



An
Coimisiún
Pleanála

Inspector's Report PL-500056-KE

Development	PROTECTED STRUCTURE: Removal of railings / gates and the retention of temporary security gates and fencing. Located within the Kilcock Architectural Conservation Area (ACA).
Location	Shalom Nursing Home Church Street, Kilcock, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2560841
Applicant(s)	Frostbreak ULC
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party
Appellant	Frostbreak ULC
Observer(s)	Damien Brannick Mark Fitzgerald Matt Hooper Rajibul Hasan Aidan Corkery Louise Sotiriadis

Gillian Bracken & Emer Lawless
Keith Walsh
Leon Sharkey
Vedrana Makek Biondic
Michelle Linnane
Nadine Armstrong
Barry Twohig
Siobhan Kelly-Carroll
Jennifer Wyer
Sean Devlin
Sinead Daly
Ray Dully
Gerry Pidgeon
Irene & Kevin Byrne & Others
Éoin White
Kevin Brannick
Rosanna Duignan

Date of Site Inspection

23rd June 2026

Inspector

Matthew O'Connor

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Appendix 1: Form 1 EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is 0.460ha and located at 'Shalom' a former Presentation Convent, on Church Street (R-148) in Kilcock, Co. Kildare. The site is irregularly shaped and comprises the main eleven-bay three storey detached building and attendant grounds. The site fronts Church Street and is bounded by St. Coca's Catholic Church to the immediate southeast (side), St. Coca's National School to the northeast (rear) and the Deans Court housing development and a commercial business to the north (side). Given its location within the urban area of Kilcock, the prevailing uses in the immediate vicinity include a variety of commercial businesses such as shops, professional service, take aways/restaurants and pubs; residential; and, community services.
- 1.2. The building on the subject site is listed as a Protected Structure (Ref. No. B05-40) in the Kildare County Development Plan 2023-2029 and has the description of 'Convent'. This building is also listed on the National Inventory of Architectural Heritage (NIAH) and has a Regional rating (Ref. No. 11802020). The appeal site is located within the Kilcock Architectural Conservation Area. The subject site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The subject development seeks retention for the following at Shalom Nursing Home – a Protected Structure:
- Retention permission for a 1-year period for removal of railings/gates and the erection of temporary security gates and fencing to the front of the site; and,
 - Retention permission of a gate and fencing to front, side and rear of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused retention permission for the proposed development for the following reason:

- 1. Having regard to the proposal which seeks to retain for a period of 1 year the removal of railings / gates and the erection of temporary security gates and fencing to the front, side and rear of a protected structure, (RPS No: B05-40*

former Presentation Convent) and which is within the designated Architectural Conservation Area for Kilcock, it is considered that the development, if permitted would negatively impact on the character of Kilcock Architectural Conservation Area and would fail to comply with specific policies and objectives in both the Kildare County Development Plan 2023-2029 and the Kilcock Local Area Plan 2015-2021 which seek to ensure that development proposals do not adversely affect the character of a protected structure or the setting of a protected structure and to discourage any development that would adversely affect the character of the Architectural Conservation Area. The proposed development would therefore be contrary to Objectives AHO20, AHO21, AHO32, AHO41 and AH65 of the Kildare County Development Plan 2023-2029 and Objectives HC6, HC12, HC13, HC14, HC 15 and HC16 of the Kilcock Local Area Plan 2015-2021 and therefore would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The Planner's Report had regard to the submitted documentation, locational context of the site, planning history on the site, relevant sections of the Development Plan and inter departmental/referral reports received.
- The assessment primarily considered the principle of development and the architectural heritage impacts.
- Planning Authority noted the former Presentation Convent is listed as a Protected Structure and is of 'Regional' significance the National Inventory of Architectural Heritage (NIAH).
- Planning Authority noted the entrance to the convent which is subject to this permission was granted in 1994.
- The installed gates and fences are intended to be temporary for 1 year and it is envisaged that the applicant will apply for a further planning permission with new permanent gates comprising high-quality Victorian style metalwork.

- It was noted that the removed railings are stored on site and the applicant intends to apply for permission for new iron railings of a more secure design but which are complementary to the character of the Protected Structure.
- Planning Authority noted the comments of the Architectural Heritage Assessment Report which concluded that the works to be retained do not impact in a significantly/ gravely negatively impact the character of the Protected Structure or its setting. However, as the site occupies a Protected Structure within an ACA, it was contended that the removal of features forming part of the built fabric of the Protected Structure with lower quality materials would detract from the Protected Structure's character and is unacceptable and contrary to provisions of Development Plan and LAP. Therefore, the principle of the development is unacceptable.
- Whilst noting the 1-year temporary arrangement for the retention of the works, the Planning Authority considered that the gates and railings negatively impact on the character of the Protected Structure with the submitted Architectural Heritage Assessment Report also noting the proposal would not be appropriate as a permanent solution.
- Planning Authority had serious concerns that permitting temporary permission would set a poor precedent in the historic core of Kilcock and the ACA.
- Planning Authority considered the development as being contrary to the policies and objectives in the Development Plan, namely Objectives AHO20, AH021, AH032 and AHO41 in relation to Protected Structures; and, policies and objectives regarding ACA's as set out in the Development Plan and the LAP namely Objective AHO66 (CDP) and Policies HC13 and HC16 (LAP).
- No concerns raised in respect on Appropriate Assessment or Environmental Impact Assessment.

3.2.2. Other Technical Reports

- Municipal District Engineer – No objection, subject to conditions.
- Water Services – No objection, subject to conditions.
- Environment – No objection.

- Transportation – No objection.
- SPPR – No comment.
- Chief Fire Officer – No objection
- Heritage – No response received.
- Enforcement – Warning Letter issued Ref. UD8830

3.3. **Prescribed Bodies**

- Uisce Eireann – No response received.

