



An
Bord
Pleanála

Board Direction
BD-018821-25
ABP-318709-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/02/2025.

The Board decided this referral generally in accordance with the Inspector's recommendation and the following draft Order:

WHEREAS a question has arisen as to whether the proposed use of premises for the purposes of accommodating persons seeking international protection located at the former Great Southern Hotel, Rosslare Harbour, County Wexford, is or is not development or is or is not exempted development:

AND WHEREAS Verona Murphy of Ramsgate, New Ross, County Wexford on behalf of the People of Rosslare Harbour requested a declaration on the question from Wexford County Council and no declaration issued by the planning authority:

AND WHEREAS Wexford County Council has referred the question for decision to An Bord Pleanála on the 12th day of December, 2023 and reconfigured the question as follows –

whether the proposed use of the buildings / properties / structures located at Saint Martin's Road, Rosslare, former Great Southern Hotel, Rosslare Harbour, County Wexford, for the purposes of accommodating persons seeking international protection is development and, if so, is same exempted development:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended including the relevant conditions and limitations,
- (c) Part 1 of Schedule 2 Classes 20F and 14 (h)-(i) of the Planning and Regulations 2001 as amended, and S.I No. 376/2023,
- (d) the documentation on file, including submissions on behalf of the referrer Wexford County Council, and the requestor Verona Murphy,
- (e) the planning history,
- (f) the pattern of development in the area, and
- (g) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) Permission has been granted under P.A Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283 for a 90 bedroom nursing home at this site,
- (b) The plans and particulars lodged with the planning application indicate clearly such works are for the change of use of the former hotel to use as a nursing home,
- (c) The commencement of these works for the nursing home, subsequent to a commencement notice validated by Wexford County Council on the 16th day of May 2023 and prior to any subsequent commencement notices served for a use unrelated to these permissions, has placed the future use of the buildings / properties / structures on site solely within the parameters of the nursing home permissions under P.A Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283,
- (d) The completion of such works to the buildings / properties / structures on site for any use other than a nursing home would be inconsistent with the use as permitted under P.A Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283, and would contravene Condition 1 of P.A. Reg. Ref. 20220711 and P.A. Reg. Ref. 20210283,
- (e) The completion of such works to the buildings / properties / structures on site for any use other than a nursing home would therefore (i) contravene a condition attached to a permission under the Act and (ii) be inconsistent with a use specified in a permission under the Act, would therefore be de-exempted under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended, and pending the completion of these works and in the context of the above facts, there are no other exemptions available:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the proposed use of the buildings / properties / structures located at Saint Martin's Road, Rosslare, former Great

Southern Hotel, Rosslare Harbour, County Wexford, for the purposes of accommodating persons seeking international protection development is development and is not exempted development.

Board Member

Eamonn James Kelly

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Date: 12/02/2025