

Comhairle Contae Chill Dara  
Kildare County Council



Date: 11<sup>th</sup> June 2025  
Our Ref: ED/1233.

Frostbreak ULC,  
c/o John Spain & Associates,  
39 Fitzwilliam Place,  
Dublin 2  
D02 ND61

**RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Shalom Nursing Home, Church Road, Kilcock, Co. Kildare.**

Dear Sir/Madam,

I refer to your correspondence received on 15<sup>th</sup> May 2025 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

PP   
Senior Executive Officer,  
Planning Department.



**Declaration of Development & Exempted Development under  
Section 5 of the  
Planning and Development Act 2000 (as amended).**

ED/1233.

**WHEREAS** a question has arisen as to whether changing the use of the existing building as accommodation for the international protection applicants at Shalom Nursing Home, Church Road, Kilcock, Co. Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 15<sup>th</sup> May 2025

**AND WHEREAS** Frostbreak ULC requested a declaration on the said question from Kildare County Council,

**AND WHEREAS** Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and
- (c) Documentation received with the application

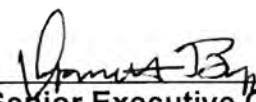
**AND WHEREAS** Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 2, 3, 5 and 57 (1) of the Planning and Development Act 2000 (as amended);
- (b) Articles 6, 9 and Class 20F of the Planning and Development Regulations 2001 (as amended);
- (c) The nature, extent and purpose of the works

**NOW THEREFORE** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the changing the use of the existing building as accommodation for the international protection applicants at Shalom Nursing Home, Church Road, Kilcock, Co. Kildare ***IS development and IS NOT EXEMPTED as the development does not fit within the scope of Class 20F of the Planning and Development Regulations as amended.***

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

11<sup>th</sup> June 2025.

PP   
Senior Executive Officer,  
Planning Department.

**KILDARE COUNTY COUNCIL**



**PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT**

**Section 5 referral & declaration on development & exempted development**

**Planning & Development Act 2000 (as amended)**

**Reference No. ED/1233**

<b>Name Of Applicant(s):</b>	Frostbreak ULC
<b>Address Of Development:</b>	Shalom Nursing Home, Church Street, Kilcock, Co. Kildare
<b>Development Description:</b>	Change of use from nursing home to accommodation for international protection applicants
<b>Due date</b>	12 <sup>th</sup> June 2025

**Introduction**

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works of changing the use of the existing building as accommodation for the international protection applicants is or is not exempted development.

**Site Location**

Shalom Nursing Home is located on Church Street in centre of Kilcock town. The Catholic Church is located to the east and directly north/northeast is an established primary school. To the west of the site is residential development and a car garage is located to the southwest of the site. The building is a protected structure (B05-40) within the and listed within the NIAH (11802020) and located within the Architectural Conservation Area of Kilcock.



**Fig 1: Site Location and context**



**Fig 2: Aerial view of subject site (Google Images)**

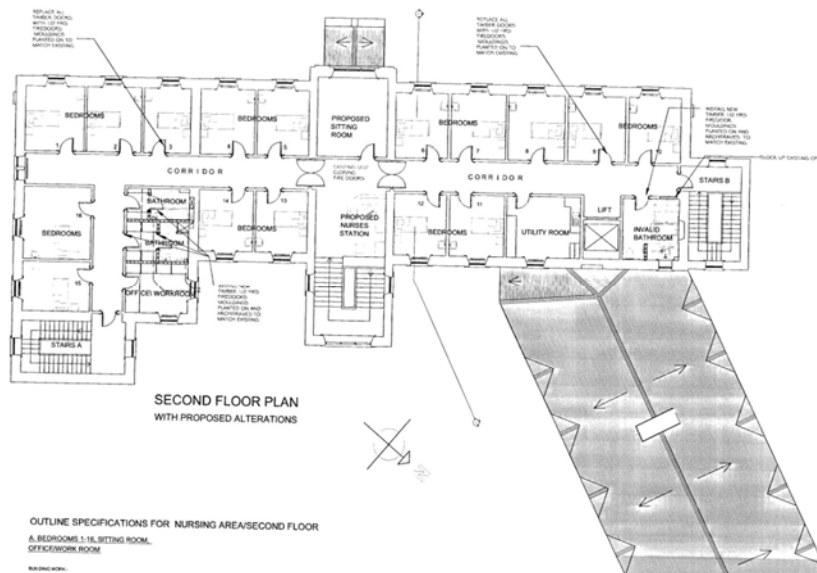
### **Planning History**

**89/1431:** Presentation Sisters were **granted** permission for alterations and extensions to structure including new porch accommodation in the roof space, new windows and dormer windows.

**94/931:** Presentation Sisters were **granted** permission for a new vehicular entrance and enclosed 3 storey staircase.

**01/1205:** Presentation Sisters were **granted** permission conversion of second floor of existing building from residential to nursing home.





**09/643:** Presentation Sisters were **granted** permission for at Shalom Nursing Home, Presentation Convent, Church Street, Kilcock, Co. Kildare, a Protected Structure. The development will consist of the construction of a single storey extension to the rear of the existing building consisting of a new living room with glazed link, refurbishment of the existing kitchen and stores, and the construction of a single storey extension to the rear of the existing garden store to form a new laundry

### **Description of Proposed Development**

Whether the nursing home for the purpose of providing the necessary facilities and accommodation for international protection applicants is or is not considered exempted development.

### **Relevant Legislative Background**

Planning and Development Act 2000 (as amended)

#### **Section 2(1)**

*'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

#### **Section 3(1)**

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

### **Section 5(7) EIA Screening**

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Section 57(1) relates to availing of exempted development provisions for Protected Structures.

### **Section 57(1)**

*“the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.*

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

### **Article 6(1)**

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

### **Article 9 (1)(a)(i)**

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act, details of this article are outlined below in the report.

**Class 20F** provides for the use of structures for international protection.

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

### **Assessment**

Having regard to the planning history on site, it appears the second floor of the once a convent building has permission for a nursing home, on the plans submitted this was a total of 16 bedrooms, nurses station bathrooms, sitting room, office and utility room on the second floor.

The question requested to be answered by the applicants on the application form states the existing building, it does not refer to only the second floor nursing home. Therefore, this assessment relates to the overall structure.

The structure, in terms of uses comprises of a convent (ground and first floor) and a nursing home (on the second floor only).

A nursing home would fit within the Class 20F having regard to medical and other health and social care accommodation being listed.

In relation to the convent part of the building which is the majority of the building, the following uses are noted within Class 20F a structure normally used for, public worship and religious instruction. A convent is not used for public worship and the convent is not used for religious instruction (teachings). A convent, is a community of nuns living together.

Therefore, the convent part of the building which is the majority of the building (ground & first floors) does not fit within any use class outlined within Class 20(f) of the Planning and Development Regulations 2001 (as amended).

As the majority of the structure is a convent, the proposed change of use of the existing structure is NOT exempt development.

The conditions and limitations for Class 20F are as follows:

20F (1): *"The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection."*

It has been stated that use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection on a temporary basis and will cease no later than the expiry of the legislative provisions.

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

The applicant confirms that the use shall be discontinued when the temporary protection introduced by the Council Implementing Decision comes to an end.

20F (3) *"The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028."*

The applicant confirms that the use for the purposes of accommodating persons seeking international protection shall be discontinued no later than the expiry of the legislative provisions.

20F (4). *“Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.”*

The applicant confirms that the use shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

20F (5) *The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.*

The applicant will notify the local authority prior to commencement.

20F (6) *‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.*

The applicant confirms that the intended use for those meeting the meaning of ‘displaced persons’.

20F (7) *‘international protection’, for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).*

The applicant confirms that the intended use of the building will be for those requiring ‘international protection’.

20F (8) *‘temporary protection’, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001*

The applicant confirms that the intended use will be for persons requiring ‘temporary protection’.

In relation to restrictions on exempt developments per Article 9 of the Planning and Development Regulations 2001(as amended) states the following:

Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

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

01/1205 was granted for the change of use on the 2nd floor of the existing building to a nursing home condition 2 stated the following:

**2. The use permitted shall only be used as a nursing home and not for any other purpose.**

**Reason: In the interests of the proper planning and development of the area.**

The proposal would not contravene this condition, which relates to the second floor of the structure.



(ii) *“consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width”*

There is no access to a public road proposed.

(iii) *“endanger public safety by reason of traffic hazard or obstruction of road users”*

It is not considered that the proposed change of use is likely to endanger public safety by reason of traffic hazard or obstruction of road users as the proposed residential use will be similar in nature and extent of a nursing home use.

Additionally, no new car parking is proposed as part of the application.

(iiia) *“endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft”*

No solar panels or similar works are proposed, as such it is not considered that the proposed change of use will result in hazardous glint and / or glare.

(iv) *“except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan”*

No new building or porch provided as part of this development.

(v) *“consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies”*

There are no works under a public road proposed as part of this development.

(vi) *“interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan”*

The proposed development will not impact any sensitive view or prospects as it does not comprise any further works to the building.

(vii) *“consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan”*

There is no excavation, alteration or demolition of 'places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan' proposed as part of the intended use.

(viiA) *"consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended"*

There is no excavation, alteration or demolition of any architectural monument proposed as part of the intended use.

(viiB) *"comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site"*

It is not considered that the proposed development would be likely to have a significant effect on the integrity of a European site. An AA Screening has been provided as part of this assessment, seen appendix 1:

(viiC) *"consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000"*

It is not considered that the proposed development would be likely to have an adverse impact on an area designated as a natural heritage area. The subject site is not within or immediately adjacent to an NHA. The Royal Canal Proposed Natural Heritage Area is located approximately 150m to the south west of the subject site however no works are proposed that would be likely to impact this NHA.

(viii) *"consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use"*

There does not appear to be any unauthorised development on site.

(ix) *"consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan"*

There is no demolition or alteration of a building proposed.

(x) *"consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility"*

There is no fencing proposed.

(xi) *“obstruct any public right of way”*

The proposed use will not obstruct any public right of way

(xii) *“further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area”*

The subject site is located within an Architectural Conservation Area however does not comprise of the carrying out of works to the exterior of the structure.

b) *“in an area to which a special amenity area order relates, if such development would be development:-*

- (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or*
- (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or*
- (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or*
- (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited”*

The subject site is not located in a special amenity area.

c) *“if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive”*

Part 10 does not apply to the proposed development as the Application is not by or on behalf of a local authority.

d) *“if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.”*

It is not considered that the proposed development will have any significant repercussions on major accident hazards due to its nature and scale.

2) *“Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.”*

There are no overhead lines or cables proposed as part of this development.

3) *“For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or*

*approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.”*  
AA screening forms part of this assessment and is carried out in Appendix 1.

### **Section 57(1)**

*“the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.”*

It is stated no works (such as the operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure) are proposed in order to provide the change of use.

### **Conclusion**

Having regard to:

- Sections 2, 3, 5, and 57(1) of the Planning and Development Act 2000 (as amended);
- Articles 6, 9 & Class 20F of the Planning and Development Regulations 2001 (as amended); and

It is considered the proposed changing the use of the existing building as accommodation for the international protection applicants **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is NOT exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Class 20F Planning and Development Regulations 2001 (as amended).

### **Recommendation**

It is recommended that the applicant be advised that the development as described in the application is development and is not exempted development.

Signed:   
L. Murphy  
Executive Planner

Date: 03/06/2025



Carroll Melia

Carroll Melia

Senior Executive Planner

11<sup>th</sup> June 2025

## **Declaration of Development & Exempted Development under**

### **Section 5 of the Planning and Development Act 2000 (as amended)**

**WHEREAS** a question has arisen as to whether changing the use of the existing building as accommodation for the international protection applicants

**AS INDICATED** on the plans and particulars received by the Planning Authority on 15/05/2025

**AND WHEREAS** Frostbreak ULC requested a declaration on the said question from Kildare County Council,

**AND WHEREAS** Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

**AND WHEREAS** Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 5 and 57 (1) of the Planning and Development Act 2000 (as amended);
- (b) Articles 6, 9 and Class 20F of the Planning and Development Regulations 2001 (as amended); and
- (c) The nature, extent and purpose of the works.

**NOW THEREFORE** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

changing the use of the existing building as accommodation for the international protection applicants

***IS development and IS NOT EXEMPTED as the development does not fit within the scope of Class 20F of the Planning and Development Regulations as amended.***

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: \_\_\_\_\_

## **Appendix 1: Appropriate Assessment Screening**



## APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

### (A) Project Details

<b>Planning File Ref</b>	ED1233
<b>Applicant name</b>	Frostbreak ULC
<b>Development Location</b>	Shalom Nursing Home, Church Road, Kilcock, Co. Kildare .
<b>Site size</b>	unknown
<b>Application accompanied by an EIAR (Yes/NO)</b>	No
<b>Distance from Natura 2000 site in km</b>	Rye Water Valley/Carton SAC c.6.ckm east of the site.

**Description of the project/proposed development –**  
changing the use of the existing building as accommodation for the international protection applicants

### (B) Identification of Natura 2000 sites which may be impacted by the proposed development

			<b>Yes/No</b> If answer is yes, identify list name of Natura 2000 site likely to be impacted.
<b>1</b>	<b>Impacts on sites designated for freshwater habitats or species.</b>  Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	
<b>2</b>	<b>Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.</b>	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats</i>	



	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>(bog, marsh, fen or heath), or within 1 km of same?</i>	
<b>3</b>	<b>Impacts on designated terrestrial habitats.</b> <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	
<b>4</b>	<b>Impacts on birds in SPAs</b> <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	

**Conclusion:**

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

<b>(G) SCREENING CONCLUSION STATEMENT</b>		
<i>Selected relevant category for project assessed by ticking box.</i>		
<b>1</b>	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
<b>2</b>	No potential significant affects/AA is not required	
<b>3</b>	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
<b>Justify why it falls into relevant category above (based on information in above tables)</b>		
On the basis AA screening report supplied, the distance from the site to the Rye Water Valley Carton SAC and the nature of the proposed development, in view of best scientific knowledge and the conservation objectives of the relevant European site, the Proposed development, individually or in combination with other plans or projects, is not likely to have a significant effect on any European site.		
<b>Name:</b>	L. Murphy	
<b>Position:</b>	Executive Planner	
<b>Date:</b>	03/06/2025	



# COMHAIRLE CONTAE CHILL DARA

## KILDARE COUNTY COUNCIL



### Director of Services Order

I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

**ORDER NO:** DO59036      **Section:** Planning

**SUBJECT:** ED1233 Frostbreak ULC, c/o John Spain & Associates, 39 Fitzwilliam Place, Dublin 2. Exempt Development Application for change of use of existing building for accommodation for international protection applicants at Shalom Nursing Home, Church Road, Kilcock, Co. Kildare.

**SUBMITTED:** ED1233 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

**ORDER:** **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is not exempted development.

MADE THIS 11<sup>TH</sup> DAY  
OF JUNE YEAR 2025

SIGNED:   
**DIRECTOR OF SERVICES**

**Kildare County Council**

**Declaration of Exempt Development under Section 5,  
of the Planning and Development Act 2000 as amended**

Incomplete application forms will  
be deemed invalid and returned



All responses must be in block  
letters

<b>Section 1</b>	<b>Details of Applicants</b>
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1. Name of Applicant(s) A. Surname **FROSTBREAK ULC** Forenames .....  
Phone No. [REDACTED] Fax No. **N/A**
2. Address **22 NORTHUMBERLAND ROAD, BALLSBRIDGE, DUBLIN 4**

<b>Section 2</b>	<b>Person/Agent acting on behalf of applicant (if applicable)</b>
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1. Name of Person/Agent: Surname **JOHN SPAIN ASSOCIATES** Forenames ..... **N/A**  
Phone No. [REDACTED] Fax No. ....
2. Address **JOHN SPAIN ASSOCIATES, 39 FITZWILLIAM PLACE, DUBLIN 2, D02 ND61**

<b>Section 3</b>	<b>Company Details (if applicable)</b>
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1. Name of Company **FROSTBREAK ULC** .....  
Phone No. .... Fax No. **N/A**
2. Company Reg. No. **760415** .....
3. Address **22 NORTHUMBERLAND ROAD, BALLSBRIDGE DUBLIN 4**

<b>Section 4</b>	<b>Details of Site</b>
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1. Planning History of Site **PLEASE REFER TO THE ENCLOSED COVER LETTER PREPARED BY JSA**
2. Location of Proposed Development **SHALOM NURSING HOME, CHURCH ROAD, KILCOCK, CO. KILDARE**
3. Ordnance Survey Sheet No. **3125-A**
4. Please state the Applicants interest in the site **OWNER**
5. Please state the extent of the proposed development **WHETHER THE USE OF THE EXISTING BUILDING AS ACCOMMODATION FOR THE INTERNATIONAL PROTECTION APPLICANTS IS OR IS NOT EXEMPTED DEVELOPMENT.**



6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (*specific details required*)

**Class 20 F PLEASE REFER TO THE ENCLOSED COVER LETTER PREPARED BY JOHN SPAIN ASSOCIATES.**

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....

**PLEASE REFER TO THE ENCLOSED COVER LETTER PREPARED BY JOHN SPAIN ASSOCIATES.**

<b>Section 5</b>	<b>The following must be submitted for a valid application</b>
------------------	--

(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	X
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	X
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	X
4.	All drawings to differentiate between the original building, all extensions and proposed development	X
5.	Fee of 80 Euro	X

<b>Section 6</b>	<b>Declaration</b>
------------------	--------------------

I, BLAINE CREGAN certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: 

Date: 15th May 2025

Kildare County Council,  
Planning Department,  
Áras Chill Dara,  
Devoy Park,  
Naas,  
Co Kildare

Date: 15<sup>th</sup> May 2025  
Our Ref: 24268 BC

Dear Sir / Madam,

**RE: APPLICATION FOR A SECTION 5 DECLARATION REGARDING THE SITE AT  
SHALOM NURSING HOME, CHURCH STREET, KILCOCK, COUNTY KILDARE**

## 1.0 INTRODUCTION

On behalf of the applicant, Frostbreak ULC, 22 Northumberland Road, Ballsbridge, Dublin 4, we hereby request a Section 5 Declaration from Kildare County Council in respect of the following proposed change of use on the site at Shalom Nursing Home, Church Street, Kilcock, County Kildare (RPS No.: B05-40).

The purpose of this Section 5 referral request is to establish whether the use of the existing building The Shalom Nursing Home as accommodation for the International Protection Applicants is or is not exempted development.

Following amendment of the Planning and Development Regulations 2001 (as amended) to insert a new Class 20F exemption<sup>1</sup> providing a new class of exempted development. This new Class permitted the change of use of certain specified structures for the purpose of providing the necessary facilities and accommodation for international protection applicants.

Those structures referred to above include:

*“school, college, university, training centre, social centre, community centre, non- residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, **medical and other health and social care accommodation**, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.” (Emphasis Added)*

---

<sup>1</sup> Planning and Development (Exempted Development) (No. 4) Regulations 2023 (S.I. 376/2023) Part 1 of Schedule 2

This Section 5 application seeks confirmation of whether the change of use of the nursing home for the purpose of providing the necessary facilities and accommodation for international protection applicants is or is not considered exempted development. This cover letter will describe the proposed works and seek to demonstrate that they constitute exempted development.

