



An
Coimisiún
Pleanála

Inspector's Report ACP-323148-25

Development

Demolition of two-storey dormer type commercial building and the replacement of this existing commercial building with a proposed two-storey office extension and associated site works.

Location

Pacelli House, Pacelli Road, Naas West, County Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2461165

Applicant(s)

Kilwex Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First party V. Condition 16

Third Party V. decision

Appellant(s)

Michael Finn

Observer(s)

1. James O'Rourke
2. Andrew Geoghan

3. Treasa Hickey
4. Cliona O'Sullivan
5. Josephine Enright
6. Cathy Lawler

Date of Site Inspection

24/10/25

Inspector

Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of c. 0.053ha and is located on the western side of the Pacelli Road. Pacelli Road is c.400m to the south of Maon Street, Naas, Co. Kildare and is a predominantly residential area, however, there is a row of shops located on the eastern corner of Pacelli Road in proximity with its junction with Limerick Road in addition to the existing commercial / office development on the land.
- 1.2. The subject site comprises of a two-storey office building on the northern side of the site and a two-storey dormer style commercial / office building to the southern side of the site. The buildings which abut each other are set back from the edge of Pacelli Road. Parking for the development is provided by way of spaces within building set back.
- 1.3. The site is bound by a detached two storey dwelling and its back garden to the south, by two storey semi detached dwellings to the north, a car park associated with a local hotel to the west and Pacelli Road itself to the east.

2.0 Proposed Development

- 2.1. The proposed development comprises of the demolition of an existing two storey dormer type office commercial with an area of c.313m² and the replacement of this building with a two-storey office extension with an area of 328m².
- 2.2. The existing building for which demolition is sought has a height of c.7.1m and is located to the south of an existing two storey office building which was granted planning permission under Reg. Ref. 00/36.
- 2.3. The building which is proposed to replace the building for which demolition is sought would have a height of 8.2m and would be finished in a fibre cement cladding system with a grey / charcoal grey colour. Windows are proposed on both the front and side elevations of the proposed building. The windows on the side elevation are shown as high level and being obscured by opaque glazing.
- 2.4. I note that the façade of the existing office building is proposed to be altered to match the proposed building.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 7/7/25 Kildare County Council decided to grant planning permission subject to 16 No. conditions. Condition 16 which relates to development contributions states the following:

16. The Applicant/Developer to pay to Kildare County Council the sum of €20,336.00 being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 13 of the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022.

Note: Please note water and wastewater development contribution charges now form part of the water connection agreement, if applicable, with Uisce Éireann.

Reason: *It is considered reasonable that the Developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.1.1 There are two planning reports on file. The first planning report is dated 20/12/24. In broad terms the area planner notes that, having regard to the Kildare County Development Plan 2023-2029 and the Naas Local Area Plan that the proposed development is acceptable in principle. However, concerns are outlined with respect to the overall design of the proposed building and the design of the front façade. Further information was sought in relation a number of issues relating to the design of the proposed building, car and bicycle parking, emergency vehicle access, unauthorised car parking, bin store arrangements, the need for a draft construction management plan, response to submission received, plans detailing what elements are proposed to be demolished, a detailed design showing how it is proposed to

manage surface water for the development and detailed drawings and sections for the development that incorporates methodologies that are contained within KCC's Sustainable Drainage Guidance Document noting that all storage designs are to cater for an additional 30% for climate change and 10% for urban creep.

3.2.2. Other Technical Reports

- **Chief Fire Officer:** Report dated 16/12/24 outlining no objection, subject to conditions.
- **Transportation:** Report dated 19/12/24 Further Information requested relating to deficient car parking, emergency services access, bin store arrangements, EV charging points, bicycle parking, staff facilities, mobility management plan, and draft construction management plan,
- **Water Services:** Report dated 9/12/24 Further Information requested relating to the need for a detailed design showing how the surface water for the development will be managed.
- **Environment:** Report dated 9/12/24 outlining no objection, subject to conditions.

3.2.3 On 11/6/24 the applicant responded to the Further Information request with the following drawings and reports:

- A cover letter from John P Delaney Architects Limited
- Drawing No. IW-AGG-2018-00 'Sewer Network Drawing'
- Drawing No. 100 'Existing Site Layout Plan'
- Drawing No. 101 'Proposed Drainage Layout'
- Drawing No. 102 Rev C 'Standard Manhole Details'
- Drawing No. PLN-050 Rev B 'Site Location Map'
- Drawing No. PLN-101 Rev A 'Demolition Plans and Elevations'
- Drawing No. PLN-102 Rev B 'Existing Plans and Elevations'
- Drawing No. PLN-103 Rev B 'Existing Site Layout, Proposed Contextual Street Elevation, Sections'

