

Maolán Bashford

MARY.

**From:** Verona Murphy <Verona.Murphy@oireachtas.ie>  
**Sent:** Friday 23 February 2024 16:19  
**To:** Appeals2  
**Cc:** Catherine Flynn; Mary Tucker  
**Subject:** REF : ABP -318455-23  
**Attachments:** statutory declaration John Murphy re GHS sect 5.pdf; Planning 20091698 application.pdf; Planning application 20210283 Domal.pdf; Decision planning 20091698.pdf; Decision planning 20210283 domal.pdf; OPINION M McD+P McC.pdf highlighted.pdf; ABP submission signed 23 Feb 2024.pdf

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Dear Catherine/Mary

I hope this email finds you well.

Please find submission re ABP reference 318455-23 to ABP letter dated 6<sup>th</sup> Feb 2024.

Please acknowledge if I need to have

Kind regards

Verona

VERONA MUPRHY TD

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## **SUBMISSION OF Verona Murphy ON ABANDONMENT OF USE**

*The crucial question that the Board must ask itself is whether the former Great Southern Hotel has **abandoned** its FORMER permitted use to operate as a hotel. It is the writer's respectful position that it has so abandoned this use, as a matter of fact and as a matter of law, for the reasons set out hereunder.*

### **The Factual Matrix**

1. The former Great Southern Hotel closed and ceased operating as a hotel in 2010 and by 2011 was a derelict building. From its closure in 2010 the subject former hotel did not reopen or exercise its use as a hotel or otherwise. In short it had ceased exercising its 'use' as a hotel.
2. The documentation accompanying the application for the nursing home application confirms that the former Hotel became derelict in 2007. However, whether it be 2007 or 2010 or 2011, it is submitted that nothing turns on this as no matter which year is correct the abandonment of the use as a hotel is lengthy.
3. The once pristine hotel has been allowed go to rack and ruin and within a year of 2010, it is reported had become a derelict building, an eyesore with residents of Rosslare Harbour becoming concerned. These concerns were relayed Wexford County Council.
4. The then owners in 2007 were given permission to demolish the hotel and to build accommodation for the elderly. They gave the Society of St Vincent de Paul permission to sell off all the fixtures and fittings – from beds to radiators and kitchen equipment to mirrors – that were left in the former hotel when it closed. As is clear from the current Owner's submission (paragraph 12 thereof) there is clear intent on the part of the then owners to discontinue the use as a hotel when in 2009/2010 were granted planning permission to demolish the hotel and build residential units. **See Planning Application 2021/0283 annexed hereto.**
5. The planning permission for change of use to a nursing home (14<sup>th</sup> July 2021) states that the existing use is 'Disused hotel'. **See Planning Application 2021/0283 annexed hereto.**

6. The hotel was stripped even further and became replete with all kinds of debris and rubbish, such as broken glass and beer cans with its doors and windows broken and with nothing of value in it anymore.
7. Wexford County Council prepared a report at that time and the Board, if it has any doubt regarding the abandonment of use as a hotel, should require Wexford County Council, the party referring the section 5 application to the Board, to produce same. The said report stated, *inter alia*, that the building of the former Great Southern Hotel required boarding up.
8. The attached Statutory Declaration supports the above facts.

#### **Conclusion on the Facts**

9. *It is clear from the foregoing that the former Great Southern Hotel at Rosslare Harbour as a matter of fact in 2010 did abandon its use as a hotel and in 2007 had the intention to so abandon.*

#### **The Law**

10. In determining whether or not a former use has been abandoned a number of tests are generally applied by the courts:-
  - (i) The physical condition of the premises - e.g., is it derelict?
  - (ii) The length of time of abandonment.
  - (iii) Evidence of any intention to resume the former use.
  - (iv) Objectively, would a reasonable person looking at the derelict former hotel conclude that its use as a hotel had been abandoned.

