

AN BORD PLEANÁLA	
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30 JAN 2019 <i>CC</i>	
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The Secretary,
An Bord Pleanála,
64 Marlborough Street
Dublin 1.

Our Ref: ED18/0040
Your Ref: ABP-303392-19

Date: 29TH January 2019

Appeal re : The Carmelite Monastery, Firhouse Road, Dublin 24

Dear Sir/Madam,

I refer to your letter dated 10th January 2019 regarding the above mentioned appeal and wish to inform you of the Planning Authority's response as follows :

Following on from South Dublin County Council's determination that the Section 5 declaration requesting whether 'the use of a monastery as a hub/hostel for homeless families at the Carmelite Monastery, Firhouse Road, Dublin 24' would constitute exempted development, please note the following additional comments.

In this instance, South Dublin County Council have entered into a contract with a third party service operator for the purposes of providing a hub/hostel for homeless families at the subject site. This service is being provided on behalf of the Local Authority as part of the delivery of its housing function. In doing so, Section 4(1) (f) of the Planning & Development Act 2000 (as amended) was applied, which states that the following shall be exempted developments for the purposes of this Act –

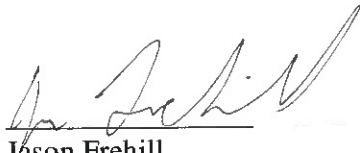
- (f) development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity;*

In applying the aforementioned provision of the Planning & Development Act 2000 (as amended), it should be noted that Section 3 of the said Act defines development as "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 other land". In this regard, given that development, which encompasses a material change in use of a structure, is being carried out on behalf of South Dublin County Council vis a vis a legal contract, the change of use from a monastery to a hub/hostel for homeless families would represent exempted development in this instance.

In addition, it should also be highlighted that any works undertaken within the subject site's structure were minor in nature and primarily pertained to maintenance, thereby ensuring that any works carried out were done so within the limits of Section 57(1) of the Planning & Development Act 2000 (as amended) and did not materially affect the character of (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

I trust that the above provides greater clarity on this matter and will aid the assessment of the Section 5 declaration appeal.

Yours faithfully



Jason Frehill
for Senior Planner.