



An  
Bord  
Pleanála

## Inspector's Report ABP-319535-24

### Question

Whether the change of use of 20 number dwelling houses at Drominbeg, Rhebogue Road, Rhebogue, Limerick to use as student accommodation is or is not development and is or is not exempted development.

### Location

Lands at Drominbed, Rhebogue Road, Rhebogue, Limerick

### Declaration

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

N/A

Applicant for Declaration

Silvergrove Developments Ltd. & Plassey Trust Company.

Planning Authority Decision

No declaration

### Referral

Referred by

Limerick City and County Council

Owner/ Occupier

Silvergrove Developments Ltd. & Plassey Trust Company

**Observers**

None

**Date of Site Inspection**

10<sup>th</sup> December 2024

**Inspector**

Siobhan Carroll

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 The Question .....	4
4.0 Planning History .....	5
4.1. Relevant Referrals .....	5
5.0 Policy Context .....	6
5.1. Development Plan .....	6
5.2. Natural Heritage Designations .....	8
6.0 The Referral .....	9
6.1. Planning Authority - Referral to the Board .....	9
6.2. Owner/ occupier's response .....	9
6.3. Further Responses .....	16
7.0 Statutory Provisions .....	24
7.1. Planning and Development Act, 2000 .....	24
7.2. Planning and Development Regulations, 2001 .....	25
7.3. Other .....	26
8.0 Assessment .....	26
8.1. Is or is not development .....	26
8.2. Is or is not exempted development .....	33
8.3. Other restrictions on exempted development .....	33
9.0 Recommendation .....	34

## **1.0 Introduction**

- 1.1. A declaration has been sought by Limerick City and County Council from An Bord Pleanála pursuant to Section 5(4) of the Planning and Development Act 2000, in respect of the question asked as noted below.

## **2.0 Site Location and Description**

- 2.1. The subject site is located in the Rhegogue area of Limerick City suburbs, approximately 2km to the east of Limerick City centre. It is accessed from Drominbeg Estate Road which is accessed from Rhegogue Road to the south.
- 2.2. The subject site contains 20 no. houses within Drominbeg Square. They comprise 1 no. two-storey four-bedroom house and 2 no. single-storey two-bedroom houses located on the southern side of Drominbeg Square and 16 no. two-storey three-bedroom houses and 1 no. two-storey two-bedroom house located on the eastern and northern side of the development.
- 2.3. The dwellings are served by on-site car parking spaces to the front of each property. The housing addresses a central area of greenspace. Drominbeg Square is served by single vehicular entrance off the Drominbeg Estate Road. There is pedestrian access to the north-west from Drominbeg Estate.
- 2.4. Drominbeg Square is bounded to the north by housing in the Drominbeg estate and to the east by housing in Dromroe. It is bounded to the south-east by a detached single storey dwelling which is setback 57m from Rhebogue Road and a parcel of undeveloped lands which is bounded by construction hoarding.

## **3.0 The Question**

- 3.1. Whether the change of use of 20 number dwelling houses at Drominbeg, Rhebogue Road, Rhebogue, Limerick to use as student accommodation is or is not development and is or is not exempted development.

## 4.0 Planning History

Reg. Ref. 23/60719 - Permission was refused for the retention of revised site boundary line, revised boundary treatments and revised landscaping plan as granted under previous planning ref P17/800. Permission was refused for the following reason:

1. On the basis of the planning history of the site and the submissions made in connection with the application, the Planning Authority is not satisfied that a material change of use has not occurred on the site. It appears to the Planning Authority that the proposed development relates to a site, the use of which is considered unauthorised for use as student accommodation. The retention of works associated would facilitate this unauthorised use and therefore the Planning Authority are not disposed to granting permission.

Reg. Ref. 17/800 & ABP 300188/17 - Permission was granted for the construction of 20 no. houses, consisting of 1 no. two-storey four-bedroom house, 16 no. two-storey three-bedroom houses, 1 no. two-storey two-bedroom house, and 2 no. single-storey two bedroom houses. The scheme includes garden sheds, an access road, footpaths, public open space, parking, landscaping and boundary treatment. Permission was granted subject to 13 no. conditions.

### 4.1. Relevant Referrals

- 4.1.1. There are a number of previous Board decisions which are relevant.
- 4.1.2. ABP 304692-19 – Whether the use of student accommodation at Amnis House, Western Road, Cork for year-round short-term letting is or is not development or is or is not exempted development.

Decision: Is development and is not exempted development. (2019)

- 4.1.3. ABP Ref. 06.D.RL.2317 – Whether (i) internal alterations to apartments units no. 117, 118, 119, 121, 123 and 124, and (ii) change of use of such units to student accommodation are or are not exempted development.

Decision: The change of use of these apartments to student accommodation is development and is not exempted development, but that the internal alterations to these apartments are exempted development. (2006)

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The operative development plan is Limerick City and County Development Plan 2022 – 2028.
- 5.1.2. The site at Drominbed, Rhebogue Road, Limerick is located on lands zoned – New Residential.
- 5.1.3. Section 4.2.10 refers to Student Accommodation - Students are an increasingly important part of the housing demand in Limerick, particularly in Limerick City, Suburbs and Annacotty. According to Census 2016, 11,703 residents of Limerick City reported their principle economic status as students (15.4% of all those aged 15 and over) as did 8,454 residents of Limerick County (5.4%), which includes some secondary-level students. The main third level institutions in Limerick include University of Limerick, Technological University of the Shannon and Mary Immaculate College, all of which are seeking to increase student numbers, within the lifetime of the Plan, which accordingly will result in increased demand for high quality student accommodation.
- 5.1.4. Objective HO O8 – Student Accommodation
- 5.1.5. It is an objective of the Council to:
  - (a) Support the provision of high quality, professionally managed purpose built student accommodation either on campus, or in appropriate and accessible locations on public transport or cycle networks. All forms of student accommodation shall respect and protect the existing residential amenities of the area in which it is proposed. Student accommodation shall be of appropriate design, in accordance with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), and (2005) and any subsequent updates. Applications for change of use from student housing to any other form of use shall be strongly resisted,

without adequate demonstration that there is no longer a need for such use in the area and an over-provision of student housing exists.

