

REID

ASSOCIATES

Planning Development Consultants

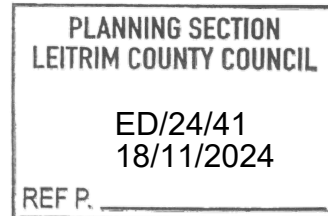
ANN MULCRONE BSC (Surv) DipEE MPhil(UDRP) MIPI
Managing Partner

CHARTERED TOWN PLANNERS
PLANNING AND DEVELOPMENT CONSULTANTS

2 CONNAUGHT PLACE, CROFTON ROAD,
DUN LAOGHAIRE, COUNTY DUBLIN, IRELAND

TELEPHONE (+353-86-) 826-4456
EMail Info@TownPlanning.ie

18th November 2024
Leitrim Co Co,
Planning Officer,
Áras An Chontae
St. Georges Terrace,
Carrick on Shannon
Co Leitrim
N41 PF67



Re: Reference for a Declaration of Exemption under Section 5 of the Planning and Development Act 2000 as to whether:

The change of use of Rossinver Convent, Gubalaun, Co Leitrim, F91 A718 from established use as a convent to *use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons* is or is not exempt development and whether any minor works to the property to facilitate such use are exempt.

Dear Sir/Madam,

We act on behalf of Goodwill Properties Ltd, Suite 35 Clifton House, Fitzwilliam Street Lower, Dublin 2, CRO 772740.

1. We enclose the following

1. Site Location Map
2. 1 copy of the Architects Plans, ODKM Architects.
3. Full description of the Query regarding the Section 5 Declaration (See our report below)
4. Fee of €80
5. Copy of Section 5 Form
6. Copy of letter from IPAS

2. Section 5 Reference

We respectfully submit that it is a contract requirement of International Accommodation Services (IPAS), who act on behalf of the Minister for ***Children, Equality, Disability, Integration and Youth*** and who is responsible for the provision of accommodation to people in International Protection that providers of accommodation submit a section 5 Reference as part of the IPAS process. While we are of the opinion that the Planning Act and the Planning and Development Regulations are clear and support exemption the requirement by IPAS raises a question to be determined by the Planning Authority on the matter.

We hereby set out the justification for exemption in respect of the Section 5 reference for Rossinver Convent. We hereby set out below the query, the facts pertaining to the history of the use of the property and the basis for a declaration in respect of the exempted status of the proposed change of use and any fit out works.

3. The Query

The query is whether:

The change of use of Rossinver Convent, from established use as a convent to *use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons* is or is not exempt development and whether any minor works to the property to facilitate such use requires planning permission or are exempt.

4. The Facts, Planning History and Established use as Convent

There is established pre 1963 use of the premises as a convent. Until recently the American order of nuns, the Franciscan Sisters of the Atonement had their only convent in Ireland in Rossinver since the 1930's.

Planning Ref. no. 04/1708 refers to planning permission for replacement of flat roofs with pitched roof and replacement of a front porch with a conservatory to front of Rossinver Convent. I reviewed myplan.ie planning applications record and there are no further applications relating to this property.

I am informed that it is intended to use the property for the temporary accommodation of protected persons in accordance with a contract from IPAS on behalf of the Minister for Children, Equality, Disability, Integration and Youth.

The property is located outside the settlement of Rossinver on the R282. There are no specific designations attaching to the property.

5. Development Definition

The question of "Development" is defined in Section 3 of the (Planning and Development Act 2000 as amended:

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

Because of the definition of "use" in Section 2

"use", in relation to land, does not include the use of the land by the carrying out of any works thereon;

6. Works Definition

Section 4(1) of the Act sets out various circumstances in which development is exempted development for the purposes of the Act, including Section 4(1)(h) providing for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior of the structure or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures.

S.4 (1)(h) provides that works for the maintenance, improvement or other alteration within the structure or works, which do not materially alter its external appearance, are exempted development.

"4. —(1) The following shall be exempted developments for the purposes of this Act—

(h) Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;"

“Works” is defined in Section 2 as including *“any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of the structure”*.

7. Assessment of Exempt Development Minor Works

The works for fit out are generally confined to works to the interior of the property except for minor changes to door and window opens to the rear elevation and side elevation, which are not visible externally from the public road. These are not material changes and do not affect the external appearance of the structure so that it is inconsistent with the character of the structure or nearby structures. There is no need for additional services. Works to facilitate the proposed use will be minor in nature. We submit that minor works which do not materially affect the character of the structure and internal works comprises exempt development within the terms of section 4(1)(h) of the Act as set out above.

8. Change of use

Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001-2024

Article 5 of the Planning and Development Regulations interprets the different development descriptions and sets out the interpretation and meaning and definition of protected person for the purpose of the Regulations.

The Planning and Development Regulations 2001 -2024 (consolidated 2024) define protected person under Article 5 of the Planning and Development Regulations as set out below.

“protected person”, for the purposes of Schedule 2, means—

(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;

Article 6(1) of the Planning and Development Regulations 2001-2024 (hereinafter referred to as ‘the Regulations’) provide that

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

Schedule 2, Part 1, of the Regulations sets out the classes of exempted development.

Class 14(h) allows for development consisting of a change of use: -

14(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.*

As provided for in Article 9(1)(a), the following development to which article 6 relates, shall not be exempted development, if the carrying out of such development would, inter alia:

- (i) Contravene a condition attached to permission under the Act or be inconsistent with any use specified in a permission under the Act;
- (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 are no planning permissions or relevant planning conditions or enforcement issues which would preclude the exemption afforded under the Planning Regulations in this case.

The established use of the property is as a convent. A convent is included under the terms of Class 14(h) as a building where the change of use from convent to use for accommodation for protected persons is exempt.

9. Assessment of Exempt Development Use

Schedule 2, Part 1, Class 14(h) sets out the relevant class of use, which is exempt development for the consideration of this case.

Class 14(h) sets out that change of use of a convent to use for accommodation for protected persons' is exempt. There are no limitations specified in regard to this change of use.

We submit therefore that the change of use of Rossinver Convent from established use as a convent to *use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons* is exempt development in accordance with Class 14(h) of Schedule 2, Part 1, of the Planning and Development Regulations 2001, as amended.

10. CONCLUDING STATEMENT

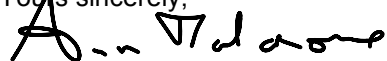
Having regard to the limited need for works and having regard to Section 4(1)(h) of the Planning Act 2000, as amended, any works to facilitate the proposed use, would fall within the scope of the exempt development provisions as set out in section 4(1)(h) of the Planning and Development Act 2000 as amended.

Furthermore in relation to the proposed change of use of Rossinver Convent from established use as convent to *use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons*, having regard to the facts of the case and the provisions of Section 3 and 4 of the Act and Articles 5, 6, 9 and 10 the Planning and Development Regulations 2001-2024 as consolidated and Class 14(h) Schedule 2, Part 1, we submit that the proposed change of use shall be exempted development.

We hereby submit the relevant Section 5 Reference for a Declaration that:

The proposed change of use of Rossinver Convent from established use as convent to use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons is exempt development in accordance with Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended, and any minor ancillary works comprises exempt development in accordance with section 4(1)(h) of the Planning and Development Act 2000 as amended.