3.4. **Third Party Observations**

3.4.1. According to the Planning Officer's Report, a total of 63 no. third party observations were submitted in relation to the subject development. The issues of concern relating to the development were summarised by the Planning Authority as follows:

- Serious concerns regarding the impact of the development on the Architectural Conservation Area (ACA) for Kilcock, e.g. increase intensity of use, alterations to façade, installation of modern fittings incompatible with historic streetscape.
- Proposed development conflicts with Objective ACA01 of the CDP 2023-2029, which seeks to "Ensure that all development within Architectural Conservation Areas preserves and/or enhances the special character and distinctive built heritage of the area."
- Non-Compliance with Kilcock ACA Guidelines - The Kilcock ACA Statement of Character identifies the town's traditional building lines, original timber sash windows, limestone boundary walls, and historic shopfronts as defining elements. The proposed works undermining these characteristics through [example: removal of original features, inappropriate alterations, modern materials incompatible with the ACA's historic fabric].
- The works in question have been undertaken on a site of significant historical and architectural importance. The site in question is protected under both national legislation and local planning policy. That such a site has been subject to unapproved alterations is deeply concerning. These are not minor

or incidental works: it is argued that they have altered the character of a heritage site that forms part of Kilcock's historical fabric.

- Concern the proposed development represents a material change of use.
- The application for retention fails to acknowledge other apparent changes to the façade of the building, in particular the reported loss of a historic stone cross from over the main entrance of the building. It is requested that the Council seek to clarify the total scale of works undertaken on site to date and whether they should have been subject to a Section 5 declaration or formal planning permission, in line with the obligations for protected structures.
- Concerns that permitting the development would set a poor precedent for similar unsuitable development in the ACA.
- Concerns raised that Kildare County Council appear to be failing in their statutory obligation under the Planning and Development Acts to prevent and halt ongoing works at this site which are in clear breach of planning regulations and which materially affect the character of the Kilcock ACA.
- Concerns that the development is visually obtrusive and not in keeping with the character of the area or the protected structure.
- Concerns that the scale and intensity of the proposed use would lead to increased traffic movements, on-street parking demand, noise, and waste generation, adversely impacting neighbouring properties and the residential amenity of the area. - This is contrary to Policy ACA3 of the County Development Plan, which seeks to control developments that would adversely impact the environmental quality and character of ACAs.

4.0 Planning History

4.1. The following planning history is associated with the appeal site:

26/60134 Application for retention permission for the removal of railings / gates to the front of the site (southwestern side). Permission is sought for the removal of existing unauthorised fences / gates and the erection of new, permanent gates and fencing. This includes: - Gates to the front (southwestern side) and rear (northeastern side) of the site; -

Fencing to front, side and rear (southwestern, southeastern and northeastern side) of the site; - Part demolition of the wall adjacent to front gate; and - All associated landscaping and ancillary works. Status: Further Information requested on 2nd April 2026.

09/643 Permission GRANTED for 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. Applicant: Presentation Sisters.

01/1205 Permission GRANTED for internal work for conversion of 2nd floor of existing building to nursing use from residential use. Applicant: The Presentation Sisters.

94/931 Permission GRANTED for construction of a new vehicular entrance and for 2 enclosed external 3 storey staircases. Applicant: The Presentation Sisters.

89/1431 Permission GRANTED for 'alts and extension comprising new entrance porch, accommodation in the roof space and new windows and dormer windows in the community house etc.....'. Applicant: Presentation Sisters.

4.2. The Planner's Report indicates the following enforcement history on the site:

UD6628 – Case Closed. No further details provided.

UD7755 – Case Closed. No further details provided.

UD8830 – An enforcement warning letter was issued on the 20/06/2025 in relation 1. "Replacement of gates to front of site, erection of fencing to front, side and rear of site. 2. Ongoing works to Protected Structure (Ref B05-40) to include but not limited to wall lining, electrical and plumbing works"

Section 160 High Court Proceedings taking place from a 3rd party with Kildare County Council a notice party.

4.3. The following Section 5 Declarations are also referred to in the Planner's Report:

ACP-324005-26 (ED1305) Questions referred by Kildare County Council under Section 5(4) of the Planning and Development Act, 2000 (as amended) to the Commission for determination: “(1) Whether the change of use of the ground and first floors of the building from use as a convent to use as accommodation for protected persons, is or is not exempted development. [Class 14(h)] (2) Whether the change of use of the second floor from use as a nursing home to use for the purpose of providing accommodation for protected persons, is or is not considered exempted development. [Class 14(h)] (3) Whether the change of use of the second floor of the building from use as a nursing home to use for the purpose of providing accommodation for international protection applicants is or is not exempted development. [Class 20F]”

Note: At time of writing Inspector’s Report, a determination is currently pending with the Commission.

ED1301 Declaration sought as to whether the installation of ESB Cabinet on northern side of property at Shalom Nursing Homes is exempted development.

The Planning Authority deemed the development as EXEMPT.

ED1267 Declaration sought IN RELATION to whether the internal works carried out including redecoration; maintenance of dilapidated heating services; maintenance of existing dilapidated electrical services including light fittings, fire alarms and lighting; replacement of shower/toilet sanitaryware and tiling in existing bathrooms; replacement of refrigerators with large walk-in fridge; replacement of broken fire glass and ironmongery to fire doors; and, whether the

reinstatement of the cross to front facade (damaged in 2025 storm), is or is not exempted development.

The Planning Authority deemed the development as EXEMPT.

ED1233 Declaration sought in relation to 'Change of Use from Nursing Home to accommodation for International Protection Applicants'.

