



An  
Bord  
Pleanála

## Inspector's Report ABP-322208-25

### Question

Whether the use of residential apartments where care is not provided as a long-term residential accommodation for protected persons, is or is not development or is or is not exempted development.

### Location

Fairleigh House, High Road,  
Letterkenny, Co. Donegal

### Declaration

Planning Authority

Donegal Co. Co.

Planning Authority Reg. Ref.

S525/14

Applicant for Declaration

ERM Contracts Ltd.

Planning Authority Decision

Is Development and Is not Exempted  
Development.

### Referral

Referred by

ERM Contracts Ltd.

Owner/ Occupier

ERM Contracts Ltd.

Observer(s)

None.

**Date of Site Inspection**

13<sup>th</sup> June 2025

**Inspector**

Karla McBride

## 1.0 Site Location and Description

- 1.1. The referral site is located in the centre of Letterkenny in County Donegal. The surrounding urban area is characterised by a mix of hotel, retail, commercial and residential uses. Access is off High Road, which is one of the town's main streets.
- 1.2. The Fairleigh House referral site is occupied by two residential buildings, comprising the 3-storey Fairleigh House which contains 16 x self-contained residential apartments and fronts on to High Road, and a smaller 2-storey dwellinghouse to the rear that forms part of McClure's Terrace. Fairleigh House was originally used as a guesthouse that was redeveloped for apartments and a dwelling house associated with a nearby hotel.
- 1.3. A concurrent referral request at McClure's House, High Road (ABP-322210-25) is located adjacent to Fairleigh House on the opposite side of McClure's Terrace.
- 1.4. The attached photographs and maps describe the referral site in more detail.

## 2.0 The Question

- 2.1. Whether the use of residential apartments where care is not provided as a long-term residential accommodation for protected persons, is or is not development, or is or is not exempted development at Fairleigh House, High Road, Letterkenny, Co. Donegal.

## 3.0 Planning Authority Declaration

### 3.1. Declaration

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as the development does not fall within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports (Digital)

- The Rock Centre (307077) precedent is not directly applicable to this case as it was built as a purpose-built apartment complex whereas Fairleigh House was originally a guesthouse that was redeveloped into apartments.
- A purpose-built apartment block provides an inherently flexible form of residential accommodation, while a former guesthouse may carry different planning implications when transitioning to a long-term residential function.
- Fairleigh House was originally designed for short term occupancy associated with guesthouse use while the proposed use would involve a more intensified residential function that is materially different from its prior use.
- Change in function raises new planning considerations regarding occupancy, density & amenity impacts that were not applicable in the Rock Centre case.
- Proposed use constitutes development and its continued use for residential accommodation for protected persons introduces an intensified residential function that differs from the existing use.
- Don't accept the Rock Centre as a valid precedent due to significant differences in building type, scale, and original function.
- The Declaration document considered whether a change of use of a residential dwelling to long term accommodation is development and is not exempted development within the meaning of the Planning and Development Act 2000 (as amended), and regard was had to:
  - Sections 2, 3, 4, and 177U of the P&D Act, 2000 (as amended).
  - Articles 6(3), 9(1), and Class 14(h) of Part 1 of Schedule 2 of the P&D Regs 2001 (as amended).
  - Section 5 Declarations by ABP.

### 3.2.2. Other Technical Reports

- No reports received.

## 4.0 Planning History

### **Fairleigh House Referral site:**

**Reg. Ref. 13/80012:** Permission granted in 2013 for the retention of 2 x apartments located in the roof space of the existing residential apartment complex permitted under Reg. Ref. L.69/96, along with minor elevational changes to accommodate the development, subject to 2 standard conditions.

**Reg. Ref. 96/88069:** Permission granted for the erection of an apartment development (6 x units), subject to 8 standard conditions.

**Reg. Ref. 93/88084:** Permission granted for an extension to Fairleigh House to incorporate 4 x flat units and to retain 2 x existing flat units, subject to 8 conditions.

**Reg. Ref. L.69/96:** Permission granted for an apartment development.

**Reg. Ref. L.84/93:** Permission granted for an apartment development.

### **McClure's House referral site:**

**Reg. Ref. S552/31:** Section 5 Declaration confirming that the change of use from retail to residential was exempted development in accordance with Article 10 (6) of the P&D regulations, 2001 (as amended).

### **Other referral cases:**

**ABP-307077-20:** The Rock Centre, Ballinamore, Co. Leitrim – the use of The Rock Centre for use as a protection centre for protected persons is not development.

**ABP-320031-24:** Knockmount, Dublin Road, Drogheda, Co. Louth – the use of a dwelling house, where care is not provided, as long term private residential accommodation for protected persons comprising families, women and children is development and is not exempted development.

