



An  
Coimisiún  
Pleanála

# Inspector's Report

**PL-500958-DR-26**

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<b>Development</b>	Retention and completion of alterations to existing entrance including widening of entrance and an increase in height of gate pillars including ancillary works
<b>Location</b>	26 Allen Park Road, Stillorgan, County Dublin A94YR40
<b>Planning Authority</b>	Dún Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D25A/0966/WEB
<b>Applicant(s)</b>	Shawn Rowan
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Shaun Rowan
<b>Observer(s)</b>	None

**Date of Site Inspection**

04<sup>th</sup> May 2026

**Inspector**

Conor Hughes

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## 1.0 Site Location and Description

- 1.1. The site is comprised of the buildings and curtilage of a two-storey semi-detached dwelling on the eastern side of Allen Park Road approximately 250 metres south of the junction with the Lower Kilmacud Road.
- 1.2. The dwelling is of masonry construction with a dry dash finish and brick detailing on the ground floor. It has a concrete tiled ridge roof with a brick chimney, uPVC windows, doors, fascia and gutters.
- 1.3. In front of the dwelling is a hardstanding with in-curtilage parking for two cars and the boundary with the public footpath is defined by a low decorative block wall with tall hedgerow behind. Masonry pillars with granite capstones are located either side of the entrance.

## 2.0 Proposed Development

- 2.1. The development is for the retention and completion of alterations to existing entrance including widening of entrance and an increase in height of gate pillars including ancillary works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- On 12<sup>th</sup> February 2026 the Planning Authority issued notification of their decision to refuse planning permission for the retention and completion of alterations to the existing entrance including widening of entrance and an increase in height of gate pillars including ancillary works.
- In reaching that decision the Planning Authority considered the proposed retention of the widening of the vehicular entrance to 3.95 metres contravened the requirements of Section 12.4.8.1 General Specifications of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, which specifies a maximum driveway width of 3.5 metres.
- The Planning Authority further considered that the retention of the 1.64 metre high gate pillars did not harmonise with the established pattern of development in the

area due to their excessive height. The gate pillars would appear visually obtrusive in the streetscape contrary to Section 12.4.8.2 Visual and Physical Impacts, of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

- Consequently, the retention of the proposed development was considered contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

- The planning report noted that the proposed development is within an Objective A zoning where the retention of the alterations to the width of the driveway and increase in the height of the pillars will be acceptable in principle. This is subject to meeting the relevant policies and objectives of the Development Plan.
- The planning report identified that the entrance as constructed exceeded the standard of 3.5 metres specified at Section 12.4.8.1 of the Development Plan and therefore did not comply with the applicable policy.
- It also was reported that the pillars exceeded the height of the pillars in the neighbouring property by 0.4 metres which was visually obtrusive and a departure from the established pattern of development contrary to Section 12.4.8.2 of the Development Plan.

#### 3.2.1. Planning Reports

- Transportation Planning Section

Recommended refusal as the widened vehicular entrance exceeded the 3.5 metre maximum permitted width for a vehicular entrance to a single residential dwelling in Section 12.4.8.1 General Specifications of the County Development Plan. They offered a reason for refusal which stated:

*The existing widened vehicular entrance for which Permission for Retention has been sought does not comply with the maximum permitted width for a vehicular entrance to a single residential dwelling in accordance with Section 12.4.8.1 General Specifications (of 12.4.8 Vehicular Entrances and Hardstanding Areas) of the County Development Plan 2022-2028.*

### 3.2.2. Other Technical Reports

- Drainage Planning Section

No objection subject to a planning condition that requiring any change to the parking and hardstanding areas to be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) and Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

- None

## 4.0 Planning History

### Subject Site

- 4.1. None

### Adjacent properties at 28 and 28a Allen Park Road

- 4.2. Planning Authority Reference D24A/1027 – permission refused to close up combined car entrance to 28 and 28a Allen Park Road, create a separate 3.0-metre-wide car entrance for 28, new 900-millimetre entrance gate to 28a and create a new 3.5-metre-wide car entrance to No 28a Allen Park Road on Merville Avenue.

