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|-------------------------------------|---|
| <b>Development</b>                  | Retention of change of use from garage to 1 bedroom dwelling. |
| <b>Location</b>                     | Station Road, Dunlavin, Co. Wicklow                           |
| <b>Planning Authority</b>           | Wicklow County Council  |
| <b>Planning Authority Reg. Ref.</b> | 2560954   |
| <b>Applicant(s)</b>                 | Catherine Browne  |
| <b>Type of Application</b>          | Retention   |
| <b>Planning Authority Decision</b>  | Refuse Retention Permission                                   |
| <b>Type of Appeal</b>               | First Party Normal Planning Appeal                            |
| <b>Appellant(s)</b>                 | Catherine Browne  |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 06/05/26  |
| <b>Inspector</b>                    | Donal Farrelly  |

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at Station Road, Dunlavin, Co. Wicklow off the R412. The speed limit for this section of road is 80kph. The river Greese flows approximately 70m to the west of the appeal site boundary but is not connected to the site.
- 1.2. The appeal site is identified as 0.089 ha, is located approximately 1km north of Dunlavin Town Centre, and is bounded by residential properties on either side to both the north and south. Residential properties are also located opposite the site along the R412. A car sales business is located to the rear of the adjacent site to the north.
- 1.3. The site contains an existing residential bungalow dwelling, and an ancillary garage currently being used as another residential unit. The site slopes away from the public road with the house and garage both located below the public road level.
- 1.4. Access to both the garage and dwelling unit is by way of the existing entrance off the R412. A hedge and low stone wall form the front boundary of the site.

## 2.0 Proposed Development

- 2.1. Retention permission is sought for the change of use of an ancillary garage to a residential unit. The garage subject to the change of use is located adjacent to the principal residential unit. The principal residential unit and converted garage both utilise a shared access to the site. Wastewater is to the public mains.

## 3.0 Planning Authority Decision

### 3.1. Decision

Retention Permission was refused by Decision Order dated 23/01/2026 for the following reasons.

1. *The Council's settlement strategy is to require new housing to locate on designated housing land within the boundaries of settlements, and to restrict rural housing to those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3 of the Wicklow County*

*Development Plan 2022 -2028. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objective CPO 6.41 of the Wicklow County Development Plan 2022 -2028 as they have not demonstrated a bona fide need for a new dwelling in the open countryside in accordance with the requirements set out in Table 6.3. The proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to the layout / siting of the proposed development, within a confined development site and also taken in conjunction with the existing development in the immediate locality, it is considered that the proposal would represent substandard residential development, would give rise to the excessive suburbanisation of the locality, would set a precedent for further undesirable patterns of development, and would erode the rural and scenic qualities of the area, contrary to Objective CPO 6.44 of the County Development Plan 2022-2028 which provides that rural houses shall achieve the highest quality of layout and design, should be simple, unobtrusive , respond to the site's characteristics and be informed by the principles set out in the Wicklow Single Rural House Design Guide*
- 3 *Having regard to;*
  - a) *The intensification of traffic movements on site to be generated by the development proposal, served by an existing shared entrance onto the R-412-0 regional public road,*
  - b) *The high traffic volumes and traffic speeds experienced upon the R-412-0 regional public road, and*
  - c) *the absence of sight distance details on the plans proved as to ensure that appropriate sight distances can be achieved at the junction of the development site onto the R-412-0, in accordance with TII standards, It is considered that the proposed development would result in a serious traffic hazard. The proposed development would therefore be contrary to proper planning and sustainable development of the area.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Report of Assistant Planner dated 21/01/2025 recommends a refusal of retention permission. This refusal was based on the housing needs criteria of the Wicklow County Development Plan 2022-2028 (CDP), provision of substandard accommodation which does not conform with the Wicklow Single Rural House Design Guide, and absence of sightline details and intensification of traffic movements.

### 3.2.2. Other Technical Reports

The report from the Senior Executive Engineer requested that further information be requested regarding vehicular sightlines.

## 3.3. Prescribed Bodies

No response received from Irish Water.

## 3.4. Third Party Observations

None

## 4.0 Planning History

**2460691/ ABP-321779-25.** Change of use, renovation and extension of an existing garage to provide a 1 bedroom independent unit at Station Road, Dunlavin, Co. Wicklow (W91 P4A9) and is to include connection to existing drainage infrastructure and all ancillary site development and excavation works undertaken. Retention Permission refused for the following reasons.