The Planning Authority deemed the development as NOT EXEMPT.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Kildare County Development Plan 2023-2029 is the relevant Development Plan for the subject site.

5.1.2. Chapter 11 relates to 'Built and Cultural Heritage' and has an aim 'to protect, conserve and sensitively manage the built and cultural heritage of County Kildare and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations'.

5.1.3. Section 11.14 refers to Architectural Heritage and notes that the urban and rural areas of County Kildare contain a wealth of architectural and archaeological heritage. Section 11.5 relates to 'Protected Structures' and the following policy and objectives are of note:

Pol AH P6 Protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations.

Obj AH O20 Conserve and protect buildings, structures and sites contained on the Record of Protected Structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Obj AH O21 Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected

structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.

- Obj AH O23 Require an Architectural Heritage Assessment Report, as described in Appendix B of the Architectural Heritage Protection, Guidelines for Planning Authorities (2011), to accompany all applications with potential for visual or physical impacts on a Protected Structure, its curtilage, demesne and setting. This report should be prepared by a person with conservation expertise that is appropriate to the significance of the historic building or site and the complexity of the proposed works.*
- Obj AH O32 Ensure that new development will not adversely impact on the setting of a protected structure or obscure established views of its principal elevations.*
- Obj AH O34 Encourage high quality design in relation to planning applications that are made for the construction of extensions or new buildings affecting protected structures or older buildings of architectural merit not included in the RPS. The Council will have regard for the visual impacts on the setting and character of protected structures and/or buildings of architectural merit not included on the RPS, when considering applications on neighbouring sites.*
- Obj AH O41 Promote the retention of original or early building fabric including timber sash windows, stonework, brickwork, joinery, render and slate. Likewise, the Council will encourage the re-instatement of historically correct traditional features.*

Obj AH O43 Ensure that national guidelines and the principles of conservation best practice are followed in assessing the significance of a Protected Structure and in considering the impact of proposed development on the character and special interest of the structure, its curtilage, demesne and setting.

5.1.4. Section 11.18 relates to 'Architectural Conservation Areas' and the following objectives and action are relevant:

Obj AHO65 Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.

Obj AHO66 Ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Heritage Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.

Action AH A23 Have regard to DHLGH Guidelines and conservation best practice in assessing the character and significance of a historic town or urban area and the formulation of an ACA or in assessing development proposals relating to an ACA.

5.1.5. Chapter 15 relates to 'Development Management Standards' and sets out the criteria to ensure development occurs in an orderly and efficient manner. I consider that Section 15.17 – 'Built and Natural Heritage' is applicable and provides guidance in relation to Protected Structures (15.17.1.), Works to a Protected Structure (15.17.1.1), Development Within the Curtilage, Attendant Grounds and Setting of Protected Structures (15.17.1.2) and Development in Architectural Conservation Areas (15.17.2).

5.2. Kilcock Local Area Plan (LAP) 2015-2021

5.2.1. The Kilcock Local Area Plan 2015-2021 is expired, however it is considered to be relevant as it is stated on the Planning Authority's website that Kildare County Council will continue to have regard to the adopted Local Area Plans until it is reviewed or another plan made. The appeal site is zoned 'E' – 'Community and Educational' with an objective *'To provide for institutional, community and educational facilities'*.

5.2.2. Chapter 10 relates to 'Promoting Heritage and Culture' and the following policies and objectives are deemed relevant to the subject development in terms of promoting Sustainable Development in Conservation:

Pol HC 1 To protect and conserve the town's built heritage sustaining its unique significance, fabric and character to ensure its survival for future generations.

Pol HC 2 To seek the preservation of the built heritage of Kilcock that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the town.

Obj HCO 1 To promote pride and awareness of the importance and value of Kilcock's architectural and archaeological heritage, and manage interventions in such a way as to retain its character and special interest

5.2.3. Section 10.4.2 relates to 'Protected Structures' and the following policies are deemed relevant to the subject development given the status of the existing building on site:

Pol HC 4 To maintain and enhance the potential of protected structures and other buildings of architectural/historic merit which contribute to the cultural character and identity of Kilcock.

Pol HC 5 To ensure that development proposals do not adversely affect the character of a protected structure or the setting of a protected structure, where the setting is considered to be of importance.

Pol HC 6 To require that any alterations or interventions to protected structures are executed to the highest conservation standards in

order to protect their significance or value. Applications for development affecting a protected structure shall be accompanied by an assessment carried out in accordance with the Council's requirements, by an accredited conservation consultant.

Pol HC 10 To require the protection of the special interest and character of protected structures while carrying out interventions to comply with requirements of the building regulations and the necessity to provide universal access.

Pol HC 12 To encourage the protection retention, appreciation and appropriate revitalisation of the vernacular heritage of the town.

5.2.4. Section 10.4.3 relates to 'Architectural Conservation Areas' and the following policies are considered to be relevant to the subject development on account of the location of the site:

Pol HC 13 To protect the special interest and character of Kilcock's Architectural Conservation Area in the development management process.

Pol HC 14 To discourage any development that would adversely affect the character of the Architectural Conservation Area, and seek to prevent the demolition or partial demolition of any building or structure within the Architectural Conservation Area that contributes to its character

Pol HC 15 To require new development proposals within the Architectural Conservation Area assimilates sensitively into the existing built fabric and utilises the highest quality materials.

Pol HC 16 To require that development proposals within the Architectural Conservation Area appropriately conserves and protects features of the townscape such as stone walls, pillars, piers, stiles, bridges, kerbing, cobbles, gates, railings, wells, post-boxes, memorials, milestones, benchmarks, streetlights, manhole covers, ventilation pipes etc.

Pol HC 19 To identify and implement positive measures for the enhancement and regeneration of the historic core, to improve its image and sustain its character and authenticity.