Yours sincerely,



Ann Mulcrone

**COMHAIRLE CHONTAE LIATROMA
LEITRIM COUNTY COUNCIL**



PLANNING SECTION LEITRIM COUNTY COUNCIL
ED/24/41 18/11/2024
REF P. _____

**Declaration Regarding Development / Exempted Development
(Section 5 of Planning & Development Acts 2000 As Amended)**

APPLICATION FORM

Please note: A fee of €80.00 must accompany this form

1. Name of person seeking declaration [Applicant] Goodwill Properties Ltd.
2. Postal Address of Property /Site or Building to which the declaration sought relates

Rossinver Convent, Gubalaun, Rossinver, Co Leitrim, F91 A718

-
- 3 Applicant's legal interest in the land or structure. [Give details Owner]

 4. State whether or not the applicant is the owner of the property in question [Yes] or [~~No~~] and if {No} please provide the information under item 11 at the end of this form
 - 5 State if owner / occupiers are aware of the current application for Declaration under S 5 of the Act [Y] / [~~N~~]
 - 6 Type of declaration sought
 - a. That the proposal is or is not development within the Act [Yes] or [~~No~~] and if {yes}
 - b. That the development is or is not Exempt development [Yes] or [~~No~~]

Provide full description of the question /matter / subject which arises wherein a declaration on the question is sought

Reference for a Declaration of Exemption under Section 5 of the Planning and Development Act 2000 as to whether:

The change of use of Rossinver Convent, Gubalaun, Co Leitrim, F91 A718 from established use as a convent to *use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate protected persons* is or is not exempt development and whether any minor works to the property to facilitate such use are exempt.

7

Signature:

Date:

18th November 2024

{The applicant is advised to set out the matter on which the declaration is sought, as comprehensively as possible and should use additional material / pages if necessary, to give as full account as possible of this matter A site map to a scale of not less than 1:2500 based on the Ordnance Survey map for the area, shall be provided to identify the lands in question.}

Additional accompanying documentation provided[Yes] / ~~[No]~~

The applicant is advised that notwithstanding the completion of the above application form, that the planning authority may require the applicant to submit further information with regard to the request in order to enable the authority to issue the declaration on the question.

The applicant is also advised that the Authority may also request other persons, other than the applicant to submit information on the question which has arisen and on which the declaration is sought.

FOR OFFICE USE ONLY

Date Received..... Fee of €80.00 Paid. [Yes] / [No]

Date acknowledged..... Reference No.: -ED- _____

Decision:.....

Date declaration made.....

M.O. No.....

APPLICATION FORM : ADDITIONAL CONTACT INFORMATION :

See next page, which must be completed.

APPLICATION FORM continued:**ADDITIONAL CONTACT INFORMATION****NOT TO BE MADE AVAILABLE TO THE GENERAL PUBLIC WITH APPLICATION****Please note:**

- The applicant's address **must** be submitted on this page.
- If the applicant/agent wishes to submit additional contact information, this may be included here.
- This page will not be published as part of the planning file.

8. Applicant:

<i>Address (Required)</i>	Suite 35 Clifton House, Fitzwilliam Street Lower, Dublin 2, CRO 772740.
<i>Telephone No.(optional)</i>	
<i>Email Address (if any)</i>	
<i>Fax No.(if any)</i>	

9. Person/Agent acting on behalf of the Applicant (if any):

<i>Name and Address</i>	Ann Mulcrone Reid Associates
<i>Telephone No.(optional)</i>	0868264456
<i>Email Address (if any)</i>	am@townplanning.ie
<i>Fax No. (if any)</i>	

Should all correspondence be sent to the Agent's address? (please tick appropriate box)
(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)
Yes ☒ No ☐

10. Person responsible for preparation of any Drawings and Plans accompanying the application:

<i>Name and Address</i>	Barry Kane ODKM Architects, 50 Mount Street Upper, D02 DP03
<i>Telephone No.(optional)</i>	01-6766258
<i>Email Address (if any)</i>	bk@odkmarchitects.com
<i>Fax No. (if any)</i>	

11. Owner (required where applicant is not the owner):

<i>Name of Owner (Required)</i>	__Goodwill Properties Ltd.__ _____
<i>Address (required)</i>	Suite 35 Clifton House, Fitzwilliam Street Lower, Dublin 2, CRO 772740
<i>Telephone No.(optional)</i>	
<i>Email Address (if any)</i>	



Frank Murphy,
Goodwill properties LTD
Suite 35 Clifton house
Fitzwilliam Street Lower
Dublin 2.

14th November 2024

RE: Application for Planning Exemption - Provision of Accommodation for International Protection Applicants at Rossinver House, Gubalaun, Rossinver, Co Leitrim, F91A718.

To whom it may concern,

The Department is currently seeking offers of accommodation for properties which have a full grant of planning permission for use as International Protection accommodation or properties which may avail of the Class 14H or 20F exemptions as per the Planning and Development Regulations. The above property has been offered to the Department as temporary emergency accommodation for International Protection applicants subject to grant of a planning exemption. We would therefore request that this correspondence be taken as evidence of engagement with the Department regarding the proposed change of use of the property named above.

I can confirm that the Department is interested utilising the above property for the accommodation of International Protection applicants subject to all planning, change of use, building control, Certificate of Compliance on Completion (CCC), fire and insurance certifications being in place and subject to contract/contract denied.

If you have any queries regarding the above, please contact me at ipps@equality.gov.ie.

Yours sincerely,

Paul Donoghue
Higher Executive Officer
International Protection Procurement Services



01 Site Location Plan No.1
Scale: 1:2500@A3

Description:
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Historic 6" Latest Edition

Publisher / Source:
=====

Tailte Éireann

Data Source / Reference:
=====

LM004
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1910

LM005+005A
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1910

File Format:
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Tagged Image File Format (TIFF)

File Name:
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Clip Extent / Area of Interest (AOI):
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LRX,LRX= 595226.4177,847465.4737
ULX,ULY= 590304.4177,851099.4737
URX,URY= 595226.4177,851099.4737

Projection / Spatial Reference:
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Centre Point Coordinates:
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X,Y = 592765.4177,849282.4737

Data Extraction Date:
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18-Oct-2024

Product Version:
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SITE OUTLINED IN RED THUS

OTHER AREAS IN CONTROL
OF APPLICANT OUTLINED IN BLUE THUS



SITE AREA = 0.95 Hectares

General Notes
1. Do not scale drawings. Dimensions govern.
2. All dimensions are in millimetres unless noted otherwise.
3. All dimensions shall be verified on site before proceeding with the work.
4. ODKM shall be notified in writing of any discrepancies.
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Practice Member

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Registered Architect

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Architects Accredited to Construction

