary Immaculate College, located to the immediate south of the subject, is a protected structure.

5.6. Natural Heritage Designations

None relevant.

5.7. EIA Screening

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

6.0 The Appeal

6.1. The following is a summary of first party appeal.

Policy

- Provision of communication infrastructure is consistent with NPO 24 of the NPF and the National Development Plan, 2021 – 2030, in particular paragraph 1.1. The Mobile and Broadband Taskforce and Action Plan for Rural Development supports the provision of telecommunication infrastructure.
- The monopole structure proposed meets the requirements of the relevant section 28 guidelines in relation to proximity to schools and residential.
- Section 4.5 of the guidelines refers to site sharing and clustering. There are no other structures in the area suitable for clustering. The design of the proposed structure facilitates co-sharing.
- Zoning objective for the car park and adjoining area is 'Urban Core'.
- Given the town centre location the proposed development will integrate with current and future streetscape, including established mixed uses in the immediate area to the appeal site.
- CDP policy objective 6–K supports the proposal. Thurles is a 'Key Town' with good connectivity. Development Plan policy facilitates the growth of Thurles

with Infrastructure such as that proposed vital to meet the needs of the development of Thurles. Other relevant CDP policy provisions include Section 6.8 'Digital Connectivity and Innovation' and Policy 6-6.

- The proposed development is a regeneration site which will be developed some point in the future, as such it is recommended that a temporary permission is granted, of not less than 10 years duration. Further the proposal represents 0.5% of the regeneration site and is located within the corner of the overall site which is unlikely to be used for any purposes. The subject site, the adjoining car park and hotel are owned by the same owner.
- The proposed development has stringent health and safety codes consistent with circular 07/12.

Visual Impact

- The impact of the proposed development on the protected structure on the adjoining site is considered minimal. The tall trees adjacent to the appeal site will reduce the visual impact of the proposal on the protected structure, St. Patrick's College.
- The proposed view from the college is considered most prominent however falls within an array of a larger townscape comprising a variety of structures and assimilates.
- A stone wall surrounds the car park which will reduce visual impact of the proposed development towards the town and on the protected structure.
- The Guidelines note that visual impact is among the more important considerations and that in most cases the applicants will have limited flexibility as regards location.
- Designed as a monopole which is recognised as the preferred design for built up locations.
- The proposed structure is hidden from views from the town due to the dense nature of development around the town.

Architectural Heritage

- No adverse impact on architectural heritage including the four protected structures located to the immediate north of the car park adjoining the appeal site. The college is located some distance to the rear of the appeal site and is a protected structure.
- There is a lack of consistency regarding the Planning Authority's assessment of tall structures. This is evident from the grant of permission, L.A. Ref. 2460154, which relates to eight 20-metre-high poles with floodlights located behind and towards the west of the college. The potential impact of these structures is evident when driving towards the college, and from different locations around the town. No photomontages were included within the Architectural Heritage Impact Assessment accompanying application L.A. Ref. 2460154.
- Visual impact of the proposed development will have a less significant impact on the College and surrounding environment than the eight 20-metre-high floodlights, especially when the lights are turned on for evening games.

Technical Matters

- The proposed structure is required to enhance and upgrade services for Three Ireland and allow for the redevelopment of the Munster Hotel, without loss of coverage by the removal of Eircom installation on its roof.
- The technology ensures that the greater the demand for a site the smaller the coverage, and the need for coverage overlap.
- Thurles is located in a valley of the River Suir, and the topography locally requires the installation of a number of infrastructure services. Map included with the appeal submission (pg. 12) indicates a need for additional coverage to the east of Thurles in the location of the proposed development. Site in question is the only realistic option.
- The proposed development offers the minimum tower height consistent with effective enhanced 4G and 5G propagation and will integrate into the landscape.

6.2. **Applicant Response**

- None

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

7.0 **Assessment**

Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Town Centre Regeneration
- Co-location and service coverage
- Visual Prominence
- Proximity to schools
- Impacts on Architectural Heritage
- Development Contribution

7.1. Town Centre Regeneration

The appeal site is zoned 'Urban Core' in accordance with the Thurles Local Area Plan, 2024 – 2030. I would note that Table 9.2 'Zoning Matrix' in LAP sets out use types that are generally permitted, open for consideration and not normally permitted under the various land use zoning objectives in the LAP.

The use types in Table 9.2 does not include public utility or other similar use type that would describe a telecommunications monopole.

The appeal site is also a designated Regeneration Site 1 (Munster Hotel) in accordance with the provisions of Appendix 3 'Regeneration Sites' of the LAP. The provisions of this regeneration designation include high level key planning criteria for the subject site consisting of reusing and redevelopment of the existing building as a preference and incorporating mixed uses in a high quality design complementing the historic buildings and structures in the vicinity.