5.3. National Inventory of Architectural Heritage

5.3.1. The subject building is listed on the National Inventory of Architectural Heritage (NIAH). The Register Number of the building is 11802020 and has a 'Regional' rating. According to the survey data on the National Built Heritage Service (NBHS), the building dates from between 1860 and 1880 and its original use was as a Convent/Nunnery. The description and appraisal of the building is set out below:

Description:

Detached eleven-bay three-storey Gothic-style convent, c.1870, on an irregular plan retaining early fenestration with single-bay full-height gabled advanced entrance bay to centre having single-bay single-storey gabled projecting porch to ground floor, single-bay three-storey return to rear to north-east and two-bay three-storey return to rear to east. Extended, c.1925, comprising single-bay three-storey lower projecting bay to return to east. Hipped roof on a U-shaped plan with slate (gabled to entrance bay and to porch; hipped to return to north-east; gable-ended to additional projecting bay to return). Decorative crested ridge tiles. Red brick chimney stacks. Cast-iron rainwater goods on eaves course. Roughcast walls. Unpainted. Red brick dressings including quoins to corners and string/sill courses to first floor. Paired lancet-arch window openings to ground floor in lancet-arch frames having chamfered sills, red brick block-and-start surrounds and pierced openings to arches. 1/1 timber sash windows with fixed-pane lancet heads. Square-headed window openings to first floor in pointed-arch frames having stone sills, red brick block-and-start surrounds, moulded archivolts and carved stone panels to heads. 2/2 timber sash windows. Shallow segmental-headed window openings to top floor and to remainder. Stone sills. Red brick surrounds with cut-stone dressings. 1/1 and 2/2 timber sash windows. Cut-stone traceried window to entrance bay and to return to north-east in lancet-arch frame. Red brick block-and-start surrounds. Red brick detailing to arch. Trefoil-headed

openings to entrance bay (square-headed and pointed-arch to return). 1/1 timber sash windows to entrance bay (fixed-pane windows to return). Segmental-headed door opening in pointed-arch surround. Red brick block-and-start surround with hood moulding over. Timber panelled double doors. Overlight. Set back from road in grounds shared with Catholic church. Tarmacadam forecourt to front. Attached eight-bay single-storey range with half-dormer attic, c.1925, to north-east retaining most early fenestration with single-bay single-storey gabled projecting porch and single-bay single-storey lean-to end bay to north-east. Part refenestrated, c.1990. Gable-ended roof with slate (gables to half-dormer attic windows; gabled to porch; lean-to to end bay). Crested red clay ridge tiles. Red brick chimney stacks. Square rooflight, c.1990. Overhanging timber eaves and bargeboards. Cast-iron rainwater goods. Roughcast walls. Unpainted. Red brick dressings including quoins to corners. Square-headed openings to ground floor with shallow segmental-headed window openings over in recessed panels having red brick block-and-start surrounds and red brick panel between openings. Replacement uPVC casement windows, c.1990, to ground floor. 2/2 timber sash windows to first floor. Nun's burial ground to south with cast-iron grave markers, c.1870-present.

Appraisal

Shalom Presentation Convent is 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. Built in the Gothic style, the convent reflects the appearance of and complements the Catholic church located to south-east. Composed as an almost symmetrical range, the front (south-west) elevation is a highly attractive ornate design, and the juxtaposition of roughcast with red brick dressings is a rare example of polychromy in Kilcock. The convent retains most of its original features and materials, including early red brick, a slate roof with cast-iron rainwater goods and timber sash fenestration. The carved stone and red brick/terracotta detailing, most notably to the window openings, is a fine example of the high quality of stone masonry and craftsmanship practised in the locality. Set just off the side of the road, 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. Located to south, the attendant nun's burial ground is also of interest and contains simple iron grave markers in the form of Celtic Crosses, which are of some artistic interest.

5.4. National/Regional Plans/Policies

- *Project Ireland 2040 - National Planning Framework (NPF), 2018-2040*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

5.5. National Guidance

- *Final Draft Revised National Planning Framework (2025)*
- *Architectural Heritage Protection: Guidelines for Planning Authorities (2011)*
- *Development Management: Guidelines for Planning Authorities (2007)*

5.6. Natural Heritage Designations

- 5.6.1. The appeal site is not located within or immediately adjoining any designated Natura 2000 sites. The nearest designated sites are Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398) which is located approximately 6.3km to the east of the site; the Ballynafagh Lake Special Area of Conservation (Site Code: 001387) which is located approximately 12.93km to the southeast of the site; and, the Ballynafagh Bog Special Area of Conservation (Site Code: 000391) which is located approximately 13.26km to the southeast of the site. The appeal site is also 0.15km to the northeast of the Royal Canal (Site Code: 002103) proposed Natural Heritage Area (pNHA).

6.0 EIA Screening

- 6.1. The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended or Part V of the 1994 Roads.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The First Party appeal has been prepared on behalf of the applicant against the Planning Authority's decision to refuse retention. The grounds of appeal are summarised as follows:

- Application was prepared on foot of a Warning Letter (UD8830) and the application has now received an Enforcement Notice.
- Site context and planning policy are set out.
- Development is temporary in nature while a permanent high-quality solution is advanced. The gates and fences are intended to be temporary for 1 year and the applicant will apply for further permission as soon as possible with permanent gates to comprise high-quality Victorian style metalwork
- Gates and fences were necessary due to incidents of property damage/trespassing which threaten the security of the building and obligations of owner to protect the building.
- Removed railings have been stored on site and it is intended to apply for permission for new iron railings of a more secure design which compliment the Protected Structure.
- Applicant has engaged a Conservation Architect to advise a high-quality solution for the site.
- Proposed development does not impact on the character of the ACA or the setting of the Protected Structure.
- The gates removed were modern design and not of any particular quality with modern stone walls and piers and the building is not hindered from view.
- Gates are setback from the streetscape and the Conservation Architect's report states that the significance of the front boundary must be considered in light of alterations which took place post 1970
- No demolition/partial demolition of any building/structure within ACA which contribute to its character has been carried out.
- The Conservation Architect's report states that the boundary is o a reasonable height and doesn't impact views or on the character of the mains facades. The temporary works do not impact in a significant or gravely

negative way on the character of the Protected Structure or its setting but the proposals could not be considered as a permanent solution.