We enclose the following information with the Section 5 application:

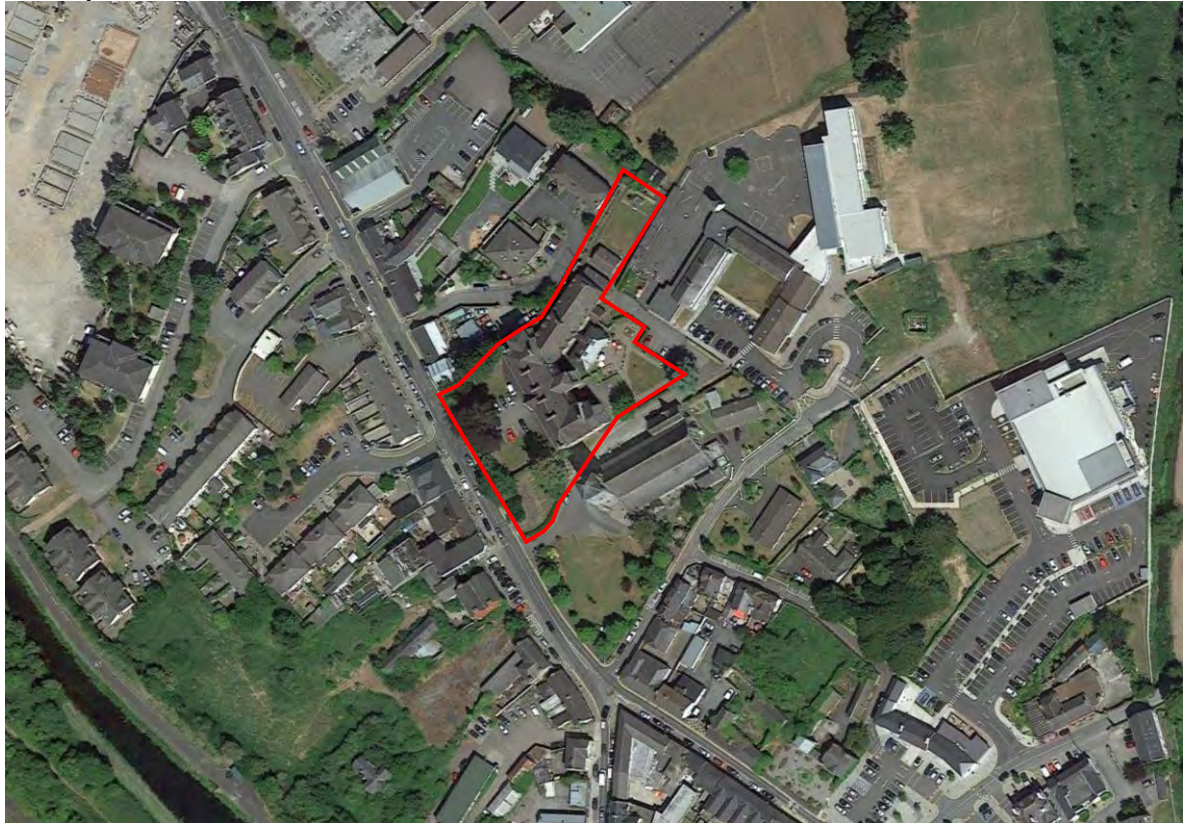
- Statutory fee of €80 (EFT Confirmation);
- Completed Section 5 Declaration Application Form;
- Cover Letter prepared by John Spain Associates;
- Drawings prepared by Frostbreak ULC:
  - Site Location Map
  - Existing plans / sections and elevations
- AA Screening prepared by Altemar
- EIAR Screening prepared by ORS
- Legal Opinion provided by David Browne

## 2.0 SITE LOCATION AND DESCRIPTION

Shalom Nursing Home is centrally located on Church Street in Kilcock, within the administrative area of Kildare County Council. The site is situated to the west of the existing Catholic Church and directly southwest of an established primary school. The building is set back from the edge of the road, providing a forecourt that separates it from the street. In the southern corner of the site is a nun's burial ground.

The wider area comprises a mix of uses including religious, educational, residential and commercial within the town centre.

**Figure 2.1: Aerial View with Subject Site (Approximate boundaries of the site outlined in red)**



Source: Google Maps

Shalom Presentation Convent, a Protected Structure listed under RPS No. B05-40, has largely retained its original form and character. According to the National Inventory of Architectural Heritage (NIAH), this historic building is of regional significance, with architectural, artistic, and social interests. The detached eleven-bay, three-storey building, constructed around 1870, was extended around 1925.

Since then, several modifications have been made to accommodate the evolving needs of the convent. In 2001, permission was granted to convert the second floor into a nursing home. In 2009, the building was further extended at the rear, adding a new living room with a glazed link, refurbishing the existing kitchen and storage area, and constructing a single-storey extension at the rear of the existing garden store to create a new laundry facility.



Figure 2.2: Images of the Shalom Presentation Convent

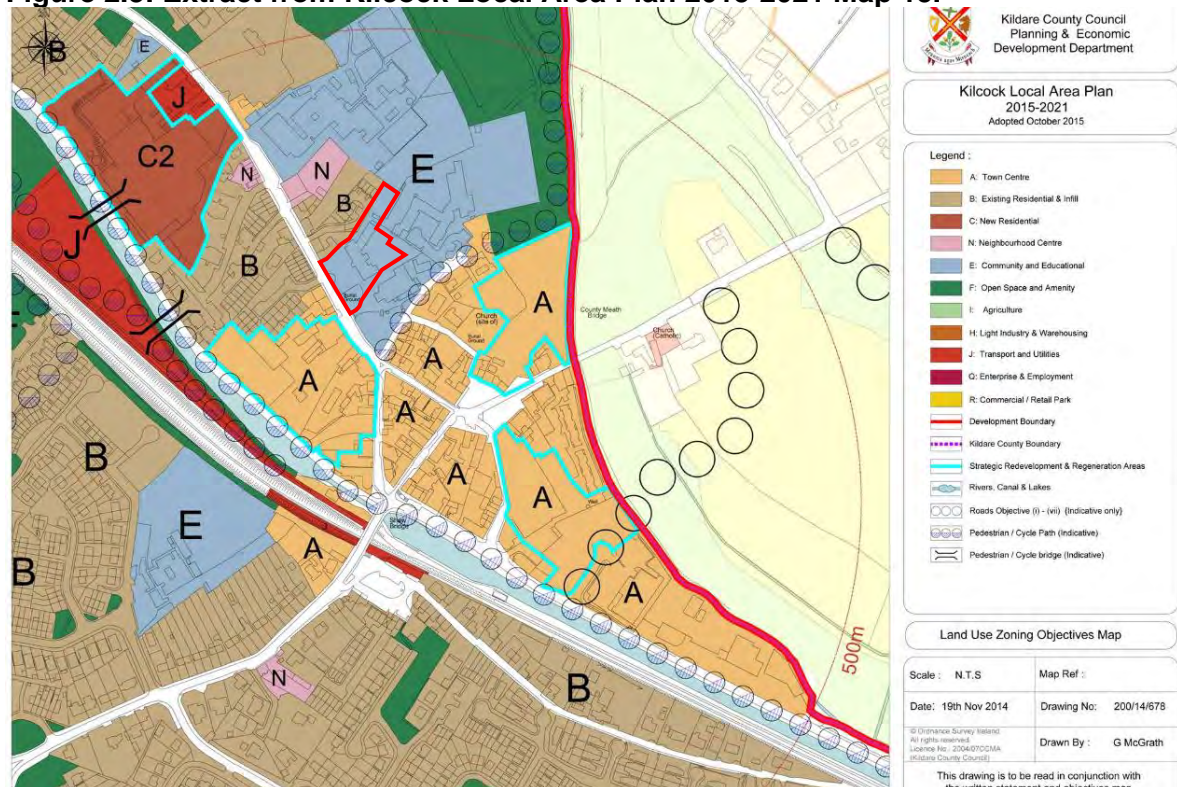


Source: NIAH portal

## 2.1 Planning Policy

The Kilcock Local Area Plan 2015-2021 is the most recent LAP for Kilcock and has now expired. We note the lands are subject to land-use zoning objective E: 'Community and Education.' Nursing Home is considered 'permissible in principle' within this category.

Figure 2.3: Extract from Kilcock Local Area Plan 2015-2021 Map 15.



### **3.0 PROPOSED EXEMPTED DEVELOPMENT**

It is proposed to provide accommodation for individuals seeking international protection at the Shalom Nursing home. The subject application relates to the former convent building which has been used as part of the Nursing Home since 2002.

No further works are required to carry out this change of use as the existing building which is in good condition. The applicant has carried out fire safety compliance certificate and drainage surveys by Land Survey Services to ensure that no other works are required for the appropriate use of the building.

The change of use proposed subject of this Section 5 referral request can be summarised as follows:

*“Whether the nursing home for the purpose of providing the necessary facilities and accommodation for international protection applicants is or is not considered exempted development.”*

Section 5.0 of this letter sets out in further detail, compliance with Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is of relevance to the exempted development declaration sought above.

It is considered that the proposed works will not impact on the overall character of the building and the proposed use will support the conservation of the building through continued activity / use. In accordance with the requirements of the Planning and Development Regulations the proposed change of use is temporary in nature and will cease no later than the expiry of the legislative provisions.

## 4.0 LEGISLATIVE FRAMEWORK

The Planning and Development Act 2000, as amended, at Section 3(1) provides a definition of development for the purposes of the Act. The Act provides for exemptions which are detailed under the Planning and Development Regulations 2001, as amended. In this case Class 20F of Part 1 of Schedule 2 is the relevant provision.

Section 3(1) reads as follows:

*“In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.”*

Section 2 of the 2000 Act, as amended, describes, *inter alia*, that:

*“ “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure..”* (Emphasis Added)

This Section 5 relates to a change of use for the provision of accommodation for international protection applicants only, no works as described above are required to carry out this change of use.

We note Section 57(1) which is relevant to the availing of exempted development provisions for Protected Structures. Section 57(1) states: *“the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.”*

As no works are proposed to facilitate the change of use, this ‘de exemption’ is not applicable.

It is not considered that the proposed use comprises a material change of use requiring planning permission. In this case it is not strictly necessary to seek a Section 5 referral, however in the interest of clarity, the applicant is seeking a declaration to this effect within the scope of Class 20F notwithstanding there are no works proposed nor is it considered that the change of use is material in planning terms.

## 5.0 CLASS 20F CRITERIA

We note the relevant provisions of Class 20F which provides for the use of a structure for persons seeking international protection, which states:

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

The applicant confirms that the use would be by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth will be to accommodate or support persons seeking international protection. While no particular definition is provided within the Kildare Development Plan, the existing permitted nursing home meets the definition of ‘**other health and social care accommodation**’ due to its nature. As it has been in use as a nursing home over 15 years as evident in the site’s planning history it is clear that the existing use meets the definition of ‘other health care accommodation’.

We note the definition of Nursing Home provided in Health (Nursing Homes) Act, 1990 as follows:

*“2.—(1) In this Act, except where the context otherwise requires, “nursing home”, subject to subsection (2), means an institution for the care and maintenance of more than two dependent persons...”*

Class 20F includes the following limitations and conditions which we respond to in turn below:

1. *The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.*

The applicant confirms that the use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection on a temporary basis and will cease no later than the expiry of the legislative provisions.

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

<sup>2</sup> Footnote No. 1 in condition no. 2 of Class 20F is referenced in article 2 of S.I. 376/2023 as OJ No. L 71, 04.03.2022, p. 1.

Footnote No. 2 in condition no. 2 in Class 20F is referenced in article 2 of S.I. 376/2023 as OJ No. L 212, 07.08.2001, p. 12.



The applicant confirms that the use shall be discontinued when the temporary protection introduced by the Council Implementing Decision comes to an end.

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

The applicant confirms that the use for the purposes of accommodating persons seeking international protection shall be discontinued no later than the expiry of the legislative provisions.

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

The applicant confirms that the use shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

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

The applicant will notify the local authority prior to commencement.

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

The applicant confirms that the intended use for those meeting the meaning of 'displaced persons'.

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

The applicant confirms that the intended use of the building will be for those requiring 'international protection'.

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

The applicant confirms that the intended use will be for persons requiring 'temporary protection'.

## 6.0 ARTICLE 9 RESTRICTIONS

Article 9 of the Planning and Development Regulations 2001 (as amended) provides for the following restrictions on exemptions that are relevant to the proposal under considerations (an assessment is provided after each point):

*“9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—*

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

The existing building was constructed in the 1870s and there is no planning permission available for the construction of the original building. There are no conditions preventing the future change of use of the building in subsequent applications. Planning history on the site is noted in Appendix 1.

*(ii) “consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width”*

There is no access to a public road proposed as part of this Section 5 application.

*(iii) “endanger public safety by reason of traffic hazard or obstruction of road users”*

It is not considered that the proposed change of use is likely to endanger public safety by reason of traffic hazard or obstruction of road users as the residential use will be similar in nature and extent. Further, no additional car parking is proposed as part of the application. No roads will be obstructed.

*(iiia) “endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft”*

No solar panels or similar works are proposed, as such it is not considered that the proposed change of use will result in hazardous glint and / or glare.

*(iv) “except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan”*

No new building or porch provided as part of this development.

*(v) “consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies”*

There are no works under a public road proposed as part of this development.

- (vi) *“interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan”*

The proposed development will not impact any sensitive view or prospects as it does not comprise any further works to the building.

- (vii) *“consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan”*

There is no excavation, alteration or demolition of ‘places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan’ proposed as part of the intended use.

- (viiA) *“consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended”*

There is no excavation, alteration or demolition of any architectural monument proposed as part of the intended use.

- (viiB) *“comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site”*

It is not considered that the proposed development would be likely to have a significant effect on the integrity of a European site. An AA Screening has been prepared by Altamar which concludes that:

*“No Natura 2000 sites are within the zone of influence of this project. Having taken into consideration the effluent discharge from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, it is concluded that this project would not give rise to any significant effects to designated sites. The project will not effect the conservation objectives of features of interest of Natura 2000 sites.”*

- (viiC) *“consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000”*

It is not considered that the proposed development would be likely to have an adverse impact on an area designated as a natural heritage area. The subject site is not within or immediately adjacent to an NHA. The Royal Canal Proposed Natural Heritage Area is located approximately 150m to the south west of the subject site however no works are proposed that would belikely to impact this NHA.

- (viii) *“consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use”*

There is no extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use proposed as part of this application. No ongoing use is unauthorised at the subject location.

- (ix) *“consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan”*

There is no demolition or alteration of a building proposed as part of this application.

- (x) *“consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility”*

There is no fencing proposed as part of this application that would prevent public access to ‘any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility’.

- (xi) *“obstruct any public right of way”*

The proposed use will not obstruct any public right of way.

- (xii) *“further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area”*

The subject site is located within an Architectural Conservation Area however does not comprise of the carrying out of works to the exterior of a structure as such will not materially affect the character of the area.

- b) *“in an area to which a special amenity area order relates, if such development would be development:-*

- (i) *of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or*

- (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or*
- (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or*
- (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited”*

The subject site is not located in a special amenity area as such the above considerations do not apply.

- c) “if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive”*

Part 10 does not apply to the proposed development as the Application is not by or on behalf of a local authority.

- d) “if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.”*

It is not considered that the proposed development will have any significant repercussions on major accident hazards due to its nature and scale.

- 2) “Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.”*

There are no overhead lines or cables proposed as part of this development.

- 3) “For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.”*

An AA Screening report has been prepared by Altamar and enclosed with the application.

## **7.0 SUMMARY AND CONCLUSIONS**

This application for a Section 5 Declaration is made on behalf of the applicant, Frostbreak ULC, 22 Northumberland Road, Ballsbridge, Dublin 4, and seeks a declaration in respect of whether the change of use of the nursing home for the purpose of providing the necessary facilities and accommodation for international protection applicants is or is not considered exempted development.

As set out in the above cover letter, it is respectfully submitted that the proposed change of use from nursing home to facility for international protection applicants are considered to constitute exempted development under Class 20F of the Planning and Development Regulations 2001, as amended.

Please do not hesitate to contact us should you require any further information in relation to the application for a Section 5 Declaration.

Yours sincerely,



---

**John Spain Associates**

## **PLANNING HISTORY**

### **KCC Reg. Ref. 89/1431**

Applicant was granted 21/03/1990 for the following development:

*“Alts and extension comprising new entrance porch, accommodation in the roof space and new windows and dormer windows in the community house etc.”*

### **KCC Reg. Ref. 94/931**

Applicant was granted 17/10/1994 for the following development:

*“Construction of a new vehicular entrance and for 2 enclosed external 3 storey staircases”*

### **KCC Reg. Ref. 01/1205**

Applicant was granted 10/10/2001 for the following development:

*“sought for internal work for conversion of 2nd floor of existing building to nursing use from residential use”*

### **KCC Reg. Ref. 09/643**

Applicant was granted 28/09/2009 for the following development:

*“For development at Shalom Nursing Home, Presentation Convent, Church Street, Kilcock, Co. Kildare, a Protected Structure. The development will consist of the construction of a single storey extension to the rear of the existing building consisting of a new living room with glazed link, refurbishment of the existing kitchen and stores, and the construction of a single storey extension to the rear of the existing garden store to form a new laundry”*

As noted in the application form for this development the building has been in use as a nursing home since 2009.

Project Information							
Name		Kilcock, Shalom Nursing Home & Terrace Houses		Issd by		FG	
Address		Shalom Nursing Home, 16 Church St, Kilcock, Co. Kildare		Checked by		DT	
Distribution							
Planners							
Client		Frostbreak ULC				x	
Document Information				Iss Date		DLK Rev	
Document No.		Drawing register		Day		14	
Issue Type		Planning		Month		01	
Drawing Register Revision		P1		Year		24	
Drawing Number		Drawing Title		Scale		Size	
0100 Series - Site Plans						Issued	
P-05-00		Site Plan		1:1000		A3	
P-01-00		Site Layout Plan		1:500		A3	
0200 Series - Plans							
P-NH-02-03		Nursing Home - Ground Floor		1:200		A3	
P-NH-02-04		Nursing Home - First Floor		1:200		A3	
P-NH-02-05		Nursing Home - Second Floor		1:200		A3	
P-NH-02-06		Nursing Home - Roof Floor		1:200		A3	
0400 Series - Elevations							
P-NH-04-05		Nursing Home - West Elevation		1:200		A3	
P-NH-04-06		Nursing Home - South Elevation		1:200		A3	
P-NH-04-07		Nursing Home - East Elevation		1:200		A3	
P-NH-04-08		Nursing Home - North Elevation		1:200		A3	
0500 Series - Sections							
P-TH-05-02		Nursing Home - Section		1:50		A1	
Status Code (Purpose of Issue)							
Work in Progress - So WIP							
Shared (Non contractual) - S1 Coordination S2 Information S3 Review & comment S4 Work Stage Approval, D2 Tender							
Approved & Accepted as Stage Completed (Contractual)- A0 Planning A2 Tender, A3 Contract, A4 Construction, A5 Legal CR As Constructed							



Appropriate Assessment Screening for the change of use of  
existing buildings at Shalom Nursing Home,  
Kilcock, Co. Kildare.



24<sup>th</sup> February 2025

**Prepared by:** Bryan Deegan (MCIEEM) of Altemar Ltd.

**On behalf of:** Frostbreak ULC

Altemar Ltd., 50 Templecarrig Upper, Delgany, Co. Wicklow. 00-353-1-2010713. [info@altemar.ie](mailto:info@altemar.ie)

Directors: Bryan Deegan and Sara Corcoran

Company No.427560 VAT No. 9649832U

[www.altemar.ie](http://www.altemar.ie)

Document Control Sheet			
Project	Appropriate Assessment Screening for the change of use of existing buildings at Shalom Nursing Home, Kilcock, Co. Kildare.		
Report	Appropriate Assessment Screening		
Date	24 <sup>th</sup> February 2025		
Version	Author	Reviewed	Date
Draft 01	Bryan Deegan	Gayle O'Farrell	10 <sup>th</sup> December 2024
Planning	Bryan Deegan		24 <sup>th</sup> February 2025

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## Introduction

An Appropriate Assessment is an assessment of the potential effects of a proposed project or plan, on its own, or in combination with other plans or projects, on one or more European sites (Special Areas of Conservation (SAC) or Special Protection Areas (SPA)).

The following Appropriate Assessment (AA) (Screening Stage) has been prepared by **Altamar Ltd.** at the request of Frostbreak ULC. The project relates to the change of use of existing buildings at Shalom, Kilcock Co. Kildare.

The AA Screening stage examines the likely significant effects of the proposed project, either on its own, or in combination with other plans and projects, upon a European site and considers whether, on the basis of objective scientific evidence, it can be concluded, in view of best scientific knowledge and the conservation objectives of the relevant European sites, that there are not likely to be significant effects on any European site.

### Altamar Ltd.

Since its inception in 2001, Altamar has been delivering ecological and environmental services to a broad range of clients. Operational areas include residential, infrastructural, renewable, oil & gas, private industry, local authorities, EC projects and State/semi-State Departments. Bryan Deegan is the managing director of Altamar. Bryan is an environmental scientist and marine biologist with 30 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture). Bryan Deegan carried out all elements of this Appropriate Assessment Screening.