- Drawing No. PLN-104 Rev A 'Proposed Plans and Elevations'
- Drawing No. PLN-200 Rev A 'Proposed Site Layout Plan'
- Drawing No. PLN-201 Rev B 'Proposed plans and elevations'
- Drawing No. PLN202 Rev B 'Proposed Contextual Street Elevation, Sections
- Drawing No. PLN-301 Rev A 'Summer Solstice Shading Analysis'
- Drawing No. PLN-302 Rev A 'Winter Solstice Shading Analysis'
- Drawing No. PLN-303 Rev A 'Autumn Equinox Shading Analysis'
- Drawing No. PLN-304 Rev A 'Spring Equinox Shading Analysis'
- Traffic Report prepared by TPSP Moran & Associates
- Surface Water Drainage Report prepared by Donnelly Troy and Associates
- Stormwater Soakaway Report prepared by Wastewater Maintenance Ltd
- Draft Construction Management Plan prepared by Kilwex Civil Engineering and Building Contractors

3.2.4 A second planning report dated 3/7/25. This report considered all the information provided and states that the proposed development is considered to be acceptable subject to conditions.

3.2.5 Other Technical Reports-Post Further Information

- **Transportation:** Report dated 26/6/25 outlining no objection, subject to conditions.
- **Water Services:** Report dated 27/6/25 outlining no objection, subject to conditions.

4.0 Planning History

Appeal site

Reg. Ref. 01/500110 (ABP Ref PL. 73. 130020): Application for the change of use of existing two storey offices to administration and community welfare offices. Permission

refused. This decision was subject to a first party appeal to An Bord Pleanála, where the decision of the planning authority was upheld.

Reg. Ref. 00/500036: Application for the demolition of existing single storey business premises and to construct a two-storey office block and ancillary accommodation and associated car parking area. Permission granted, subject to conditions, including conditions 20,21 and 22 which require payments to Naas Urban District Council as follows:

20. £3,750 towards expenditure which the Council may incur in respect to the provision of footpaths and public lighting.

21. £3,750 towards expenditure which the Council may incur in respect of the provision of car parking facilities.

22. £2,272 towards expenditure which the Council may incur in respect to the provision of services which facilitate the proposed development.

Reg. Ref. 97/500092: Application to re-roof premises, raise rear extension roof, convert attic space to office area, toilets, and additional front door. Permission granted, subject to conditions, including condition 8 which required that: a contribution of £1,321 was paid to Naas Urban District Council towards expenditure which the Council may incur in respect to the provision of services.

5.0 Policy Context

5.1. Development Plan

5.1.1 The *Kildare County Development Plan 2023-2029* is the operative plan for the area. In addition to this, the appeal site is within the area covered by the *Naas Local Area*

Plan 2021-2027, the appeal is shown within Objective K – ‘Commercial/Residential’ - To provide for commercial and appropriate residential mixed-use development.

5.1.2 The following policies and objectives are pertinent:

RE 01: Which seeks to facilitate and support the growth of the economy in Kildare and the Greater Dublin Area in a sustainable manner, and in accordance with the Regional Spatial and Economic Strategy.

RE 03: Which seeks to encourage mixed-use settlement forms and sustainable centres, in which employment and residency are located in close proximity to each other and strategic multi-modal transport corridors, and to reduce long distance commuter trends and congestion.

RE 016: Which seeks to ensure that economic development that is urban in nature should be located in urban areas and will not be permitted to re-locate to the countryside or to un-serviced rural areas.

RE 022: Which seeks to promote the Key Town of Naas as a primary centre of high-quality employment in the County so that its significant residential population will have

employment opportunities within easy distance of their homes, thereby reducing outbound commuting.

RE P4: Which seeks to support urban growth and regeneration through the promotion of good placemaking to attract employees and employers and to provide a competitive advantage to County Kildare.

EC O42: Which seeks to prioritise the reuse and improvement of existing buildings over demolition where possible.

Table 15.4-Bicycle parking standards (1 space per 50 m² gross floor area)

Table 15.8-Car parking standards (1 space per 30m² gross floor area)

5.3 Water Framework Directive

- 5.3.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.
- 5.3.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 5.3.3 The appeal site is located c.375m to the south of the Grand Canal Naas Line (Liffey and Dublin Bay) river waterbody IE_09_AWB_GCNL. This waterbody is classified as a moderate ecological status in proximity to the appeal site. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/Water>).
- 5.3.4 I have assessed the application for the proposed development for which permission is sought and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the

nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

5.3.5 The reason for this conclusion is as follows:

- The small scale and nature of the development; and
- The site is connected to public water, sewer, and wastewater services.

5.4 Natural Heritage Designations

5.4.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Mouds Bog SAC (Site code: 002331) which is located c.7.8km to the west of the site and the Pollardstown Fen SAC (Site code: 000396) which is located c. 11.3km to the south-west of the site. The Poulaphouca Reservoir SPA (Site code: 004063) is located c. 10.2km to the south-east of the site.