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PSP Accredited

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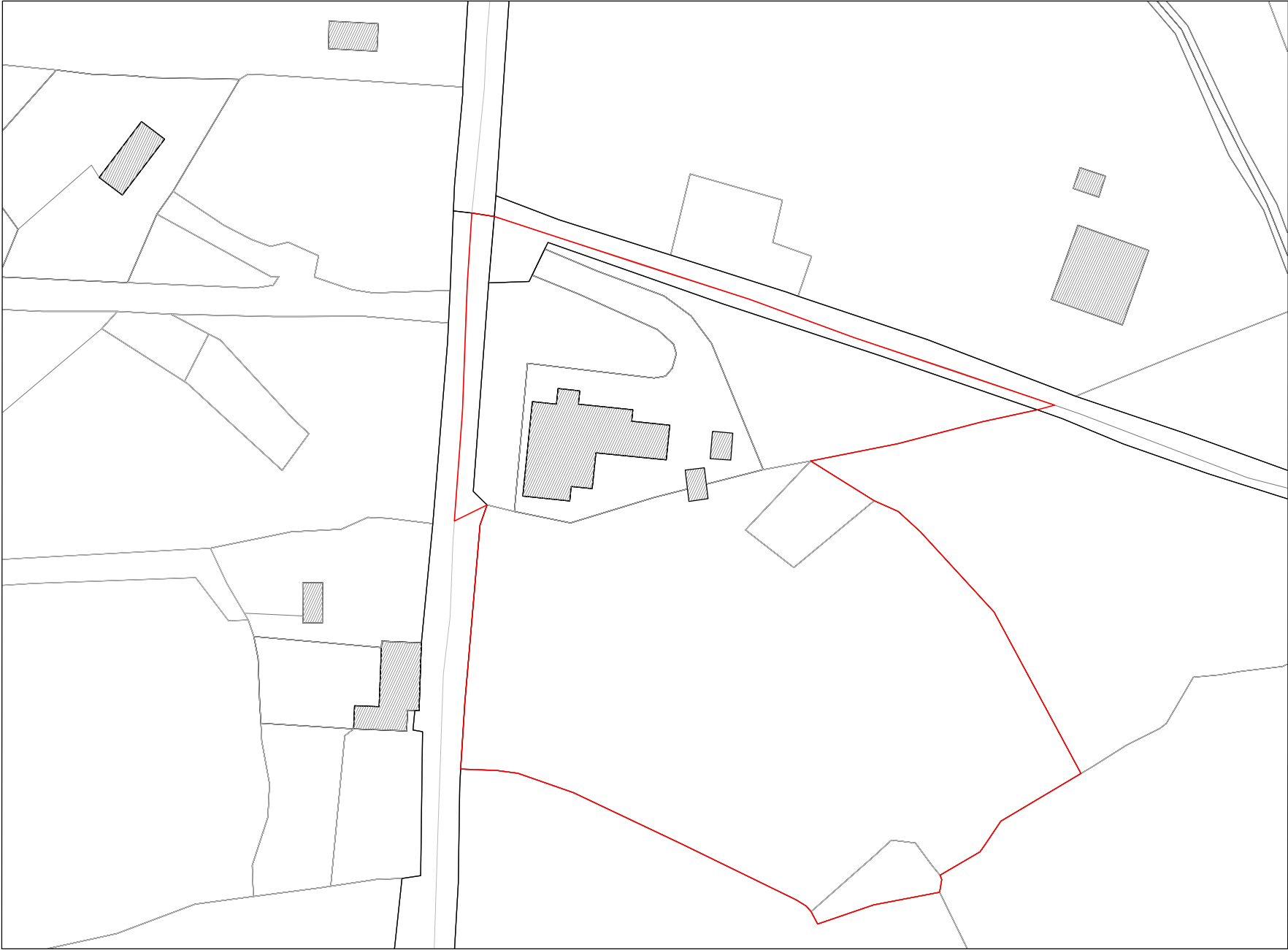
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Rev.	Date	Reason For Issue	Chk
-	-	-	-

Project	Rossinver Convent, Gubalaun, Rossinver Co. Leitrim	Job No.	24-111	Scale	Date
Title	Site Location Plan No.1	Client	Goodwill Properties LTD	1:2500@A3	31/10/2024
Stage	Section 5	Number	PL-001	Revision	-



01 Site Location Plan No.2
Scale: 1:1000@A3

Description:
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Historic 6" Latest Edition

Publisher / Source:
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Tailte Éireann

Data Source / Reference:
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LM004
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1910

LM005+005A
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1910

File Format:
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Tagged Image File Format (TIFF)

File Name:
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LRX,LRX= 595226.4177,847465.4737
ULX,ULY= 590304.4177,851099.4737
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Projection / Spatial Reference:
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Centre Point Coordinates:
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X,Y = 592765.4177,849282.4737

Data Extraction Date:
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18-Oct-2024


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ODKM
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www.odkmarchitects.com

Practice Member

2024

Registered Architect

2024

Architects Accredited to Construction

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PSP Accredited

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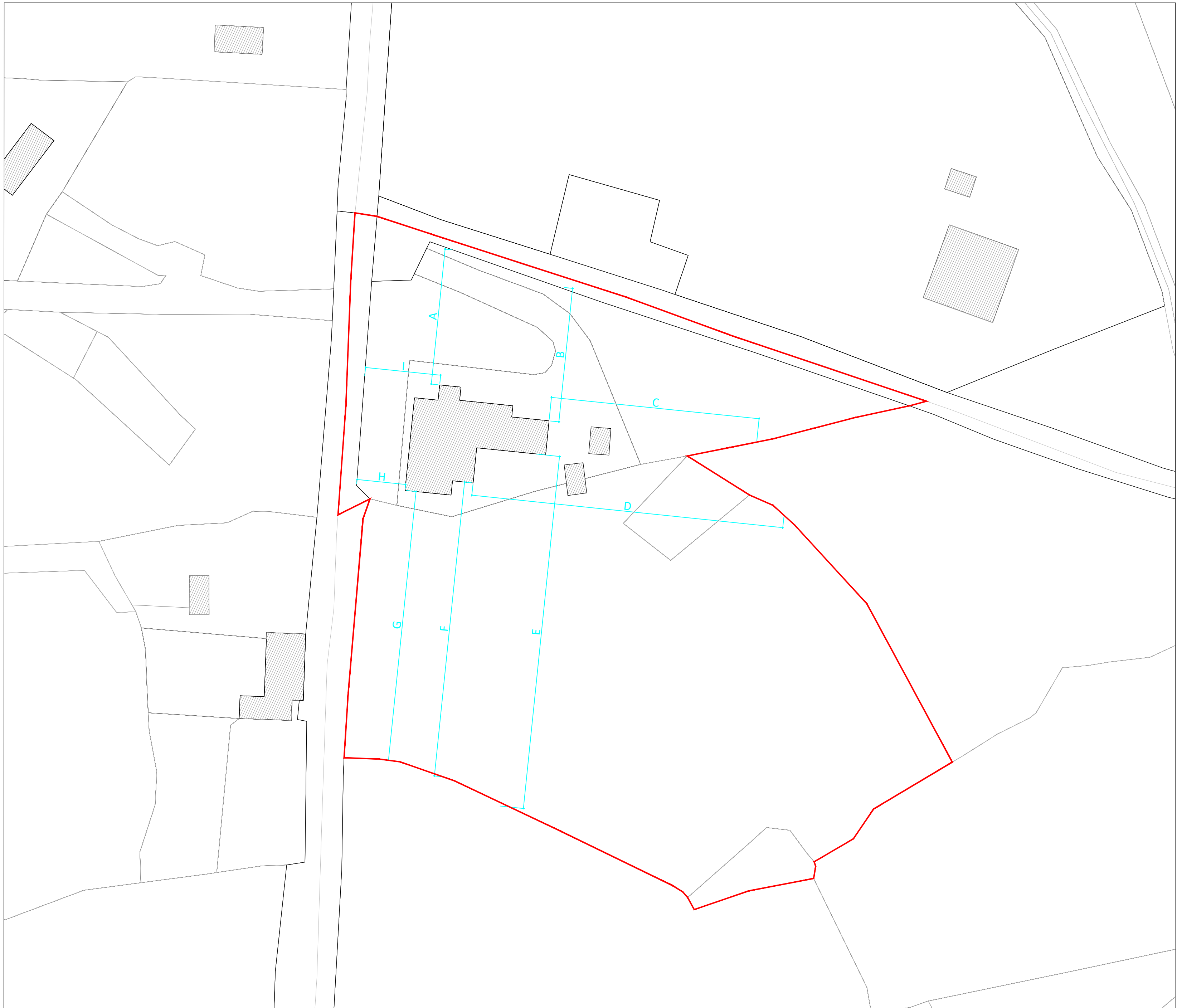
Environmental Accredited

