



An
Coimisiún
Pleanála

Inspector's Report ABP-322287-25

Question

Whether the following works
'permission to avail of Class 20F
Exemption to accommodate people
seeking international protection at
Academy House is or is not
development or is or is not exempted
development.

Location

Academy House, Goff Street,
Ballypheasan, Roscommon Town, Co.
Roscommon.

Declaration

Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	DED 845
Applicant for Declaration	Noel Whelan
Planning Authority Decision	Is not exempted development

Referral

Referred by	Noel Whelan
Owner/ Occupier	None

Observer(s)

Linda McGarry,
Emma Healy,
John Ward and Others,
Rebecca McGuire,
John Finn and Others
Susan Ni Raghnaill,
Michael Fitxmaurice T.D.

Date of Site Inspection

2nd April 2026

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1.0 Site Location and Description

- 1.1. The referral property faces onto Goff Street, in the centre of Roscommon Town, Co. Roscommon.
- 1.2. The property is 3-storey in height facing onto Goff Street. The current access to the referral property is from Chapel Lane via the rear of the site.
- 1.3. The referral building also has an access directly onto Goff Street, however this access door is not in use, apart from emergency access.
- 1.4. The application documentation indicates that the floor area of the property is 255 sq. metres.
- 1.5. The referral building is a commercial building, previously used for office, and is currently in use for the accommodation of international protection applicants.

2.0 The Question

- 2.1. The question for consideration is as follows.

Whether the following works 'permission to avail of Class 20F Exemption to accommodate people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, is or is not development or is or is not exempted development'.

- 2.2. I would recommend to the Commissioners that the question above is reformatted slightly, as follows:

Whether the change of use from office use to temporary accommodation for people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, is or is not development or is or is not exempted development

- 2.3. I would note, for the purpose of clarification to the Commissioners, that a similar question to the current referral was submitted to the PA as a Section 5 application and the planning reference no. for this case was L.A. Ref. DED 793. However, the current Section 5 application and referral is different to that of L.A. Ref. DED 793, in that there is a material change in the planning facts as the documentation includes expertise from consulting engineers in the form of two separate submissions, which

was not available in the previous application. Accordingly, I would not consider that the *Naracanon Trust v An Bord Pleanála* judgement would be relevant in this instance.

3.0 Planning Authority Declaration

3.1. On the 18th of February 2025 a request for a Declaration in accordance with Section 5(1) of the Planning and Development Act, 2000, as amended, was received by Roscommon County Council from Noel Whelan.

3.2. The Planning Authority issued a declaration on the 19th of March 2025, to the effect that permission to avail of Class 20F Exemption to accommodate people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, is development and is not exempted development.

3.3. Planning Authority Reports

3.3.1. The Planner's Report, dated 18th of March 2025, can be summarised as follows:

- No works to be carried out.
- No real likelihood of significant effects on the conservation objectives of Natura 2000 sites.
- The structure is not a protected structure or located within an ACA. No further architectural assessment required.
- Most recent planning file on the development site confirms that the established use is office.
- Office is a use for which Class 20F allows an exemption for the change of use to accommodation for international protection applicants.
- The PA has concerns given the proposed occupation of 17 persons, regarding potential overdevelopment of the site and associated increase in vehicular traffic volumes on the adjoining Goff Street.

- Goff Street converges with Main Street, Roscommon Town, forming a T-junction with Church Street, an area that experiences significant congestion during peak hours.
- The application references primary access via Chapel Lane, which is a pedestrian thoroughfare, facilitating permeability through the block of buildings flanking eastern side of Main Street / Goff Street.
- Chapel Lane also serves the adjacent commercial car park serving multiple retail developments, including Tesco and Super Valu.
- The application, including consultants' reports, has not included an assessment of the anticipated daily vehicular movements, traffic impact, or parking requirements associated with the proposal.
- Given the proposed occupancy rates and the intensification, it is considered appropriate that a full Transport and Traffic Assessment (TTA) is undertaken to comprehensively evaluate the implications of the proposed development on the local road network and traffic conditions.
- Article 9(1)(a)(iii) of the Regulations would restrict any exemption on the basis that the development would endanger public safety by reason of traffic hazard or obstruction of road users.
- The proposed development may give rise to a traffic hazard, thereby rendering it ineligible for the exemption under the Regulations.
- There is no requirement for AA or EIA.