The local authority in refusing planning permission for the proposed development contend that the proposal will adversely impact on the receiving environment and therefore would be contrary to the Policy 6-6 of the Tipperary County Development Plan, 2022 – 2028.

I will assess individually the impacts of the proposed development on visual prominence, protected structures and proximity to schools below under each individual headings.

In terms of the implications for the proposed development on the designated Regeneration Site no.1, I would accept the argument submitted by the appellant that the location of the proposed development is at the edge of the site and that a temporary permission would allow the impacts on the regeneration site be evaluated. Therefore, in this regard I would consider should the Board be minded to grant permission, that a condition with a temporary permission would allow for a period of review and as such I would recommend same to the Board. I would also acknowledge that Thurles is designated a Key Town in the Southern Regional Assembly RSES with the RPO 21 to facilitate growth of the town. This is supported by Strategic Objective SO-2 of the Tipperary County Development Plan, 2022 – 2028, which aims to facilitate and promote the development of Thurles, as a Key Town, economic driver and significant population centre for the region. Therefore, I would accept that infrastructure, such as that proposed, is vital to meet the needs for the development of Thurles as a Key Town. I will separately consider co-location and site coverage below.

Overall, I would acknowledge that the site is designed as Regeneration Site No. 1, in accordance with the provisions of the CDP. However, in my view, the local authority

has not adequately demonstrated how the proposed development, given its location situated to the edge of the regeneration site and further the minor scale of the subject site, relative to the scale of the regeneration site, would unduly impact on the redevelopment of the regeneration site.

In addition, the local authority has not clearly demonstrated whether a temporary permission could be considered allowing a period of time to assess the impacts of the proposed development. As referred to above, should the Board be minded to grant permission, I would recommend a condition permitting the proposed development for a temporary period.

7.2. Co-location and service coverage

The local authority in refusing permission (reason no. 2) concluded that there were limitations in the information on other telecommunication sites considered and that the proposed development would result in a proliferation of telecommunication structures where there are other sites available and potential for co-location.

I would note the relevant provisions of section 4.5 of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities (1996) which advise sharing facilities and clustering to reduce the visual impact, and the applicant will have to satisfy the planning authority that they have made reasonable efforts to share.

I would note from the appeal submission the proposed structure is required to provide enhanced and upgraded services for Three Ireland, and to allow for the future redevelopment of the adjoining Munster Hotel without the loss of coverage from the relocation of the existing Eircom installation on the roof of the hotel.

The appeal submission also submits that the proposed structure will ensure that the current coverage pattern is secured and improved. The appeal submission further argues that the topography of Thurles and immediate area is challenging for the service provision, as Thurles is located in a valley, as the River Suir runs through the town, in a north – south direction, and to the west and east of the river the land rises upwards. Accordingly, the topography results in the need for a number of installations to capture the demand for services.

The appeal submission also demonstrates that there is inadequate service coverage to the east of the town, and that one of the service providers, has no coverage to the east of the town.

Based on the information available I would consider that the proposed development will secure and improve the coverage to the east of the town where there is currently inadequate service provision. I would consider that the appeal submission has adequately addressed the local authority's refusal reason no. 2.

7.3. Visual Prominence

I would note that the local Planning Authority's report concluded that the applicant has inadequately demonstrated that the proposed development would not have a resulting negative impact on the visual amenity of the area by reason of its overbearing and obtrusive impact.

In particular the local authority had concerns that the application documentation inadequately demonstrates that the proposed development would not adversely visual impact from the Town Park and Mary Immaculate College and various other locations.

The appeal submission includes 6 no. photomontages from various locations within the town assessing the visual impact of the proposed development. The appellant submits that in many cases the visual impact of the proposed development is hidden due to the dense nature of development in the town. Having carried out a site inspection and assessed potential visual impacts from the town centre towards the appeal site I would generally agree with this argument. It is my view the proposed structure is removed from the public domain and as such is not generally visible from the town centre.

Nonetheless I would note that the proposed development would be visible from St. Patrick's College, however owing to mature trees within the curtilage of St. Patrick's College the visual impact would be sufficiently mitigated.

Further to the above I would note that although the LAP provides guidance for architectural heritage within Thurles, which I will discuss further below, there are no protected views within the town.

Overall, I would consider that the visual prominence of the proposed development is mitigated owing to the dense nature of development in the town and also having regard to mature trees located within the grounds of Mary Immaculate College. Therefore, I would not agree with the local authority that the proposed development would adversely impact on visual amenities of the area.