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Rev.	Date	Reason For Issue	Chk
-	-	-	-

Project	Rossinver Convent, Gubalaun, Rossinver Co. Leitrim	Job No.	24-111	Scale	Date
Title	Site Location Plan No.2	Client	Goodwill Properties LTD	1:1000@A3	31/10/2024
Stage	Section 5	Number	PL-P-002	Revision	-



01 Block Plan
Scale: 1:500@A3

Description:
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Historic 6" Latest Edition

Publisher / Source:
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Tailte Éireann

Data Source / Reference:
=====

LM004
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1910

LM005+005A
Revision Date =
Survey Date =
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File Format:
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18-Oct-2024

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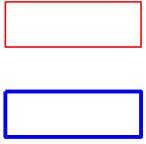
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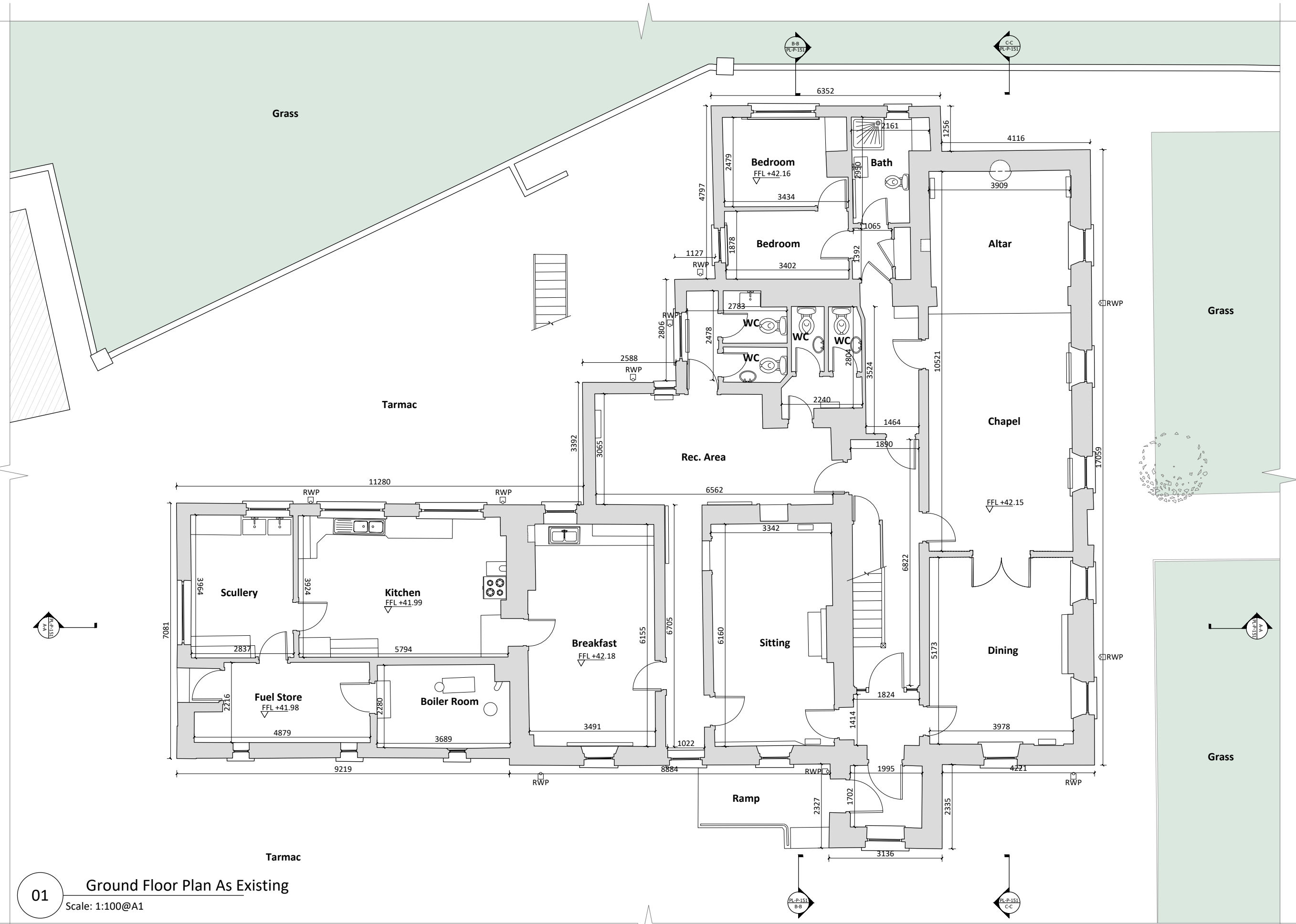
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OTHER AREAS IN CONTROL
OF APPLICANT OUTLINED IN BLUE THUS

