



An
Coimisiún
Pleanála

Inspector's Report

ABP-322744-25

Development	Permission for car vehicle access from Gilford Road to park in the undercroft area of the house.
Location	Nutgrove Lodge, 58B Gilford Road, Sandymount, D04 T9T1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1633/25
Applicant(s)	Brona Burke and Philip Gilboy.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Brona Burke and Philip Gilboy.
Observer(s)	None.
Date of Site Inspection	31 st July 2025
Inspector	Carol Hurley

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is located at No. 58B Gilford Road, Sandymount, D04 T9T1. The area can be characterised as being established residential in nature.
- 1.2. The site is occupied with a recently converted two storey stables building into residential use. The building as it addresses Gilford Road has a pitched roof finish with black slates and buff brick to the elevations while the extension to the rear has a more contemporary form with a flat roof metal clad upper section. There is a large ope at ground floor level which provides access to the undercroft area. At time of site visit, this ope was closed off with decorative metal gates. The gated entrance accesses directly onto the pavement adjacent to Gilford Road. There is a pedestrian gate to the south side of No.58B which would appear to serve the subject site.
- 1.3. The adjoining building to the south, i.e. 15A Gilford Road is a two-storey stone faced dwelling with a hipped roof. Vehicular access to this property is located to the south via red brick pillars and metal gates. The boundary to Gilford Road consists of a rendered wall and planting to the rear. Construction works were ongoing at this site at time of site visit.
- 1.4. The adjoining building to the north, i.e. 15C Gilford Road is a two-storey flat roof structure and is in use as 'Sandymount Vets'. The elevation is finished in a render. To the north of this building is a garage type door. At time of site visit this door was closed.
- 1.5. The building line of the appeal site, as a result of the conversion of the stable building is significantly forward of the building line associated with No. 15A and 15C Gilford Road.
- 1.6. There is variety to the building styles along the western side of Gilford Road whereas the eastern side of the road consists of a more uniform typology of semi-detached two storey dwellings, many of which have off- street car parking.
- 1.7. The junction of Gilford Road with Sandymount Castle Road is located opposite to the appeal site. There is a signalised pedestrian crossing to the north of the subject site. As a consequence, there are double yellow lines directly to the front of the appeal site and on the eastern side of Gilford Road. There is on street car parking to the north and south of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for car vehicle access from Gilford Road and to park in the undercroft area of the house.
- 2.2. The existing front elevation of the dwelling comprises of a gated entrance which measures c. 2.65m in width. The applicant seeks to use this entrance for vehicular access and for the purposes of parking the car. This area measures c.5.6m (greatest depth) x c.3.2m (greatest width).
- 2.3. Save for the proposed installation of pedestrian and traffic vision mirrors and a painted yellow box to the road no works are proposed.

3.0 Planning Authority Decision

3.1. Decision

On the 16th of May 2025 Dublin City Council issued a decision to refuse permission in respect of the proposed development (for 1 no. reason).

The reason for refusal can be summarised as follows;

The proposed vehicular entrance would fail to comply with Appendix 5, Section 4.3.1 of the Dublin City Development Plan 2022-2028. The entrance would not provide a safe access and egress from the site as a result of the significantly constrained sightlines of the site and the proximate location of the entrance to a signalised pedestrian crossing.

The entrance would endanger public safety by reason of a traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments

- Notes the nature of the proposed development and the works included – pedestrian and traffic vision mirrors either side of the entrance. These elements would overhang the public road. The proposed entrance would utilise an

existing undercroft area which accommodates bin storage and an existing EV Charging Point.

- Notes that the width of the existing entrance at 2.65m is contrary to an existing permission (Condition 4(i) of Reg.Ref. 2217/20 granted a maximum width of 1.5m) and as such is without the benefit of planning permission. The report notes that the Enforcement Section of Dublin City Council will be contacted regarding unauthorised development.
- Notes that the assessment refers to the contents of the report of the Transportation Planning Division (summarised below) which takes the operational requirements of the public road into consideration as per the requirements of Volume 2, Appendix 5 'Transport and Mobility: Technical Requirements'.

3.2.2. Other Technical Reports

- Transportation Planning Division report (dated 6th May 2025) – Notes the principal pedestrian access to the dwelling is from Gilford Road via a 2.7m wide pedestrian entrance.

The entrance significantly exceeds the maximum width conditioned under Ref: 2217/20

The proposed vehicular access is located opposite the junction of Gilford Road with Sandymount Castle Road. A signalised pedestrian crossing is located on Gilford Road less than 10m to the north of the proposed vehicular access. On street parking is prohibited adjacent to the site due to the proximity to the junction and signalised crossing.

