Comhairle Contae Chill Dara
Kildare County Council

AN COIMISIÚN PLEANÁLA
LDG- 086104-26.
ACP-
07 JAN 2026
Fee: € 110 Type: Card
Time: 14.10 By: hand

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

Kildare County Council Ref ED1305
Received 01/12/2025

07th January 2026

Re: Section 5(4) of the Planning and Development Act, 2000, as amended, - Exempted Development Declaration.

Dear Sir/Madam,

A Section 5, Exempted Development Declaration request was received by Kildare County Council on 01/12/2025 (Reference ED1305) seeking a declaration regarding a site at Shalom Nursing Home, Church Street, Kilcock, Co. Kildare on the following questions:

> *"(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]*

The Planning Authority notes the following in relation to the subject site:

The existing structure is a protected structure (B05-40) and listed within the NBHS (11802020). It is located within the Architectural Conservation Area of Kilcock, as provided for in the Kildare County Development Plan 2023-2029.

Section 57(1) of the Planning and Development Act 2000 (as amended) outlines the following regarding protected structures.
"the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest."

There is a current planning enforcement file on the subject site, Ref UD8830. An enforcement notice was issued in October 2025 relating to:

> *-Replacement of gates to front of site, erection of fencing and gates front, side and rear of site and all associated works.*
>
> *-Provision of electrical cabinet to the northern side of the property attached to the northern boundary stone wall and all associated works.*
>
> *-Provision of concrete base with water tanks thereon to the rear of the property and all associated works.*

Article 9 of the Planning and Development Regulations 2001 (as amended) outlines restrictions on exempt development, with part (viii) stating the following restrictions regarding unauthorised development:

""consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use."

Kildare County Council refused planning permission to Frostbreak ULC (Ref 25/60841) on the subject site for a temporary permission of one year for the removal of railings / gates and the erection of temporary security gates and fencing to the front (south western side) of the site; a gate and fencing to front, side and rear (south eastern and north eastern side) of the site; and all associated ancillary works. This decision has been appealed to An Comisiún Pleanála, Ref PL09.500056.

A Section 5 declaration of exempt development was sought under ED1301 in which Kildare County Council determined on the 22nd December 2025 that the installation of an ESB cabinet on the northern side of the property was exempted development under section 4(1) (g) of the Planning and Development Act 2000 (as amended).

Having regard to the foregoing, Kildare County Council considers that the questions posed in the Declaration request raise further considerations in this case:

- Can the applicant avail of two different planning exemptions, Class 14(h) and Class 20(f), for proposed changes of use on the same floor at the same time?

- Would the proposed change of use materially affect the character of (a) the structure, or (b) any element of the structure, which contributes to its special architectural, historical, cultural or social interest?

- Is the development not exempt having regard to active planning enforcement on the subject site?

Cognisant of the above, Kildare County Council, under Section 5 (4) of the Planning and Development Act, 2000 (as amended) refers these questions regarding Shalom Nursing Home, Church Street, Kilcock, Co. Kildare 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]"*

Yours Sincerely,

Carroll Melia

Carroll Melia
Senior Executive Planner
Kildare County Council

Jane O'Reilly

Jane O'Reilly
A/Senior Planner
Kildare County Council

Kildare County Council
Planning Department
01 DEC 2025
RECEIVED

Kildare County Council

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

Incomplete application forms will be deemed invalid and returned

All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname FROSTBREAK ULC Forenames
Phone No 01 6625803 Fax No N/A
2. Address 22 NORTHUMBERLAND ROAD,BALLSBRIDGE,DUBLIN 4

Section 2	Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname JOHN SPAIN ASSOCIATES Forenames N/A
Phone No 01 662 5803 Fax No
2. Address JOHN SPAIN ASSOCIATES, 39 FITZWILLIAM PLACE, DUBLIN 2, D02 ND61

Section 3	Company Details (if applicable)

1. Name of Company FROSTBREAK ULC
Phone No Fax No N/A
2. Company Reg. No 760415
3. Address 22 NORTHUMBERLAND ROAD, BALLSBRIDGE DUBLIN 4

Section 4	Details of Site

1. Planning History of Site PLEASE REFER TO THE ENCLOSED COVER LETTER PREPARED BY JSA
2. Location of Proposed Development SHALOM NURSING HOME, CHURCH STREET, KILCOCK, CO. KILDARE
3. Ordnance Survey Sheet No 3125-A
4. Please state the Applicants interest in the site OWNER

Please state the extent of the proposed development *[PLEASE REFER TO THE ENCLOSED COVER LETTER PREPARED BY JSA].*

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

Part 1 of Schedule 2 of the Planning and Development Regulations. PLEASE REFER TO THE ENCLOSED COVER LETTER PREPARED BY JOHN SPAIN ASSOCIATES.

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

(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]

Section 5	**The following must be submitted for a valid application**

(Please Tick)

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

Section 6	**Declaration**

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

Signature: Blaine Cregan

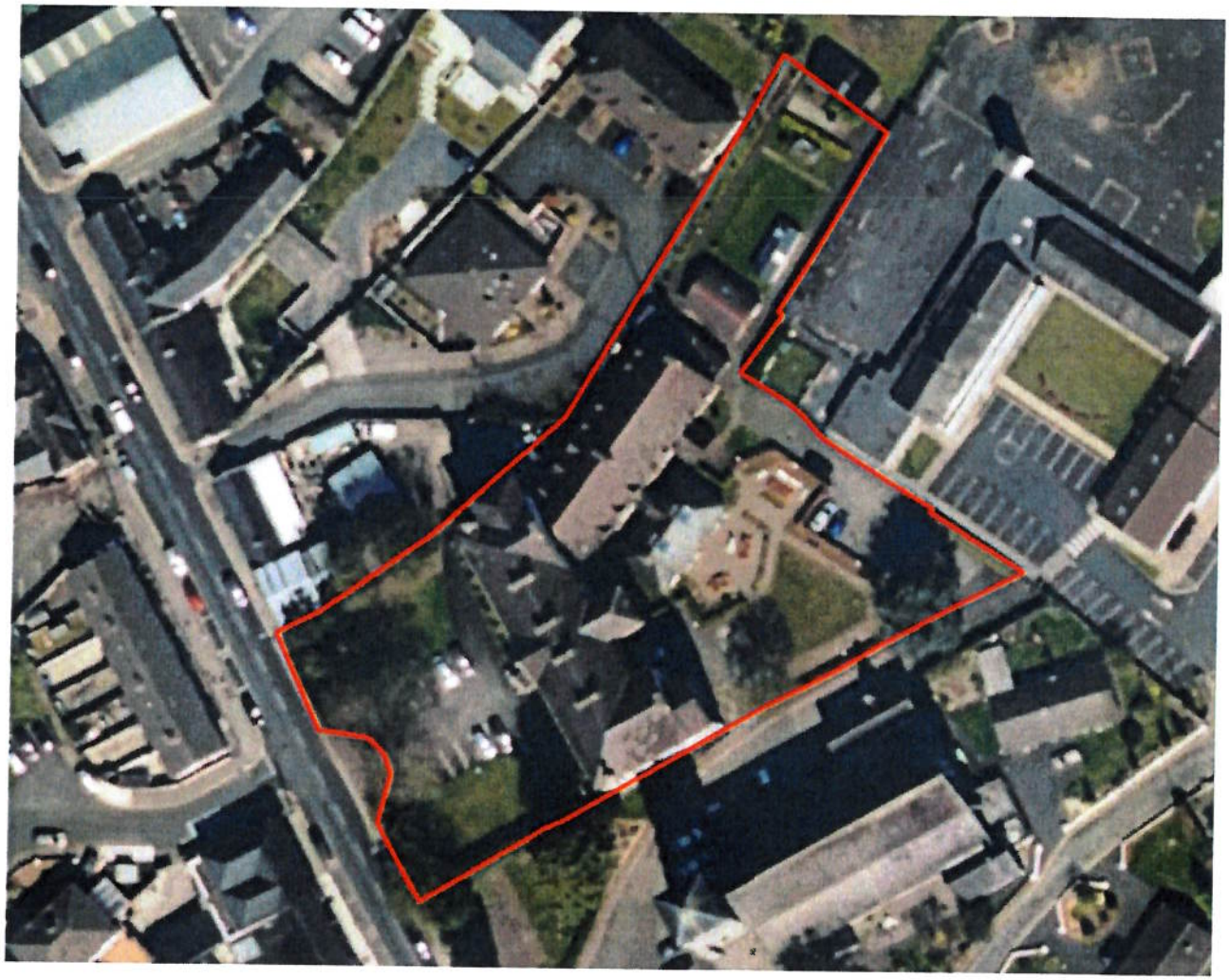
Date: **1st December 2025**

Kildare County Council
Planning Department
01 DEC 2025
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ALTEMAR

Marine & Environmental Consultancy

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



1st December 2025

Prepared by: Bryan Deegan (MCIEEM) of Altemar Ltd.
On behalf of: Frostbreak ULC

Altemar Ltd., 50 Templecarrig Upper, Delgany, Co. Wicklow. 00-353-1-2010713. info@altemar.ie
Directors: Bryan Deegan and Sara Corcoran
Company No.427560 VAT No. 9649832U
www.altemar.ie

Document Control Sheet			
Project	Appropriate Assessment Screening for the change of use of existing buildings at Shalom Nursing Home, Kilcock, Co. Kildare.		
Report	Appropriate Assessment Screening		
Date	24th June 2025		
Version	Author	Reviewed	Date
Draft 01	Bryan Deegan	Gayle O'Farrell	10th December 2024
Draft 02	Bryan Deegan	Gayle O'Farrell	24th February 2025
Planning	Bryan Deegan	Gayle O'Farrell	24th June 2025

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Introduction

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

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

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

Altemar Ltd.

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

Background to the Appropriate Assessment

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

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

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

As outlined in the EC guidance document on Article 6(4) (January 2007)[1]:

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

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

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

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

Stages of the Appropriate Assessment

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

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

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

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

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

Stage 1 Screening Assessment

Management of the Site

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

Description of the Proposed Project

It is proposed to carry out a change of use in the existing building to provide accommodation for protected persons and individuals seeking international protection at the Shalom Nursing Home. The subject building includes the former convent building which have been used as part of the Nursing Home for some time.

The building was built as a convent in 1870s however has been used as a nursing home since 1994. In 2001, permission was granted to convert the second floor into a nursing home under KCC Reg. Ref. 01/1205. The ground and first floor were never subject to planning permissions. While the building was in use as a nursing home a planning application was made in respect of only the second floor level.

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

Drainage

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

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

The drainage layout is demonstrated in figure 4.



