



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321284-24

### Question

Whether the proposed takeaway coffee service from a mobile coffee trailer is or is not development and is or is not exempted development.

### Location

Doon Bay Road, Doon West,  
Ballybunion, Co. Kerry.

### Declaration

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

EX1272

Applicant for Declaration

Fiona Mulcare and Marion Foley

Planning Authority Decision

Is not exempted development

### Referral

Referred by

Fiona Mulcare and Marion Foley

Owner/ Occupier

Gertie Mulcare

Observer(s)

None

Date of Site Inspection

26<sup>th</sup> September 2025

**Inspector**

Suzanne White

# Contents

1.0 Site Location and Description .....	4
2.0 The Question .....	4
3.0 Planning Authority Declaration .....	5
Declaration .....	5
Planning Authority Reports .....	5
4.0 Planning History.....	6
5.0 Policy Context.....	8
Development Plan .....	8
Natural Heritage Designations .....	8
6.0 The Referral.....	9
Referrer's Case.....	9
Planning Authority Response .....	10
Further Responses .....	10
7.0 Statutory Provisions.....	10
Planning and Development Act, 2000.....	10
Planning and Development Regulations, 2001 .....	11
8.0 Assessment.....	12
Is or is not development.....	13
Is or is not exempted development.....	14
Restrictions on exempted development.....	15
9.0 Appropriate Assessment Screening.....	15
10.0 EIA Screening.....	16
11.0 Recommendation .....	16

## **1.0 Site Location and Description**

- 1.1. The subject site is located with the settlement boundary of the coastal town of Ballybunion in Co. Kerry. The site is positioned on the northwest side of the town, on a small headland between Ballybunion Bay and Nun's Beach, and is accessed from Doon Bay Road. Doon Bay Road is a cul-de-sac road which serves a mixture of residential dwellings and mobile home holiday parks along its eastern extent, before transitioning to form a laneway connecting westwards to the Ballybunion Cliff Walk. The subject site is located to the south of Doon Bay Road at a point where the road is indicated as being in private ownership. During my site visit, I noted that bollards preventing vehicular access were installed in the road to the west of the application site.
- 1.2. The subject site of c. 61sqm in area comprises the splayed vehicular entrance to a private access road serving two detached dwellings. It is open to the north and enclosed by a gate and wingwalls to the south, east and west. It has a tarmac surface finish. There were no structures situated within the site on the day of my site visit.

## **2.0 The Question**

- 2.1. The proposed works are described in the 'Section 5 Planning Report', dated 2<sup>nd</sup> October 2024, prepared by Carey Architects and submitted with the application to the Planning Authority. The report does not pose a specific question but states that the Section 5 Application is 'for the temporary placement of a mobile coffee trailer' on the subject lands. The Planning Authority described the proposed development as "proposed takeaway coffee service from a mobile coffee trailer".
- 2.2. The Referrer describes the proposal in their grounds of appeal as "Application for a Declaration of Exemption under Section 5 of the Planning and Development Act 2000 for a takeaway coffee service from a mobile coffee trailer".
- 2.3. From my review of the application and appeal documents, I understand the question posed by the Referrer to be:

*“Whether the occasional use of lands for the provision of a takeaway coffee service from a mobile coffee trailer at Doon Bay Road, Doon West, Ballybunion is or is not development and is or is not exempted development”.*

### **3.0 Planning Authority Declaration**

#### **Declaration**

- 3.1.1. Kerry County Council, in accordance with Section 5 of the Planning and Development Act 2000 as amended, considered that the works as described would constitute development and would not be exempted development.
- 3.1.2. The order, dated 29<sup>th</sup> October 2024, stated:
- ‘a) The proposal to operate a mobile coffee trailer would constitute a material change of use of the site.
  - b) The said change of use would constitute development that comes within the scope of Section 3(1) of the Planning and Development Act, 2000 (as amended) and
  - c) The proposed change of use would comprise development for which there is no exemption provided for under the Planning and Development Act, 2000 (as amended).