#### **Applying the Law to the Factual Matrix**

11. **Regarding the test at paragraph (i):** the former Great Southern Hotel was derelict, full of all kinds of debris and rubbish, such as broken glass and beer cans with its doors and windows broken with nothing of value in it anymore to such an extent that Mr Innes, for Wexford County Council in 2011 reported that it required boarding up. *Accordingly the test at paragraph (i) above is satisfied.*

12. **Regarding the test at paragraph (ii):** the abandonment commenced in either 2010. In *Cork County Council V Ardfer Quarries* (Unreported High Court December 7, 1982) a lapse of four years in the use of an industrial building was held to be have been abandoned. The length of the abandonment of the subject building s is well in excess of the lapse of four years which, it is reiterated, in *Ardfer Quarries* was held to be abandonment of use by the court. *Accordingly the test at paragraph (ii) above is satisfied.*
13. **Regarding the test at paragraph (iii):** there is no evidence that there was an intention to resume the former use of hotel rather the evidence demonstrates a firm intention not to resume the use as a hotel in that the building was to be demolished and planning was sought for a new building whose use was as a accommodation for the elderly and in fact the planning permission sought in 2020/2021 and thereafter was for use as a nursing home. This lack of intention to abandon the use as a hotel is supported by the selling off of the fixtures and fittings of the former Great Southern Hotel at Rosslare Harbour and the failure to make any effort whatsoever or howsoever, either by way of rebuilding/refurbishing the former hotel for use as a hotel. *Accordingly the test at paragraph (iii) above is satisfied.*
14. **IMPORTANTLY,** the latest planning application (which is annexed hereto) describes the existing use as 'Disused hotel. The definition of 'disused' is abandoned and it is reiterated sought change of use to a nursing home.
15. **Regarding the rest at paragraph (iv):** Taking into account the factual matrix which is demonstrably accurate, no person, reasonable or otherwise, objective or otherwise would, could or should conclude other than the use as a hotel had been abandoned and indeed local residents and Wexford County Council did so conclude. *Accordingly the test at paragraph (iv) above is satisfied.*

### **Conclusion**

16. Taking the foregoing into account it is respectfully submitted to the Board that the use as hotel enjoyed by the former Great Southern Hotel at Rosslare Harbour has been well and truly abandoned as a matter of fact and as a matter of law.

17. Accordingly, it is not sustainable and indeed is unreasonable and irrational to conclude the use of the former Great Southern Hotel at Rosslare Harbour as a hotel as other than abandoned and it follows that the former Great Southern Hotel cannot be brought within the ambit of Class 20F of S.I. 376 of 2023.

23<sup>rd</sup> February 2024.

*Veronica Murphy*

## OPINION

### A. Introduction:

1. I am instructed that Wexford County Council have made a referral to An Bord Pleanála in respect of whether the change of use from an abandoned building (the former Great Southern Hotel Rosslare) to an IPAS centre (hereinafter "**the development**") is exempted development pursuant to section 5 of the Planning and Development Act, 2000 as amended.
2. In that regard I am also instructed that a section 5 referral has been made by Deputy Verona Murphy on behalf of the residents of Rosslare to the Council regarding the same issue in circumstances where the development in question was granted planning permission for use as a nursing home and it is now proposed to be used as an IPAS Centre.
3. In that regard I have been asked to give an Opinion on:
  - a. Certain issues concerning the competency of Wexford County Council to make a determination and decision under Section 5 of the Planning and Development Act, 2000.
  - b. The enforcement options available to Wexford County Council on foot of the said determination as to the development.
  - c. The submission of Wexford County Council to An Bord Pleanála and comment on the likely success of that submission in the context of the provision of SI 376/2023.
  - d. whether the motions for the Special Meeting are appropriate in terms of interference in the executive functions of the Council and whether it would be lawful and appropriate for councillors to vote in favour of these motions and
  - e. most effective course of action strategically and legally for the community in advancing their campaign to have the development at Rosslare ceased.

4. I have been provided with the following documents.

- Section 5 referral of WCC to ABP dated 10<sup>th</sup> November 2023
- Warning letter from WCC to the developer dated 10<sup>th</sup> November 2023
- Email dated 10<sup>th</sup> November 2023 from Liz Hore, Director of Services, to the Public Representatives.
- Section 5 referral of Verona Murphy TD on behalf of the People of Rosslare to Wexford County Council.
- Correspondence from Verona Murphy to WCC dated 14<sup>th</sup> and 17<sup>th</sup> November 2023.
- Correspondence from Liz Hore to Verona Murphy 21<sup>st</sup> November 2023
- Press Release Wexford County Council dated 21<sup>st</sup> November 2023.

5. I will consider each of the issues as referred to above in the context of the documentation provided and the law applicable to the functions of the local authority, the planning authority and the overall planning and administrative legislation.