- 1. The Board is not satisfied, on the basis of the information submitted with the planning application and the appeal, that the development proposed to be retained would meet the criteria specified in Section 3.1.9 Independent Living Units ('Granny-flats') of Appendix 1 (Development and Design Standards) of the Wicklow County Development Plan 2022-2028. It is considered that the need for the unit proposed to be retained has not been sufficiently justified, that the conversion of the pre-existing garage cannot ensure that the unit forms an integral part of the main dwelling or would be capable of reintegration for single*

*family use due to its detached setting on the site, and that the size of the development proposed to be retained, at 80 square metres, substantially exceeds the maximum floor area prescribed. The development proposed to be retained would result in an inappropriate form of development, would set an undesirable precedent for similar type development in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area*

2. *The Board is not satisfied, on the basis of the information submitted with the planning application and the appeal, that there is sufficient provision of public services and infrastructure on the site to effectively dispose of foul effluent arising from the development proposed to be retained. The development proposed to be retained would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area*

**06/6366 (adjacent site to north).** New dwelling with on-site effluent disposal system also for a replacement on-site effluent disposal system for the existing dwelling & all associated site works. Permission granted to Stephanie Browne, Station Road 08/05/07.

## 5.0 Policy Context

### 5.1. Development Plan

The Wicklow County Development Plan 2022-2028 (CDP) is the relevant Development Plan for the appeal site. The site is located outside the settlement boundary of the Dunlavin Town Plan 2022-2028. In my opinion the most relevant policies and objectives of the CDP are summarised below.

- 5.1.1. Chapter 4 relates to 'Settlement Strategy'. The appeal site is designated as being located within Level 10 The rural area (open countryside). Rural housing policy applies to Level 10 areas.

#### Chapter 6 – Housing – objectives

- 5.1.2. CPO 6.1 - *New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.*

5.1.3. CPO 6.24 To facilitate family / granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the Development and Design Standards (Appendix 1).

5.1.4. CPO 6.3-*New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.*

5.1.5. CPO 6.41 – *Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3.*

5.1.6. Table 6.3 – contains the definitions for Housing Need, Economic Need and Social Need.

#### Housing Need / Necessary Dwelling

This is defined as those who can demonstrate a clear need for new housing, for example:

- first time home owners;

- someone that previously owned a home and is no longer in possession of that home as it had to be disposed of following legal separation / divorce / repossession by a lending institution, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration;

- someone that already owns / owned a home who requires a new purpose built specially adapted house due to a verified medical condition and who can show that their existing home cannot be adapted to meet their particular needs;

and other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside notwithstanding previous / current ownership of a home as may be considered acceptable to the Planning Authority.

5.1.7. CPO 6.44 - *To require that rural housing is well-designed, simple, unobtrusive, responds to the site's characteristics and is informed by the principles set out in the*

*Wicklow Single Rural House Design Guide. All new rural dwelling houses should demonstrate good integration within the wider landscape.*

#### Chapter 12 — Sustainable Transportation

5.1.8. CPO 12.48 - New means of access onto regional roads will be strictly controlled and may be considered subject to a number of conditions.

#### Chapter 17 – Natural Heritage and Biodiversity

The site is located in the Landscape Category – Rolling Lowlands (Map No. 17.09A – Wicklow Landscape Category Map).

#### Appendix 1-Development and Design Standards

2.1.9 Entrance and Sightlines.

*‘In all areas, new entrances shall be designed having regard to the design speed, function and traffic volumes on the adjoining public road as well as pedestrians, cyclists and vulnerable road users...’*

Appendix 2-Single Rural Houses Design Guidelines. This provides design and layout guidance for single rural houses.

### **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

Sustainable Rural Housing Development Guidelines 2005

### **5.3. Natural Heritage Designations**

The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- Slaney River Valley SAC (000781) is located approximately 7.2km south west of the site
- The Wicklow Mountains SAC (002122) is located approximately 9.3km to the south west of the site
- Poulaphouca Reservoir SPA (004063) is located approximately 10.1km to the north east of the site.
- Dunlavin Marshes NHA is located to the west of the site.

## 6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. A first party appeal has been lodged by a consultant acting on behalf of the appellant. The appeal was accompanied by planning details and a medical letter.

7.1.2. The grounds of appeal are summarised as follows;

Appellant satisfies the requirements of Objective CPO 6.41 and Table 6.3 of the Wicklow County Development Plan 2022-2028 in that they have lived on the site for 48 years in a home she jointly owns, has Medical requirements and mobility issues regarding the current layout of the principal dwelling, and has provided a letter from medical practitioner outlining the need for the converted garage with the conversion undertaken on this basis.

- Development is located within the curtilage and to the rear of the principal dwelling. The development is modest in scale, finishes match the existing garage, and negligible visual impact as development is screened by mature hedging.
- No protected views or landscape classification that would be impacted, does not constitute ribbon development nor fragmentation of open rural land.
- Development situated within an existing residential cluster; connected to mains services; and presents no additional traffic, landscape, or servicing concerns; and provides ample open space.
- Does not constitute overdevelopment and is not a high-density site.
- No intensification of traffic movements on site, and no new access proposed, with no changes to the existing entrance.
- Sightlines not provided as there is an existing access.
- Does not create a traffic hazard.