- 4.3. The proposed development was refused planning permission for the following reason:

*It is considered that the proposed development for changes to the existing vehicular access arrangement at 28 and 28A Allen Park Road, would result in a reduced area of private open space to the side of 28A Allen Park Road. The reduction in garden area and the presence of parking space within this area, would result in a poor-quality area of amenity, that is considered to be detrimental to the residential amenity of the existing dwelling at no. 28a Allen Park Road. The proposed development is not considered to accord with Section 12.8.3.3 of the Dún Laoghaire-Rathdown County*

*Development Plan 2022-2028 with regard to Private Open Space and would be contrary to the proper planning and sustainable development of the area.*

## **5.0 Policy Context**

### **5.1. Development Plan**

- The Dún Laoghaire-Rathdown County Development Plan 2022-2028 (the Development Plan) is the relevant plan for the area and the site is zoned as Zoning Objective A to provide residential development and improve residential amenity while protecting the existing residential amenities.
- It is proposed to retain the widened entrance and gate pillars and complete the alterations to the existing entrance. Section 12.4.8.1 General Specifications states:

*Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres. For a shared entrance for two residential dwellings, this may be increased to a maximum width of 4 metres. Each car parking space for a residential dwelling shall have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary.*

*Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS, and as appropriate to the particular road type, and speed being accessed.*

*Automatic electronic gates into residential developments are not favoured and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back from the back of the footway, to avoid the roadway or footway being obstructed by a vehicle while the gate is opening. In general, outward opening gates will not be considered acceptable. A minimum of a*

*1.2 metres access path shall be provided for each dwelling. Sufficient space shall also be provided for refuse storage and service metres (Section 12.3.4.7) cycle storage (Section 12.4.6) and urban greening and SUDS (see Section 12.4.8.3).*

- Section 12.4.8.2 Visual and Physical Impacts states:

*Vehicular entrances and on-curtilage parking should not normally dominate a property's frontage. In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and on-curtilage parking will be assessed on their own merits but should be resisted. Applications for double-width entrances will normally be resisted.*

*Impacts on features like boundary walls and pillars, and roadside grass verges and trees outside properties will require to be considered, and entrances may be relocated to avoid these. Any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.*

*There can be negative cumulative effects from the removal or creation of front boundary treatments and roadside elements in terms of area character and appearance, pedestrian safety, on-street parking, drainage and biodiversity – and these will be assessed in the consideration of applications.*

*Proposals for off street parking need to be balanced against loss of amenity (visual and physical) and will be considered in light of overall traffic flows and car parking in the vicinity.*

- Section 12.4.8.3 Driveways/Hardstanding Areas states:

*A minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS. In the case of smaller properties - such as small terraced dwellings this requirement may be relaxed. Each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public. Where unbound material is proposed for driveway, parking and hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds*

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

- None

## 5.3. **Natural Heritage Designations**

- The site is approximately 2.5 kilometres southwest of the South Dublin Bay Special Area of Conservation (SAC:000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024).
- The site is approximately 7.5 kilometres west of the Rockabill to Dalkey Islands Special Area of Conservation (SAC:00300) and Dalkey Islands Special Protection Area (SPA: 004172).
- The site is approximately 7.5 kilometres northeast of the Wicklow Mountains Special Area of Conservation (SAC:002122) and Special Protection Area (SPA:004040).

## 6.0 **EIA Screening**

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of the report.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

- E M Doyle & Associates Design and Planning Consultants argue on behalf of the appellants that the planning authority relied solely on the advice of the Transport Planning Section to conclude the proposal was contrary to Section 12.4.8.1 of the Development Plan.
- They argue that the Transport Planning Section make no reference to existing entrances on the road many of which are wider than the one proposed.

- They also argue that the Planning Authority did not have regard to the evidence provided with the application showing examples of entrances and pillars along the same road that exceed the width and height of the one proposed for retention.
- The grounds of appeal argue that no flexibility is offered considering the location and pattern of entrances on the same road.
- Other examples are cited in support of the proposal along roads which branch off Allen Park Road. Three planning application references for properties on Merville Avenue are provided and it is stated the entrances are wider, have taller pillars and mechanical gates.
- Consequently, the appellant states given the inconsistency in how the planning department have been dealing with entrances that retention permission is granted for the proposed development.

## 7.2. **Planning Authority Response**

- No new matters arise in the grounds of appeal that would alter the opinion of the planning authority.

## 7.3. **Observations**

- None

## 8.0 **Assessment**

8.1. Having examined the application details and all the other documentation on file, including the submission received to appeal, the reports of the local authority, and having inspected the site, and having regards to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- The principle of development
- The increased width of the entrance
- The visual and physical impacts of the pillars

### The principle of development

- 8.2. The site is subject to zoning Objective A in the Development Plan which has the purpose of improving residential amenity while protecting existing residential amenities.
- 8.3. I agree with the assessment of the Planning Authority that an alteration to the width of and construction of pillars at an entrance of a dwelling is acceptable in principle subject to being in accordance with the requirements of the policies and objectives of the zoning and consistent with the proper planning and sustainable development of the area.