Appendix 5 of the Dublin City Development Plan 2022-2028 states that vehicle entrances shall be designed to avoid the creation of a traffic hazard.

Concern was raised with this vehicular entrance which was previously proposed under ref.2217/20 due to the significantly restricted sightlines of the site and the location adjacent to the signalised junction.

In response to these concerns the applicant now proposes the provision of a yellow box junction in front of the entrance on the northbound lane of Gilford

Road in addition to the provision of projecting traffic mirrors on the front elevation of the building.

The report sets out that the additional measures proposed are not acceptable to the Transportation Planning Division.

The Transportation Planning Division remain of the position that the proposed vehicular access would have significantly constrained sightlines due to the retention of the existing building and this is compounded by the entrance's position adjacent to the signalised crossing.

The entrance as proposed would result in vehicular and pedestrian conflicts, hazardous manoeuvres at a signalised pedestrian crossing and would be a traffic hazard.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. Subject site

PA Ref. 2217/20 – Permission GRANTED to demolish the single storey outbuildings behind the two storey building at 58B Gilford Road, Sandymount, Dublin 4, in order to construct a new contemporary style 2/3 storey 4 bedroomed dwelling house. The outbuildings referred to are on the northern side of 58A Gilford Road which is also known as Nutgrove House. The front building will be maintained and refurbished as part of the proposed house including gates for general access and for vehicle access to one car parking position. The works to this building will also include an apex roof light to a proposed first floor sitting room, opening the blocked window ope at first floor level to the Gilford Road east elevation and the addition of solar panels on the roof to the rear western slope. The main facade of the house will be two storey in height with a parapet to line with the adjoining Pet Hospital Building. The proposal also

incorporates a second floor the roof of which will line with the ridge line of 58A (Nutgrove House) with the front facade at the building line of this house. The new and old buildings will be linked with a glazed bridge over an internal courtyard behind the front building. The courtyard will accommodate an underground rain water harvesting tank. The recessed building lines to the proposed house provide for small roof terraces on the eastern and western sides.

It is noted that at Further Information stage the omission of the parking space was sought due to the restricted sightlines and proximity to the pedestrian crossing.

Condition 4 (i)

The pedestrian entrance within the opening onto Gilford Road shall be restricted to at most 1.5 m in width by the installation of gates or similar.

PA REF. 4244/22 - Permission GRANTED for an additional bedroom to the previously granted dwelling under PA REF 2217/20.

PA REF. 4016/19 - Permission REFUSED to demolish outbuildings and construct a 2/3 storey dwelling house, including the provision of a car parking space. The works also proposed cutting back the first 1.5m of projecting wall on the northern side to facilitate vision. Permission was refused due to buildings proposed for demolition being of character and contribution to the ACA. The visual design of the proposed building was not acceptable.

4.2. Vicinity of subject site:

PA Ref. WEB1652/25 – Permission was granted at Nutgrove House, 58A Gilford Road, Sandymount, for a single storey extension and alteration to windows but the proposed widening of the driveway was omitted by condition.

3. The proposed development shall comply with the following requirements of the Transportation Planning Division:

(a)The widening of the existing vehicular entrance from Gilford Road shall be omitted. Nutgrove Lodge, No 58A Gilford Road shall be served by the existing 3.0m wide vehicular entrance. There shall be no outward opening swing gates

ABP-319271-24 (PA Ref. 4976/23) Permission was refused on appeal at Hillview House, 15D Gilford Road Sandymount for the demolition of a 2 no. storey building (Hillview House) and associated outbuildings and for the construction of a mixed use development consisting of 4 apts, café and office space. Works also included for the upgrading and modifying of the existing entrance laneway. Permission was refused on the basis of being over development of the site by virtue of the basement car parking and the constraints associated with it including the narrow carriageway for vehicles and pedestrians and lack of provision for service vehicles in addition to a conflict between various users resulting in traffic safety concerns for vehicles and pedestrians.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Dublin City Development Plan 2022-2028 under which the appeal site is zoned Z2: Residential Neighbourhoods (Conservation Areas) with a stated objective 'To protect and/or improve the amenities of residential conservation areas'.

The house on the appeal site is not included on the Record of Protected Structures but is located within a designated Architectural Conservation Area, Sandymount Village and Environs and a Conservation Area.

The following policy is relevant to the proposed development which is located within an Architectural Conservation Area and a Conservation Area.