**B. Background.**

6. Planning Permission was granted by Wexford County Council on the 11<sup>th</sup> of June. 2021, under planning reference number. 20210283 for a Nursing Home in respect of the Development.
7. In May of 2022 a further planning application reference number 20220711 was lodged by Amhola Rosslare Nursing Home Trading Limited, and permission was granted under 22<sup>nd</sup> of August 2022 for the following development:

*"Permission for alterations to the 90 bedroom nursing home scheme permitted by Wexford County Council (Ref: 2021/0283). The proposed works include: 1) The demolition of part of the rear of the hotel building including the existing ESB substation; 2) Modifications to the internal layout of the building; 3) Modifications to the elevations including changes to openings and facade materials and the construction of rooftop plant rooms; 4) The construction of a plant room and waste management enclosure; 5)*

*All associated car parking, landscaping and site development works. Access to the nursing home will be provided via St. Martins Road located to the south."*

8. A Commencement notice was served by the developers of the nursing home in May of 2023 in respect of planning permission reference number 2022 0711.
9. A second commencement notice was served during the course of construction, on the 5<sup>th</sup> of October 2023, in respect of planning permission reference number 2022 0711, which described the description of the works as:

*It is proposed to convert the existing hotel into an emergency accommodation centre. The work will be done in two phases. Phase 1(The West Wing) for which this application applies, is the fit out of the existing West Wing and a small extension which consists of a new stair".*

10. I am instructed that this notice was validated by the Local Authority. It is concerning that the Council appear to have validated two commencement notices in respect of the same planning permission, citing two different uses without first querying the obvious change of use which was not commensurate with the Planning Permission as granted under reference number 20220711.
11. I am instructed that Wexford County Council advised that the commencement notices were validated by the building control section and not the planning section within the Council and there appears to have been no cross referencing between the two Council Department.
12. I am advised that the Council contend the planning code and the building regulations code are two different codes and are "as such" independent of one another. The two codes are separate and distinct. I am advised that the BCARS system accepts a single commencement notice for both planning and building control codes. Whilst both functions operate under separate Acts the single commencement notice legally triggers many obligations under both codes in relation to developments. The system is designed to ensure that both coordination and information exchange across the relevant departments within a local authority occurs. Each relevant department including planning is made aware simultaneously that development has commenced on any development. The

system requires a manual validation of the commencement notice. A cursory check of this commencement notice with the Planning permission provided should have identified and raised the patently obvious planning question in this case in circumstances where the commencement notice was not consistent with the permission granted.

13. It seems at some point in or about early November 2023 the residents became aware that the proposed nursing home was to have its use changed to an IPAS centre. Presumably representations were made to Wexford County Council ("WCC") by the Local Public representatives concerning the change of use which set in train a series of actions by the local Authority.

**C. Section 5 Referral under the Planning and Development Act, 2000 as amended:**

14. I am instructed that when the issue was referred to WCC, they declined to decide on the net question as to whether the use of the abandoned Great Southern Hotel as an IPAS centre was exempt development or not, electing instead to refer a Section 5 submission to An Bord Pleanála ("ABP") for determination on the 10<sup>th</sup> November, 2023. The Council contend that they made the submission to ABP as the issue to be determined was too complex, despite WCC having the statutory power to make such a determination at first instance.
15. On the same date Wexford County Council issued a letter to the developer stating that it had come to their attention that unauthorised development "may have been carried out" or "is being carried out" at the development bearing reference number 20220711. This letter called upon the Developer to make a submission regarding the "possible" unauthorised development within four weeks of the notice. However, it appears that this letter was sent without any determination being made on the issue by the Council or ABP and accordingly, the Developer was being asked to comment on an issue of enforcement without any decision as to whether the development was in fact unauthorised or otherwise.
16. In circumstances where WCC have not deemed the development unauthorised, there is no authority to take enforcement proceedings of any kind as there has been no breach.
17. If the Local Authority made an immediate determination that the development is unauthorised, they could issue enforcement proceedings immediately. Any the

enforcement options set on in Verona Murphy's letter of the 21<sup>st</sup> November, 2023 to the Local Authority could be employed to cease works on site.