Therefore, the proposed works would constitute development which is not exempted development.’

#### **Planning Authority Reports**

##### **3.1.3. Planning Reports**

The main points of the Planner’s Report may be summarised as follows:

- The site is zoned residential.
- The proposed takeaway coffee service from a mobile coffee trailer would give rise to material planning impacts in terms of traffic and noise in a residential area.
- The proposal would constitute a material change of use of the site.

- There is no exemption in planning legislation to enable use of the site for a coffee takeaway service.
- Class 37 of the Planning and Development Regulations relates to the use of lands for the holding of events and the placing of tents and vans associated with prescribed events. This proposal cannot be considered as associated with an event under Class 37.

#### 3.1.4. Other Technical Reports

None.

## 4.0 Planning History

### 4.1. Site history:

21/7: retention permission granted for retention of entrance and access road to serve dwelling houses and associated site works. Applicant: Gertie and John Mulcaire.

19/882: permission refused for entrance and access road to serve dwelling houses and associated site works. Applicant: John and Gertie Mulcaire.

02/3179: permission granted for erection of a dwelling house and to carry out associated works. Applicant: Jim Griffin.

### 4.2. Previous Board References/ Referrals

I have referenced the Coimisiún's referrals database for relevant cases and these are summarised below.

#### An Bord Pleanála Ref: RL3429

In this case it was decided that the trading in perishable goods for at least one day per week at Kinard, Enniscrone, County Sligo, is development and is not exempted development. It was decided that the use of the car park for the stated purpose of trading in perishable goods is a material change of use – Section 3(2)(b)(i) of the Planning and Development Act 2000 (as amended) and the trading period exceeds the Conditions and Limitations of Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 and that the exempted development provisions of Section 4(1)(k) of the Planning and Development Act, 2000 as amended do not apply.

An Bord Pleanála Ref: RL2874

In this case it was decided that the parking of a temporary mobile vehicle on private land on Main Street, Skibbereen, Co. Cork, and its use for sale of hot food for consumption off the premises, does not come within the scope of Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as it is parked continuously at the same location and therefore exceeds the conditions and limitations of that class, where such vehicles may only be parked for on the land for 15 days continuously.

An Bord Pleanála Ref: RL2813

The Board decided that the holding of a county market at Sandyford Industrial Estate, Dublin comes within the meaning of “fair” for the purposes of Class 37, and is development that is exempted development when it operates occasionally for periods not exceeding 30 days in any year.

An Bord Pleanála Ref: RL3171

A similar conclusion was reached by the Board in this case which related to the operation of a public market for a period not exceeding 30 days per year at the northern and southern banks of The Grand Canal, Dublin.

An Bord Pleanála Ref: RL3107

In this case the Board decided that the occasional weekly use as a public market at Chute’s Lane, Tralee, Co. Kerry is development and is not exempted development, as the said use would come within the scope of exempted development as defined in Class 37, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, but from the information on file, would exceed the conditions and limitations of same, being held on more than 30 days per year.

An Bord Pleanála Ref: RL2822

The Board decided in this case that the establishment of a farmers’ market in Manor West Retail Park, Tralee, Co. Kerry would generally come within the

scope of exempted development as defined in Class 37 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, but would exceed the conditions and limitations of same, being held on more than 30 days a year, and would also contravene a condition of a previous planning permission on site.

#### An Bord Pleanála Ref: RL3441

The Board decided that the use of lands for the occasional provision of a mobile catering service (chipper van) at Clifden Mart was a material change of use and therefore constituted development; that no exemption under section 4(1)(k) of the Act applied; and that the proposed use of the van for the sale and consumption of hot food off the premises did not come within the scope of Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 and would in any case exceed the conditions and limitations of that class.