5.4.2 In addition to this the appeal site is located c. 360m to the south of the Grand Canal pNHA (Site code: 002104), c.7.8km from the Moulds Bog pNHA (Site code: 000395), c. 11.3km from the Pollardstown Fen pNHA (Site code: 000396) to the south-west of the site and c.11.4km from the Curragh (Kildare) pNHA (Site code: 000392) to the north-east of the site.

5.5.4 A screening exercise for Appropriate Assessment will be undertaken in Section 8 below.

5.5 EIA Screening

5.5.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1 This is a multiple appeal including a first party appeal against the inclusion of Condition 16 in the grant of planning permission and one third party appeal and 5 observations, against the decision to grant permission.

6.2 Grounds of Appeal

6.2.1 First party appeal

6.2.1.1 A first party appeal against the inclusion of condition 16 in the decision to grant planning permission for the development has been received from Farry Town Planning Limited on behalf of the applicant. Condition 16 seeks the payment of a Development Contribution in the amount of €20,336 for being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022. The reason for the condition states 'it is considered reasonable that the Developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.' The grounds of appeal are summarised as follows:

- Condition 16 is outside the ambit of the *Kildare Development Contribution Scheme 2023*.
- The contributions were calculated on the basis of the space to be provided and there was no consideration of the fact that the proposal comprises of replacement floor space and that the proposal includes demolition. These points should have been considered by the Council when applying the term 'gross floorspace' as set out in its Contribution Scheme which states that '*the area of calculation of buildings for the purposes of this scheme shall be the gross floor area.*'
- Attention drawn to Cork City Council v An Bord Pleanála which [2006] IEHC 192 which applied the approach of the Supreme Court in Re XJS Investments Ltd [1986] I.R. in terms of the construction and interpretation of planning publications.

- At no point does the council take account of the fact that the proposed floor space would largely replace an existing area. This fact should have been properly considered by the Planning Authority when assessing the chargeable area.
- Planning levies are not 'cash cows' and each authority must ensure that it avoids levying development contributions which are excessively high. The sum sought should reflect the particular proposal on the public purse. This approach accords with established practice such as PL78.233484, PL228466. PL06S218902, PL09.216074, PL09.216199 and PL09.221374.
- Kildare County Council should only seek to levy a charge for a net increase in space and having regard to the cases outlined above, the payment sought in Condition 16 should be virtually deleted.
- Section 10.6 of the Contribution Scheme headed change of use allows a complete removal of contributions except for cases where there is a need for new or upgraded infrastructure. Using this standard, the replacement area is not chargeable.
- The proposal involves the removal of 313m² and the construction of 328m², a net increase of 15m² the applicant will accept a stipulation where the additional floorspace would be charged at €62 per m².
- The proposal replaces existing lawful floorspace which already avails of local service and part of which has already been subject to planning contributions with payments to Naas UDC and / or Kildare County Council for both the older building which is proposed to be demolished and the newer office building.
- The area of the proposed structure is virtually identical to the floorspace of the new office. As the external footprint of the existing building and new building are identical, there are reasonable grounds to conclude that the payment which is currently being sought by Kildare County Council represents double charging.

6.3 Planning Authority response to first party appeal

- 6.3.1 Submission dated 25/8/25 which states that the development calculations were on the basis of the total floorspace of the development without taking into consideration the development levies charged and paid under PI Ref. 00/500036. Levies were paid in

full on the footprint of 313m², therefore credit should be allocated, resulting in the balance for 15m² for PI Ref 24/61165 now applicable.

6.3.2 An attached Contributions Calculation sheet shows that a balance of €930.00 is required.

First party response to the Planning Authority

6.3.3 By letter dated 8/9/25 the first party states that the Local Authority has now accepted that the original contribution of €20,336 as required by condition 16 is incorrect and that the sum of €930 should instead have been sought.

6.3.4 The first party confirms that this revised approach accords with the Contribution Scheme and that Kilwex Limited would accept an amended condition which requires €930 to be paid to Kildare County Council.

6.4 Third party appeal

6.4.1 A third-party appeal against the decision of Kildare County Council to grant planning permission has been received from Michael Finn. The first party appeal includes a set of photographs and a video file. The grounds of appeal can be summarised as follows:

- The existing building has formed the northern boundary of the property for 50 years and comprises of a solid wall c.3.6m in height and 25m in length.
- There are no door, windows, or openings of any kind on this wall. Existing plans show a small window in the south façade; this is an error.
- The new building would have rows of windows at ground and first floor level which all directly overlook the first-parties property. This would be an unacceptable intrusion of privacy.
- The demolition of the existing building and the resultant dust and disruption and the noise from the use of heavy machinery will cause stress and anxiety and would adversely affect the health and wellbeing of the wife of the third-party.
- Pacelli Road is a quiet residential street in which most residents are retired older citizens, and the scale of the commercial development is entirely inappropriate for this location and would be more appropriately located in a dedicated commercial environment.