## Background to the Appropriate Assessment

The Habitats Directive 92/43/EEC (together with the Birds Directive (2009/147/EC)) forms the cornerstone of Europe's nature conservation policy. The Directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Habitats Directive, Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA, 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive). Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect European sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

*"Any plan or project not directly connected with or necessary to the management of the [EUROPEAN] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the component national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."*

As outlined in "Managing European sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" (European Commission, 21 November 2018) *"The purpose of the appropriate assessment is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus of the appropriate assessment is therefore specifically on the species and/or the habitats for which the European site is designated."*

As outlined in the EC guidance document on Article 6(4) (January 2007)<sup>1</sup>:

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<sup>1</sup> European Commission. (2007). Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission;

*“Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field.*

*Assessment procedures of plans or projects likely to affect European sites should guarantee full consideration of all elements contributing to the site integrity and to the overall coherence of the network, both in the definition of the baseline conditions and in the stages leading to identification of potential impacts, mitigation measures and residual impacts. These determine what has to be compensated, both in quality and quantity. Regardless of whether the provisions of Article 6(3) are delivered following existing environmental impact assessment procedures or other specific methods, it must be ensured that:*

- *Article 6(3) assessment results allow full traceability of the decisions eventually made, including the selection of alternatives and any imperative reasons of overriding public interest.*
- *The assessment should include all elements contributing to the site's integrity and to the overall coherence of the network as defined in the site's conservation objectives and Standard Data Form, and be based on best available scientific knowledge in the field. The information required should be updated and could include the following issues:*
  - *Structure and function, and the respective role of the site's ecological assets;*
  - *Area, representativity and conservation status of the priority and nonpriority habitats in the site;*
  - *Population size, degree of isolation, ecotype, genetic pool, age class structure, and conservation status of species under Annex II of the Habitats Directive or Annex I of the Birds Directive present in the site;*
  - *Role of the site within the biographical region and in the coherence of the European network; and,*
  - *Any other ecological assets and functions identified in the site.*
- *It should include a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts and other impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.*
- *The assessment under Article 6(3) applies the best available techniques and methods, to estimate the extent of the effects of the plan or project on the biological integrity of the site(s) likely to be damaged.*
- *The assessment provides for the incorporation of the most effective mitigation measures into the plan or project concerned, in order to avoid, reduce or even cancel the negative impacts on the site.*
- *The characterisation of the biological integrity and the impact assessment should be based on the best possible indicators specific to the European assets which must also be useful to monitor the plan or project implementation.”*

## Stages of the Appropriate Assessment

This Appropriate Assessment screening was undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2001), OPR (2021) Practice Note PN01 Appropriate Assessment Screening for Development Management, EC (2021), Part XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011. In order to comply with the above Guidelines and legislation, the Appropriate Assessment process must be structured as follows:

### 1) Screening stage:

- Description of plan or project, and local site or plan area characteristics;
  - Identification of relevant European sites, and compilation of information on their qualifying interests and conservation objectives
  - Identification and description of individual in combination effects likely to result from the proposed project;
  - Assessment of the likely significance of the effects identified above. Exclusion of sites where it can be objectively concluded that there will be no likely significant effects; and,
- Conclusions

### 2) Appropriate Assessment (Natura Impact Statement):

- Description of the European sites that will be considered further;
  - Identification and description of potential adverse impacts on the conservation objectives of these sites likely to occur from the project or plan; and,
  - Mitigation Measures that will be implemented to avoid, reduce or remedy any such potential adverse impacts
  - Assessment as to whether, following the implementation of the proposed mitigation measures, it can be concluded, beyond all reasonable scientific doubt, that there will be no adverse impact on the integrity of the relevant European Site in light of its conservation objectives"
- Conclusions.

If it can be demonstrated during the AA screening phase (Stage 1), that the proposed project will not have a significant effect, whether alone or in combination with other plans or projects, on the conservation objectives of a European site, then no further AA (Stage 2) will be required. It is important to note that there is a requirement to apply a precautionary approach to AA screening. Therefore, where effects are possible, certain or unknown at the screening stage, AA will be required.

In addition, it should be noted that Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an AA of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

## Stage 1 Screening Assessment

### Management of the Site

The project is not directly connected with, or necessary to the management of European sites.

### Description of the Proposed Project

It is proposed to provide accommodation for individuals seeking international protection at the Shalom Nursing home. The subject buildings include the former convent building which have been used as part of the Nursing Home for some time.

No external building works are required to carry out this change of use. The applicant has carried out appropriate surveys of drainage and fire safety to ensure that no other works are required for the appropriate use of the buildings.

The proposed site outline and location are demonstrated in Figures 1-3.

### Drainage

A drainage survey was carried out by Land Survey Services to accompany this application. The survey (dated 18/11/24) concluded the following in relation to drainage on site:

- There is no change to the existing drainage layout on site.
- Surface water drainage from the site will connect to the 300mm storm water network on Church Street.
- Foul water drainage from the site will connect to the 450mm foul sewer network on Church Street, which ultimately discharges to Lower Liffey Valley WwTP.

The drainage layout is demonstrated in figure 4.





**Figure 1.** Proposed site outline and site location





Site Outline

0 20 40 60 80 100 m

Project: Shalom  
 Location: Kilcock, Co. Kildare  
 Date: 24th January 2025  
 Drawn By: Gayle O'Farrell (Altamar)

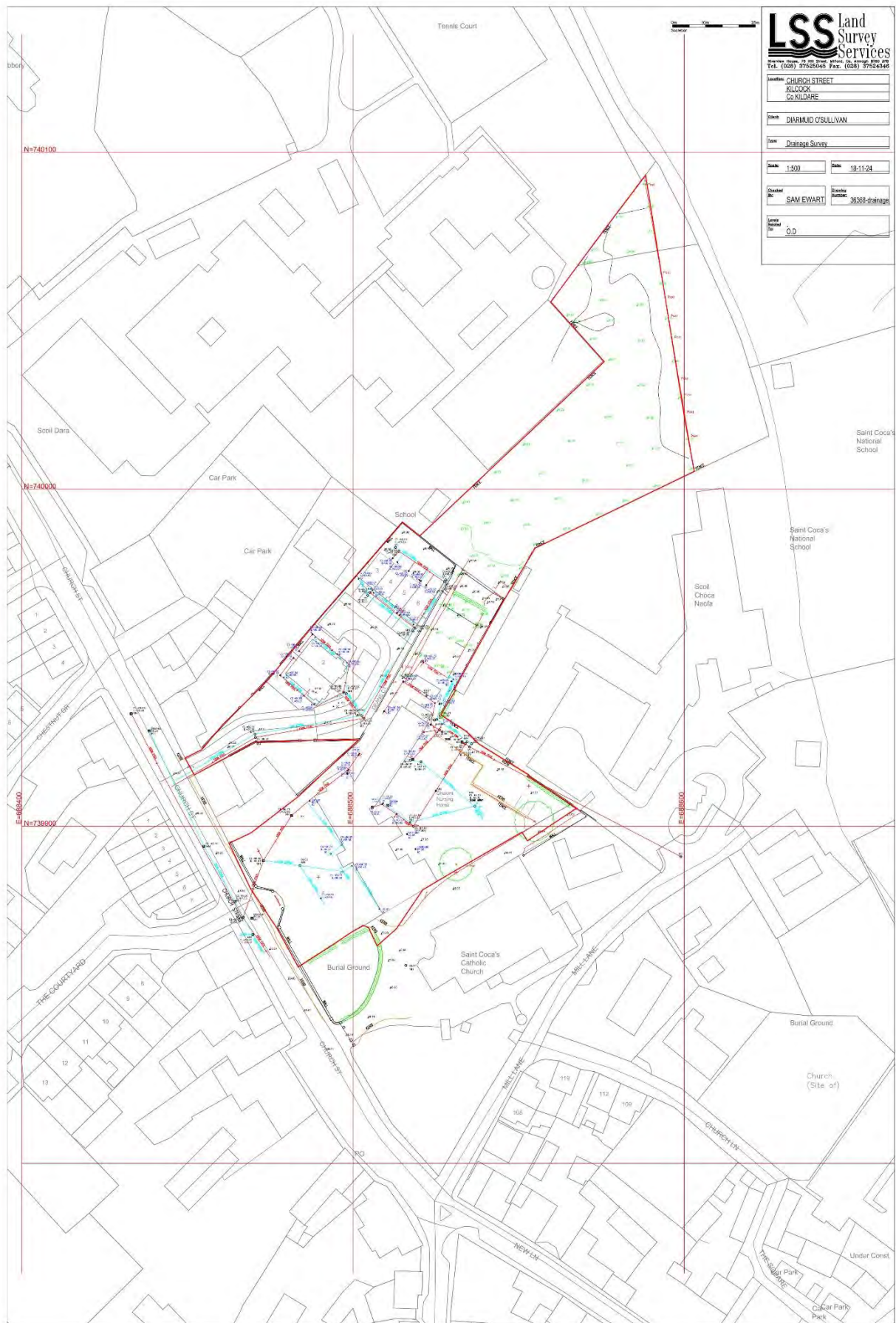
ALTEMAR  
 Marine & Environmental Consultancy



**Figure 2.** Proposed site outline







## Identification of Relevant European Sites

The proposed project site is not within a European site. As outlined in Office of the Planning Regulator (2021) *“The zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15 km).”*

The nearest European site (Rye Water Valley/Carton SAC) is 6.2 km from the proposed project site. The Rye Water River flows south-eastwards, 128 m from the northeast border of the site. Surface water from the site will connect to the existing surface water network on Church Street, ultimately discharging to the River Rye. There is, therefore, an indirect hydrological pathway from the site to the European site located downstream (Rye Water Valley/ Carton SAC). However, given no exterior or significant interior works are proposed and no new buildings are to be constructed, the risk of polluted surface water as a result of the development entering the drainage system is deemed negligible. This water will ultimately be diluted within the surface water network and River Rye prior to reaching the SAC. An increase in foul water discharge will be seen on site. Foul, and a portion of surface water, wastewater from the site will ultimately discharge into the Lower Liffey Valley Wastewater Treatment Plant. Based on the 2023 Annual Environmental Report the WWTP is operating within capacity and the Organic Capacity (Person Equivalent) remaining is 8,466.

The Zol of the proposed project would be seen to be restricted to the site outline, with potential for minor increases in foul water effluent within the existing public and compliant network and localised increased human activity in the vicinity of the site within an existing parkland setting, which would not be likely to have any significant effects on any European sites.

Despite a lack of direct hydrological connection to European Sites, but in the interest of carrying out a thorough assessment in line with both the Habitats Directive, and the precautionary principle, the area of assessment was expanded beyond the Zol to include designated sites within 15km of the proposed project site, and sites beyond 15km with the potential for a hydrological connection. This was done in the interest of ensuring that any pathways, however indirect or remote, were taken into account. All European sites within 15km are listed in Table 1. The qualifying interests, and the potential impact of the proposed project on each European site and qualifying interest, are screened out in Table 2. No potential impacts are foreseen on European sites beyond 15km as there is no direct pathways to these sites. SACs and SPAs within 15km of the site and those with direct or indirect pathways are demonstrated in Figures 4 and 5. Watercourses and European sites proximate to the proposed project are demonstrated in Figures 6.

*Table 1. Proximity to designated sites of conservation importance*

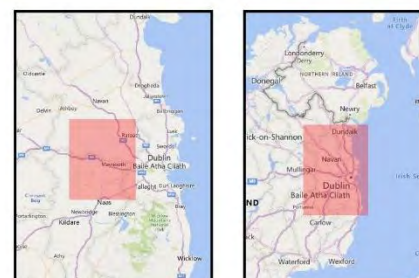
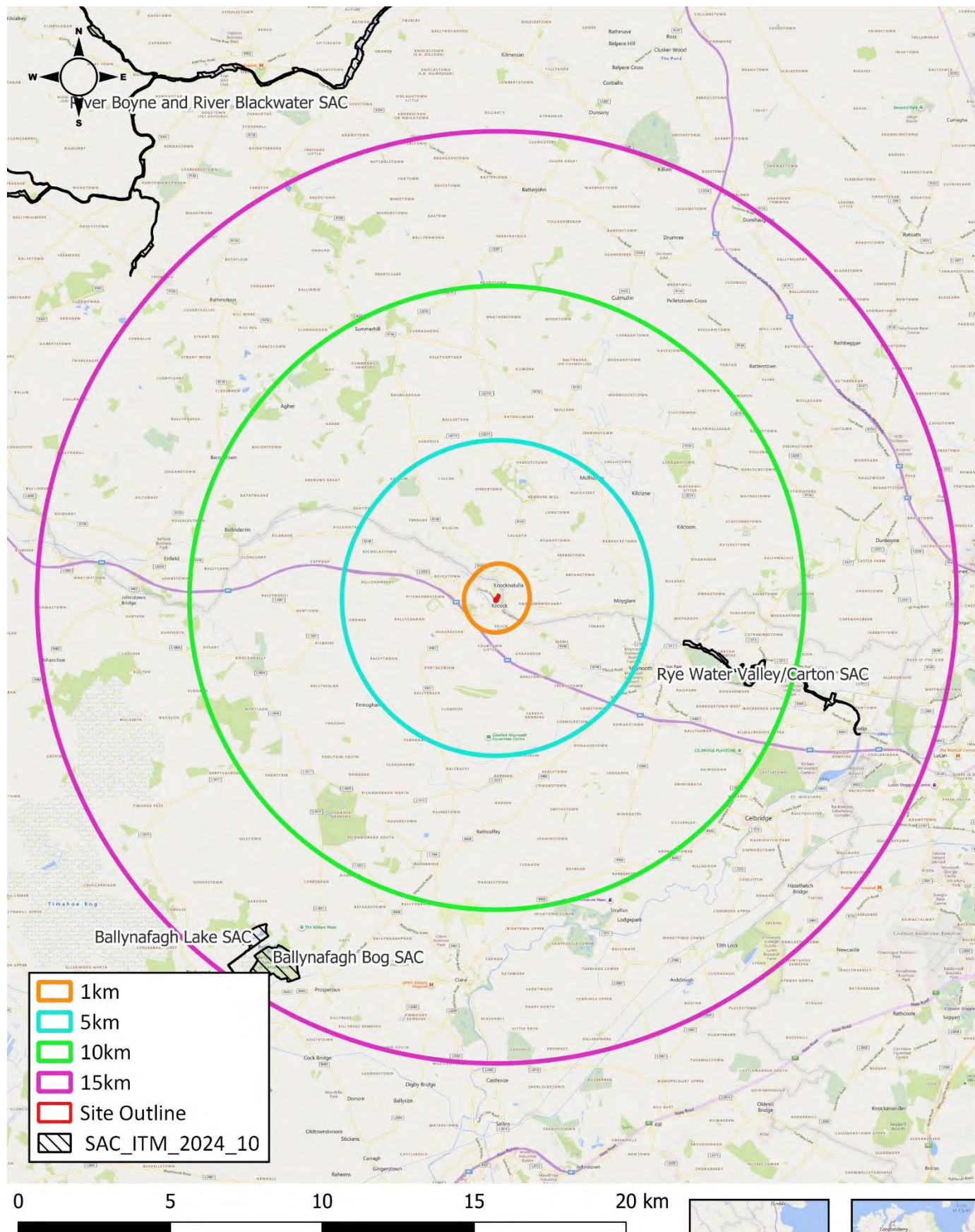
NATURA 2000 Site	Distance
Special Areas of Conservation	
Rye Water Valley/Carton SAC	6.2 km
Ballynafagh Lake SAC	12.9 km
Ballynafagh Bog SAC	13.2 km



Table 2. Initial screening of European sites within 15km and European sites within 15km with potential of hydrological connection to the proposed project

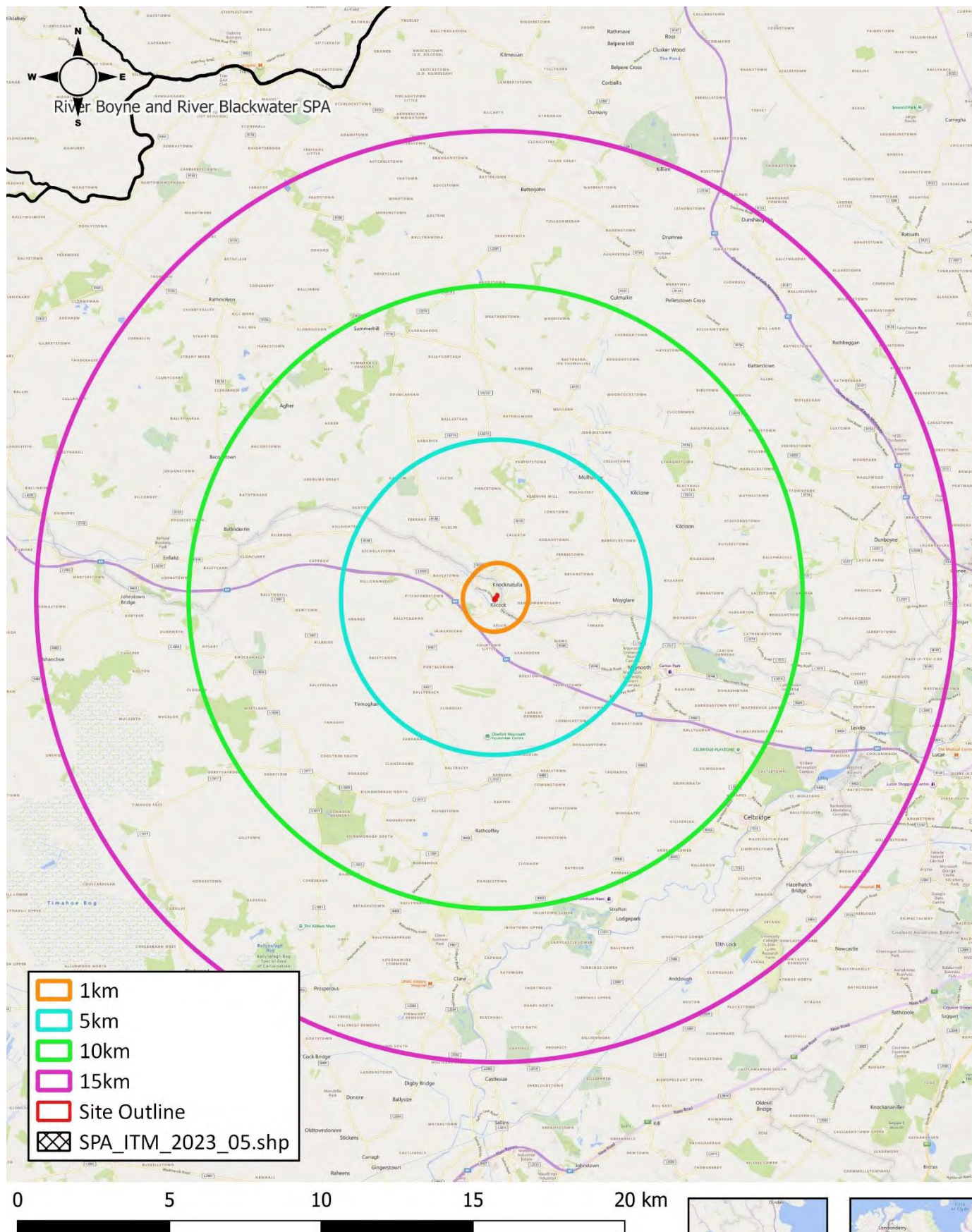
NATURA Code	Name	Screened IN/OUT	Details/Reason
IE001398	Rye Water Valley/Cartron SAC	OUT	<p><b>Conservation Objectives</b> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p><b>Qualifying Interests</b> Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>) [1014] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) [1016]</p> <p><b>Potential Impact</b> The proposed development site is located approximately 6.2 km from this SAC. There is no direct hydrological pathway between the proposed development site and the SAC.</p> <p>There is a remote indirect pathway from the proposed development to this SAC via foul and surface water drainage. Surface water from the site will connect to an existing surface water network on Church Street, ultimately discharging to the River Rye. Given no exterior or significant interior works are proposed and no new buildings are to be constructed, the risk of polluted surface water as a result of the development entering the drainage system is deemed negligible. This water will ultimately be diluted within the surface water network and River Rye prior to reaching Rye Water Valley/Cartron SAC. No significant effects on the qualifying interests of this SAC are likely.</p> <p>Foul water drainage from the site will be directed to Lower Liffey Valley WwTP via an existing foul water sewer network on Church Street where it will be treated prior to being discharged to the River Liffey. There is, therefore, an indirect hydrological pathway from the proposed development site to this SAC, however, given the fact that foul water will be treated at WwTP via the foul sewer network, any pollutants, dust or silt laden run off will be dispersed, diluted, and ultimately treated within the public network prior to reaching the marine environment. No significant effects on the qualifying interests of this SAC are likely.</p> <p>No potential impact is foreseen. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p><b>No significant effects are likely</b></p>
IE001387	Ballynafagh Lake SAC	OUT	<p><b>Conservation Objectives</b> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p><b>Qualifying Interests</b> Alkaline fens [7230] <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016] <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><b>Potential Impact</b></p>