18. In an effort to compel WCC to determine the matter, I understand the People of Rosslare, approximately 1000 in number, mandated Verona Murphy TD to submit a Section 5 referral on their behalf to WCC for determination. There was particular concern that the referral to ABP would cause considerable delay and in circumstances where WCC had the power to make this determination, the section 5 referral was lodged with WCC on the 14<sup>th</sup> November 2023, and validated on the 20<sup>th</sup> November 2023.
19. The Minister for Children, Equality, Disability, and Integration has confirmed in writing to Minister James Brown TD under cover correspondence dated 21<sup>st</sup> November, 2023 that the IPAS centre will not be occupied until such time as the Section 5 referral to ABP has been "concluded".
20. I am advised that WCC have indicated that will not make a determination on the Section 5 submitted by on behalf of the People of Rosslare pending the outcome of the decision of ABP.
21. Consequent of this information the community mandated their local Councillors to convene a special meeting of WCC to consider the following motions:
  - *That Wexford County Council undertakes not to validate any completion certificate in respect of the permission granted on foot of Planning reference number 20220711, in circumstances where the issue of the permissibility of the material change of use, of the entire development, from a nursing home to an IPAS centre has not been conclusively determined, and therefore may require a fresh planning application.*
  - *That Wexford County Council determine with immediate effect, the Section 5 reference submitted on behalf of the residents of Rosslare Harbour on the 14<sup>th</sup> of November 2023, in relation to the development at St. Martins Road Rosslare Harbour.*

- *That Wexford County Council, in view of the seriousness and urgency of the situation, will immediately commence injunctive proceedings to prevent the unauthorised use of the development from continuing, in view of the material changes to the permitted use as a nursing home granted on foot of planning reference number 2022 0711*

22. I am advised that certain councillors have raised concerns about convening a meeting to discuss the matters set out in the motions herein and have posited the view that such a meeting would interfere with the executive functions of the Local Authority and on that basis have sought to absent themselves from the voting on the motions specified or in the alternative feel they have no choice but to vote against it.

#### **D. Section 5 Referral Procedure and Process:**

23. Section 5 of the PDA provides-

*"(1) If any question arises as to what, in any particular case, is or is not development, is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority, a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority make its decision on the matter".*

24. In this instance, there are two Section 5 references under consideration at the same time, the earlier one submitted directly to ABP by the Council and the later one submitted to the Council by the Rosslare residents.

25. There is no legal impediment to the Council withdrawing the Section 5 reference made to ABP as provided for in Section 140 as follows-

*(1)(a) A person who has made-*

*(i) an appeal*

*(ii) A planning application to which an appeal relates,*

*(iii) a referral*

*may withdraw, in writing, the appeal, application or referral at any time before the appeal, application or referral is determined by the board.*

26. A Section 5 declaration provides clarity on the planning status of an existing or prospective development. It is a determination that an activity is “development” or not, and can determine whether a proposed use constitutes development which is not authorised by the Planning permission -see *Grianan an Aileacht Interpretative Centre v Donegal County Council* [2004] I.R.625.
27. The question that arises here is, if the two section 5 references are to be let run their course and one is determined before the other, which decision takes precedence in terms of its legal standing. A Section 5 declaration by one body cannot be set aside by a later Section 5 reference relating to the same or substantially the same question and in respect of the same land where there has been no change in the planning facts and circumstances since the earlier declaration.
28. This issue was considered in the case of *Narconon Trust V ABP* [2021] IECA 307 by the Court of Appeal. The Court concluded that a Section 5 declaration made by a planning authority (which has not been challenged by way of judicial review) is binding and conclusive and immune from challenge.
29. Such a declaration cannot be set aside by a later Section 5 reference relating to the same or substantially the same question and in respect of the same land where there has been no change in the planning facts and circumstances since the earlier declaration.
30. In the present case it would appear should the reference made by Wexford County Council to ABP be determined prior to the Section 5 reference of the local community being determined then, absent a challenge by way of judicial review, the ABP determination will be binding and conclusive.

**E. Question to be determine under the section 5 Referral either by WCC or ABP: Is the change of use of the existing building to an IPAS centre exempted development?**

31. I understand that the building the subject of the controversy is the former Great South Hotel. It has been abandoned since 2007. From the submission of the People of Rosslare it seems clear that its use as a hotel has been abandoned. It seems a commencement notice issued as set out above.