3.3.2. Other Technical Reports

- Roads Department: - The report submitted does not indicate the level of daily traffic vehicular movements, traffic and parking requirements for the proposal. It is difficult to assess any traffic impact.

4.0 Planning History

4.1.1. Section 5

- PA Ref. DED 793 – Note: Details available on the Council's website. The Council determined the question, whether 'permission to avail of Class 20F

Exemption to accommodate people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon' is development and is not exempted development.

4.1.2. Planning Applications

- PA Ref. 04/2310 – Permission granted, on the 6th of September 2005, subject to 5 no. conditions, for change of use of one number habitable house to office accommodation having one office in the basement and two offices in the ground floor and three offices on the first floor and three offices on the second floor (total of nine offices) with provision of a toilet and kitchen for the ground floor and first and second floor at Academy House. The conditions of this permission are standard for the development type.

5.0 **Policy Context**

5.1. **Roscommon County Development Plan, 2022 – 2028**

- 5.1.1. In the County's Settlement Hierarchy (Table 2.3) Roscommon Town is designated as a 'Key Town', which is Tier 2 of the settlement hierarchy in the County. The description for 'Key Towns' in the CDP is '*Large economically active service and/or county towns that provide employment for their surrounding areas and with high quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres*'.
- 5.1.2. Table 12.4 of the Plan sets out the minimum car parking standards for development types.

5.2. **Roscommon Town Local Area Plan, 2024 – 2030**

- 5.2.1. The referral site is zoned 'Town Centre' in accordance with Map 1 'Land Use Zoning' of the LAP. The zoning strategy for the 'Town Core' land use zone is to deliver on the overarching vision to provide a high quality, accessible and consolidated built environment, which incentivises opportunities for new economies to grow and provides a quality destination for people to live.

5.3. Natural Heritage Designations

- Lough Ree SAC (site code 000440) – 3.9 km east
- Lough Ree SPA (site code 004064) – 7.8 km east
- Lough Ree pNHA (site code 000440) – 3.9 km east
- River Suck Callows SPA (site code 004097) – 6.95 km southwest
- Ballinturly Turlough pNHA (site code 000588) – 5km southwest

6.0 The Referral

6.1. The following is a summary of the referrer's case.

- A Section 5 application (PA Ref. DED 793) was first submitted to the Council on the 4th of November 2024.
- The Council did not respond within the 4-week statutory timeframe, nor did the Council request an extension of time.
- The Council issued a further information request on the 17th of January 2025, and the applicant responded on the same date.
- The Council issued a decision which was 14 weeks and 4 days from the date of the application date, which was outside the 4-week timeframe.
- A new Section 5 application was resubmitted on February 18th, and this included a submission addressing an observation the Council had made in the first application.
- The new application includes two responses from Engineers.
- The response from the Council was received on the 19th of March, 29 days after the submission, again outside the statutory timeframe.
- It is contended that the submissions by the Engineers were not given consideration.
- The property meets the criteria set out in the 20F exemption.

- The property's last usage prior to the accommodation was an office space use.
- Over 20 years ago the property was used as college / residential building where students were accommodated while completing courses, hence the name 'Academy House'.
- The building is an existing building with no material alteration proposed.
- It is a material change of use by itself with no changes to the structure inside or outside.
- The building is fully compliant with Fire Safety Cert FRG2407816RN granted by the Council on 21st November 2024 to use the property as a guesthouse to accommodate International Protection Applicants.
- The property has been contracted with DCEDIY to accommodate BOTP (Beneficiary of Temporary Protection).
- There is an abundance of social infrastructure and amenities to support residential use at this property, including medical and educational.
- There are no environmental issues related to this property and the Council referred to this in both of their decisions, in previous Section 5 declaration, DED 793, and this current Section 5 declaration DED 845.