NATURA Code	Name	Screened IN/OUT	Details/Reason
			<p>The proposed development site is located within an urban environment, 12.9 km from this SAC. There is no 'direct' or 'indirect' Source-Pathway linkage between the proposed development site and the SAC.</p> <p>No potential impact is foreseen. There is no direct or indirect pathway from this site to the SAC. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p><b>No significant effects are likely.</b></p>
IE000391	Ballynafagh Bog SAC	OUT	<p><b>Conservation Objectives</b> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p><b>Qualifying Interests</b> Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]</p> <p><b>Potential Impact</b> The proposed development site is located within an urban environment, 13.2 km from this SAC. There is no 'direct' or 'indirect' Source-Pathway linkage between the proposed development site and the SAC.</p> <p>No potential impact is foreseen. There is no direct or indirect pathway from this site to the SAC. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p><b>No significant effects are likely.</b></p>

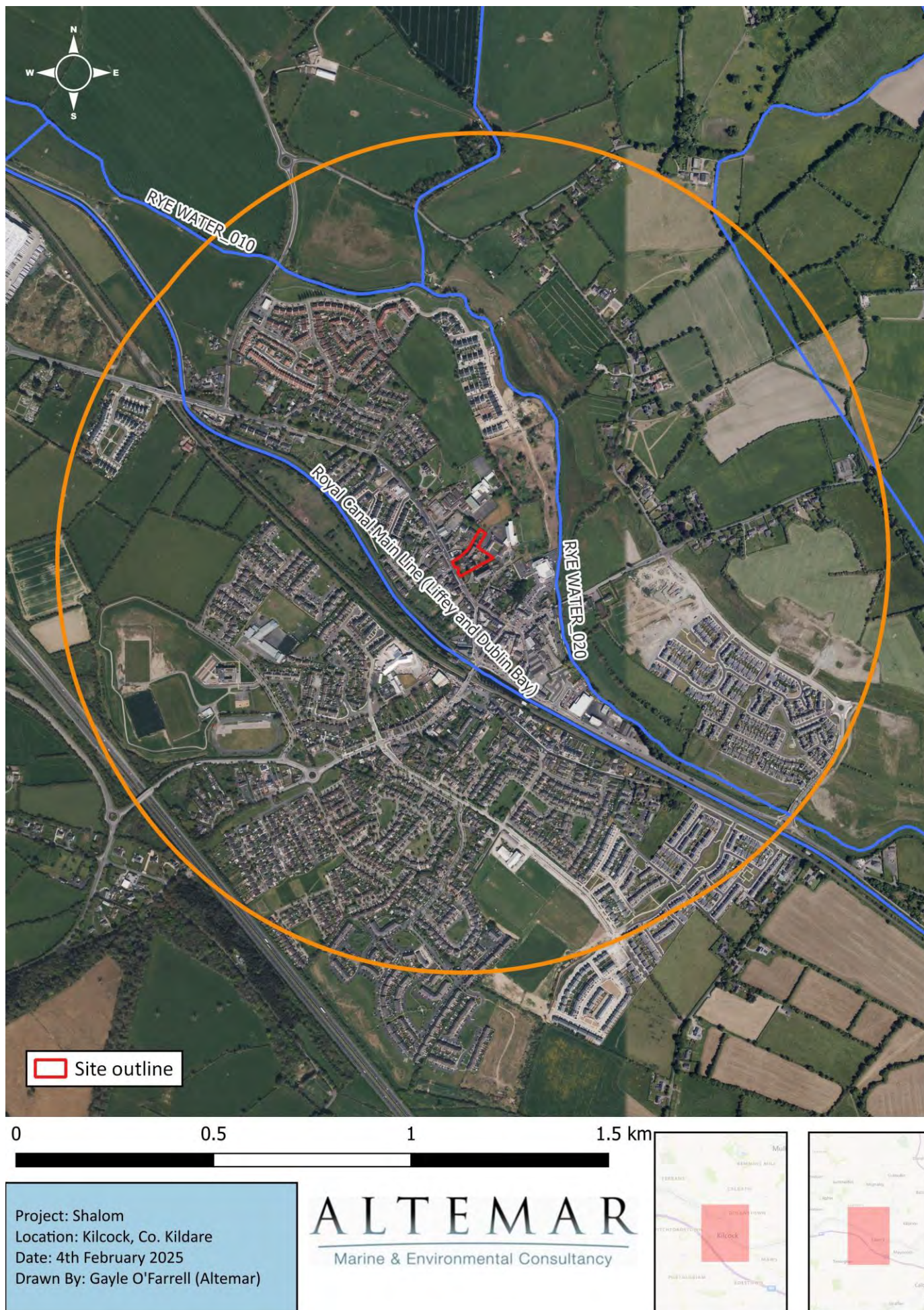


**Figure 5. Special Areas of Conservation (SAC) within 15km of the subject site**









**Figure 7.** Watercourses within 1km of the subject site



## In-Combination Effects

There are few approved and pending projects located in the areas surrounding the subject site. The following is a list of planning application(s) as identified on the Department of Housing, Local Government and Heritage's 'National Planning Application Database' portal:

Table 3. Approved planning applications proximate to the subject site

Planning Ref.	Address	Proposal
20252	Forge Cottage, Church Street , Kilcock	a new single storey extension to an existing single storey dwelling along with associated site works including the removal of an existing outbuilding
191196	St. Coca's Church , Church Street , Kilcock	will comprise the construction of a single storey limestone pastoral centre of 315 square metres to the south of the existing limestone church, the removal of the existing 20th century grotto, the removal of a section of existing boundary wall and all associated site development works
191296	Church Street & Bridge Street , Kilcock , Co. Kildare.	for development on site area of 0.445ha, located at Church Street and Bridge Street, Kilcock, Co. Kildare. The site is occupied by The Lion House (former public house) which is a Protected Structure (RPS Ref. No. B05-20) on Church Street. The proposed development site fronts onto Church Street to the north-east, is bounded to the rear (south-west) by the Royal Canal and to the east by Bridge Street. There are 5 no. existing outbuildings/sheds on the site that are proposed to be demolished, as is an extension to the rear of The Lion House. The proposed development will be a long term 'Build-to-Rent' residential development. It is proposed to build a new 2 storey extension to the rear of the existing Lion House building and to convert same into a build-to-rent shared accommodation comprising 18 no. bedspaces in 9 no. bedrooms at first floor level, with communal living facilities provided at ground floor level. The proposed development also consists of 39 no. studios and apartments, comprised of 2 no. studios, 7 no. 1 bed apartments, 26 no. 2 bed apartments & 4 no. 3 bed apartments, accommodated in 4 no. 3-4 storey buildings. Block A, fronting onto Bridge Street, is a 3 storey building accommodating reception, communal living area, gym, and cinema at ground floor level with 6 no. 1 & 2 bed apartments and 2 no. studios overhead. Block B located at the western boundary of the site is a 3 storey building with 4th floor setback accommodating 18 no. 1, 2 & 3 bed apartments. Block C to the rear of the site is a 3 storey building with 4th floor setback accommodating 11 no. 1 & 2 bed apartments, over an undercroft car park. Block D fronting onto Bridge Street is a 3 storey building that will contain concierge & laundry facilities at ground floor level with 2 no. 2 bed apartments overhead. The proposed development will be accessed off Bridge Street via a new vehicular entrance, with proposed pedestrian/cyclist access into the adjoining site to the west (concurrent planning application). Bicycle and car parking will be provided for at surface level and in an undercroft car park at Block C. The proposed development provides for all associated site development works, open spaces, landscaping, boundary treatments & bin storage. Revised by Significant Further Information
18539	Former Zed Candy Factory Site , Church Street , Kilcock	Amendments to Planning Permission Register No. 15/463, involving revisions to the original site boundaries permitted under 15/463 and comprising: 1.Revisions to the southern part of apartment Block 2 to accommodate revised boundary line. No change is proposed to the

Planning Ref.	Address	Proposal
		<p>number of apartments, apartment types, bedrooms, bed spaces or car parking spaces. The revisions result in a floor area increase from 94.8sqm to 99sqm in apartments 02-0.01, 01-1.01 and 02-2.01..</p> <p>2.Change of permitted finish on apartment blocks from reconstituted sandstone and zinc cladding with standing seams to buff coloured brick and powder-coated metal cladding with standing seams. 3. Change of permitted finish on front entrance porches to all house types from reconstituted sandstone to painted render. 4. Minor set-back to alignment of front entrance porches to Type 3 houses to provide a consistent junction with the projected facades of these houses. 5. Change of permitted finish of window/door frames throughout from Alu-Clad to uPVC, colour grey RAL 7015. 6.Minor internal changes to permitted Ground Floor layout of House Types 1, 2A, 3, 4, and 5 to improve the kitchen/dining areas and consequent minor changes to rear facades. 7. Corrections to anomalies in permitted documents comprising i) amendment of rear elevation of House Type 4 to provide two No. bedroom windows, ii) change of notation on site plan of House No.A03 from Type 4 to Type 3 to accord with the permitted elevations and iii) corrected schedule of accommodation. 8.Minor revisions to road levels and floor levels of houses and apartments to accommodate drainage gradients. The proposed development involves revisions to the original site boundaries permitted under Ref.15/463</p>

No projects are proposed or currently under construction that could potentially cause in combination effects on Natura 2000 sites. There is no direct pathway to Natura 2000 sites. Given this, it is considered that in combination effects with other existing and proposed projects in proximity to the application area would be unlikely, neutral, not significant and localised. It is concluded that no significant effects on Natura 2000 sites will be seen as a result of the proposed project alone or combination with other projects.

**No projects in the vicinity of the proposed project would be seen to have a significant in combination effect on Natura 2000 sites.**

## Conclusions

The proposed project is located in a developed environment 6.2 km from the nearest Natura 2000 site (Rye Water Valley/Carlton SAC). Watercourses and surface runoff are seen as the main potential pathway for effects on Natura 2000 sites. No works are proposed on site that would impact on these existing pathways. There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There is an indirect pathway via the surface water drainage network discharging to the River Rye. However, given no exterior works are proposed and no new buildings are to be constructed, the risk of polluted surface water as a result of the development entering the drainage system is deemed to be negligible.

In addition, there is an indirect pathway via foul water drainage. Foul water from the site discharges to the Lower Liffey Valley WwTP. Foul wastewater from the project will be processed in the Treatment works via a public sewage network, prior to being discharged to the River Liffey.

No Natura 2000 sites are within the zone of influence of this project. Having taken into consideration the effluent discharge from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, it is concluded that this project would not give rise to any significant effects to designated sites. The project will not have a significant effect on the conservation objectives of features of interest of any Natura 2000 sites.

This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Project, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Project, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or European site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and conclude that, in view of best scientific knowledge and the conservation objectives of the relevant European sites, the Proposed Project, individually or in combination with other plans or projects, is not likely to have a significant effect on any European site.

## Data Used for AA Screening

NPWS site synopses and Conservation objectives of sites within 15km were assessed. The most recent SAC and SPA boundary shapefiles were downloaded and overlaid on ESRI road maps and satellite imagery.

## Findings of No Significant Effects Report

<b>Details of Project</b>	Appropriate Assessment Screening for the change of use of existing buildings at Shalom Nursing Home, Kilcock Co. Kildare
<b>Name and Location of NATURA 2000 Sites Within 15km or with direct or indirect pathways.</b>	Ballynafagh Lake SAC Ballynafagh Bog SAC Rye Water Valley/Carton SAC
<b>Project Description</b>	Change of use of existing buildings
<b>Is the Project directly connected with the management of the NATURA 2000 site?</b>	No
<b>Details of any other projects or plans that together with this project could affect the NATURA 2000 site</b>	None
<b>The assessment of significant effects</b>	None
<b>Describe how the project is likely to affect the NATURA 2000 site</b>	No significant effects are likely
<b>Response to consultation</b>	N/A
<b>Data collected to carry out the assessment</b>	Site Visit and Supporting NPWS data.
<b>Who carried out the assessment</b>	Altamar Ltd.
<b>Sources of data</b>	NPWS website, standard data form, conservation objectives data of the site and references outlined in the AA Screening Report.
<b>Explain why the effects are not considered significant</b>	No Natura 2000 sites are within the zone of influence of this project. There is no direct hydrological pathway to Natura 2000 sites. Having taken into consideration the effluent discharge from the proposed project, the distance between the proposed project site to designated conservation sites, and the treatment of effluent within a compliant WWTP, it is concluded that this project would not give rise to any significant effects to designated sites.
<b>Level of assessment completed</b>	Stage 1 Screening
<b>Overall conclusions</b>	On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Project, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

## References

The following references were used in the preparation of this AA screening report.

1. Department of Environment Heritage and Local Government Circular NPW 1/10 and PSSP 2/10 on Appropriate Assessment under Article 6 of the Habitats Directive – Guidance for Planning Authorities March 2010.
2. Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government 2009;  
[http://www.npws.ie/publications/archive/NPWS\\_2009\\_AA\\_Guidance.pdf](http://www.npws.ie/publications/archive/NPWS_2009_AA_Guidance.pdf)
3. Managing EUROPEAN Sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC, European Commission 2000;
4. Assessment of Plans and Projects Significantly Affecting EUROPEAN Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC;
5. Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission;
6. Guidance document on the implementation of the birds and habitats directive in estuaries and coastal zones with particular attention to port development and dredging;  
[http://ec.europa.eu/environment/nature/Natura2000/management/docs/guidance\\_doc.pdf](http://ec.europa.eu/environment/nature/Natura2000/management/docs/guidance_doc.pdf)
7. The Status of EU Protected Habitats and Species in Ireland.  
[http://www.npws.ie/publications/euconservationstatus/NPWS\\_2007\\_Conservation\\_Status\\_Report.pdf](http://www.npws.ie/publications/euconservationstatus/NPWS_2007_Conservation_Status_Report.pdf)
8. NPWS (2021) Conservation Objectives: Glenasmole Valley SAC 001209. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
9. NPWS (2021) Conservation Objectives: Rye Water Valley/Carton SAC 001398. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
10. Irish Water (2018) Annual Environmental Report - Lower Liffey Valley Regional Sewerage Scheme  
[https://www.water.ie/docs/aers/2018/Non-Priority-AERS/D0004-02\\_2018\\_AER-NOD.pdf](https://www.water.ie/docs/aers/2018/Non-Priority-AERS/D0004-02_2018_AER-NOD.pdf)
11. Ec (2021). Commission notice Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC 2021/C 437/01 (OJ C, C/437, 28.10.2021, p. 1, CELEX: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021XC1028\(02\)\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021XC1028(02)))).





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**2025**

# **EIA Screening Report – Shalom Nursing Home, Kilcock, Co. Kildare**

ENGINEERING A SUSTAINABLE FUTURE



**Environmental Impact Assessment Screening Report**  
**Change of Use Development – Shalom Nursing Home, Kilcock, Co. Kildare**

**Document Control Sheet**

<b>Client:</b>	Carrickreagh Developments
<b>Document No:</b>	250064-ORS-XX-XX-CO-EN-13d-001

Revision	Status	Author:	Reviewed by:	Approved By:	Issue Date
P01	DRAFT	AQ	LM	JB	31/01/2025
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## 1 Introduction

### 1.1 Background

This Environmental Impact Assessment (EIA) screening exercise has been prepared in support of a proposal for the change of use development of the existing Shalom Nursing Home located in Kilcock, Co. Kildare, the proposal relates to accommodation for individuals seeking international protection. The subject buildings include the former convent building which have been used as part of the Nursing Home for some time. The purpose of this exercise is to determine if an Environmental Impact Assessment Report is required for the consideration of the proposed development.

EIA requirements are derived from legislation set by the European Union in the form of EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU. Most pertinent to the screening stage of the EIA process, are **Annexes I and II** of the EU Directive which comprise a list of project categories with the potential to have significant effects on the environment. Annexes I and II are transposed into Irish Legislation and contained within the Planning and Development Regulations 2001-2023, in **Schedule 5, Parts 1 and 2**.

This EIA Screening exercise first provides a description of the proposed development under the criteria defined in **Schedule 7A** of the *Planning and Development Regulation 2001-2023*, further described in section 3.

The proposed change of use development consists of the following:

It is proposed to provide accommodation for individuals seeking international protection at the Shalom Nursing home. The subject buildings include the former convent building which have been used as part of the Nursing Home for some time.

No further works are required to carry out this change of use as the existing building and houses are in good condition. The applicant has carried out appropriate surveys of drainage and fire safety to ensure that no other works are required for the appropriate use of the buildings.

An initial screening appraisal was then carried out for this activity against the relevant categories in **Schedule 5, Parts 1 and 2** of the regulations, further described in section 4.

In the event where an EIA screening threshold is exceeded, the screening process is continued, and characteristics of the proposed development are considered in further detail against the relevant criteria defined by **Schedule 7** of the regulations, summarised as follows:

1. Characteristics of proposed development – size, cumulative effects, natural resources etc.
2. Location of proposed development – environmental sensitivity of the areas likely to be affected by the development.
3. Types and characteristics of potential impacts – likely significant effects on the environment.

## 2 EIA Screening Methodology

### 2.1 Legislative Requirement for EIA

Screening is the initial stage in the EIA process and determines whether or not the proposed development is likely to have significant effects on the environment and, as such, require EIA to be carried out prior to a decision for a development consent application being made.

EIA requirements are derived from legislation set by the European Union in the form of EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU, collectively titled: “*on the assessment of the effects of certain public and private projects on the environment*”. These directives set out the principles for the environmental impact assessment of projects by introducing minimum requirements regarding:

- The type of projects subject to assessment
- The main obligations of developers
- The content of the assessment
- The participation of competent authorities

Most pertinent to the screening stage of the EIA process, are Annexes I and II of the EU Directive which comprise a list of project categories with the potential to have significant effects on the environment. Annexes I and II are transposed into Irish Legislation by the Planning and Development Regulations 2001-2023, in Schedule 5, Parts 1 and 2, with national thresholds added to many of the Part 2 classes of development.

### 2.2 Project Categorisation

Once the proposed development is described and the principal activities are defined, the first step in the screening process can be undertaken. This involves assigning the development to a category listed in either **Parts 1 or 2** of schedule 5 of the *Planning and Development Regulations 2001-2018*:

- **Part 1 Activities** – consists of activities which have significant effects on the environment. Proposed developments which exceed the relevant thresholds in Part 1 are subject to a mandatory EIA. Part 1 sub-threshold developments require screening in cases where the same class of development is not listed in Part 2 with a lower mandatory threshold.
- **Part 2 Activities** – do not necessarily have significant effects on the environment in every case; Proposed developments which exceed the relevant thresholds in Part 2, as defined by the Irish State are subject to a mandatory EIA. For all sub-threshold developments listed in Schedule 5, Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

Corresponding developments automatically require EIA if no threshold is given or if they exceed a given threshold. Developments which correspond to Part 2 project types but are below the given threshold must be subject to a screening exercise to determine whether they

require EIA or not.

## 2.3 Project Screening Determination

In cases where a project is deemed eligible for a mandatory EIA, a sub-threshold EIA or an exemption the EIA screening process is concluded, and suitable recommendations are made in order to progress the project further.

In the event where a given project is deemed to be **below** the relevant **Part 2** thresholds, further screening is required and characteristics of the proposed development are considered in further detail against the relevant criteria outlined in **Schedule 7** of the *Planning and Development Regulation 2001-2023*.

This exercise is carried out for the project in **section 4**.

## 2.4 Determination of the EIA Requirement for Sub-Threshold Projects

If the initial project screening determination did not confirm the requirement or the exemption of an EIA, the proposed development is subject to further screening to determine if a significant risk to the environment is posed. **Schedule 7A** of the Planning and Development Regulation 2001-2023 outlines specific information to be provided by the applicant pertaining to the project to be provided by the applicant for the purposes of screening sub-threshold projects to the competent authority's satisfaction. This includes:

### 1. Characteristics of the project

- a. size and design of the whole of the proposed development
- b. cumulation with other existing development and/or development the subject of a consent for proposed development
- c. nature of any associated demolition works
- d. use of natural resources, in particular land, soil, water and biodiversity
- e. production of waste
- f. pollution and nuisances
- g. the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change
- h. the risks to human health (for example, due to water contamination or air pollution)

### 2. Location of proposed project

- a. the existing and approved land use,
- b. relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,
- c. absorption capacity of the natural environment, paying particular attention to the following areas:
  - (i) *wetlands, riparian areas, river mouths*
  - (ii) *coastal zones and the marine environment*
  - (iii) *mountain and forest areas*
  - (iv) *nature reserves and parks*
  - (v) *areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive*

- (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;*
- (vii) densely populated areas;*
- (viii) landscapes and sites of historical, cultural or archaeological significance.*

### 3. Characteristics of potential impacts

- a. magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),
- b. nature of the impact,
- c. transboundary nature of the impact,
- d. intensity and complexity of the impact,
- e. probability of the impact,
- f. expected onset, duration, frequency and reversibility of the impact,
- g. cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment
- h. possibility of effectively reducing the impact.

These criteria are assessed for the proposed development in **section 5**.