- The works do not prevent views within the ACA or obscure views of the Protected Structure.
- No original fabric was removed as part of the application. Gates and entrance were constructed post 1970 and are not part of the original front boundary. They could not be considered to have a grave negative impact on the front setting.
- In addressing the policy provisions set out in refusal reasons, the works are temporary in nature and do not directly impact the building itself, works are within curtilage of Protected Structure but did not remove original fabric, gates are setback from streetscape preventing wider view, non-original features were removed which are post-1970 walls and piers, no alterations or removal of historic fabric of Protected Structure was carried out as part of this application and no demolition or partial demolition of buildings within ACA was carried out.
- A response has been provided to the Third Party submissions:
 - The application seeks to address Item 1 of Warning Letter regarding replacement of gates and fences. Whilst Section 5 Declaration (ED/1267) addresses Item 2 regarding ongoing works to Protected Structure to include but not limited to wall lining, electrical and plumbing works.
 - In terms of Heritage considerations, no original fabric/features were removed, and the installed gates/fences are intended to be temporary for 1-year period.
 - No changes to the façade are included and the gates are setback from streetscape and do not prevent views within the ACA.
 - The Section 5 Declaration request under ED/1267 included reinstatement of cross on front façade which was damaged during a storm.
 - There is no change of use proposed as part of this application. The authorised use of the ground and first floors remain as a convent and the second floor is a nursing home. The building is not presently in use.

- Applicant has engaged with Kildare County Council to address enforcement concerns.
- Application has been prepared specifically in relation to the installed fences and gates and it is not anticipated that there will be any similar development on the site.

7.2. Planning Authority Response

7.2.1. A response from the Planning Authority has been received on file and states that 'the Planning Authority confirms its decision and asks that you please refer to the Planners' Report, reports of the various technical departments and prescribed bodies reports in relation to the assessment of this planning application'.

7.3. Observations

7.3.1. A total of 23 no. observations were received in respect of the subject development. The issues raised in the observations are summarised as follows:

Sinead Daly

- Objects to proposed IPAS Centre at Shalom Convent.
- Development will effect every school in Kilcock from capacity to safety, resources to community cohesion.
- The IPAS Centre would be between two of the principal schools where children play.
- Location is unsafe for an IPAS Centre.

Gillian Bracken & Emer Lawless

- Kildare County Council's decision to refuse permission should be upheld.
- Shalom is of huge historical, architectural and local value to the people of Kilcock and the building's architecture, walls, gates and environs must be preserved in their original condition.
- The building is a unique heritage structure in the centre of the town located next to schools and churches and the Board has a duty to protect it from adverse development focusing mainly on commercial gain and the detriment of the surrounding area.

Louise Sotiriadis; Rosanna Duignan; Damien Brannick; Ray Dully (essentially same); Michelle Linnane; Eoin White; Irene & Kevin Byrne & Others; Sean Devlin; Gerry Pidgeon; Siobhan Kelly-Carroll; Nadine Armstrong; Barry Twohig; Jennifer Wyer; Leon Sharkey; Vedrana Makek Biondic; Keith Walsh; Rajibul Hasan; Mark Fitzgerald; and, Aidan Corkery

- Development will impact on Kilcock ACA.
- Section 81 of P&D Act 2000 (as amended) requires that all development within an ACA preserve or enhances its character.
- The proposed change of use and alterations would materially affect the character of Kilcock ACA.
- Proposal conflicts with Objective ACA01 of CDP.
- Proposed conversion represents a material change of use which is not exempt under planning regulations where an ACA is concerned.
- Scale and intensity of proposal would lead to increased traffic movements, parking demand, noise, waste generation and adverse impacts on neighbouring properties/residential amenity which is contrary to Objective ACA3 of CDP.
- The Kilcock ACA statement of character identifies the towns traditional building lines, original features and shopfronts. The proposed works risk undermining these characteristics
- Allowing this application would set a precedent for further unsuitable conversions within the Kilcock ACA and erode its special character/historic interest.
- Rebuttals to the points made in the first party appeal are set out as follows:
 - The Council provided grounds for refusal and cited several planning violations.
 - The railing is in place since April 2025 so when will a permanent design be available. It is believed to be a deliberate tactic by the applicant to get approval for the temporary structure which will become permanent.

- The gate removed were the same as the original church gates and complimented the streetscape and were fixed to a protected structure. Works were carried out within the building and grounds whilst under a High Court Enforcement order.
- There are currently people living in Shalom in rooms rented out on a short-term basis.
- The applicant has flouted every planning law up to this point.
- The building is a marvel of architecture in an otherwise bland architectural landscape and is of pride/significance in the community.
- It is insulting to say that the fence and railings is to protect the building when the applicant has carried out numerous works and damaged the building.