Figure 1. *Proposed site outline and site location*

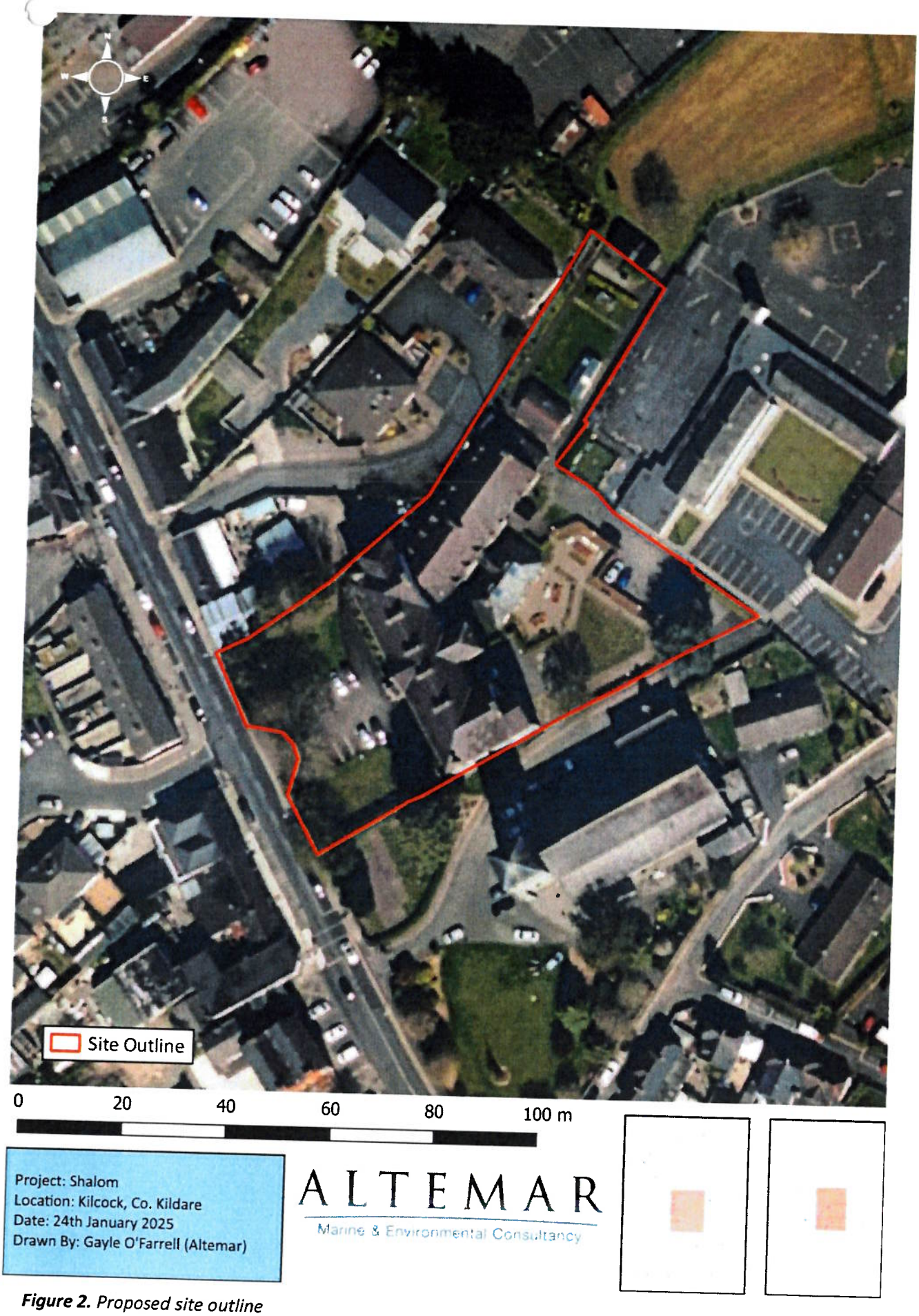


Figure 2. *Proposed site outline*

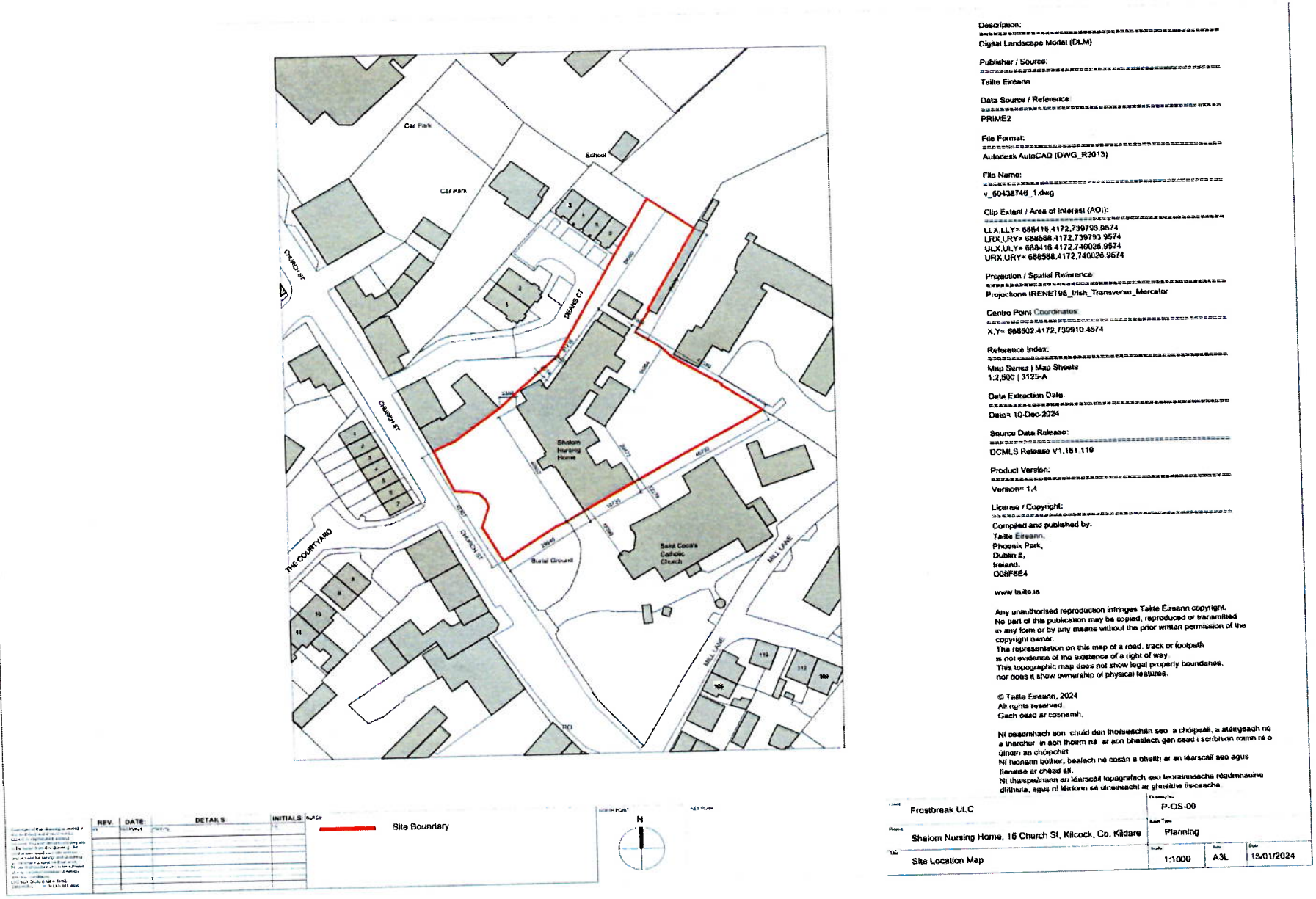


Figure 3. *Site location map*

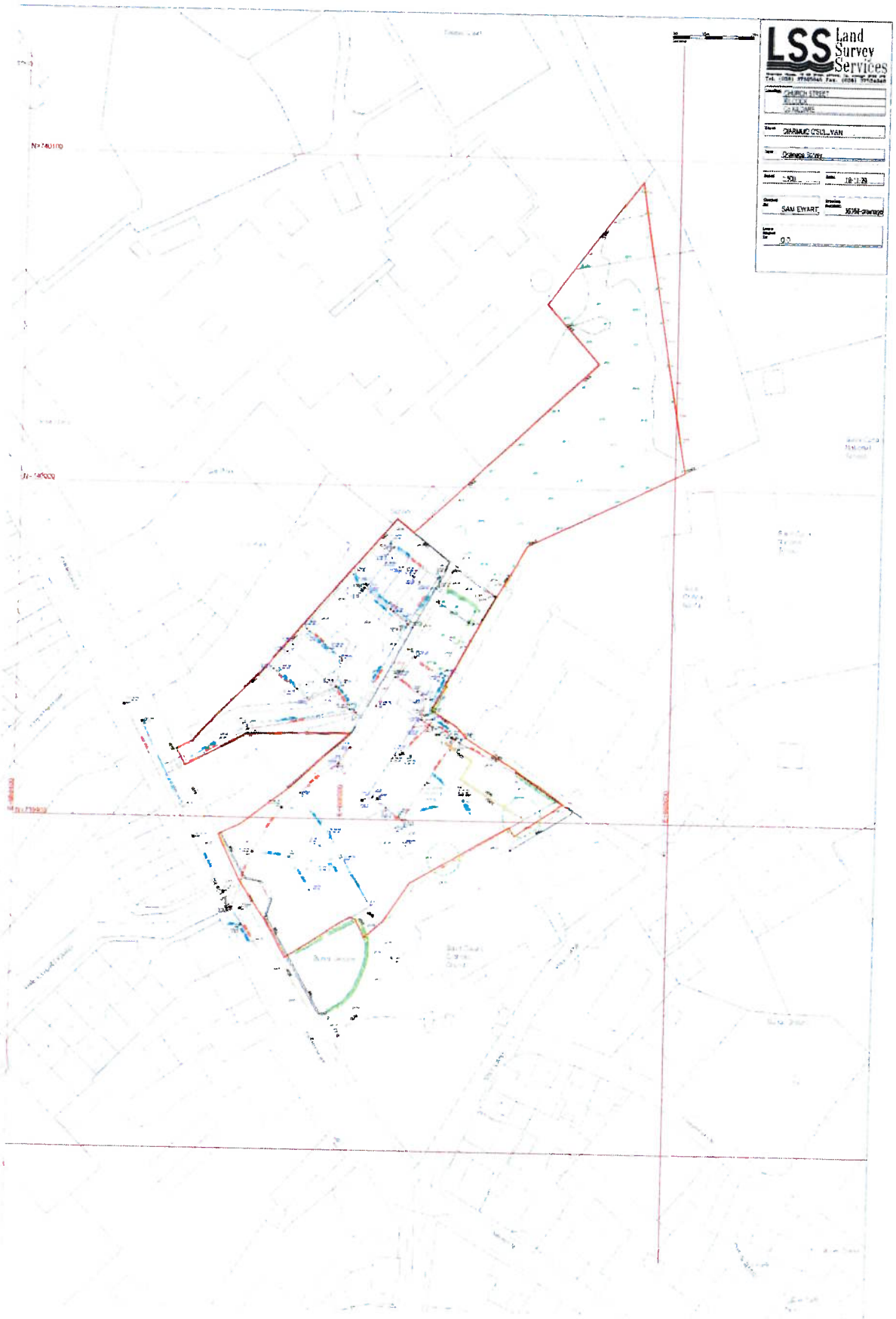


Figure 4. *Drainage Layout*

Identification of Relevant European Sites

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

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

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

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

Table 1. Proximity to designated sites of conservation importance

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

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

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

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

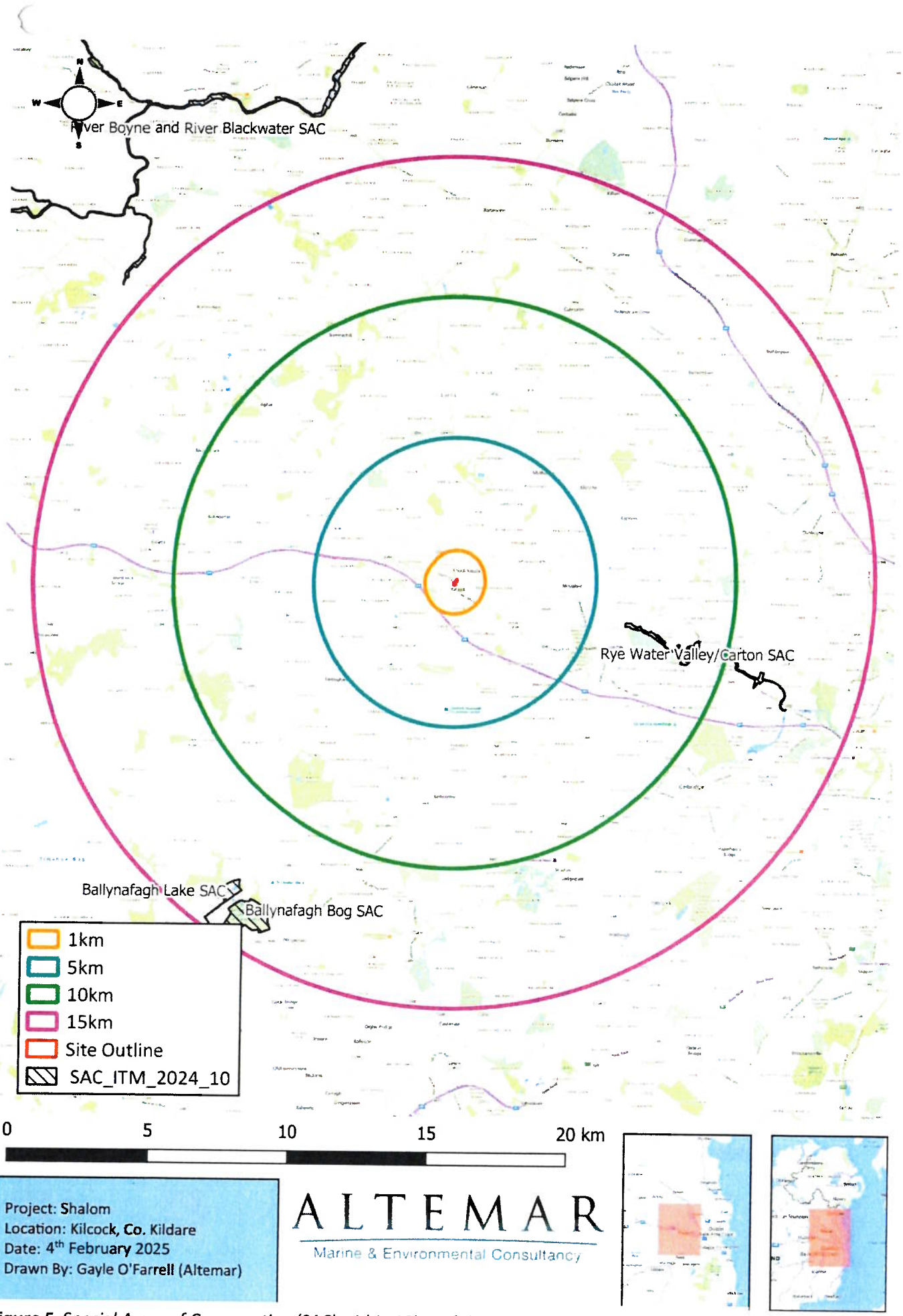


Figure 5. *Special Areas of Conservation (SAC) within 15km of the subject site*

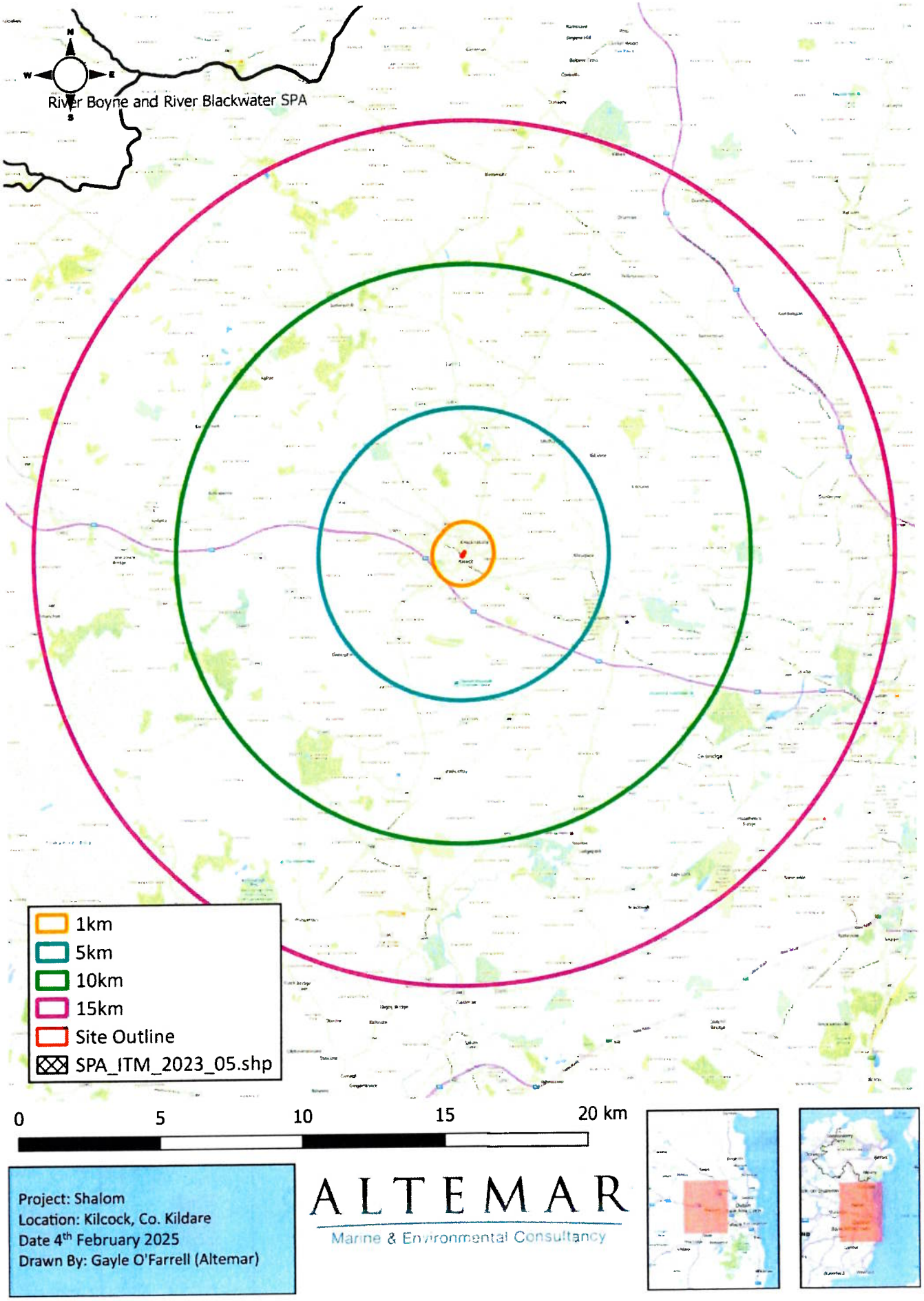


Figure 6. *Special Protection Areas (SPA) (none) within 15km of the subject site.*



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

In-Combination Effects

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

Table 3. Approved planning applications proximate to the subject site

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

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

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

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

Conclusions

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

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

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

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

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

Data Used for AA Screening

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

Findings of No Significant Effects Report

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

References

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

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

COUNSEL OPINION

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

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

Date: 1 December 2025

Introduction and Scope

1. I have been asked to prepare an Opinion on whether the change of use of premises which is currently used as a nursing home to use as accommodation for Protected Persons and International Protection Applicants ("**IPAs**") is or is not exempted development.

2. The premises, which is referred to as Shalom Nursing Home is centrally located on Church Street in Kilcock, within the administrative area of Kildare County Council ("**KCC**"). The site is located on the lands of the former Presentation Convent (Shalom Nursing Home). The site is bound to the north by Scoil Dara, beyond which lies a mix of commercial and residential units and agricultural lands. The site is bound to the east by Scoil Choca Naofa, beyond which lies a mixture of agricultural land and an array of new residential developments. To the west of the site, lands consist of a mixture of commercial and residential buildings in the vicinity of Kilcock town.

3. I am instructed that Querist intends to apply to KCC for a declaration under Section 5 of the Planning and Development Act 2000 ("**PDA 2000**") in that regard.

Statutory Basis for Exemption

4. As set out in the JSA covering letter, Querist is seeking a Section 5 declaration on the following basis

   (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]*

5. The basis for the request is that Class 14(h) of Part 1 of the Planning and Development Regulations (**"PDR"**) applies to both (1) and (2) whereas Class 20F applies to (3).

6. Class 14(h) states that: *"(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation,* ***convent****, monastery, Defence Forces barracks or other premises* ***or residential institution providing overnight accommodation****, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons".* Based on my instructions, it appears to me that the ground and first floors come within the scope of Class 14(h) due to its established planning use as a convent.

7. Separately, Class 20F was inserted by the Planning and Development (Exempted Development) (No.4) Regulations 2023 (S.I. No.376 of 2023) (the "**2023 Regulations**") which were made on 19 July 2023 and are subject to a number of conditions. As noted by the High Court in ***Leitrim County Council v Dromaprop*** [2024] IEHC 233, Class 20F applies both to those seeking protection under the International Protection Act 2015 (the "**2015 Act**") and to "displaced persons" which is a limited category created by Article 2 of the 2022 EU implementing Decision.[1]

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

8. This applies to the *temporary*[2] use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used for, inter alia, medical and other health and social care accommodation.

9. In my view, and based on my instructions, the 2023 Regulations would be construed as applying to the change of use of the second floor of the Shalom Nursing Home as this comes within the scope of "medical and other health and social care accommodation", as that term is used in Class 20F.

10. However, I note that the request for Section 5 declaration also relies on Class 14(h) with respect to the second floor. There is no statutory preclusion on relying on more than one category of exempted development class within the same request for a Section 5 Declaration and nor is there a statutory preclusion on separately identifying constituent but discrete parts of a building unit for the purpose of a Section 5 Declaration.

11. It is acknowledged that Class 20F is subject to different conditions and limitations to Class 14(h), although are both on relied on for the purpose of this request for a Section 5 Declaration. While the proposed change of use of the second floor comes within the scope of both Classes for the reasons set out in this request, in the event that the Planning Authority determines that either Class applies, this is determinative of the request. It also follows that if the Planning Authority is of the view that only one of Class 14(h) or Class 20F applies, the request should not be refused as they are separate Classes of exempted development in the PDR.

12. Finally, I would note that the development has been subject to Environmental Impact Assessment ("**EIA**") and Appropriate Assessment ("**AA**") Screening.

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

13. The EIA Screening Assessment determined that the characteristics of the proposed development are considered not significant, as the scale and nature of the proposed development is confined to a change of use development from a nursing home to accommodation for International Protection Applicants.

14. The AA Screening Report also concluded that no Natura 2000 sites are within the zone of influence of this project and, having taken into consideration the effluent discharge from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, project would not give rise to any significant effects to designated sites and will not affect the conservation objectives of features of interest of Natura 2000 sites.

15. While the screening assessments are ultimately a matter for the competent authority, the evidence is that the development does not require EIA or Stage II AA and therefore any exemptions under the PDR are not "lost" or disapplied by virtue of s.4(4) of the PDA 2000.

Conclusion

16. In summary, the ground floor and first floor of the Shalom premises fall within the scope of Class 14(h) whereas the second floor falls within the scope of both Class 14(h) and Class 20F of the PDR. It follows that the proposed change of use is *prima facie* exempt development and, subject to the competent authority confirming that the development does not require AA and / or EIA, the competent authority can issue a Section 5 Declaration that the development does not require planning permission.

David Browne SC

1 December 2025

AMOSS

John Spain Associates
39 Fitzwilliam Place
Dublin 2

By Email Only: dferguson@johnspainassociates.com

13 November 2025

Our Ref: JBU/JCR/CARR11/0043

Our Clients: **Frostbreak Unlimited, Diarmuid O'Sullivan, Helen O'Sullivan, Jonathan Balfour and Kilcock Hospitality Ltd**

Matter: **Tracey Lee and Melissa Kelly v Frostbreak Unlimited, Diarmuid O'Sullivan, Helen O'Sullivan, Jonathan Balfour, Kilcock Hospitality Ltd, Kildare County Council, Minister for Justice and the Government of Ireland**

Record No: **2025/3934P**

Dear David

We refer to the above matter, that being the High Court Proceedings bearing Record Number 2025/3934P issued by Tracey Lee and Melissa Kelly against the numerous Defendants listed above. Below we have set out a synopsis of the proceedings and advise on the status at this juncture.

Background

Substantive proceedings were issued by Ms Kelly and Ms Lee (the "**Plaintiffs**") in the High Court on 14 July 2025. The proceedings being plenary in nature claimed numerous reliefs, the majority of which were directed against the Sixth, Seventh and Eight Named Defendants. Reliefs claimed specifically against our clients sought an injunction restraining any work being carried out on the property and remediation of the property to its original condition.

Subsequent to the plenary proceedings issuing, the Plaintiffs brought an ex-parte application seeking interim relief, mirroring largely the reliefs sought against our clients in the summons. Specifically, the Plaintiffs sought:

1. An injunction restraining any of the Defendants from housing migrants in Shalom Nursing Home (the "**Property**"); and
2. An injunction to stop all works on the Property and to remediate same to its original condition.

The ex-parte application was heard on the 17 July 2025 before Mr Justice Holland and the Plaintiffs were granted leave to issue a Notice of Motion returnable on 28 July 2025, before the same judge.

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Consultants Aileen Cosgrove, Billy Parker, Fergus Hennessy
Solicitors Siobhan Burke, Grace Burrowes, Lisa Danso, Rebecca Duke, Jessica Dunphy, Laura English, Emer Fitzhenry, Eleanor Flynn, Olga Gaffney, Denise Howlin, Joe Kane, Sarah Kavanagh, Richie Leahy, Ciara McDonough, Ruairi O'Malley, Conor Rock, Geoffrey Rooney, Eimear Rothwell, Lauren Stanley
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Proceedings were served on the Defendants in or around the 23 July 2025 and an appearance was entered on behalf of the First, Second, Third, Fourth and Fifth Named Defendants on 25 July 2025. On the return date of 28 July 2025, Mr Justice Holland adjourned the substantive proceedings to the 3 November 2025 to appear before the Court again.

On 4 September 2025 the Plaintiff's issued a second Notice of Motion, identical in form to the original Notice of Motion. Again, it sought the following reliefs:

1. An injunction restraining any of the Defendants from housing migrants in Shalom Nursing Home (the "**Property**"); and
2. An injunction to stop all works on the Property and to remediate same to its original condition.

We appeared before numerous Vacation Judges in the month of September as service of the papers on our clients was not made in accordance with Court directions. The second Notice of Motion was then listed before Mr Justice Humphries on 29 September 2025. On that date the Court requested that undertakings be given by the First Named Defendant to preserve the status quo in relation to the Property with the exception of maintenance works that were scheduled to be carried out in the upcoming weeks. This undertaking was provided. Mr Justice Humphries also requested that a site visit take place on the Property between the Court, the Plaintiffs and the First Named Defendant, the details of which were to be finalised on 1 October 2025. Finally, the Court directed that both the original and second Notice of Motion would now travel together appearing before Mr Justice Humphries on 3 November 2025. The site visit was ultimately delayed but took place on 22 October 2025 with the relevant parties attending.

The matter appeared before Mr Justice Humphries on 3 November 2025, who as stated above had taken carriage of all relevant motions in the case. Upon hearing submissions, and upon consideration of the affidavits submitted by our clients, the Court directed that the motions be adjourned generally with liberty to re-enter and the undertakings provided previously by the First Named Defendant be vacated.

