



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322647-25

<b>Development</b>	Change of use of retail area of existing discount food store to retail unit for sale of bulky goods, internal alterations, external aircon units, replacement signage to existing sign boards, all associated and ancillary works.
<b>Location</b>	Arbutus Drive, Deerpark Road, Killarney Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	2460948
<b>Applicant(s)</b>	JYSK Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	JYSK Limited.
<b>Observer(s)</b>	None.
<b>Inspector</b>	Jennifer McQuaid

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	7
3.4. Third Party Observations .....	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations .....	10
5.3. EIA Screening .....	10
5.4. Water Framework Directive.....	10
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Applicant Response .....	12
6.3. Planning Authority Response.....	12
6.4. Observations.....	12
6.5. Further Responses .....	12
7.0 Assessment.....	13
8.0 AA Screening.....	17
9.0 Recommendation.....	18
10.0 Reasons and Considerations.....	18

Appendix A: Form 1 EIA Screening.....	20
---------------------------------------	----

## **1.0 Site Location and Description**

- 1.1. The subject site is the former Aldi store located along Arbutus Drive, Deerpark Road, Killarney, Co. Kerry and is located to the east of Killarney Town Centre, Co. Kerry. The site is zoned as M4 Built Up Area. There is an existing retail unit and associated car parking on site.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
- Change of use of retail area of existing discount food storey to retail unit for sale of bulky goods.
  - External aircon units, replacement signage to existing sign boards.
  - All associated and ancillary works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted permission subject to 4 no. conditions.

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

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

The principle of change of use is acceptable.

- Further information requested in relation to provision of a cycleway under the Active Travel Scheme, storm water drainage, cycle parking, EV charging point, landscaping, hydropaving (issues over the years since permission was granted under PA Ref: 04/204275).

Further Information Report

- Further information received is acceptable, the landscaping proposed is acceptable given the constraints of the site and the ownership issues.

Active Travel Section requested a special levy to allow for the provision of Active Travel proposals.

### 3.2.2. Other Technical Reports

- County Archaeologist: There are no recorded monuments. No mitigation is required.
- Engineer: Further information required in relation to site layout to be amended to reflect the proposals in the adopted Part 8 planning for cycle lanes along Deerpark Road, sightlines at the exit, details in relation to storm water drainage and attenuation, cycle parking, EV charging point(s), parking assessment.

Further information submitted and the following comments were made:

1. The existing boundary adjacent to the Active Travel Scheme is sufficiently set back to allow for the Deerpark Road Active Travel project.
2. Sight distance lines at the exit updated, site plan demonstrating sightlines North & South in the order of 60m. There is however a significant road safety issue with a lack of sightlines south towards the public footpath due to the presence of an existing boundary wall at the adjoining site. This is shown below in Figure 1. In the interest of road safety, Kerry County Council recommend that a special levy is applied to this planning application to allow Kerry County Council purchase these lands and to setback the wall, which will afford adequate sightlines to the south and in particular to allow those exiting the proposed development sufficient to the south and in particular to allow those exiting the proposed development sufficient visibility of pedestrian and cyclists (vulnerable road users). A proposed special levy is shown below in Table 1.

Table 1 – special levy to be applied in respect of Road Safety works to setback wall.

<b><i>Special Levy Summary</i></b>	
Land Purchase Cost	€10,000.00
Accommodation Works (Fencing, Traffic Management etc)	€2,500.00
Removal of existing wall	€1,500.00
Construction of new boundary wall	€31,250.00
Special Levy Total	€45,250.00

3. Storm Water Drainage & Attenuation refer to the MD Area Office.
4. Cycle Parking for staff shown and should be covered.
5. EV charging points have been shown on the revised site layout.
6. Landscaping refers to MD Area Office.

In summary, if a grant of permission is proposed by Kerry County Council, then a special levy should be applied to this development in the interest of road safety to ensure vulnerable road users are catered for.