## 2.5 Information to be provided for the purpose of Sub-Threshold Projects

In the event that the requirement for a full screening exercise is triggered, **Schedule 7A** of the *Planning and Development Regulation 2001-2018* outlines specific information to be provided by the applicant pertaining to the project to be provided by the applicant for the purposes of screening sub-threshold projects to the competent authority's satisfaction. This includes:

1. **Description of the proposed development** (Outlined in **Section 3**)
  - a. Description of the physical characteristics of the whole proposed development and, where relevant, of demolition works.
  - b. Description of the location of the proposed development, with regard to the environmental sensitivity of geographical areas likely to be affected.
2. **Description of the aspects of the environment likely to be significantly affected by the proposed development** (Criteria incorporated into **Tables 5.1 - 5.3**)
3. **Description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from:**
  - a. Expected residues and emissions and the production of waste, where relevant.
  - b. Use of natural resources, in particular soil, land, water and biodiversity. (Criteria incorporated into **Tables 5.1 - 5.3**)



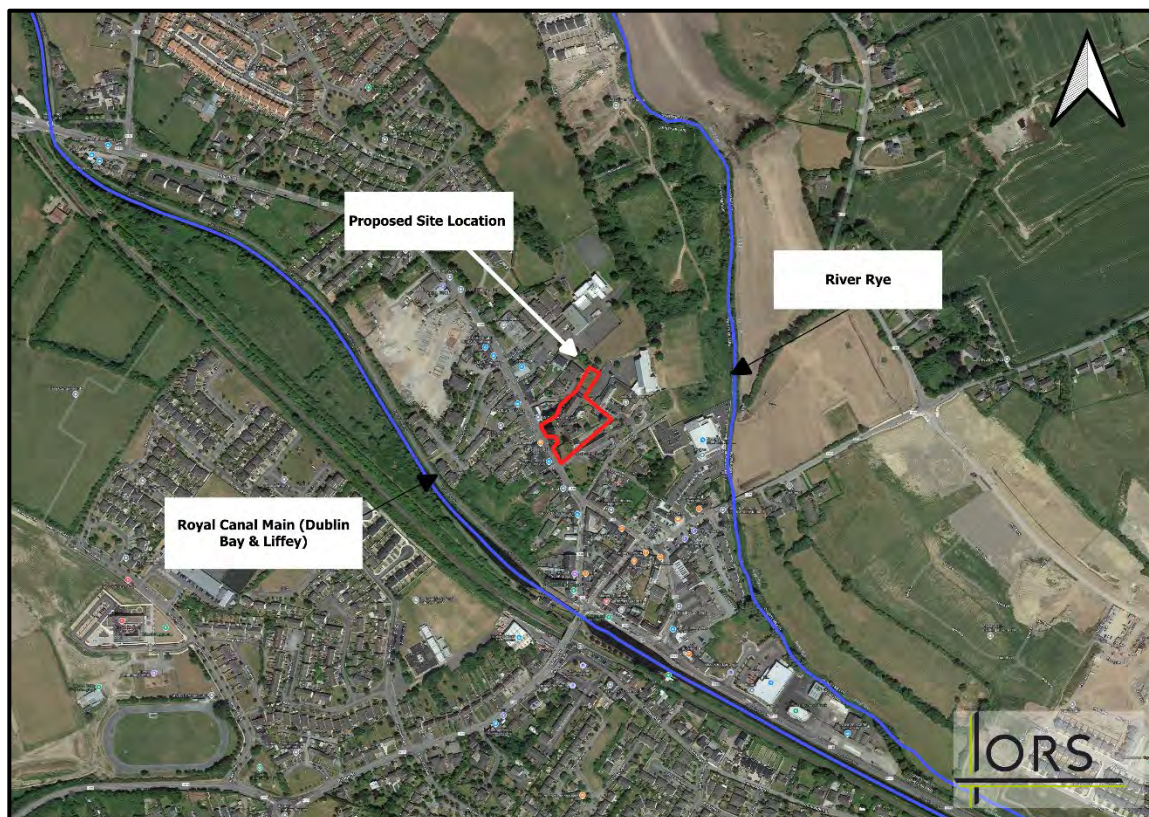
### 3 Description of the Proposed Development

#### 3.1 Site Description

Shalom Nursing Home is centrally located on Church Street in Kilcock, within the administrative area of Kildare County Council. The site is located on the lands of the former Presentation Convent (Shalom Nursing Home). The site is bound to the north by Scoil Dara, beyond which lies a mix of commercial and residential units and agricultural lands. The site is bound to the east by Scoil Choca Naofa, beyond which lies a mixture of agricultural land and an array of new residential developments. To the west of the site, lands consist of a mixture of commercial and residential buildings in the vicinity of Kilcock town. The Royal Canal Main Line (Liffey and Dublin Bay) is located ca.164m to the west of the site. To the south of the site is the centre of Kilcock town which exhibits a mixture of commercial and residential units. The Royal Canal Main Line (Liffey and Dublin Bay) continues to flow in a southwest direction where its closest point south of the site is located at ca.166m. Notable receptors in the vicinity of the proposed change of use development include; the aforementioned schools and additionally, St. Josephs National school located ca. 266m to the southwest of the site, St. Cocas. Catholic Church that borders the site to the south and the River Rye that flows in a southerly direction, located ca. 113m from its closest point east of the proposed site.

The total extent of the site covers an area of ca. 5315 m<sup>2</sup> (0.531ha).

The proposed site location can be seen in **Figure 3.1** below:



**Figure 3.1:** Site location and environs

## 3.1.1 Planning Description

The proposed development shall include the following elements;

- It is proposed to provide accommodation for individuals seeking international protection at the Shalom Nursing home. The subject application relates to the former convent building which has been used as part of the Nursing Home since 2002.
- No further works are required to carry out this change of use as the existing building which is in good condition. The applicant has carried out fire safety compliance certificate and drainage surveys by Land Survey Services to ensure that no other works are required for the appropriate use of the building.

This proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. This Section 5 application seeks confirmation of whether the change of use of the nursing home for the purpose of providing the necessary facilities and accommodation for international protection applicants is or is not considered exempted development.

The change of use proposed subject of this Section 5 referral request can be summarised as follows:

*“Whether the nursing home for the purpose of providing the necessary facilities and accommodation for international protection applicants is or is not considered exempted development.”*

## 3.1.2 Population

The site is located across the KILCOCK electoral division, The division is a townland of 16.4km<sup>2</sup> in size, with a total population of 8,896 people in 2022 and a population density of 542 per km<sup>2</sup>.

The Kilcock Local Area Plan 2015-2021 is the most recent LAP for Kilcock and has now expired. The lands are subject to land-use zoning objective E: ‘Community and Education.’ Nursing Home is considered ‘permissible in principle’ within this category.

## 3.1.3 Hydrology and Topography

The proposed site is located within the Eastern Basin District; RYE WATER\_020 Sub-Basin; Hydrometric Area 09, Liffey and Dublin Bay Catchment; RyeWater\_SC\_010 Sub-Catchment.

The principle hydrological features within the vicinity of the site is the River Rye Water (EPA code: IE\_EA\_09R010300) which is located ca.113m to the east of the site and the Royal Canal Main Line (Liffey and Dublin Bay) (EPA code: IE\_09\_AWB\_RCMLE) which is located ca.164m to the west of the site. The River Rye Water flows in a south easterly direction until it discharges into the River Liffey ca. 12.6km downstream. The Royal Canal Main Line flows eastwards through Dublin City and discharges into the River Liffey ca. 29km east which then outfalls into Dublin Bay.

The Water Framework Directive aims to achieve good status for all rivers, lakes and transitional and coastal waters in the EU. Achieving good ecological status for surface waters is critical to this. According to the EPA maps, the River Rye Water has a WFD status of “Good” and is “Under Review” in accordance with the Water Framework Directive objectives. The Royal Canal Main Line (Liffey and Dublin Bay) has a “Good” WFD status and is “Under Review”. in accordance with the Water Framework Directive.

EPA Maps were consulted to determine if any WFD River Network Routes designated as Designated Salmonid Waters under S.I. No. 293/1988 - European Communities (Quality of Salmonid Waters) Regulations 1988 existed in the surrounding areas of the site. The none of the aforementioned riverine waterbodies were not included in the register, therefore no adverse impacts from the site are envisioned for salmonid habitats.

The ground level is relatively uniform across the proposed development site at 66m - 67m aOD.

### **3.1.4 Soils, Geology and Hydrogeology**

Teagasc soil mapping indicates that the surface / quaternary sediments at the site are classified as ‘Made Ground’. The Geological Survey of Ireland (GSI) bedrock database indicates that soils of the proposed site are underlain at depth by the Lucan Formation, which consists predominantly of dark limestone and shale.

According to GSI groundwater maps, the site overlies a locally important aquifer, of bedrock which is moderately productive only in local zones. The groundwater vulnerability index of the majority of the site is described as moderate. An area to the northeast of the site is classified as High vulnerability. The hydrogeological setting at the site is described as made ground with subsoil of Moderate permeability for the majority of the site and made ground with subsoil of High permeability to the northeast.

No groundwater source protection zones or protected hydrological features such as holy wells or springs are located within the boundaries or in the surrounding environs of the proposed site, the closest karst feature is a ‘Kilbrook thermal spring’ located ca. 7.38km to the northeast of the site.

There are no geological heritage features located within, or in the immediate environs of the subject site, the closest being Kilbrook Spring (IGH16) ca. 7.38km northeast of the site.

### **3.1.5 Surface Water Drainage**

A comprehensive drainage survey was carried out by Land Survey Services (LSS) to accompany this Section 5 referral request. The survey concluded the following in relation to drainage on site:

- There is no change to the existing drainage layout on site.
- Surface water drainage from the site will connect to the 300mm storm water network on Church Street.



- Foul water drainage from the site will connect to the 450mm foul sewer network on Church Street, which ultimately discharges to Lower Liffey Valley WWTP.

A full drainage layout is presented in **Appendix B**.

### 3.1.6 Designated Areas

There are no designated areas (SPAs, SACs or NHAs) detected within the site boundary or within the immediate vicinity of the proposed development according to the EPA and National Parks and Wildlife Services (NPWS) site maps.

The proposed project is located in a developed environment ca. 6.2 km from the nearest Natura 2000 site (Rye Water Valley/Cartron SAC). Watercourses and surface runoff are seen as the main potential pathway for effects on Natura 2000 sites.

The nearest designated areas to the development site boundary include:

- Rye Water Valley/Cartron SAC/NHA (001398) located ca. 6.2km east of the site.
- Donadea Wood NHA (001391) located ca. 7.7km southwest of the site.
- Ballynafagh Lake SAC (001387) located ca. 12.9km southwest of the proposed site.
- Ballynafagh Bog SAC (000391) located ca. 13.1km southwest of the proposed site.

A Stage 1 Appropriate Assessment Screening (AA screening) has been completed by Altamar Ltd. and accompanies this application.

The report concludes with the following:

*“No Natura 2000 sites are within the zone of influence of this project. Having taken into consideration the effluent discharge from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, it is concluded that this project would not give rise to any significant effects to designated sites. The project will **not effect** the conservation objectives of features of interest of Natura 2000 sites.”*

### 3.1.7 Flood Risk

The most up to date flood risk information available from OPW Flood maps indicate 0.1%, 1% and 10% AEP flood extents are not predicted to occur within the boundary of the site. OPW Flood maps indicate no risk of coastal or groundwater flooding within the boundary of the site. OPW maps indicate that one past flood event was recorded ca. 200m northwest of the site (ID-2410, RyeWater Kilcock, November 2000. Source: River).

OPW Flood Maps (Area Reference: kilcock07) indicate flood information in the area of the proposed site is under review following an objection, submission and/or further information received, i.e. “Hydraulic conditions have changed.”

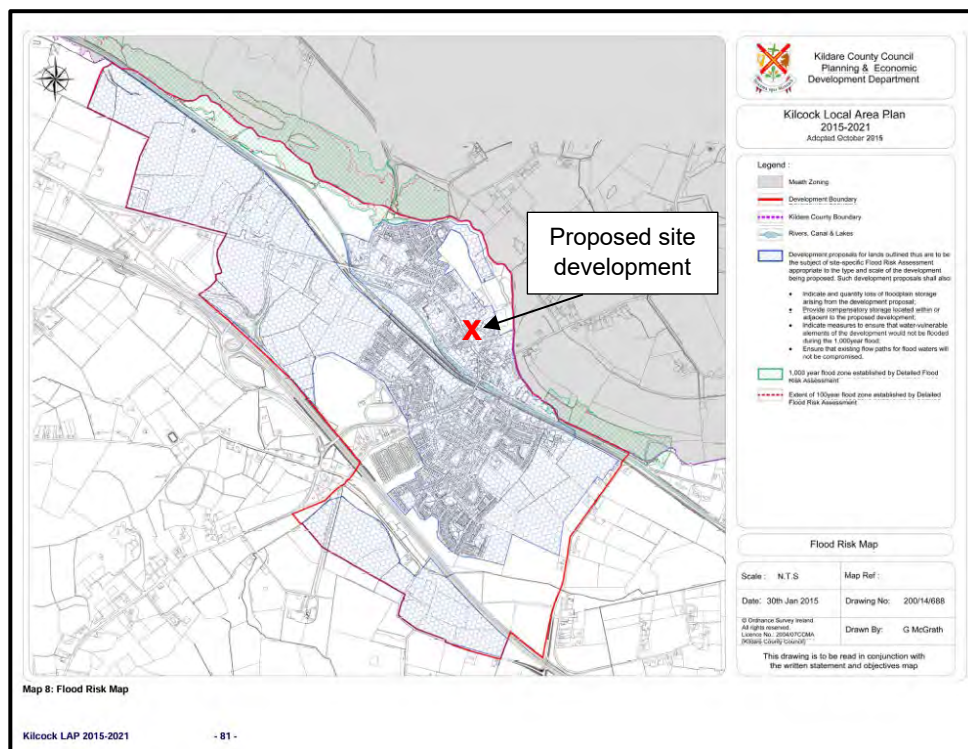
The Kildare County Development Plan Strategic Flood Risk Assessment (SFRA) (2023-2029) states that “to counteract and manage flood risk and in the County, river/stream improvement

works have been carried out in the last 20 years.” In the Kilcock area, an overflow pipeline was constructed along with an upgrade of existing surface water culverts in Newtown village in order to convey flood flows through the village centre.

The Local Area Plan (LAP) for Kilcock, Co. Kildare (2015-2021) details the most up to date flood risk information available for the area and is used in this assessment to identify flood prone areas with the Kilcock Area.

The map below (**Figure 3.2**) details the Flood Risk for the Kilcock area taken from the Kilcock LAP. The area outlined in blue indicates *“Development proposals for the lands outlined thus are to be the subject of site-specific Flood Risk Assessment appropriate to the type and scale of the development being proposed.”*

This development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. No physical works are being carried out on the existing drainage system or external infrastructure on site. There will be no conversion of greenfield areas to impermeable hardstanding. It is therefore determined that a site-specific Flood risk assessment is not required, due to the nature and scale of the development.



**Figure 3.2:** Flood Risk Map obtained from Kilcock Local Area Plan (2015-2021)

## 3.1.8 Cultural Heritage

### 3.1.8.1 Archaeological Heritage Features

There are no archaeological heritage features located within the site boundary.

The site is noted as being located within an archaeological area of importance.

The following archaeological heritage features are noted, located adjacent to the previous convent and southeast of the site.

- Font, KILCOCK (KD005-029) located on the south eastern boundary of the site, on the grounds of “St. Coca’s Catholic church”
- Coffin-resting stone, KILCOCK (KD005-002003) located ca. 92m to the southeast of the site.
- Church, KILCOCK (KD005-002001) located ca. 100m to the southeast of the site.
- Children's burial ground, KILCOCK (KD005-002004) located ca. 110m to the southeast of the site.
- Ecclesiastical site, KILCOCK (KD005-002) located ca. 111m to the southeast of the site.
- Ritual site - holy well, KILCOCK (KD005-022) located ca. 160m to the southeast of the site.

### 3.1.8.2 Architectural Heritage Features

The site is noted as being located within an architectural area of importance.

Shalom Nursing Home, formerly known as Shalom Presentation Convent dates back to 1960 (NBHS ref: 11802020). The structure is a feature of regional architectural importance in Kilcock.

The National Built Heritage Services (NBHS) website describes Shalom Presentation Convent as a *“fine and extensive large-scale complex that retains most of its original form and character. The convent is of considerable social interest, forming part of the ecclesiastical centre of the locality.”*

The Convent has been in use as a nursing home since its establishment in 1994 and registered as a nursing home for up to 33 residents. The Presentation sisters religious order formerly closed the nursing home in August 2024.

This EIA Screening report refers to a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants.

No physical works are being carried out on the external elements of the building. No demolition

works will take place. The Architectural integrity of the regionally protected structure will remain.

Other zones of architectural importance, located close to the site include;

- “Unknown” (11802013) located ca. 25m to the south west of the site.
- “Saint Coca’s Catholic Church (11802021): located on the southeastern border of the site.
- “House” (11802024) located ca. 60m to the southeast of the site.
- “House” (11802023) located ca. 63m to the southeast of the site.
- “gates/railings/walls” (11802022) located ca. 76m to the southeast of the site.
- “House” (11802012) located ca. 110m south of the site.

As there are no physical works taking place, the proposed development will not have impact on any designated architectural heritage sites or structures of historical significance.

### 3.1.9 Landscape and Visual

The immediate landscape surrounding the proposed site forms an ecclesiastical centre of the locality, in the centre of Kilcock Town. The townlands surrounding the site have been previously developed and comprise of residential, commercial, educational and religious units, on the outskirts of Kilcock town the land is predominately agricultural with scattered residential units.

The site itself comprises of Shalom Nursing Home, formerly known as the Shalom presentation convent. The convent is a prominent landmark on Church Street and the many chimney stacks to the ridge of the roof add incident to the skyline and identify the building in its surroundings. Built in the Gothic style, the convent reflects the appearance of and complements the Catholic church located to south-east.

As previously mentioned, no physical works or alterations to the existing structure will take place. The structural integrity of the building will be preserved, and the existing landscape character will remain unaltered.

### 3.1.10 Biodiversity, Flora and Fauna

there are no Natura 2000 sites or National conservation sites within 5km of the site.

The proposed project is located in a developed environment ca. 6.2 km from the nearest Natura 2000 site (Rye Water Valley/Carlton SAC). Watercourses and surface runoff are seen as the main potential pathway for effects on Natura 2000 sites.

The construction and operational phases of the proposed developments will be minimal but may consist of similar nuisance-generating activities in terms of plant and vehicle movements.

Once in the operational phase it can be expected that there will be no plant movement on the project and therefore no nuisance-generating activities. It can be concluded that the operational phase impacts will not be significant.

A Stage 1 Appropriate Assessment Screening (AA screening) has been completed by Altamar Ltd. and accompanies this referral request

The report concludes with the following:

*“Watercourses and surface runoff are seen as the main potential pathway for effects on Natura 2000 sites. No works are proposed on site that would impact on these existing pathways. There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There is an indirect pathway via the surface water drainage network discharging to the River Rye. However, given no exterior works are proposed and no new buildings are to be constructed, the risk of polluted surface water as a result of the development entering the drainage system is deemed to be **negligible**.”*

### 3.1.11 Local Planning Context

The development site is located within a well-developed townland area. As such, there is the potential for cumulative effects to occur within the surrounding environment as a result of further development.

The majority of applicable granted applications along Church Street consist of minor alterations/adjustments to residential units and Retention Permission applications.

