

Ryevale Lawns Residents' Association

Ryevale Lawns · Leixlip · Co. Kildare



Ryevale Lawns Residents Association



ryevaleresidents@gmail.com

John Deignan, Secretary,
Ryevale Lawns Residents' Association,
174 Ryevale Lawns, Leixlip,
Co. Kildare W23 Y6W6
June 28, 2023

AN BORD PLEANÁLA	
LDG-	064692-23
ABP-	
28 JUN 2023	
Fee: €	50
Type:	CHA
Time:	14:12
By:	Hand

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1.
D01 V902

Re: Section 5 referral - Case No. RL09.317271 - Ryevale House, Leixlip, Co. Kildare

Planning Authority case reference: ED1040

Dear Secretary,

On behalf of Ryevale Lawns Residents Association, I wish to make a submission in the above case.

Please find enclosed cheque in the sum of €50.00 in respect of the required fee.

The Association notes that this referral by the Planning Authority arises from an identical referral which it (the Planning Authority) received from the owner of Ryevale House, Mé Liberer, on 10 May 2023 and which it decided not to determine. The Association has not had access to the background documentation to this case before the Board but it has had an opportunity to view the planning file in respect of the Mé Liberer referral which the Planning Authority received on 10 May. It is assumed that, in accordance with Section 128(b) of the Planning and Development Act 2000, as amended (the Act), that the Planning Authority will provide details of the Mé Liberer referral to the Board.

Background

Ryevale House is a protected structure under section 51 of the Act – reference B11-115 in the Leixlip Local Area Plan 2020-2023. It is also identified in the National Inventory of Architectural Heritage maintained by the Department of Housing, Local Government and Heritage – Survey ID 1929.

A sense of the House, associated buildings and grounds is well captured in the Inspector's report on planning appeal PL 09.230610 and the decision of the Board dated 17 February 2009. Since that

decision, the Residents believe that the property remained largely unchanged until redevelopment works commenced in late 2022 or early 2023.

Arising from the redevelopment works, this Association submitted a question to the Planning Authority (Kildare County Council) under Section 5 of the Act, seeking clarification as to whether planning permission was required in respect of both the ongoing works and proposed change of use from a private dwelling house to a commercial accommodation facility for up to 80 people.

The text of the question submitted by the Association on 9 February 2023 is at appendix 1 and a copy of the declaration by the Planning Authority on 7 March 2023 is at appendix 2. The actual change of use had not commenced at that stage; notwithstanding a Warning Letter issued by the Planning Authority on 10 March 2023 and in the absence of any evidence of an effort to regularise the planning position, the change of use commenced on 31 March 2023. Some works and the full-scale change of use – accommodating up to and possibly in excess of 80 persons – are ongoing in spite of an Enforcement Notice issued by the Planning Authority on 10 May 2023.

For clarity, this is the third referral in relation to this particular development since February 2023; (1) the referral by this Association to Kildare County Council on 9 February, (2) the referral by the owner of Ryevale House, Mé Liberer, to Kildare County Council on 10 May, and (3) this current referral by Kildare County Council to the Board.

Relevant case law on repeat Section 5 referrals

The Association believes that the Court of Appeal judgment in *Narconon Trust v An Bord Pleanala and others* (Court of Appeal record number 2020/233) is relevant in this case.

Having regard to that judgment, the Association is satisfied that the question now referred by the Planning Authority to the Board repeats large elements of the earlier question by the Association dated 9 February and covered by the Planning Authority in its own declaration dated 7 March. There is only one property, one round of works (comprising internal and external works), and one change of use in question in this case. All matters in relation to both that round works and that proposed change of use (as it was at that point in time), in respect of the one property, were covered in the comprehensive question raised by this Association in February and in the declaration by the Planning Authority in March.

In the relatively short time since the Planning Authority declaration (7 March), the Association is not aware (from its own observations) of any evidence of a material change in the planning facts or circumstances of the case. Furthermore, the decision incorporated in the Planning Authority declaration was not appealed to the Board nor was it challenged in the Courts by way of judicial review, both of which were options that would have been open to the owner of the property.

