An Coimisiún Pleanála

Direction
ABP-322689-25

The submissions on this file and the Inspector's report were considered at a meeting held on 23/10/2026.

The Commission decided, as set out in the following draft Order:

DRAFT ORDER

WHEREAS a question has arisen as to whether the current use of the site for the purposes of providing temporary protection to displaced persons under the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022) at Mearescourt House, Rowlandstown, Rathconrath, Co. Westmeath is or is not development and is or is not exempted development.

AND WHEREAS Rathconrath Property Ltd requested a declaration on this question from Westmeath County Council and the Council did not make a declaration in this instance:

AND WHEREAS Rathconrath Property Ltd referred this question to An Coimisiún Pleanála on the 5th day of June 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

(a) Section 2(1), 3(1), 4(2), 4(4), 57(1), 181(1)(a) and 181A to 181C of the Planning and Development Act, 2000, as amended,

(b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

(c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(d) Section 3 of the European Communities Act 1972 (No. 27 of 1972),

(e) The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022),

(f) Previous referrals to the Commission, including ABP-307077-20,

(g) The documentation on the file, including the submission on behalf of the requestor Rathconrath Property Ltd.,

(h) The requester's response to the notice issued under section 132 of the Planning and Development Act 2000, as amended,

(i) the pattern of development in the area, and

(j) the reports and recommendation of the Inspector.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the change of the current use at the site from a residential dwelling to provide temporary protection to displaced persons is a material change in the use of the site and, therefore, is 'development' as defined under section 3(1)(a) of the Planning and Development Act, 2000 (as amended), and as defined under of article 2 of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022),

(b) the persons being accommodated at the subject site come within the meaning of 'displaced persons' under article 2 of the European Union (Planning and

Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022),

(c) the development is unlikely to have significant effects on the environment and is unlikely to have a significant effect either individually or in combination with other plans or projects on a European site and, therefore, the provisions of section 181A(1) of the Planning and Development Act 2000, as amended, would not apply to the development if it was development of a class specified in regulations made under section 181(1)(a) of the Planning and Development Act 2000, as amended,

(d) the development comes within classes 2, 6 and 7 of the article 3 of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022),

(e) the development is on behalf of a State authority as defined under article 2 of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022),

(f) that the protection being provided is temporary, is subject to, and currently within, the limitations of the 'relevant period' as defined under article 2 of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022),

(g) that the provisions article 3(1) of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022) applies to the development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the current use of the site for the purposes of providing temporary protection to displaced persons under the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022) at Mearescourt House, Rowlandstown, Rathconrath, Co. Westmeath is development and is exempted development.

Planning Commissioner: **Date:** 30/10/2026

Tom Rabbette