### 3.2.3. Conditions

Condition No. 2: Prior to the commencement of development, the developer shall pay a contribution of €7,648.00 to Kerry County Council (Planning Authority) in respect of Roads & Transport and Community & Amenity infrastructure benefiting the development. This contribution is broken down as follows:

Roads & Transport - €3,952.50

Community & Amenity - €3,697.50

This amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and may be increased from January 1<sup>st</sup>, 2026, and annually thereafter (unless previously discharged) in line with the Wholesale Price Indices – Building and Construction (Capital Goods) as published

by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act (as amended) and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

Condition No. 3: Prior to the commencement of development, the developer shall pay a contribution of €45,250.00 to Kerry County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the proposed development, as a special contribution within the meaning of Section 48(2) (c) of the Planning & Development Act, 2000 towards the cost of implementation of the following schedule of works: -

<b><u>Proposed Infrastructure and Facilities</u></b>	<b><u>Estimated Cost</u></b>
Land purchase costs, accommodation works, removal of existing wall and construction of new boundary wall on Deerpark Road	€45,250.00

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, in accordance with the provisions of Section 48 of the Planning and Development Act, 2000.**

### 3.3. Prescribed Bodies

Uisce Eireann: No response.

Department of Housing, Local Government and Heritage: No response.

### 3.4. Third Party Observations

None

## 4.0 Planning History

**PA Ref: 04/204275:** Permission granted for the construction of a single storey Aldi discount foodstore with a split roof design with 117 no. car parking spaces.

## 5.0 Policy Context

### 5.1. Development Plan

Kerry County Development Plan 2022-2028

Volume 6 Development Management Standards & Guidelines, Section 1.3.4 relates to Development Contributions.

Killarney Town Development Plan 2022-2026

The site is zoned M4 "Built Up Area".

Development Contribution Scheme 2017

The DCS is based on the costs and expenditure for future infrastructure projects. Future infrastructure costs fall into one of two main categories:

1. Roads & Transport infrastructure, e.g., Road projects, public lighting, flood relief work.
2. Community & Amenity Infrastructure, e.g., Cycle & walkways, sport facilities, arts/heritage, libraries, burial grounds, school facilities.

As there are different projects associated with each of the two categories, a separate development contribution shall apply based on capital costs.

Section 5 relates to Reductions.

Section 6 relates to Change of Use & Intensification of Use. Development Contributions when applied to change of use applications in previous Schemes were reduced by 50%.

Appendices A relates to a list of projects to be funded by DCS.

### Development Contributions – Guidelines for Planning Authorities (2013)

With regard to the types of Development Contribution Schemes, it is noted that development contributions provide the only statutory mechanism for capturing planning gain as part of the development management process. There are three types of development contribution schemes with the following applicable to the subject development:

General Development Contribution Schemes: Under section 48 of the Planning and Development Acts, planning authorities must draw up a development contribution scheme in respect of certain public infrastructure and facilities provided by, or on behalf of, the local authority that generally benefit development in the area. All planning permissions granted are subject to the conditions of the development contribution scheme in operation in the area of the planning authority.

Development Contributions are to support economic development and should consider measures to support new or existing enterprises such as reduced contributions rates and deferral of payment. With respect to Retention Permission, the guidelines state that 'no exemption or waiver should apply to any applications for retention of development. Planning authorities are encouraged to impose higher rates in respect of such applications.

### Development Management – Guidelines for Planning Authorities (2007)

Section 7.12 of the Guidelines provides guidance on planning conditions relating to development contributions. Any scheme may be the subject of an appeal where the applicant considers that the terms of the scheme were not properly applied. To help minimise unnecessary appeals, the planning decision should clearly set out how the relevant terms were interpreted and applied to the proposed development.

Section 8.12 of the Guidelines refers specifically to appeals in respect of development contribution conditions and reiterates that an appeal against a contribution condition can only be made where the applicant contends that the terms of the contribution scheme have not been properly applied.