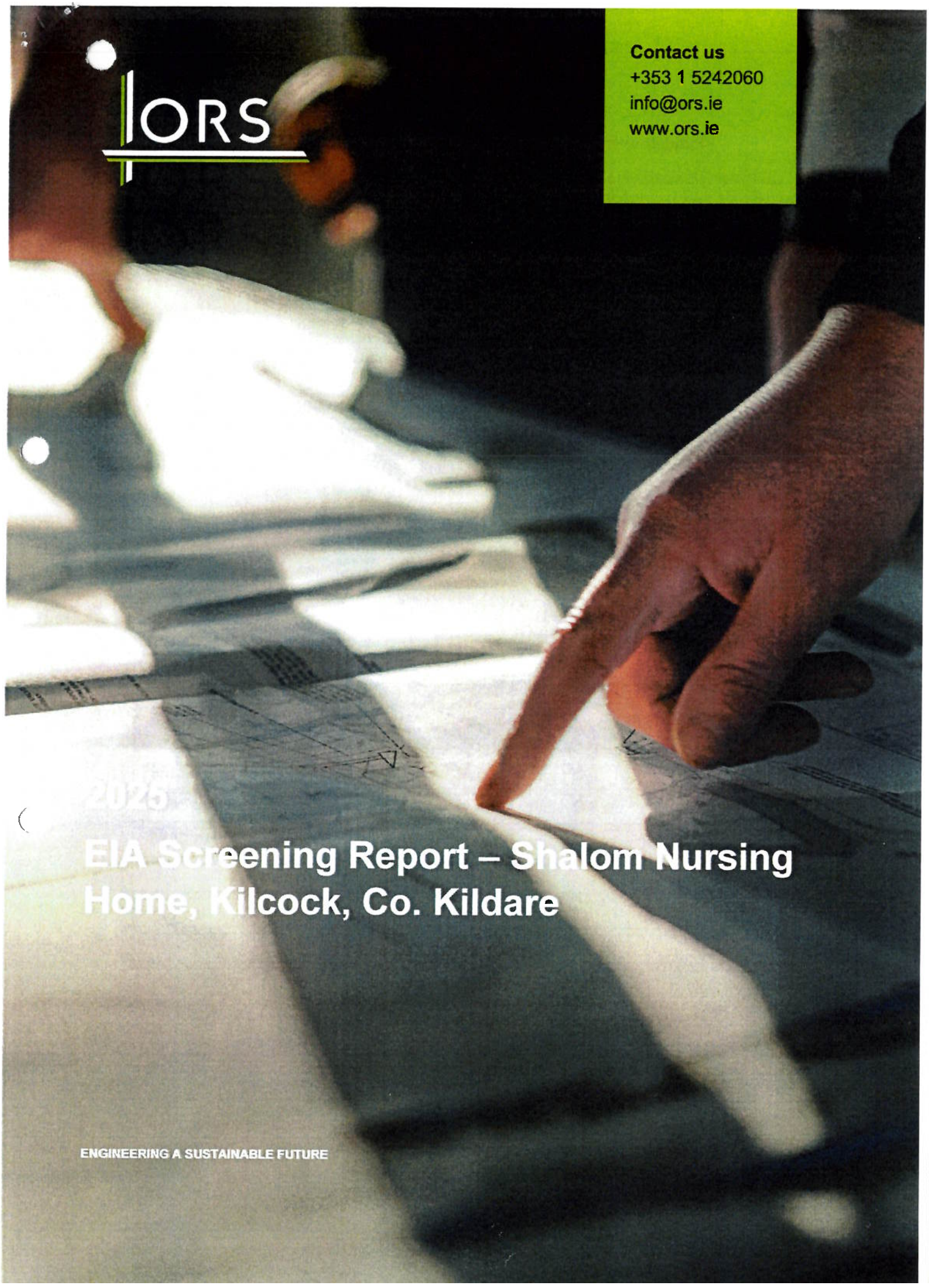
Accordingly, the proceedings will continue on in the normal manner and our client is free to take whatever steps it deems appropriate, without restriction, as regards the Property.

We trust the above is in order, however if you require any further information, please do not hesitate to contact our office.

Yours faithfully,

AMOSS

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2025

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

ENGINEERING A SUSTAINABLE FUTURE

Environmental Impact Assessment Screening Report

Change of Use Development – Shalom Nursing Home, Kilcock, Co. Kildare

Document Control Sheet

Client:	Carrickreagh Developments
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P01	**DRAFT**	**AQ**	**LM**	**JB**	**31/01/2025**
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P03	**Information**	**AQ**	**LM**	**JB**	**28/11/2025**

ORS

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

Appendix B: Site Drainage Map (LSS)

1 Introduction

1.1 Background

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

This Section 5 declaration request seeks confirmation from Kildare County Council as to whether the proposed change of use of an existing building constitutes exempted development under the Planning and Development Regulations, as amended.

The building in question currently comprises a convent use on the ground and first floors and a nursing home use on the second floor, as confirmed in the KCC Planner's Report under Reg. Ref. ED1233. The proposal involves the following changes of use:

1. Change of use of the ground and first floors from use as a convent to use as accommodation for protected persons, as defined under Class 14(h) of Part 1, Schedule 2 of the Planning and Development Regulations (as amended).
2. Change of use of the second floor from use as a nursing home to use as accommodation for protected persons, also under Class 14(h).
3. Change of use of the second floor from use as a nursing home to use as accommodation for international protection applicants, potentially falling under Class 20F of the same Regulations, which was introduced by amendment to facilitate the use of certain structures for such purposes.

This request follows a previous Section 5 determination (KCC Reg. Ref. ED1233, decision dated 11 June 2025), which concluded that the proposed change of use did not constitute exempted development. The current submission takes full account of that decision while also considering the expanded provisions under Class 14(h) and the newly introduced Class 20F.

No physical works are proposed as part of this development. The changes relate solely to the internal use of the existing building and do not involve demolition, extension, or external alteration.

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

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

The proposed change of use development consists of the following:

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

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

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

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

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

2 EIA Screening Methodology

2.1 Legislative Requirement for EIA

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

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

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

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

2.2 Project Categorisation

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

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

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

require EIA or not.

2.3 Project Screening Determination

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

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

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

2.4 Determination of the EIA Requirement for Sub-Threshold Projects

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

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

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

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

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

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

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

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

1. **Description of the proposed development** (Outlined in **Section 3**)
   - **a.** Description of the physical characteristics of the whole proposed development and, where relevant, of demolition works.
   - **b.** Description of the location of the proposed development, with regard to the environmental sensitivity of geographical areas likely to be affected.

2. **Description of the aspects of the environment likely to be significantly affected by the proposed development** (Criteria incorporated into **Tables 5.1 - 5.3**)

3. **Description of any likely significant effects**, *to the extent of the information available on such effects, of the proposed development on the environment resulting from:*
   - **a.** Expected residues and emissions and the production of waste, where relevant.
   - **b.** Use of natural resources, in particular soil, land, water and biodiversity. (Criteria incorporated into Tables 5.1 - 5.3)

3 Description of the Proposed Development

3.1 Site Description

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

The total extent of the site covers an area of *ca.* 5315 m^2 (0.531ha).

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

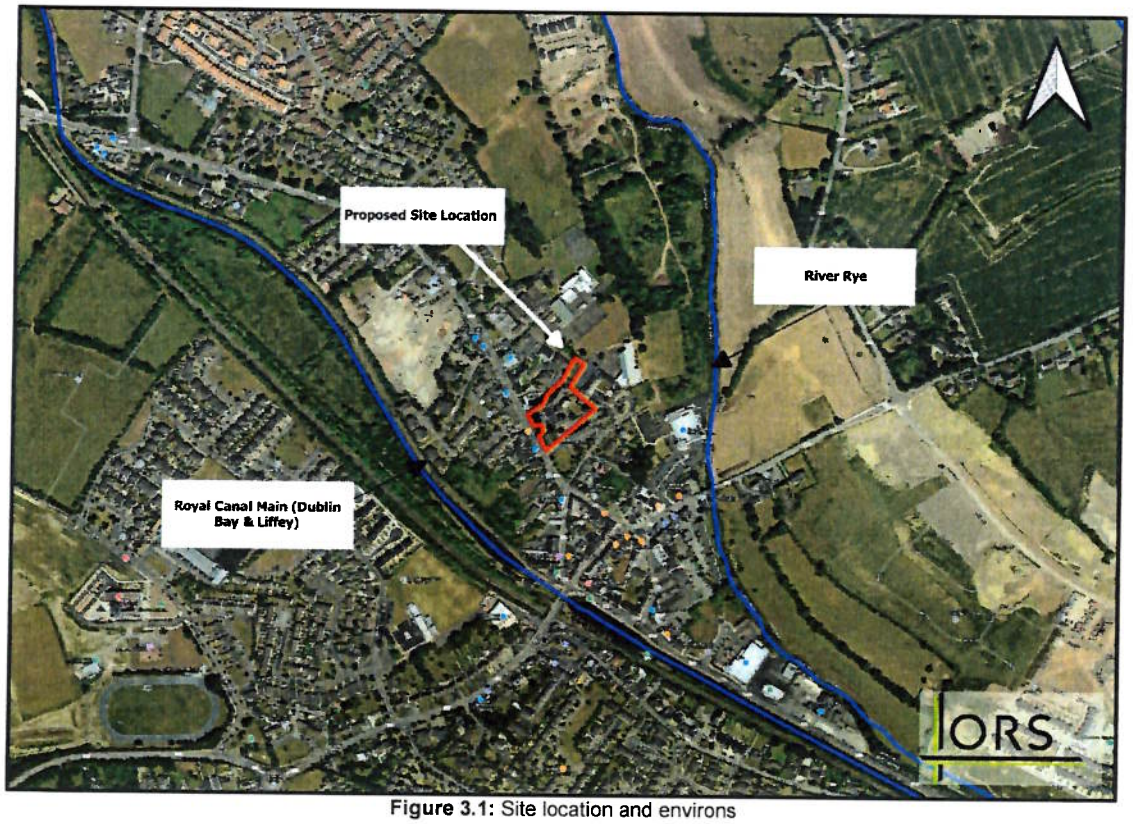


Figure 3.1: Site location and environs

3.1.1 Planning Description

The proposed development shall include the following elements;

- It is proposed to provide accommodation for protected persons and individuals seeking international protection at the Shalom Nursing home.
- No further works are required to carry out this change of use as the existing building which is in good condition. No physical works are proposed as part of this development. The changes relate solely to the internal use of the existing building and do not involve demolition, extension, or external alteration.
- The applicant has carried out fire safety compliance certificate and drainage surveys by Land Survey Services to ensure that no other works are required for the appropriate use of the building.

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

It is proposed to provide accommodation for protected persons and individuals seeking international protection at the Shalom Nursing home.

The building in question currently comprises a convent use on the ground and first floors and a nursing home use on the second floor, as confirmed in the KCC Planner's Report under Reg. Ref. ED1233. The proposal involves the following changes of use:

1. Change of use of the ground and first floors from use as a convent to use as accommodation for protected persons, as defined under Class 14(h) of Part 1, Schedule 2 of the Planning and Development Regulations (as amended).
2. Change of use of the second floor from use as a nursing home to use as accommodation for protected persons, also under Class 14(h).
3. Change of use of the second floor from use as a nursing home to use as accommodation for international protection applicants, potentially falling under Class 20F of the same Regulations, which was introduced by amendment to facilitate the use of certain structures for such purposes.

This request follows a previous Section 5 determination (KCC Reg. Ref. ED1233, decision dated 11 June 2025), which concluded that the proposed change of use did not constitute exempted development. The current submission takes full account of that decision while also considering the expanded provisions under Class 14(h) and the newly introduced Class 20F.

No physical works are proposed as part of this development. The changes relate solely to the internal use of the existing building and do not involve demolition, extension, or external alteration.

3.1.2 Population

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

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

3.1.3 Hydrology and Topography

The proposed site is located within the Eastern Basin District; RYE WATER_020 Sub-Basin; Hydrometric Area 09, Liffey and Dublin Bay Catchment; RyeWater_SC_010 Sub-Catchment.

The principle hydrological features within the vicinity of the site is the River Rye Water (EPA code: IE_EA_09R010300) which is located *ca.*113m to the east of the site and the Royal Canal Main Line (Liffey and Dublin Bay) (EPA code: IE_09_AWB_RCMLE) which is located *ca.*164m to the west of the site. The River Rye Water flows in a south easterly direction until it discharges into the River Liffey *ca.* 12.6km downstream. The Royal Canal Main Line flows eastwards through Dublin City and discharges into the River Liffey *ca.* 29km east which then outfalls into Dublin Bay.

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

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

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

3.1.4 Soils, Geology and Hydrogeology

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

According to GSI groundwater maps, the site overlies a locally important aquifer, of bedrock which is moderately productive only in local zones. The groundwater vulnerability index of the majority of the site is described as moderate. An area to the northeast of the site is classified as

High vulnerability. The hydrogeological setting at the site is described as made ground with subsoil of Moderate permeability for the majority of the site and made ground with subsoil of High permeability to the northeast.

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

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

3.1.5 Surface Water Drainage

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

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

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

3.1.6 Designated Areas

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

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

The nearest designated areas to the development site boundary include:

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

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

The report concludes with the following:

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

3.1.7 Flood Risk

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

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

The Kildare County Development Plan Strategic Flood Risk Assessment (SFRA) (2023-2029) states that "to counteract and manage flood risk and in the County, river/stream improvement works have been carried out in the last 20 years." In the Kilcock area, an overflow pipeline was constructed along with an upgrade of existing surface water culverts in Newtown village in order to convey flood flows through the village centre.

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

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

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

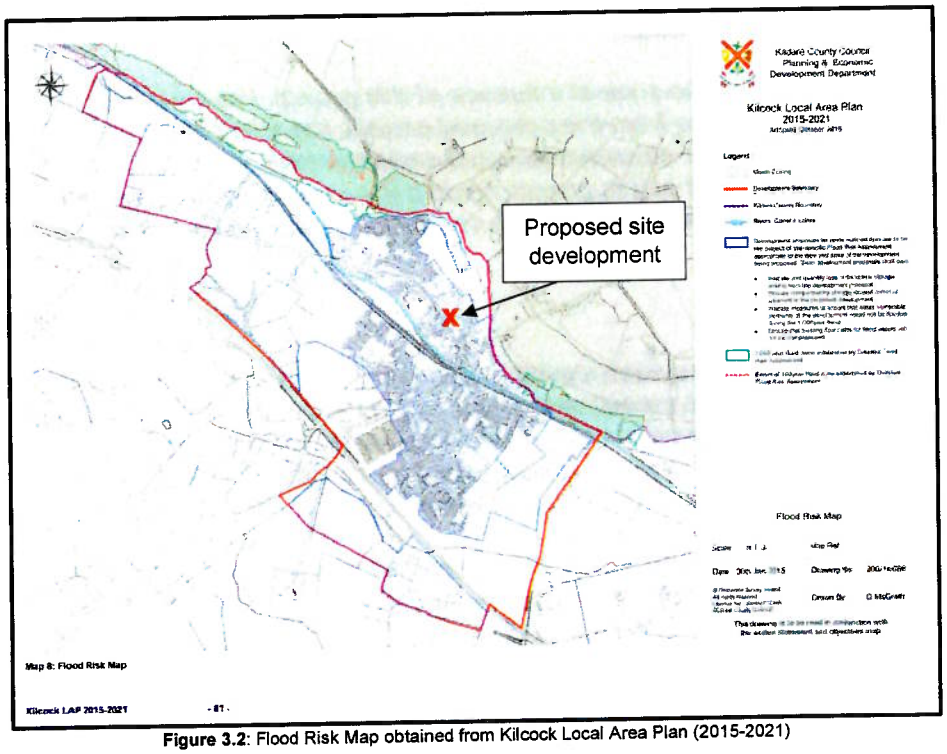


Figure 3.2: Flood Risk Map obtained from Kilcock Local Area Plan (2015-2021)

3.1.8 Cultural Heritage

3.1.8.1 Archaeological Heritage Features

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

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

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

- Font, KILCOCK (KD005-029) located on the south eastern boundary of the site, on the grounds of "St. Coca's Catholic church"
- Coffin-resting stone, KILCOCK (KD005-002003) located *ca.* 92m to the southeast of the site.
- Church, KILCOCK (KD005-002001) located *ca.* 100m to the southeast of the site.
- Children's burial ground, KILCOCK (KD005-002004) located *ca.* 110m to the southeast of the site.

- Ecclesiastical site, KILCOCK (KD005-002) located *ca.* 111m to the southeast of the site.
- Ritual site - holy well, KILCOCK (KD005-022) located *ca.* 160m to the southeast of the site.

3.1.8.2 Architectural Heritage Features

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

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

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

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

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

No physical works are being carried out on the external elements of the building. No demolition works will take place. The Architectural integrity of the regionally protected structure will remain.

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

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

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

3.1.9 Landscape and Visual

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

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

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

3.1.10 Biodiversity, Flora and Fauna

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

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

The construction and operational phases of the proposed developments will be minimal but may consist of similar nuisance-generating activities in terms of plant and vehicle movements. Once in the operational phase it can be expected that there will be no plant movement on the project and therefore no nuisance-generating activities. It can be concluded that the operational phase impacts will not be significant.

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

The report concludes with the following:

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

3.1.11 Local Planning Context

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

further development.

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

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

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

Planning Ref. No.	Address	Comment
20252	Forge Cottage, Church Street , Kilcock	A new single storey extension to an existing single storey dwelling along with associated site works including the removal of an existing outbuilding
191196	St. Coca's Church , Church Street , Kilcock	The construction of a single storey limestone pastoral centre of 315 square metres to the south of the existing limestone church, the removal of the existing 20th century grotto, the removal of a section of existing boundary wall and all associated site development works.
191296	Church Street & Bridge Street , Kilcock , Co. Kildare.	For development on site area of 0.445ha, located at Church Street and Bridge Street, Kilcock, Co. Kildare. The site is occupied by The Lion House (former public house) which is a Protected Structure (RPS Ref. No. B05-20) on Church Street. The proposed development site fronts onto Church Street to the north-east, is bounded to the rear (south-west) by the Royal Canal and to the east by Bridge Street. There are 5 no. existing outbuildings/sheds on the site that are proposed to be demolished, as is an extension to the rear of The Lion House. The proposed development will be a long term 'Build-to-Rent' residential development. It is proposed to build a new 2 storey extension to the rear of the existing Lion House building and to convert same into a build-to-rent shared accommodation comprising 18 no. bedspaces in 9 no. bedrooms at first floor level, with communal living facilities provided at ground floor level. The proposed development also consists of 39 no. studios and apartments, comprised of 2 no. studios, 7 no. 1 bed apartments, 26 no. 2 bed apartments & 4 no. 3 bed apartments, accommodated in 4 no. 3-4 storey buildings. Block A, fronting onto Bridge Street, is a 3 storey building accommodating reception, communal living area, gym, and cinema at ground floor level with 6 no. 1 & 2 bed apartments and 2 no. studios overhead. Block B located at the western boundary of the site is a 3 storey building with 4th floor setback accommodating 18 no. 1, 2 & 3 bed apartments. Block C to the rear of the site is a 3 storey building with 4th floor setback accommodating 11 no. 1 & 2 bed apartments, over an undercroft car park. Block D fronting

Planning Ref. No.	Address	Comment
		onto Bridge Street is a 3 storey building that will contain concierge & laundry facilities at ground floor level with 2 no. 2 bed apartments overhead. The proposed development will be accessed off Bridge Street via a new vehicular entrance, with proposed pedestrian/cyclist access into the adjoining site to the west (concurrent planning application). Bicycle and car parking will be provided for at surface level and in an undercroft car park at Block C. The proposed development provides for all associated site development works, open spaces, landscaping, boundary treatments & bin storage. Revised by Significant Further Information
18539	Former Zed Candy Factory Site , Church Street , Kilcock	Amendments to Planning Permission Register No. 15/463, involving revisions to the original site boundaries permitted under 15/463 and comprising: 1.Revisions to the southern part of apartment Block 2 to accommodate revised boundary line. No change is proposed to the number of apartments, apartment types, bedrooms, bed spaces or car parking spaces. The revisions result in a floor area increase from 94.8sqm to 99sqm in apartments 02-0.01, 01-1.01 and 02-2.01.. 2.Change of permitted finish on apartment blocks from reconstituted sandstone and zinc cladding with standing seams to buff coloured brick and powder-coated metal cladding with standing seams. 3. Change of permitted finish on front entrance porches to all house types from reconstituted sandstone to painted render. 4. Minor set-back to alignment of front entrance porches to Type 3 houses to provide a consistent junction with the projected facades of these houses. 5. Change of permitted finish of window/door frames throughout from Alu-Clad to uPVC, colour grey RAL 7015. 6.Minor internal changes to permitted Ground Floor layout of House Types 1, 2A, 3, 4, and 5 to improve the kitchen/dining areas and consequent minor changes to rear facades. 7. Corrections to anomalies in permitted documents comprising i) amendment of rear elevation of House Type 4 to provide two No. bedroom windows, ii) change of notation on site plan of House No.A03 from Type 4 to Type 3 to accord with the permitted elevations and iii) corrected schedule of accommodation. 8.Minor revisions to road levels and floor levels of houses and apartments to accommodate drainage gradients. The proposed development involves revisions to the original site boundaries permitted under Ref.15/463

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

3.1.12 Noise

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

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

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

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

- All site staff shall be briefed on noise mitigation measures and the application of best practicable means to be employed to control noise.
- All staff should be briefed on the complaint's procedure, the mitigation requirement, and their responsibilities to register and escalate complaints received.
- Good quality site hoarding to be erected to maximise the reduction in noise levels.
- Contact details of the contractor and site manager shall be displayed to the public, together with the permitted operating hours.
- Material and plant loading and unloading shall only take place during normal working hours.
- Ensure that each item of plant and equipment complies with the noise limits quoted in the relevant European Commission Directive 2000/14/EC.
- Fit all plant and equipment with appropriate mufflers or silencers.
- Use all plant and equipment only for the tasks for which it has been designed.
- Locate movable plant away from noise sensitive receptors.
- Ensure at least 4 days' notice is given to Dublin City Council Planning Department when applying for extensions to normal working hours. No out of hours work to be undertaken unless permission to do so has been granted.