## **5.0 Policy Context**

### **Development Plan**

Under the Listowel Municipal District Plan 2020-2026, the subject site is located within the settlement boundary of Ballybunion and is zoned R2 – Existing Residential with the objective ‘To protect and improve existing residential areas’. Immediately east of the site, the lands are zoned ‘M4- Mixed Use Built Up Area’, while lands to the west are zoned ‘G3 – Landscape Protection’. The lands to the south are zoned R2 – Existing Residential.

The existing roadway bounding the site to the north, Doon Road, is indicated on the District Plan map as an ‘existing walkway’.

### **Natural Heritage Designations**

The Lower River Shannon SAC (002165) is located c. 130metres to the south and c. 200metres to the west of the site.

The Kerry Head SPA (004189) is located c.5.3km to the southwest of the site.



The River Shannon and River Fergus Estuaries SPA is located c. 6km to the north of the site.

The Cashen River Estuary pNHA (001340) is located c.800 metres to the south of the site.

## **6.0 The Referral**

### **Referrer's Case**

- 6.1.1. The Referrer states that an application for a declaration of exemption under Section 5 was made on the basis that the proposed development falls for consideration under exemption provided at Class 37, Parts 1 and 2, of the Planning and Development Regulations, 2001 (as amended), on the basis that:
1. The land would “not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year” and a schedule of such proposed dates was included in the application; and
  2. On the discontinuance of such use the land shall be reinstated to save to such extent as may be authorised or required by a permission under the Act as the trailer is towed to the site by car, and, when not in use, it is stored in the yard of the adjoining property and that there are no permanent fittings or fixtures and the site reverts to its original condition each time the trailer is towed away.
- 6.1.2. The Referrer maintains that the mobile coffee trailer is ancillary to the recreational use of the Ballybunion Cliff Walk and therefore is exempt under Class 37. They state that the Cliff Walk is a permissive walk on private land and is registered with Sport Ireland. They add that the dates for operation of the mobile coffee trailer are associated entirely with public holidays and peak use of the cliff walk during summer months. They also note that the walk is situated away from the main centre of Ballybunion and a considerable distance from the nearest café.
- 6.1.3. The Referrer states that the mobile coffee trailer does not alter the primary use or function of the private cul de sac which serves as an entrance to private property and also allows pedestrian access to the Ballybunion Cliff Walk. They add that the trailer is non-intrusive and impermanent and is removed daily, leaving no impact on the

physical character or primary use of the land. They question the Council's assertion of a material change of use on this basis.

- 6.1.4. The Referrer states that the trailer does not involve any form of construction or permanent infrastructure and does not, therefore, meet the definition of "development" within Section 3(1) of the Act.
- 6.1.5. The Referrer states that, by providing a valued amenity for walkers and visitors to the area without disturbing the land's existing character or natural beauty, that the proposed development is aligned with the sustainable tourism and recreation policies of the Kerry County Development Plan.
- 6.1.6. The Referrer also states that the trailer is located on a private cul de sac with no specific zoning designation that would limit its operation. They add that, given the limited days of its operation, it is unlikely to disrupt the area or set a precedent. They also put forward an argument that, given its siting on private property at the landowner's discretion, that no material change of use or development has occurred.

### **Planning Authority Response**

No response received.

### **Further Responses**

None.

## **7.0 Statutory Provisions**

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

Under Section 2(1), the following is the interpretation of 'works':

"...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 3 (1) states as follows:

"In this Act, except where the context otherwise requires, 'development' means -  
(a) the carrying out of any works on, in, over or under land or the making of any

material change in the use of any land or structures situated on land, or (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).”

Under Section 3(2)(b)(i), it is stated, inter alia, that for the purposes of subsection (1) and without prejudice to the generality of that subsection, where land becomes used for “...the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods...” the use of the land shall be taken as having materially changed.

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act and includes (k) “development consisting of the use of land for the purposes of a casual trading area (within the meaning of the Casual Trading Act, 1995).” Section 4 (2) provides for the making of Regulations. The main Regulations are the Planning and Development Regulations, 2001 (as amended).

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

Article 6 (1) states as follows:

“Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.”