### OPR Practice Note PN03 2022.

Section 3.16 relates to Conditions requiring financial contributions or Ceding of Lands

Special development contributions are provided for in Section 48 (2)(c) of the 2000 Act for specific works which benefit the individual development. These relate to costs associated with works that are not covered by the planning authority's Development Contribution Scheme. Any works in respect of which the special contribution is being levied must be specified in the condition. Any contributions required by way of conditions must be strictly in accordance with the provisions of such sections.

## **5.2. Natural Heritage Designations**

The site is not located within a designated site. The nearest sites are:

- Killarney National Park, Macgillicuddy Reeks and Caragh River Catchment pNHA & SAC (site code: 000365) is located 1km south and west of the subject site.
- Killarney National Park SPA (site code: 004038) is located 1km south and west of the subject site.
- Sheheree (Ardagh) Bog SAC (site code: 000382) is located 2.3km south of the subject site.
- Castlemaine Harbour SAC (site code: 000343) is located 5.5km south, west and north of the subject site.

## **5.3. EIA Screening**

- 5.3.1. The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore does not require preliminary examination or environmental impact assessment. See Form 1 (attached).

## **5.4. Water Framework Directive**

- 5.4.1. The subject site is located in an urban area to the northeast of Killarney town, there are no streams or rivers in close proximity to the site. The proposed development comprises of the change of use from discount food store to retail unit, the appeal relates to a special contribution solely. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive

which seeks to protect and, where necessary, restore surface & ground water body in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works consists of change of use from retail unit to sale of bulky goods.
- Distance from nearest water bodies.
- Connection to public water and sewer

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal have been submitted from the applicant. The concerns raised are:

- Development Contribution: Condition 3 requests the applicant to pay €45,250.00 in respect of a new wall outside their boundary and not relating to the subject proposal. However, condition 2 also requests a contribution of €7,648 in respect of Roads & Transport and Community and Amenity Infrastructure.
- The contribution amount set in Condition No. 3 is argued to be unreasonable, erroneous and not in line with Kerry County Council's 2017 Development Contribution Scheme or the Planning and Development Act 2000.

- The proposed development does not affect or require changes to the existing Deerpark Road Active Travel Scheme. The Special contribution relates to additional funding for the provision of a cycle path along Arbutus Road which has already been funded and planned since 2021. The removal of the wall in question is not justified, as the scheme will proceed regardless of the development.
- The special levy violates Section 48 of the Planning and Development Act, 2000, as it lacks clarity on the specific works to be funded and does not meet the criteria for special contributions, as the costs are not “exceptional” or directly related to the proposed development. The public cycle path is not specific to the subject site and overlaps with general contributions.
- The special levy discourages the reuse of a vacant building in a town centre, contradicting the Kerry County Development Plan 2022-2028 objectives to support regeneration, combat vacancy, and encourage sustainable development in town centres.

## **6.2. Applicant Response**

- As above.

## **6.3. Planning Authority Response**

- The planning authority is satisfied that the Section 48 Special Levy is warranted and justified. Active Travel section are satisfied with the estimated special levy cost and note it is a fair and accurate reflection of works associated with setting back the boundary wall in the interest of road safety which is benefiting this development.

## **6.4. Observations**

- None

## **6.5. Further Responses**

- None

## 7.0 Assessment

- 7.1. This appeal has been brought to An Coimisiún Pleanála under the provisions of section 48(2)(c) of the Planning and Development Act, 2000 (as amended) and relates solely to Condition No. 3 of PA reg. ref: 2460948. This condition requires the applicant to pay a financial special contribution of €45,250.00 in respect of Land purchase costs, accommodation works, removal of existing wall and construction of new boundary wall on Deerpark Road as provided for in the Kerry County Council Development Contributions Scheme 2017.
- 7.2. In the above context, as this appeal relates to a Special Development Contribution only, I consider that the Commission is required to apply the Development Contribution Scheme as adopted by Kerry County Council and not to evaluate the merits of the planning application as if it was made to it in the first instance. The Commission is confined solely to the consideration of whether the terms of the relevant Development Contribution Scheme have been properly applied.
- 7.3. Having regard to the limitations imposed on the Commission under section 48(10) Planning and Development Act, 2000 (as amended), I will limit my assessment accordingly under the following headings:
- Condition No. 3 – Special Contribution
- 7.4. **Condition No. 3 - Special Contribution**
- 7.5. Condition No. 3 was applied by the Planning Authority as a special contribution towards expenditure that is proposed to be incurred by the Planning Authority in respect of land purchase costs, accommodation works, removal of existing wall and construction of new boundary wall on Deerpark Road as part of a recently approved Part 8 for cycleway. The condition was applied in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act 2000 and a contribution sum of €45,250 was specified.
- 7.6. Section 48 (2) (c) of the Planning and Development Act, 2000 clearly sets out the special requirements that justify the imposition of special contribution conditions as follows: “A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where *specific exceptional costs* not covered by a scheme are incurred by any local