3.1.13 Dust and Air Quality

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

3.1.14 Surface Water Run Off

There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There

is an indirect pathway via the surface water drainage network discharging to the River Rye

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

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

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

3.1.15 Resident Engineer

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

3.2 Awareness and Training

3.2.1 Environmental Induction

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

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

3.3 Environmental Incidents and Complaints Procedure

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

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

4 Initial EIA Screening

4.1 Project Categorisation

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

There is one aspect of the project which could bear relevance to the thresholds outlined in **Part 1** and **2** of Regulations:

1. *This proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. This Section 5 application seeks confirmation of whether the change of use of the nursing home for the purpose of providing the necessary facilities and accommodation.*

4.1.1 Part 1 Activities

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

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

4.1.2 Part 2 Activities

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

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

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

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

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

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

In relation to the threshold set in **Category 10. (b)**, The proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. No physical works are proposed as part of this development. The changes relate solely to the internal use of the existing building and do not

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

In relation to the threshold set in **Category 13. (a)**, This proposed change of use development is a Section 5 referral request for a change of use from a nursing home to accommodation for International Protection Applicants. No physical works are proposed as part of this development. The changes relate solely to the internal use of the existing building and do not involve demolition, extension, or external alterations. As a result, mandatory EIA is **not required** for the project based on this category.

4.2 Project Screening Determination

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

5 EIA Screening

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

5.1 Characteristics of Proposed Development

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

Section 7 Criteria	Information
(a) size and design of the whole of the proposed development	The proposed site covers an area of *ca.* extent *ca.* 5315m² (0.531ha). A description of the project and of the construction methodology is provided in section 3 of this report. The proposed location of the site lies within the KILCOCK electoral division, which includes both the townland area and the outskirts of the town which is predominately agricultural. KILCOCK ED has a moderate population density of 542 per km².
(b) cumulation with other existing and/or approved projects	A review of existing and previous planning applications under consideration by Kildare County Council indicates that developments locally consist primarily of extensions to existing residential units or refurbishments/change of use to commercial units. Due to the scale and nature of this project, and no physical works to take place, cumulative impacts are deemed to be of low significance. The closest IPC or IE licenced site to the site is Enrich Environmental Limited (IE License **P1013**) located *ca.* 4.28km north of the site. It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant negative effects on the environment.
(c) nature of any associated demolition works	No Demolition works will take place.
(d) use of natural resources, in particular land, soil, water and biodiversity	The project does not include the extensive use of natural resources. No negative impacts arising from the use of land or soil. are anticipated.

(e) production of waste	It is not anticipated that significant quantities of waste will be generated as a result of road use or excavation activities. No Physical works/ alterations will take place.
(f) pollution and nuisances	Potential noise, light, air quality and water pollution impacts are anticipated but unlikely. There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There is an indirect pathway via the surface water drainage network discharging to the River Rye The main pollutants with the potential to impact site water are silt, fuel/oil, concrete and chemicals. As no physical works are proposed, potential impacts on sensitive receptors are effectively mitigated. The risks to receptors are anticipated to be negligible given the nature of the proposed development including standard procedures that will be applied to avoid effects.
(g) risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge	The most up to date flood risk information available from OPW Flood maps indicate 0.1%, 1% and 10% AEP flood extents are not predicted to occur within the boundary of the site. A comprehensive drainage survey was carried out by Land Survey Services (LSS) to accompany this Section 5 referral request. The survey concluded the following in relation to drainage on site: • *There is no change to the existing drainage layout on site.* The potential impacts due to risk of accidents and/or disasters are anticipated to be negligible given the nature of the proposed development including standard procedures that will be applied.
(h) risks to human health (e.g. due to water contamination or air pollution)	The risks to human health are anticipated to be negligible given the nature of the proposed development including standard procedures that will be applied to avoid effects.

5.2 Location of the proposed developments

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

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

Directive and the Birds Directive	*from the proposed project, the distance between the proposed project site to designated conservation sites and the treatment of the effluent in a compliant WWTP, it is concluded that this project would not give rise to any significant effects to designated sites. The project will* ***not effect*** *the conservation objectives of features of interest of Natura 2000 sites."*
vi. areas in which there has already been a failure to meet the environmental quality standards laid down. in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure	The site is not located within such an area.
vii. densely populated areas	Kilcock would be classified as a moderately populated area. At the last census of 2022, the ED, where the site is located (KILCOCK), had a population density of 542 per km^2. Accordingly, the area has absorptive capacity to accommodate more people on the basis of population growth. Kilcock is zoned in the Kildare County Development Plan (2023-2029) as land-use zoning objective E: 'Community and Education.' Nursing Home is considered 'permissible in principle' within this category. The strategy for Kilcock taken from the most recent Kilcock Local Area Plan (2015-2021), which is now expired, is as follows: The vision of this strategy is to make "Kildare- the first choice as a place to live, learn, work, visit and do business." The strategy focuses on six key objectives, which are vital to ensuring this vision. These are to: • Develop transport and communications • Respond to new settlement patterns • Respond to contrasts within the county and towns • Protect the environment • Develop education, training and capacity building and • Develop a sense of place.

viii. landscapes and sites of historical, cultural or archaeological significance	The site is noted as being located within an archaeological area of importance. The following archaeological heritage features are noted, located adjacent to the previous convent and southeast of the site. • Font, KILCOCK (KD005-029) located on the south eastern boundary of the site, on the grounds of "St. Coca's Catholic church" • Coffin-resting stone, KILCOCK (KD005-002003) located *ca.* 92m to the southeast of the site. • Church, KILCOCK (KD005-002001) located *ca.* 100m to the southeast of the site. • Children's burial ground, KILCOCK (KD005-002004) located *ca.* 110m to the southeast of the site. • Ecclesiastical site, KILCOCK (KD005-002) located ca. 111m to the southeast of the site. • Ritual site - holy well, KILCOCK (KD005-022) located *ca.* 160m to the southeast of the site. The site is noted as being located within an architectural area of importance. Shalom Nursing Home, formerly known as Shalom Presentation Convent dates back to 1960 (NBHS ref: 11802020). The structure is a feature of regional architectural importance in Kilcock. The National Built Heritage Services (NBHS) website describes Shalom Presentation Convent as a "*fine and extensive large-scale complex that retains most of its original form and character. The convent is of considerable social interest, forming part of the ecclesiastical centre of the locality.*" Other zones of architectural importance, located close to the site include; • "Unknown" (11802013) located *ca.* 25m to the south west of the site. • "Saint Coca's Catholic Church (11802021): located on the southeastern border of the site. • "House" (11802024) located *ca.* 60m to the southeast of the site. • "House" (11802023) located *ca.* 63m to the southeast of the site. • "gates/railings/walls" (11802022) located *ca.* 76m to the southeast of the site. • "House" (11802012) located *ca.* 110m south of the site.

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[redacted]

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

No demolition works will take place.

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

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

5.3 Characteristics of Potential Impacts

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

Section 7 Criteria	Information
(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),	The development site is located in a moderately populated area of moderate environmental sensitivity. The proposed location of the site lies within the KILCOCK electoral division, which includes both the townland area and the outskirts of the town which is predominately agricultural. KILCOCK ED has a moderate population density of 542 per km^2. Some slight impacts are anticipated as a result of the proposed activity however the extent of these is anticipated to be localised hence significant impacts are not envisaged.
(b) nature of the impact	
i. Human Beings, Population and Human Health	Potential impacts to human health are anticipated to be slight. As no physical works are proposed, potential impacts on sensitive receptors are effectively mitigated.
ii. Water, Biodiversity, Flora and Fauna	There is no direct hydrological pathway from the proposed project to a Natura 2000 site. There is an indirect pathway via the surface water drainage network discharging to the River Rye. A comprehensive drainage survey was carried out by Land Survey Services (LSS) to accompany this Section 5 referral request. The survey concluded the following in relation to drainage on site: • There is no change to the existing drainage layout on site • Surface water drainage from the site will connect to the 300mm storm water network on Church Street. • Foul water drainage from the site will connect to the 450mm foul sewer network on Church Street, which ultimately discharges to Lower Liffey Valley WWTP. A Stage 1 Appropriate Assessment Screening (AA screening) has been completed by Altemar Ltd. and accompanies this referral request. The report concludes with the following:

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

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

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

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

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

6 Conclusion

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

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

- The scale and nature of the proposed development is confined to a change of use development from a nursing home to accommodation for International Protection Applicants.
- This request follows a previous Section 5 determination (KCC Reg. Ref. ED1233, decision dated 11th June 2025), which concluded that the proposed change of use did not constitute exempted development. The current submission takes full account of that decision while also considering the expanded provisions under Class 14(h) and the newly introduced Class 20F.
- No physical works are proposed as part of this development. The changes relate solely to the internal use of the existing building and do not involve demolition, extension, or external alteration.
- The lands are subject to land-use zoning objective E: 'Community and Education.' Nursing Home is considered 'permissible in principle' within this category.
- The characteristics and sensitivities of the receiving environment is low - moderate.
- It is not anticipated the development of the site will exacerbate the risk of flooding; A comprehensive drainage survey carried out by Land Survey Services (LSS) determined there will be no change to the drainage infrastructure on site.
- Shalom Nursing Home, formerly known as Shalom Presentation Convent dates back to 1960 (NBHS ref: 11802020). The structure is a feature of regional architectural importance in Kilcock.
- It is not considered that any elements of the development proposals will cause any direct or visual impacts with respect to previously recorded and/or extant archaeological monuments or architectural heritage features.
- The proposed project is located in a developed environment *ca.* 6.2 km from the nearest Natura 2000 site (Rye Water Valley/Carton SAC). Watercourses and surface runoff are seen as the main potential pathway for effects on Natura 2000 sites.
- An AA screening report completed by Altemar Ltd. accompanies this referral request, the report concludes: "*It is concluded that this project would not give rise to any significant effects to designated sites. The project will* ***not effect*** *the conservation objectives of features of interest of Natura 2000 sites.*"

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

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

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

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

Risk Assessment A – Locality/Site Information

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

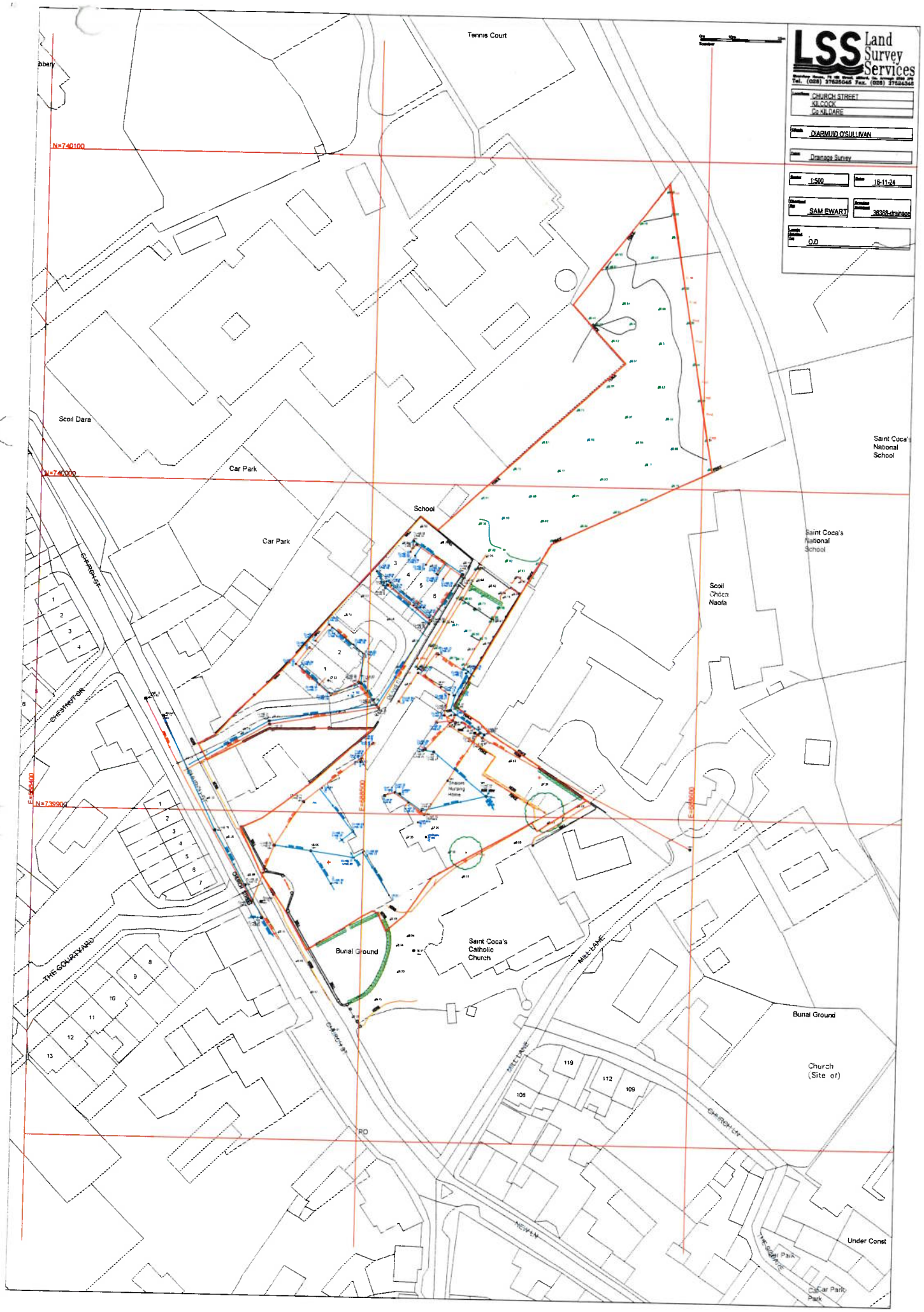
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Risk Assessment B – Works Information

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

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Appendix B: Site Drainage Map (LSS)

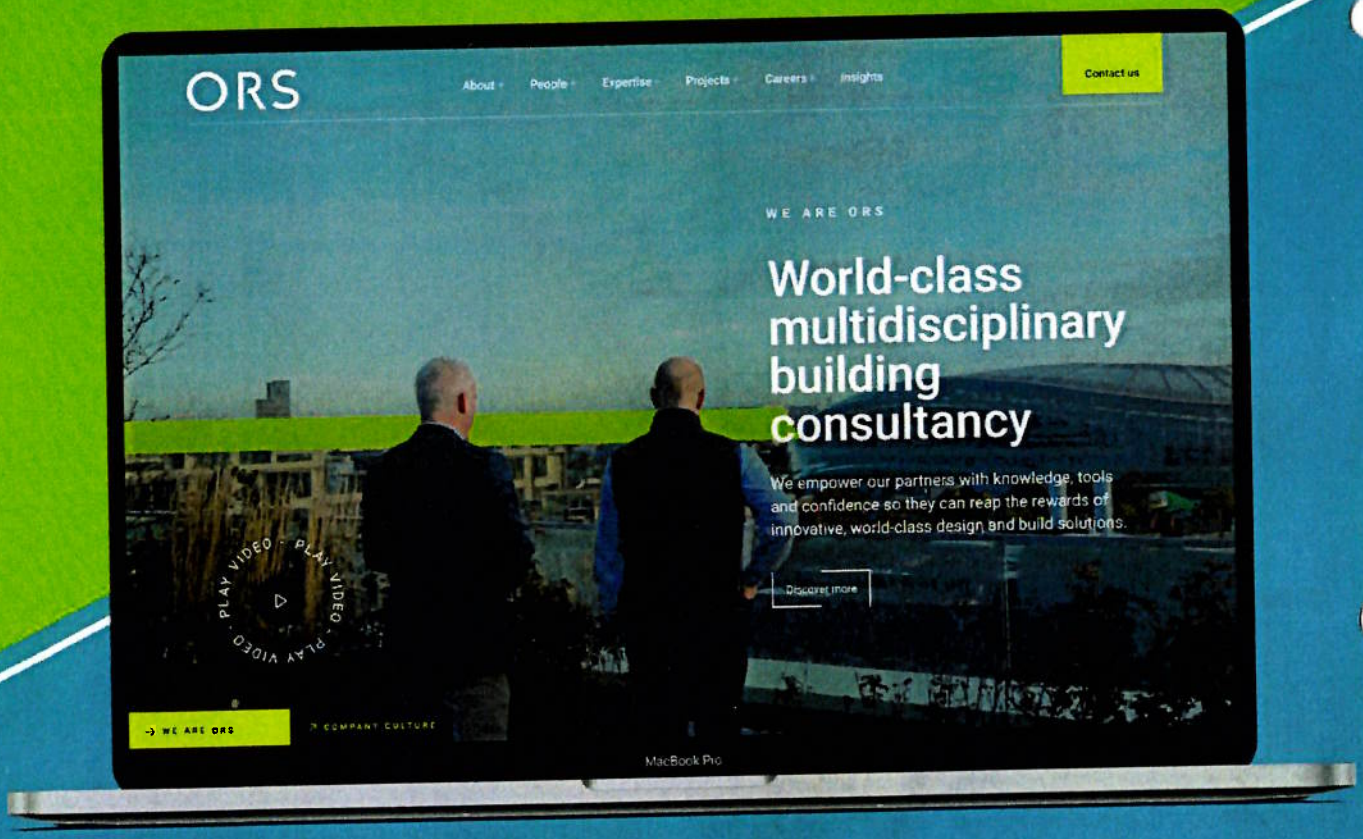

LSS Land Survey Services
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KILCOCK
Co KILDARE
DIARMUID O'SULLIVAN
Drainage Survey
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SAM EWART
38368-drainage
O.D
Tennis Court
Scoil Dara
Car Park
School
Car Park
Saint Coca's National School
Saint Coca's National School
Scoil Chóca Naofa
Burial Ground
Saint Coca's Catholic Church
Burial Ground
Church (Site of)
Under Const
Car Park
N=740100
N=740000
N=739900
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Kildare County Council,
Planning Department,
Áras Chill Dara,
Devoy Park,
Naas,
Co Kildare

Date: 1st December 2025
Our Ref: 24268 BC

Dear Sir / Madam,

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

1.0 INTRODUCTION

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

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

A previous Section 5 declaration request was made to Kildare County Council (KCC Reg. Ref. ED1233) on 15 May 2025, following which the Council issued a declaration on 11 June 2025 in which the Council considered that the change of use of the building would not be exempt under Class 20F Part 1 of Schedule 2 of the Planning and Development Regulations (as amended) (the "**PDR**") for the reasons set out in the assessment in the planner's report. This declaration request takes full account of the Regulations and previous decision of Kildare County Council. The principal change is that the request relies on Class 14(h) for both the ground and first floors to take account of the planner's assessment that the convent part of the building which is the majority of the building (ground & first floors) does not fit within any use class outlined within Class 20(f) of the PDR.

There is no statutory preclusion on relying on more than one category of exempted development class within the same request for a Section 5 Declaration and nor is there a statutory preclusion on separately identifying constituent but discrete parts of a building unit for the purpose of a Section 5 Declaration.