- **Planning Reference No. 2475** granted permission for conversion of sheds into short term agri-accommodation units on a site 300m from the appellant's home.

## 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 report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Compliance with Rural Housing Policy and change of use
- Design, siting, and finishes
- Entrance and sightlines
- Waste Water Treatment
- Other matters

## 8.2. Compliance with Rural Housing Policy and change of use

- 8.2.1. I note that the previous reason for refusal no.1 under planning reference no. **2460691/ ABP-321779-25** was regarding the fact that the development did not satisfy the requirements of Section 3.1.9 Independent Living Units ('Granny-flats') of Appendix 1 (Development and Design Standards) of the Wicklow County Development Plan 2022-2028. The current submission under 2560954/PL-500842-WW-26 has instead been assessed by the Planning Authority as an independent residential unit and not a granny flat.
- 8.2.2. I have reviewed the Planning Officers Report signed 21/01/26 which recommends a refusal regarding the change of use as the development does not conform with the housing needs as set out under Objective 6.41 and Table 6.3 of the CDP, and that

the appellant does not clearly demonstrate a need for a new dwelling in the rural area (Level 10-open countryside as per the CDP). The Planner also outlines that the principal dwelling is owned by the appellant and that they consider that the existing dwelling could be adapted to meet the appellant's particular needs.

- 8.2.3. The appellant has outlined that they have lived at the appeal site for a significant period of time and is justifying this occupancy as their basis for satisfying the requirements of Table 6.3 of CPO 6.41 of the CDP with respect to *'someone that already owns / owned a home who requires a new purpose built specially adapted house due to a verified medical condition and who can show that their existing home cannot be adapted to meet their particular needs.'*
- 8.2.4. The site is located within 'Level 10 The rural area (open countryside)' as per the CDP. I agree with the Planning Officer's report in that I consider that the conversion of the garage to a residential unit would constitute the provision of a residential dwelling in the rural area and would therefore in the first instance be subject to a housing needs assessment. I have considered the evidence submitted by the appellant including the medical letter. However, having regard to the requirements of Objective CPO 6.41 and Table 6.3 and of the CDP I agree with the PA in that I am also of the view that the applicant has not fully demonstrated why the existing bungalow unit cannot be upgraded to provide the appropriate needs of the appellant, and therefore the appellant has not satisfactorily demonstrated a housing need.
- 8.2.5. I consider that the garage is an ancillary use to the principal dwelling and therefore should not be used for habitable purposes.
- 8.2.6. I do not consider the principle of development with respect to the change of use to be acceptable. I therefore consider that the PA's reason for refusal number 1 should be upheld in this regard.

### **8.3. Design, siting, and finishes**

- 8.3.1. I note that the Planning Officers report outlines that the garage structure breaks the established building line of the adjoining dwellings, that appropriate private amenity space is available but not shown for the garage and principal dwelling, that it would create excessive suburbanisation, and it would be contrary to Objective CPO 6.44 of the CDP with respect to design and layout.

- 8.3.2. The appellant has made a number of points regarding the design and location of the structure within the curtilage of the house. Having reviewed the plans and particulars of the submission I am of the opinion that this retention permission would effectively result in a one bedroom house within the curtilage of the existing dwelling and would in my opinion represent infill development within a rural setting. I agree with the Planning Officer's report in that I would consider this to be overdevelopment of the site and not reflecting the pattern of existing development within the area as it represents backland development and contributes to an intensification of development on rural zoned land.
- 8.3.3. I also note the existing mature hedging on site and along the front boundary of the property. I consider that the garage structure does not have a visual impact on the amenity of the area as it is not clearly visible from the public road as observed during my site inspection.
- 8.3.4. I acknowledge that the appellant argues that the structure is existing and that it does not create a new access, boundary or plot. I do not accept the argument that due to the existence of the garage structure that this automatically assumes that this building can be adapted for habitable purposes. The rural house is subject to assessment for housing need as explained above under section 8.2.
- 8.3.5. Although the garage has a rendered finish to match the principal dwelling, I do not consider that the overall design of the structure to be an acceptable design for a rural house. The monopitched aspect and narrow pitched rear roof profile are more reflective of a garage or shed structure as opposed to a residential dwelling.
- 8.3.6. With regard to the provision of open space. Although the appellant has not provided an appropriate plan to demonstrate the subdivision of the site with respect to rear amenity open space for the two units, I am satisfied that there is adequate garden space. However, this is not applicable in this instance as the principal of development is not acceptable.
- 8.3.7. I consider that the development would not be in accordance with CPO 6.44 and Appendix 2 Single Rural Houses Design Guidelines of the CDP. I therefore consider that the PA's reason for refusal number 2 should be upheld in this regard.