6.2. The following is a summary of a cover letter, by a Chartered Engineer, on behalf of the referrer.

- The door to the rear of the property will be used for the property.
- The Goff Street side door will be used as a means of escape in the event of fire/emergency.
- The maximum number of residents would be 17 based on room sizes.
- The submitted upper ground floor plan illustrates the entrance / exit to the rear of the property.

6.3. The following is the summary of a submission from Consulting Engineers, on behalf of the referrer.

- The primary pedestrian access will be onto Chapel Lane.

- The Council have planned public realm improvement works onto Goff Street, which will enhance traffic safety conditions for pedestrians and road users in the vicinity of the referral property.
- The IPAS accommodation will have a duty manager and 24/7 security on the property.
- All residents will be required to adhere to the rules regarding entering / exiting of the Academy House, including signing in / signing out of the property.
- There will also be an extensive CCTV system fitted throughout the property.
- The Academy House has been used since early 2023 to accommodate Ukrainian nationals.
- The property is compliant with fire safety regulations.
- There will be no adverse or unacceptable pedestrian, traffic and road safety issue associated with Academy House residents using the pedestrian routes to Chapel Lane or Goff Street.
- There are no historic traffic safety matters arising associated with the long-established use of the building, or the pedestrian accesses to the building.

6.4. Planning Authority Response

- None

6.5. Further Responses

6.5.1. The following is a summary of an observation submitted by **Linda McGarry**;

Lack of Proper Consultation and Planning Oversight

- The use of the Class 20F exemption bypasses the normal planning route for applications and the associated assessments that ensures developments are suitable.
- The location may not be appropriate for such a use.

Unsuitability of the site and Infrastructure

- Academy House is not purpose built for residential and may not meet appropriate standards.
- Concerns exist around fire safety standards, sanitation, accessibility, and capacity.

Impact on Local Community and Services

- No clarification how local services including education, health and community support will be equipped to manage additional demand.
- Without proper integration the project risks creating misunderstanding in the community.

Duty of Care to Asylum Seekers

- A rushed and under resourced facility could expose residents to poor conditions, isolation and limited support, especially in a town with limited direct-access services.

6.5.2. The following is the summary of an observation submitted by **Emma Healy**;

Inadequate Public Consultation and Transparency

- Class 20F exemption restricts public consultation.
- The proposal omits critical details including resident numbers, duration of use, and management plans, obstructing social and management plans.

Unsuitability of the site location

- The central location of the subject site is unsuitable for a high occupancy accommodation.
- Its proximity to shops risks exacerbating traffic and parking pressures on Goff Street, where congestion is noted (Roscommon County Council Traffic Report, 2024).
- The proposal breaches the CDP's sustainable objectives (Policy SD 1.1), threatening business operations.

Pressure of Local Services and Infrastructure

- The proposal may increase demand on the town's limited health care provision.
- The proposal's inability to specify the number of residents undermines its ability to demonstrate service capacity to accommodate the proposal.

Lack of Management and Oversight Details

- No details provided for security protocols and resident support, putting residents at security risk.

Potential Impact on Community cohesion and tourism

- There is potential for strain on social cohesion, in contrary to the CDP which promotes cohesive communities and tourism policy.

Potential conflict with heritage and urban design

- The CDP protects Roscommon's heritage and urban character.
- The proposal risks aesthetic disruption through modifications or activity.
- This would reduce the town's appeal, breaching heritage policies and harming tourism dependent businesses.

Risk of precedent for future exemptions

- The risk of further applications could disrupt the town's economic and demographic balance without strategic planning oversight.

Incompatibility with Town Centre's zoning and economic benefits

- The use of temporary emergency accommodation in the town centre demotes commercial development and reduces footfall and hinder economic viability of local businesses.

6.5.3. The following is the summary of an observation submitted by **John Ward and Others**;

- There is no visible site notice.
- The proposed development has the potential to endanger public safety by reason of traffic hazard and obstruction of road users.

- The proposed public realm works will remove over twenty car parking spaces from the immediate area, and there is an existing shortage of car parking spaces.
- There are no amenities to accommodate such a large number of residents, and this will result in people loitering on the street.
- The proposal will have an adverse impact on footfall locally.
- The development is out of character with a street traditionally occupied by families and small businesses.