Our client received an Enforcement Notice (KCC Reg. Ref. **UD8830** dated 9th October) in regard to:

- *"Replacement of gates to front of site, erection of fencing and gates to front, side and rear of site and all associated works.*
- *Provision of electrical cabinet to the northern side of the property attached to the northern boundary stone wall and all associated works.*
- *Provision of concrete base with water tanks thereon to the rear of the property and all associated works."*

The replacement of the gates and fences are now subject of a First Party Appeal to An Coimisiún Pleanála KCC REG. REF.: 25/60841; ACP Reg. Ref. PL-500056-KE. The electrical cabinet is subject to a separate Section 5 declaration request. The concrete base with water tanks have since been removed to the satisfaction of KCC. The above works have no relevance to proposed change of use subject of this Section 5 declaration request.

This request for a Section 5 Declaration seeks a declaration on each of the following:

(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]*

Part 1 of Schedule 2 of the Planning and Development Regulations (as amended) Class 14(h) states that the following is exempted development under Article 6(1):

"(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, ***convent****, monastery, Defence Forces barracks or other premises* ***or residential institution providing overnight accommodation****, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons"*

The Planning and Development Regulations were amended to provide for a new class of exempted development under Class 20F[1]. This new Class permitted the change of use of certain specified structures for the purpose of providing the necessary facilities and accommodation for international protection applicants.

Those structures referred to above include:

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

[1] Article 2 of S.I. No. 376/2023 Planning and Development (Exempted Development) (No. 4) Regulations 2023

This Section 5 application seeks confirmation of whether the change of use of the ground floor and first floor from use as convent, and from use as a nursing home on the second floor to accommodate protected persons, is or is not considered exempted development. This cover letter will describe the proposed use and seek to demonstrate that it constitutes exempted development.

It is acknowledged that Class 20F is subject to different conditions and limitations to Class 14(h), although are both on relied on for the purpose of this request for a Section 5 Declaration. While the proposed change of use of the second floor comes within the scope of both Classes for the reasons set out in this request, in the event that the Planning Authority determines that either Class applies, this is determinative of the request. It also follows that if the Planning Authority considers that only one of Class 14(h) or Class 20F applies, the request should not be refused as they are separate Classes of exempted development in the PDR.

The Planner's Report (KCC Reg. Ref. ED1233) regarding the previous Section 5 referral acknowledges the existing use of the building and states: "*The structure, in terms of uses comprises of a convent (ground and first floor) and a nursing home (on the second floor only).*"

In turn we note, as set out in the KCC Planner's Report, regarding the previous Section 5 referral: *"Having regard to the planning history on site, it appears the second floor of the once a convent building has permission for a nursing home, on the plans submitted this was a total of 16 bedrooms, nurses station bathrooms, sitting room, office and utility room on the second floor."*

We enclose the following information with the Section 5 application:

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

The AMOS letter provides an update on legal proceedings in relation to the site, and notes that "... *the proceedings will continue on in the normal manner and our client is free to take whatever steps it deems appropriate, without restriction, as regards the Property.* "

2.0 SITE LOCATION AND DESCRIPTION

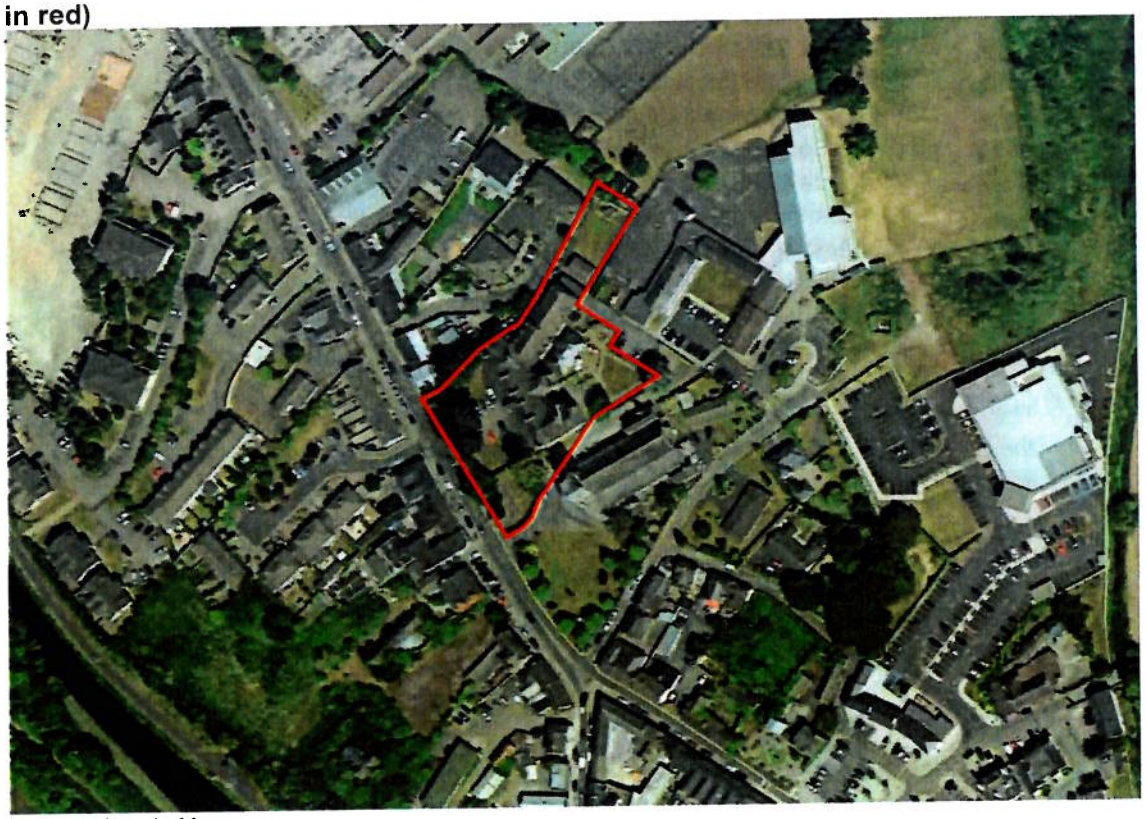
Shalom Nursing Home is centrally located on Church Street in Kilcock, within the administrative area of Kildare County Council. The site is situated to the west of the existing Catholic Church and directly southwest of an established primary school. The building is set back from the edge of the road,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

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

The building was constructed in the 1870s as a Convent. Planning permission was granted in 2001 for a change of use of the 2nd floor to nursing home. This is confirmed in the Planners Report (KCC Reg. Ref. ED1233) regarding the previous Section 5 referral also acknowledges the existing use of the building, states: "*The structure, in terms of uses comprises of a convent (ground and first floor) and a nursing home (on the second floor only).*"

Please also see Appendix 3 for Conservation Report (2009) prepared previously by Randall McDonnell Architects which sets out the history of the building and its evolution. This report states that: "*In 1879, the required permission was granted by Pope Leo XIII. The new convent was duly built While there is no record of the name of the Architect, it is quite likely it was designed by John McCarthy who had designed St Coca's Parish Church completed twelve years earlier.*"

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



Source: Google Maps

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

"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."

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

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

No works are required to facilitate the change of use that would materially impact the character of the protected structure, as such Section 57(1) is not applicable.

Figure 2.2: Images of the Shalom Presentation Convent

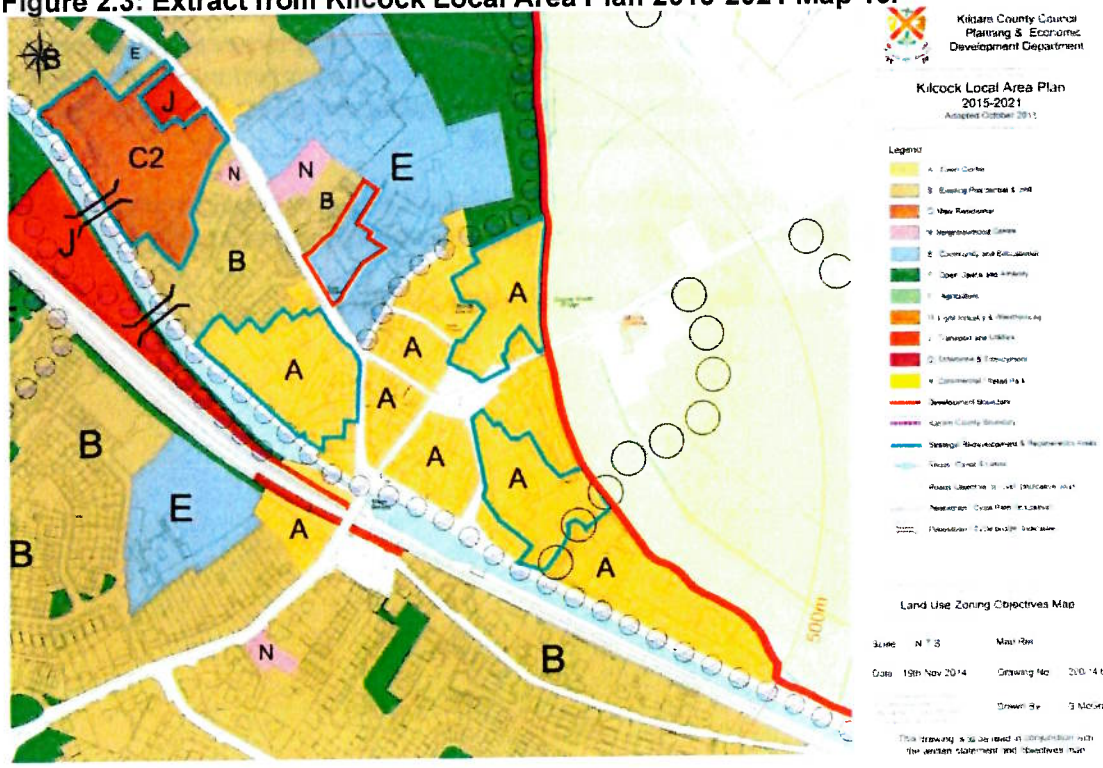


Source: NIAH portal

2.1 Planning Policy

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

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



2.3 Existing Uses

As noted above, the building was built as a convent in 1870s. In 2001, permission was granted to convert the second floor into a nursing home under KCC Reg. Ref. 01/1205. The ground and first floor were never subject to planning permissions.

We enclose a HIQA report which confirms the building was registered and formally in use as a nursing home which states:

"The centre was established in 1994 and can accommodate 33 residents over the age of 18 and females only. Residents are accommodated in 33 single rooms and have access to other facilities such as sitting rooms, a tea room and a chapel. Residents in the centre may have short or longterm residential care needs with a physical disability or cognitive impairment."

The Planners Report (KCC Reg. Ref. ED1233) regarding the previous Section 5 referral also acknowledges the existing uses of the building, states: "*The structure, in terms of uses comprises of a convent (ground and first floor) and a nursing home (on the second floor only).*" Therefore the authorised use of the ground and first floor remains as convent and the 2nd floor is as nursing home.

In turn we note, the Planner's Report: *"Having regard to the planning history on site, it appears the second floor of the once a convent building has permission for a nursing home, on the plans submitted this was a total of 16 bedrooms, nurses station bathrooms, sitting room, office and utility room on the second floor."*

3.0 PROPOSED EXEMPTED DEVELOPMENT

It is proposed to provide accommodation for protected persons at the Shalom Nursing home.

The change of use proposed subject of this Section 5 declaration request is set out under three separate questions as follows:

(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]*

This Section sets out in further detail, compliance with Class 14(h) and 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is of relevance to the exempted development declaration sought above.

It is considered that the proposed use will not impact on the overall character of the building and the proposed use will support the conservation of the building through continued activity / use. In accordance with the requirements of the Planning and Development Regulations the proposed change of use at second floor level, under Class 20F, is temporary in nature and will cease no later than the expiry of the legislative provisions, although this is without prejudice to any separate determination that the Planning Authority makes in respect of Class 14(h).

(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)]

The subject Section 5 declaration request is made under the basis of Class 14(h) in relation to the ground and first floor.

Class 14(h) states that:

"(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, ***convent****, monastery, Defence Forces barracks or other premises* ***or residential institution providing overnight accommodation****, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons"*

Part 2 Schedule 5 of the Planning and Development Regulations defines 'protected persons' as:

a) *a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),*

b) *a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or*

c) *a programme refugee within the meaning of section 24 of the Refugee Act of 1996.*

The existing use at ground and first floor is as a convent. The proposed use is as accommodation for protected persons. There are no specific conditions and limitations on Class 14(h) in the PDR although it is subject to the general provisions in Article 9 of the PDR.

(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)]

The subject Section 5 declaration request is made under the basis of Class 14(h) in relation to the second floor of the building.

Class 14(h) states that:

"(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises ***or residential institution providing overnight accommodation****, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons"*

We note, as set out in the KCC Planner's Report on the previous Section 5 declaration (KCC Reg. Ref. ED1233) the Council acknowledges that the building has been in part use as a convent and a nursing home. In 2001 permission was granted for the conversion of the 2nd floor of existing building to nursing use under KCC Reg. Ref. 01/1205.

A nursing home can both be considered as a '***residential institution providing overnight accommodation'***. On this basis the use of the second floor of the building for accommodation for protected persons can also be considered to be exempt development under Class 14(h).

A residential institution is considered a facility where people live and receive care or support, often because they have specific needs or require assistance with daily living.

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

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

The above definition refers to an institution for the care of persons. In addition to the above discussion the proposed change of use second floor is considered to be exempt development under Class 14(h). There are no specific conditions and limitations on Class 14(h) in the PDR although it is subject to the general provisions in Article 9 of the PDR.

(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]

Notwithstanding the above, the subject Section 5 declaration request is also made under the basis of Class 20F in relation to the second floor.

In 2001 permission was granted and implemented for conversion of the 2nd floor of the existing building to nursing home use under KCC Reg. Ref. 01/1205. We note the relevant provisions of Class 20F in relation to the second floor which provides for the use of a structure for persons seeking international protection, which states:

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

The applicant confirms that the use would be by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth will be to accommodate or support persons seeking international protection. While no particular definition is provided within the Kildare Development Plan, the existing permitted nursing home meets the definition of '***other health and social care accommodation'*** due to its nature. As the second floor has been in use as a nursing home since 1994 as evident in the site's planning history it is clear that the existing use meets the definition of '*other health care accommodation'*.

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

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

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

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

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

(2) Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022[1] comes to an

end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001[2]. [2]

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

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

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

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

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

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

The applicant will notify the local authority prior to commencement.

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

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

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

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

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

The applicant confirms that the intended use will be for persons requiring 'temporary protection' and that, if the Section 5 Declaration relies on Class 20F as the basis for a determination that the change of use is exempted development, it will comply with the conditions and limitations in Class 20F.

4.0 ARTICLE 9 RESTRICTIONS

Article 9 of the Planning and Development Regulations 2001 (as amended) provides for the following restrictions on exemptions under Article 6 that are relevant to the proposal under considerations (an assessment is provided after each point):

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

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

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

In its assessment of the previous Section 5 referral KCC Reg. Ref. ED/1233 Kildare Co.Co. confirmed the proposal would not contravene previous conditions. In our submission, that assessment is equally relevant to the request now made and there are no changes that would warrant a re-assessment by the Planning Authority of the specific limitations referred to in Article 9. If the Planning Authority was to depart from its previous position, this would be irrational unless there are compelling reasons to explain why a different approach was taken (see for example *Grealish v An Bord Pleanála* [2006] IEHC 310).

In any event, the specific criteria in Article 9 are addressed below again for ease of reference.

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

There is no access to a public road proposed as part of this Section 5 application, as confirmed in the previous decision of the Council.

(iii) "endanger public safety by reason of traffic hazard or obstruction of road users"

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

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

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

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

plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan"

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

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

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

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

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

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

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

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

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

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

It is not considered that the proposed development would be likely to have a significant effect on the integrity of a European site. An AA Screening has been prepared by Altemar and is submitted with this Section 5 application which concludes that:

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

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

As set out in the Altemar AA Screening "*It should be noted that the Royal Canal is located approximately 160m southeast of the site. There is no hydrological pathway from the proposed project site to the Royal Canal. As such, the proposed development is not expected to result in any direct or indirect impacts on this watercourse.*" No works are proposed that would belikely to impact this NHA.

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

There is no extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use proposed as part of this application. No ongoing use is unauthorised at the subject location. Our client received an Enforcement Notice (KCC Reg. Ref. **UD8830** dated 9th October) in regard to:

- *"Replacement of gates to front of site, erection of fencing and gates to front, side and rear of site and all associated works.*
- *Provision of electrical cabinet to the northern side of the property attached to the northern boundary stone wall and all associated works.*
- *Provision of concrete base with water tanks thereon to the rear of the property and all associated works."*

The replacement of the gates and fences are now subject of a First Party Appeal to An Coimisiún Pleanála KCC REG. REF.: 25/60841; ACP Reg. Ref. PL-500056-KE. The gates and fences are not subject of this Section 5 Declaration Request. The electrical cabinet is subject to a separate Section 5 declaration request and is not subject of this Section 5 Declaration Request. The concrete base with water tanks have since been removed to the satisfaction of KCC. The above works have no relevance to proposed change of use subject of this Section 5 declaration request.

We note that the applicant received a Section 5 Declaration from Kildare County Council that internal works carried out were exempt development under KCC Reg. Ref. ED/1267 on 9th September 2025.

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

There is no such use specified in the Development Plan for the area and no demolition or alteration of a building proposed as part of this application.

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

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

(xi) "obstruct any public right of way"

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

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

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

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

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

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or

(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or

(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited"

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

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

Part 10 does not apply to the proposed development as the Application is not by or no behalf of a local authority.

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

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

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

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

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

The above consideration is not considered relevant to the subject Section 5 declaration request. An AA Screening report has been prepared by Altemar and enclosed with the application.

5.0 SUMMARY AND CONCLUSIONS

This application for a Section 5 Declaration is made on behalf of the applicant, Frostbreak ULC, 22 Northumberland Road, Ballsbridge, Dublin 4, and seeks a declaration in respect of the following:

(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*

As set out in the above cover letter, it is respectfully submitted that the proposed change of use from convent and nursing home to facility for protected persons and international protection applicants are considered to constitute exempted development under Class 14(h) and 20F of the Planning and Development Regulations 2001, as amended.

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

Yours sincerely,

John Spain Associates

APPENDIX 1: PLANNING HISTORY

KCC Reg. Ref. 89/1431

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

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

KCC Reg. Ref. 94/931

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

"Construction of a new vehicular entrance and for 2 enclosed external 3 storey staircases"

KCC Reg. Ref. 01/1205

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

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

KCC Reg. Ref. 09/643

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

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

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

KCC Reg. Ref. 25/60841

An application was refused by KCC on 15th September 2025 for the following development:

RETENTION, for a protected structure (RPS No: B05-40) and located within the Kilcock Architectural Conservation Area (ACA). for a period of 1 year is sought for the removal of railings / gates and the erection of temporary security gates and fencing to the front (south western side) of the site; a gate and fencing to front, side and rear (south eastern and north eastern side) of the site; and, all associated ancillary works at Shalom Nursing Home, Church Street Kilcock County Kildare W23 FH30

APPENDIX 2 HIQA REPORT (DATED 2022)

Health Information and Quality Authority

An tÚdarás Um Fhaisnéis agus Cáilíocht Sláinte

Report of an inspection of a Designated Centre for Older People.

Issued by the Chief Inspector

Name of designated centre:	Shalom Nursing Home
Name of provider:	Presentation Sisters North East Province
Address of centre:	Presentation Convent, Kilcock, Kildare
Type of inspection:	Unannounced
Date of inspection:	28 July 2022
Centre ID:	OSV-0000094
Fieldwork ID:	MON-0034395

About the designated centre

The following information has been submitted by the registered provider and describes the service they provide.

Shalom Nursing Home is located in Kilcock, Co Kildare, and the registered provider is the Presentation Sisters North East Province. The centre was established in 1994 and can accommodate 33 residents over the age of 18 and females only. Residents are accommodated in 33 single rooms and have access to other facilities such as sitting rooms, a tea room and a chapel. Residents in the centre may have short or long-term residential care needs with a physical disability or cognitive impairment.

