



**Question**

Whether the use of the on-site support to visiting International Protection Applicants internal building works is or is not development and is or is not exempted development.

**Location**

The International Protection Office, Immigration Service Delivery, 79-83, Mount Street Lower, Dublin 2, D02N D99

**Declaration**

Third Party

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

0135/25

Applicant for Declaration

Michael McCann, Mount Street Residents Group

Planning Authority Decision

No declaration made with respect to development. Is exempted development.

**Referral**

Third Party

<b>Referred by</b>	Michael McCann, Mount Street Residents Group
<b>Occupier</b>	The International Protection Office, Immigration Service Delivery, Department of Justice, Home Affairs and Migration.
<b>Observers</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> November 2025

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## **1.0 Site Location and Description**

- 1.1. The subject appeal relates to the International Protection Office (IPO), Immigration Service Delivery (ISD), located at 79-83 Mount Street Lower, Dublin 2.
- 1.2. The office is located within a 4 storey over lower ground floor level office block, bound to the north by Grattan Court East and to east by Love Lane East.
- 1.3. The office forms part of a larger office development extending from 73 to 93 Lower Mount Street. The previous application on the subject site states that the building was constructed in 1978 and replaced a series of 12 no. Georgian townhouses (PL29S.309094; 3015/20). A 7-storey apartment block (Madison Court) with grade level car parking is located to the north-west of this building.
- 1.4. The IPO is located within the western end of this overall block, accessed from Mount Street Lower. Ballaugh House is located within this block to the west of the IPO offices. The IPO website states that the office is responsible for processing applications for international protection under the International Protection Act 2015. It also considers whether applicants should be given permission to remain.

## **2.0 The Question**

- 2.1. This Third Party Referral relates to the following query:

Whether the use of the building as an International Protection Office receiving, interviewing, examining, assessing, processing, and offering on-site support to visiting international protection applicants - "public office use" - and associated facilitating internal building works is development and is or is not exempted development.
- 2.1.1. From a review of this file, I consider that minor amendments to the wording of this text is appropriate. The changes consist of the insertion of a semi-colon after IPO (in bold below) and the omission of the word "facilitating" as the meaning is, in my opinion, sufficiently captured in the word "associated)."
- 2.1.2. The referral including the suggested amendments relates to the following:

Whether the use of the building as an International Protection Office; receiving, interviewing, examining, assessing, processing and offering on-site support to

visiting international protection applicants - "public office use" - and associated ~~facilitating~~ internal building works is development and is or is not exempted development.

### **3.0 Planning Authority Declaration**

#### **3.1. Declaration**

3.1.1. A Declaration was issued by the Planning Authority on 29<sup>th</sup> April 2025 as follows:

The use is considered exempted development on the grounds that the use of the building by the International Protection Office, including the provision of support services, is entirely consistent with the established office use and complies with the provisions of the Dublin City Development Plan 2022-2028, comprising civic offices including community based initiatives. In addition, the use is also in accordance with Class 14 (i) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).

#### **3.2. Planning Authority Report (29<sup>th</sup> April 2025)**

3.2.1. The report can be summarised as follows:

- The report includes reference to recent permission on site (P.A. Reg. Ref.: 3150/20). It also includes a summary of the main points of the Applicant.
- The report notes that the established use of the subject building is office, supported by its historical and continued use for administrative and organisational functions.
- The definition of office in the Development Plan is considered broad and includes civic offices and community based initiatives that involve administrative and support functions.
- The current occupation of subject premises by the IPO continues to fall squarely within this established use. The IPO's operations are fundamentally administrative and office based activities analogous in function and scale with those of public bodies and agencies recognised as office users.

- The associated support services, including those provided to or coordinated by the IPO are similarly office based in nature.
- The continued use of the building by the IPO including the provision of support services, is entirely consistent with the established office use and complies with the provisions of the Development Plan, comprising civic offices including community based initiatives. It does not represent a change of use requiring planning permission, nor does it raise any new or significant planning considerations.
- The existing building would be considered as 'other premises' as referenced in Class 14(i) Schedule 2 (Part 1); and therefore, the continued use of the subject site as an IPO which includes receiving interviewing examining assessing and processing international protection applicants is considered exempted development.
- With respect to the provisions of s.4(1)(h), the applicant has not provided any evidence that physical works have been carried out which would materially affect the exterior of the subject building. In the absence, the report states that the buildings external appearance remains consistent with its established character and that of the surrounding built environment.
- Accordingly, there is no basis to conclude that the existing use has triggered development that would materially contravene the planning framework or established design standard.