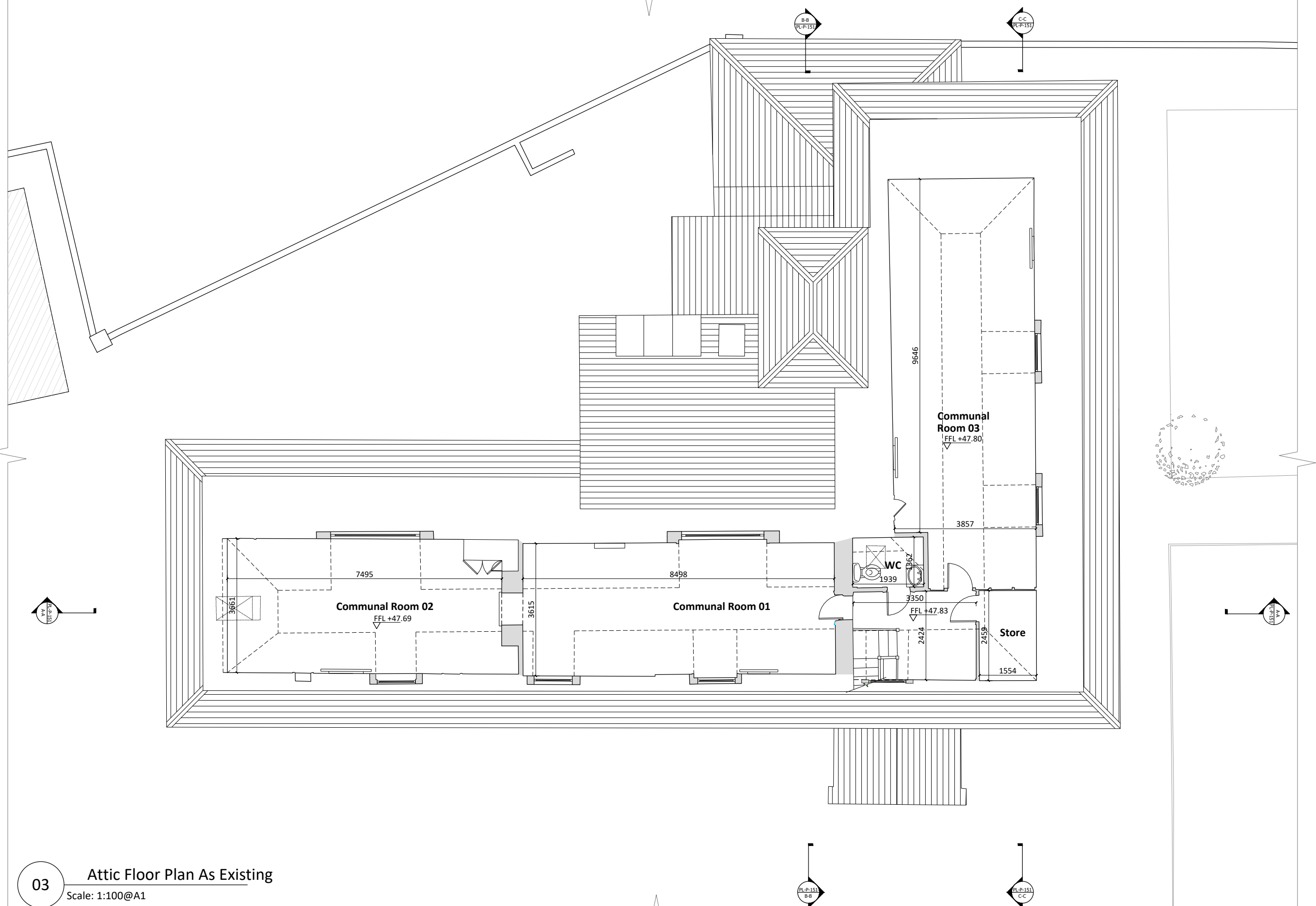


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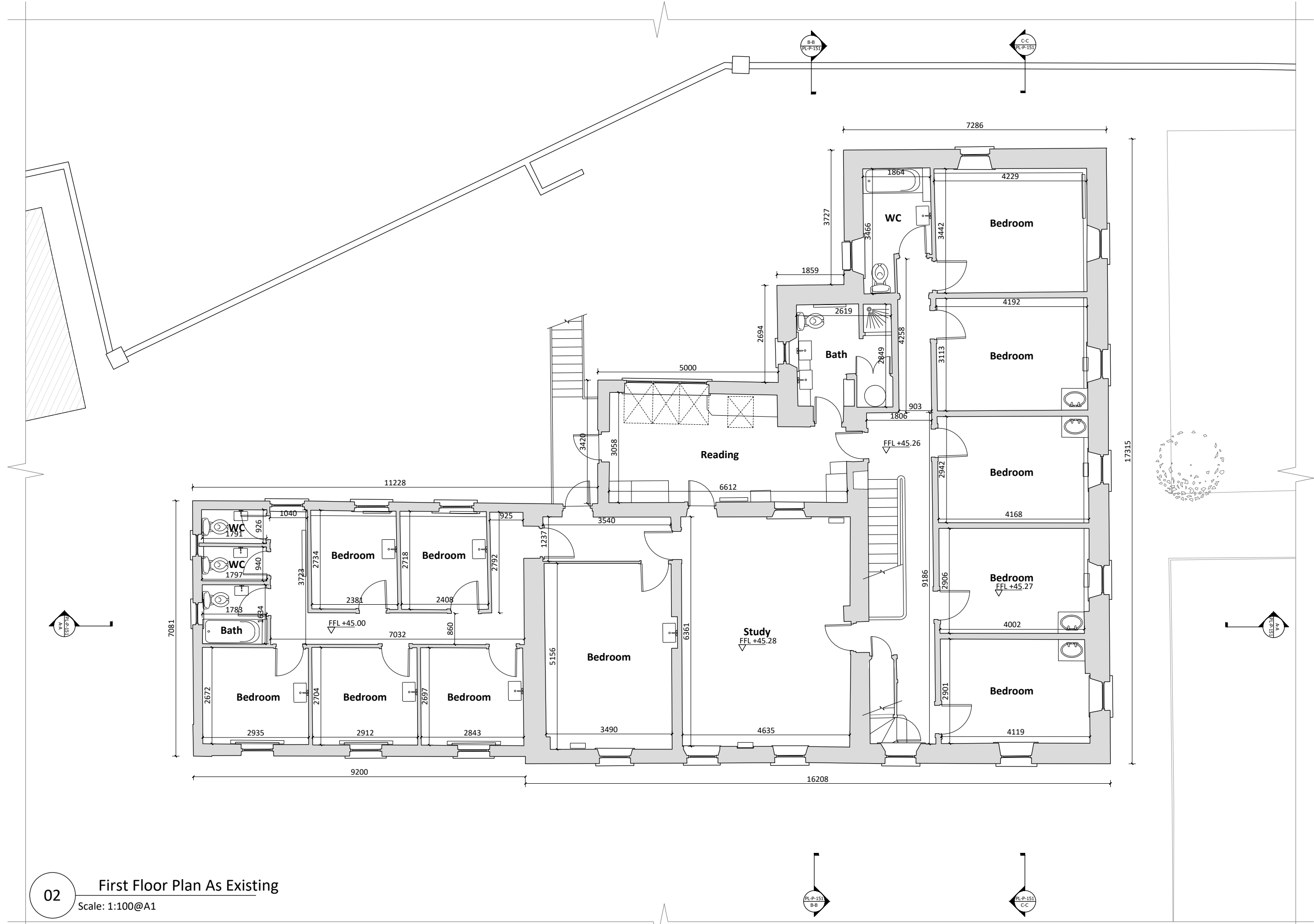
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I	=	13951 mm



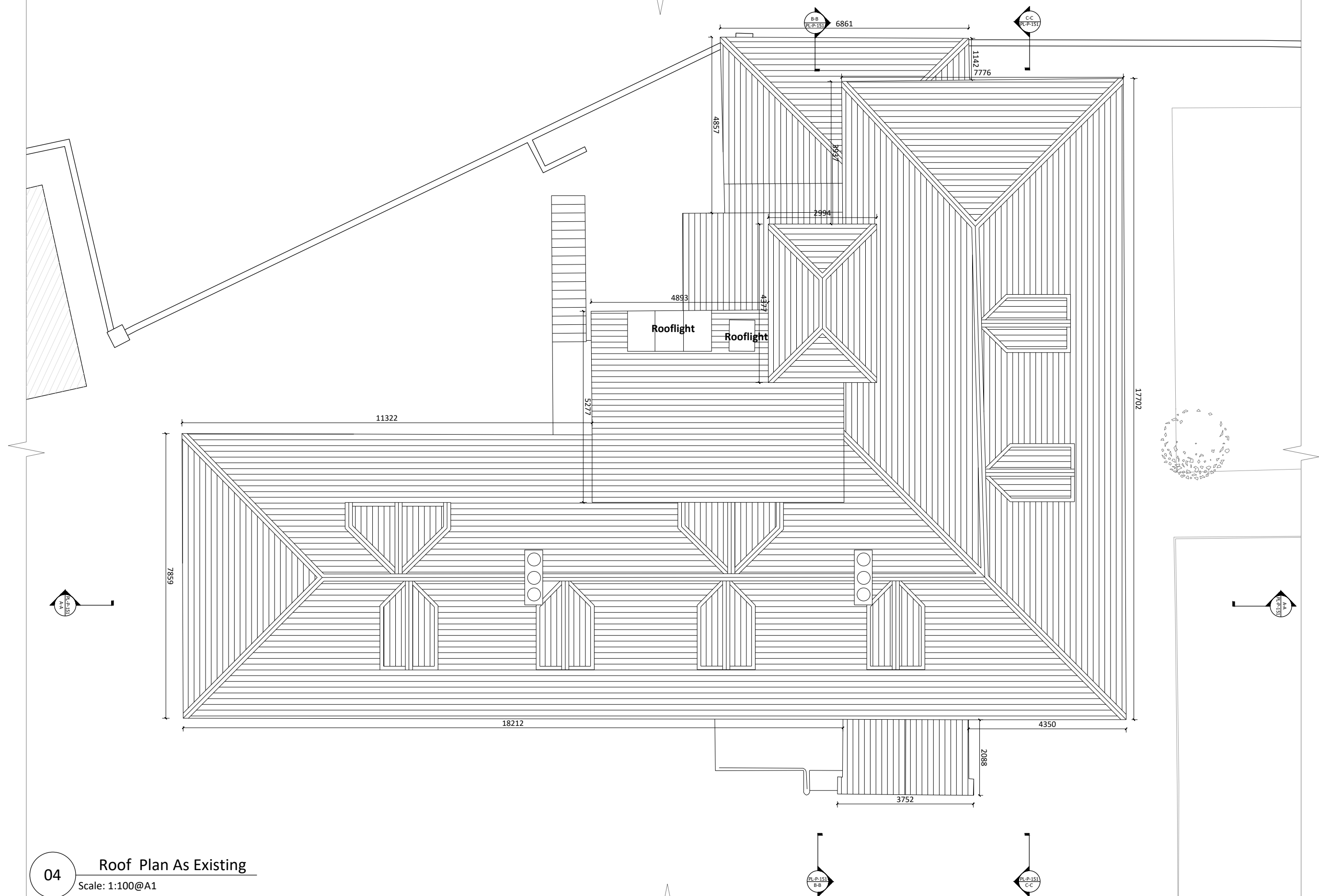
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Scale: 1:100@A1