Policy BHA7 (Architectural Conservation Areas)

Architectural Conservation Areas

- (a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.

- (b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.
- (c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.
- (d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.
- (e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.
- (f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease

Policy BHA9 (Conservation Areas)

Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.

3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
7. The return of buildings to residential use.

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.

Policy CA25 'Electric Vehicles'

To ensure that sufficient charging points and rapid charging infrastructure are provided on existing streets and in new developments subject to appropriate design, siting and built heritage considerations and having regard to the Planning and Development Regulations (2001) as amended, which have been updated to include EV vehicle charging point installation.

Objective CA04 'Regional Strategy for Electric Vehicle (EV) Charging

To support and implement the forthcoming Regional Strategy for Electric Vehicle (EV) charging over the lifetime of the plan in order to facilitate the transition to low carbon vehicles required to achieve 2030 national targets.

Volume 2 Appendix 5 'Transport and Mobility: Technical Requirements

Section 4.3.1 Dimensions and Surfacing

'Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres.

Detailed requirements for parking in the curtilage of Protected Structures and in Conservation Areas are set out below in section 4.3.7'

Section 4.3.7 Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas

- Access to and egress from the proposed parking space will not give rise to a traffic hazard;
- The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 m and this combined entrance should be no greater than half the total width of the garden at the road boundary. The gates shall not swing outwards so as to cause an obstruction on the public footpath.

5.2. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site or other Natural Heritage Site.

The subject site is located c. 424m to the west of the Special Area of Conservation for South Dublin Bay (000210), South Dublin Bay proposed NHA and the Special Protection Area for South Dublin Bay and River Tolka Estuary (004024). The Special Area of Conservation for Rockabill to Dalkey Island (003000) is located c.8.4km to the east.

6.0 EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I concluded that the proposed development is not a class for the purposes of EIA as per the classes of development 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.

See completed Form 1 on file.

7.0 The Appeal

7.1. Grounds of Appeal

One appeal was received from Brona Burke and Philip Gilboy. The grounds of the appeal as raised in the submission from the first party appellant can be summarised as follows;

- Reference is made to the planning history of the subject site. PA Ref.4016/19 proposed off street car parking. This application was subsequently refused as the Planning Authority required that the stable building be retained.

The subsequent revised planning application, PA Ref.2217/20 proposed the retention of the stable building however as part of a request for additional information the car parking space was omitted. This amendment was also reflected in a condition (No.4(i)).

- The submission refers to the report of the Planning Officer associated with PA Ref 2217/20 and the requirements of Policy CHC8 and section 16.10.18 of the 2016 – 2022 Development Plan and submits that the proposal, apart from the point highlighted in red meets all of the other criteria listed. (I note that no section is highlighted in red)
- Mitigation measures are proposed to alleviate concerns which include 2 no. pedestrian and traffic vision mirrors and the provision of a painted yellow box on the public road.
- The applicants wish to purchase an electric car however they are unable to do so without any provision to charge the battery.
- A grant of permission is requested and at the minimum a temporary permission is requested by the applicant.

7.2. Planning Authority Response

- None.

7.3. Observations

- None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Scope of development
- Parking, Traffic Safety and Compliance with the Development Plan
- Impact on the ACA and Conservation Area.
- Water Framework Directive Screening
- Appropriate Assessment

8.2. Scope of Development

8.2.1. The proposed development is located within an area zoned for residential uses, the principle of the development with minor works proposed is therefore acceptable, subject to the assessment below.

8.2.2. I note that the Chief Executives Order of the Planning Authority refers to the fact that the existing pedestrian entrance exceeds the maximum opening width prescribed in Condition No.4(i) associated with PA Ref. 2217/20. This is a matter to be dealt with by the Planning Authority.

8.3. Parking, Traffic Safety and Compliance with the Development Plan

8.3.1. From undertaking a site visit I note that visibility from the subject entrance is significantly constrained primarily by the context and character of the building itself. The nature of the appeal site is such that the entrance opens directly onto the footpath

with no provision for a set-back to create a visibility splay to ensure that cars can exit in a safe manner. I note that the site provides for no manoeuvrability within and that access/egress would require reversing movements.