### 3.2.2. Other Technical Reports

- None received.

## 4.0 Planning History

### 4.1. Subject Site

- 4.1.1. **PL29S.309094; 3015/20**: Permission granted by the Local Authority in December 2020 and An Bord Pleanála in May 2021 for the demolition of the existing office development and construction of a 5 storey over lower ground floor and basement level office development, with café at ground floor level, on-site car and bicycle

parking, relocation of vehicular access/egress to the development (co-shared with adjoining Madison Court apartment development) from Grattan Street to Grattan Court East, provision of roof gardens/terraces, roof plant, signage, site landscaping and all associated ancillary development works.

4.1.2. Provision is made for 9 no. car parking spaces at surface level for the Madison Court apartments at the east side of the building in their original location with shared access off Grattan Court East which is to be relocated from Grattan Street.

4.1.3. This permission has not been implemented.

#### 4.2. **Cases Cited by the Referrer**

4.2.1. **P.A. Reg. Ref. 0017/14**, Block A, 'The Guild Building', Junction of Cork Street and Ardee Street, Dublin 8. This section 5 sought to determine whether an integrated employment and support service (Intreo) by the Department of Social Security and Protection is a material change of use from the approved use as an office building with office/retail at the ground floor.

4.2.2. The Planning Authority issued a Declaration on the 17<sup>th</sup> February 2014 that the change of use from office, office/retail to use to provide an integrated employment and support services is development and is not exempt development.

4.2.3. **P.A. Reg. Ref. 2561/14** - Permission granted by DCC in July 2014 for alterations to previously approved permission for development (Reg. Ref.: 3401/05), comprising the change of use from Retail/Office at ground level and Office use at first floor level to public office use on both floors where services are provided principally to visiting members of the public.

4.2.4. The Planner's Report in this case, states the following:

The change of use of the approved ground floor retail use to office use, where the office use is for visiting members of the public, would involve the continuation of active usage at ground floor level. The proposed change of use would not diminish or negate the requirement for the animation of the public realm on this prominent street corner. The integration of the active ground floor office use, for visiting members of the public, to the first floor level would consolidate and enhance both the operation of the facility and the animation of the public realm. However the use of

both ground and first floor for the provision of such development may limit the operational potential of the upper floors.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2022-2028

5.1.1. The site is subject to Zone 10: 'Inner Suburban and Inner City Sustainable Mixed uses' zoning objective, with a stated objective "To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses".

5.1.2. Appendix 15 'Land Use Definitions' defines "Office" as: A building in which the sole or principal use is the handling and processing of information and research, or the undertaking of professional, administrative, financial, marketing or clerical work. Can also include civic offices including community based initiatives and remote working/ co-working hubs - community and commercial types. The definition of office also includes office based activities that are concerned with the output of a specified product or service, including: data processing, software development, information technology, technical and consulting, commercial laboratories' healthcare, research and development, media recording and general media associated uses, publishing, telemarketing.

### 5.2. Natural Heritage Designations

5.2.1. There are no European sites within the subject site.

5.2.2. The closest European sites to the subject site are the South Dublin Bay SAC (site code: 000210) and the River Tolka Estuary SPA (Site Code: 004024) SPA (Site Code: 004024), which share a boundary, and located c.2.1 km to the east at their closest point.

5.2.3. The closest site with a NHA designation is the Grand Canal pNHA (Site Code: 002104), located 0.27 km to the east of the site.

### 5.3. Referrer's Case

5.3.1. The grounds of the Referrer's case (a local residents association), may be summarised as follows:

- From the 8th of November 2022, the IPO has been operating a de facto one stop shop with support services for international protection applicants.
- The services are stated to include receiving, interviewing, examining, assessing, processing, and offering on-site support. It has been undertaking a "public office use" for visiting international protection applicants.
- Associated facilitating internal building works have been undertaken.
- The principal use on the site is no longer the handling and processing of information and research or the undertaking of professional, administrative, financial, marketing or clerical work.
- The site has become a "public use" reception and support "service" centre, a different use to an "office" and should require planning permission or retention permission.
- The premises is not a civic office or community based initiative. The current use of the premises is as an active use aimed at serving visiting members of the public. It is not in "office" use instead it is offering a service under Class 2. A change of use has taken place.
- The premises has, our client understands, also been remodelled internally by way of building works to allow for the current usage of the site. These works may also require retention planning permission.
- DCC has previously determined that "office" does not include support services for visiting members of the public 'and' that internal works to facilitate support services provision for visiting members of the public is development and requires planning permission (0017/14).
- The IPO is now operating a one stop shop for visiting international protection applicants. These visitors are being received, interviewed, examined, assessed, processed, and offered on-site support. It is a "public office use" for visitors. Associated facilitating internal building works have been undertaken.