- Planting in the back garden of the third party will be destroyed during demolition and mature trees would have to be cut back. There was no attempt to mitigate this impact.
- There was no consultation with adjoining landowners and there was no consideration of the adverse effects of this application on surrounding properties.
- The existing office has 12 car parking spaces, and these spaces are fully used every working day. Van and commercial vehicles owned by the applicant frequently park on the footpath outside houses along Pacelli Road. The proposed office would have 10 to 12 workspaces for additional staff and therefore there will be additional staff for which no parking provision has been made. This will increase parking issues.

6.5 Applicant Response to third party appeal

6.5.1 Farry Town Planning Limited has responded to the third-party appeal on behalf of the applicant. The response includes a separate letter, and report can be summarised as follows:

- The application is a reasonable development proposal which simply entails replacing one lawful and longstanding office building with another office building along with the addition of 15m².
- The grounds of appeal do not appear to take account of changes to the proposed development during the course of this application through the assessment process. This is apparent in the reference to an error on the plans relating to a window facing the appellants property, this was rectified at further information stage.
- The windows on the elevation facing the appellants property will not be openable and will only contain obscure glazing.
- The orientation of the garden (north-west) will mean that there is no overshadowing, the sun never shines from the north.
- The shadow diagrams lodged at further information stage show that the shadows cast by the proposed addition would not be materially different to

those that currently arise from the existing development. It would seem that the appellants home primarily overshadow its own garden.

- There has been no objection to the commercial use of the land or for its use for office purposes.
- The issues raised in the appeal have already been raised with the Planning Authority during the course of the application and the appellants fears were considered before any decision was reached.
- References to a window in the side elevation were corrected at further information stage.
- Applicants acutely aware of the need to ensure that residential amenity is not adversely affected by its activities on this land.
- The overwhelming majority of the space within the new structure replaces the area in block which is proposed to be demolished. The floor area would increase by 15m².
- The relationship between the appellant's and the appeal development would be akin to the view of an infill dwelling within a residential area. The proposal would contain two levels as is the case at present and views from within the appellant's dwelling and garden would fall within the bounds of normal tolerance.
- The proposed addition would not be a prominent feature when seen from adjacent areas. The building would be screened by existing vegetation which is within the appellant's rear garden.
- The flank wall will have 6 high-level windows four of which would serve the ground floor with two further openings catering for the upper storey. All 6 openings would contain obscure glazing, and no part therein would be openable. The ground floor windows are required for natural light as per Building Regulations.
- The applicant would accept a condition to the effect that these openings shall be fitted with and permanently retained in obscure glazing and that no features shall be openable.

- Shadow diagrams show that the proposed addition would not be materially different to those which currently arise from the existing development.
- The removal of the wall would not affect landscaping items within the private amenity space of the objector.
- Any measures needed to ensure the longevity of trees and shrubs within the open space would be implemented prior to the commencement of development.
- The Coimisiún to consider whether this issue might be capable of being addressed through the imposition of an informative to give effect to Section 34(13) of the Planning and Development Act 2000 to the effect that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*'
- Claims relating to Kilwex Limited causing parking difficulties are not supported.
- While there are times when parking is at capacity it is not always fully subscribed.
- Table 15.8 of the *Kildare County Development Plan 2023-2029* requires 1 space per 30m² of office floorspace. The proposed development would provide a net increase of 15m² and therefore the proposal would give rise to a demand for 0.5 car parking spaces. Given the provisions of the applicant's travel masterplan and the availability of car parking spaces elsewhere in Naas (and within walking distance of the site) and given the provision of bicycle facilities on the land, it would not be reasonable for the Coimisiún to refuse planning permission on the basis of a 0.5 space increase in parking demand.

6.6 Planning Authority Response to third party appeal

6.6.1 The Planning Authority responded to the third-party appeal by letter dated 2/9/25 stating that The Planning Authority notes the content of the appeal, and observations on same. The Planning Authority confirms its decision and asks the Coimisiún to refer to the Planners' Report, reports of the various technical departments and prescribed bodies reports in relation to the assessment of this planning application.

6.7 Observations

6.7.1 Observations were received from Cathy Lawler, Josephine Enright, Cliona O'Sullivan, Teresa Hickey, Andrew Geoghan and James O'Rourke. The observations can be summarised as follows:

- General support for the third-party appeal.
- Quiet residential area with many elderly people living there. Pacelli Road was built in 1954 as a residential scheme and there was no commercial entity on the site Kilwex currently occupies.
- Environmental concerns relating to noise, traffic, and the lack of parking spaces. The proposal would lower the quality of life for all.
- The existing development has 12 spaces, and the proposed development would provide 9 spaces, this is a 25% reduction. Where are the extra staff going to park.
- Overflow parking and construction traffic will cause an obstruction for residents entering and exiting their own properties, would curtail traffic flow of traffic through a residential road and would impact on the ability of emergency services to access the area.
- Concerns the entrance and exit to dwellings would be restricted due to construction vehicles on the road blocking visibility. The road does not have the width to accommodate construction vehicles and would create dangerous situations for older people and parents with push chairs.
- Pacelli Road has cars parked along the road causing danger to the residents walking on footpaths.