Article 9(1) refers to development to which article 6 relates not being exempted if the carrying out of such development and includes would:

- (a) (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(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.

Schedule 2, Part 1 of these Regulations provides for Exempted Development – General. This includes, under the category Development for amenity or recreational purposes:

Class 37 - “Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use” is exempted development subject to the following conditions and limitations:

1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.
2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

## **8.0 Assessment**

It should be stated at the outset of this assessment, that the purpose of the referral is not to determine the acceptability or otherwise of the mobile coffee trailer used as a coffee take-away service in respect of the proper planning and sustainable development of the area, but rather whether or not the matters in question constitute development, and if so, fall within the scope of exempted development. In this regard, the merits of the proposal and any discussion of its impacts on local amenity etc, as put forward in the Referrer’s grounds of appeal, are not relevant to this assessment.

## Is or is not development

8.1.1. Section 3 (1) of the Act states that “in this Act, ‘*development*’ means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.” The activity in question relates to the use of the land rather than any act or operation that would be deemed as works.

8.1.2. The Referrer maintains that the mobile coffee trailer does not alter the primary use or function of the private cul de sac which serves as an entrance to private property. I note that the application site is wholly located within the vehicular entrance permitted under LPA ref. 21/7 which serves two existing dwellings. I therefore consider that the existing use of the lands in question is residential.

In determining whether a material change of use has occurred, I refer to Section 3(2)(b)(i) of the Act, where it is stated that when land becomes used for “...the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods...” the use of the land shall be taken as having materially changed.

8.1.3. Development has therefore taken place in this instance in the form of a material change of use of lands through the placement of a movable trailer or other object for the sale of goods thereon and the activity this generates. I note that the Planning Authority, in their decision, concluded similarly that the operation of the mobile coffee trailer would constitute a material change of use and would constitute development within the scope of Section 3(1) of the Planning and Development Act 2000 (as amended).

8.1.4. The Referrer also puts forward an argument that the trailer does not involve any form of construction or permanent infrastructure and does not, therefore, meet the definition of “development” within Section 3(1) of the Act. In addition to my conclusion in the previous paragraph, I also consider that the change in the use of the lands from a vehicular entrance serving a dwelling to the use of the lands for the sale of takeaway coffee would result in an intensification of use and, therefore, a material change to the land use also. Having regard to the definition of ‘development’

set out in Section 3(1) of the Act, which includes the making of any material change in the use of any structures or other land, I consider that it is clear that the proposed mobile coffee trailer constitutes development.

- 8.1.5. Development has therefore taken place in this instance in the form of a material change of use of lands through the placement of a movable object (trailer) for the sale of goods thereon and the activity this generates.

### **Is or is not exempted development**

- 8.1.6. No exemption is afforded by the Planning and Development Act 2000 (as amended) for use of land by placement of a movable structure for the sale of hot beverages.
- 8.1.7. No exemption is afforded by the Planning and Development Regulations, 2001 (as amended) for use of land by placement of a movable structure for the sale of hot beverages.
- 8.1.8. I note that the provisions of Class 37 Schedule 2 Part 1 apply only to use of land for a local event (fair, bazaar, religious, educational, sporting etc) and placement of tents, vans, temporary movable structures on the land in connection with the local event. I note the Referrer's case that the mobile coffee trailer use is ancillary to the recreational use of the Ballybunion Cliff Walk and therefore exempt under the provisions of Class 37. I consider that the Ballybunion Cliff Walk is not a 'local event' however and therefore I disagree with this view. Consequently, I consider that the proposed use does not fall within the scope of Class 37. Whilst I note the Referrer's position that the use of the mobile coffee trailer would meet the limitations of Class 37, in terms of the number of days that it would be in use and the reinstatement of the land following periods of use, given my conclusion above that the use itself does not fall within the scope of Class 37 in the first instance, compliance with the conditions and limitations of that Class is not a relevant consideration.
- 8.1.9. I note that the Planning Authority's decision also concluded that the proposed change of use would comprise development for which there is no exemption provided for under the Planning and Development Act, 2000 (as amended).
- 8.1.10. Accordingly, I conclude that the placement of a movable coffee trailer on the subject lands for the provision of a takeaway coffee service is development and is not exempted development.