The following is a list of planning application(s) as identified on the Department of Housing, Local Government and Heritage’s ‘National Planning Application Database’ portal:

**Table 3.1:** List of Planning Applications in the vicinity of the site.

Planning Ref. No.	Address	Comment
20252	Forge Cottage, Church Street, Kilcock	A new single storey extension to an existing single storey dwelling along with associated site works including the removal of an existing outbuilding
191196	St. Coca's Church, Church Street, Kilcock	The construction of a single storey limestone pastoral centre of 315 square metres to the south of the existing limestone church, the removal of the existing 20th century grotto, the removal of a section of existing boundary wall and all associated site development works.
191296	Church Street & Bridge Street, Kilcock, Co. Kildare.	For development on site area of 0.445ha, located at Church Street and Bridge Street, Kilcock, Co. Kildare. The site is occupied by The Lion House (former public house) which is a Protected Structure (RPS Ref. No. B05-20) on Church Street. The proposed development site fronts onto Church Street to the north-east, is bounded to the rear (south-west) by the Royal Canal and to the east by Bridge Street. There are 5

Planning Ref. No.	Address	Comment
		no. existing outbuildings/sheds on the site that are proposed to be demolished, as is an extension to the rear of The Lion House. The proposed development will be a long term 'Build-to-Rent' residential development. It is proposed to build a new 2 storey extension to the rear of the existing Lion House building and to convert same into a build-to-rent shared accommodation comprising 18 no. bedspaces in 9 no. bedrooms at first floor level, with communal living facilities provided at ground floor level. The proposed development also consists of 39 no. studios and apartments, comprised of 2 no. studios, 7 no. 1 bed apartments, 26 no. 2 bed apartments & 4 no. 3 bed apartments, accommodated in 4 no. 3-4 storey buildings. Block A, fronting onto Bridge Street, is a 3 storey building accommodating reception, communal living area, gym, and cinema at ground floor level with 6 no. 1 & 2 bed apartments and 2 no. studios overhead. Block B located at the western boundary of the site is a 3 storey building with 4th floor setback accommodating 18 no. 1, 2 & 3 bed apartments. Block C to the rear of the site is a 3 storey building with 4th floor setback accommodating 11 no. 1 & 2 bed apartments, over an undercroft car park. Block D fronting onto Bridge Street is a 3 storey building that will contain concierge & laundry facilities at ground floor level with 2 no. 2 bed apartments overhead. The proposed development will be accessed off Bridge Street via a new vehicular entrance, with proposed pedestrian/cyclist access into the adjoining site to the west (concurrent planning application). Bicycle and car parking will be provided for at surface level and in an undercroft car park at Block C. The proposed development provides for all associated site development works, open spaces, landscaping, boundary treatments & bin storage. Revised by Significant Further Information
18539	Former Zed Candy Factory Site , Church Street , Kilcock	Amendments to Planning Permission Register No. 15/463, involving revisions to the original site boundaries permitted under 15/463 and comprising: 1.Revisions to the southern part of apartment Block 2 to accommodate revised boundary line. No change is proposed to the number of apartments, apartment types, bedrooms, bed spaces or car parking spaces. The revisions result in a floor area increase from 94.8sqm to 99sqm in apartments 02-0.01, 01-1.01 and 02-2.01.. 2.Change of permitted finish on apartment blocks from reconstituted sandstone and zinc cladding with standing seams to buff coloured brick and powder-coated metal cladding with standing seams. 3. Change of permitted finish on front entrance porches to all house types from reconstituted sandstone to painted render. 4. Minor set-back to alignment of front entrance porches to Type 3 houses to provide a consistent junction with the projected facades of these



Planning Ref. No.	Address	Comment
		houses. 5. Change of permitted finish of window/door frames throughout from Alu-Clad to uPVC, colour grey RAL 7015. 6.Minor internal changes to permitted Ground Floor layout of House Types 1, 2A, 3, 4, and 5 to improve the kitchen/dining areas and consequent minor changes to rear facades. 7. Corrections to anomalies in permitted documents comprising i) amendment of rear elevation of House Type 4 to provide two No. bedroom windows, ii) change of notation on site plan of House No.A03 from Type 4 to Type 3 to accord with the permitted elevations and iii) corrected schedule of accommodation. 8.Minor revisions to road levels and floor levels of houses and apartments to accommodate drainage gradients. The proposed development involves revisions to the original site boundaries permitted under Ref.15/463

Due to the scale and nature of this project, and no physical works to take place, cumulative impacts are deemed to be of low significance.

### 3.1.12 Noise

A preliminary risk assessment was carried out for the proposed site locations in accordance with the Air Quality Monitoring and Noise Control Unit's Good Practice Guide for Construction and Demolition, produced by the London Authorities Noise Action Forum, July 2016. This assessment considered factors relating to the proximity of the sites to sensitive receptors and rated the level of nuisance anticipated with scheduled work practices.

Following the completion of this risk assessment, available in **Appendix A**, the proposed development was determined to be a **low - moderate risk** site based on the scale and nature of the project i.e. no physical works taking place, however, there are a number of primary and secondary schools located adjacent to the site. This section outlines measures to minimise nuisance noise and dust emissions in order to minimise any impact of the proposed development on surrounding receptors.

Marked variation of noise levels from those experienced as part of everyday life in an area can result in extreme disruption. Noise emanating from the project during the construction phase has the potential to impact off-site receptors.

The proposed development will be obliged to comply with BS 5228 "Noise Control on Construction and open sites Part 1". The appointed contractor shall implement the following measures to eliminate or reduce noise levels where possible:

- All site staff shall be briefed on noise mitigation measures and the application of best practicable means to be employed to control noise.
- All staff should be briefed on the complaint's procedure, the mitigation requirement, and their responsibilities to register and escalate complaints received.
- Good quality site hoarding to be erected to maximise the reduction in noise levels.



- Contact details of the contractor and site manager shall be displayed to the public, together with the permitted operating hours.
- Material and plant loading and unloading shall only take place during normal working hours.
- Ensure that each item of plant and equipment complies with the noise limits quoted in the relevant European Commission Directive 2000/14/EC.
- Fit all plant and equipment with appropriate mufflers or silencers.
- Use all plant and equipment only for the tasks for which it has been designed.
- Locate movable plant away from noise sensitive receptors.
- Ensure at least 4 days' notice is given to Dublin City Council Planning Department when applying for extensions to normal working hours. No out of hours work to be undertaken unless permission to do so has been granted.

### **3.1.13 Dust and Air Quality**

As no physical works are proposed, potential impacts on sensitive receptors are effectively mitigated.

### **3.1.14 Surface Water Run Off**

There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There is an indirect pathway via the surface water drainage network discharging to the River Rye

The main pollutants with the potential to impact site water are silt, fuel/oil, concrete and chemicals.

There will be no change to the drainage infrastructure on site.

As no physical works are proposed, potential impacts on sensitive receptors are effectively mitigated.

### **3.1.15 Resident Engineer**

As no physical works are proposed, a Resident Engineer will not be present on site.

## **3.2 Awareness and Training**

### **3.2.1 Environmental Induction**

As no physical works are proposed, environmental inductions will not be required.

Any minor physical works undertaken should be conducted with due consideration for environmental sensitivities, ensuring minimal impact on sensitive receptors.

## **3.3 Environmental Incidents and Complaints Procedure**

In the unlikely event of an environmental incident, the following steps must be followed:

- A suitably qualified Environmental Consultant is notified immediately.
- A suitably qualified Environmental Consultant will liaise with the competent authority if

necessary.

- The details of the incident will be recorded on an Environmental Incident Form which will record the following details:
  - Cause of the incident
  - Extent of the Incident
  - Immediate actions
  - Remedial measures
  - Recommendations made to avoid reoccurrence.
- If the incident has impacted on an ecologically sensitive receptor (SPA, SAC, NHA) an ecological specialist will be consulted.
- A suitably qualified Environmental Consultant and Construction Project Manager will fully cooperate with any investigations conducted by the competent authority.

## 4 Initial EIA Screening

### 4.1 Project Categorisation

A detailed description of the proposed development is outlined in **Section 3**. In terms of the different categories of development listed in **Schedule 5** of the of the Planning and Development Regulations 2001 – 2023, there are no specific thresholds set out in either **Part 1** or **2** of the development regulations for nursing homes.

There are two aspects of the project which could bear relevance to the thresholds outlined in **Part 1** and **2** of Regulations:

1. *This proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. This Section 5 application seeks confirmation of whether the change of use of the nursing home for the purpose of providing the necessary facilities and accommodation for international protection applicants is or is not considered exempted development.*

#### 4.1.1 Part 1 Activities

Considering the categories listed in Part 1 of the Regulations, the subject development does not relate to any of the activities listed.

Based on these criteria, the proposed activity is below the Part 1 threshold hence a mandatory EIA is **not required** for the project based on this category

#### 4.1.2 Part 2 Activities

Considering the categories listed in Part 2 of the Regulations, the subject development most relates to both category 10. (b) (i) “Infrastructure Projects” and category 13. (a) “Changes, extensions, development and testing” stated as follows:

**Category 10. (b) (i) Construction of more than 500 dwelling units.**

**Category 13. (a) Any change or extension of development which would:**

(i) *result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*

(ii) *result in an increase in size greater than -*

- *25 per cent, or*

- *an amount equal to 50 per cent of the appropriate threshold, whichever is the greater*

In relation to the threshold set in **Category 10. (b)**, The proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. No physical works including the erection of new buildings,

the extension of the current building or any other alterations that will result in an increase in over 500 dwelling units, will take place. As a result, mandatory EIA is **not required** for the project based on this category.

In relation to the threshold set in **Category 13. (a)**, This proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. No physical works or alterations to the existing external building or an increase in the overall size of the development are taking place. As a result, mandatory EIA is **not required** for the project based on this category.

## **4.2 Project Screening Determination**

Based on a review of the relevant categories listed in **Schedule 5, Part 1 and 2** of Regulations the proposed development is not deemed eligible for a mandatory EIA, a sub-threshold EIA or an exemption. Therefore, the proposed development is subject to further screening under the relevant criteria outlined in **Schedule 7** of the regulations. This exercise is outlined in **Section 5** of this report.

## 5 EIA Screening

**Schedule 7** of the *Planning and Development Regulations 2001-2023* outlines specific criteria for the determination of EIA requirements for sub-threshold projects, summarised in **Section 2.4** of this report. Specific aspects of the project are screened against these criteria in **Tables 5.1 to 5.3** below.

### 5.1 Characteristics of Proposed Development

**Table 5.1 Criteria to determine the characteristics of the proposed development:**

Section 7 Criteria	Information
<b>(a) size and design of the whole of the proposed development</b>	<p>The proposed site covers an area of <i>ca.</i> extent <i>ca.</i> 5315m<sup>2</sup> (0.531ha). A description of the project and of the construction methodology is provided in section 3 of this report.</p> <p>The proposed location of the site lies within the KILCOCK electoral division, which includes both the townland area and the outskirts of the town which is predominately agricultural. KILCOCK ED has a moderate population density of 542 per km<sup>2</sup>.</p>
<b>(b) cumulation with other existing and/or approved projects</b>	<p>A review of existing and previous planning applications under consideration by Kildare County Council indicates that developments locally consist primarily of extensions to existing residential units or refurbishments/change of use to commercial units.</p> <p>Due to the scale and nature of this project, and no physical works to take place, cumulative impacts are deemed to be of low significance.</p> <p>The closest IPC or IE licenced site to the site is Enrich Environmental Limited (IE License <b>P1013</b>) located <i>ca.</i> 4.28km north of the site.</p> <p>It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant negative effects on the environment.</p>
<b>(c) nature of any associated demolition works</b>	<p>No Demolition works will take place.</p>
<b>(d) use of natural resources, in particular land, soil, water and biodiversity</b>	<p>The project does not include the extensive use of natural resources.</p> <p>No negative impacts arising from the use of land or soil are anticipated.</p>



<b>(e) production of waste</b>	<p>It is not anticipated that significant quantities of waste will be generated as a result of road use or excavation activities.</p> <p>No Physical works/ alterations will take place.</p>
<b>(f) pollution and nuisances</b>	<p>Potential noise, light, air quality and water pollution impacts are anticipated but unlikely.</p> <p>There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There is an indirect pathway via the surface water drainage network discharging to the River Rye. The main pollutants with the potential to impact site water are silt, fuel/oil, concrete and chemicals.</p> <p>As no physical works are proposed, potential impacts on sensitive receptors are effectively mitigated.</p> <p>The risks to receptors are anticipated to be negligible given the nature of the proposed development including standard procedures that will be applied to avoid effects.</p>
<b>(g) risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge</b>	<p>The most up to date flood risk information available from OPW Flood maps indicate 0.1%, 1% and 10% AEP flood extents are not predicted to occur within the boundary of the site.</p> <p>A comprehensive drainage survey was carried out by Land Survey Services (LSS) to accompany this Section 5 referral request. The survey concluded the following in relation to drainage on site:</p> <ul style="list-style-type: none"> <li>• <i>There is no change to the existing drainage layout on site.</i></li> </ul> <p>The potential impacts due to risk of accidents and/or disasters are anticipated to be negligible given the nature of the proposed development including standard procedures that will be applied.</p>
<b>(h) risks to human health (e.g. due to water contamination or air pollution)</b>	<p>The risks to human health are anticipated to be negligible given the nature of the proposed development including standard procedures that will be applied to avoid effects.</p>

## 5.2 Location of the proposed developments

Table 5.2. Section 7 Criteria to determine the characteristics of the site environs.

Section 7 Criteria	Information
<b>(a) existing and approved land use</b>	<p>The existing use of the land consists of a Nursing Home for up to 33 residents. The Presentation sisters religious order formerly closed the nursing home in August 2024.</p> <p>The Kildare County Development Plan (2023-2029) detail that the land is subject to land-use zoning objective E: 'Community and Education.' Nursing Home is considered 'permissible in principle' within this category.</p>
<b>(b) relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground</b>	<p>The principle hydrological features within the vicinity of the site is the River Rye Water (EPA code: IE_EA_09R010300) which is located ca.113m to the east of the site. the River Rye Water has a WFD status of "Good" and is "Under Review" in accordance with the Water Framework Directive objectives</p> <p>According to GSI groundwater maps, the site overlies a locally important aquifer, of bedrock which is moderately productive only in local zones. The groundwater vulnerability index of the majority of the site is described as moderate. An area to the northeast of the site is classified as High vulnerability</p> <p>There are no wells located within the site boundary.</p> <p>The risks to receptors are anticipated to be negligible given the nature of the proposed development (i.e. change of use development with no physical works proposed) including standard procedures that will be applied to avoid effects.</p>
<b>(c) the absorption capacity of the natural environment, paying particular attention to the following areas:</b>	
<b>i. wetlands, riparian areas, river mouths</b>	The proposed project is located in a developed environment ca. 6.2 km from the nearest Natura 2000 site (Rye Water Valley/Carton SAC). Watercourses and surface runoff are seen as the main potential pathway for effects on Natura 2000 sites.
<b>ii. coastal zones and the marine environment</b>	The proposed development site is not within or directly connected to any mountain or forest areas.
<b>iii. mountain and forest areas</b>	A Stage 1 Appropriate Assessment Screening (AA screening) has been completed by Altamar Ltd. and accompanies this referral request
<b>iv. nature reserves and parks</b>	The report concludes with the following:
<b>v. areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats</b>	<i>"No Natura 2000 sites are within the zone of influence of this project. Having taken into consideration the effluent discharge</i>

<p><b>Directive and the Birds Directive</b></p>	<p><i>from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, it is concluded that this project would not give rise to any significant effects to designated sites. The project will <b>not effect</b> the conservation objectives of features of interest of Natura 2000 sites."</i></p>
<p><b>vi. areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure</b></p>	<p>The site is not located within such an area.</p>
<p><b>vii. densely populated areas</b></p>	<p>Kilcock would be classified as a moderately populated area. At the last census of 2022, the ED, where the site is located (KILCOCK), had a population density of 542 per km<sup>2</sup>. Accordingly, the area has absorptive capacity to accommodate more people on the basis of population growth.</p> <p>Kilcock is zoned in the Kildare County Development Plan (2023-2029) as land-use zoning objective E: 'Community and Education.' Nursing Home is considered 'permissible in principle' within this category.</p> <p>The strategy for Kilcock taken from the most recent Kilcock Local Area Plan (2015-2021), which is now expired, is as follows:</p> <p>The vision of this strategy is to make "Kildare- the first choice as a place to live, learn, work, visit and do business."</p> <p>The strategy focuses on six key objectives, which are vital to ensuring this vision. These are to:</p> <ul style="list-style-type: none"> <li>• Develop transport and communications</li> <li>• Respond to new settlement patterns</li> <li>• Respond to contrasts within the county and towns</li> <li>• Protect the environment</li> <li>• Develop education, training and capacity building and</li> <li>• Develop a sense of place.</li> </ul>

<p><b>viii. landscapes and sites of historical, cultural or archaeological significance</b></p>	<p>The site is noted as being located within an archaeological area of importance.</p> <p>The following archaeological heritage features are noted, located adjacent to the previous convent and southeast of the site.</p> <ul style="list-style-type: none"> <li>• Font, KILCOCK (KD005-029) located on the south eastern boundary of the site, on the grounds of “St. Coca’s Catholic church”</li> <li>• Coffin-resting stone, KILCOCK (KD005-002003) located ca. 92m to the southeast of the site.</li> <li>• Church, KILCOCK (KD005-002001) located ca. 100m to the southeast of the site.</li> <li>• Children’s burial ground, KILCOCK (KD005-002004) located ca. 110m to the southeast of the site.</li> <li>• Ecclesiastical site, KILCOCK (KD005-002) located ca. 111m to the southeast of the site.</li> <li>• Ritual site - holy well, KILCOCK (KD005-022) located ca. 160m to the southeast of the site.</li> </ul> <p>The site is noted as being located within an architectural area of importance.</p> <p>Shalom Nursing Home, formerly known as Shalom Presentation Convent dates back to 1960 (NBHS ref: 11802020). The structure is a feature of regional architectural importance in Kilcock.</p> <p>The National Built Heritage Services (NBHS) website describes Shalom Presentation Convent as a <i>“fine and extensive large-scale complex that retains most of its original form and character. The convent is of considerable social interest, forming part of the ecclesiastical centre of the locality.”</i></p> <p>Other zones of architectural importance, located close to the site include;</p> <ul style="list-style-type: none"> <li>• “Unknown” (11802013) located ca. 25m to the south west of the site.</li> <li>• “Saint Coca’s Catholic Church (11802021): located on the southeastern border of the site.</li> <li>• “House” (11802024) located ca. 60m to the southeast of the site.</li> <li>• “House” (11802023) located ca. 63m to the southeast of the site.</li> <li>• “gates/railings/walls” (11802022) located ca. 76m to the southeast of the site.</li> <li>• “House” (11802012) located ca. 110m south of the site.</li> </ul>
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No physical works are being carried out on the external elements of the building.

No demolition works will take place.

Shalom Nursing Home, formerly known as the Shalom presentation convent is a prominent landmark on Church Street. The many chimney stacks to the ridge of the roof add incident to the skyline and identify the building in its surroundings. Built in the Gothic style, the convent reflects the appearance of and complements the Catholic church located to the south-east.

Overall, Due to the scale and nature of the proposed i.e. a change of use project, with no external works or alterations to the existing building taking place, the impact to cultural heritage (architectural and archaeological) and Landscape is deemed to be negligible. The Architectural integrity of the regionally protected structure will remain.



### 5.3 Characteristics of Potential Impacts

Table 5.3. Section 7 Criteria to determine the likely significant effects on the environment of the proposed development.

Section 7 Criteria	Information
<b>(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),</b>	<p>The development site is located in a moderately populated area of moderate environmental sensitivity.</p> <p>The proposed location of the site lies within the KILCOCK electoral division, which includes both the townland area and the outskirts of the town which is predominately agricultural. KILCOCK ED has a moderate population density of 542 per km<sup>2</sup>.</p> <p>Some slight impacts are anticipated as a result of the proposed activity however the extent of these is anticipated to be localised hence significant impacts are not envisaged.</p>
<b>(b) nature of the impact</b>	
<b>i. Human Beings, Population and Human Health</b>	<p>Potential impacts to human health are anticipated to be slight.</p> <p>As no physical works are proposed, potential impacts on sensitive receptors are effectively mitigated.</p>
<b>ii. Water, Biodiversity, Flora and Fauna</b>	<p>There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There is an indirect pathway via the surface water drainage network discharging to the River Rye.</p> <p>A comprehensive drainage survey was carried out by Land Survey Services (LSS) to accompany this Section 5 referral request. The survey concluded the following in relation to drainage on site:</p> <ul style="list-style-type: none"> <li>• There is no change to the existing drainage layout on site</li> <li>• Surface water drainage from the site will connect to the 300mm storm water network on Church Street.</li> <li>• Foul water drainage from the site will connect to the 450mm foul sewer network on Church Street, which ultimately discharges to Lower Liffey Valley WWTP.</li> </ul> <p>A Stage 1 Appropriate Assessment Screening (AA screening) has been completed by Altamar Ltd. and accompanies this referral request.</p> <p>The report concludes with the following:</p>

	<p><i>"No Natura 2000 sites are within the zone of influence of this project. Having taken into consideration the effluent discharge from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, it is concluded that this project would not give rise to any significant effects to designated sites. The project will <b>not effect</b> the conservation objectives of features of interest of Natura 2000 sites."</i></p> <p>It is not anticipated the development of the site will exacerbate the risk of flooding.</p> <p>Overall, the residual effects from an ecological perspective are not anticipated to be significant and impacts to biodiversity, flora and fauna is anticipated to be negligible, due to the nature of the development.</p>
<b>iii. Land and Soil</b>	As no physical works are proposed, potential impacts on underlying soils are negligible.
<b>iv. Air &amp; Climate</b>	None identified or likely.
<b>v. Material Assets, landscape and cultural heritage including architectural aspects</b>	<p>The development will not give rise to a revaluation of or change in the development potential of adjoining lands / properties.</p> <p>The site is noted as being located within an archaeological and architectural area of importance.</p> <p>Shalom Nursing Home, formerly known as Shalom Presentation Convent dates back to 1960 (NBHS ref: 11802020). The structure is a feature of regional architectural importance in Kilcock.</p> <p>Shalom Nursing Home, formerly known as the Shalom presentation convent is a prominent landmark on Church Street. The many chimney stacks to the ridge of the roof add incident to the skyline and identify the building in its surroundings. Built in the Gothic style, the convent reflects the appearance of and complements the Catholic church located to the south-east.</p> <p>It is not considered that any elements of the development proposals will cause any direct or visual impacts with respect to previously recorded and/or extant archaeological monuments or architectural heritage features.</p>
<b>vi. The interrelationship between the environmental topics</b>	Interaction between soil, ground and surface water receptors and by extension, sensitive aquatic and terrestrial habitats were considered.