In addition, the surrounding road layout adds further constraints to the appeal site with it being located immediately proximate to the signalised pedestrian crossing with associated double yellow lines (immediately outside the appeal site) and the junction with Sandymount Castle Road to the east. At the time of site visit, I observed that the area was busy with both pedestrian and vehicular traffic. I observed a car parking on the double yellow lines immediately to the south of the signalised crossing, more or less outside of the appeal site but it did not appear to be associated with the site. In addition, I noted that several drop offs were being made to the adjacent vet surgery both in an ad hoc manner and utilising the car parking on Sandymount Castle Avenue. I would consider that any vehicular movements made to access or exit the parking space whether in a forward or reverse gear would be hazardous.

- 8.3.2. To address the traffic safety issues, the applicant is proposing to provide mitigation measures. These measures have not been accepted by the Planning Authority. I consider that cars should be able to exit a parking space without the reliance on visibility aids. Visibility aids such as mirrors can be misinterpreted by drivers in addition to glare or other uncontrollable issues that could distort the reality of the situation. The issue of consent regarding overhanging the public footpath is a matter for the Planning Authority.
- 8.3.3. The appeal documents refer to Policy CHC8 as it related to the previous Planning Officers assessment. Policy CHC8 was associated with the Dublin City Development Plan 2016-2022. I note that the decision of the Planning Authority associated with the current appeal refers to Volume 2, Section 4.3.1 of the development plan, in addition I consider that Section 4.3.7 'Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas, Appendix 5, Dublin City Development Plan 2022-2028 to also be relevant, regard being had to the location within a designated ACA and Conservation Area. The development as proposed with the lack of a suitable set-back to provide for intervisibility between the vehicle and pedestrians and other road users fails to provide for safe access and egress and is further compounded by the presence of the signalised crossing and would give rise to

traffic hazard. I consider that the development would be contrary to Section 4.3.1 of the Dublin City Development Plan 2022-2028.

Based on the issues raised above, I recommend that permission be refused in this regard.

8.3.4. I consider that there is no potential to improve the sightlines. In this regard it is my opinion that the granting of a temporary permission would otherwise authorise a development which is deemed to be hazardous whether the vehicular entrance is temporary or permanent, the same safety issues prevail.

8.3.5. The applicants have installed an EV Charging point with the desire to purchase an electric vehicle. I note that the Dublin City Development Plan 2022-2028 recognises the need for EV Charging points and seeks to address this issue over the lifetime of the Plan, as reflected in Objective CA04. I acknowledge the applicants wishes however I consider that the provision of an off street car parking space for the purposes of charging an EV does not override the traffic safety issues.

8.4. Impact on the ACA and Conservation Area.

8.4.1. I note that the subject site is located within an Architectural Conservation Area and Conservation Area. Having regard to the nature of the development and the character of the site, I do not have concerns with regard to undue impact to the character of the ACA.

9.0 Water Framework Directive Screening

9.1. The subject site is located at Nutgrove Lodge, 58B Gilford Road, Sandymount, D04 T9T1 and is c. 454m to the west of the waterbody, IE_EA_090_0000, Dublin Bay.

9.2. The proposed development comprises permission for a car vehicle access from Gilford Road to park in the undercroft area of the house.

9.3. No water deterioration concerns were raised in the planning appeal

9.4. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies 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.

9.5. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

9.6. 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.

10.0 AA Screening

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

The subject site is located within an established urban area, c. 424m to the west of the Special Area of Conservation for South Dublin Bay (000210) and the Special Protected Area for South Dublin Bay and River Tolka Estuary (004024) being c.8.4km to the east of the Special Area of Conservation for Rockabill to Dalkey Island (003000).

10.2. The proposed development comprises of permission for car vehicle access from Gilford Road to park in the undercroft area of the house.

10.3. No nature conservation concerns were raised in the planning appeal.

10.4. 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.

10.5. The reason for this conclusion is as follows

- The nature of the works

- The distance from the nearest European site and the lack of connections.

10.6. 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.

10.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

11.0 Recommendation

11.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

1. Having regard to the deficiencies in sightlines available at the proposed vehicular entrance together with the proximity of the site to the signalised pedestrian crossing to the north and to the junction with Sandymount Castle Road to the east, the development as proposed fails to provide for a safe access and egress which if permitted would endanger public safety by reason of a traffic hazard or obstruction of pedestrians and road users or otherwise. The development would be contrary to Appendix 5, Section 4.3.1 of the Dublin City Development Plan 2022-2028.

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.

Carol Hurley
Planning Inspector

06 August 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-322744-25		
Proposed Development Summary	Proposed car vehicle access from Gilford Road to park in the undercroft area of the house.		
Development Address	Nutgrove Lodge, 58B Gilford Road, Sandymount, D04 T9T1		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes X	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____