- A change of use from Class 3 "office" to Class 2 "service" including to visiting persons including any associated internal works required to facilitate this change of use, has taken place, constituting development. No exemption arises in this case.
- Works provided under s.4(1)(h) applies to the existing office building and not to a Class 2 service use.
- The conversion of parts of the building from office to One Stop Shop for international protection applicants does not represent an "alteration".
- There are no plans available (for the period from 2022-2025) of the inside of the building such that the Board can determine if section 4(1)(h) applies (that is, whether any new work has been undertaken since planning application, reg. ref. 3015/20 was assessed).
- Service(s) for visiting international protection applicants is not a use incidental to "office" use (Article 10 (2) (a) refers).
- The only possible class of exemption which could apply is Class 14. While Class 14, (d), exempts a change of use from class 2 to use as a shop, there is no exemption in a change of use from a shop to class 2.
- The use of the premises is to provide services principally to visiting members of the public (international protection applicants) falls within the definition of use as set out in Class 2 Part 4 of the Regulations. Therefore, a change of use from office to service use whereby the premises is receiving, interviewing, examining, assessing, processing, and offering on-site support to visiting international protection applicants is a "public office use" which is development and is not exempt development.
- Any works carried out to facilitate the Class 2 "service" use on the site in or after 2022 would also require planning permission especially if visible from the outside of the building (and the building has large windows, etc.).

#### 5.4. Planning Authority Response

5.4.1. None received.

## 5.5. Owner/ occupier's response

5.5.1. None received.

## 5.6. Further Responses

5.6.1. None received.

## 6.0 Statutory Provisions

### 6.1. Planning and Development Act, 2000 (as amended)

6.1.1. **Part 1, Section 2(1)** of the Act states that:

“**alteration**” includes— (a) plastering or painting or the removal of plaster or stucco, or (b) the replacement of a door, window or roof, that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

“**use**”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

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

“**structure**” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate,

6.1.2. ‘Development’; has the meaning assigned to it under section 3.

6.1.3. **Section 3(1)** states that “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”.

**Section 4(1)** sets out the various forms and circumstances in which development is exempted development for the purposes of the Act.

- 6.1.4. **Section 4(1)(h)** ‘development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures’ is exempted development.’
- 6.1.5. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001 (as amended).

## 6.2. **Planning and Development Regulations, 2001 (as amended)**

### 6.2.1. **Article 5 (1)** In this Part –

“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;

- 6.2.2. **Article 6 (1)** 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”.

### 6.2.3. **Article 9** states the following:

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act –

(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,

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

6.2.4. **Article 10** of the Planning and Development Regulations sets out circumstances in which a change of use is exempted development.

6.2.5. **Article 10(2)** states that 'A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.'

6.2.6. Schedule 2, Part 1 sets out the classes of use which are exempt for the purposes of planning. Class 14, (h), (i) and (j) and Class 20F specifically relate to accommodation for protected persons.

6.2.7. The Planning and Development (Amendment) (No.4) Regulations 2015 (S.I No 582/2015) amend Part 1 of Schedule 2, entitled 'Exempted Development - General' to insert a new section in Class 14 (h), (i) and (j) exemption to allow a change of use of certain class/use of building for protected persons (i.e. an applicant for international protection) and include the following:

#### **Class 14**

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, and

(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

## Conditions and Limitations

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

- 6.2.8. **Class 20F** was updated by the Planning and Development (Exempted Development) (No. 4) Regulations 2023 (SI No. 376/2023) to include “displaced persons” as being those persons displaced due to the Ukraine war and to extend the exemption from 31st of December 2024 to 31st of December 2028 as detailed below.

### **Class 20F**

**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.

### **Restriction/Criteria:**

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<sup>th</sup> March 2022 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 protection 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.
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).
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.