The following information outlines some additional data on this centre.

Number of residents on the date of inspection:	19

How we inspect

This inspection was carried out to assess compliance with the Health Act 2007 (as amended), the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013 (as amended), and the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2015 (as amended). To prepare for this inspection the inspector of social services (**hereafter referred to as inspectors**) reviewed all information about this centre. This included any previous inspection findings, registration information, information submitted by the provider or person in charge and other unsolicited information since the last inspection.

As part of our inspection, where possible, we:

- speak with residents and the people who visit them to find out their experience of the service,
- talk with staff and management to find out how they plan, deliver and monitor the care and support services that are provided to people who live in the centre,
- observe practice and daily life to see if it reflects what people tell us,
- review documents to see if appropriate records are kept and that they reflect practice and what people tell us.

In order to summarise our inspection findings and to describe how well a service is doing, we group and report on the regulations under two dimensions of:

1. Capacity and capability of the service:

This section describes the leadership and management of the centre and how effective it is in ensuring that a good quality and safe service is being provided. It outlines how people who work in the centre are recruited and trained and whether there are appropriate systems and processes in place to underpin the safe delivery and oversight of the service.

2. Quality and safety of the service:

This section describes the care and support people receive and if it was of a good quality and ensured people were safe. It includes information about the care and supports available for people and the environment in which they live.

A full list of all regulations and the dimension they are reported under can be seen in Appendix 1.

This inspection was carried out during the following times:

Date	Times of Inspection	Inspector	Role
Thursday 28 July 2022	09:00hrs to 15:20hrs	Helena Budzicz	Lead

Regulation 15: Staffing

There were adequate numbers and skill mix of staff on duty with appropriate knowledge and skills to meet the needs of the residents and taking into account the size and layout of the designated centre.

Judgment: Compliant

Regulation 16: Training and staff development

Training records were provided to the inspector for review and indicated that all staff had up-to-date mandatory training and other training relevant to their role.

Judgment: Compliant

Regulation 19: Directory of residents

All of the information required by Schedule 3 of the regulations was set out in the centre's directory of residents.

Judgment: Compliant

Regulation 23: Governance and management

There were clear systems in place for the oversight and monitoring of care and services provided for residents. However, not all issues found at the last inspection had been addressed by the provider.

The systems of risk identification had not identified a number of risks observed by the inspector on the day of inspection; for example, in respect of Regulation 17: Premises and Regulation 28: Fire precautions.

The annual review of the quality and safety of care for 2021 was completed; however, there was no evidence that this was prepared in consultation with residents and their families.

Judgment: Substantially compliant

Regulation 24: Contract for the provision of services
The inspector reviewed four contracts for the provision of the services and found that the details of bedrooms offered to the residents, including whether the bedroom available for them is single or multi-occupancy, were not included in all contracts for the provision.
Judgment: Substantially compliant
Regulation 31: Notification of incidents
While quarterly notifications were submitted as required, they did not include details of all restrictive practices used in the centre as required by the regulations.
Judgment: Substantially compliant
Regulation 34: Complaints procedure
The centre had a complaints policy and procedure which clearly outlined the process of raising a complaint or a concern. An appeal process was available. There were no open complaints at the time of inspection.
Judgment: Compliant
Regulation 4: Written policies and procedures
Policies and procedures as set out in Schedule 5 were in place and available to all staff in the centre.
Judgment: Compliant
Quality and safety
The inspector found that the residents in this centre received a high standard of safe care. Residents were supported to live a good life in this centre, and the care

What residents told us and what inspectors observed

Overall, the inspector found that the residents received a good standard of care and support that met their assessed needs. The home as a whole had a calm and tranquil atmosphere. Staff had implemented a person-centred approach to care and were observed by the inspector to be kind and caring towards residents.

Following an opening meeting with the Director of Services, the inspector walked through the centre. The person in charge joined the inspector later. This unannounced risk inspection was carried out over one day. At the time of inspection, there were 19 residents in the centre with 14 vacant beds. The inspector observed that staff were busy assisting residents with their morning care needs while engaging in polite conversation. The residents were nicely dressed and well groomed. The inspector saw that residents were attending their hairdressing appointments and told the inspector that this service was provided weekly. The inspector observed and chatted to a number of residents throughout the day of the inspection. Residents told the inspector that they were happy living in the centre, and they were supported by kind and caring staff who respected their opinions and choices.

Shalom Nursing Home is located in the town of Kilcock. Parking is available in designated parking areas outside the centre. The building was originally a convent and maintained some of the original architectural features, including a beautiful church, doors and furniture. The centre is in close proximity to all amenities, including shops and coffee shops, which are located across the road. Residents could use a choice of communal spaces, including an oratory and chapel, dining rooms and day spaces, a quiet room and sitting rooms. There were 33 single-occupancy bedrooms in the centre. Many residents' bedrooms were furnished with personal items such as photographs and ornaments to create a comfortable, homely environment. However, some of the unoccupied bedrooms were in a state of despair. In addition, a number of areas of décor and maintenance around the centre required attention. This will be discussed further under Regulation 17: Premises.

The inspector observed the dining experience at meal times. Food was freshly prepared and specific to the resident's individual nutritional requirements. Residents said they enjoyed the food and the choices available to them. Staff were observed interacting with and assisting residents in a friendly and respectful manner.

As the centre provides care for primarily religious sisters, the activities schedule was in line with their religious and social needs. There was a scheduled time for mass and prayers in line with residents' wishes. The inspector observed residents spending their time alone in their bedrooms or playing with puzzles in a small sitting area on the ground floor. Some residents were seen to spend the day in the sitting room in the company of others.

In summary, this was a good centre with a responsive team of staff delivering good

standards of care and support to residents.

The next two sections of the report present the findings of this inspection in relation to the governance and management arrangements in place in the centre and how these arrangements impacted on the quality and safety of the service being delivered. The levels of compliance are detailed under the individual regulations.

Capacity and capability

It was evident to the inspector that the registered provider, management and staff provided a good standard of care and quality of life to residents living in the centre. This was a risk inspection conducted by the Inspector of Social Services to assess compliance with the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013 (as amended). Despite the good levels of compliance overall, the inspector found that the premises and the systems in place for infection prevention and control required further action to ensure compliance with regulations. In addition, the governance and oversight of a number of key-areas such as fire precautions, management behaviours that is challenging, and notifications of accidents were not fully in line with regulatory requirements.

The Presentation Sisters North East Province is the registered provider for Shalom Nursing Home. The management team was established and consisted of the Chief Executive Officer/Director of Services, the person in charge and the clinical nurse manager. The management structure was clear, and the lines of authority and accountability were clearly outlined and reflected the statement of purpose.

There was a comprehensive schedule of clinical audits and processes in place to monitor the quality and safety of care provided to residents. However, these processes failed to identify a number of the findings from this inspection.

Staff rosters were examined, and there was adequate staff to meet the assessed needs of residents having regard to the size and layout of the centre. Arrangements were in place to ensure that staff had access to mandatory training relevant to their role. Staff had An Garda Síochána (police) vetting disclosure prior to starting work in the centre.

The accidents and incidents in the centre were recorded, appropriate action was taken, and they were followed up on and reviewed. However, the inspector observed that not all quarterly notifications were submitted to the Office of the Chief Inspector of Social Services in line with the requirements of the regulation.

There was a low number of complaints received by the service, and procedures were in place to ensure any complaints received were investigated and managed in line with the centre's complaints policy.

Regulation 15: Staffing

There were adequate numbers and skill mix of staff on duty with appropriate knowledge and skills to meet the needs of the residents and taking into account the size and layout of the designated centre.

Judgment: Compliant

Regulation 16: Training and staff development

Training records were provided to the inspector for review and indicated that all staff had up-to-date mandatory training and other training relevant to their role.

Judgment: Compliant

Regulation 19: Directory of residents

All of the information required by Schedule 3 of the regulations was set out in the centre's directory of residents.

Judgment: Compliant

Regulation 23: Governance and management

There were clear systems in place for the oversight and monitoring of care and services provided for residents. However, not all issues found at the last inspection had been addressed by the provider.

The systems of risk identification had not identified a number of risks observed by the inspector on the day of inspection; for example, in respect of Regulation 17: Premises and Regulation 28: Fire precautions.

The annual review of the quality and safety of care for 2021 was completed; however, there was no evidence that this was prepared in consultation with residents and their families.

Judgment: Substantially compliant

Regulation 24: Contract for the provision of services

The inspector reviewed four contracts for the provision of the services and found that the details of bedrooms offered to the residents, including whether the bedroom available for them is single or multi-occupancy, were not included in all contracts for the provision.

Judgment: Substantially compliant

Regulation 31: Notification of incidents

While quarterly notifications were submitted as required, they did not include details of all restrictive practices used in the centre as required by the regulations.

Judgment: Substantially compliant

Regulation 34: Complaints procedure

The centre had a complaints policy and procedure which clearly outlined the process of raising a complaint or a concern. An appeal process was available. There were no open complaints at the time of inspection.

Judgment: Compliant

Regulation 4: Written policies and procedures

Policies and procedures as set out in Schedule 5 were in place and available to all staff in the centre.

Judgment: Compliant

Quality and safety

The inspector found that the residents in this centre received a high standard of safe care. Residents were supported to live a good life in this centre, and the care

provided was appropriate and person centered. Nonetheless, the findings of this inspection were that some gaps in relation to premises, infection control, medication management, management of behaviour that is challenging and fire safety.

The inspector reviewed a sample of seven residents' files. Following admission, a range of validated assessment tools was used to reflect the needs of the residents. Key-care plans were developed within 48 hours of the resident's admission and were regularly reviewed thereafter. Overall, these care plans were seen to be individualised and person centred. Residents' nutritional status was monitored, and where specific dietary requirements were prescribed, this was seen to be implemented.

Access to a general practitioner (GP) and health and social professionals, including physiotherapy, dietetic, speech and language therapy and specialist palliative care services, were made available when required. Overall, daily progress notes demonstrated good monitoring of care needs and effectiveness of care provided.

In general, a restraint-free environment was promoted, particularly in relation to the use of bed rails. However, improvements were required in relation to freedom of movement to ensure that any restrictions on residents were associated with a risk assessment.

The centre was generally very clean. Infection prevention and control measures were in place. However, some improvements were required and will be discussed further under Regulation 27: Infection control. There were good practices observed in relation to hand hygiene and the wearing of personal protective equipment (PPE). The centre had a comprehensive COVID-19 contingency plan in place.

Arrangements were in place to ensure residents were protected from the risk of fire. This included ensuring fire safety equipment was tested and serviced on a quarterly and annual basis. Records showed regular simulated evacuation practice drills took place with a variety of scenarios. However, the fire safety precautions required an additional revision as outlined under Regulation 28: Fire Precautions.

Regulation 11: Visits

The inspector observed that residents had access to visitors in line with regulatory requirements and that the registered provider had arrangements in place for residents to receive visitors in line with current guidelines set out by the HPSC (Health Protection and Surveillance Centre).

Judgment: Compliant

Regulation 17: Premises

Improvements were required in the oversight of maintenance within the designated centre, as per Schedule 6 requirements. Equipment and areas of poor repair were observed. For example:

- Door frames, doors, walls and skirting boards throughout the centre had chipped paint and wood.
- There were gaps on the floor visible between the marmoleum and the door's thresholds.
- Call-bell chords were not available in all bedrooms. There was no call-bell in residents' toilet beside the chapel.
- There were large cracks on the ceilings and around the walls in some bedrooms, corridors and stairs. The inspector requested assurances that the building was of sound construction and is safe for use.

Judgment: Substantially compliant

Regulation 26: Risk management

While the risk management policy was in place, it did not reflect the measures and actions in place to control the risk of the unexplained absence of any resident. This was also a finding from the last inspection.

Judgment: Substantially compliant

Regulation 27: Infection control

Despite good levels of cleanliness, a number of issues which had the potential to impact on effective infection prevention and control measures were identified during the course of the inspection. This was evidenced by:

- The inspector observed inappropriate storage practices around the centre. The oratory was partially used as a storage room for residents; equipment and bedrooms were as well used for storage purposes of personal protective equipment (PPE), furniture and boxes. Cleaning equipment was stored in the sluice room.
- A number of the fixtures and furnishings were in a state of disrepair throughout the centre, and therefore this meant they could not be cleaned properly. For example, the sink units and bedside tables in the residents' bedrooms and kitchen cupboard in the kitchenette on the first floor. This unit was not replaced as outlined in the action plan from the last inspection.
- Residents' equipment was rusty, such as shower chairs and the laundry

clothes rack, making them difficult to be cleaned.

Judgment: Substantially compliant

Regulation 28: Fire precautions

The registered provider shall make adequate arrangements for reviewing fire precautions. There were large cracks on the ceilings and around the walls in some bedrooms, corridors and stairs, which posed a risk that in the event of a fire in the centre, smoke and fumes would easily spread and hinder the safe evacuation of residents and staff. The provider was requested to submit an up to date fire risk assessment completed by a competent person to the Chief Inspector of Social Services.

The safety signs were missing where the oxygen bottle or oxygen concentrator was in use or stored or not to use a lift in case of a fire.

Judgment: Substantially compliant

Regulation 29: Medicines and pharmaceutical services

While the general medication management systems in place were found to be good, further oversight was required to ensure that medications were correctly labeled, used and stored as the opening date (for example, on bottles or creams with a short lifespan) and correct label from the pharmacy were missing on several medicinal products.

Judgment: Substantially compliant

Regulation 5: Individual assessment and care plan

Each resident had a completed validated nursing assessment and care plan documented within residents' files. The individualised care plans reviewed were developed within 48 hours of admission and followed the comprehensive assessment of the resident's health, personal and social care needs. The inspector found that care plans and assessments were regularly reviewed and updated with any changes to a resident's condition.

Judgment: Compliant

Regulation 6: Health care

The residents' nursing care and health care needs were met to a good standard. There was evidence in the nursing documentation that the residents have access to general practitioners (GPs) from local practices, social and health care professionals and specialist medical and nursing services. All recommendations made by these specialists were integrated into the care given to residents.

Judgment: Compliant

Regulation 8: Protection

The centre was not a pension agent for any residents. Staff were knowledgeable regarding safeguarding residents and were aware of their responsibility to report any allegations, disclosures or suspicions of abuse. The registered provider facilitated staff to attend training in the safeguarding of vulnerable persons, and all staff completed this training.

Judgment: Compliant

Regulation 9: Residents' rights

Residents were facilitated to exercise their civil, political and religious rights. Residents had access to radio, television, newspapers both local and national, together with access to the Internet.

Judgment: Compliant

Regulation 7: Managing behaviour that is challenging

There was no restraint register in place on the day of the inspection. Inspector saw that the use of environmental-restrictive practices such as stair gates, key-pads on the doors and window locks in the centre was not regularly monitored.

Judgment: Substantially compliant

Appendix 1 - Full list of regulations considered under each dimension

This inspection was carried out to assess compliance with the Health Act 2007 (as amended), the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013 (as amended), and the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2015 (as amended) and the regulations considered on this inspection were:

Regulation Title	Judgment
Capacity and capability	
Regulation 15: Staffing	Compliant
Regulation 16: Training and staff development	Compliant
Regulation 19: Directory of residents	Compliant
Regulation 23: Governance and management	Substantially compliant
Regulation 24: Contract for the provision of services	Substantially compliant
Regulation 31: Notification of incidents	Substantially compliant
Regulation 34: Complaints procedure	Compliant
Regulation 4: Written policies and procedures	Compliant
Quality and safety	
Regulation 11: Visits	Compliant
Regulation 17: Premises	Substantially compliant
Regulation 26: Risk management	Substantially compliant
Regulation 27: Infection control	Substantially compliant
Regulation 28: Fire precautions	Substantially compliant
Regulation 29: Medicines and pharmaceutical services	Substantially compliant
Regulation 5: Individual assessment and care plan	Compliant
Regulation 6: Health care	Compliant
Regulation 8: Protection	Compliant
Regulation 9: Residents' rights	Compliant
Regulation 7: Managing behaviour that is challenging	Substantially compliant

Compliance Plan for Shalom Nursing Home OSV-0000094

Inspection ID: MON-0034395

Date of inspection: 28/07/2022

Introduction and instruction
This document sets out the regulations where it has been assessed that the provider or person in charge are not compliant with the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013, Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2015 and the National Standards for Residential Care Settings for Older People in Ireland.

This document is divided into two sections:

Section 1 is the compliance plan. It outlines which regulations the provider or person in charge must take action on to comply. In this section the provider or person in charge must consider the overall regulation when responding and not just the individual non compliances as listed section 2.

Section 2 is the list of all regulations where it has been assessed the provider or person in charge is not compliant. Each regulation is risk assessed as to the impact of the non-compliance on the safety, health and welfare of residents using the service.

A finding of:

- **Substantially compliant -** A judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.

- **Not compliant -** A judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector have identified the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action *within a reasonable timeframe* to come into compliance.

Section 1

The provider and or the person in charge is required to set out what action they have taken or intend to take to comply with the regulation in order to bring the centre back into compliance. The plan should be **SMART** in nature. **S**pecific to that regulation, **M**easurable so that they can monitor progress, **A**chievable and **R**ealistic, and **T**ime bound. The response must consider the details and risk rating of each regulation set out in section 2 when making the response. It is the provider's responsibility to ensure they implement the actions within the timeframe.

Compliance plan provider's response:

Regulation Heading	Judgment
Regulation 23: Governance and management	Substantially Compliant
Outline how you are going to come into compliance with Regulation 23: Governance and management: Residents Committee met on 31.08.2022	
Regulation 24: Contract for the provision of services	Substantially Compliant
Outline how you are going to come into compliance with Regulation 24: Contract for the provision of services: Schedule added to Contract of Care to include Room number and state that all rooms are single. Present residents signature added to contract. Schedule added to contracts going forward 9.9.2022	
Regulation 31: Notification of incidents	Substantially Compliant
Outline how you are going to come into compliance with Regulation 31: Notification of incidents: Notification of environmental restrictions completed 29.7.2022	

Regulation 17: Premises	Substantially Compliant

Outline how you are going to come into compliance with Regulation 17: Premises:
Environmental Audit carried out monthly. Spot painting carried out on rotational basis.
Flooring under review and awaiting report
Call bells chords in place in all rooms 2.8.2022

Call bell in toilet beside chapel. Engineer due on site on 26.09.2022

Cracks in ceilings and walls: Engineer due on site 15.09.2022

Regulation 26: Risk management	Substantially Compliant

Outline how you are going to come into compliance with Regulation 26: Risk management:
Absconsion Policy reviewed and up-dated 5.9.2022

Regulation 27: Infection control	Substantially Compliant

Outline how you are going to come into compliance with Regulation 27: Infection control:
Kitchen cupboard replaced 31.08.2022
Sink units in bedroom in use to be replaced on rotational basis March 2023
Chair in shower room removed 28.7.2022
Laundry clothes rack painted 1.9.2022

There are dedicated hand-washing sinks on middle and top floor.
Due to the layout and age of the premises, it is not possible to install a hand-washing sink in nurses' station. Additional Hand Sanitiser placed at exit from Nurses Station.23.8.2022

Regulation 28: Fire precautions	Substantially Compliant
Outline how you are going to come into compliance with Regulation 28: Fire precautions: Safety Signage: Oxygen cylinder and oxygen concentrator storage in place Do not use in case of fire ground floor lift entrance: 29.7.2022 Structural Report: Engineer due on site 15.09.2022	
Regulation 29: Medicines and pharmaceutical services	Substantially Compliant
Outline how you are going to come into compliance with Regulation 29: Medicines and pharmaceutical services: Opening Dates and Labeling is contained on Medication Audit. Nursing staff reminded of the importance of dating and labeling short-term medication on opening. 30.7.22	
Regulation 7: Managing behaviour that is challenging	Substantially Compliant
Outline how you are going to come into compliance with Regulation 7: Managing behaviour that is challenging: Environmental Restraint added to Restraint Register 29.7.2022	

Section 2:

Regulations to be complied with

The provider or person in charge must consider the details and risk rating of the following regulations when completing the compliance plan in section 1. Where a regulation has been risk rated red (high risk) the inspector has set out the date by which the provider or person in charge must comply. Where a regulation has been risk rated yellow (low risk) or orange (moderate risk) the provider must include a date (DD Month YY) of when they will be compliant.