### The increase in width of the entrance

- 8.4. The Planning Authority having regard to the advice of the Transport Planning Section refuse planning permission as the entrance proposed for retention is more than the maximum width of 3.5 metres and the policy requirement of Section 12.8.4.1 of the Development Plan is not met.
- 8.5. The appellant argues that the Planning Authority should have applied a more flexible approach where entrances are wider than 3.5 metres on the same street and that no account was taken of the established pattern of driveway and hardstanding widths.
- 8.6. I note the discrepancy between the dimension on the submitted drawing of 3.97 metres and the reference in the decision notice to an entrance width of 3.95 metres. My assessment is based on the dimensioned drawing.
- 8.7. In support of this argument the appellant provides four examples in the grounds appeal of wider entrance widths adjacent to and either side of the site at 24 and 28/28A Allen Park Road and to the west and opposite at 29 and 31 Allen Park Road.
- 8.8. I note from the appeal submission that the entrances at 24, 29 and 31 Allen Park Road are single entrances and are more than maximum 3.5 metres in width. The entrance at 28/28A Allen Park Road is a shared entrance and more than the maximum 4 metres in width.
- 8.9. I could not find any recent planning history for 24, 29 or 31 Allen Park Road that would assist in my assessment whether the Planning Authority has taken a flexible approach in allowing wider entrance widths for driveways and hard standings in the past or not been consistent in the application of policy.

- 8.10. There is a recent planning history of a refusal for two new accesses to serve 28 and 28A Allen Park Road but this application was refused on the grounds of loss of private amenity space. It does not sit on all fours with this proposal and I do not consider it to be a material consideration as a different policy consideration was engaged.
- 8.11. I must therefore consider this proposal on its own merits and note that the use of the term 'in general' at Section 12.8.4.1 of the Development Plan implies that there may be circumstances where an entrance to a driveway or hardstanding to a single residential dwelling could be more than 3.5 metres in width.
- 8.12. Having visited the site and observed the entrance in the context of the surrounding driveways and hardstandings and taking account of the argument presented by the appellant in their grounds of appeal I accept that there are entrances wider than maximum standard specified in Section 12.8.4.1. I further acknowledge that these are part of the established pattern of driveways and hardstanding along Allen Park Road and are read in the visual context as the appeal site.
- 8.13. It is my observation that the entrance does not appear to be out of proportion with the other entrances to single dwellings along the road.
- 8.14. I further note that the Transport Planning Section does not object to the proposal on the basis that exit from the driveway is not in accordance with DMURS nor is it argued by the Planning Authority that a road safety issue would result from the driveway being retained at 3.97 metres.
- 8.15. It is stated at Section 12.8.4.1 that vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. The road and footway layout is not impacted and the entrance is on to a traffic calmed residential street. Based on my observations and taking into account the response from the Transport Planning Section I am satisfied that the retention of the entrance will not cause a public safety issue.
- 8.16. Two cars were parked on the hardstanding on the day of my inspection and there was adequate space to ensure the cars do not overhang onto the existing public footway. There was also adequate clearance from nearby steps at the front door and the walls and boundary hedgerows with the neighbouring properties either side.
- 8.17. The dwelling also had a large curtilage and I observed that there is sufficient space at the side and rear of the dwelling for refuse storage and service metres, cycle storage.

- 8.18. A loose gravel surface had been laid on the hardstanding and brick paviours laid to prevent the gravel transferring onto the public road. The principles of SuDS design had been followed in accordance with Section 12.4.8.3 of the Development Plan.
- 8.19. For the reasons outlined above I conclude that the Planning Authority reason for refusal is not sustained. While the entrance is more than the maximum width specified in Section 12.8.4.1 of the Development Plan it is in general in accordance with the width of other similar entrances on the road and does not give rise to any public or road safety concerns.
- 8.20. I note with caution that it is not specified in the application documents whether the gates would be automated. I did observe cables in one of the pillars that could facilitate automation and I am mindful that Section 12.8.4.1 states that electronic gates are not preferred and should be omitted. This entrance is at the back of the footpath and while I conclude the proposal is in general accordance with the width of other similar entrances on the road this is based on the proposed gates not being automated or opening out onto the public footpath.

The visual and physical impacts of the pillars

- 8.21. The planning authority in refusing planning permission highlight the gate pillars do not harmonise with the established pattern of development in the area due to their excessive height and appear visually obtrusive in the streetscape.
- 8.22. I observed from my site inspection that the majority of the dwellings on Allen Park Road had pillars of a similar height and design even where alterations had been made to the width of a driveway or gates added in the past.
- 8.23. There remains a consistent pattern of boundary treatment along the Allen Park Road frontage and despite having previously concluded that the width of the entrance is in accordance with the Development Plan the same cannot be said for the pillars either side of the entrance.
- 8.24. I consider the concerns of the Planning Authority in respect of the height of the pillars to be well founded were it states in Section 12.4.8.2 of the Development Plan that any boundary walls, entrance piers and gates and railings shall normally be finished to harmonise in colour, texture, height and size to match the existing streetscape.