Matt Hopper

- The removal of traditional boundary railings and replacement with heavy motorised gates and industrial-style fencing were carried out without permission.
- The applicant's subsequent retention application was correctly refused on the basis that the works are incompatible with both the character of the protected structure and the ACA.
- Applicant seeks to justify works retrospectively through claim of "temporariness" and "security necessity" but neither defence withstand scrutiny.
- The claim of "temporary" is not credible. The motorised operation, fixed foundations and quality of fabrication is not in keeping with a temporary measure and could be interpreted for long-term use rather than temporary security measures.
- The P&D Acts 2000 (as amended) do not provide exemption for temporary works which materially alter the character or setting of a protected structure or ACA. Under Section 57(1), any alteration requires express permission.
- No evidence provided of exceptional circumstances or immediate threat submitted and Kilcock is a low crime area.

- If there were genuine security concerns, Section 57(10) allows for urgent safety works with notice to the P.A. this procedure was not followed.
- The works do not appear to be temporary nor justified as emergency measures and the applicant's narrative appears to be post hoc rationalisation for unauthorised development.
- Works materially alter the character/ setting of ACA and Protected Structure.
- The railings maintained visual permeability and continuity with adjacent convent and church grounds.
- The replacement structures create a visually discordant and defensive frontage which is out of keeping with the areas civic and religious character.
- The motorisation and modern detailing further accentuate their incongruity.
- The impacts are directly in conflict with Objectives AH020, AH021, AH032 and AH065 of the Kildare County Development Plan 2023-2029 and Objectives HC13-HC16 of the Kilcock Local Area Plan 2015-2021.
- Applicant's claim gates are set back and not visible from street is not correct and these structures have an unmistakeable visual impact on the ACA.
- The loss of boundary features undermines the site's architectural coherence. While it is states the gates dated from the 1970s the age of the boundary feature is not the sole determinant of heritage value.
- The Architectural Heritage Guidelines make it clear that the curtilage and setting of a protected structure are integral to its significance.
- The removal of established gates and railings which formed part of the visual rhythm of the streets has diminished the architectural unity of the site.
- The applicant's Conservation Consultant acknowledges that the works are not of a high architectural quality and not appropriate as a permanent solution which supports the Planning Authority's refusal.
- Developer proceeded with unauthorised works on a protected site and responded only after a Warning Letter and Enforcement Notice were issued which demonstrates a disregard for the statutory planning process which exists to safeguard Ireland's built heritage. Granting retention would send the wrong signal to other property owners within the ACA and undermine the integrity of the projection regime.

Kevin Brannick

- Relates to Section 5 referral/exemption declaration and the question arising as to whether existing unauthorised and ongoing development works being carried out inside and outside the building constitute development and is or is not exempted development under the P&D Act 2000 (as amended) and the P&D Regs 2001 (as amended).
- Background on Section 5 Exempted Development application by applicant is provided. No guarantee that permission will be granted under Reg. Ref. 25/60841 and that the planning status of works on the site will need to be regularised. No evidence available in planning history that the building has been in use as a nursing home.
- Legal basis for the Section 5 is set out along with validation and contents.
- A site context and description is provided.
- Protected bats may be present on the site. No survey has been carried out and disturbance is a prosecutable offence.
- The property is privately owned by Frostbreak Unlimited and the Department of Children, Equality, Disability, Integration and Youth received an offer to use the site as an accommodation centre for International Protection Applications however it was subsequently confirmed that it is no longer under consideration for use as IPAS accommodation.
- A background to the Section 5 refers to site planning and enforcement history.
- In relation to the subject development, it is contended that the application is a carefully managed attempt to draw the Planning Authority into granting retention of all unauthorised development (use and works) under the cover of a modest planning application for the removal of railings/gates and the erection of temporary security gates and fencing to the front of the site, a gate and fencing to the front, side and rear of the site and all ancillary works.
- Reference is made to ED1233 (Section 5) where Kildare County Council found that a nursing home would fit within Class 20F and that a convent is not used for public worship and that the convent part of the building would not fit any other class in Class 20F.

- It was further considered that the changing of use of the building for accommodation for IPAS constitutes development as defined in section 3(1) of the P&D Act 2000 (as amended) and is not exempted development.
- The owner of the site and applicant state under the current application that the entire building began to be used as a nursing home in 2009.
- Unauthorised works to the building have been subject to planning enforcement complaints.
- Concern is raised that the applicant has not included all areas of development for which retention is required.
- It appears additional works have been carried out and there are discrepancies between older planning drawings.
- Site zoning and associated planning policy provisions is outlined.
- Review of works undertaken and ongoing at the building include installation of gates, fencing, paladin style fencing (included with Reg. Reg. 2560841). It is unclear why these works progress with a live application.
- Internal works have not been included with the application which include a kitchen and storage room parts, new piping, installation of CCTV, erection of an ESB substation.
- Statutory provisions under Sections 2, 3, 4, 57, 160 of the P&D Acts 2000 (as amended) are set out.
- Statutory provisions under Articles 5, 6, 9 and 10 and Schedule 2 of the P&D Regs 2001 (as amended) are set out.
- In considering the question, the building is not entirely a nursing home, drawings submitted with previous applications are not consistent with layouts altered, names to rooms and reconfiguration of space.
- The subject planning application does not address to matters raised in the Warning Letter from Kildare County Council.
- The development is not exempted as the provisions in the Act do not apply to the property due to its protected structure and likely presence of bats. The development is not exempt under the Regulations as exempted provisions do not apply due to the non-compliance of planning conditions pertaining earlier permissions, its location within an ACA and likely presence of bats.

- The onus is on the applicant to prove the development constitutes exempted development.
- No exempted development rights apply to the property under Sections 57 and 4(4) of the P&D Acts 2000 (as amended).
- No exempted development rights apply to the property under the P&D Regs 2001 (as amended). Section 4(4) of the P&D Acts 2000 (as amended) restrict the rights and Article 9 restrictions on exempted development apply in this instance.
- Recommends that Kildare County Council should decide the Section 5 that the unauthorised works and ongoing works constitute development and do not constitute unauthorised development.