7.4. Proximity to schools

The local authority refusal reason no. 1 considers that the location of the proposed telecommunications monopole relative to local schools is inconsistent with policy 6-6 of the Tipperary County Development Plan, 2022 – 2028.

I would note from the Planning Authority report that the proposed structure is to be sited approximately 120m from the Presentation Secondary School, and within 200m from Mary Immaculate College and it is contended that this is inappropriate and at variance with the relevant Section 28 Guidelines. I would accept the distance in relation to the appeal site to the Mary Immaculate College as quoted the Planning Authority's Report, however the distance from the appeal site to the gates of the secondary school is approximately 140m, with the school building set back further from the school gates.

The appeal submission argues that the proposed monopole structure meets the relevant section 28 guidelines that relate to free standing masts in town centre and in proximity to schools and residential areas.

I would note that the relevant Section 28 guidelines advise that only as a last resort, and should no alternative suitable locations be available, that free-standing masts should be located in a residential area or beside schools.

I would consider, having regard to the separation distances, that the proposed structure is not located beside a school or a residential area and is located in the town centre, in an area zoned 'Urban Core'. Accordingly, and in my view, the proposed development would not be inconsistent with the relevant provisions of the Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities (1996).

7.5. Impacts on Architectural Heritage

I would note that Map 2 of the Thurles Local Area Plan, 2022 – 2028, illustrates ‘Built Heritage’ in the town. The appeal site is not a protected structure nor is the appeal site located within a designated Architectural Conservation Area.

St Patrick’s College, located to the south of the appeal site is a protected structure, and this includes the curtilage of the site.

The appeal site adjoins a stone wall to its immediate south which forms the boundary between the appeal site and St. Patrick’s college. As discussed above, it is my view, that the proposed development will not adversely impact on visual amenities from St. Patrick’s college, given the mature planting on the grounds of the protected structure, and also the separation distance from the proposed development to St. Patrick’s College.

The proposed development will not interfere with the integrity of the protected structure and as such, in my view, will not unduly impact on the architectural heritage and is appropriate.

7.6. Development Contribution

I note that Circular 03/2018, which was issued in July 2018 under section 28(1C) of the Planning and Development Act 2000 (as amended), states that it is mandatorily required to be applied by planning authorities. This Circular provides for an extension to the waiver to include mobile phone infrastructure. It is considered, therefore, that the application of the Circular would be consistent with the appeal submission which argues that waivers for broadband infrastructure (masts and antennae) be extended to include mobile phone infrastructure. Therefore, should the Board be minded to grant planning permission for the proposed development I would recommend that a development contribution is not included as a condition.

8.0 **AA Screening**

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a

significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

I recommend that permission be granted for the following reasons and considerations subject to conditions.

10.0 Reasons and Considerations

Having regard to the national policy objective 48 of the National Planning Framework, 2018 – 2024, the guidelines relating to telecommunications antennae and support structures which were issued by the Department of the Environment and Local Government to planning authorities in July, 1996, the provisions of the current development plan for the area in relation to telecommunications infrastructure, and the distance of the site from residential and educational uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or other amenities of the area or of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. (a) This permission is for a period of ten years from the date of this order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(c) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the date of expiry of this permission.

Reason: In the interest of visual amenity and to enable the impact of the development to be re-assessed, having regard to changes in technology and design or any other changes in circumstances during the specified period.

3. The developer shall allow, subject to reasonable terms, other licensed mobile telecommunications operators to co-locate their equipment on the proposed structure.

Reason: In order to avoid the proliferation of telecommunications structures in the interest of visual amenity.

4. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

5. Details of the proposed colour scheme for the telecommunications structure, ancillary structures and fencing shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

6. Landscaping of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

7. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site.

Reason: In the interest of the visual amenities of the area.

8. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of any part of the site. The security to be lodged shall be, as follows –

- (a) an approved insurance company bond in the sum of €5,000 (five thousand euro), or
- (b) a cash sum of €5,000 (five thousand euro) to be applied by the planning authority at its absolute discretion if the site is not reinstated to its satisfaction, or
- (c) a letter of guarantee by any body approved by the planning authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the planning authority and such lodgement in any case has been acknowledged in writing by the planning authority.

Reason: To ensure the satisfactory reinstatement of the site.

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.

Kenneth Moloney
Senior Planning Inspector

12th December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320522-24		
Proposed Development Summary	A telecommunications monopole and associated equipment.		
Development Address	2 Kickham Street Parking - Parking lot, Kickham Street, Thurles Townparks, Thurles, Co. Tipperary.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	✓		✓ No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	N/A		
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			
5. Has Schedule 7A information been submitted?			

No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____