The registered provider or person in charge has failed to comply with the following regulation(s).

Regulation	Regulatory requirement	Judgment	Risk rating	Date to be complied with
Regulation 17(1)	The registered provider shall ensure that the premises of a designated centre are appropriate to the number and needs of the residents of that centre and in accordance with the statement of purpose prepared under Regulation 3.	Substantially Compliant	Yellow	26/09/2022
Regulation 17(2)	The registered provider shall, having regard to the needs of the residents of a particular designated centre, provide premises which conform to the matters set out in Schedule 6.	Substantially Compliant	Yellow	26/09/2022
Regulation 23(c)	The registered provider shall ensure that management systems are in place to ensure	Substantially Compliant	Yellow	30/08/2022

	that the service provided is safe, appropriate, consistent and effectively monitored.			
Regulation 23(e)	The registered provider shall ensure that the review referred to in subparagraph (d) is prepared in consultation with residents and their families.	Substantially Compliant	Yellow	30/08/2022
Regulation 24(1)	The registered provider shall agree in writing with each resident, on the admission of that resident to the designated centre concerned, the terms, including terms relating to the bedroom to be provided to the resident and the number of other occupants (if any) of that bedroom, on which that resident shall reside in that centre.	Substantially Compliant	Yellow	09/09/2022
Regulation 26(1)(c)(ii)	The registered provider shall ensure that the risk management policy set out in Schedule 5 includes the measures and actions in place to control the unexplained absence of any resident.	Substantially Compliant	Yellow	09/09/2022

Regulation 27	The registered provider shall ensure that procedures, consistent with the standards for the prevention and control of healthcare associated infections published by the Authority are implemented by staff.	Substantially Compliant	Yellow	31/03/2023
Regulation 28(1)(a)	The registered provider shall take adequate precautions against the risk of fire, and shall provide suitable fire fighting equipment, suitable building services, and suitable bedding and furnishings.	Substantially Compliant	Yellow	26/09/2022
Regulation 28(1)(c)(ii)	The registered provider shall make adequate arrangements for reviewing fire precautions.	Substantially Compliant	Yellow	26/09/2022
Regulation 28(2)(i)	The registered provider shall make adequate arrangements for detecting, containing and extinguishing fires.	Substantially Compliant	Yellow	26/09/2022
Regulation 29(4)	The person in charge shall ensure that all medicinal products dispensed or supplied to a resident are stored securely at the	Substantially Compliant	Yellow	20/07/2022

	centre.			
Regulation 31(3)	The person in charge shall provide a written report to the Chief Inspector at the end of each quarter in relation to the occurrence of an incident set out in paragraphs 7(2) (k) to (n) of Schedule 4.	Substantially Compliant	Yellow	29/07/2022
Regulation 7(3)	The registered provider shall ensure that, where restraint is used in a designated centre, it is only used in accordance with national policy as published on the website of the Department of Health from time to time.	Substantially Compliant	Yellow	29/07/2022

APPENDIX 3: CONSERVATION REPORT (2009) PREPARED BY RANDALL MCDONNELL ARCHITECTS

Conservation Report, Photographic Survey and Analysis of impact of proposed extension and alterations to **Shalom Nursing Home, Presentation Convent, Church Street, Kilcock, Co. Kildare, a Protected Structure.**



View of front elevation of Shalom Nursing Home, Presentation Convent

This Report accompanies the Planning Application for Proposed Development at Shalom Nursing Home, Presentation Convent, Church Street, Kilcock, Co. Kildare, a Protected Structure. The development will consist of the construction of a single storey extension to the rear of the existing building consisting of a new living room with glazed link, refurbishment of the existing kitchen and stores, and the construction of a single storey extension to the rear of the existing garden store to form a new laundry for the Presentation Sisters.

Contents:

Description of the Protected Structure
History and Context, including map records
Conservation Photographic Survey
Analysis of impact of proposals
Conclusion

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Randal McDonnell Architects 2009
Architects Accredited in Conservation Grade III

Description of the Protected Structure

A. Exterior

Shalom Nursing Home, Kilcock is a detached eleven bay three-storey convent built in the Gothic Style c.1870, set back from Church Street and adjoining St Coca's R.C. Church built in 1867. A Primary School built in 1967 is located on a site at the rear, north of the convent building and a nuns' burial ground is located to the south with the graves marked by simple iron crosses.

The front elevation consists of roughcast render finish to walls with red brick window surrounds and granite sills. A red brick string course runs across the front façade at first floor window sill level and returns along the side elevation. Another brick string course runs at the springing point of the arches over the windows at first floor level. Red brick quoins define the corners. Courses of brickwork terminate the top of the façade at eaves level with modillions formed in brick. The gutters and rain water downpipes are cast iron and appear to be original. The roof is natural slate with decorative clay ridge pieces. The roof line is broken by numerous decorative chimneys in red brick with red cantilever courses and stone used at points of reduction on chimneys at gable elevations. The front façade is broken by a central three-storey projecting bay with brick quoins, a gable at roof level and a single-storey porch at the main entrance door. A flight of three sandstone steps leads from a driveway finished in tarmacadam to the porch. The door is surrounded by a Gothic arch in stepped brick. A large plinth is formed with a chamfered limestone string course below the ground floor windows. Underfloor vents with granite surrounds are set out in the plinth below each bay.

Within the Gothic arched openings the ground floor windows have paired lancet-arch heads in stone with chamfered granite sills. There are single Gothic arched windows to first floor and shallow paired brick arched windows to third floor with stone at the springing points. A three-storey stairwell structure, on the north-west gable and set back from the façade is a later addition. The windows are well-maintained painted timber sliding sash.

The rear elevation has a roughcast render finish to the walls but no brick string courses. Another three-storey stairwell structure, on the northern return, was added in 1991, a requirement of the Fire Regulations. A large hipped roof projection which houses the main stairwell has a large two-storey Gothic window with tre-foil head with plate tracery and leaded glazing. A brick panel at landing level breaks the window horizontally. The window openings are formed with brick with segmental arches decreasing in height from ground to second floors. All are painted timber sliding sash type.

A single-storey wing with dormer accommodation projects from the main building at an angle to the rear and parallel to the northern boundary. Built c.1925, the ground floor windows have brick surrounds with segmental arches and are painted timber sliding sash type. Dormer windows project from eaves level with similar but smaller windows and pitched slated roofs over. The main roof is natural slate with decorative ridge tiles. A number of large decorative chimneys in red brick with red cantilever courses break the ridge line. This wing terminates at its gable with a lean-to garage and boiler house with monopitch roofed garden store opposite.

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B. Interior

Main Hall

The hall houses the main stairwell to the first and second floors with finely detailed hardwood newel posts and flat carved balusters. The underside of the stair flights is clad in two timber panels with tongue and groove hardwood sheeting laid diagonally in each panel but handed to form a herringbone pattern. The floor is tiled in a black and red checkerboard pattern laid diagonally.

Main reception rooms have cornice mouldings, ceiling roses and picture rails in the classical style.

Windows have the classical timber splayed timber casing with functioning shutter leaves and well-maintained sliding sash windows. Some along the corridor in the main building have their original pine varnished finish. In other areas, window casings have been painted white. Doors are six panelled in pine with stop chamfers to rails and door stiles and varnish finish. Skirtings are built-up type with heavy moulded architraves.

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History and Context

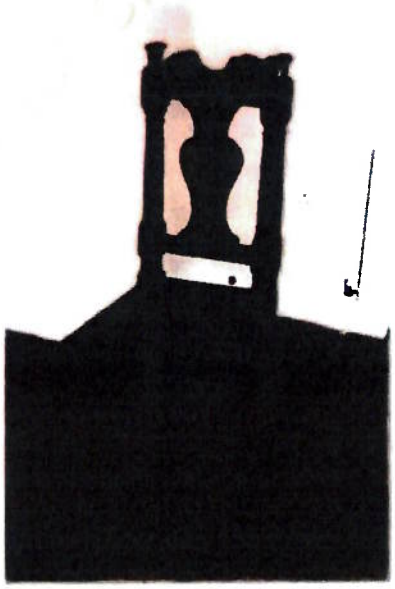
The Presentation sisters in Kilcock

The Building of St Coca's R.C. Church, adjoining The Presentation Convent, commenced in 1862 under Fr. William Tracey P.P. who purchased lot numbers 1-11 Boherboy, now Church Street between 1854 and 1859. Fr Tracey died before it was finished but the Very Rev. Fr Thomas Geoghegan, parish priest from 1862 to 1889 oversaw the completion of the church which was consecrated in 1867. Designed by the Architect J.J. McCarthy the church was built in the early Gothic style.

The Presentation sisters, founded by Nano Nagle in 1775, established missions worldwide. Rev. Geoghegan wanted to provide a religious education for girls in the parish. The Christian Brothers were already educating the boys in Kilcock. Rev. Geoghegan's cousin, Presentation Sister Mother Theresa Comerford, who had established a mission in San Francisco, was planning to found a novitiate in Ireland which would train sisters for her American convents.

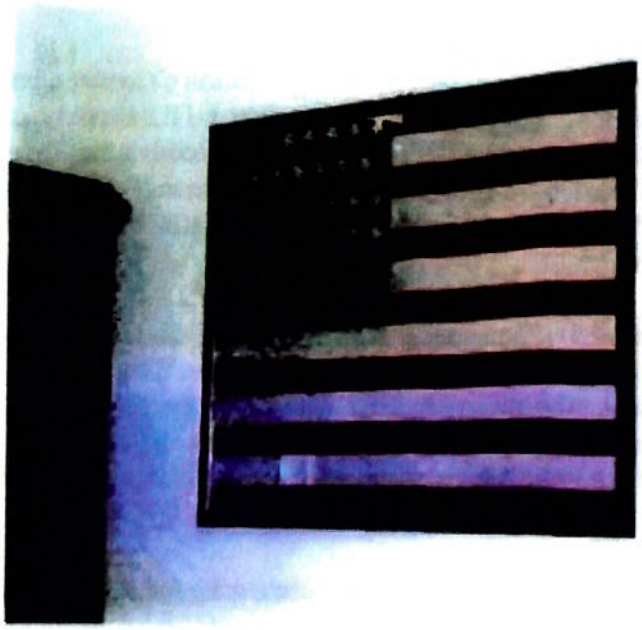
Convent

In 1878 Mother Theresa Comerford sent a petition to Rome asking for permission to establish a Novitiate in Kilcock. In 1879, the required permission was granted by Pope Leo XIII. The new convent was duly built. While there is no record of the name of the Architect, it is quite likely it was designed by John McCarthy who had designed St Coca's Parish Church completed twelve years earlier. Mother Comerford and three other sisters left San Francisco on September 12th 1879 arriving in Cobh on 6th October having sailed from New York. They rested in the South Presentation Convent, the Order's first established convent, and were presented with a chair, as was tradition, to bring to a new foundation as a memento of the Foundress. This chair is still kept in the Presentation Sisters' Community Residence adjoining Shalom Nursing Home.



The chair brought to Kilcock by the Presentation Sisters from South Presentation Convent in Cork.

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An American flag, showing only the stars of the 46 united states of the time, was also brought to Kilcock from San Francisco by Mother Comerford in 1879.

The sisters arrived in Kilcock on the 14th October. It seems likely that the convent was not completely finished by then as it is said that the stairs had not been installed between the first and second floors and a ladder had to be used for access. Another tradition states that there was no provision for a kitchen and local people supplied the convent with utensils for the first few days. Each nun's cell had a fireplace but the sisters depended on contributions of turf from parishioners to fuel them.

In 1886 the novitiate was thriving. Rev. Geoghegan, on receipt of a large donation, used it to build a large refectory, kitchen and laundry to accommodate greater numbers. However, a new Archbishop was appointed in San Francisco and, opposed to the idea of taking professed sisters from Ireland, he directed that the nuns take their subjects from their own local schools and diocese in the future. The building was left unfinished. Indications are that this structure was located where the dormer wing is now.

Children under 6 years were not accepted into the school but in 1891, Sr. Albeus Harty appealed to the Bishop who granted permission. The infant classroom did not have the capacity to hold the increased numbers, **however, and the unfinished building was used on fine days!** The incoming parish priest suggested converting the unfinished structure to classrooms and made an appeal to his parishioners to raise funds. In 1892 the three classrooms with adjoining cloakroom were completed ready for use.

In 1935 the sisters acquired the adjoining estate known as 'The Shrubbery', a former hunting lodge belonging to the Aylmer family. The house and land were let, a needed income after the failure of the Order's investments in the Railways. In 1950, the house was sold but the surrounding lands retained.

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Land nearby made available by the Land Commission saw an influx of families from Mayo. Demand for school spaces and more desks increased. The Department of Education would not give a grant for school desks because the classrooms were housed within the Convent. After negotiation the Department sanctioned the building of a new convent school. The Presentation Sisters gave over an acre of their land as a site. The primary school was completed in 1955. The classrooms in the main convent, previously used for infants, were now used for dancing , drama or commercial classes.

With the advent of free education in 1967, the Presentation Sisters gave their walled garden as a site for the Secondary School. Scoil Iosa was completed in 1970. In 1990, Scoil Iosa and Scoil Iosaif were amalgamated under the principalship of Sr Eileen Pender. A further 13 acres given by the Presentation Sisters provided space for extra classrooms, tennis courts and football pitches.

Following the closure of the Presentation Convent in Fair Street, Drogheda, the Community transferred to Kilcock. The convent was modified and modernised for use as a nursing home for elderly sisters in 1990 by Randal McDonnell Architects.

Work to the single-storey wing, the Community house, to the rear of the main building included a new entrance porch, provision of accommodation in the roofspace and new windows and dormer windows. Alterations to the main building included the installation of a new lift and nursing unit, alterations to the existing windows at first floor level and new sanitary facilities. In May 1991 the building was blessed by the Very Rev. John McWey and Sister Patricia White was appointed the nursing home's new Directress. The building was named 'Shalom'.

In 1995, two three-storey enclosed stairwell structures, on the north-west gable and south-east gable were built replacing the existing exposed steel fire escapes, a requirement of the Fire Regulations. A new vehicular entrance was also erected as part of these works.

The Presentation Sisters acquired the site adjoining Shalom Nursing Home on its north-west boundary in 2001. A cul de sac, the site had permission for a housing development. A terrace of 4 houses was converted into one unit to form a community residence. Named "Cul na Cille" by the Sisters, this accommodation freed up more space in Shalom.

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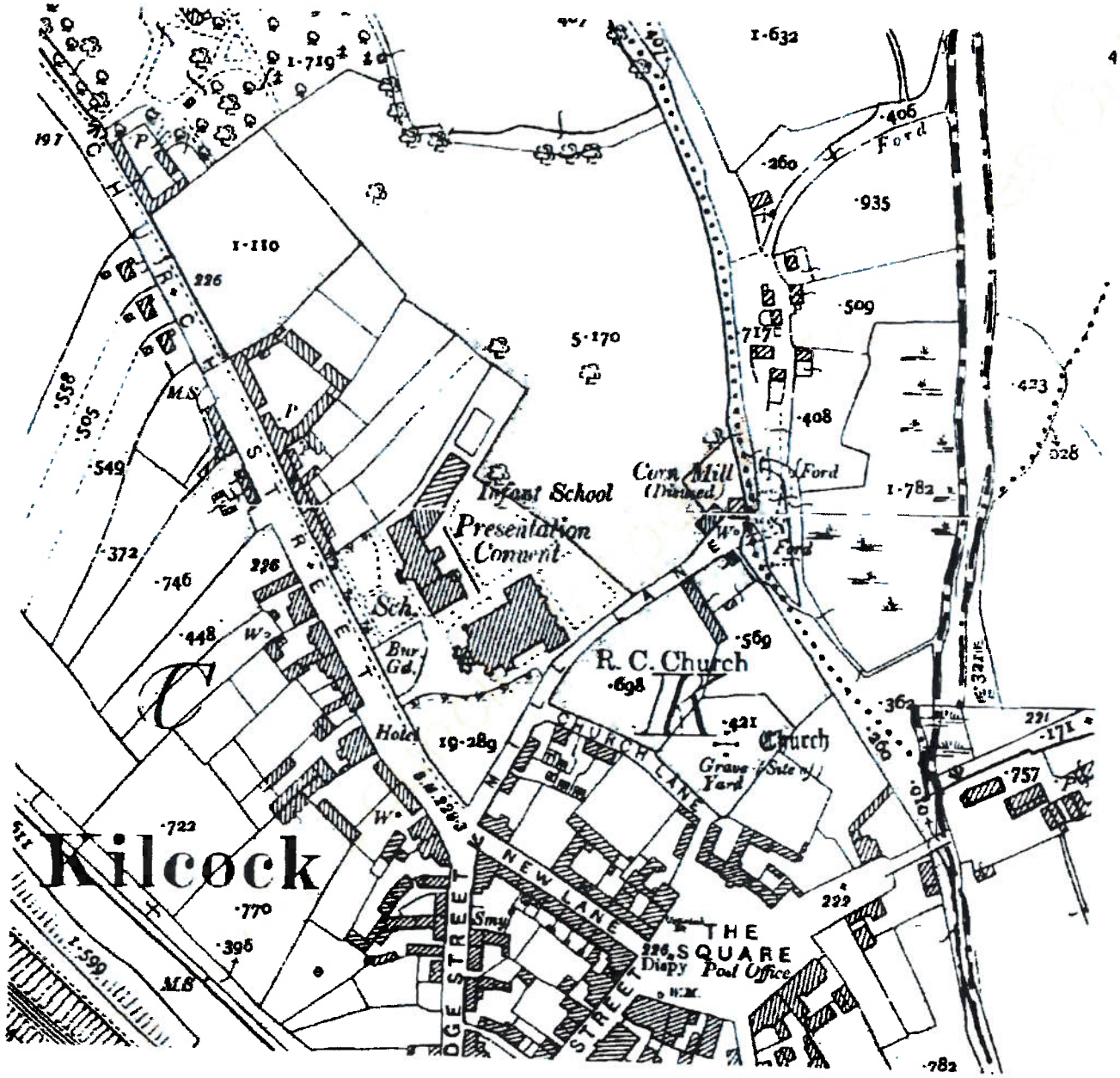
Map records of Shalom Nursing Home and surrounding lands