**ABP-37271-23:** Ryevale House, Ryevale Lawns, Leixlip, Co. Kildare – the Board was precluded under Section 50(2) of the P&D Act 2000 (as amended) from making a determination on whether the use of the dwelling house & coach house as long-

term private residential accommodation for protected persons is development and is not exempted development. This was decided on the basis that the referral question was the same as a referral under Reg. Ref. ED1021 by Kildare County Council (KCC) in 2023, with no change in planning facts or circumstances.

**Reg. Ref. ED1021:** Ryevale House, Ryevale Lawns, Leixlip, Co. Kildare - KCC decided that the change of use from a dwelling house to a centre of accommodation for people seeking international protection is development and is not exempted development pursuant to Sections 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended), and Articles 6, 9, 10 of the Planning and Development Regulations 2001 (as amended).

## 5.0 Policy Context

### 5.1. Development Plans

The referral site is located within Letterkenny Town Centre which is covered by the policies and objectives of the Donegal County Development Plan 2024-2030 and the Letterkenny Plan and Local Transport Plan 2023-2029.

**Zoning:** site lies within the Town Centre Zone which seeks “to sustain and strengthen the core of Letterkenny as a regional centre of residential, commercial, retail, cultural and community life and to support active travel and public transportation provisions.”

**Acceptable in Principle:** No uses identified.

**Open for consideration:** Several uses (incl. residential) assessed on their merits & compatibility with other relevant policies & objectives.

### 5.2. Natural Heritage Designations

None nearby.

Lough Swilly SAC, SPA & pNHA located c.1.5km to the E.

## 6.0 The Referral

### 6.1. Referrer's Case

- Like-for-like change of use – a residential building being used to provide long term accommodation of people, and the socio-economic background of those people should not factor and does not constitute a material change of use.
- PA did not consider relevant precedent set by The Rock Centre (307077) which concluded that the use of residential apartments to accommodate persons seeking international protection did not constitute a material change or development, given the absence of institutional care or communal services.
- Incorrect reference to the difference between purpose-built apartments and apartments in a converted former guesthouse, not an issue in The Rock Centre, a material change of use does not occur provided the accommodation functions as standard residential units without institutional services.
- The Rock Centre comprises 25 x own door, self-contained apartments with no care or communal facilities provided, and Fairleigh House comprises 16 x own door self-contained apartments and 1 x house with no care provided, with no intensification of use in either case.
- Proposal does not fall within the meaning of Development as per the P&D Act, no works are proposed, and the same use will continue.
- There is no legal definition of “material change of use” and the practical impacts & effects require consideration in terms of proper planning & sustainable development and the preservation of amenities.
- Several items of case law support this conclusion.
- No intensification of use as there will be no discernible difference to vehicular traffic levels, noise, waste collection, or surrounding residential amenity; central location with on-street car-parking, close to all facilities and bus station, staff parking will be limited to maintenance & management; and residential use is appropriate at this location

## **6.2. Planning Authority Response**

- No response received

## **6.3. Occupier's response**

- No submissions received.

## **6.4. Further Responses**

- None received.

## **7.0 Statutory Provisions**

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

#### **7.1.1. Section 2(1) of the Act states the following:**

- 'development' has the meaning assigned to it by Section 3;
- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ....'

#### **7.1.2. Section 3(1) states that:**

- 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land'.

#### **7.1.3. Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act.**

#### **7.1.4. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001-2020.**



## 7.2. Planning and Development Regulations 2001 (as amended)

- 7.2.1. **Article 5(1)** states that “care” means personal care, including help with physical, intellectual, or social needs.
- 7.2.2. **Article 6(1)** provide that ‘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’.
- 7.2.3. **Article 9 (1)(a)** states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of the development would, inter alia:

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

**Article 10 (1)** states that development which consists of a change of use within any one of the classes of use specified in part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised, and which has not been abandoned.

- 7.2.4. Part 1 of Schedule 2 of the Regulations set out the classes of exempted development, including ‘**Class 14**’ allowing for ‘development consisting of a change of use’: -

- (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential

institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,

(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons’.

7.2.5. **Class 20F** of the same Part exempts the following:

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

This is subject to the following conditions and limitations

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.

3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

7.2.6. For the purposes of Schedule 2, the Regulations provide the following definition of a "protected person": -

(a) A person who has made an application to the minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013).

(b) A person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or

(c) a programme refugee within the meaning of s.24 of the refugee Act of 1996.

### **7.3. Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022**

7.3.1. This sets out that 'displaced persons' means people displaced from Ukraine as a result of the military invasion by Russia.

#### **7.4. International Protection Act 2015 (No. 66 of 2015)**

This sets out that 'International Protection' means status as a refugee, or status as a person eligible for subsidiary protection.

