Inspector's Addendum Report

ABP-322689A-25

Development	Whether the current use of the site for the purposes of providing temporary protection to displaced persons does not require planning permission and proposed change of use of Mearescourt House to use as accommodation for protected persons is or is not development or is or is not exempt.
Location	Mearescourt House, Rowlandstown, Rathconrath, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	S5-23-25
Applicant(s)	Rathconrath Property Ltd.
Type of Application	Referral
Planning Authority Decision	No declaration
Type of Appeal	Rathconrath Property Ltd.
Appellant(s)	None

Observer(s)	None
Date of Site Inspection	2nd April 2026

Contents

1.0 Introduction 4

2.0 Response of First Party to the Commission's Notice 4

3.0 Assessment 5

4.0 Recommendation 7

1.0 Introduction

1.1. This report is an addendum report to the Inspector's report in respect of ABP-322689-25, dated 5th of May 2026, and should be read in conjunction with that Inspector's report, ABP-322689-25.

1.2. A notice under Section 132 of the Planning and Development Act 2000, as amended, issued to the First Party as per the Commission Direction dated 15th May 2026, giving the last date for receipt of response as being on or before 10th June 2026. The Commission sought the views of the first party in relation to the following:

> *Having regard to section 3(1) of S.I. No. 306 of 2022 - European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022, you are requested to submit documentary evidence that the residential accommodation use as described in the plans and particulars submitted with the request under section 5 of the Planning and Development Act 2000 (as amended) is being carried out on behalf of a State authority. In that regard, the Commission notes reference in the said plans and particulars to contracts between the requester and the Department of Children, Equality, Disability, Integration and Youth relating to residential accommodation for displaced persons from Ukraine at the subject property but evidence of such contracts did not accompany the request*.

1.3. The Commission received a response to the Section 132 notice from the First Party, within the statutory timeframe.

1.4. The Commission did not request a response from the Planning Authority.

1.5. This addendum report has been prepared to assess the response received from the First Party.

2.0 Response of First Party to the Commission's Notice

2.1. On 5th June 2026 the Commission received a response on behalf of the applicant. The submission includes the applicant's response and a copy of the contractual agreements between the applicant and the Minister for Department of Justice, Home Affairs and Migration. The following is a summary of the applicant's response.

- S.I. 306 of 2022 defines a 'State Authority' as a Minister of the Government or as the Commissioners of Public Works in Ireland.
- The residential accommodation use at the subject site is being carried out on behalf of the Minister of Justice, Home Affairs and Migration.
- Copies of contractual agreements between the applicant and Department of Children, Equality, Disability, Integration and Youth, and subsequently the Department of Justice, Home Affairs and Migration, are attached.
- The subject property is currently used and remains contractually approved for its continued use for the provision of accommodation to beneficiaries of temporary protection displaced by the conflict in Ukraine pursuant to Council Directive 2001/55/EC.
- The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022) were specifically enacted to give effect to the Council Directive 2001/55/EC.
- The Regulations remain in force and are extended to the period 4th of March 2027(Council Decision 2025/1460 of 15th July 2025).

3.0 **Assessment**

3.1. The Commission's Section 132 request required documentary evidence that the residential accommodation use as described in the plans and particulars submitted with the request under section 5 of the Planning and Development Act 2000 (as amended) is being carried out on behalf of a State authority.

3.2. The submitted documentary evidence in response to the S. 132 request is in the form of contractual agreements between the applicant and a State authority (Department of Children, Equality, Disability, Integration and Youth, and subsequently the Department of Justice, Home Affairs and Migration) to accommodate displaced persons from the Ukraine in accordance with S.I. No. 306/2022.

3.3. I note from the applicant's response that the contractual agreement is an ongoing contract that commenced on the 1st of September 2024, and in accordance with the applicant's response, on the 4th of June 2026, to the S. 132 request, the most recent

contractual agreement between the State authority and the applicant, was signed on the 29th of April 2026 and covers the period up the 31st of August 2026. Separately, I would note that the relevant exempted development provision, i.e. S.I. No. 306/2022, as claimed by the applicant in this particular referral to ACP, will expire on the 4th of March 2027.

3.4. I have reviewed the contractual agreements between the applicant and the State authority, and I would acknowledge specifically Clause 4(C)(1) and Clause 7(D)(1) which both relate to the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and effectively requires that the subject property has the appropriate planning status to ensure that the proposed accommodation use is authorised. The contractual agreements are countersigned by both the client (the State authority) and the contractor (the applicant for the Section 5 application) and the contracts provide for the use of the subject property for the provision of accommodation to beneficiaries of temporary protection displaced by the conflict in Ukraine.

3.4.1. S.I. No. 306/20S22, (the EU (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations, provides for the non-application of the Planning and Development Act 2000 (as amended) for certain classes of development, and this includes Class 2 ‘Residential accommodation’. The proposed development comprises residential accommodation for both displaced persons and persons seeking International Protection, and I would consider that the subject use (residential) would fall within this Class.

3.4.2. I would be satisfied that the submitted contractual agreements provide satisfactory evidence that the temporary change of use to Mearescourt House (residential use) to accommodate persons or persons seeking international protection is by or on behalf of a State Authority, that being the Department of Justice, Home Affairs and Migration.

3.4.3. I therefore consider that the temporary use of the subject property by, or on behalf of, a State authority for the purposes of providing residential accommodation to displaced persons would be exempted development under s.181(1)(A) of the Planning and Development Act 2000, as amended, having regard to S.I. 306/2022.

4.0 Recommendation

4.1. 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 current use of the site for the purposes of providing temporary protection to displaced persons does not require planning permission and proposed change of use of Mearescourt House to use as accommodation for protected persons is or is not development and is or is not exempted development:

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

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

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

(a) Section 2(1), 3(1), 4(2) 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) Article 3(1) and 3(2) of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022), and associated Schedule,

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

(e) Relevant case law,

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

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

(h) The applicant's response to the Section 132 request

(i) the pattern of development in the area:

(j) the report and recommendation of the Inspector

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the change of use of the current use as a residential dwelling to provide accommodation for persons seeking international protection constitutes a material change and therefore is development as defined under Section 3(1)(a) of the Planning and Development Act, 2000, (as amended),

(b) That the temporary use of the subject property by, or on behalf of, a State authority during the relevant period, for the purposes of providing residential accommodation to displaced persons would be exempted development under s.181(1)(A) of the planning and Development Act 2000, as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the current use of the site for the purposes of providing temporary protection to displaced persons at Mearescourt House, Rowlandstown, Rathconrath, Co. Westmeath is 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Senior Planning Inspector

22nd September 2026