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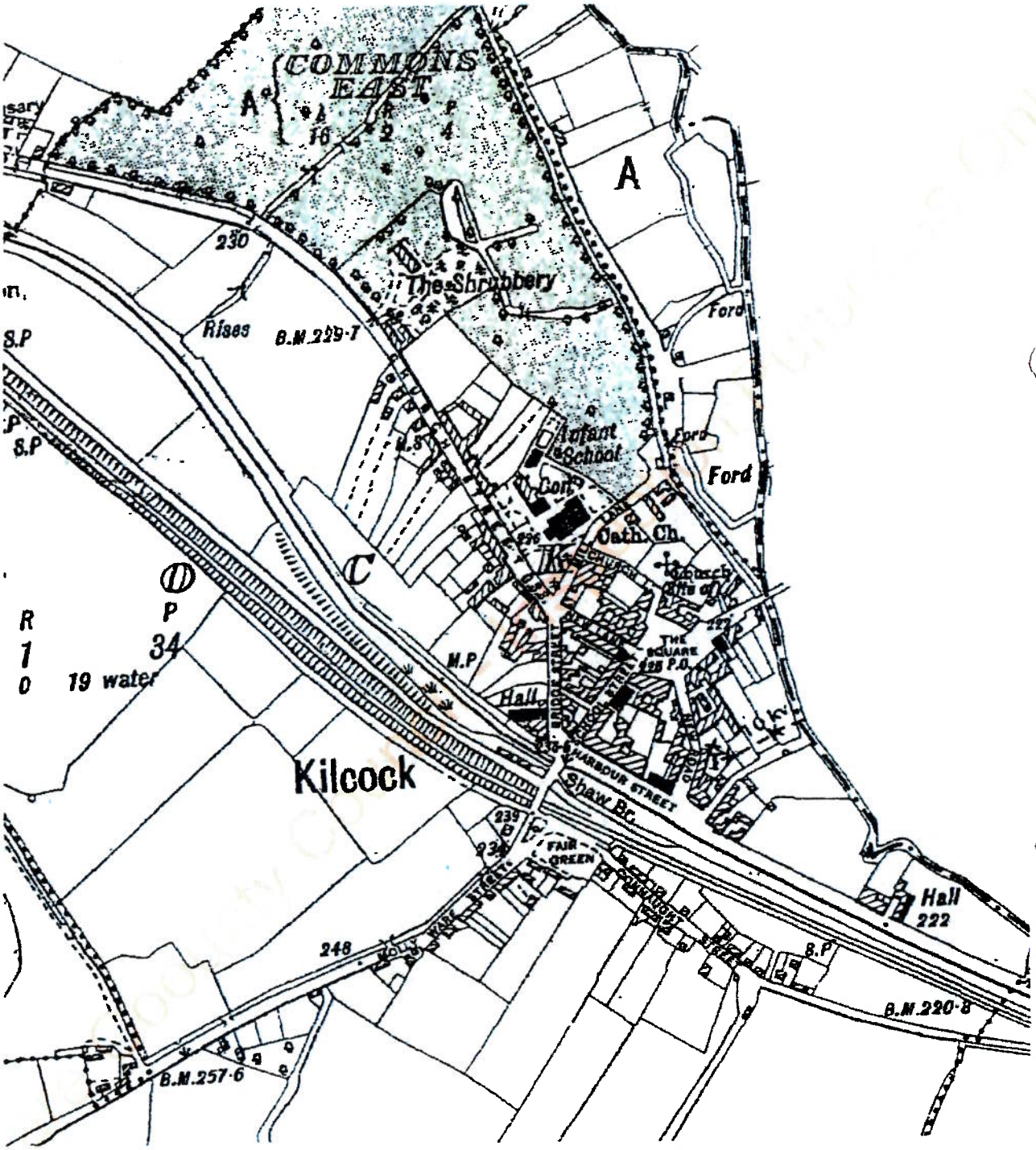
Map 1: Ordnance Survey (6 inch BE1) : 1836 - 1837
Shows lands before St Coca's R.C. Church was built in 1867

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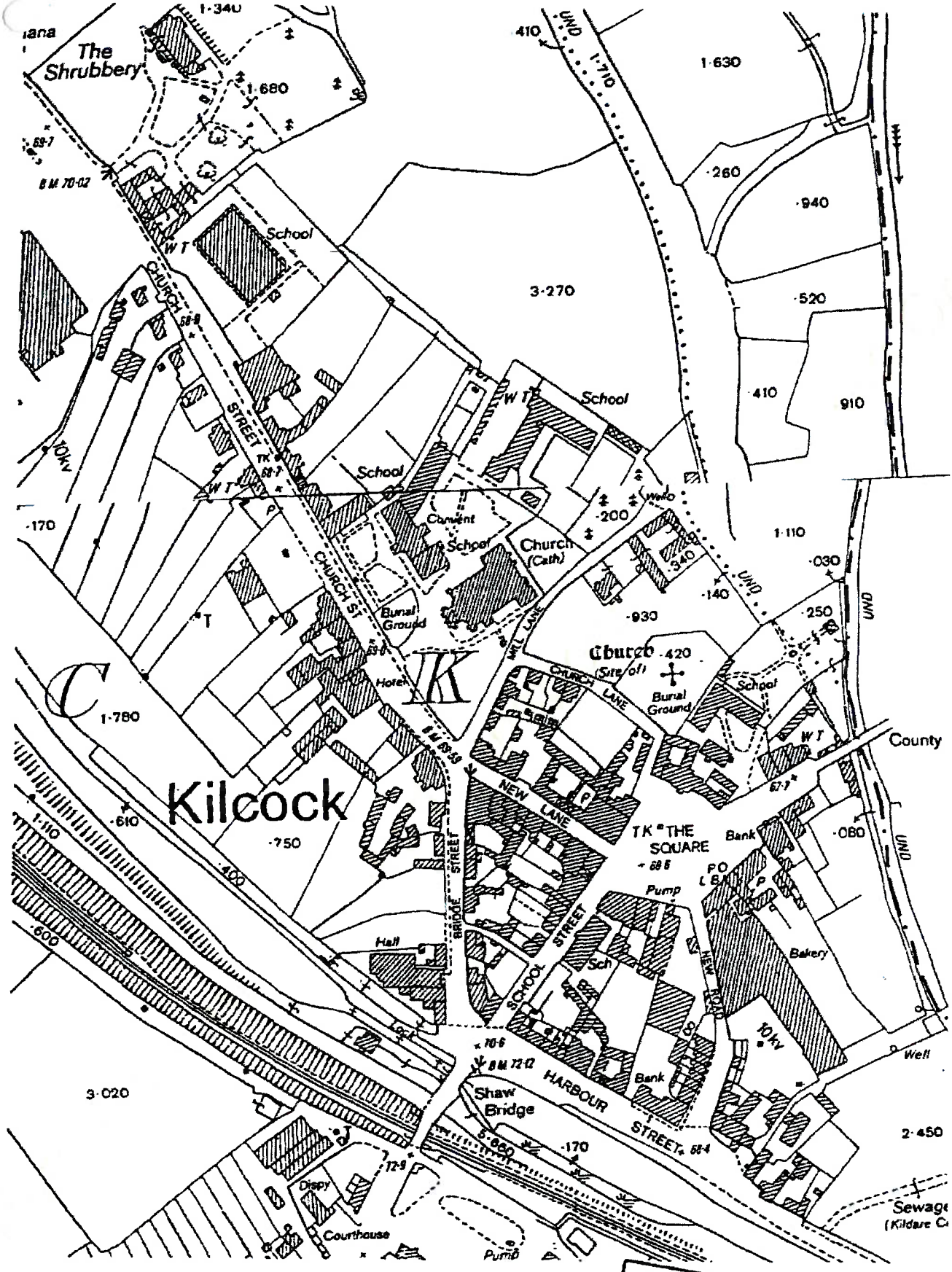
Map 2: Ordnance Survey (25 inch): 1909
Shows Presentation Convent and St Coca R.C. Church

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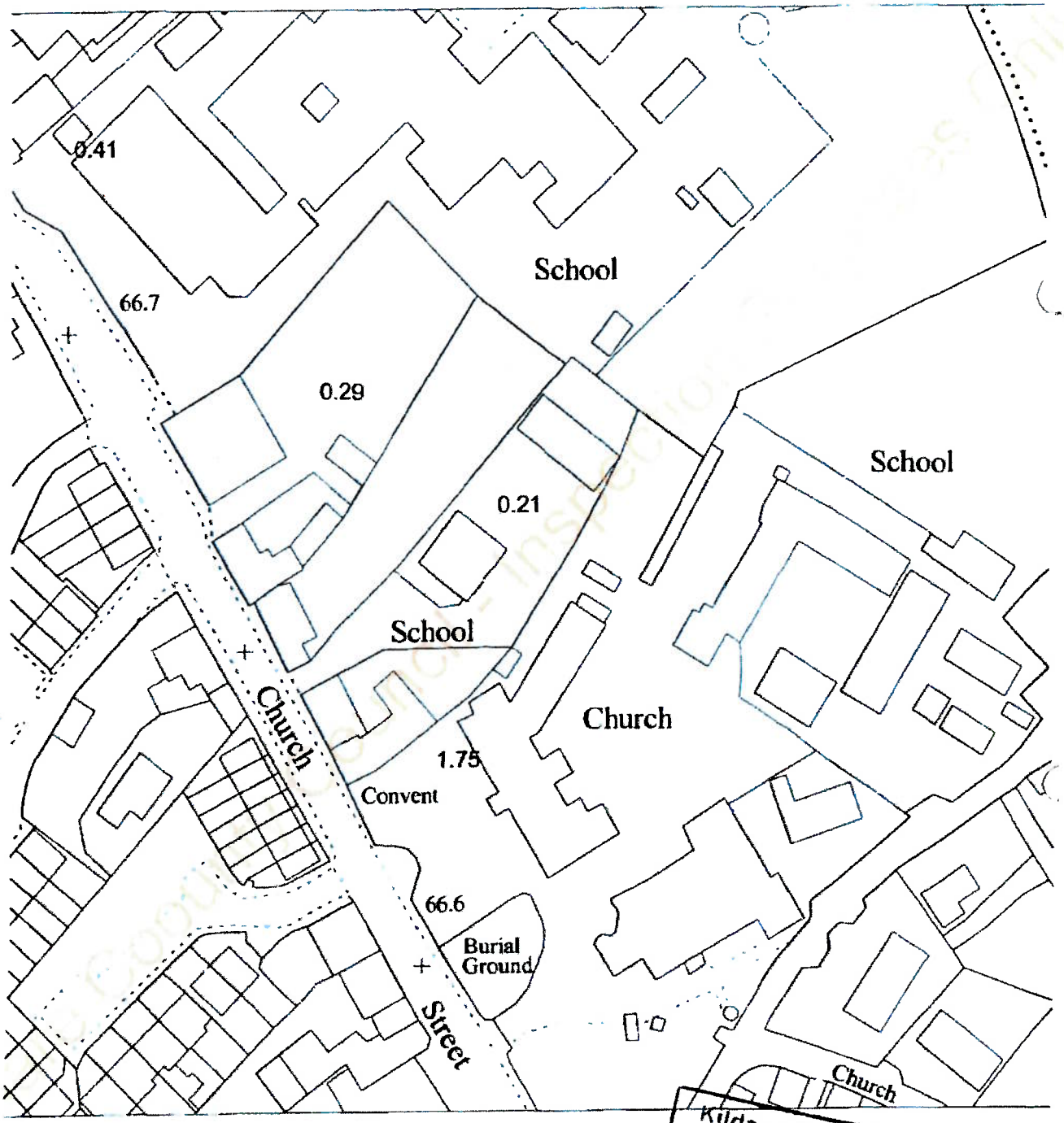
Map 3: Ordnance Survey sheet 05: 1939
Shows Convent and lands to the north known as the Shrubbery.

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Map 4: O.S.I. Kildare 1970 sheets 05 & 06
Shows the Primary School built in 1967 to the north of the Convent.

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Map 5: O.S.I. Surveyed 2004 1:1000

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Sources

Material at the following sources was consulted:

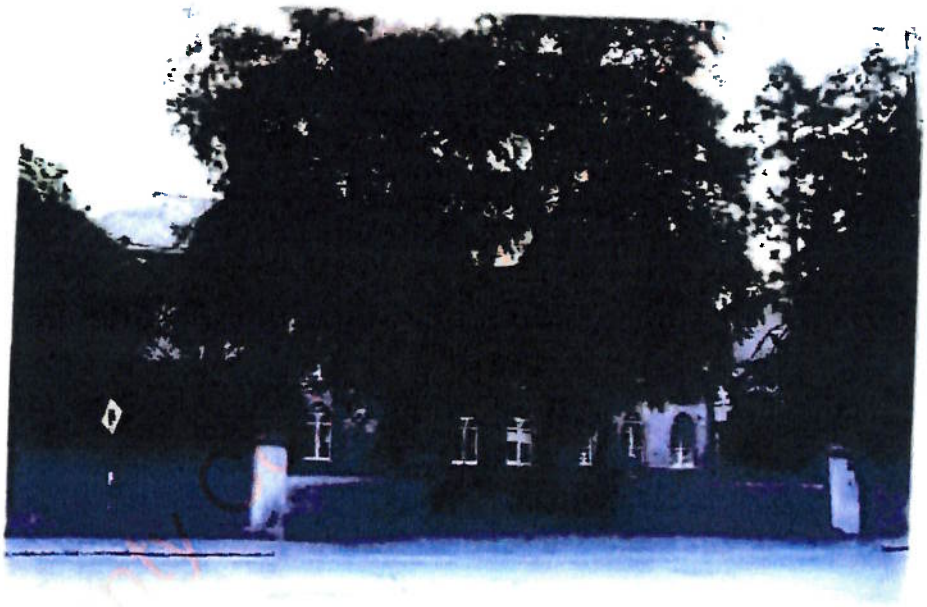
- Irish Architectural Archive, Merrion Square
- Archinfo Richview library, Clonskeagh
- The National Archive.

Publications referred to:

- **Shaffrey, Patrick & Maura,** *Buildings of Irish Towns.* O'Brien Press
- **Seamus Cullen/ Bernadette Gilligan,** *Unity in Division, A History of Christianity in Kilcock and Newtown Parish 400-2000*
- **T. J. Walsh M.A.** *Nano Nagle and the Presentation Sisters,* **M.H.Gill and Son Ltd.**

Conservation Photographic Survey

Exterior



View showing entrance gates to Shalom Presentation Convent.

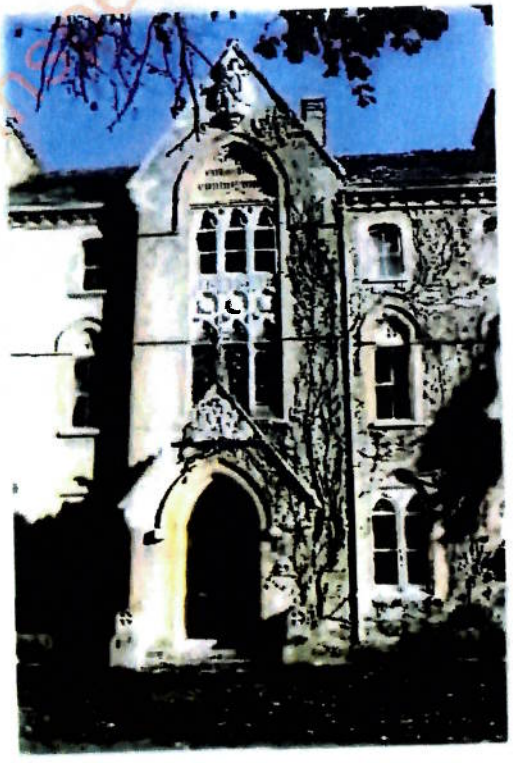
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The roof and chimneys of the Presentation Convent vie with the steeple of St Coca's to dominate the skyline in Kilcock



Typical ground floor window on front façade



View showing entrance porch

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View showing side (south-east) elevation with St. Coca's church in the foreground

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View of rear elevation



View showing dormer wing to rear of main building



View of dormer wing



View of gable of dormer wing showing single-storey stores



View of dormer wing from "Cul na Cille" (north-west)

Interior



Main stairs. ground floor, entrance hall



View of underside of main stairs showing herringbone pattern formed with timber sheeting

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Example of the fine quality of joinery within the building. Entrance screen from porch



View of stained glass window in first floor Chapel

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Example of typical six panelled door with moulded architraves and skirting

Impact of proposed alterations and extension.

The additions and alterations which are the subject of this application concern the dormer wing to the rear of the historic structure.

New living room extension:
Currently the facilites for the community and nursing home residents are limited. There are two parlours on the ground floor in the main building which are reserved for staff, nursing and administrative meetings and areas to host visiting relatives. The Presentation Sisters do not distinguish between active members of the community and the fellow Sisters for whom they are caring. It is therefore proposed to construct a new single-storey structure at the rear of the main building. This will be linked to the dormer wing through an existing window ope.
The new space will provide an open seating area which can also be used for the assembly of larger numbers and bay windows which will permit smaller groups to gather. The window glazing units to floor level will provide a visual link to the outside. The proposed structure has a pitched roof and uses materials similar to those in the existing building including natural slate, brick and timber windows. There are two proposed lightwells in the ceiling and the link will have a glazed roof.

Proposed alterations to kitchen:
It has become necessary to upgrade and modernise the existing kitchen, stores and laundry facilities in line with current standards. The current layout is cramped and the laundry and stores are accessed through the main kitchen, allowing the conditions for cross-contamination. Redundant equipment like the existing Aga cooker is taking up valuable space. Trolleys required to transfer food from the kitchen to the two dining rooms or to non-ambulant residents in their rooms are currently being stored in the corridor. This is contrary to the Fire Regulations. In order to allow for the redesign of the kitchen, it is proposed to relocate the existing laundry outside to the existing stores which will be extended. This will free up space to enlarge the kitchen and store areas and provide new facilities to comply with current regulations.

Extension of existing garden store:
The existing single-storey garden store located opposite the gable of the dormer wing was built in 1995. It is proposed to extend this building to form a new laundry. The proposed structure will mirror the monopitch slate roof with a recess in the external wall to distinguish between the new and existing. The layout of the laundry will allow the best environmental health practice of sequencing the laundry process from sorting of soiled clothes to ironing and folding. Welfare facilities include staff room and staff sanitary facilities.

Proposed interventions/alterations to historic fabric

Kitchen
In line with good conservation practice the redesign of the kitchen and stores in the way shown means there will be limited alterations to the existing structure. Three existing door openings will be blocked up to permit better circulation. Two new door openings will be formed in existing walls. The partition which is to be taken down between the existing kitchen and the dishwashing area/pantry is not structural and may have been a later addition. The only interventions will be the subdivision of existing spaces with stud partitions and pipes and wiring will run in conduit through small openings in existing walls. All of the proposed works are reversible.

New living room extension:
The proposed structure is a single-storey stand alone extension. A link from the corridor of the dormer wing will be formed through an existing window. The window including brick arch and quoins is to be retained and the opening extended to ground level. A light glazed structure will abut the external face of the existing structure to form the link. The proposed extension could be removed at a later date and the existing layout restored.

Extension of existing garden store:
The proposed structure is extending a recent addition erected in 1995. The new structure will be similar in scale to the existing, thus doubling the size of the space. The existing window openings at the rear of the existing stores will be widened to allow internal access to the new extension. The proposed works are reversible.

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Location of proposed interventions



View of existing kitchen showing existing partition wall. It is proposed to remove this partition to form a new layout and install new kitchen counters and equipment to current standards and regulations. The beam as shown will be retained.



View of dormer wing showing location for proposed new living room and link



View of corridor showing window on r.h.s. which will form the link doorway into the new living room extension



View of window in corridor which will form the doorway into the new living room extension

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External view of window which will form the doorway into the new living room extension. Brick arch and quoins are to be retained and opening extended to ground level.



View of existing garden store building. It is proposed to extend this building to form a new laundry.

Analysis of proposals

We consider the proposed alterations are in line with the principles of the International Charter for the Conservation of Historic Buildings.

1. Reversible alteration

The proposed single-storey extensions do not involve compromising the existing structure and the refurbishment of the kitchen involves removing a non-structural partition. Therefore these alterations are reversible.

2. Distinguishing new from old

The design of the new living room with large glazed areas and bay windows does not mimic the Victorian tradition of the existing building and therefore will distinguish it from the historic fabric. It is also proposed to use timber sheeting on the exterior of the new living room which, in the way it is proposed, is a modern intervention. The extension to the stores will have a recess formed in the exterior wall at the junction of the existing stores to distinguish between the new and existing.

3. Sympathetic changes

We consider the design of the proposed alterations are in sympathetic proportions with the Victorian tradition. The proposed extensions are low rise and have a lesser visual impact than the dominant existing façades and therefore detract less from the historic fabric.

4. Respecting earlier changes

The new living room structure is separated from the main building and clearly defined. The footprint of the historic fabric remains. The proposed alterations are reversible.

5. Compatible uses

The original structure was built in the 1870s as a convent to house the Presentation Sisters and its use is retained.

Conclusion

We consider the proposed development will greatly enhance the original building and continue to compliment the function which the building was originally designed to achieve.



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