6.2.9. **Part 4 of Schedule 2** sets out exempted development classes of use to which Article 10 refers:

**Class 2**

Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

**Class 3**

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

## 7.0 Assessment

### 7.1. Is or is not development

#### Introduction

- 7.1.1. This is a third party referral which relates to operational use of the International Protection Office (IPO) which forms part of the Immigration Services Department (ISD), located at Mount Street Lower, Dublin 2. The IPO office is located within a 4 storey over lower ground level office building.
- 7.1.2. This third party referral relates to the following;
- Whether the use of the building as an International Protection Office; receiving, interviewing, examining, assessing, processing and offering on-site support to visiting international protection applicants - "public office use" - and associated internal building works is development and is or is not exempted development.
- 7.1.3. The purpose of this referral is not to determine the acceptability or otherwise use of the building as an International Protection Office (IPO); receiving, interviewing, examining, assessing, processing and offering on-site support to visiting international protection applicants - "public office use" - and associated internal building works, 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.
- 7.1.4. Section 3(1) of the Act defines development as "except where 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." Under s.2 of the Act "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

#### Works

- 7.1.5. From a review of the existing office floor plans (('Existing Plans' which formed part of planning application (PL29S.309094; 3015/20), office use is the established use within this structure since the late 1970s. From a review of these plans and site inspection, interviews are undertaken within a series of offices on the ground and third floor levels, accessed off central corridors. There are waiting rooms and

security /check in desks on both levels. These are undertaken on an appointment basis only and within hours of 9.00-14.30 Monday to Friday.

- 7.1.6. Notably one of these offices within the north-east of the floorplate at both floor levels, has recently been sub-divided to smaller offices. No external works have been undertaken. From this site inspection and review, I do not consider that the extent of changes to the internal layout constitutes works and as a result, development.

### **Change of Use**

- 7.1.7. The referrer argues that a change of use from Class 3 “office” to Class 2 “service” has taken place as part of the roll out of the services by the IPO. The Referrer makes the case that office use under Class 3, excludes any other services, where the services are provided principally to visiting members of the public.
- 7.1.8. Office is listed as a use in Class 3 (Part 2 Schedule 4) of the Regulations. The term office is not defined in the Act or the Regulations. The term is defined in the Development Plan, as discussed below.
- 7.1.9. Class 2 (c) (Part 2, Schedule 4) of the Regulations refers to ‘any other services (including a betting office) where the services are provided principally to visiting members of the public.’
- 7.1.10. In this context, I have reviewed the existing floor plans ((‘Existing Plans’ which formed part of planning application (PL29S.309094; 3015/20) and undertaken a site inspection of the IPO offices. I note the application processes are undertaken at ground and third floor levels only of this five storey office building. The interviews are undertaken on an appointment basis only. The IPO website confirms that the interviews are undertaken between the hours of 9:00 to 14:30 Monday to Friday.
- 7.1.11. Given the limited extent of this operation, on appointment basis only, and in the absence of a definition for this use in the legislation, I am satisfied that the operation is within Class 3.
- 7.1.12. Office is defined in the Development Plan and includes the handling and processing of information and research, the undertaking of professional, administrative, financial, marketing or clerical work. It also includes civic offices including community based initiatives.

- 7.1.13. In this context, I concur with the Planning Authority, that the processes undertaken by the IPO fall within the definition of “office” in the Development Plan, relating to civic office including community based initiatives, handling and processing of information, case management, administration and clerical work. The term civic office is not defined in the Development Plan but in my view is taken to refer to services provided by or on behalf of a state department or local authority, which could include the use of the office for interviews and application processing.
- 7.1.14. The planning authority also considers that the services include coordination of support services for those seeking protection would also be provided. From a review of the IPO website, it is not clear whether these services are provided at these offices.
- 7.1.15. The Referrer makes the case that office use under Class 3 excludes any other public services, where the services are provided principally to visiting members of the public. The referrer considers that the site has become a “public use” reception and support service centre.
- 7.1.16. As above, from a review of the IPO website, the substantive use of the building as office remains. There is no evidence from the IPO website or from the Referrer that the IPO is in use as a public use reception.
- 7.1.17. Having regard to the above, I consider that the use of the office by the IPO is consistent with the established office use Class 3 (Part 2, Schedule 4) of the Regulations; and is not development.

### **Material Change of Use**

- 7.1.18. A change of use must be material to constitute development as set out in Section 3 of the Act. There is no definition of ‘material change of use’ in the Act, the Regulations or any other statute, and assessment is reliant on case law.
- 7.1.19. In this regard, Barron J in *The County of Galway v Lackagh Rock Ltd* [1984 21 MCA] considered that ‘in determining whether or not a present use was materially different from a use being made on the appointed day one must look at matters which the planning authority would take into consideration if a planning application were made on both dates and if these matters were materially different than the present use must be equally materially different.’ In addition, *Cusack v Minister for Local*

Government, *McMahon v Dublin Corporation* highlight differences between the character of the existing and proposed uses.