	<p>It is not considered that any elements of the development proposals will cause impact to receptors.</p> <p>As no physical works are proposed, potential impacts on sensitive receptors are effectively mitigated.</p>
<b>(c) transboundary nature of the impact</b>	There are no transboundary impacts associated with this project.
<b>(d) intensity and complexity of the impact</b>	
<b>i. Human Beings, Population and Human Health</b>	Impacts during construction stage anticipated to negligible as no physical works are proposed.
<b>ii. Water, Biodiversity, Flora &amp; Fauna</b>	Impacts during operation stage anticipated to be slight and permanent in nature and will have a low intensity type impact.
<b>iii. Land and Soil</b>	
<b>iv. Air &amp; Climate</b>	None identified or likely.
<b>v. Material Assets, landscape &amp; cultural heritage including architectural aspects</b>	None identified or likely.
<b>vi. The interrelationship between the environmental topics</b>	<p>Interaction between soil, ground and surface water receptors and by extension, sensitive aquatic and terrestrial habitats were considered.</p> <p>As no physical works are proposed, the residual impacts associated with such are deemed to be slight/negligible.</p>
<b>(e) Probability of the impact</b>	
<b>i. Human Beings, Population and Human Health</b>	<p>Negative impacts associated with the construction stage are possible, but unlikely and long-term.</p> <p>Negative impacts associated with the operation stage are possible, but unlikely and long-term.</p>
<b>ii. Water, Biodiversity, Flora &amp; Fauna</b>	<p>Impacts during construction stage are possible, but unlikely and long-term.</p> <p>Impacts during operation stage are possible, but unlikely and long-term.</p>
<b>iii. Land and Soil</b>	<p>Impacts during construction stage are possible, but unlikely.</p> <p>Impacts during operation stage are possible, but unlikely.</p>
<b>iv. Air &amp; Climate</b>	No significant impact identified or likely.
<b>v. Material Assets, landscape &amp; cultural heritage including architectural aspects</b>	Negative impacts associated with the construction stage are possible, but unlikely and long-term.

<b>vi. The interrelationship between the environmental topics</b>	None identified or likely.
<b>(f) Expected onset, duration, frequency and reversibility of the impact</b>	
<b>i. Human Beings, Population and Human Health</b>	Construction stage impact and nuisances will be temporary. Effects associated with the operational phase are anticipated to be long-term.
<b>ii. Water, Biodiversity, Flora &amp; Fauna</b>	Construction stage impact and nuisances will be unlikely and temporary.  Operational phase impacts on Flora, Fauna, surface water, groundwater and biodiversity are anticipated to be Negligible.
<b>iii. Land and Soil</b>	Construction stage impact and nuisances will be unlikely and temporary.  Operational phase impacts on Flora, Fauna, surface water, groundwater and biodiversity are anticipated to be Negligible.
<b>iv. Air &amp; Climate</b>	Construction stage impact and nuisances will be unlikely and temporary.  No impacts identified by operational stage.
<b>v. Material Assets, landscape &amp; cultural heritage including architectural aspects</b>	The potential impacts during the development will be associated with the construction stage.  No impacts identified by operational stage.
<b>vi. Interrelationship between the environmental topics</b>	Interaction between soil, ground and surface water receptors and by extension, sensitive aquatic and terrestrial habitats are anticipated to be long-term but unlikely.
<b>(g) cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment</b>	It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant effects on the environment.
<b>(h) possibility of effectively reducing the impact</b>	Given no exterior works are proposed and no new buildings are to be constructed, a Construction Environmental Management Plan (CEMP) is not required.

In the unlikely event of an environmental incident, the following steps must be followed:

- A suitably qualified Environmental Consultant is notified immediately.
- A suitably qualified Environmental Consultant will liaise with the competent authority if necessary.
- The details of the incident will be recorded on an Environmental Incident Form which will record the following details:
  - Cause of the incident
  - Extent of the Incident
  - Immediate actions
  - Remedial measures
  - Recommendations made to avoid reoccurrence.
- If the incident has impacted on an ecologically sensitive receptor (SPA, SAC, NHA) an ecological specialist will be consulted.
- A suitably qualified Environmental Consultant and Construction Project Manager will fully cooperate with any investigations conducted by the competent authority.



## 6 Conclusion

The proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants does not trigger any thresholds for mandatory EIA/EIAR as set in EU Directive 2011/92/EU, as amended and transposed into Irish Law by the *Planning and Development Regulations 2001 – 2023*.

This EIA Screening Assessment has determined that the characteristics of the proposed development are considered not significant, detailed as follows:

- The scale and nature of the proposed development is confined to a change of use development from a nursing home to accommodation for International Protection Applicants.
- No physical works, alterations to the existing building, demolition or the erection of new buildings will take place.
- The lands are subject to land-use zoning objective E: 'Community and Education.' Nursing Home is considered 'permissible in principle' within this category.
- The characteristics and sensitivities of the receiving environment is low - moderate.
- It is not anticipated the development of the site will exacerbate the risk of flooding; A comprehensive drainage survey carried out by Land Survey Services (LSS) determined there will be no change to the drainage infrastructure on site.
- Shalom Nursing Home, formerly known as Shalom Presentation Convent dates back to 1960 (NBHS ref: 11802020). The structure is a feature of regional architectural importance in Kilcock.
- It is not considered that any elements of the development proposals will cause any direct or visual impacts with respect to previously recorded and/or extant archaeological monuments or architectural heritage features.
- The proposed project is located in a developed environment *ca.* 6.2 km from the nearest Natura 2000 site (Rye Water Valley/Carton SAC). Watercourses and surface runoff are seen as the main potential pathway for effects on Natura 2000 sites.
- An AA screening report completed by Altemar Ltd. accompanies this referral request, the report concludes: "*It is concluded that this project would not give rise to any significant effects to designated sites. The project will **not effect** the conservation objectives of features of interest of Natura 2000 sites.*"

Given the scale and nature of the proposed development the overall risk posed to the environment is considered to be low with no significant impacts anticipated.

The information provided in this EIA Screening Report can be used by the competent authority, Kildare County Council, to assess whether an EIA is required for the proposed development as no adverse significant effects are anticipated.

The overall conclusion for this screening exercise is that having considered the appropriate statutory criteria, **Mandatory Environmental Impact Assessment** is **not required** for the proposed development.

## Appendix A: Risk Assessment as per Air Quality Monitoring and Noise Control Unit's Good Practice Guide for Construction and Demolition

### Risk Assessment A – Locality/Site Information

	Low	Medium	High
<b>Expected duration of work</b>			
Less than 6 months	x		
6 months to 12 months			
Over 12 months			
<b>Proximity of nearest sensitive receptors</b>			
Greater than 50 metres from site			
Between 25m and 50m			
Less than 25 metres			x
Hospital or school within 100 metres			x
<b>Day time ambient noise levels</b>			
High ambient noise levels (>65dB(A))			
Medium ambient noise levels (55-65dB(A))		x	
Low ambient noise levels (<55dB(A))			
<b>Working Hours</b>			
8am – 7pm Mon-Fri; 9am-2pm Sat	x		
Some extended evening or weekend work			
Some night-time working, including likelihood of concrete power floating at night			
<b>SUBTOTAL A</b>	<b>2</b>	<b>1</b>	<b>2</b>

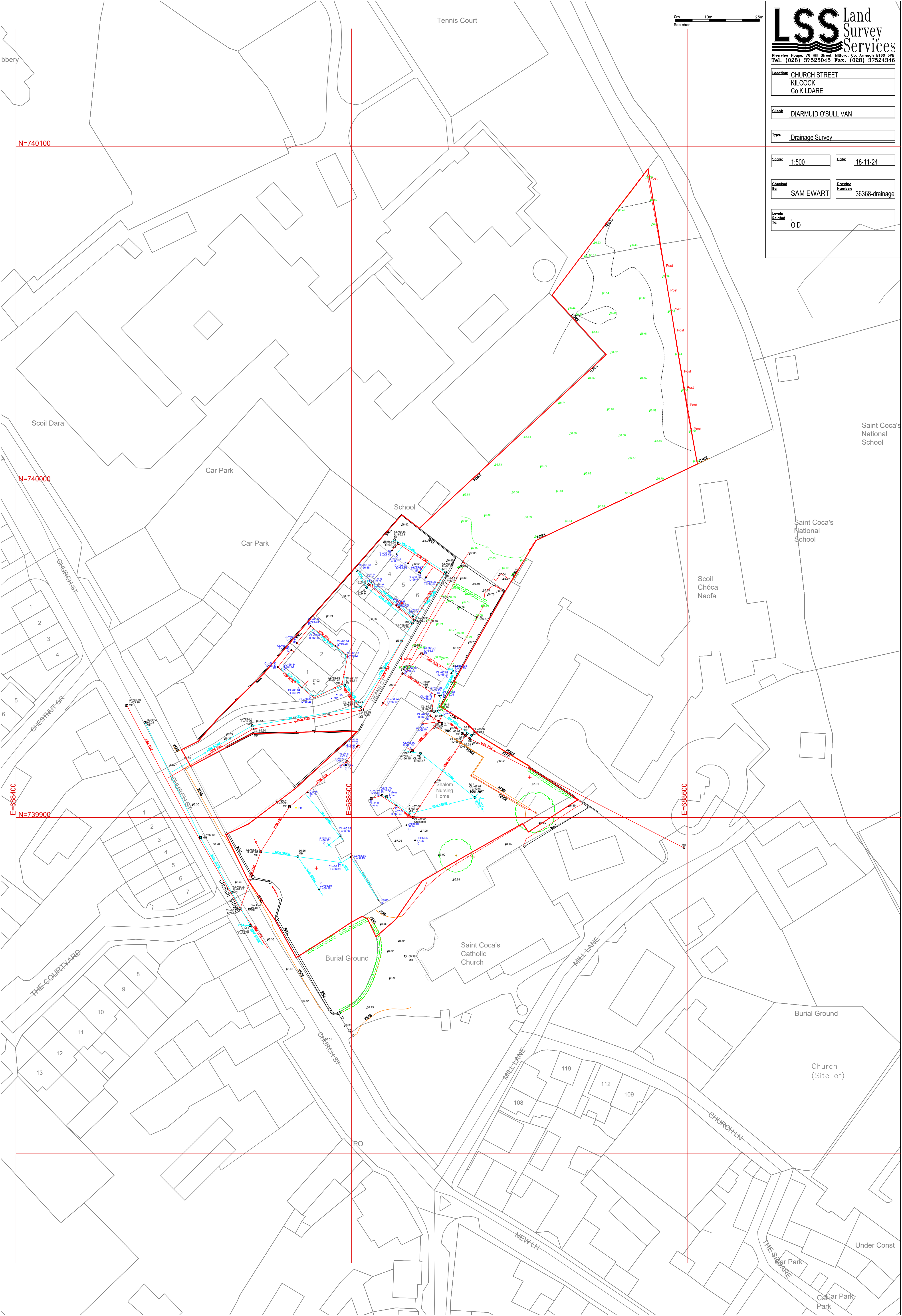
## Risk Assessment B – Works Information

	Low	Medium	High
<b>Location of works</b>			
Majority within existing building	x		
Majority External			
<b>External Demolition</b>			
Limited to two weeks			
Between 2 weeks and 3 months			
Over three months			
<b>Ground Works</b>			
Basement level planned			
Non-percussive methods only			
Percussive methods for less than 3 months			
Percussive methods for more than 3 months			
<b>Piling</b>			
Limited to one week			
Bored Piling Only			
Impact or vibratory piling			
<b>Vibration generating activities</b>			
Limited to less than 1 week			
Between 1 week and 1 month			
Greater than 1 month			
<b>SUBTOTAL B</b>	<b>1</b>	<b>0</b>	<b>0</b>

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## **Appendix B: Site Drainage Map (LSS)**





**LSS** Land Survey Services  
Riverview House, 76 Hill Street, Milford, Co. Armagh BT60 3PB  
Tel. (028) 37525045 Fax. (028) 37524346

**Location:** CHURCH STREET  
KILCOCK  
Co KILDARE

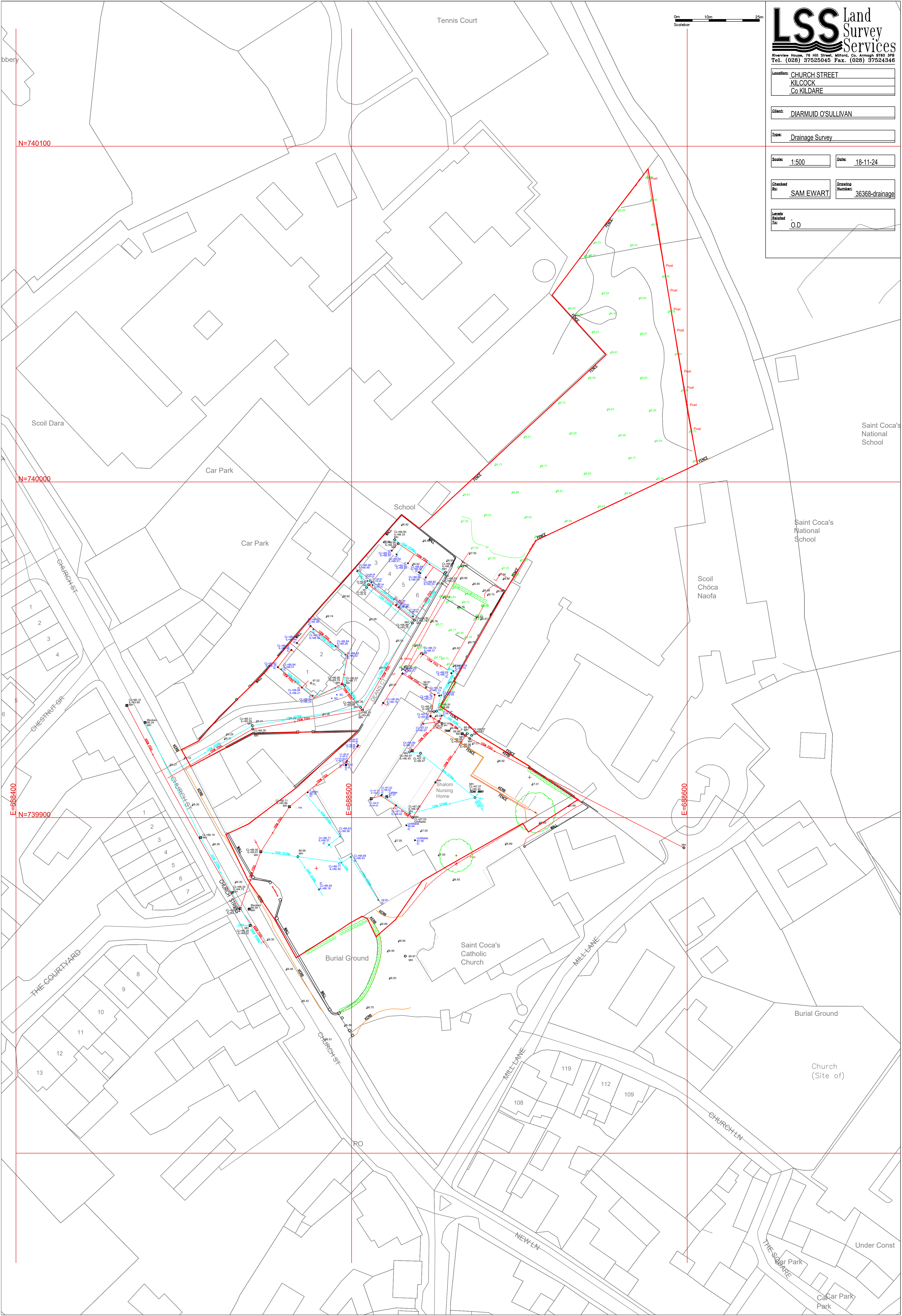
**Client:** DIARMUID O'SULLIVAN

**Type:** Drainage Survey

**Scale:** 1:500 **Date:** 18-11-24

**Checked By:** SAM EWART **Drawing Number:** 36368-drainage

**Levels Related To:** O.D





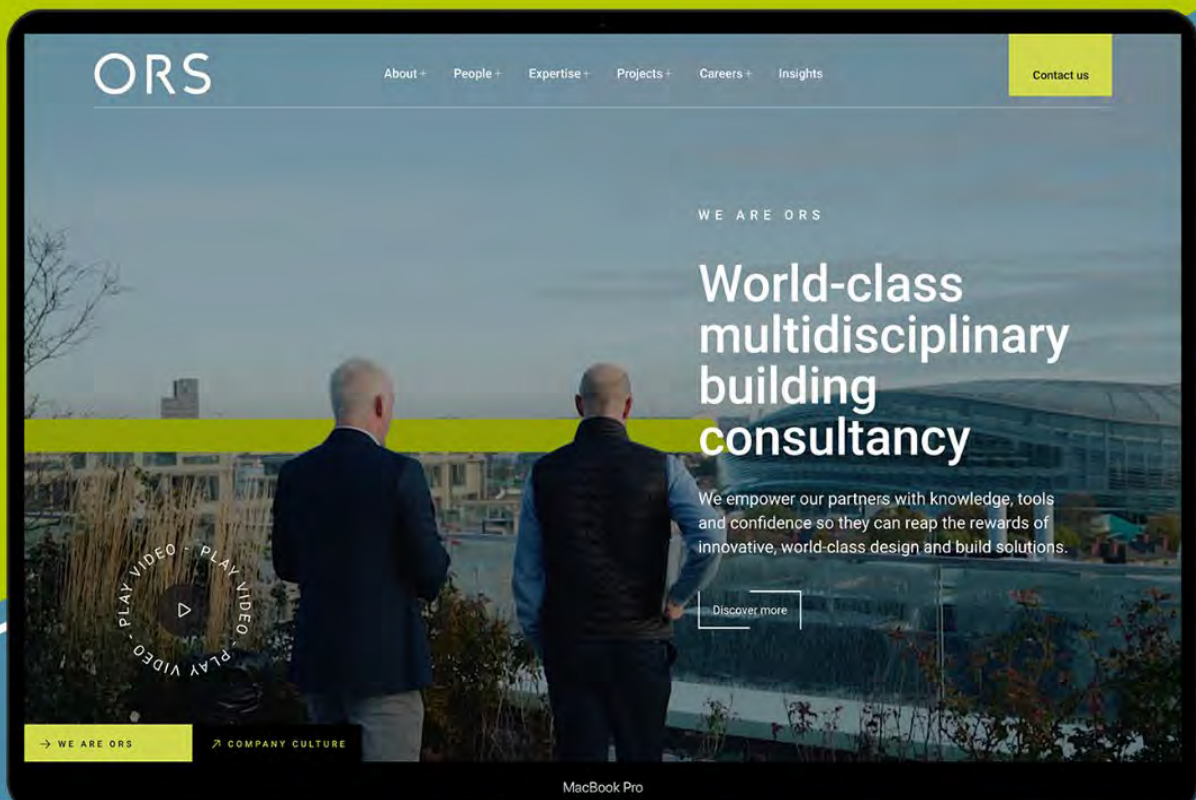
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Ireland, F92 PX8N

 NSQ2,  
Navigation Square,  
Albert Quay, Cork  
Ireland, T12 W351

## COUNSEL OPINION

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**Querist:** Frostbreak ULC, 22 Northumberland Road, Ballsbridge, Dublin 4,

**Agent:** David Ferguson, John Spain & Associates, 39 Fitzwilliam Place, Dublin 2

**Date:** 10 February 2025

### Introduction and Scope

1. I have been asked to prepare an Opinion on whether the use of the existing Shalom Nursing Home building as accommodation for International Protection Applicants (“IPAs”) is or is not exempted development.
2. Shalom Nursing Home is centrally located on Church Street in Kilcock, within the administrative area of Kildare County Council (“KCC”). The site is located on the lands of the former Presentation Convent (Shalom Nursing Home). The site is bound to the north by Scoil Dara, beyond which lies a mix of commercial and residential units and agricultural lands. The site is bound to the east by Scoil Choca Naofa, beyond which lies a mixture of agricultural land and an array of new residential developments. To the west of the site, lands consist of a mixture of commercial and residential buildings in the vicinity of Kilcock town.
3. I am instructed that Querist intends to apply to KCC for a declaration under Section 5 of the Planning and Development Act 2000 (“PDA 2000”) in that regard.
4. In preparing this Opinion, I have reviewed the Section 5 application form, the covering letter prepared by John Spain & Associates (“JSA”), an Appropriate Assessment (“AA”) Screening Report and an Environmental Impact Assessment (“EIA”) Screening Report.