6.5.4. The following is the summary of an observation submitted by **Rebecca McGuire**;

- Public services, including health care provision, in the area are overloaded.
- Inadequate public consultation.
- No statutory notices informing locals of the development.
- Threat of danger to local residents, as there are no facilities or amenities to occupy the residents.
- Existing needs for the local community should be addressed.
- The motives for IPAS centres require assessment.
- Threat to local businesses as the proposal will have an impact on visitors to the town.

6.5.5. The following is the summary of an observation submitted by **John Finn and Others**;

- The main door onto Goff Street is in use, and not just an emergency door.
- Overuse of existing building.
- Contribution to traffic congestion in the area.
- There is no provision to access the building from the rear, in the event of fire.
- Proposal will place a huge strain on local amenities.
- The proposal will result in loitering on the street.
- Public safety concerns.

- Adverse impacts on local businesses.

6.5.6. The following is the summary of an observation submitted by **Susan Ni Raghnaill**;

- Anti-social behaviour and street loitering.
- Adverse impact on business.
- Personal safety concerns.
- Cultural differences of residents.
- Facility is financially motivated.

6.5.7. The following is the summary of a representation submitted by **Michael Fitzmaurice TD**.

- Roscommon has taken its fair share of applicants.
- There is a long list of local homelessness.
- An IPAS centre will be detrimental to the town.
- These IPAS centres are motivated by financial gain.
- There is insufficient school capacity in Roscommon Town.
- Local childcare facilities are full.
- There is a risk of anti-social behaviour.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended

7.1.1. Section 2(1) of the Act states the following:

- 'development' has the meaning assigned to it by Section 3;
- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'

7.1.2. Section 3(1) states that:

- 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land'.

7.1.3. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development.

7.1.4. Section 4(4) provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required.

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

7.2.1. Article 6(1) of the Planning and Development Regulations 2001, as amended, 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'.

7.2.2. Schedule 2 of Part 1 to the Regulations set out the classes of exempted development, including '**Class 14**' allowing for 'development consisting of a change of use': - '

'(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,

(i) 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 (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons'.

7.3. Statutory Instrument 376 of 2023 titled Planning and Development (Exempted Development) (No. 4) Regulations 2023 is an amendment to the 2001 Regulations which inserted a new **Class 20F** to Part 1 of Schedule 2 of the 2001 Regulations. Class 20F is set out as follows:

Class 20F	Conditions and Limitations
<p>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or</p>	<ol style="list-style-type: none"> 1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection. 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001. 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028. 4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class. 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development. 6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

<p>any structure or part of structure normally used for public worship or religious instruction</p>	<p>7. 'international protection', for the purpose of this class, has the meaning given to it in section 2 (1) of the International Protection Act 2015 (No. 66 of 2015).</p> <p>8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.</p>
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7.15. Article 5 of the Regulations sets out certain definitions, the following of which are relevant to the referral question:-

7.16. For the purposes of Schedule 2, the Regulations provide the following definition of a 'protected person' –

(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.

7.17. As provided for in Article 9(1)(a), the development to which article 6 relates, shall not be exempted development, under certain circumstances and the restrictions and limitations are outlined in this Article.

7.18. Article 10 provides exemptions for change of uses in Part 4 of Schedule 2 of the Regulations. Article 10(4) provides an exemption for development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for accommodation of not more than 4 persons as overnight guest accommodation

8.0 Referral Precedents

8.1.1. ACP-322842-25: The Commission determined on the 10th of March 2026 that the use of existing residential apartment block located at 108 Thomas Davis St, Mallow, Co. Cork to provide accommodation for persons seeking international protection is

not development. The Commission accepted the Inspectors recommendation. The Inspectors Report concludes that the nature and the characteristics of the residential accommodation for persons seeking international protection on the referral site, would not have materially different planning considerations in relation to traffic generation, waste collection, noise or impacts on adjacent amenities generally, relative to the occupation of 9 no. apartments.