In summary, the Association is satisfied, having regard to the judgment in the *Narconon Trust* case, that the Planning Authority has recently determined the same, or substantially the same question in respect of the same property. Also, there is no evidence to date of any material change in the planning facts or circumstances of the property, its redevelopment or change of use. In the circumstances, the current referral is, as the Court of Appeal found in the *Narconon Trust* case, an impermissible attack by the Planning Authority on its own Section 5 declaration dated 7 March and must be dismissed by the Board.

Question now referred to the Board by Kildare County Council

Without prejudice to the above case for dismissal, the Association wishes to make the following observations on the specific question now raised by the Planning Authority.

The Association believes and is satisfied that both the extensive works (internal and external) carried out at the property since redevelopment commenced, and the actual change of use which commenced on 31 March 2023 constitute development, and that neither the works nor the change of use are exempted development.

Obviously, the Association does not have access to the house itself or the associated buildings, but it is clearly evident from -

- 1) the level of construction traffic and the intensity of construction activity over recent months (the property is located in the centre of Ryevale Lawns estate),
- 2) its observation of much of the external works, and
- 3) the primary objective of the construction works, i.e. to convert the property from a single-family dwelling house to a commercial accommodation facility for up to 80 persons (see copy of the Briefing Note on the property provided the Department of Children, Equality, Disability, Integration and Youth (the Department) dated 27 January 2023 at appendix 3),

that the property has undergone significant internal and external redevelopment works, and elements of those works or related works may be ongoing.

Change of use

On the specific question raised by the Planning Authority in relation to use of the dwelling-house and coach house, the definition of a protected structure (as provided in Section 2 of the Act) includes its curtilage, and all structures within the curtilage of a protected structure are themselves protected. Therefore, the dwelling-house and coach house enjoy the same level of protection under PART IV of the Act and any issue arising in relation to one applies to both.

The use of Ryevale House prior to recent redevelopment works and change of use was that of a dwelling house that was a single-family residence. Recent planning history has already been mentioned above - PL 09.230610.

While there are certain categories of uses that can accommodate a facility of the type at the centre of this case, a dwelling house is not one such specified category. In fact, in the most recent statutory instrument of relevance to accommodation facilities for persons seeking international protection, i.e. S.I. 605/2022, a dwelling house was expressly excluded from the range of uses that could be relied upon to deem the use as an accommodation facility exempted development. In making this most recent S.I., it was clearly recognised by Government that an accommodation facility, and certainly one of the scale and extent of the facility in question here, could not be accommodated within an existing residential area and that a dwelling house would not be an appropriate use in which to accommodate such a use.

In conclusion on this point, this Association believes that the change of use of the property from its existing and established use as a single-family residence to a large, commercial accommodation facility, funded through a commercial contract between the owner and the Department, amounts to a material change of use which constitutes development and is not exempted development. Accordingly, the change of use amounts to unauthorised development which is contrary to planning law.

Works

The text of the second part of the question raised by the Planning Authority is meaningless, and it is an inappropriate use of Section 5 to state a matter in such vague terms. The text "certain associated internal works" could mean anything and serves only to frustrate any person who wishes to make genuine observations on the question, and to undermine the objectives of the Oireachtas in enacting

Section 5. Should the Board decide to proceed with making a decision on this part of the question on foot of clarification it may request and receive from the Planning Authority and/or the developer of Ryevale House, this Association expects, on grounds of transparency and fairness, to be offered an opportunity to see the clarified text or clarification of the text, or both and be afforded an opportunity to amend and/or supplement the observations in this submission.

Section 57 of the Act provides that “*works to a protected structure will not amount to exempted development if they would seriously detract from the architectural and historical character of the property*” and there is a presumption against any works to a protected structure as the character of the structure would comprise the totality of the structure and indeed all of the structures within its curtilage.

Section 57(2) of the Act provides for an owner or occupier of a protected structure to make a written request to the Planning Authority for a declaration as to the type of works which it considers would or would not materially affect the character of the structure or any element of that structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The Association believes that no such application was made in this case.

Although this Association does not have access to the dwelling-house or coach house, it is inconceivable that the extensive construction works necessary to convert the property from a single-family residence to a full-scale commercial accommodation facility for up to 80 people, incorporating all upgrading of services which the effective and safe functioning of such a facility would require, could be achieved without any material impact on the character of the property, its historical significance, and its cultural and social importance to the overall setting of Ryevale Lawns estate.