03 Attic Floor Plan As Existing
Scale: 1:100@A1



02 First Floor Plan As Existing
Scale: 1:100@A1



04 Roof Plan As Existing
Scale: 1:100@A1



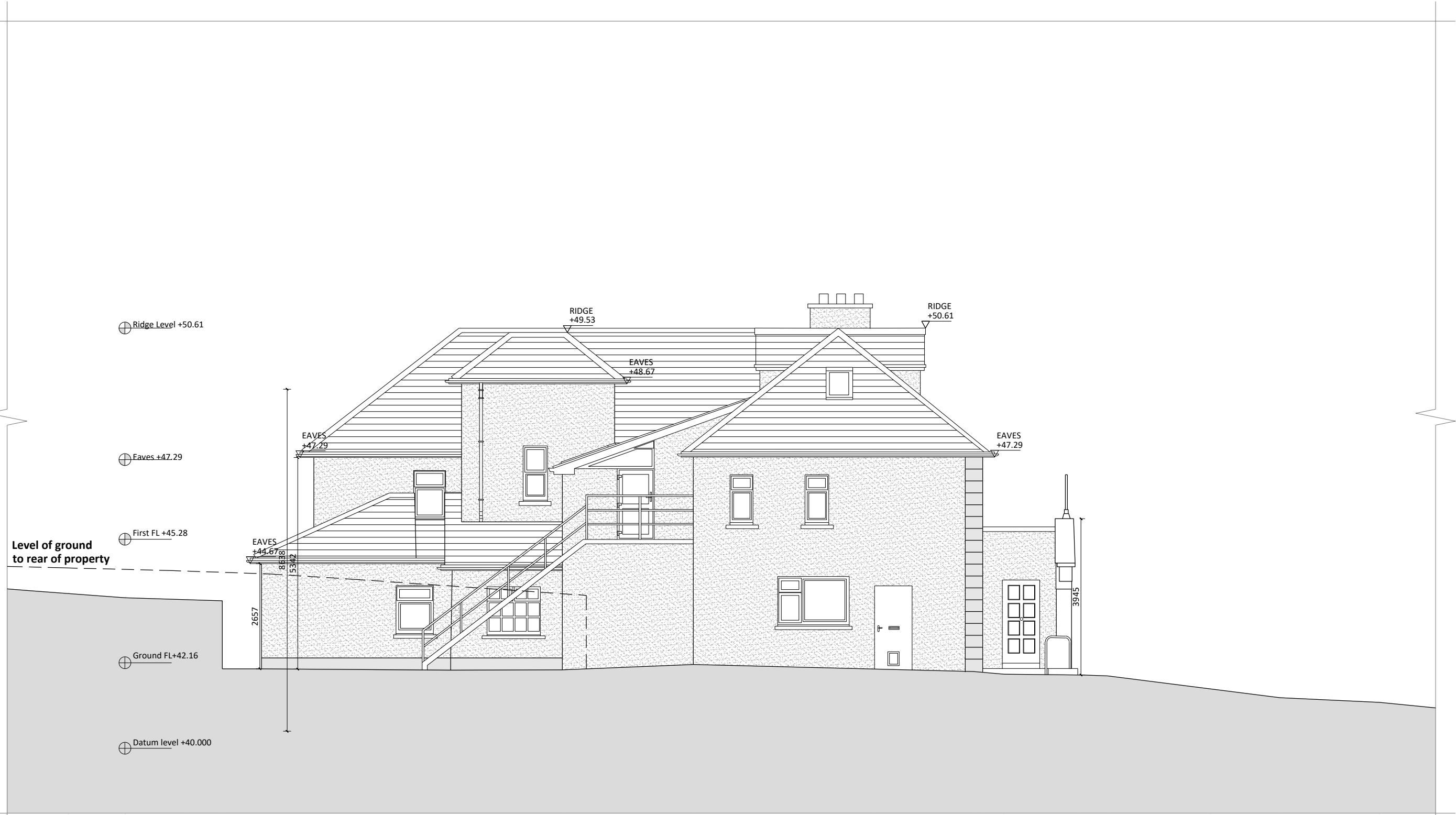
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Scale: 1:100@A1



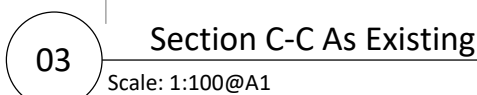
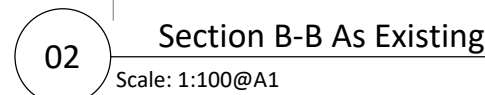
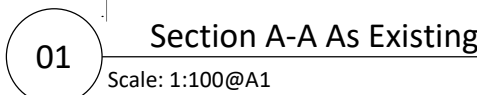
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Scale: 1:100@A1