#### **8.4. Entrance and sightlines**

- 8.4.1. I note that the Planning Officer's report outlines that no sightline details were provided and that the proposal will result in an intensification of the existing access which will result in a traffic hazard on the regional road.
- 8.4.2. I note the reasoning provided by the appellant in their appeal in that they consider that there will be no intensification of traffic movements on the existing access. I also note the initial response from the Senior Executive Engineer from the Planning Authority requesting further information regarding sightlines, and the subsequent reason for refusal from the PA which outlines that there will be an intensification of traffic movements on a shared entrance onto the R412 regional road, and the inability to achieve appropriate sightlines in accordance with TII standards at this entrance.
- 8.4.3. Table 1.3 of the Transport Infrastructure Ireland (TII) publication DN-GEO-03031 (May 2023) states a desirable minimum stopping distance of 160m for a design speed of 85kph and 120m for a design speed of 70kph. I observed mature hedgerows during my site visit however I do not consider these to significantly obstruct sightlines from a 2.4m setback from the regional road.
- 8.4.4. I consider that the vehicular access forms part of the original dwelling on site. However, I consider the additional structure to constitute an intensification of use of the existing vehicular access. I therefore do not consider the intensification of an existing access onto a regional road to be appropriate or in accordance with the CDP, and I also consider it to be a traffic hazard.
- 8.4.5. I therefore consider that the PA's reason for refusal number 3 should be upheld in this regard.

#### **8.5. Waste Water Treatment**

- 8.5.1. I draw the Commissions attention to the previous reason for refusal number 2 on planning application no. 2460691/ ABP-321779-25. A letter on file from the Senior Engineer confirmed that connection to the Dunlavin Sewerage Scheme was approved. I note the previous reason for refusal no. 2, and the fact that the appellant had selected a 'conventional septic tank system' on their application form to the PA,

however I am satisfied this has been clarified in the current submission and therefore this previous reason for refusal is not relevant.

## 8.6. Other Matters

- 8.6.1. I also note that the appellant has referenced an extant planning permission **2475** on another site north of the appeal site. I do not consider this application relevant as it was approved in 2007 under a different County Development Plan. I have however assessed this application (2560954/PL-500842-WW-26) on its own merits and I do not consider it to be consistent with other similar development in the locality.

## 9.0 AA Screening

I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.4km north west of the Glen of the Downs SAC (000719). The subject site comprises the retention of a change of use of a garage to habitable accommodation, and the extension of the existing garage.

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:

- The minor works and scale of the development
- Location and distance from 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.

## 10.0 Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

The development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 11.0 Recommendation

I recommend to the Commission that retention permission be refused for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

1. Having regard to the location of the site within "Stronger Rural Area" as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Wicklow County Development Plan 2022-2028 (CDP), it is considered that the appellant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location specifically Table 6.3 of CPO 6.41 of the CDP as they already own a house and have not adequately demonstrated why the principal dwelling cannot be adapted for their particular needs. The proposed development,

in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted.
3. Having regard to the additional residential unit the conversion of the garage contributes to suburbanisation and excessive backland development in a rural area outside lands zoned for residential development and in the absence of demonstrating a housing need would, therefore, be contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Donal Farrelly  
Planning Inspector

25/05/26

### Appendix 1: Form 1 EIA Pre-Screening

|   |  |
|---|--|
| <b>Case Reference</b>   |  |
| <b>Proposed Development Summary</b>   | Retention of change of use from garage to 1 bedroom dwelling, and extension of garage structure. |
| <b>Development Address</b>  | Station Road, Dunlavin, Co. Wicklow  |
| <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>  | <input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.                                 |
|   | <input checked="" type="checkbox"/> No, No further action required.                              |
| (For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) |  |
| <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.<br><b>EIA is mandatory. No Screening required. EIAR to</b>   | <b>State the Class here</b>  |

|  |  |
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| <p><b>be requested. Discuss with ADP.</b></p>  |  |
| <p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>  |  |
| <p><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></p> |  |
| <p><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.<br/><b>No Screening required.</b></p>                                 |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br/><b>EIA is Mandatory. No Screening Required</b></p>  |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.<br/><b>Preliminary examination required. (Form 2)</b><br/><b>OR</b><br/><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>                               |  |

|   |   |
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| <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> |   |
| Yes <input type="checkbox"/>  |   |
| No <input checked="" type="checkbox"/>  | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_