8.1.11. I would also note that an issue of a possible exemption under the provisions of the Casual Trading Act (Section 4(1)(k) of the Planning and Development Act 2000 as amended refers) would not arise as no documentary evidence has been provided to show that this is an area designated for such purposes. Furthermore, from my own review of the Kerry County Council website, I found no evidence of any such designation.

### **Restrictions on exempted development**

8.1.12. Given my conclusion above that the proposed development would not be exempt under Article 6 of the Planning and Development Regulations 2001 (as amended), consideration of the potential restrictions on exemption as set out under Article 9 are not relevant in this case.

## **9.0 Appropriate Assessment Screening**

9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The site is not located within or adjacent to any European site. The closest European site is the Lower River Shannon SAC (002165) which is located c. 130metres to the south and c. 200metres to the west of the site. The Kerry Head SPA (004189) is located c.5.3km to the southwest of the site and the River Shannon and River Fergus Estuaries SPA is located c. 6km to the north of the site. There is no hydrological or other pathway linking the subject lands to these receptors.

9.2. The subject referral relates to the occasional placement of a mobile coffee trailer for the sale of hot beverages. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.3. The reason for this conclusion is as follows:

- The nature of the proposed use, including its limited frequency and duration and the movable nature of the trailer, as well its limited scale.
- The separation from any European site and the absence of any direct connection thereto.

- Taking into account the screening determination of the planning authority.

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 EIA Screening

10.1. 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 (or Part V of the 1994 Roads Regulations). 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.

## 11.0 Recommendation

11.1. I recommend that the Commission should decide this referral in accordance with the following draft order:

**WHEREAS** a question has arisen as to whether the occasional use of lands for the provision of a takeaway coffee service from a mobile coffee trailer at Doon Bay Road, Doon West, Ballybunion is or is not development or is or is not exempted development:

**AND WHEREAS** Fiona Mulcare and Marion Foley requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 29<sup>th</sup> day of October 2024, stating that the matter was development and was not exempted development:

**AND WHEREAS** Fiona Mulcare and Marion Foley referred this declaration for review to An Coimisiún Pleanála on the 19<sup>th</sup> day of November 2024:



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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 37 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

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

- (a) The occasional use of the lands for the provision of a takeaway coffee service from a mobile coffee trailer at Doon Bay Road, Doon West, Ballybunion constitutes a material change of use and is therefore development, being works which come within the scope of section 3(2)(b)(i) of the Planning and Development Act 2000 (as amended).
- (b) The land upon which the mobile coffee trailer is parked for the sale of takeaway beverages has not been designated for the purposes of a casual trading area, under section 4(1)(k) of the Planning and Development Act 2000, as amended.
- (c) The occasional use of the lands for the provision of a takeaway coffee service from a mobile coffee trailer does not come within the scope of Class 37 of Part 1 of Schedule 2 of the Planning and

Development Regulations 2001, as amended, as it is not undertaken in connection with the use of the lands for a local event.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the occasional use of lands for the provision of a takeaway coffee service from a mobile coffee trailer at Doon Bay Road, Doon West, Ballybunion 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.

---

Suzanne White  
Planning Inspector

6<sup>th</sup> January 2026

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-321284-24
<b>Proposed Development Summary</b>	Whether the proposed takeaway coffee service from a mobile coffee trailer is or is not development and is or is not exempted development.
<b>Development Address</b>	Doon Bay Road, Doon West, Ballybunion, Co. Kerry.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  I consider that the proposed works would constitute an installation and therefore a 'project' for the purposes of the EIA Directive.
	<input type="checkbox"/> No, no further action required.
<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.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is

development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>

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

**Inspector:** Suzanne White\_**Date:** 6<sup>th</sup> January 2026