- (b) Ensure that all applications for new off campus purpose built student accommodation, the change of use to student accommodation in existing residential areas, or extensions to existing dwellings to facilitate student accommodation, must include details outlining the presence and distribution of any permanent residential occupiers; the extent of students renting in the private housing market; and the presence of any other housing catering primarily for students and short term lets in the area/estate. The application should address any potential impacts of the proposal on residential amenity and any permanent residents in the area.
- (c) Require all applications for off-campus purpose-built student accommodation to be accompanied by a Student Management Plan outlining how the scheme will be professionally managed. The Plan shall demonstrate how the development will be managed so as to avoid potential negative impacts from occupants on surrounding properties and neighbourhoods and ensure the maintenance of safe, secure and clean environments for the community, occupants and nearby residents.
- (d) Ensure permissions for student accommodation will be subject to a condition requiring planning permission for a change of use to any other type of use, including short-term holiday letting. Future applications for this type of change of use will be resisted. Where it is demonstrated that such student accommodation is no longer required, a planning application will require details of a proper management plan for the non-student use of the units to prevent adverse impacts on traditional residential estates.

5.1.6. Chapter 11 refers to Development Management Standards

5.1.7. Section 11.4.4.7 refers to Student Accommodation

5.1.8. All proposals for student accommodation should comply with the Department of Education and Science's Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005), the provision of the National Student Accommodation Strategy (2017) and Circular PL8/2016. The Council will support the provision of on-campus accommodation and purpose built-

professionally managed student accommodation off-campus at suitable locations. When assessing applications for student accommodation the Council will have regard to:

- The location of student accommodation: The Council will prioritise student accommodation on campus or within 1km distance from the boundary of a Third Level Institute, followed by locations within close proximity to high quality public transport corridors, cycle and pedestrian routes and green routes;
- The potential impact on residential amenities: The provision and location of student accommodation will not be permitted where it would have a detrimental effect on established residential amenities;
- The provision of on-site facilities, including storage facilities, waste management, quality and quantum of cycle parking and associated showers and lockers, leisure facilities, car parking and amenity areas;
- The architectural quality of the design and integration with the wider streetscape with respect to scale, mass, external finishes and landscaping;
- The number of existing similar facilities in the area (applicable only to off-campus accommodation). In assessing a proposal for student accommodation, the Planning Authority will consider the cumulative impact of student accommodation, which exists in the locality and will resist the over-concentration of such schemes in any one area, in the interests of sustainable development and residential amenity.

## **5.2. Natural Heritage Designations**

- 5.2.1. Lower River Shannon SAC (Site Code 002165) is situated 278m to the north of the subject site and 383m to the east of the subject site.
- 5.2.2. River Shannon and River Fergus Estuaries SPA (Site Code 004077) is situated 2.3km to the west of the subject site.



## **6.0 The Referral**

### **6.1. Planning Authority - Referral to the Board**

6.1.1. Limerick City and County Council have made a referral under Section 5(4) of the Planning and Development Act 2000 (as amended) to the Board in respect of the following question:

- Whether the change of use of 20 number dwelling houses at Drominbeg, Rhebogue Road, Rhebogue, Limerick to use as student accommodation is or is not development and is or is not exempted development.
- The background is set out by the Planning Authority. Under Reg. Ref. 17/800 permission was granted on the 19<sup>th</sup> of October 2017 for the construction of 17 no. dwelling houses consisting of 16 no. two-storey three-bedroom houses, 1 no. two-storey two-bedroom house, garden sheds, access road, footpaths, public parking, landscaping, boundary treatments including connection to existing public foul and surface water sewer network, public watermain and all associated site works. The application was appealed to the Board Under ABP 300188-17 and the Board granted permission with conditions.
- A recent planning application was made under Reg. Ref.23/60719 for a revised site boundary line, revised boundary treatments and revised landscaping plan as granted under previous Reg. Ref. 17/800. That application was refused by Limerick City and County Council.
- The site is currently the subject of an enforcement case DC-505-23 for the alleged change of use of residential dwelling houses to use as student accommodation.

### **6.2. Owner/ occupier's response**

6.2.1. A response from HW Planning was submitted on behalf of Plassey Trust Company LG.

- The Planning Authority's referral highlights that there is a live enforcement case for alleged change of use of student accommodation.

- The Plassey Trust Company LG response and the response of Silvergrove Development Ltd. provided to the Board highlighted that no further action has been taken by the Planning Authority following the receipt of the enforcement letter.
- It is stated that this could be inferred that the Council were satisfied that a material change of use had not taken place. However, the Council refused permission for the application for the retention of revised site boundary line, revised boundary treatments and revised landscaping plan as granted under previous planning ref P17/800. Permission was refused for the following reason “The Planning Authority is not satisfied that a material change of use has not occurred on the site. It appears to the Planning Authority that the proposed development relates to a site, the use which is considered unauthorised for use as student accommodation. The retention of works associated would facilitate this unauthorised use and therefore the Planning Authority are not disposed to granting permission.
- The application was made by Silvergrove Developments Limited in response to and in order to remedy the alleged unauthorised development highlighted in Warning Letter DC-172-23.
- The decision of the Planning Authority in respect of this application therefore suggests that they formed an opinion on the matter.
- Plassey Trust Company LG welcomes the decision of Limerick City and County to refer the matter to the Board for determination.
- In order to satisfy themselves that the use does not constitute development they have sought Counsel opinion of Mr. Jarlath Fitzsimons SC.
- In relation to the context the 20 no. dwellings were constructed in accordance with the permission granted under ABP 300188-17. The dwellings were purchased by Plassey Trust Company LG and they are occupied by researchers and postgraduates who work at and attend University of Limerick.
- The tenure of the houses appears to have been originally intended to be used as social and affordable housing was raised by appellants and was considered by the Board during the assessment of the planning appeal ABP

300188-17. It is noted that the Planning Inspector and the Board did not consider the tenure or occupancy of the dwellings to be a material planning matter. It is highlighted that there are no conditions on the permission which limit or restrict the category of residents or occupants of the houses.