## Statutory Basis for Exemption

5. As set out in the JSA covering letter, Querist is relying on Class 20F in Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended (“**PDR**”) as the primary basis for the exemption.
6. This was inserted by the Planning and Development (Exempted Development) (No.4) Regulations 2023 (S.I. No.376 of 2023) (the “**2023 Regulations**”) which were made on 19 July 2023 and are subject to a number of conditions.<sup>1</sup>
7. As noted by the High Court in *Leitrim County Council v Dromaprop* [2024] IEHC 233, Class 20F applies both to those seeking protection under the International Protection Act 2015 (the “**2015 Act**”) and to “displaced persons” which is a limited category created by Article 2 of the 2022 EU implementing Decision.<sup>2</sup>
8. This applies to the *temporary*<sup>3</sup> use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used for, inter alia, medical and other health and social care accommodation.
9. In my view, the 2023 Regulations would be construed as applying to the change of use of the Shalom Home nursing home as this comes within the scope of “medical and other health and social care accommodation”, as that term is used in Class 20F.
10. The Health (Nursing Homes) Act, 1990 states as follows: “2.—(1) In this Act, except where the context otherwise requires, “nursing home”, subject to subsection (2), means an institution for the care and maintenance of more than two dependent persons.

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<sup>1</sup> A challenge to the 2023 Regulations in the context of a challenge to the use of a particular accommodation facility was rejected in *McGreal v. Minister for Housing* [2024] IEHC 520. Subsequently, in *McGreal v. Minister for Housing* [2024] IEHC 690, the same applicant sought to impugn generally the validity of the 2023 regulations without reference to any particular accommodation facility. While leave was granted on an *ex parte* basis, it was subsequently set aside.

<sup>2</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

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

11. It is clear that the existing use of the Shalom Nursing Home would fall within the scope of this statutory definition, having regard to the ordinary principles of statutory construction summarised by the Supreme Court in *Heather Hill Management Co. CLG v An Bord Pleanála* [2022] IESC 43.
12. The conditions in Class 20F include a requirement that the relevant local authority must be notified of locations where change of use is taking place prior the commencement of development. It does not specify when notification should occur or in what format and I would advise Querist to confirm with KCC as to its requirements.
13. Finally, I would note that the development has been subject to EIA and AA Screening.
14. The EIA Screening Assessment determined that the characteristics of the proposed development are considered not significant, as the scale and nature of the proposed development is confined to a change of use development from a nursing home to accommodation for International Protection Applicants.
15. The AA Screening Report also concluded that no Natura 2000 sites are within the zone of influence of this project and, having taken into consideration the effluent discharge from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, project would not give rise to any significant effects to designated sites and will not affect the conservation objectives of features of interest of Natura 2000 sites.
16. While the screening assessments are ultimately a matter for the competent authority, ultimately the evidence is that the development does not require EIA or Stage II AA and therefore any exemption under Class 20F is not “lost” by virtue of s.4(4) of the PDA 2000.



## **Conclusion**

17. In summary, the proposed development falls within the scope of Class 20F of the PDR and is *prima facie* exempt development. subject to the competent authority confirming that the development does not require AA and / or EIA, the competent authority can issue a Section 5 Declaration that the development does not require planning permission.

**David Browne SC**

**10 February 2025**

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Publisher / Source:
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Tallie Eireann

Data Source / Reference:
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PRME2

File Format:
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Autodesk AutoCAD (DWG_R2013)

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Date= 10-Dec-2024

Source Data Release:
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DCMLS Release V1,181,119

Product Version:
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Version= 1.4

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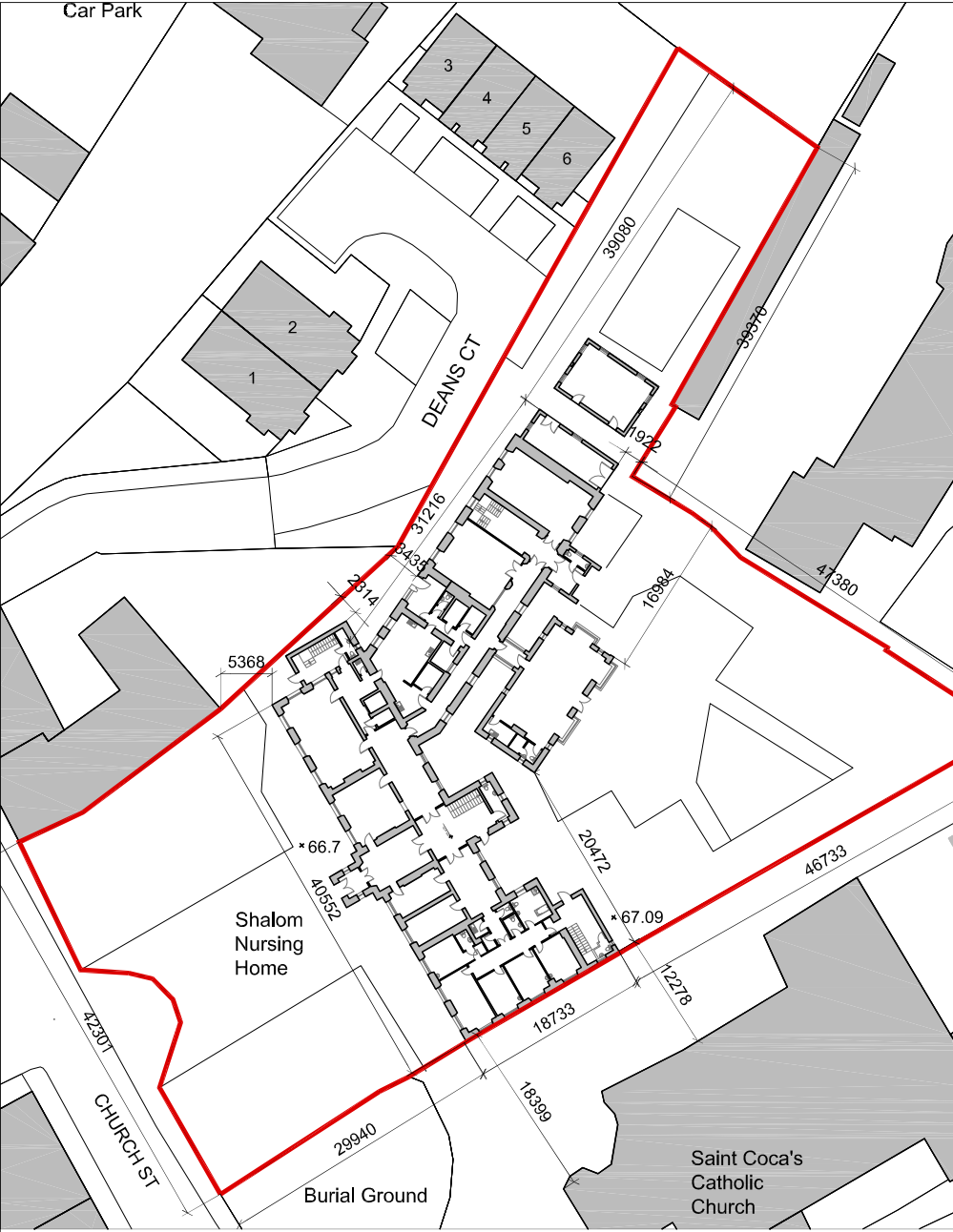
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Gach cead ar cosnamh

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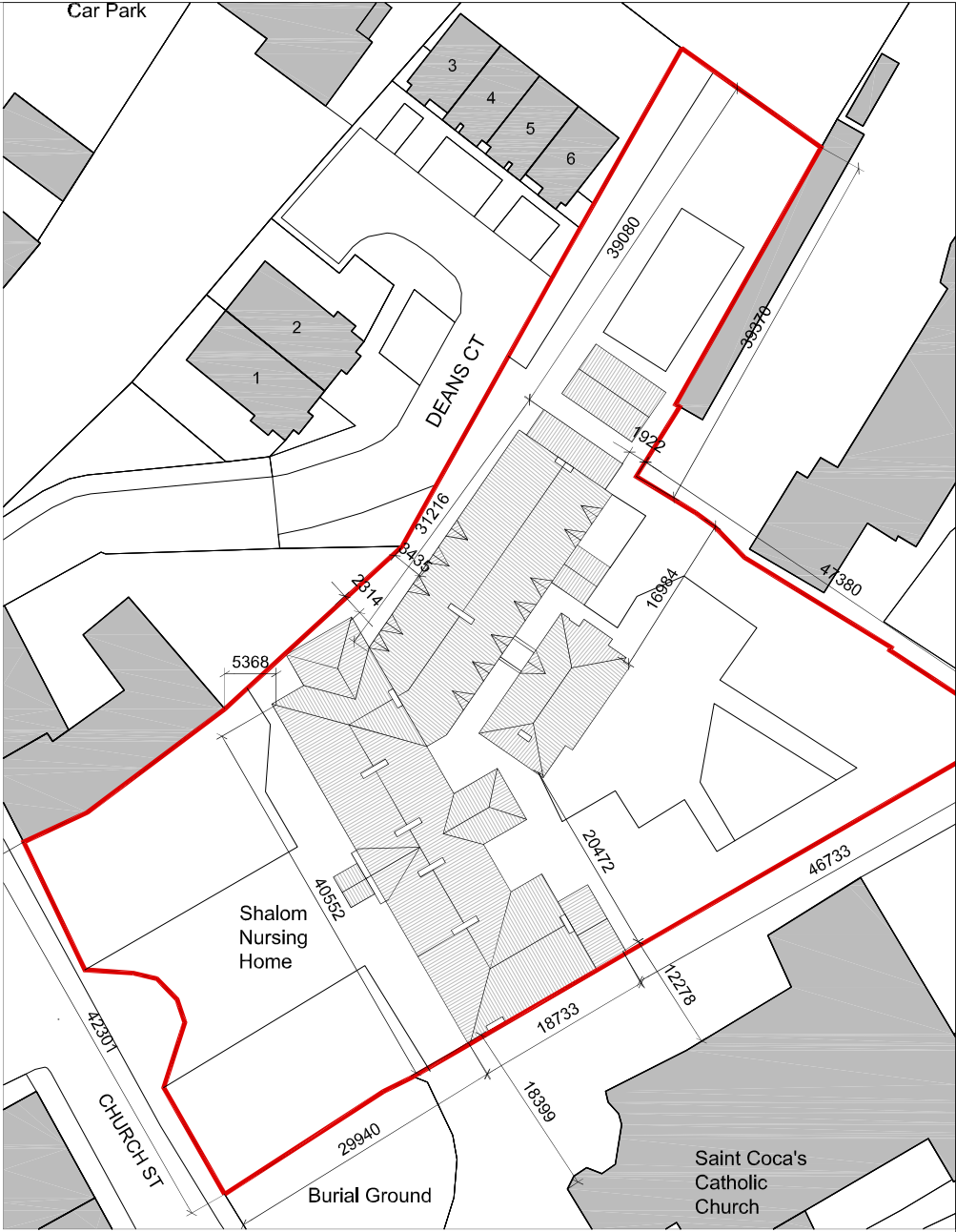
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Ní thaispeánann an léarscáil tografoch seirí toirneachna réadmhaoinne dlíthíche, agus ní léiríonn sé úinéiracht ar ohníolte fisiceacha.


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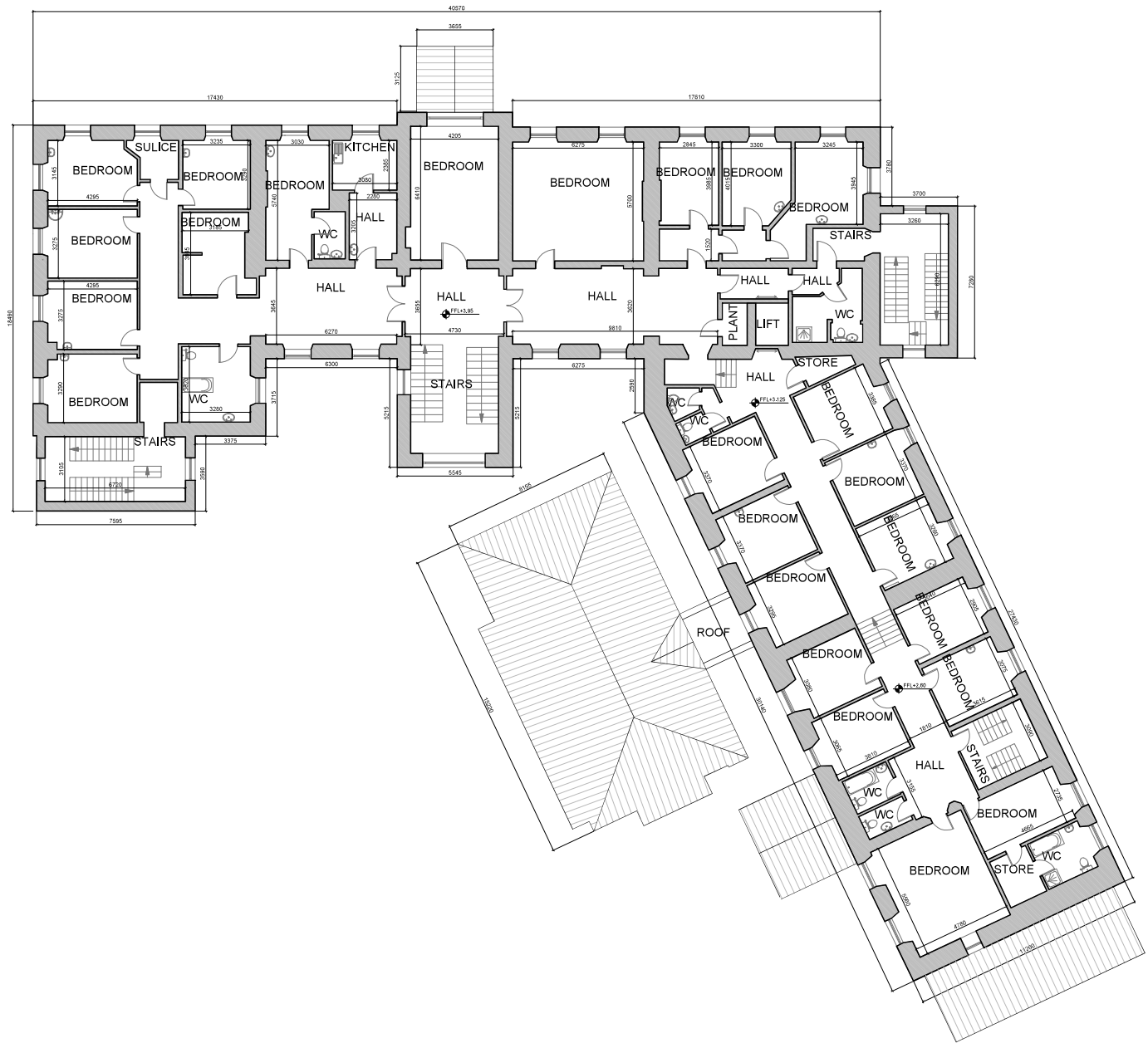
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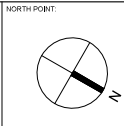
Site Layout Plan - Roof Plan

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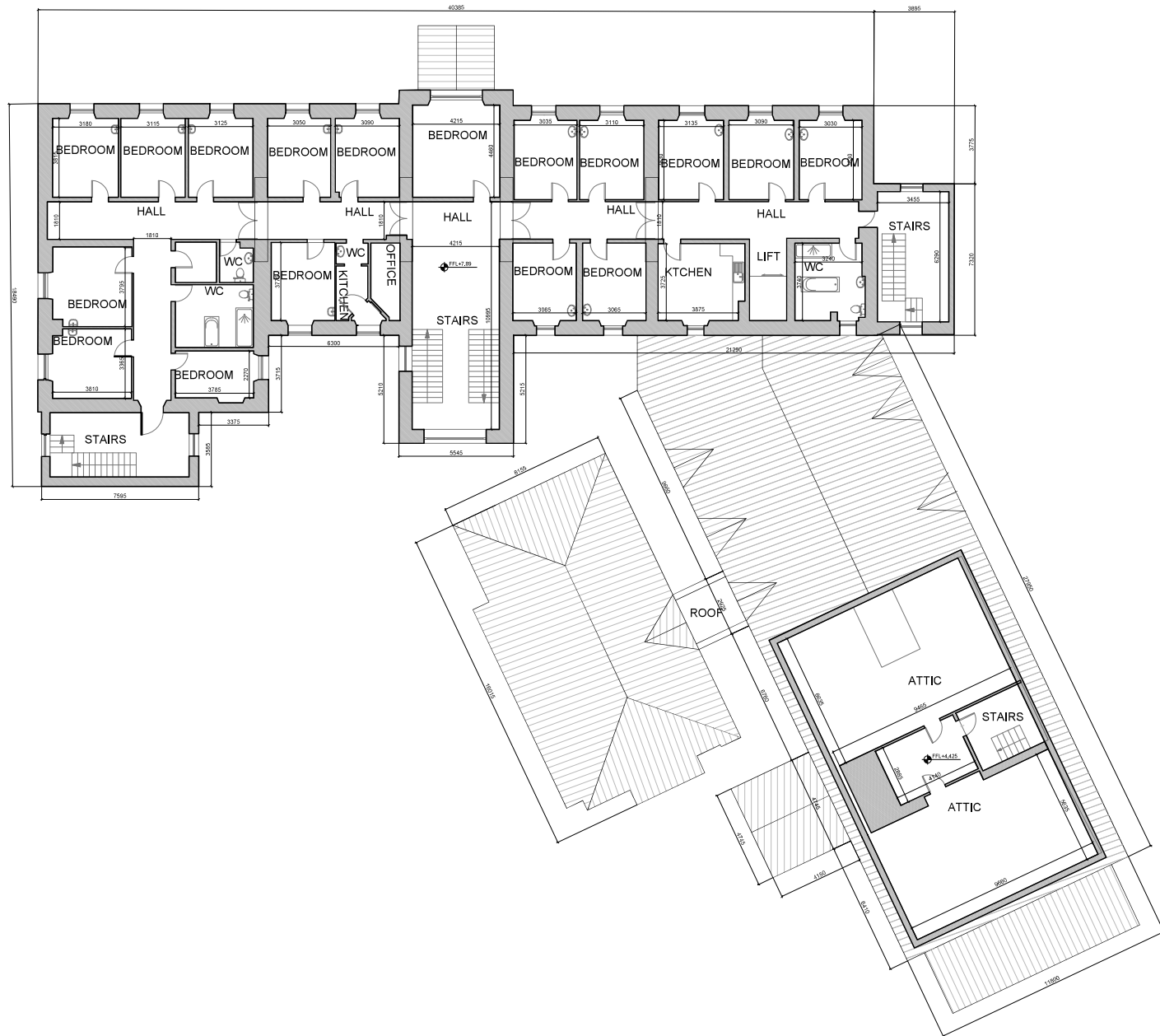
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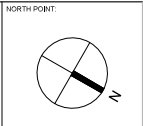
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Title:	Nursing Home - First Floor

Drawing No:	P-NH-02-03
Issue Type:	Planning
Scale:	1:200
Size:	A3L
Date:	15/01/2024





REV.	DATE:	DETAILS:	INITIALS:	NOTES:
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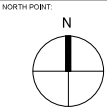






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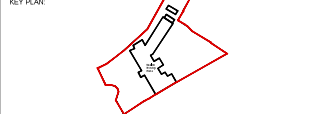
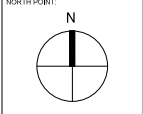
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REV.	DATE:	DETAILS:	INITIALS:	NOTES:
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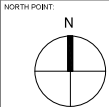
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KEY PLAN:



Client	Frostbreak ULC			Drawing No:	P-NH-04-06		
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Title	Nursing Home - South Elevation			Scale	Size	Date	
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