authority in respect of public infrastructure and facilities which benefit the proposed development". Further provisions as regards the payment of any such special contribution are set out in Section 48(12) as follows:

*"Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply –*

*(a) The condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,*

*(b) Where the works in question –*

- (i) Are not commenced within 5 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)),*
- (ii) Have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)), or*
- (iii) Where the local authority decides not to proceed with the proposed works or part thereof.*

*The contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,*

*(c) Where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out".*

7.7. Accordingly, three essential requirements or characteristics are necessary to justify attachment of a "special contribution" condition. Under this subsection of the Act, the payment must be required:

- a) in respect of a development,
- b) specific exceptional costs must be incurred as a result of or in order to facilitate it and,

c) such costs cannot be covered by a Development Contribution Scheme made under Section 48 or 49 of the Act.

The condition attached by the PA in respect of special development contributions outside of the S.48 or S.49 Development Contribution Schemes should be assessed systematically against the above tests.

- 7.8. In respect of a development, the condition does outline that the special contribution is towards “land purchase costs, accommodation works, removal of existing wall and construction of new boundary wall on Deerpark Road”. The Engineer report outlines that there is “a significant road safety issue with a lack of sightlines south towards the public footpath due to the presence of an existing boundary wall at the adjoining site”. This is shown on a photograph; however, the photograph is not descriptive in identifying the exact section of wall to be demolished. It is stated that the special levy is applied to allow Kerry County Council to purchase these lands and to setback the wall, which will afford adequate sightlines to the south and in particular to allow those exiting the proposed development sufficient visibility of pedestrian and cyclists (vulnerable road users). In my opinion, the subject wall does not obstruct sightlines for the users of the subject site, as the applicant has demonstrated sightlines north and south of the entrance in the order of 60 meters for vehicles exiting the site. The Engineer of KCC is satisfied with the current sightlines. The required works will improve the road safety for cyclists and pedestrians along the Arbutus Road as part of the Active Travel Part 8 proposal for cycleways but are not required to facilitate the proposed development.
- 7.9. I note that the adjoining site is currently vacant and there is no active planning permission on this site. The Planning Authority have not provided any information in relation to the landowner of this property, any attempts to purchase the said lands/wall or details in relation specific details of the new boundary wall. Accordingly, to assume that Kerry County Council can purchase the lands and at the estimated cost is somewhat speculative and, in my opinion, it is this lack of specificity which undermines the test for “specific exceptional costs” and further fails to adhere to the requirements as set out in Section 48(12)(a) of the Act that the condition specify the particular works carried out, or proposed to be carried out, by the local authority to which the contribution relates. The Development Contributions, Guidelines for Planning Authorities Section 7.12 also outlines that for such a condition to be

attached by a planning authority, it is essential that the basis for the calculation of a contribution should be explained in the planning decision, including identifying the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.

*“A special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution’.*

7.10. Noteworthy is that specific exceptional costs must be incurred as a result of or in order to facilitate the development, the works required are in relation to road safety issue with a lack of sightlines south along Arbutus Road on the cycle path for the Part 8 Active Travel proposal, due to the presence of the existing boundary wall on the adjoining site. The proposed works do not facilitate the proposed change of use development as the sightlines exiting the subject site are sufficient and confirmed by the Kerry County Council’s Engineer. Therefore, I do not consider that the special contribution meets the essential requirements or characteristics necessary to justify the attachment of a special contribution condition in relation to “in respect of the development”.