- It is highlighted that no works have been carried out or alterations made which would render the units only suitable for occupation by students. It is noted that no suggestions or allegations that any unauthorised internal works have taken place and this matter does not feature on either warning letters.
- The subject houses are currently occupied by postgraduates and researchers who have 51-week tenancy agreements which are registered with the Residential Tenancies Board.
- It is highlighted that the 'National Student Accommodation Strategy' states that 18% of full-time students in Ireland are accommodated in purpose built student accommodation.
- Therefore, it can be inferred that the vast majority of students occupy residential accommodation which has not been designed, constructed or permitted as purpose built student accommodation.
- Therefore, it is stated that the houses in question would be similar to the numerous other residential properties in Limerick and nationally which are occupied by students.
- Section 2 of the Planning and Development Act 2000 (as amended) defines student accommodation as follows:

“student accommodation” means a building or part thereof used, or intended to be used, for the sole purpose (subject to paragraph (b)) of providing residential accommodation to students during academic term times, whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012 ), and that is not used, or intended to be used—

(a) as permanent residential accommodation, or

(b) as a hotel, hostel, apart-hotel or similar type accommodation other than for the purposes of providing residential accommodation to tourists or visitors outside of academic term times;

- Dwelling house is no longer detailed in the Planning and Development Acts but rather a “house” is defined in Section 2 as follows:

“house” means a building or part of a building that—

(a) is, or was most recently, occupied as a dwelling,

(b) was most recently provided for use as a dwelling but has not been occupied as a dwelling, or

(c) in the case of a building or part of a building containing more than one apartment, flat or other dwelling, each such apartment, flat or dwelling;

- Section 3(a) of the Planning and Development Act 2000 (as amended) defines development as;

(a) The carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land,

- In relation to the matter of precedent it is stated that they are unaware of a Section 5 declaration, referral or case law in which the occupation of residential dwelling houses by students has been considered.
- ABP 304692-19 refers to a referral case where the Board determined that the use of student accommodation for year-round short-term letting at Amnis House, Western Road, Cork was development and was not exempted development.
- The Board reached this determination based on the fact that Amnis House was permitted as a purpose-built student accommodation and conditions of that permission restricted the use to student accommodation and for no other purpose.
- Referral case 06.D.RL.2317 from 2006 is noted. The question in that case “whether the change of use of six of the eight apartments within an apartment block at Merrion Grove apartment complex, Stillorgan Road, Stillorgan, Co. Dublin to student accommodation is a material change of use and thereby

constitutes development or is or is not exempted development and whether the internal alterations to those apartments for such use are or are not exempted development.”

- There were internal alterations to apartment units no 117, 118, 119, 121, 123 and 124 and a subsequent change of use of the units to student accommodation. The Board considered that “the said change of use from apartments to single purpose student accommodation constitutes a material change of use, having regard to potential impacts on the residential amenities of property in the vicinity and the amenities of the area.”
- The Board decided that the change of use is development and was not exempted development.
- They consider that the case is different to the current case in that works had been carried out which rendered the apartments in question “single purpose student accommodation” and the question was not one whether the use of existing apartments by students was or was not development and this is different to the current case.
- Case Law established by *Mc Mahon v Dublin Corporation* 1997 1 ILM 227, found that the use of houses for short term letting was a material change of use from the authorised use as private residences and determined that a change of use is material if the character of the proposed use is substantially different from the permitted in so far as it impacts on the proper planning and sustainable development of the area.
- The Senior Counsel opinion accompanying the referral response is highlighted, paragraph 20 states; “there must be an actual change in use, the act of development is the change, not the use itself. Secondly, any such change must be material, that is material for planning purposes.”
- The definition of student accommodation was inserted into the Planning and Development Acts, for the purposes of defining “Strategic Housing Developments” and also in the context of defining “Large Scale Residential Developments”.

- It was inserted into the Planning and Development Acts principally to define purpose-built student accommodation and not conventional dwellings which happen to be rented by students. Unlike the Merrion Grove Case (06D.RL. 2317) no works have been carried out which would render the house “single purpose student accommodation” and they remain capable of being used as permanent residential accommodation.
- As evident in the Counsel opinion on paragraph 44 – the application of student accommodation definition of the existing houses is incorrect and it states that “In my opinion when correctly construing the context in which the term ‘student accommodation’ is used in the 2000 Act, the inclusion of the phrase ‘to use as student accommodation’ in the referral is not legally correct and the Board should consider substituting the phrase ‘to use as accommodation for students’ in considering and deciding the referral.”
- Regarding material change of use the occupation of the dwellings by researchers and postgraduates is not substantially or materially different from that permitted and they do not consider that it gives rise to fresh planning considerations.
- The permission for the existing dwellinghouses does not restrict the type of occupant of the houses and the houses remain suitable for occupation by a broad range of tenants such as individuals in house share arrangements or by families i.e. as permanent residential accommodation.
- The occupation of the dwellings by students would not in itself raise any fresh planning considerations given that the dwellings are being used as designed and permitted. The residents of the dwellings share the same catering arrangements and would be considered to form a single household in accordance with the CSO definitions.
- In conclusion, it is submitted that the houses have been constructed in accordance with ABP 300188-17 and there are no conditions restricting the use or occupation of the dwellings to be a particular tenure or category of tenant.