8.0 **Assessment**

- 8.1. Having examined the application details and all other documentation on file, the report of the Planning Authority, the observations received, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the principle consideration in the determination of this appeal is the nature of the works to be retained and their affects on the character/setting of the Protected Structure (Ref. No. B05-40 with the description of 'Convent') and the Kilcock Architectural Conservation Area.
- 8.2. The subject works for consideration in this appeal include a number of elements within the curtilage of a Protected Structure and I shall provide a brief description in the interests of clarity. The non-original railings/gates at the main entrance to the site from Church Street have been removed and replaced with security gates comprising a pair of vehicular gates 2.73 metres wide and standing at a height of 1.5 metres. The vehicular gates are flanked on either side by pedestrian gates each 0.82 metres wide and some 1.935 metres in height. The stated specification provided for the new gates is *'40mm x 80mm galvanised black painted metal frame with 10mm diameter infill vertical railings spaced at 100mm centres. Top of rail with loop-top detail'*. The specification for the railings is largely similar to that of the gates. I note that the gates/railings are metal. I note the submitted Site Layout Plan refers to "dotted Line indicating new 2m high weldmesh enclosing fence" along the front (southwest) and side (south/southeast) of the appeal

however, no elevations or sections have been provided of this particular feature on the planning drawings. I observed this paladin-type security fencing in situ during my inspection. There are new gates and railings to the side (south) of the existing building and adjacent to the shared area/space with the neighbouring church. The gates are approximately 3 metres wide and 1.85 metres in height. The associated railing is also 1.85 metres in height and laid out in an 'L' shape on a triangular shaped parcel of grass next to the building. The length of the railing has not been clearly indicated but I estimate it to be approximately 16-18 metres in length. There is also a pedestrian gate at the end of the railing which is 1 metre in length. The specification for the gates and railings is similar to that of the gates at the front of the site. There are also new railings and a pedestrian gate to the rear (east) of the existing building. The railings and gate are 1.85 metres in height and laid out in a straight line. The primary section of railing is approximately 10.385 metres in length with the gate being 1 metre wide gate and another short section of railing approximately 1.1 metres in length. The specification is the same as the other gates/railings to both the front and side.

- 8.3. I have had regard to the Architectural Heritage Assessment submitted with the application. The report sets out the description and appraisal of 'Shalom' as pertained in the NIAH and acknowledges that the building and its ground have a significance. I note the report states that the gates removed were neither original or good replica fabric and occupied a splayed entrance constructed post-1970. The report concluded that the works to be retained temporarily for 1-year do not impact in a significant or gravely negative way on the character of the Protected Structure or its setting. However, it is also stated in the report that the proposals could not be considered appropriate as a permanent solution and it is welcome that further proposals are to be submitted imminently to address this.
- 8.4. In noting the nature and extent of the works to be retained and the accompanying particulars submitted with the application, I refer to the policy context of the Kildare County Development Plan 2023-2029 and note that Objective AH O20 seeks to conserve and protect buildings on the Record of Protected Structures. In addition, Objective AH O21 seeks to protect the curtilage of protected structures and refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a

protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Developments in the curtilage/attendant grounds must demonstrate it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim. Moreover, Objective AH O32 seeks to ensure new development will not adversely impact on the setting of a protected structure or obscure established views of its principal elevations. Additionally, Objective AH O41 seeks to promote the retention of original or early building fabric and encourage the re-instatement of historically correct traditional features. Furthermore, Objective AH O65 seeks that any development/modifications/alterations/extensions within an ACA are sited and designed appropriately and not detrimental to the character of the structure or to its setting or the general character of the ACA.

- 8.5. I also refer to the policy provision of the Kilcock Local Area Plan 2015-2021 and note that Policy HC 6 requires that alterations/interventions to Protected Structures are executed to the highest conservation standards in order to protect their significance or value. Policy HC 12 seeks to encourage the protection retention, appreciation and appropriate revitalisation of vernacular heritage of Kilcock. In addition, Policy HC 13 seeks to protect the special interest and character of the Kilcock ACA in the development management process whilst Policy HC 14 seeks to discourage development that would adversely affect the character of the ACA. Furthermore, Policy HC 15 requires new proposals in the ACA to assimilate sensitively into the existing built fabric and utilise the highest quality materials. Also, Policy HC 16 requires development proposals in the ACA to appropriately conserve and protect features of the townscape.
- 8.6. In considering the above, whilst I acknowledge that there has been no loss of original fabric in terms of the removal of the earlier gates/railings and the elements seek retention for a temporary period of one year; I am not satisfied that the retention of the gates, railings and fences throughout the subject site have been sensitively considered. In my view, the proposed gates and railings to the main entrance from Church Street would have an adverse impact on the character and setting of the grounds of the Protected Structure and its principal façade/elevation. The set back of the entrance is not, in my opinion, a mitigating

factor nor is the applicant's argument that the gates and railings replaced non-original features at this location. I have formed this view as the policy provisions of both the Development Plan and the Local Area Plan are robust in supporting the refusal of planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure and require that new development within the Kilcock ACA assimilates sensitively into the existing built fabric and utilises the highest quality materials. I do not consider that the gates, railings and paladin-type security fencing contribute to or compliment the street setting or front curtilage of the appeal site in any meaningful way and are therefore inappropriate.