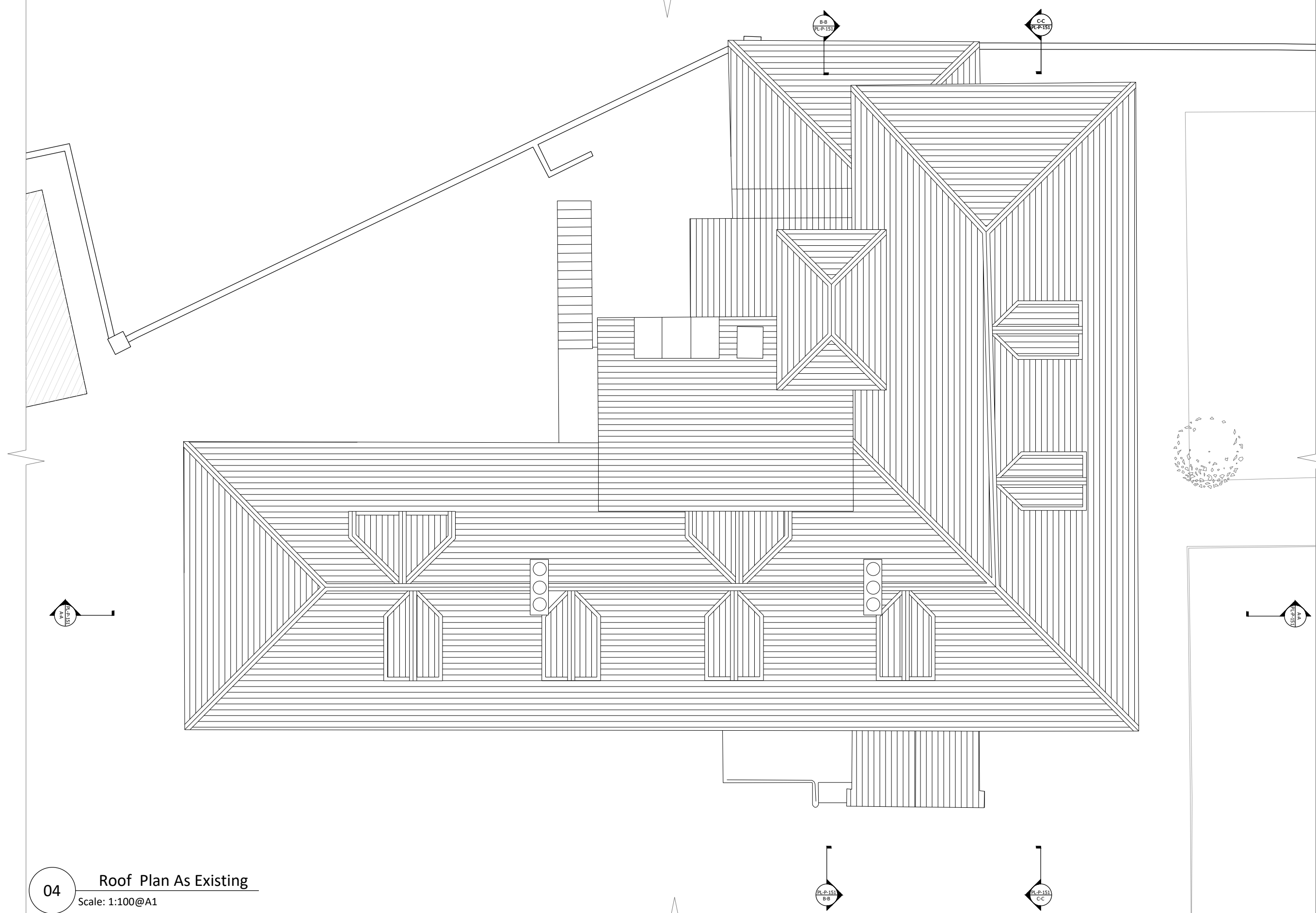
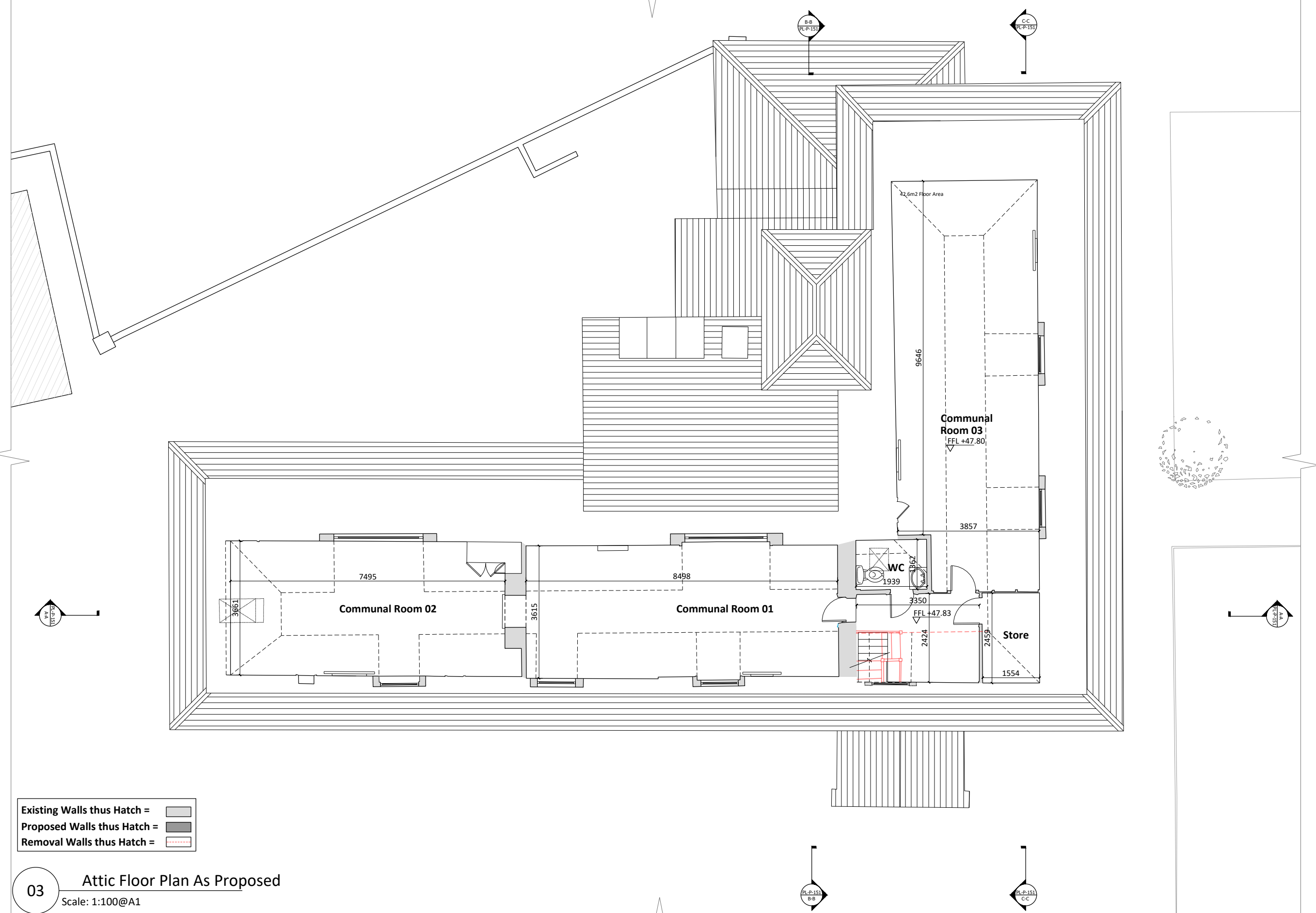
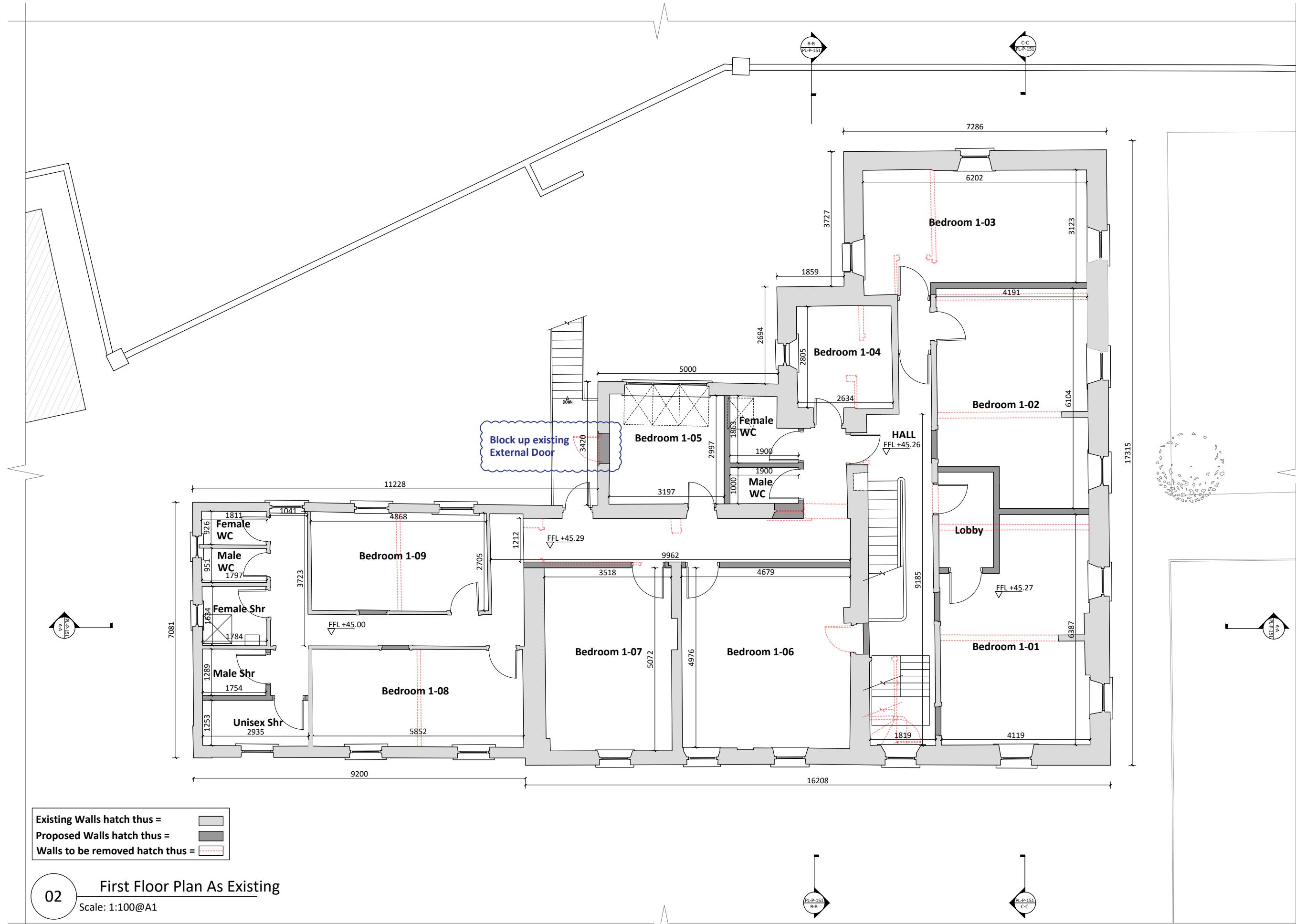
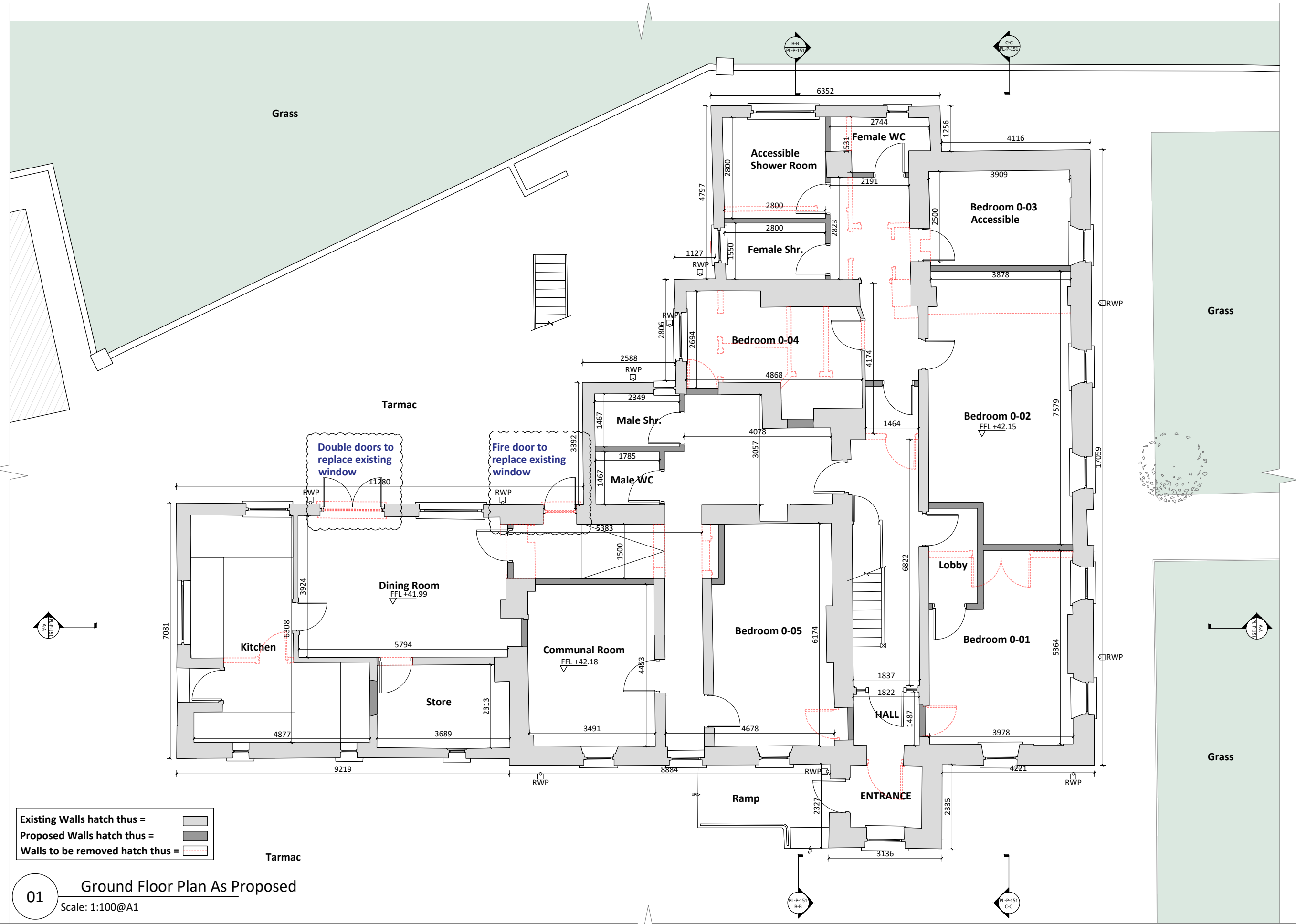


03 Rear (South) Elevation As Existing
Scale: 1:100@A1



04 Side (West) Elevation As Existing
Scale: 1:100@A1







01 Front (North) Elevation As Proposed (NO CHANGE)
Scale: 1:100@A1



02 Side (East) Elevation As Proposed (NO CHANGE)
Scale: 1:100@A1



03 Rear (South) Elevation As Proposed
Scale: 1:100@A1



04 Side (West) Elevation As Proposed
Scale: 1:100@A1



01 Section A-A As Proposed
Scale: 1:100@A1



02 Section B-B As Proposed
Scale: 1:100@A1



03 Section C-C As Proposed
Scale: 1:100@A1