- The dwelling houses in question are currently occupied by post graduate students and researchers, who have tenancy agreements registered with the Residential Tenancies Board.
- No works have been carried out which would render the houses only suitable for occupation by students or any other category of tenant and they are not to 'single purpose accommodation'.
- The houses remain suitable for occupation by a broad range of tenants.
- The majority of students in Limerick (and elsewhere) are accommodated in residential dwellings such as the subject dwellings.
- The residents of the dwellings share the same catering arrangements and would be considered to form a single household in accordance with the CSO definitions. This would be similar to any other categories of persons occupying the houses as permanent residential accommodation.
- The occupation of the dwellings by a particular category of tenant does not in itself raise any fresh planning considerations given that the dwellings are being used as designed and permitted.
- The occupation and use of the houses by researchers and postgraduates in the manner in which they were designed and constructed is not substantially different from that permitted and does not have any material impacts on the proper and sustainable development of the area. Therefore, they do not consider that the occupation of the houses by postgraduates and researchers constitutes a material change of use, it does not represent development and no planning permission is required for the same.
- If the Planning Authority were to consider that the use of dwelling houses by students constituted a material change of the use in itself, then this decision would have widespread ramifications for all dwellings occupied by students in Limerick and the Country as a whole as it would suggest the majority of existing accommodation is unauthorised.
- On the basis of the above it is considered that the Board should conclude that, (a) The use of the dwellings by students does not constitute a material

change of use and does not constitute development as set out in Section 3 of the Planning and Development Act 2000 (as amended).

- It is respectfully requested that the Board decide that the use of the existing dwellings by students is not development.

### **6.3. Further Responses**

6.3.1. A response from HRA Planning Chartered Town Planning Consultants was submitted on behalf of Silvergrove Developments Limited.

- Silvergrove Developments Limited was the developer of the original planning permission which the residential units are the subject of this referral (ABP 300188-17) which is cited in the referral submission by the Council.
- In October 2023 Silvergrove Developments Limited sold the properties prior to their occupation and use. It is stated that Silvergrove Developments Ltd. had/has no legal interest in any occupation or use of the dwelling houses or, any unauthorised development ('change of use').
- It is stated that the referral submitted by Limerick City and County Council does not state or clarify the position of the Council on the referral matter.
- Silvergrove Developments Limited state that it had/has no involvement in the alleged unauthorised development which the warning letter refers to.
- Silvergrove Developments Limited state that they are aware that the Plassey Trust Company LG, as owners of the residential units has confirmed to the Council as of its response to the warning letter dated 17<sup>th</sup> January that the residential units have been constructed in accordance with the planning permission reference ABP 300188-17 and that no change of use has occurred.
- Silvergrove Developments Limited understand that position and interpretation has not been challenged by the Council. It is inferred this occurred as there is no condition attached to the planning permission which precludes or restricts the residential use of any or all of the permitted dwellings to any one particular tenure or occupant type and that the development was assessed and permitted by the Board for housing use and Plassey Trust Company have



confirmed that the residential units are being used for that permitted residential purpose.

- The use of the subject units is not dissimilar to the use of other residential properties in the area which are rented to students in whole or in part, given the proximity of this area to the University of Limerick.
- It is highlighted that no further enforcement action has been taken by the Council on foot of the Warning Letter.

6.3.2. A further response was received from Limerick City and County Council in relation to the submission from HRA Planning on behalf of Silvergrove Developments Limited.

- Within the submission, HRA Planning have made a number of references to Enforcement Case DC-505-23. As confirmed in the documents submitted with the referral by Limerick City and County Council to An Bord Pleanála, a warning letter was issued to Silvergrove Developments Ltd. in December 2023 for an alleged unauthorised development at the site that is the subject of the current referral. Enforcement Case DC-505-23 remains a live enforcement case with investigations into the alleged unauthorised development currently ongoing.
- The submission from HRA Planning states that “Silvergrove Development have had/has no legal interest in any occupation or use of the dwellinghouses’. However, it is clear from the planning history of the site, and the most recent planning application there (Ref: 23/60719), that Silvergrove Developments Ltd have/had a legal interest in the land as recently as February 2024. This was confirmed in section 10 of the application form where Silvergrove Developments Ltd. were listed as the owner. It was confirmed in a subsequent response to a request for further information from Limerick City and County Council that was submitted by HRA Planning on behalf of the applicant, listed as Silvergrove Developments Ltd, and received on 29<sup>th</sup> February 2024.

6.3.3. A further response was received from Limerick City and County Council in relation to the submission from HW Planning on behalf of Plassey Trust Company LG.

- With regard to the Planning Context, it is noted that on page 2 of the submission it states, 'no works have been carried out or alterations made, which would render the units only suitable for occupation by students.' In addition to this on page 4 of the submission reference is made to the fact that 'no works have been carried out which would render the houses "single purpose student accommodation" and they remain capable of being used as permanent residential accommodation.
- It has been brought to the attention of the Planning Authority that the rooms on the ground floor of the house that were originally designated as 'Living Rooms' in the plans submitted with application 17/800 and ABP-300188-17 have been converted to bedrooms. As such the units now do not have living area or communal space where a family or group of people living together could use communally. This is considered a significant change in the original intention of the planning units as proposed and therefore in the opinion of the Planning Authority represents a material change of use.
- From a review of the reports provided by the Planning Authority and the An Bord Pleanála Inspector there were clear references to the standard of accommodation of the units, both within the policy and assessment sections in terms of the qualitative standards, design, dwelling size, and the needs of household types. This was based on clear layouts of the individual units that contained a ground floor with a kitchen and living room and bedrooms upstairs that are typical requirements of any housing development.
- The Planning and Development 2000 (as amended) provides a clear distinction between a 'house' and 'student accommodation' with definitions of each type of accommodation provided. A house is defined as: "means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;
- Student accommodation is defined under Section 2 of the Act as:
- Means a building or part thereof used, or to be used, for the sole purpose (subject to paragraph (b)) of providing residential accommodation to students

during academic term times, whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not used, or to be used, - (a) as permanent residential accommodation, or (b) as a hotel, hostel, apart-hotel or similar type accommodation other than for the purposes of providing residential accommodation to tourists or visitors outside of academic term times.