For example, extensive internal repainting has been completed throughout the property and services associated with commercial accommodation facilities and institutions, such as a dedicated reception/lobby area in the coach house and cable TV, are understood to have been installed. Construction works to address an inevitable requirement for significantly increased sanitary and laundry facilities to cater for up to 80 people and support staff, as compared to a single-family, are likely to have materially altered the internal layout of the property. Similarly in relation to any subdivision of existing bedrooms and/or conversion of other rooms (i.e. rooms that were designed and up to recently used for any purpose other than bedrooms) to bedrooms in order to cater for such a large increase in bed spaces.

From the Department’s Briefing Note referenced above and copied at appendix 3, it seems clear that the arrangement under which this property is intended to function include the provision of three meals a day for all residents, a requirement that would have entailed the installation of significantly enhanced catering facilities and related safety equipment. Even if, as claimed on behalf of the owner, that no food is served to residents and that residents are free to use existing cooking facilities on site, cooking arrangements beyond those required by a single family kitchen would be needed. Either way, the May 2023 planning report by Hughes Planning and Development consultants on behalf of the owner of Ryevale House (referenced below) acknowledges installation of a new kitchen at basement level in the main house.

The Association can only assume that the various parts of the property being used as a commercial accommodation facility (including the dwelling-house and coach house) have undergone significant and specialist works for fire safety purposes including, for example, fire separation, fire doors, protected means of escape, automatic early warning fire detection and alarm systems, internal and external emergency and escape lighting, as well as internal first aid firefighting facilities and an adequate external underground water supply. The Association sought information from the Planning

Authority on the question of fire safety but its request was refused on grounds that the buildings are pre-1992 and do not require a Fire Safety Certificate.

In conclusion on this point, this Association is satisfied and believes that the internal works carried out to date, of which the "certain associated internal works" raised in the referral before the Board are an inherent part, constitute development on grounds of scale and intensity, and is not exempted development. The Association is in no doubt that the scale of construction activity witnessed by residents over a number of months and the noise associated with construction activity within the house and associated buildings, have had a material impact on the character of the protected structure. Accordingly, having regard to Section 57(1) of the Act and in the absence of planning permission, the works amount to unauthorised development which is contrary to planning law.

Other works and overall scale of change of use not addressed in current referral

Before concluding, it is important to note again that the protection provided under the Act extends to all structures within the curtilage of a protected structure, and restrictions clearly apply to the carrying out of any works that could have a material impact on any of the structures that constitute the property or any part of a structure, including both internal and external works. In cases where there is more than one structure on the site (as defined by the curtilage), any works which have, or potentially have a material impact on any structure or any part of a structure within that site is deemed, therefore, to materially impact the entire body of the protected structure.

In view of the fact that the Act clearly takes a holistic approach to protection of all structures within the curtilage of a protected structure, it seems to be entirely wrong for a Planning Authority or any person to single out particular aspects of extensive redevelopment works and present them completely out of context for the purposes of a referral to the Board. In this case, presenting undefined "certain associated internal works" out of context creates a completely false impression of these works and is misleading on the fact that they were or are an inherent part of a large-scale redevelopment that has had an unquestionable material impact on the character of the property. If allowed to stand, this referral would draw the Board into an incremental assessment by the Planning Authority of works in this case, and for which no provision exists in the Act. Any assessment of the "certain associated internal works" must be made in the proper context of their place in the overall works, both internal and external, which underpin the recently commenced and ongoing redevelopment of the property and related change of use.

In this regard, it is also noted from the drawings included in the planning report by Hughes Planning and Development consultants on behalf of the owner of Ryevale House (referenced below) that the change of use and associated works seem to extend beyond the main house and coach house, and include the former grain store building – see Figures 4.0 and 5.0 of the report. If this is correct, the absence of any reference in the referral before the Board to works related to the former grain store building and the failure to identify that building in the change of use further adds to a wholly false and misleading impression of the scale of redevelopment of both the property and change of use.