#### **7.5. Article 2 of Council Directive 2001/55/EC of 20 July 2001**

- 7.5.1. This sets out that 'temporary protection' means a procedure of exceptional character to provide immediate and temporary protection to displaced persons in the event of a mass influx of such persons.

### **8.0 Assessment**

#### **8.1. The Question**

ERM Contracts Ltd. has requested the Commission to determine:

"Whether the use of residential apartments where care is not provided as a long-term residential accommodation for protected persons, is or is not development or is or is not exempted development" at Fairleigh House, High Road, Letterkenny, Co. Donegal.

The referral site, as described by the Referrer, comprises Fairleigh House which contains 16 x apartments which are self-contained, and I recommend that the words "self-contained" be included in the Question. The supporting documentation and plans refer to and include a second premises to the rear at McClure's Terrace which comprises an end of terrace 2-storey dwelling house located at the NW end of the terrace, and at a remove from Fairleigh House. The Referrer states that the two sites are connected by a rear laneway, however based on my site inspection I am satisfied that they are not connected in any practical way, and that they comprise two separate un-connected plots. Furthermore, the Referrer's documentation variously describes McClure's Terrace as a 4-bed house and also as 2 x apartments. However, I note that the Referrer has not submitted any documentary evidence to confirm the subdivision of this property into 2 separate residential units. Having regard to the foregoing, I recommend that McClure's Terrace be omitted from the Question.

Therefore, the Question has been reworded as follows:

“Whether the use of self-contained residential apartments where care is not provided as a long-term residential accommodation for protected persons, is or is not development or is or is not exempted development.”

## **8.2. Is or is not development**

Section 3 of the Act defines development as ‘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’. As defined in section 2(1) of the Act, works include “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”. The question as to whether a change of use of the existing apartments has arisen, and if a change of use has arisen, is this material for planning purposes.

The Referrer submits that this is a like-for-like change of use as the residential building will continue to provide long term accommodation of people who happen to be protected persons, and therefore their socio-economic status is not relevant, there would be no discernible additional impacts on the surrounding urban area, the environment, amenities, public services or traffic patterns, and that it does not therefore constitute a material change of use.

The Referrer outlined the planning history of the referral site which is summarised in section 4 above. This relates to the referral premises containing 16 x self-contained apartments which are in residential use as per previous planning permissions. The Referrer also notes that a precedent was set by the Board under ABP-307077-20 at the Rock Centre, Ballinamore Co. Leitrim, which determined that the use of residential apartments to accommodate persons seeking international protection did not constitute a material change of use or development, given the absence of any institutional care or communal services.

According to the planning history for the site, Fairleigh House originally functioned as guesthouse accommodation associated with a nearby hotel, before it was redeveloped for residential use as self-contained apartments. I note the concerns raised by the Planning Authority in relation to the suitability of a redeveloped guest

house for use as long term accommodation for protected persons, however I also note that the Planning Authority granted planning permission on several occasions which permitted the use of the building as an apartment complex, along with an extension to it, and the retention of additional units within it. I do not consider that the socio-economic or protected persons status of the occupants of the self-contained apartments within Fairleigh House is a material planning matter.

In relation to ABP-307077-20, the Board determined that the use of the Rock Centre for use as a protection centre for protected persons was not development. The Rock Centre comprised 25 x self-contained apartments within a purpose building apartment building, with no communal living facilities or elements of care, and the originally permitted residential apartment use would continue. In relation to this referral case, the planning authority granted planning permission to convert and extend Fairleigh House for use as self-contained residential apartments and that is the permitted use of the building, irrespective of whether or not the building was purpose built or converted, and the permitted residential apartment use would continue.

Having regard to the foregoing and based on my site inspection, I am satisfied that the Fairleigh House referral site comprises 16 x self-contained apartments, which are in permitted self-contained residential use. There is no evidence of institutional care or communal services at either site. Although there may be a caretaker / security personnel / CCTV, this would not be unusual for apartment schemes. Furthermore, it does not fall within the definition of care as per Article 5 (1) of the Planning and Development Regulations, 2001 (as amended) which defines care as “personal care, including help with physical, intellectual, or social needs”. I also note the Board’s determination under ABP-307077-20 in relation to a referral premises at The Rock Centre, where it concluded that the use of self-contained residential apartments to accommodate persons seeking international protection did not constitute a material change of use or development.

The residential use of the referral premises has not altered as a result of providing long term accommodation for protected persons. I am satisfied that development has not occurred as per Section 3(1) of the Planning and Development Act 2000 (as

amended) which defines development as “the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land”, and section 2(1) which defines works as “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”.