- The 2000 Act has provided a clear distinction between both types of accommodation within the definitions set out in section 2. The reference to 'academic term times' is significant here in distinguishing between both types of accommodation. The submission refers to the fact that units are currently occupied by postgraduates and researchers. However, the Act does not provide a distinction between the different types of students. The submission states that the properties are currently being used for 51 week tenancies which would cover the general nine months student term time period plus an additional three months. The key factor here is that the units are currently occupied by students associated with a third level institution within academic term time, which forms part of the definition of student accommodation.
- There are a number of important factors set out in the Limerick Development Plan (2022-2028) that are required to be assessed if a planning application for student accommodation is submitted to the Planning Authority. These are contained within Objective H0 08 but also in section 11.4.4.7 Student Accommodation in Chapter 11 Development Management. This section sets out some of the key requirements for sites deemed suitable for this specific type of residential accommodation. There is a requirement that specific information should accompany any proposal for student accommodation that includes, but is not limited to, the consideration for residential amenity, on site facilities, waste management, and the cumulative impact of student accommodation within a specific area.
- The Planning Authority have significant concerns with the precedent that could be set by a third level institution purchasing entire residential schemes in close proximity to their respective campuses for use as student

accommodation and the impact this could have on the character of existing residential areas as well as the potential impact on the amenity of residents. There are clear requirements for the management of student specific schemes for this very reason. This is a significant and material planning consideration in the context of the current development.

- The change of use which has taken place has not been subject to a planning process which would facilitate an appraisal of these issues and a public consultation.
- In relation to material change of use, the Planning and Development Act 2000 does not provide a definition of what constitutes a ‘material change’ of use but highlights in the OPR’s Practice Note PN05-Planning Enforcement, there is case law where the courts have considered the principles that can be applied to determine whether a material change of use has taken place. The guidance note goes on to state that local authorities should consider how the change affects the proper planning and sustainable development of the area as well as a number of other considerations including, relevant to this case, the planning unit and intensification.
- In addition to the definitions in the Act, the Limerick Development Plan (2022-2028) provides a clear distinction between both types of residential accommodation. This can be clearly seen when reviewing the respective policies associated with both types of accommodation. Proposals for Student Accommodation within Limerick are assessed on a case-by-case basis and against the policies and objectives set out within the Development Plan. Objective H0 08 sets out a number of clear requirements and places the protection of residential amenity as a clear priority.
- Paragraph 27 of the legal opinion that accompanies the submission refers to what the Board or a Planning Authority have to consider which includes (i) whether a particular use has been specified in the grant of permission and if not, (ii) whether the documentation submitted with the relevant planning application is suggestive of the manner in which the permitted development should be carried out.

- The original scheme was advertised as a housing development and not a student specific development. There are clear differences in what was originally proposed and how the current units are being used, particularly in light of the fact that there are now no communal living areas with these areas of the units now devoted to bedrooms. There are now more occupants per house than what was originally proposed and the nature of how the planning units are being occupied and used has also changed. The Planning Authority consider that the occupation of the houses by postgraduate students and researchers is substantially different from what was originally permitted and therefore represents a material change of use.
- The Planning Authority respectfully request the above observations be taken into account in determination of the Section 5 referral request on this matter.

6.3.4. A further response was received from HW Planning on behalf of Plassey Trust Company LG in relation to the submissions from Limited Limerick City and County Council.

- It is stated that they have no observations to make regarding the difference of opinion between the parties on the appropriateness of issuing an Enforcement Notice on Silvergrove Development Limited.
- They highlight that while they do not dispute the Council's submission that the enforcement case remains live, they remain of the view that the actions of the Planning Authority in this matter have been somewhat contradictory.
- The referral of the Planning Authority and the most recent submission highlighted that there is a live enforcement case for the alleged change of use to student accommodation. No further action has been taken by the Planning Authority following receipt of their response in January 2024.
- Plassey Trust Company LG support the referral of this matter to the Board. They highlight that the referral question should be more appropriately defined as "whether the use of 20 number houses at Drominbeg, Rhebogue Road, Rhebogue, Limerick by students is or is not development and is or is not exempted development.

- The submission reiterates the other points detailed in the original submission from HW Planning on behalf of Plassey Trust Company LG.

6.3.5. A further submission was received from HRA Planning on behalf of Silvergrove Developments Ltd. on the 19<sup>th</sup> of May 2025 in relation to the submissions from Plassey Trust Company LG and Limerick City and County Council.

- In relation to the two submissions from Limerick City and County Council dated 28<sup>th</sup> of May 2024 and from HW Planning on behalf of Plassey Trust Company LG dated 16<sup>th</sup> of May 2024, Silvergrove Developments Ltd, consider it appropriate in the interest of justice to make observations in respect of each of the submissions.
- Regarding the submission from Limerick City and County Council the submission references the previous submission made by HRA Planning to the Board in relation to this referral case on behalf of Silvergrove Developments Ltd. dated 5<sup>th</sup> of May 2024. The focus of the submission relates to the legal interest of Silvergrove Developments Ltd, in the occupation and use of the development subject of this referral. The Council challenged the statement which Silvergrove Developments Ltd. made in their previous submission that “Silvergrove Developments Ltd. have had/has no legal interest in any occupation or use of the dwellinghouses.”
- The Council also referred to a separate planning application made to Limerick City and County Council by Silvergrove Developments Ltd. Ref: 23/60719 and they contested that Silvergrove Developments Ltd. is stated to have/had a legal interest in the property as recently as February 2024 as it was listed as the owner in that planning application. It was also confirmed in a subsequent response to a request for further information from Limerick City and County Council.