- 8.1.2. ABP-320219-24: The Board determined on the 20th of November 2024 that the proposed change of use of a former medical centre to temporary hostel use, to accommodate displaced persons or persons seeking international protection is development and is exempted development and Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) is the relevant exemption. The Board also determined that works consisting of the replacement of a window with two new windows, blocking up of a door, removal of a window and its replacement with a new door is development and is exempted development.
- 8.1.3. ABP-320031-24: The Board determined on the 19th of November 2024 that the change of use of a dwelling house to accommodation, where care is not provided, for protected persons is development and is not exempted development. The Board concluded that a change of use from a dwelling house to provide accommodation, for protected persons is a material change of use.
- 8.1.4. ABP-307077-20: The Board determined in December 2020 that the use of the premises at Cannaboe Street, Ballinamore, County Leitrim, as apartments, including residential accommodation for protected persons, is not development. The Board determined that the permitted use of the apartments was not abandoned and the current use of the premises as apartments, and not as a facility for the reception and care of protected persons, does not constitute a change of use from the permitted use and, therefore, does not constitute development.
- 8.1.5. ACP-322857-25: The Commission determined on the 18th of March 2026 that the change of use of the existing rooms and spaces within a building which comprises the Convent of Mercy, Templeshannon, Enniscorthy, County Wexford from a residential convent to a centre for the accommodation of Ukrainian refugees and international protection, which includes works, is development and is not exempted development. The Commission concluded that it has not been satisfactorily

demonstrated in the level of detail provided by the referrer that the carrying out of the said works does not materially affect the character of the Protected Structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and these works cannot therefore, be determined as being not exempt development under Section 57 of the Planning and Development Act 2000 (as amended).

- 8.1.6. ABP-322371-25: The Commission determined on the 20th of April 2026 that the temporary change of use of the basement, ground, first, second and third floors of The Cube Building, Monahan Road, Ballintemple, Cork, is development and is not exempted development. The Commission determined that there is no evidence that the temporary change of use from office use to accommodate persons or persons seeking international protection is by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth, and that the temporary change of use and associated works do not come within the scope of Class 20F of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended.

9.0 **Assessment**

9.1. **Introduction**

- 9.1.1. It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the subject building use in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.
- 9.1.2. In this regard, I note the submissions received from observers to ACP, summarised in para. 6.5 above, refer to material planning considerations. These planning issues raised include town centre location, land use zoning, residential standards, impacts on local services, impacts on town centre commercial viability, heritage concerns, adverse impacts on tourism, anti-social behaviour, inadequate public consultation, development is financially motivated and fire safety concerns. I consider that these material planning considerations are entirely separate to the questions of

'development' and 'exempted development' as outlined in section 5 of the Act of 2000, as amended.

- 9.1.3. In this application the Commission can only consider the question submitted with the referral, and that is whether a change of use from office use to accommodation for persons seeking international protection is or is not development or is or is not exempted development in accordance with the provisions of the Planning and Development Act, 2000, as amended, (hereafter referred to as the Act) and the Planning and Development Regulations, 2001, as amended (hereafter referred to as the Regulations).

9.2. Is or is not development

- 9.2.1. Section 2(1) of the Act, 2000, as amended, defines "works" as including any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.....'.
- 9.2.2. Section 3(1)(a) of the Act defines development as 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.
- 9.2.3. I would note that the proposal does not involve any works to the property, either internally or externally, and that the established lawful use of the referral property is office, and this is not disputed by any of the parties to this referral.
- 9.2.4. The change of use from office to the provision of accommodation for International Protection Applicants has been specifically provided for as exempted development in legislation, in Class 20F of Part 1, Schedule 2 of the Regulations, as such the proposed change of use is a material change of use and therefore constitutes development.

9.3. Is or is not exempted development

- 9.3.1. Development can be exempt from the requirement for planning permission by either Section 4 of the Planning and Development Act, 2000, as amended, or by Article 6 of the Planning and Development Regulations, 2001, as amended. Section 4(1) of the Act has primacy over the exempted development provisions of the Regulations.