Furthermore, given the absence of institutional care or communal services, other than what would normally be provided in a residential apartment scheme, I am satisfied that a material change of use in terms of the provision of “care” has not occurred, as per Article 5 (1) of the Planning and Development Regulations, 2001 (as amended) which defines care as “personal care, including help with physical, intellectual, or social needs”.

Having regard to the foregoing and based on my site inspection, I am satisfied that the residential accommodation is being operated in a similar manner to other self-contained apartment developments. There was no evidence of communal facilities beyond those that would normally form part of an apartment complex. The building is not operating as an emergency reception for the care of protected persons, and it is functioning as self-contained residential accommodation, as per the permitted use. The status or personal circumstances of the residents is not a material planning issue. I am therefore satisfied that the current use of the self-contained apartments, does not constitute a change of use from the permitted residential use and, therefore, does not constitute development.

### **8.3. Other referral cases**

I note that several Section 5 referral cases were determined by the Board in relation to the provision of accommodation for protected persons, three of which are summarised in section 4 above.

As previously stated, the Board determined under ABP-307077-20 that the use of 25 x self-contained apartments, where care or communal facilities were not provided, for use as a protection centre for protected persons was not development, at the Rock Centre, Ballinamore, Co. Leitrim.

In relation to two other cases in Co. Louth and Co. Kildare, the Board and Kildare County Council determined under ABP-320031-24 and Reg. Ref. ED1021, that the use of a dwelling house, where care is not provided, as long term private residential accommodation for protected persons is development and is not exempted development. I note that these cases related to the use of a domestic dwelling house with shared communal facilities as opposed to the use of self-contained apartments. I am satisfied that these cases would not set a precedent for Fairleigh House.

#### **8.4. Is or is not exempt development?**

- 8.4.1. I am satisfied that in response to the Referrer's question, development has not currently taken place on the referral site. However, should the Commission not concur, the provisions set out within Articles 5(1), 6(1), 9(1) and 10(1) of the Regulations and whether any exemptions would apply, are considered below.
- 8.4.2. I am satisfied that Article 10(1) of the Regulations would not provide for an exemption to allow the apartments change to a reception and care centre for protected persons, as this change would not consist of a change of use within any one of the classes of use specified in Part 4 of Schedule 2 to the Regulations.
- 8.4.3. Part 1 of Schedule 2 to the Regulations deals with general exempted development, including the conditions and limitations to the exemptions, if any. Development consisting of a change of use from various guest accommodation, religious, defence forces barracks or other premises or residential institution providing overnight accommodation, to use for accommodation for protected persons is exempt under Classes 14(h) and (i). There are no conditions or limitations listed beside these exemption classes. The exemption does not specifically refer to a change from residential accommodation, apartments or a category to which the subject permitted use would reasonably fall into.
- 8.4.4. I am satisfied that the exemption under Class 20F the same Regulations does not apply, as this exemption refers to a Temporary use to accommodate or support persons seeking international protection, and I note that the referral premises would be used for long term accommodation.



- 8.4.5. I am satisfied that the carrying out of development would not contravene a planning condition or be inconsistent with any permitted use.

## 9.0 **Other matters**

EIA and AA not required.

## 10.0 Recommendation

10.1. 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 use of self-contained residential apartments at Fairleigh House, High Road, Letterkenny, where care is not provided as a long-term residential accommodation for protected persons, is or is not development, or is or is not exempted development:

**AND WHEREAS** ERM Contracts Ltd. requested a declaration on this question from Donegal Council and the Council issued a declaration on the day of 7<sup>th</sup> day of March 2025 stating that the matter was development and was not exempted development:

**AND WHEREAS** referred this declaration for review to An Bord Pleanála on the 3<sup>rd</sup> day of April 2025:

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), article 9(1) and article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the nature and current use of the site,

- (f) the submissions of the Referrer,
- (g) the report of the Planning Inspector:

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

- (a) the permitted and current use of the premises as self-contained residential apartments, as long-term residential accommodation for protected persons where care is not provided, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the permitted use and, therefore, does not constitute development:

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the use of the premises at Fairleigh House, High Road, Letterkenny, County Donegal as self-contained residential apartments as a long-term residential accommodation for protected persons where care is not provided, is not development.

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Karla McBride  
Planning Inspector

7<sup>th</sup> July 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-322208-25 &amp; ABP-322210-25</b>
<b>Proposed Development Summary</b>	Whether the use of residential apartments where care is not provided as a long-term residential accommodation for protected persons, is or is not development, or is or is not exempted development.
<b>Development Address</b>	Fairleigh House, High Road, Letterkenny, Co. Donegal.
	<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 type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" 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 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 type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<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 type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: Karla McBride      Date: 7<sup>th</sup> July 2025