- The Council is correct in its reference to the previous submission made by HRA Planning on behalf of Silvergrove Developments Ltd. to the Board dated 5th of May 2024 and the statement made on behalf of Silvergrove Developments Ltd. which states, “Silvergrove Developments have had/has no legal interest in any occupation or use of the dwelling houses.”
- It is confirmed in the submission that this was and remains accurate. Silvergrove Developments Ltd. reaffirm in their submission that it did not have, nor does it currently have, any legal interest in the occupation or use of the houses as stated. It is confirmed that the occupation and subsequent use of the houses commenced following the sale and transfer of the development from Silvergrove Developments Ltd. to the University of Limerick.
- It is stated that the Council is incorrect in the implied suggestion that in the statement made by Silvergrove Developments Ltd. to the Board contradicts the details submitted in connection with the planning application Ref. 23/60719 or that Silvergrove Developments Ltd. held any legal interest in the use or occupation of the dwelling units as of 29th of February 2024.
- The application Ref. 23/60719 made by Silvergrove Developments Ltd. related to the regularisation of boundary treatments to the development property of 20 houses. The subject houses were unoccupied at the time the application was submitted to the Council on October 2nd 2023. It is highlighted that no part of that application related to the use or occupation of the houses.
- The ownership of the property changed in late October 2023 whilst the planning application was still live. However, for clarification Silvergrove Developments Ltd. stated that they continued to submit the response to the further information request in relation to the application after the property was

sold in good faith, for the purpose of completeness as the original developer, and in agreement with the new owner given that the application was live and ongoing.

- It is highlighted that the position of ownership transfer was made clear to the Council's Enforcement Department in a submission made by HRA Planning on behalf of Silvergrove Developments Ltd. dated January 18th 2024 in a response to a warning letter (Ref: DC-505-23).
- In relation to the submission from HW Planning on behalf of Plassey Trust Company LG dated the 16th of May 2024, Silvergrove Developments Ltd. concur with their observations and with the concluding remarks of the Senior Counsel which states, "the use of the 20 number houses at Drominbeg, Rhebogue Road, Rhebogue, Limerick, as accommodation for students is not development."

## **7.0 Statutory Provisions**

### **7.1. Planning and Development Act, 2000**

#### **7.1.1. Section 2**

#### **7.1.2. Under Section 2, the following is the interpretation of 'works':**

"...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

#### **7.1.3. Definition of House "house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;**

#### **7.1.4. Section 13 (d) Definition of Student Accommodation - " means a building or part thereof used, or to be used, for the sole purpose (subject to *paragraph (b)*) of**



providing residential accommodation to students during academic term times, whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012 ), and that is not used, or to be used,—

(a) as permanent residential accommodation, or

(b) as a hotel, hostel, apart-hotel or similar type accommodation other than for the purposes of providing residential accommodation to tourists or visitors outside of academic term times;

7.1.5. Section 3(1)

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

7.1.6. Section 4

7.1.7. Section 4 (1)(a) – (l) sets out what is exempt development for the purposes of this Act.

7.1.8. Section 4(2) provides for the making of Regulations.

7.1.9. Section 4(2)(a) states ‘The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that:- (i) By reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development.

**7.2. Planning and Development Regulations, 2001**

7.2.1. Article 6(1)

7.2.2. ‘Subject to article 9, development of a class specified in column 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.’

7.2.3. Article 9(1)

7.2.4. Development to which article 5 relates shall not be exempted development for the purposes of the Act-

7.2.5. (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.

7.3. **Other**

7.3.1. Planning and Development (Housing) and Residential Tenancies Act, 2016, enacted on 23rd December 2016:

7.3.2. Section 13 states the following: Section 2 of the Act of 2000 shall have effect in subsection (1) during the specified period –

(d) as if the following definition were inserted after the definition of “structure”:

“Student accommodation” –

(a) means a building or part thereof used or to be used to accommodate students whether or not provided by a relevant provider (within the meaning of Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not for use –

(i) as permanent residential accommodation, or

(ii) subject to paragraph (b), as a hotel, hostel, apart-hotel or similar type accommodation, and

(b) includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside academic term times;

8.0 **Assessment**

8.1. **Is or is not development**

8.1.1. The referrer Limerick City and County Council asks the question as to whether the change of use of 20 number dwelling houses at Drominbeg, Rhebogue Road Rhebogue, Limerick to use as student accommodation is or is not development and is or is not exempted development.

- 8.1.2. The owner/occupiers Plassey Trust Company LG have requested that the wording of the referral question be reformulated to read, “whether the use of 20 number houses at Drominbeg, Rhebogue Road, Rhebogue, Limerick for students is or is not development and is or is not exempted development.
- 8.1.3. Limerick City and County Council in their responses did not specifically comment on the requested re-wording of the question, however their responses did refer to the matters of change of use and material change of use. Their response also referenced the definition of a ‘house’ and ‘student accommodation’ under the provisions of the Planning and Development Act, 2000 (as amended). In relation to the matter of re-wording of the question having regard to the definition of ‘student accommodation’ and the definition of ‘house’ under the provisions of the Planning and Development Act, 2000 (as amended), I would consider that it would be appropriate to consider the question as posed Limerick City and County Council in respect of as to whether the change of use of 20 number dwelling houses at Drominbeg, Rhebogue Road Rhebogue, Limerick to use as student accommodation is or is not development in the first instance.
- 8.1.4. Under Reg. Ref. Reg. Ref. 17/800 & ABP 300188/17 permission was granted for the construction of 20 no. houses, consisting of 1 no. two-storey four-bedroom house, 16 no. two-storey three-bedroom houses, 1 no. two-storey two-bedroom house, and 2 no. single-storey two-bedroom houses. The permitted development was subject to 14 no. conditions. While the grounds of appeal raised the matter of the use of the proposed houses for social and affordable housing the Senior Planning Inspector in their assessment of the case noted ‘there is nothing under the Act that prevents land being developed exclusively for social and affordable housing.’ They further noted that “I also acknowledge the provisions of section 96, whereby the Board shall require as a condition of a grant of permission that an applicant enters into an agreement with the planning authority to provide for social and affordable housing.” The Board in their determination of the case agreed with the assessment of the Senior Planning Inspector and no conditions were attached to the permission which limited or restricted the category of residents or occupants of the houses. Condition no. 12 of the permission refers to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended.