While the Association is not in a position to identify the full extent of internal works, much of the external works are clearly evident and of such extent that the property now has the appearance of an institution rather than a grand, 18th century period residence. The setting of the house has been destroyed by the levelling of the grounds, including the felling of most of the mature trees (referenced in the Board's 2009 decision), and the inappropriate and indiscriminate repainting of the property in a modern colour; see pre and post-redevelopment photographs at appendix 4. While the property could be repainted again, it would be impossible to restore the rich, aged patina effect of the previous external finish. The views of the grounds from within the house and associated buildings (including the coach house) which were another important aspect of the character of the property are

substantially lost due to the indiscriminate clearing of the grounds and felling of most of the mature trees.

In conclusion on this point, the second part of the referral before the Board, i.e. part (b), is presented out of context and misleading. It is contrary to the fundamental objectives of the Oireachtas in enacting the foundation legislation in 1963, and is not therefore a valid matter for a referral to the Board under Section 5 of the Act and should be dismissed.

Points raised by the owner of Ryevale House in the undetermined referral submitted to Kildare County Council on 10 May

While the Mé Liberer referral dated 10 May was not determined by the Planning Authority, the question raised in that referral is identical to the question now raised by the Planning Authority in the referral before the Board. In that Mé Liberer referral, a number of key points made on behalf of the owner of Ryevale House in the May 2023 Planning Report by Hughes Planning & Development Consultants (the Hughes report) are of direct relevance to this current case

Certain limited works

The document refers to "*certain limited internal works carried out to update and maintain the property*", "*to improve living and safety standards*", and were "*carried out for the maintenance and improvement of the building*". Leaving aside the extensive external works and tree felling that have dramatically altered and damaged the setting of the house itself, the works listed on page 4 of the Hughes report clearly constitute, in their own right, substantial redevelopment works for the purposes of converting the property from a single-family residence to a full-scale commercial accommodation facility for up to 80 people, incorporating all upgrading of services and facilities which the functioning of such a facility would require.

Also, the document states that "*All works that have been carried out to date have been exclusively internal and do not affect the external appearance of the building in any way. It is our submission that these works have been exclusively internal, and have not affected the character of Ryevale House, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, as per section 57 of the Planning and Development Act, 2000.*". This statement could not be further removed from reality - the extensive external works (already addressed above), which have had a negative, character-defining impact on the property, are unmissable to even the most casual local observer. The extent of external alteration is borne out by the pre-redevelopment Figure 1.0 in the Hughes report which presents a dramatic contrast to the current vista of Ryevale House surrounded by a virtual wasteland.

In the absence of permission under the Act, painting is prohibited if it would materially affect the character of the structure, or any of the specified elements of interest. While the Association cannot verify the owner's claim regarding internal "Repainting of the entire house (including appropriate fire-painting of ceilings)" in respect of both Ryevale House and the coach house (page 4 of the Hughes report), the external repainting is a major contributory factor in the indiscriminate destruction of the setting of the house and the associated buildings.

Change of Use

The report (at page 6) misrepresents the planning history of the site in failing to identify Planning Appeal PL 09.230610 which found that the proposals at that time, which included much of the works associated with the current change of use, should not proceed because they would have interfered with and seriously detracted from the architectural and historic character of Ryevale House. Clearly those were, and would continue to be, subject to the planning code and are therefore not exempted development as claimed in the report.

The report states (at page 9) that "... the practical differences in the current use of the entirety of Ryevale House as a private accommodation for persons seeking international protection, are, to all intents and purposes, almost indiscernible from its established use.". However, this point does not stand up as a consequence of other points in the report which are at variance with it.

The report states (at page 8) that "*The current use of the property continues the long-established private residential use, with the only alteration to have occurred being an increase in the number of residents accommodated upon the site.*".

It goes on (at page 12) to state that "*Ryevale House is no more 'a centre of accommodation' than any other private multi-unit apartment building.*" and subsequently on the same page states that "*A contract was agreed between our client, Mé Liberer Ltd., and International Protection Accommodation Service (IPAS) to provide long term accommodation.*".