9.3.2. I would consider that Class 20F of Part 1, Schedule 2 of the Regulations is the relevant exemption for consideration for the proposed change of use. Class 20F provides an exemption for a change of use from office to use as accommodation for persons seeking international protection. For clarity, Class 20F of the Regulations states the following,

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

9.3.3. There are 8 no. conditions and limitations that would restrict the availability of the Class 20F exemption, however in this case, based on the information available on the file, I would not consider that any of these conditions or limitations would restrict the exemption in this instance.

9.3.4. The Class 20F exemption applies to residential accommodation carried out by, or on behalf of, the Minister of Children, Equality, Disability, Integration and Youth (DCEDIY). I would acknowledge that there is no correspondence on the file between DCEDIY and the applicant regarding the property.

9.3.5. I note the referrer's submission which states that the property has been contracted with DCEDIY to accommodate Beneficiary of Temporary Protection (BOTP), and I would acknowledge that the PA, nor any of the submitted observers, has disputed this. I also noted from my site assessment that the property was occupied by persons seeking international protection.

9.3.6. Notwithstanding the above I would have particular regard to a recent decision by the Commission in respect of ABP-322371-25, in which case there was no documentation provided in relation to the requirement that the change of use was

being carried out by or on behalf of the Minister of Children, Equality, Disability, Integration and Youth. On this basis the Commission determined that on the basis of the information contained on file, there is no evidence that the temporary change of use from office use to accommodate persons or persons seeking international protection is by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth, and that the temporary change of use and associated works do not come within the scope of Class 20F of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended.

- 9.3.7. Therefore, I would conclude, having regard to the above referral precedent (ABP-322371-25) that the proposed change of use from office use to residential accommodation to provide for international protection applicants is not exempted development.

9.4. Restrictions on exempted development

- 9.4.1. I have noted above that the change of use from office use to temporary accommodation for people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, is not exempted development. Notwithstanding, and should the Commission consider otherwise, I would acknowledge that Article 9 of the Planning and Development Regulations, 2001 (as amended), refers to restrictions on exempted development.

- 9.4.2. In this respect I have assessed the development, should the Commission consider that the development is exempted, for the change of use from office use to residential accommodation for international protection applicants having regard to the relevant Article 9 restrictions.

- 9.4.3. I note in particular Article 9 (1) (a)(iii), which states,

endanger public safety by reason of traffic hazard or obstruction of road users

- 9.4.4. I would note that the Road's Department of the Council submitted an internal report that concluded they were unable to assess and determine the traffic impact of the development given the absence of detail provided in the application documentation.
- 9.4.5. In terms of potential traffic hazards, I would acknowledge that the PA's Planner's Report refers to Goff Street, which forms a T-junction with Church Street, as an area

that experiences significant congestion during peak hours. Further, the Planner's Report acknowledges that Chapel Lane, which is the primary access to the referral property, serves the adjacent commercial car park which serves multiple retail developments, including larger supermarket operators. The PA Planner's Report concludes that given the proposed occupancy rates and the intensification, it is considered appropriate that a full Transport and Traffic Assessment (TTA) is undertaken to comprehensively evaluate the implications of the proposed development on the local road network and traffic conditions.

9.4.6. The referral to ACP is accompanied by a submission from consulting Engineers, who submit, based on the plans, and the area, that there is no adverse or unacceptable pedestrian, traffic or road safety issues.

9.4.7. I would also note that the referrer's submission refers to planned public realm improvement works proposed for Goff Street, which it is asserted will enhance traffic safety conditions for pedestrians and road users in the vicinity of the referral property. However, a submission from an observer claims that the proposed public realm works will remove over twenty car parking spaces from the immediate area, and there is an existing shortage of car parking spaces. The details of the planned public realm improvement works are not included with the file documentation.

9.4.8. Although I would accept that the level of submitted information in terms of daily traffic numbers, vehicular movements, traffic and parking requirements for the proposal is absent from the application documentation, the following are the known facts.