6.8 Further Responses

6.8.1 There are no further responses on file.

7. Assessment

7.1 I make the Coimisiún aware that this assessment is based on the updated plans and particulars submitted at Further Information stage. Having examined the appeal details

and all other documentation on file, including submissions / observations, the reports of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Layout / Design
- Residential Amenity
- Car parking
- Flooding
- Development Contributions- First Party Appeal
- Appropriate Assessment

7.2 Principle of development

7.2.1 As per the current local area plan for Naas, the appeal site is within Objective K – ‘Commercial/Residential’ with the objective *‘To provide for commercial and appropriate residential mixed-use development.’*

7.2.2 Offices are open for consideration in the K- ‘Commercial / Residential’ zone. The *Nass Local Area Plan 2021-2027* states that uses which are open for consideration such uses may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area. I satisfied that the proposed development is acceptable in principle, subject to a full assessment of the proposed development.

7.3 Layout / Design

Demolition

7.3.1 The appeal site currently comprises of an existing office block which consists of two parts, comprising of an older two storey dormer style commercial / office building and a more modern two storey office building.

7.3.2 The proposed development comprises of the demolition of the older two storey dormer style commercial / office building. The building for which demolition is sought comprises of a floor area of 313m² and a height of c.7.085m with a pitched roof.

- 7.3.3 The third-party objection has highlighted concerns with respect to the impact of the demolition on the health and stress levels on the residents of the adjoining dwelling having regard to the resultant dust and disruption, and noise from the use of heavy machinery.
- 7.3.4 Policy EC O42 of the *Kildare County Development Plan 2023-2029* seeks to prioritise the reuse and improvement of existing buildings over demolition where possible. Notwithstanding this, I am satisfied that the demolition of the building in this case is acceptable. The demolition of the two-storey dormer style building will allow for the applicant to extend its office area on a site that is zoned for employment generating uses.
- 7.3.5 I note the concerns of the third party relating to the impact of the demolition on stress and anxiety; however, I am satisfied that this matter could be dealt with by way of condition requiring a demolition management plan which would strictly control dust and noise emissions and the hours in which demolition works could take place.

Proposed building

- 7.3.6 The building which is proposed to replace the demolished two storey dormer style commercial / office building would be a new two storey office building which would merge with the existing two storey office building on the land.
- 7.3.7 The proposed building would have a height of c. 8.2m which is similar to the existing two storey office building on site and would have a flat roof. The proposed building would have an external length of c.21.9m and a width of c.8.2m to provide a floor area of c.328m² (over two floors). The proposed building would be finished with fibre cement cladding system with a grey / charcoal grey colour. I note that the façade of the existing office building is proposed to be altered to match the proposed building. I am satisfied that the design and finish of the proposed building is acceptable and would not have an undue impact on the amenity of the area. I am also satisfied that the alteration of the cladding to the existing building is acceptable and would enhance the appearance of this building.

Impacts on residential amenity-Overlooking, Overshadowing, Overbearing

- 7.3.8 The third-party appeal outlines concerns that there are mistakes in the submitted drawings which show a window at ground floor level of the existing building. In addition

to this, the third-party objectors outline concerns with respect to privacy impacts from the proposed windows at ground and first floor level and that the scale of the commercial development is not appropriate for the area in which it is proposed. In addition to this, concerns are raised that planting in the back garden of the third party will be destroyed during demolition and mature trees would have to be cut back. There was no attempt to mitigate this impact.

7.3.9 In response the first party state that the windows on the elevation facing the appellants property will not be openable and will only contain obscure glazing.

7.3.10 I note the third-party concerns with respect to mistakes on the drawings which show a window on the southern elevation of ground floor as shown on the existing plans. I acknowledge that there is no window on the southern elevation of the ground floor of the existing building. I make the Coimisiún aware that the plans submitted with the further information response clarify that there is no window on the southern elevation of ground floor, in this regard I refer the Coimisiún to Drawing No. PLN 102 Rev B *‘Existing Site Layout, Proposed Contextual Street Elevation, Sections’*

7.3.11 With regard to overlooking concerns, I note that the proposed building does include windows on the southern elevation of the proposed building. In this regard I refer the Coimisiún to Drawing No. PLN-201 Rev B ‘Proposed Plans and Elevations’ submitted at further information stage which shows 4 windows at both ground and first floor level. Three of these windows at both the ground floor and first floor levels would face towards the back garden of the dwelling to the south of the property.

7.3.12 Drawing No. PLN-201 Rev B ‘Proposed Plans and Elevations’ shows that the proposed windows would be high level windows which would be obscured by opaque glazing. In addition to this, the first party appeal response notes that these windows would not be openable (however, this is not detailed on the drawings). The protection of residential amenity from potential overlooking is a vital consideration with respect to the acceptability of any proposed development. I have considered the plans submitted by the applicant at further information stage and while I note the concerns of the third party, in my opinion the windows on the southern elevation would not cause any undue overlooking. I have come to this conclusion having regard to the fact that the windows are shown as high level and obscured by opaque glazing. However, I

would recommend a condition requiring these windows should be non-openable should the Coimisiún be of a mind to grant planning permission.