On any reasonable examination of the facts evident in the documentation on Ryevale House and on the ground, it is clear, post substantial redevelopment, that -

- 1) capacity has increased materially (as evidenced by the bed space numbers) - to multiples of that required by even the largest Irish family,
- 2) that the vast majority (perhaps all) of the bed spaces are managed on a commercial basis for the purposes of a contract with IPAS, and with maintenance and on-site staff provided by the owner,
- 3) that accommodation facilities at the property have been increased substantially to cater for such a high intended level of occupancy, as evidenced, for example, by the internal works carried out and the commercial-scale refuse collection arrangement, and
- 4) increased traffic on the main road into phase one of Ryevale Lawns estate, including buses, taxis, ambulances and visitors who seem not to be allowed to drive into the property and park on the main thoroughfare outside.

Even if the internal redevelopment was limited to the list of works outlined at page 4 of the Hughes report, the conversion of the property to a commercial operation is beyond question and the suggestion that practical differences in the current use of the property is almost indiscernible from its established use belies reality.

The reference in the Hughes report to *Molloy v. Minister for Justice* is not relevant on account of the likelihood that use of a residential religious novitiate as an accommodation centre for persons seeking international protection would enjoy exemption under S.I. 605 of 2022 from a requirement to obtain planning permission.

Kildare County Development Plan 2023-2029

The report claims that the "*use of the subject site to provide private accommodation to people in the International Protection ('asylum') process does not materially contravene the development plan.*". Even though a proposed change of use may be consistent with, or not materially contravene the relevant development plan, planning permission is still required unless a clear exemption can be identified to the satisfaction of the Planning Authority or An Bord Plenála in the event of an appeal.

Use of the word 'centre'

Issues in relation to the use of the word 'centre' in the original referral by this Association have been raised in the Hughes report. For clarity, the word was used in its ordinary sense and meaning, as used by the people of Ireland. The word centre is used in the Department's briefing note dated 27 January 2023 and the Government website ([gov.ie](https://www.gov.ie) page entitled 'About IPAS') states that "Accommodation

Centres provide accommodation for people who have sought International Protection from their home Country.”.

Bed accommodation at Ryevale House

The Hughes report states (page 9) that “... *the asylum seekers in Ryevale House are accommodated in individual residential apartments, with some shared bathroom and kitchen facilities.*”. The Department’s Briefing Note dated 27 January bears this out in stating (at page 4) that “*Each resident will have their own lockable bedroom, access to a common room and front door keys for 24 hour access.*”. However, the Hughes report goes on to state (at page 11) that there is no proposal to install 80 individual bedrooms. From this Association’s knowledge of the property over many years, the reality is likely to be closer to dormitory-type accommodation not unlike hostel-type accommodation which the Hughes report seeks to distance the property from.

Site accommodates two properties already in standard residential use

The report states (at page 11) that “*As clearly and unarguably presented in this Report, the subject site clearly accommodates two properties already in standard residential use.*”. This is factually incorrect - the site accommodates a number of buildings, including Ryevale House and the coach house, all of which enjoy protected status under PART IV of the 2000 Act and have a long-established use as a single-family residence.

Matters personal to the residents of Ryevale House

In a comment on the referral which this Association submitted to the Planning Authority in February, the report states (at page 12) that “*The third party request was premised on the notion that ‘a refugee centre’ at Ryevale House would provide cooked means and other material care and services for the residents.*”. That statement is factually incorrect in that this Association had, and has no information, nor has it sought any information on the provision of material care or other services for the residents of Ryevale House. Any references to, or any questioning of matters personal to the residents of Ryevale House have no place in an issue arising under planning law. While the point made in the Hughes report was clearly not intended to cause offence to the residents of Ryevale House or defame the reputation of the residents of Ryevale Lawns, it must be noted that is an inappropriate matter for professional practitioners to raise in a planning case.

The Association also notes the reference (at page 8) to the socio-economic class of the inhabitants occupying Ryevale House. The point makes no sense in terms of planning law and, on the assumption that it was made with no intended malice, the residents of Ryevale Lawns concur entirely with the point that considerations in relation to socio-economic class are not appropriate to planning law. The nature of the tenure of the residents of Ryevale House is of course somewhat different in that the provision of accommodation for a large number of persons under a contract between the owner and the Department is a commercial enterprise that clearly gives rise to a change of use to what is an established private, single-family dwelling.

Table of alleged incorrect statements and correct information

Most of the issues raised in this table at page 11 of the report have already been addressed above.