32. I am not aware of the extent of the works that the developers may have completed during the period between the two commencement notices. I am advised that no completion notices were issued nor was the building occupied or used as a nursing home in line with the permitted use.

33. It seems obvious therefore that the building had a nil use in planning terms when the commencement notice issued for IPAS centre. I do not think anything turns on whether it had a nil use or a nursing home use. It is clear the building was not in use as a hotel.

34. Section 3(1) of Planning and Development Act 2000, as amended states:

*"In this act, development means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making any material change in the use of any structures or other land."*

35. It seems obvious having regard to the submissions of both parties that the change of use to an IPAS centre is a material change that constitutes development and having regard to the definition of development I am of the view that it does constitute a material change of use.

36. It follows therefore the only question left to answer is whether this development is exempt or not.

37. Certain classes of uses of structures are exempted for temporary purposes to accommodate or support displaced persons or persons seeking international protection. Class 20 F was inserted by article 2 of SI 376/2023- Planning and Development (Exempted Development) (No4) Regulations. 2023.

38. Class 20 F, sets out a list of structures **used for particular purposes**, the temporary use of which to accommodate or support displaced persons or persons seeking international protection is exempted development, as follows;

*"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 are 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 a structure normally used for the public worship or religious instruction"*

39. As neither Nursing homes nor abandoned buildings come within scope of the above categories of use, in my view on that basis the development is unauthorised. In circumstances where the legislation is clear and unambiguous in that regard, I am of the view that the matter was not so complex that it required a referral to ABP at first instance by WCC.

#### **F. Actions of Wexford County Council:**

40. The local Authority are the competent authority in all planning matters for its electoral area. It operates a full planning section like all local authorities and presumably has resources and specialist advice as required. The Local Authority could have determined whether the IPAS centre was exempt development without any referral to ABP or without any Section 5 referral from the community in my view.

41. Local authorities regularly make decision on large and involved planning applications, cases that deal with complex environment, engineering, ecological, and archaeological issues. A Section 5 determination is the most basic planning function that a planning

authority is tasked with deciding on and given my analysis above, I am of the view that this was a net and discreet issue capable of being determined by WCC.

42. If one were to accept WCC contention that the issues were complex specialist advice could have been procured to assist in the determination such as to avoid the inevitable potential long delays of the ABP process. Presumably there must have been some political reason for such a referral.
43. A referral to ABP by the Local Authority neither strengthens nor weakens the ultimate decision. In deferring the decision to the Board, the Local Authority loses autonomy in relation to the decision and the Local Authority has failed to exhaust all local remedies before having recourse to an ABP.
44. Notwithstanding the forgoing the Chief Planner of WCC made a submission to ABP. I have reviewed the submission. The submission does not address the principal issue that the building was abandoned in planning terms in 2007. It further appears to conflate the issue of intensification of the use with the question of whether the use itself is exempt. It raises the issue of phasing which is not relevant to the exemption question.
45. The council maintain in their Press Release inter alia *"Separately, Wexford County Council received a Section 5 application from Deputy Verona Murphy on 15<sup>th</sup> November quoting similar grounds on which Wexford County Council made its application to An Bord Pleanála."*
46. This claim is clearly misconceived. One of the central considerations of Deputy Murphy's Section 5 reference relates to the abandonment of use of the former hotel. The Local Authorities reference to the board is completely silent in relation to this fundamental question.
47. In my view the Local Authority submission is deficient and inadequate in terms of raising critical and core question that needs to be addressed. ABP are entitled to and may re-formulate the questions posed by the local Authority but there is no guarantee that it will do so.
48. Significantly a third party in making a referral to the Local Authority in the first instance for consideration may canvass all points persuasively advancing its desired position. In

circumstances where the council refer to ABP under Section 5 they must adopt a neutral position.

49. There is no legal impediment to the Council withdrawing its Section 5 made to ABP and determine the Section 5 as submitted by the People of Rosslare. It is simply a matter of choice. In abdicating the responsibility to the Board, the Local Authority denies the People of Rosslare the opportunity to expressly make their persuasive arguments on the matter.
50. The referral directly to the board by the Local Authority removes an inexpensive opportunity available to the community to determine the matter at local level.