- 7.1.20. Having regard to the test as set by *Galway v Lackagh Rock Ltd*, I note that the Development Plan includes a broad definition for office use, which includes a range of administrative uses. It also specifies civic office including community based initiatives. Section (15.4.4) of the Plan sets out standards for applications for office-based applications. The Plan does not differentiate between office and Class 2(c). Planning considerations would both relate to the provision of sufficient car and bicycle parking; protection of amenities with respect to adjoining residential uses including with respect to noise as appropriate.
- 7.1.21. With respect to the test set by *Cusack v. Minister for Local Government, McMahon v Dublin Corporation*) regarding the impacts or effects of the IPO use compared to the established use as an office, restricted use of a small number of rooms for interview purposes is undertaken on appointment basis only and within office hours. As such, the impacts in this regard are not in my opinion materially different.

## 7.2. Is or is not exempted development

- 7.2.1. In the event that Commission determine that the subject query constitutes development, I note the following exemptions which could apply to the subject office development.
- 7.2.2. Part 1 of Schedule 2 of the Regulations has been amended by The Planning and Development (Amendment) Regulations 2015 (No.4) (S.I. No.582/2015) to allow for change of use of certain class/use of building for protected persons (i.e. an applicant for international protection) and include the use of “other premises”, or part thereof, to use as emergency reception and orientation centre for protected persons.
- 7.2.3. The Local Authority considers that the continued use of the building by the IPO, which includes receiving, interviewing, examining, assessing and processing international protection applicants is considered exempt development.
- 7.2.4. Having reviewed the file, whilst the existing building could be considered as a “other premises”, the office is not in use as an emergency reception and orientation centre for protected persons and as such is not applicable in this instance.
- 7.2.5. **Class 20F** (Part 1 of Schedule 2 of the Regulations) relates to the temporary use of any structure or part of a structure office, local authority administrative office to “accommodate or support” displaced persons or persons seeking international protection. Limitation 1 states that the use shall only be for the purposes of accommodating persons seeking international protection; and as such does not appear to be applicable to the support function.
- 7.2.6. In the event the Commission consider the internal subdivision of office as development; Section 4(1)(h) provides that the carrying out of works for the maintenance or alteration of any structure, being works which affect the interior of the structure only; are exempted development. because, in my opinion, Class 20F allows for the temporary use of office to support displaced persons.
- 7.2.7. I have had regard to other considerations and in my opinion, there are no specific exemptions which allow the use of a building for processing international protection applications.

## **8.0 Appropriate Assessment**

- 8.1.1. Having regard to the existing development on site, the minor nature of the development referenced in the question above, the location of the referral site in a serviced area and the separation distance to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 EIA Screening**

- 9.1.1. The proposed development as referenced in the question above, 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 the Appendix of report.

## 10.0 Recommendation

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 use of the building as an International Protection Office; receiving, interviewing, examining, assessing, processing and offering on-site support to visiting international protection applicants - "public office use" - and associated internal building works is development and is or is exempted development:

**AND WHEREAS** Mount Street Residents Group requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 29<sup>th</sup> day of April 2025 stating that the matter was exempted development. A declaration was not made as to whether the proposal constituted development.

**AND WHEREAS** referred this declaration for review to An Coimisiún Pleanála on the 16<sup>th</sup> day of May 2025:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) Definition of 'Office' as contained in Appendix 15 of the Dublin City Development Plan 2022-2028.

- (e) Relevant case law,
- (f) Established character of the site;
- (g) the planning history of the site.

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

- (a) the use of the office by the IPO (including undertaking of interviews and processing applications for of prospective applicants is consistent with the established office use.
- (b) There is no change of use from Class 2 (Schedule 4) of the Regulations.
- (c) The use is consistent with the definition of 'office' of the Dublin City Development Plan 202-2028.

**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 use of the building by the International Protection Office; receiving, interviewing, examining, assessing, processing and offering on-site support to visiting international protection applicants - "public office use" - and associated internal building works is not development and is 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.

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Inspectorate

4<sup>th</sup> December 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322544-25
<b>Proposed Development Summary</b>	The use of the building as an International Protection Office receiving, interviewing, examining, assessing, processing, and offering on-site support to visiting international protection applicants - a "public office use" - and associated facilitating internal building works is development and is or is not exempted development.
<b>Development Address</b>	The International Protection Office, Immigration Service Delivery (ISD) 79-83, Mount Street Lower, Dublin 2, D02ND99
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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