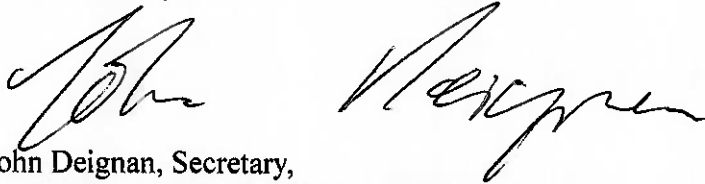
With regard to point 2, the actual accommodation arrangement in the premises is very difficult to pin down. However, what is clear is that Ryevale House (the main house) has 6 bedrooms – it is not a 10-bedroom house, and confirmation on this point can be found, inter alia, in an article on the proposed sale of the property which appeared in the Irish Times on 19 April 2001. From local knowledge of the property dating back over very many years, it is questionable whether the coach house ever contained 7 approved bedrooms. It is possible that existing bedrooms in the main house and/or the coach house have been subdivided to create extra bedrooms, or other rooms in one or both

houses have been converted into bedrooms. Either option or a combination of them would have a material impact on the internal layout and character of the property.

The matter raised in point 5 has already been addressed above but, such is the extent to which it is wrong, it warrants repeating that extensive external works have been carried out.

The Association respectfully submits these observations for consideration by the Board.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'John Deignan', written in dark ink.

John Deignan, Secretary,
Ryevale Lawns Residents Association.

Appendix 1

Text of referral submitted by the Ryevale Lawns Residents' Association to Kildare County Council on February 9, 2023

Under Section 5 of the Planning and Development Act 2000 (as amended), we, the residents of Ryevale Lawns, seek a formal declaration from Kildare County Council for the purposes of establishing whether there is a requirement for planning permission for the ongoing works at Ryevale House, Leixlip, and the proposed change of use of the house (a protected structure) and other buildings from private residence to a commercial facility to accommodate persons seeking international protection in Ireland.

The residents understand that the works are being undertaken by the owner for the purposes of underpinning an application already made to the Department of Integration to accommodate 80 persons. The Residents believe that the ongoing works and proposed change of use do not fall within the meaning of exempted development under the 2000 Act (as amended) or any Regulation made thereunder.

The Residents are concerned that the proposed change of use is contrary to planning law, and that the ongoing works are unauthorised and detrimental to the proper conservation and use of a protected structure, its grounds, and other related buildings.

As Ryevale House is well known to Kildare County Council and the ongoing works have already been brought to the Council's attention, supporting maps or drawings do not seem necessary.

I enclose a fee of €80.00 in respect of this application and look forward to your response.

Appendix 2

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order



I, Eoghan Ryan, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE43266 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO45949 **Section:** Planning

SUBJECT: ED/01021 - whether the change of use from a dwelling house to a centre of accommodation for people seeking international protection is or is not Development and is or is not Exempted Development
Ryevale House, Lexlip, Co Kildare

SUBMITTED: Application for Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) and recommendation from Senior Planner.

ORDER: I hereby order the following Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is Development and is not Exempted Development.

MADE THIS 7th DAY
OF February YEAR 2023

SIGNED: Eoghan Ryan
DIRECTOR OF SERVICES

Appendix 3

Temporary Emergency Accommodation for International Protection Applicants Briefing Note for Public Representatives 27 January 2023

**Ryevale House, Ryevale Lawns, Leixlip, Co Kildare
W23 E7R8**

A - Context and Overview of Current Accommodation Pressures

Under the Recast Reception Conditions Directive (SI 230 of 2018), the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) is legally required to provide accommodation to international protection applicants who seek it while their claim for international protection is being determined by the Department of Justice.

The accommodation of international protection applicants (IPAs) is a demand-led process with applicants arriving in the country and seeking accommodation spontaneously. In 2022, over 15,000 IPAs arrived in Ireland, making it by far the highest yearly arrival figure to date. For context, the average arrival figure for IP applicants for the 3 year period from (2017 to 2019) was 3,500.

As of 22 January 2023, there are over 19,800 people accommodated in the IPAS accommodation system as a whole. This includes the National Reception Centre and IPAS accommodation centres, City West transit hub and emergency accommodation. Of this total, 4,086 are children. At this point in 2022, there were approximately 7,400 persons in IPAS accommodation.