**G. Special Meeting to discuss the Controversary and interference in the executive function of the Local Authority**

51. Section 149 the Local Government Act 2001 as amended sets out the obligations of the Chief Executive in relation to its interaction with the views of elected members,

*"(1) In this section—*

*"elected council" includes the members of a joint body;*

*"local authority" includes a joint body.*

*(2) In respect of each local authority for which he or she is chief executive, a chief executive is responsible for—*

*(a) the efficient and effective operation of each such local authority, and*

*(b) for ensuring under section 132 the implementation without undue delay of the decisions of the elected council.*

*(3) For the purposes of discharging the responsibilities set out under subsection (2), the chief executive shall—*

*(a) exercise and perform in respect of each local authority for which he or she is the chief executive, the executive functions of such local authority (including all functions in relation to the employees of each such local authority), and*

*(b) for that purpose carry on and manage and control generally the administration and business of the authority.*

*(4) Every function of a local authority which is not a reserved function is, for the purposes of this Act, an executive function of such local authority.*

*(5) All such matters and things, including the making of contracts and the affixing of the official seal, as are necessary for or incidental to the exercise or performance of the executive functions of a local authority shall, subject to this Act or any regulations made under it, be done by the chief executive for such local authority.*

*(6) Subject to law, the functions of a chief executive shall be performed in accordance with the policy of the local authority as determined by the elected council in accordance with Chapter 1 of this Part.*

*(7) The chief executive, in performing his or her functions in accordance with subsection (6), shall have regard to the views of the elected members of the council, expressed in any of the following ways:*

*(a) at a meeting of the council;*

*(b) at a meeting of the municipal district members;*

*(c) at a meeting of any committee of the council;*

*(d) in responses in writing to any request for input to the development by the local authority of a new policy or an amendment of an existing policy.*

*(8) The chief executive shall, when requested by the elected council—*

*(a) report on the actions already taken and planned to be taken in exercise of his or her executive functions,*

*(b) review the implementation of, and any actions planned to implement, any executive function and report to the council in the matter."*

52. I understand that certain members of the council believe or have been advised that to vote in favour of the motions could compromise the executive function of the local authority and that they could be accused of wrongdoing by doing so.

53. Section 149 (8) places an express duty on the Chief Executive, when requested by the elected members, to firstly report on and secondly to review the implementation of actions taken or proposed to be taken in the context of the executive functions exercised by him.

54. To suggest that the elected members cannot or should not question or scrutinise the implementation of executive functions is at variance with the intention and purpose of Section 149 and is an assault on Local Democracy.

55. Section 149 affords members scope to influence and to hold their local Authority and its Chief Executive to account on behalf of their community. The present case is the perfect example of where this provision may be deployed. The motions simply require the Chief Executive to comply with Section 149.

**Conclusion:**

56. I am of the Opinion having regard to the net and discreet issue to be determined and the powers and function of the Local Authority, this is a matter that should be properly determined by the Local Authority at first instance as envisaged by the legislation and that the matter is not so complex as to require a referral to ABP in relation to the Section 5.

57. I am also of the view that the Local Authority can at this juncture withdraw their referral to ABP and deal with this locally and there is not impediment to withdrawing same and I am of the Opinion that to deal with the motions as proposed is not an interference with the executive functions of the Council and underpins the very principle of local democracy.

58. Its clear that no enforcement proceedings are in being as there is no authority to do so in the absence of a determination for unauthorised development which has not occurred to

date. Accordingly, the letter of the 10<sup>th</sup> of November 2023 does not constitute enforcement proceedings as contended by WCC.

59. Strategically, in my view, the actions taken to date by the Community are entirely appropriate in the circumstances and the correspondence and the submission to the Local Authority by Deputy Murphy are appropriate and in accordance with the legislative framework provided for Local Government. It is appropriate to ask the questions raised in light of the actions to date of the Local Authority.