- 8.1.5. The referral documentation submitted by Limerick City and County Council refers to the planning history and specifically the most recent planning application Reg. Ref. 23/60719 where permission was sought by Silvergrove Developments Ltd for the retention of a revised site boundary line, revised boundary treatments and revised landscaping plan as granted under previous planning ref P17/800. Limerick City and County Council refused permission for the application for the following reason;
- (1) On the basis of the planning history of the site and the submissions made in connection with the application, the Planning Authority is not satisfied that a material change of use has not occurred on the site. It appears to the Planning Authority that the proposed development relates to a site, the use of which is considered unauthorised for use as student accommodation. The retention of works associated would facilitate this unauthorised use and therefore the Planning Authority are not disposed to granting permission.
- 8.1.6. They refer to the documentation on file which refers to the fact that the site is currently the subject of an enforcement case DC-505-23 for the alleged change of use of residential dwelling houses to use as student accommodation.
- 8.1.7. The response from the HW Planning on behalf of the owners Plassey Trust state that no works have been carried out or alterations made which would render the units only suitable for occupation by students. They submit that the houses remain suitable for occupation by a broad range of tenants.
- 8.1.8. The response from Limerick City and County Council to this matter states that it was brought to their attention that the rooms on the ground floor of the houses that were originally designated as 'Living Rooms' in the plans submitted with application Reg. Ref.17/800 & ABP-300188-17 have been converted to bedrooms. On inspection of the site, I observed no. 8 Drominbeg Square which is a two-storey, semi-detached house. As per the permitted scheme no. 8 Drominbeg Square the subject dwelling is House Type 3 as permitted under Reg. Ref.17/800 & ABP-300188-17. As detailed on Drawing no: 107 the dwelling contains 3 no. bedrooms and a bathroom at first floor and at ground floor a living room to the front and a kitchen/dining room to the rear with a separate utility room and W.C.
- 8.1.9. On inspection of the site, I observed that the ground floor of no. 8 Drominbeg Square was not in use in accordance with the floor plans as permitted under Ref.17/800 &

ABP-300188-17. At ground floor the front room which was designed as a 'living room' is in use as a bedroom and the room to the rear at ground floor which was designed as a 'kitchen/dining room' is in use as a kitchen/living and dining room. This was evident in the fact that this room contains the cooker, kitchen sink, fridge and kitchen units along the side wall of the room with a dining table along the back wall of the room and 2 no. two seater couches facing a coffee table with a wall mounted television on the side wall adjacent to the seating area. The ground floor front room which was designed as a 'living room' in the approved plans is in use a bedroom and is not available as a separate living room.

- 8.1.10. Furthermore, in relation to the statement of Limerick City and County Council in their response, that it was brought to their attention that the rooms on the ground floor of the houses that were originally designated as 'Living Rooms' in the plans submitted with application Reg. Ref.17/800 & ABP-300188-17 have been converted to bedrooms, I would also note the information provided on the University of Limerick website in relation to accommodation. As detailed on the University of Limerick website under the accommodation section, Drominbeg Square, Rhebogue is described as Postgraduate off campus accommodation. In relation to composition of the accommodation it states that it offers individual houses with 3, 4 or 6 bedrooms. The configuration of the dwellings as granted under Reg. Ref.17/800 & ABP-300188-17 comprises 1 no. two-storey four-bedroom house, 16 no. two-storey three-bedroom houses, 1 no. two-storey two-bedroom house, and 2 no. single-storey two-bedroom houses. Accordingly, this would appear to confirm the statement from the 'Council' that 'living rooms' on the ground floors of dwellings within Drominbeg Square have been converted to bedrooms because under Reg. Ref.17/800 & ABP-300188-17 no six-bedroom dwellings were granted, the scheme only contained 1 no. 4 bedroom dwelling, and the scheme contained 3 no. two bedroom dwellings.
- 8.1.11. Based on my inspection of no. 8 Drominbeg Square it was evident that it does not have a living room area or communal space where a family or group of people living together could use communally. Furthermore, on the basis of the description of the dwellings at Drominbeg Square on the university website accommodation compared with the layout of the dwellings as permitted in terms of the bedroom provision, it would appear that the rooms on the ground floor of the houses that were originally

designated as 'Living Rooms' in the plans submitted with application Reg. Ref.17/800 & ABP-300188-17 have been converted to bedrooms.

- 8.1.12. Limerick City and County Council maintain that this represents a significant change in the original intention of the planning units as proposed and therefore represents a material change of use. They highlighted in their response that the reports of the Planning Authority in relation to Reg. Ref.17/800 and the report of the Senior Planning Inspector in relation to Reg. Ref.17/800 & ABP-300188-17 made specific reference to the standard of accommodation of the units, both within the policy and assessment sections in terms of the qualitative standards, design, dwelling size, and the needs of household types. The standard of accommodation was based on the layouts of the individual units that contained a ground floor with a kitchen and living room and bedrooms upstairs that are typical requirements of any housing development. Therefore, it is the position of the Council that this change in the ground floor layout and the conversion of the 'living rooms' to a further bedroom represents a diminution in terms of the standard of accommodation and that it constitutes a change of use which they consider is material.
- 8.1.13. The original response to the referral from HW Planning on behalf of Plassey Trust Company LG noted a referral case from 2006, Ref. 06D.RL.2317. The question in the case was "whether the change of use of six of the eight apartments within an apartment block at Merrion Grove apartment complex, Stillorgan Road, Stillorgan, Co. Dublin to student accommodation is a material change of use and thereby constitutes development or is or is not exempted development and whether the internal alterations to those apartments for such use are or are not exempted development."
- 8.1.14. In relation to that referral the Board concluded that "the said change of use from apartments to single purpose student accommodation constitutes a material change of use, having regard to potential impacts on the residential amenities of property in the vicinity and the amenities of the area." The Board decided that the change of use is development and was not exempted development.
- 8.1.15. The response from HW Planning on behalf of Plassey Trust Company LG stated that they considered that referral was not directly comparable to the current case because works had been carried out the apartments in terms internal alterations to

apartment units no 117, 118, 119, 121, 123 and 124. While I would note the point made in respect of internal alterations to the apartments which were the subject of that referral, I would also note that internal changes have occurred in terms of the use of permitted ground floor living rooms to use as bedrooms in the dwellings which are the subject of this referral.