Overshadowing / Overbearing

7.3.13 With respect to overshadowing of the property to the south, I refer the Coimisiún to Drawing No's PLN-301 to PLN-304 Which provide shading analysis for Spring, Summer, Autumn, and Winter.

7.3.14 These drawings demonstrate that the proposed development would not cause any undue overshadowing of the property to the south of the appeal site. I am therefore satisfied that the proposed development would not have an undue impact on the residential amenity of this property by way of overshadowing.

7.3.15 I note that the building set back to the southern boundary would be reduced from the existing c.500mm to c.380mm for the entire length of the building. I further note that the height of the building would be increased from c. 7.085m to c. 8.2m (an increase of 1.1m). While I note that the set back of the building is reduced and the height is increase from that existing, in my opinion these are relatively minor alterations that would not lead to an overbearing impact.

7.3.16 Further to this, I note that existing large trees in proximity to the southern boundary of the land would provide a reasonable level of screening. In this regard I note that the first party has outlined concerns that existing planting, including mature trees would be impacted by the proposed development.

7.3.17 I note the concerns with respect to impacts on the third parties land; however, in my opinion, matters such as this are akin to a boundary dispute and it must be noted that any issue of alterations to the site boundaries is a civil matter and as such outside the remit of the Coimisiún. In this regard, I note the provisions of s.34(13) of the Planning and Development Act which states that "A person shall not be entitled solely by reason of a permission under this section to carry out any development". Additionally, Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "The planning system is not designed as a mechanism for resolving disputes about title to

land or premises or rights over land; these are ultimately matters for resolution in the Courts...” In other words, the developer must be certain under civil law that he/she has all the rights in the land to execute the grant of permission.

7.3.18 Having considered the foregoing, in my view, should the Coimisiún, be minded to grant permission the Direction and/or a cover letter to accompany the Order might explicitly remind the applicants that the permission is subject to the Section 34(13) of the Act which states that ‘*a person should not be entitled by reason of a permission under this section to carry out any development*’

Scale within the area.

7.3.19 The third party and a number of third-party observers highlight concerns that the proposed development would be out of scale with the surrounding residential area, noting that Pacelli Road is a quiet residential area in which many elderly people reside which was built in 1954 as a residential scheme and there with no commercial entity.

7.3.20 In floor area terms, the proposed development would lead to an increase in 15m² from the existing floor area. In my opinion this a minor floor area increases and would be acceptable.

7.3.21 In addition to this, the proposed development would increase the height of the existing two storey dormer style building by c. 1.1m. While I acknowledge the increase in height, I am satisfied that the increase in height is not unreasonable, and the scale of building would not have an undue impact on the character of the area. In my opinion the proposed development would provide for a unified design approach to the appeal site which would allow for a greater integration into the area and as such would respect the scale of the surrounding area.

7.3.22 Having been on site, I note that the surrounding area is predominantly residential in character, comprising of two storey semi-detached dwellings. The appeal site is within the K-‘Commercial / Residential’ zone as set out in the *Naas Local Area Plan 2021-2027* which has an objective ‘*to provide for commercial and appropriate residential mixed-use developments*’, and therefore it is considered that the *Naas Local Area Plan 2021-2027* acknowledges that commercial development is acceptable on the land.

7.3.23 In addition to this, I note that there is support in the *Kildare County Development Plan 2023-2029* , specifically in Policies RE O3 and RE O22 for development which

encourages mixed use settlements where employment and residency are located in close proximity to each other and the promotion of the Key Town of Naas as a primary centre of high quality employment in the County so that the local population will have easy employment opportunities within easy distance to their homes. The proposal would provide additional employment opportunities in close proximity to Naas Town Centre in an area which includes commercial, office and residential development and in my opinion would comply with the above-mentioned policies.

7.4 Car parking

- 7.4.1 The third-party objector and third-party observers outline concerns with respect to the volume of car parking that would be generated by the proposed development and the potential for overspill parking along the residential part of Pacelli Road which would cause an obstruction for residents entering and exiting their own properties, would curtail traffic flow of traffic through a residential road and would impact on the ability of emergency services to access the area. There are also similar concerns with respect to construction traffic. Further to this, there are concerns that Pacelli Road has cars parked along the road causing danger to the residents walking on footpaths.
- 7.4.2 In response to this, the first party states that Table 15.8 of the *Kildare County Development Plan 2023-2029* requires 1 space per 30m² of office floorspace. The proposed development would provide a net increase of 15m² and therefore the proposal would give rise to a demand for 0.5 car parking spaces.
- 7.4.3 At present the development has a total of 9 car parking spaces with a car parking area within the set back of the building to the front of Pacelli Road. Having regard to Table 15.8 of the *Kildare County Development Plan 2023-2029* 1 space per 30m² of office floor space is required for office development. Section 15.7.8 of the Kildare County Development Plan 2023-2029 states that car parking standards outlined in Table 15.8 are maximum car parking standards.
- 7.4.4 The application material includes a Traffic Report prepared by TPS M. Moran and Associates submitted at further information stage. This document shows that the applicants operate an Employee Travel Plan which includes objectives to reduce employee demand for car parking and set down at the appeal site. The Traffic Report also notes that the appeal site is less than 5 minutes' walk from the established bus

stop locations on the Newbridge Road and less than 10 minutes' walk from Naas Town Centre