- The floor area of the property is 255 sq. m.
- The maximum occupancy for the residential development is 17 persons.
- The site is zoned 'Town Centre' in the Roscommon CDP, 2022 – 2028.
- The minimum car parking standards (Table 12.1 of CDP) requires one car parking space per bedroom for Guest House, Hostel and Hotel (which are similar uses to that proposed).
- The minimum car parking standards (Table 12.1 of CDP) requires one car parking space per 50 sq. m. for offices (Town Centre).

9.4.9. I would note that the submitted documentation does not confirm the number of bedrooms proposed for accommodation use, however the maximum occupancy of

the development is confirmed as 17 persons. I noted from my site assessment that there is approximately 8 bedrooms within the property. The minimum car parking requirement for the development proposal would be greater than the car parking requirement for the permitted use (office), having regard to current development plan standards in relation to similar uses such as guest house, hostel and hotel. On this basis I would consider that it is reasonable to conclude that the proposed change of use is an intensification in terms of traffic generation, relative to the extant use.

9.4.10. Notwithstanding, and based on the information available, the scale of this intensification has not been demonstrated, or adequately assessed by the PA or the applicant which would satisfactorily demonstrate that the development proposal would not endanger public safety by reason of traffic hazard or obstruction of road users. In the absence of such detail, I would be satisfied that it has not been demonstrated, that the restriction of Article 9 (1) (a)(iii) of the Regulations would not apply in this instance.

9.4.11. Accordingly, Article 9 (1) (a)(iii) of the Regulations would, in my opinion, de-exempt any exemption.

10.0 EIA Screening

10.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. (Refer to Form 1 in Appendix 1 of report).

11.0 Appropriate Assessment

11.1. I have considered case ABP-323287-25 in light of the requirements S177U of the Planning and Development Act 2000, as amended.

11.2. The closest European Sites, part of the Natura 2000 Network, is Lough Ree SAC (site code 000440) situated approximately 3.9 km to the east, and Lough Ree SPA (site code 004064) situated approximately 7.8 km to the east of the subject site, and River Suck Callows SPA (site code 004097) which is 6.95 km to the southwest of the referral site.

11.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

11.4. The reason for this conclusion is as follows:

- The nature and scale of the development and the location of the site on developed serviced lands.
- The absence of any ecological pathway from the development site to the nearest European Site.

11.5. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

11.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Recommendation

12.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the change of use from office use to temporary accommodation for people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, is or is not development or is or is not exempted development:

AND WHEREAS Noel Whelan requested a declaration on this question from Roscommon County Council and the Council issued a declaration on the 19th day of March 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Noel Whelan referred this declaration for review to An Coimisiún Pleanála on the 14th day of April 2025:

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

- (a) Section 2(1), 3(1), 4(2) and 4(4) 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) Previous referrals to the Commission, including ABP-322371-25 and ACP-322857-25,
- (d) The documentation on the file, including the submission on behalf of the requestor Noel Whelan,
- (e) the pattern of development in the area,
- (f) the report and recommendation of the Inspector

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the temporary change of use from office use to provide accommodation for persons seeking international protection constitutes development as defined under Section 3(1) of the Planning and Development Act 2000, as amended, and
- (b) on the basis of the information contained on the file, there is no evidence that the temporary change of use from office use to provide accommodation for persons seeking international protection is by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth. In this regard the temporary change of use

does not come within the scope of class 20F of schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended,

- (c) In any event, the restriction on exemption provided for in Article 9 (1) (a)(iii) of the Planning and Development Regulations 2001, (as amended), applies as it has not been satisfactorily demonstrated in the level of detail provided by the referrer that the change of use does not endanger public safety by reason of traffic hazard or obstruction of road users.

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 change of use from office use to temporary accommodation for people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Senior Planning Inspector

28th April 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-322287-25
Proposed Development Summary	Whether the change of use from office use to temporary accommodation for people seeking international protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, is or is not development or is or is not exempted development
Development Address	Academy House, Goff Street, Ballypheasan, Roscommon Town, Co Roscommon.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input checked="" type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) of Part 2: threshold 500 dwelling units.</p> <p>Class 10(b)(iv) of Part 2: threshold 2 ha.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____