At the same time, Ireland has responded to the largest displacement of people on the European continent since the Second World War. Since 24 February 2022, the Department has worked to accommodate an unprecedented volume of persons seeking refuge from the invasion of Ukraine, amounting to over 53,000 people.

The pressure to accommodate over 73,000 people in such a short period of time has led to significant shortages, particularly for the international protection cohort. The Department has been forced to avail of all offers of accommodation made, including the use of office buildings, in order to address the accommodation shortfall. While the Department is aware that some types of accommodation such as office buildings and tented solutions are less than ideal it is working hard to find solutions, through the use facilities management companies in some cases, to offer emergency food, shelter and sanitation provision to both cohorts.

Access to suitable accommodation is severely constrained. The number of IPAs and Ukrainian BOTPs arriving in Ireland is expected to remain at elevated levels for the foreseeable future.

A republished tender process for IPAS to provide more own-door accommodation closed on 8 November 2022. The International Protection Procurement Service (IPPS) is beginning site visits to potential locations shortly. It is expected that successful tenderers from this republication will be added to accommodation provider panels in Quarter 1 of 2023.

As the Department has not been able to meet the capacity needs from the previous tender process, officials continue to engage in emergency accommodation procurement to address the shortfall in capacity. DCEDIY is working urgently across Government and with agencies, NGOs and local authorities to bring new accommodation on board to meet State's humanitarian responsibilities. In addition, the Department is sourcing vacant office buildings and state owned properties in order to increase available accommodation. A number of these projects are currently being progressed.

An exempted development regulation for the change of use of a wide repository of buildings was drafted with the Department of Housing, Local Government and Heritage and was signed by Minister of State Peter Burke on 29 November 2022. The Statutory Instrument will allow for the change of use of a range of buildings to be utilised for IPAS emergency accommodation. DCEDIY is open to accepting offers of accommodation in these buildings once building control regulations are complied with and applied for in the appropriate manner. This provision is a temporary measure and will expire on 31 December 2024.

The Ukraine Accommodation Procurement Team will continue to source accommodation in the hospitality sector to meet the demand for that cohort.

B - Figures – as of 25th January 2023

Those fleeing the war in Ukraine	
66,041	The number of people fleeing the invasion of Ukraine who have arrived in Ireland since the start of the war, known as Beneficiaries of Temporary Protection (BOTPs).
53,395	The number of people who are being provided with accommodation by the State, through the Ukraine Crisis Temporary Accommodation Team.
90	The most recent 7-day average number of daily BOTP arrivals into the State.

Those seeking International Protection	
19,878*	The number of International Protection (IP) applicants who are being accommodated by the International Protection Accommodation Service (IPAS).
872	The number of IP applicants who have arrived in Ireland seeking refuge in 2023 to date.
15,014	The number of IP applicants who arrived in Ireland in 2022.
277	The most recent 7-day average number of daily IP arrivals into the State.

*Figure as of 22/01/23

C - Questions and Responses

How many people are intended to be accommodated here? What will the resident breakdown be at the building?

*The final capacity is still being determined but will be approximately 80.
The resident breakdown will be for families and single females.
This will not be a centre for single males.*

2. How long can people expect to stay there?

- It is not possible to say with certainty what the length of stay will be having regard to the number of IP applicants arriving and the scarcity of alternative accommodation. This remains under review but we would note that the Department has recently completed a tender process for additional accommodation.*

3. How will people be accommodated on site and retain a degree of privacy?

- Each resident will have their own lockable bedroom, access to a common room and front door keys for 24 hour access.*

4. How will IP applicants be provided with PPS numbers? Are some of them eligible to work?

- PPSNs are provided through DSP. Applicants are eligible to work from 6 months after their arrival in Ireland. Most of the residents will be new arrivals.*

5. What health supports are available to IP Applicants?

- IPAS works closely with the HSE. IP applicants access health services through mainstream services: primary care, GP and emergency services. Any IP applicant residing in IPAS accommodation is entitled to a medical card.*
- IPAS will advise their HSE liaison (seconded to IPAS) in advance of residents being accommodated.*

6. What integration supports are available to provide linkages with the local community?

- An integration fund is available to assist in linkages to local communities. A detailed guidance document to this fund an online application form is linked [here](#). For queries, contact: ipss.transition.team@equality.gov.ie*
- IP applicants may avail of English language classes through the ETB.*
- IPAS carry out resident clinics at all new and existing accommodation locations.*

- IPAS work with a number of NGOs who provide support to residents in the form of clinics, and in addition there is a DCEDIY funded confidential NGO run helpline to assist with any queries a resident may have.