- 8.25. The appellant exhibits three examples of entrances with taller pillars in support of his case but these are in a different street and in front of dwellings which are a different form, scale and mass to the dwellings in Allen Park Road.
- 8.26. There is no recent planning history associated with these examples that would suggest they create a precedent or should be given significant material weight to justify for retention of the pillars at the height they are currently built to.
- 8.27. However, if the width of the driveway does not need to be adjusted and the colour, texture and general size of the pillars match the existing streetscape their height could be reduced by 0.5 metres on the left-hand side and 0.4 metres on the right-hand side by means of a planning condition.
- 8.28. This would address the concerns of the Planning Authority and bring the proposal into conformity with Section 12.4.8.2 of the Development Plan and ensure the proposed development is in accordance with the proper planning and sustainable development of the area.

## 9.0 **AA Screening**

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 2.5 kilometres southwest of the South Dublin Bay Special Area of Conservation (SAC:000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024); approximately 7.5 kilometres west of the Rockabill to Dalkey Islands Special Area of Conservation (SAC:00300) and Dalkey Islands Special Protection Area (SPA: 004172); and approximately 7.5 kilometres northeast of the Wicklow Mountains Special Area of Conservation (SAC:002122) and Special Protection Area (SPA:004040).

- 9.2. The proposal development is for the retention and completion of alterations to existing entrance including widening of entrance and an increase in height of gate pillars including ancillary works.

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 appreciable effect on a European Site. The reason for this conclusion is as follows:

- The site in an established residential area and the scale of the proposed development which is for works to the entrance of a dwelling is small.
- The distance to the identified European sites and the lack of connection.
- Taking into account the screening determination by the Planning Authority.

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 (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

10.1. The subject site is approximately 650 metres northwest of the Brewery Stream.

10.2. The proposed development is for the retention and completion of alterations to existing entrance including widening of entrance and an increase in height of gate pillars including ancillary works.

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 seek to protect and, where necessary, restore surface and 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 wither qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The location of the site in an established residential area and the scale of the proposed development which is for works to the entrance of a dwelling is small. Sustainable Urban Drainage is proposed as mitigation in the previous permission to reduce the impact of surface/storm water entering the drainage network if properly designed can be an acceptable form of mitigation.

I conclude 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.

## 11.0 Recommendation

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

## 12.0 Reasons and Considerations

- 12.1. The commission is satisfied, based on the information provided, that permission is granted for the retention and completion of alterations to existing entrance including widening of entrance and an increase in height of gate pillars including ancillary works for the reasons and considerations set out below.
- 12.2. Having regard to the pattern of development in the vicinity of the site and subject to the conditions set out below, it is considered that the development to be retained and completed would not give rise to traffic safety concerns and would not be visually obtrusive in the streetscape. The development to be retained and completed would be in accordance with the proper planning and sustainable development of the area.
1. The development shall be retained and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application save as may be required or amended by the other conditions attached hereto. Where such conditions require details to be agreed with the planning authority, the developer shall agree such

details in writing with the planning authority and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: To ensure the development shall be in accordance with the permission and that effective control is maintained.

2. The applicant shall submit for written agreement with the Planning Authority:

(a) a revised elevation, and plan drawings which show a reduction in the height of the pillars either side of the entrance by 0.5 metres on the left-hand side and 0.4 metres on the right-hand side.

(b) a revised elevation, and plan drawings for the gates taking account of the reduction in the height of the pillars.

(c) the applicant shall also demonstrate that their proposal is in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, specifically, that all proposed hardstanding areas are shown to be permeable surfaces, such as gravel or a specifically designed permeable paving stone/asphalt system.

Reason: In the interests of clarity, sustainable development and public safety and to protect the established pattern of development and visual harmony of the streetscape.

3. When erected the gates shall not be automated or open out onto the public footpath.

Reason: In the interests of amenity and of traffic and pedestrian safety.

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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Conor Hughes  
Planning Inspector

12<sup>th</sup> May 2026

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

<b>Case Reference</b>	PL-500958-DR-26
<b>Proposed Development Summary</b>	Retention and completion of alterations to existing entrance including widening of entrance and increase in height of gate pillars including ancillary works
<b>Development Address</b>	26 Allen Park Road, Stillorgan, County Dublin A94YR40
<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 checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<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>No</b> <input type="checkbox"/>	

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

Date: 12<sup>th</sup> May 2026