- 8.7. Similarly, I do not consider that the other features to be retained as part of this development are acceptable. Whilst I acknowledge that the works to the side and rear elevations of the subject building are largely screened from public view along surrounding roads/streets in Kilcock; in considering any development to a building of architectural significance, I am of the view that such an assessment of any development is not solely restricted to a building façade but extends to the entirety of the structure. To this end, I am of the view that the erection of the particular gates and railings immediately adjacent to/abutting elevations of the building negatively impact on the character and setting of the Protected Structure due to their design and composition. These gates and railings, indicated as being necessary as a result of alleged incidents of property damage, trespassing and security of the building, do not, in my view, compliment or enhance the architectural character and heritage significance of the Protected Structure. As such, I do not consider that adverse negative impacts arising can be supported in this instance and it is also my opinion that the intended timing or duration of these features is not a sufficient rationale for justifying retention. I also note that this Architectural Heritage Assessment prepared on behalf of the applicant is resolute in stating that the subject works could not be considered appropriate as a permanent solution for the subject site.
- 8.8. In addition, notwithstanding the submission of the aforementioned Architectural Heritage Assessment, it is my view that no meaningful assessment of the gates, railings and fencing to be retained has been provided to demonstrate that these works are part of an overall strategy for the future conservation of the subject

building or how these works contribute positively to the aims of the Development Plan in terms of protecting the curtilage of protected structures from inappropriate development.

As a further point, I also note that the submitted drawings have not accurately or fully demonstrated the extent of works to be retained. The statutory development description makes reference to fencing and the submitted Site Layout Plan refers to a *“Dotted Line indicating new 2m High weldmesh enclosing fence”* in the front curtilage area of the subject building. However, no elevations/sections were provided with the application. In my view, consideration of this paladin-type security style fencing is important in terms of how such development impacts on the curtilage/attendant grounds of the Protected Structure and I do not consider that the submitted planning drawings have shown an accurate representation of how the development to be retained would appear in the front curtilage area of the subject site. Whilst I note that part of the fencing is set behind hedging and mature planting in the front curtilage area of the appeal site; it is my opinion that such security style fencing, irrespective of its precise location or intended temporary timeframe, would be inappropriate in terms of generic security-style design and would not be in keeping with the character or setting of either the Protected Structure or the Kilcock Architectural Conservation Area.

- 8.9. Having regard to the above, I consider that the gates, railings and fencing to be retained as part of this development are unsympathetic and would have a negative effect on the subject building, its character, context, and overall setting as a Protected Structure within an Area of Architectural Conservation. It is also my opinion that development to be retained would be at variance with the provisions of the Kildare County Development Plan 2023-2029, particularly Objectives AH O20, AH O21 AH O32, AH O41 and AH O65 of the Development Plan; and, Policies HC 6, HC 12, HC 13, HC 14, HC 15 and HC 16 of the Kilcock Local Area Plan 2015-2021 insofar they respectively relate to protecting the setting and curtilage of Protected Structures from inappropriate development and that development within ACA's are appropriately designed and considered. Therefore, I recommend that retention be refused.

9.0 Appropriate Assessment (Screening)

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject development seeks retention permission for a 1-year period for the removal of railings/gates and erection of temporary security gates and fencing to the front of the site; and, a gate and fencing to front, side and rear of the site. The appeal site is located in a rural area and is not located within or immediately adjoining any designated Natura 2000 sites.
- 9.2. The subject site is approximately 6.3km from the nearest designated site which is the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398). I note that other European Sites within 15km of the site include which include the Ballynafagh Lake Special Area of Conservation (Site Code: 001387) and the Ballynafagh Bog Special Area of Conservation (Site Code: 000391).
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 9.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

- 10.1. There are no water courses on or adjoining the appeal site which is situated within an urban area in the settlement of Kilcock, Co. Kildare. The nearest waterbody to the appeal site is the Rye Water river which is approximately 165 metres to the east of the appeal at its closest point. The Royal Canal is some

150 metres to the southwest of the appeal site. The subject development seeks retention permission for a 1-year period for the removal of railings/gates and erection of temporary security gates and fencing to the front of the site; and, a gate and fencing to front, side and rear of the site. No specific water deterioration concerns were raised in the planning appeal. I have assessed the subject development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2. 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. The reason for this conclusion is as follows:

- The nature and scale of the subject works; and,
- The distance from nearest water bodies and lack of direct hydrological connections.

10.3. I conclude that on the basis of objective information, that the subject development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that retention be REFUSED for the following reason and consideration as set out below.

12.0 Reasons and Considerations

12.1. It is considered that the works to be retained, namely the gates, railings and security fencing would have a negative adverse effect on character, context, and overall setting of the Protected Structure (RPS. Ref. B05-40) and its associated location within the Kilcock Architectural Conservation Area. Whilst the Commission acknowledge the intended temporary duration for the works to be

retained, it is considered that the design, siting and composition of the works is appropriate for the sensitive heritage context and that the development fails to demonstrate that it forms part of an overall conservation led strategy for the Protected Structure. As such, the development to be retained would be contrary to Objectives AH O20, AH O21 AH O32, AH O41 and AH O65 of the Kildare County Development Plan 2023-2029; and, Policies HC 6, HC 12, HC 13, HC 14, HC 15 and HC 16 of the Kilcock Local Area Plan 2015-2021 insofar they respectively relate to protecting the setting and curtilage of Protected Structures from inappropriate development and that development within ACA's are appropriately designed and considered. The subject development to be retained would therefore be contrary to the proper planning and sustainable development of the area.

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

Matthew O Connor
Planning Inspector

20th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500056-KE
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Proposed Development Summary	PROTECTED STRUCTURE: Removal of railings / gates and the retention of temporary security gates and fencing. Located within the Kilcock Architectural Conservation Area (ACA).
Development Address	Shalom Nursing Home Church Street, Kilcock, Co. 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	The development is not a Class.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required		
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)		
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)?		
Yes ☐	Screening Determination required (Complete Form 3)	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)	

Inspector: _____ Date: _____