7. What supports are available to provide day to day activities to the IP Applicants?

- IP applicants may avail of English language classes through their local ETB.
- An adult resident receives an allowance of €38.80 per week while a parent is entitled to €29.80 to cover essentials for their child. Residents also get three meals per day.
- Adults are entitled to work in Ireland after six months.
- Children will attend school during the day.
- IPAS carries out resident clinics at all new and existing accommodation locations to communicate with residents.
- IPAS works closely with the HSE. International protection applicants are entitled to mainstream health services.
- IPAS works with a number of Non-Governmental Organisations who provide support to residents in the form of clinics, and there is a Department of Children, Education, Disability, Integration and Youth (DCEDIY) funded confidential NGO run helpline to assist with any queries that residents may have as well as an IPAS Helpdesk manned by Department officials.
- International protection applicant (IPAs) are not entitled to apply for or avail of social housing or the Housing Assistance Payment while their claim for asylum is being determined by the International Protection Office (IPO). If an international protection applicant (IPA) has somewhere else to live in Ireland such as with a friend, spouse or family member they may do so. If an IPA does not have somewhere to live and need to be accommodated by the Irish State for the duration of their application for asylum with the International Protection Office (IPO) they will be accommodated in an International Protection Accommodation Service (IPAS) centre.
- Initially, an IPA will be accommodated in an IPAS accommodation centre for the purposes of orientation, information provision, voluntary health screening, needs assessment and assistance with the first stages of asylum applications, before being sent to a longer term centre depending on individual circumstances and centre capacity. They will receive three meals per day in the centre or, where there is independent living facilities in place that allows people to cook for themselves, they will receive food vouchers to purchase their own food in local supermarkets.
- Residents in IPAS centres receive a weekly allowance of €38.80 or €29.80 for a child from the Department of Social Protection. Other assistance from the Department, such as bus fares to attend appointments, is available at the discretion of the local community welfare officer.
- IPAs are entitled to apply for permission to access the labour market after 6 months in the state. Intreo supports and services will be specifically geared towards encouraging a greater diversity of employment options for applicants. They will be entitled to access supports from Intreo to assist them in accessing employment. Once labour market

access has been granted, it is already the case that applicants can attend further education and training courses to help in upskilling.

- Post Leaving Certificate (PLC) courses are also often focused on directly developing skills for employment and applicants are provided access will also be provided to employer networks to make applicants aware of available opportunities and to raise employer awareness of applicants' skills and qualifications.

8. Is any assessment provided to IP Applicants to ascertain their needs or vulnerabilities?

- Yes. IPAS have a team working to provide vulnerability assessments. It should be noted that this team remains under considerable pressure in the context of high numbers of arrivals and opening of a high number of new emergency locations.

9. Is Kildare the only area considered for this type of accommodation, or have other areas in the city/country been examined? How many other centres like this are in operation?

- Emergency centres have been opened in all parts of the country. There have been in excess of 60 accommodation locations utilised in 2022 across 17 counties.
- These options must be considered to prevent homelessness for the unprecedented numbers of people arriving seeking international protection.

10. How do IPAS engage and inform communities in advance?

- The emergency nature of the response required means that advance communications are not as comprehensive or as early as we would like.
- Effort is made to notify public representatives and State agencies in advance.
- Kildare County Council have been made aware of the use of the facility.
- The provider has confirmed that they have not made any links with local NGOs at this point but are looking forward to working with all parties to support the integration of residents successfully.

11. Who should public representatives contact with follow on queries or concerns?

- IPAS operational queries and questions can be sent to ipasinbox@equality.gov.ie
- IPPS procurement and contract queries can be directed to ipps@equality.gov.ie

Appendix 4