- 7.4.5 While I note the concerns of the third-party objector and third-party observers including concerns with respect to parking blocking the footpath, I am satisfied that the existing car parking provision on the land is acceptable. I have come to this conclusion having regard to the increase in parking numbers generated by the proposed development is almost zero (0.5 spaces), the proximity of the appeal site to public transport and having regard to the existing Employee Travel Plan. Notwithstanding this, I would recommend that a condition for a Mobility Management Plan which provides detail with respect to measures to encourage walking / cycling to work should be included if the Coimisiún is of a mind to grant planning permission. The plan should also outline any measures which ensure that any car parking associated with the proposed development does not block pedestrian footpaths.
- 7.4.6 In addition to the above, I note the concerns of third-party observers with respect to the potential of construction traffic to cause an obstruction for residents entering and exiting their own properties, impacts on the elderly and children/ parents with push chairs and to curtail traffic flow of traffic through a residential road which would impact on the ability of emergency services to access the area.
- 7.4.7 I am satisfied that this matter could be dealt with by way of condition requiring that a Constriction / Demolition Management Plan be submitted to and agreed with the planning authority prior to the commencement of any demolition / development on the land. This would ensure that construction traffic is managed to ensure that there would be no curtailment of traffic flow along Pacelli Road and that there would be no parking over the public footpath.

7.5 Flood Risk

- 7.5.1 have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.
- 7.5.2 Having considered all the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

7.6 First Party appeal

- 7.6.1 A first party appeal has been lodged by Farry Town Planning Ltd on behalf of the applicant against Condition No.16 of the Notification of Decision to Grant Planning Permission.
- 7.6.2 The first party make the case that the contributions set out in Condition 16 which require the payment of €20,336.00 were calculated on the basis of the space to be provided and there was no consideration of the fact that the proposal comprises of replacement floor space and that the proposal includes demolition. Further to this, there was no consideration that development contributions have already been paid for previous applications on the site. The first party argues that the points should have been considered by the Council when applying the term '*gross floorspace*' as set out in its Contribution Scheme and that the development contribution should be based on the additional floor area proposed which is 15m².
- 7.6.3 By letter dated 25/8/25 the planning authority acknowledged that the development calculations were on the basis of the total floorspace of the development without taking into consideration the development levies charged and paid under PI Ref. 00/500036. Levies were paid in full on the footprint of 313m², therefore credit should be allocated, resulting in the balance for 15m² for PI Ref 24/61165 now applicable and therefore a balance of €930.00 is required.
- 7.6.4 In response the first party states that this revised approach accords with the Contribution Scheme and that Kilwex Limited would accept an amended condition which requires €930 to be paid to Kildare County Council.
- 7.6.5 I make the Coimisiún aware that I have considered the Kildare County Council Development Contribution Scheme 2023-2029 and I note that Section 7.2 states '*that the area of calculation in respect of buildings for the purposes of this scheme shall be the gross floor area*'. Section 8.2 states that the development contribution rate shall be €62 per square metre for non-residential development.
- 7.6.5 In addition to this, I note that the first party appeal includes letters from the planning authority confirming the receipt of development contributions with respect to previous applications for office floor space on the land (**Reg. Ref.** 00500036 and **Reg. Ref.** 97/500092-see planning history above).

- 7.6.6 Having considered the foregoing; I am satisfied that all development contributions with respect to office space on the appeal site (in the order of 313m²) have been paid as set out above and confirmed by the planning authority in their letter dated 25/8/25.
- 7.6.7 I therefore consider that the levy should be confined to additional new floor area only and that condition 16, as currently worded represents a misapplication of the Scheme. I am satisfied that the appropriate contribution is €930 calculated on a floor area of 15m² at the applicable commercial rate of €65 per m². Condition 16 as currently worded, therefore represents a misapplication of the scheme.
- 7.6.8 I recommend that Condition 16 be amended as set out below to require a financial contribution of **€930** in compliance with the Kildare County Council Development Contribution Scheme 2023-2029.