- 8.1.16. The response from the Council in relation to the definition of a 'house' and 'student accommodation' sets out that the Planning and Development Act (as amended) provides a clear distinction between 'house' and 'student accommodation'. The definition of a house "means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling." The definition of student accommodation means a building or part thereof used, or to be used, for the sole purpose (subject to paragraph b) of providing residential accommodation to students during academic term times, whether or not provided by a relevant provider (within the meaning of Qualifications and Quality Assurance (Education and Training) Act 2012), and that it is not used, or to be used (a) as permanent residential accommodation, or (b) as a hotel, hostel, apart-hotel or similar type accommodation other than for the purposes of providing residential accommodation to tourists or visitors outside of academic term times.
- 8.1.17. The response from the Council highlights that the definition of student accommodation in the Planning and Development Act refers to academic terms times and that the submission from HW Planning on behalf of Plassey Trust Company LG, refers to the fact that the units are occupied by postgraduate and researchers. They note that the definition in the Act does not provide a distinction in relation to the different type of students. But that the properties are currently being used for 51 week tenancies which would cover the general nine months student term time period plus an additional three months. The Council highlighted what is pertinent is that the units are currently occupied by students associated with a third level institution within academic term time and which forms part of the definition of student accommodation.
- 8.1.18. The Council have highlighted that in respect of the provisions of the Limerick Development Plan 2022-2028 that there are clear distinctions in relation to policies associated with both types of residential accommodation. Specifically, they highlighted objective H0-08 which refers to Student Accommodation and which sets

out requirements in relation to design and location of student accommodation, the management and maintenance of such accommodation and also measures to ensure how the development will be managed to avoid potential negative impacts from occupants on surrounding properties and neighbourhoods. Section 11.4.4.7 of the Development Plan in chapter 11 refers to Student Accommodation and it sets out that specific information should be provided accompanying proposals for student accommodation which include, the consideration of residential amenity, on site facilities, waste management and the cumulative impact of student accommodation within a specific area. The Council state that having regard to these provisions of the Development Plan that it is there are clear requirements for proper assessment of the impact of student accommodation on the character of existing residential area as well as the potential impact on the amenity of residents. They submit that in the current case where the change of use of 20 number dwelling houses to use as student accommodation which has taken place, however that it has not been subject to a planning process which would facilitate an appraisal of these issues and public consultation.

- 8.1.19. In terms of the planning considerations, I would also note the additional bedrooms would generate additional persons per unit which would have implications in terms of car parking and amenity space requirements and the reduction of the internal communal space within each unit in terms of alteration of the layout and use of the permitted 'living rooms' as bedrooms has implications in terms of residential amenity for occupants.
- 8.1.20. In relation to the matter of if the subject change of use constitutes development, Section 3 (1) of the Planning and Development Act, 2000, as amended defines 'development' as follows. "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."
- 8.1.21. On the basis of the details on file, planning history in relation to the subject site, the inspection of the site and the information provided on the University of Limerick website in relation to student accommodation at Drominbeg Square, Rhebogue, I would consider that the change of use of 20 number dwellings to use as student accommodation constitutes a material change of use of the subject dwellings, and such change of use would raise material issues relevant to the proper planning and



sustainable development of the area, including demand for additional car parking, differing levels of pedestrian and vehicular traffic and the potential for impacts on residential amenity.

- 8.1.22. In conclusion, I consider that the proposed change of use constitutes 'development' as defined under Section 3 (1) of the Act and would be a material change of use of the properties.

## **8.2. Is or is not exempted development**

- 8.2.1. Having regard to the provisions of Section (4) of the Planning and Development Act, 2000 (as amended) and the provisions of Article 6(1) and Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, (as amended) there are no provisions, in the Act and Regulations made thereunder, whereby such development would constitute exempted development.

## **8.3. Other restrictions on exempted development**

### Appropriate Assessment

- 8.3.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.3.2. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are the Lower River Shannon SAC (Site Code 002165) at the closest point circa 278m to the north the proposed development and River Shannon and River Fergus Estuaries SPA (Site Code 004077) located circa 2.3km to the west of the subject site.
- 8.3.3. The development the subject of this referral is located within a residential area and comprises the change use of 20 no. houses to use as student accommodation. There are no works relating to the change of use.
- 8.3.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Nature and scale of the development.
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

8.3.5. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the change of use of 20 number dwelling houses at Drominbeg, Rhebogue Limerick to use as student accommodation is or is not development and is or is not exempted development:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,

- (d) article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the subject site and in particular planning permission Reg. Ref.17/800 & ABP-300188-17,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) a change of use has occurred in respect of the use of the 20 number dwellings to use as student accommodation,
- (b) the change of use of 20 number dwellings to use as student accommodation constitutes a material change of use of the subject dwellings, and such change of use would raise material issues relevant to the proper planning and sustainable development of the area, including differing levels of pedestrian and vehicular traffic, including demand for additional car parking, and the potential for impacts on residential amenity and would constitute a material change of use, and would, therefore, be development,
- (c) there are no provisions, in the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended), whereby such development would constitute exempted development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the change of use of 20 number dwelling houses at Drominbeg, Rhebogue Road, Rhebogue, Limerick to use as student accommodation is development and is not exempted development.

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

---

Siobhan Carroll  
Planning Inspector

4<sup>th</sup> June 2025

## **Appendix 1 - Form 1**

**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	319535-24		
<b>Proposed Development</b> <b>Summary</b>	Section 5 referral in relation to change of use of 20 number dwelling houses to use as student accommodation		
<b>Development Address</b>	Lands at Drominbed, Rhebogue Road, Rhebogue, Limerick.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Tick if relevant and proceed to Q2.
		<b>No</b> ✓	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	✓		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_