7.11. In regard to the costs, I consider that the condition fails to accord with the guidance within the Development Management Guidelines, as the decision does not provide any basis for the calculation of the contribution, including the nature/scope of works and the expenditure involved. I would highlight to the Commission that the special contribution has been “estimated” as per condition No. 3. No clarification has been provided on how the €45,250 contribution amount was estimated. I note a breakdown of the estimated cost per work proposed is outlined, but no details as to how this conclusion was made. I consider this approach also fails to meet the requirements of Section 48(2)(c), which requires that the exceptional cost should be specific. An estimated costing is, in my opinion, not adequately specific, to meet the requirements of Section 48(2)(c).

- 7.12. I note the applicant is required to pay a development contribution of €3,952.50 in respect of Roads & Transport and €3,697.50 in respect of Community & Amenity. I have reviewed the Development Contributions Scheme 2017 and Appendices A provides a list of projects to be funded by the DCS, this includes (a) acquisition of land, and (d) the provision of bus corridors and lanes, bus interchange facilities, infrastructure to facilitate public transport, cycle and pedestrian facilities, and traffic calming measures and it is further noted point (h) states any matters ancillary to paragraphs (a) to (g). Therefore, in my opinion, the proposed works and costs can be covered by a Development Contribution Scheme made under Section 48 or 49 of the Act.
- 7.13. Therefore, on the basis that the works proposed are not specified or required in order to facilitate the development, in addition, the cost provided are only estimated and no basis is provided for the calculation, nor has an explanation being provided as to why the costs cannot be covered the general contribution scheme. I consider that the special development contribution imposed does not comply with the criteria as set out under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution. Accordingly, I could recommend that Condition no. 3 is removed.

## 8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an urban area to the northeast of Killarney town, there are no streams or rivers in close proximity to the site. The proposed development comprises of the change of use from discount food store to retail unit, the appeal relates to a special contribution solely. The site is not located in a designated area; the nearest protected site is Killarney National Park, Macgillycuddy Reeks and

Caragh River Catchment pNHA & SAC (site code: 000365) is located 1km south and west of the subject site. No nature conservation concerns were raised in the planning appeal.

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.

The reason for this conclusion is as follows:

- Nature of works which comprise of a change of use of an existing retail unit to bulky goods.
- The distance of over 1km metres to the nearest European site and lack of hydrological connections

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.

## **9.0 Recommendation**

- 9.1. I consider that the Planning Authority incorrectly applied the terms of the section 48(2)(c) of the Planning and Development Act, 2000 as amended in respect of a development, specific exceptional costs must be incurred as a result of or in order to facilitate it and, such costs cannot be covered by a Development Contribution Scheme made under Section 48 or 49 of the Act. in the calculation of the amount payable under Condition No. 3. I recommend that Condition No. 3 be REMOVED from the final grant.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to:

- a. Section 48(2)(c) of the Planning and Development Act, 2000 as amended.
- b. The Development Contribution Guidelines for Planning Authorities (2013).

c. The Kerry Development Contribution Scheme 2017.

In respect of Condition No. 3, the Commission, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered that the condition failed to meet the requirements of Section 48(2)(c) of the Act and should thus be omitted.

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.

---

Jennifer McQuaid  
Planning Inspector

6<sup>th</sup> August 2025

## Appendix A: Form 1 EIA Screening

<b>Case Reference</b>	ABP-322647-25
<b>Proposed Development Summary</b>	Change of use of retail area of existing discount food store to retail unit for sale of bulky goods, internal alterations, external aircon units, replacement signage to existing sign boards, all associated and ancillary works
<b>Development Address</b>	Arbutus Drive, Deerpark Road, Killarney, 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.  <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.  EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	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 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 checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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