8 AA Screening

- 8.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The application is for the demolition of two-storey dormer type commercial building and the replacement of this existing commercial building with a proposed two-storey office extension and associated site works in proximity to Naas Town Centre, Co. Kildare.
- 8.2 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Mouds Bog SAC (Site code: 002331) which is located c.7.8km to the west of the site and the Pollardstown Fen SAC (Site code: 000396) which is located c. 11.3km to the south-west of the site. The Poulaphouca Reservoir SPA (Site code: 004063) is located c. 10.2km to the south-east of the site.
- 8.3 In addition to this the appeal site is located c. 360m to the south of the Grand Canal pNHA (Site code: 002104), c.7.8km from the Moulds Bog pNHA (Site code: 000395), c. 11.3km from the Pollardstown Fen pNHA (Site code: 000396) to the south-west of the site and c.11.4km from the Curragh (Kildare) pNHA (Site code: 000392) to the north-east of the site.
- 8.4 There is no hydrological link between the subject site and the European sites.

- 8.5 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.6 This determination is based on:
- Small scale and domestic nature of the development
 - Distance from European sites.
 - No hydrological connections to the European sites.
- 8.8 I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.9 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9 Recommendation

- 9.1 I recommend that planning permission be granted.

10 Reasons and Considerations

- 10.1 Having regard to the provisions of the Commercial / residential zoning objective of the subject site and its location in proximity to Naas Town Centre and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.
- 10.2 Having regard to Section 48 of the Planning and Development Act 2000, as amended, the provisions of the Kildare County Council Development Contributions Scheme 2023-2029, it is considered that the terms of the Scheme were not correct in

application under Condition 16 and that the contribution should apply only to the net 15 m² of additional floor area. Therefore, it is considered necessary to amend and reduce the financial contributions (as set out in condition No. 16 of the Notification of Decision to Grant Planning Permission) as per conditions set out below.

11 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 4th November 2024, as amended by the further plans and particulars received by the planning authority on the 11th June 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Prior to the commencement of development, the developer shall lodge with the planning authority and agree in writing:
 - a) An updated elevation drawing which shows that all of the high-level, obscured windows at ground and first floor on the southern elevation of the proposed building are not openable.
 - b) A demolition Management Plan which outlines mitigation measures which would reduce any impacts of demolition on the residential amenity of the surrounding residential properties. These measures should include but are not limited to the following: noise mitigation measures, the suppression of dust onto surrounding properties, the hours of demolition, routes for vehicles to and from the demolition site, the location of parking for vehicles associated with the demolition and measures to ensure that demolition workers do not park cars across the public footpath, measures to ensure

that any vehicles associated with demolition do not block the public road and the location of a storage compound related to any vehicles / machinery associated with the demolition.

Reason: In the interest of the protection of the visual and residential amenity of the area.

3. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.

(b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. All outfalls and their locations will be agreed in advance with the relevant section of the Council for such works and services.

(c) All surface water shall be managed in accordance with Sustainable Urban Drainage Systems design as submitted with the application. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

4. Notwithstanding the provisions of the Planning and Development Regulations, 2001 (as amended) no advertisement signs (including any signs installed to be visible through the windows), advertisement structures including freestanding structures, banners, canopies, flags or other projecting element shall be

displayed or erected on the building or within its curtilage or attached to glazing without a prior grant of planning permission.

Reason: To protect the visual amenities of the area

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenity of the area

7. A plan containing details for the management of waste (and recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste

facilities shall be maintained, and waste shall be managed in accordance with the agreed plan,

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties.

8. Prior to the opening of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by staff employed in the development.

Reason: In the interest of encouraging the use of sustainable modes of transport

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management, measures to ensure that workers do not park across public footpaths and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, measures to ensure that no vehicles associated with the construction block the public road, parking during the construction phase (including measures to ensure that workers do not park across public

footpaths), the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety

11. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

12. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2000, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, as measured at any point along the southern boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property to the south of the site.

13. Site development including demolition and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution of **€930.00 (nine hundred and thirty euro)** in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made

under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ronan Murphy
Planning Inspector

29 October 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323148-25
Proposed Development Summary	Demolition of two-storey dormer type commercial building and the replacement of this existing commercial building with a proposed two-storey office extension and associated site works.
Development Address	Pacelli House, Pacelli Road, Naas West, County Kildare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project.' Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Part 2 Class 10 Infrastructure Projects Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Less than 10 hectares – built up area</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323148-25
Proposed Development Summary	Demolition of two-storey dormer type commercial building and the replacement of this existing commercial building with a proposed two-storey office extension and associated site works.
Development Address	Pacelli House, Pacelli Road, Naas West, County Kildare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal for the demolition of two-storey dormer type commercial building and the replacement of this existing commercial building with a proposed two-storey office extension and all other site works comes forward as a standalone project, and it does not involve the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> <p>The site is on zoned land with an office use; the proposal is not exceptional in the context of permitted adjacent land uses.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	<p>The development is situated on the site of an existing, permitted office building in proximity to Naas Town Centre.</p> <p>The development site is landlocked and is proposed to be accessed from Pacelli Road</p> <p>There are no direct hydrological links to any European sites.</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated</p>

cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)