**Paula McCarthy BL**  
**Michael McDowell SC**

**In the Matter of the Statutory Declarations Act 1938**


**I, John Murphy, Vehicle Body Repair Supervisor, of Castledaly, St. Martin's Road, Rosslare Harbour in the County of Wexford, aged 18 years and upwards in accordance with the provisions of the Statutory Declarations Act of 1938 MAKE OATH AND SAY as follows:-**

1. I am the owner and occupier of property situate at Castledaly, St. Martin's Road, Rosslare Harbour, Co. Wexford. I have been the owner and occupier of the said property since 2005. The said property is adjacent to the former hotel known as the Great Southern Hotel at Rosslare Harbour in the County of Wexford.
2. The said former hotel known as the Great Southern Hotel at Rosslare Harbour ceased operating and closed in 2010 and became a derelict building within the space of a year lying idle and unsecured, full of debris and rubbish, a major eyesore and concern to the residents of Rosslare Harbour. These concerns and the state of the building were made known to Wexford County Council. In this regard I beg to refer to extract from the Independent Newspaper dated 1<sup>st</sup> November 2011, upon which and marked with the letters "GSH1" I have endorsed my name prior to the swearing hereof.
3. My understanding is that the then owners were given permission to demolish the building known as the Great Southern Hotel at Rosslare Harbour and the fixtures and fittings were donated to the Society of St. Vincent de Paul to auction off and an auction was duly held and the said fixtures and fittings were sold. I beg again to refer to exhibit "GSH1".
4. To the date hereof the said former Great Southern Hotel at Rosslare Harbour never reopened as a hotel or otherwise and remained derelict and unoccupied. I further understand the then owners did not intend continuing the use of the site of the former Great Southern Hotel Rosslare Harbour as a hotel but had other plans for the said site. I beg again to refer to exhibit "GSH1".
5. I make this Statutory Declaration knowing that it is an offence to make a statement herein that is false and which I know to be false.

Signed by

  
John Murphy

Dated: the 18 day of January 2024

Signed and sworn by the said John Murphy  
Before me   
At Spawell Road, Wexford.

And I know the Deponent is identified to me by his Irish Passport C84113505  
on 17/4/2018 with photo.

Dated 18 day of January 2024

Patrick Raymond Corish,  
Commissioner for Oaths,  
Spawell Rd.,  
Wexford  
GSH 112218

Exhibit . GSH1

John Murphy  
McNeill 18/1/2014

## Wexford (/regionals/wexford)

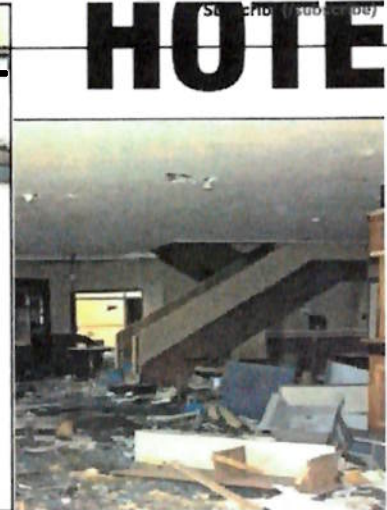
Change county (/regionals/change-county)

[News \(/regionals/wexford/news\)](#) [Sport \(/regionals/wexford/sport\)](#) [Business \(/regionals/wexford/business\)](#) [Lifestyle \(/regionals/wexford/lifestyle\)](#)  
[Wexford & District \(/regionals/wexford/wexford-district\)](#) [Enniscorthy \(/regionals/wexford/enniscorthy-news\)](#)  
[New Ross \(/regionals/wexford/new-ross-news\)](#) [Gorey \(/regionals/wexford/gorey-news\)](#)

### HEARTBREAK HOTEL

THE DEMISE OF THE 'GREAT SOUTHERN' HOTEL IS CAUSING CONCERN LOCALLY AND ACTS AS A REFLECTION OF THE STATE OF OUR COUNTRY'S ECONOMY

Irish Independent



# HOTE



CONOR CULLEN

Tue 1 Nov 2011 at 14:12



A ONCE pristine hotel in the heart of Rosslare Harbour has been allowed go to rack and ruin, with locals now increasingly concerned about the type of activity taking place there.

The Great Southern Hotel (which later became St Helen's Hotel) was once a favourite with tourists, but has now become a derelict building in the space of a year.

However, not only is the building now an eyesore for locals and visitors alike, residents of Rosslare Harbour have become increasingly concerned that the former hotel is a magnet for anti-social behaviour and a safety hazard.

The owners of the hotel, Merchant Properties Limited, with a registered address in Dublin, were given the go-ahead in October 2010 by An Bord Pleanála for 25 apartments on the site, to be used as sheltered housing for the elderly.

However, no work has ever taken place and the hotel has instead been lying idle and unsecured since it closed last year.

As the owners were given permission to demolish the hotel, they gave the St Vincent de Paul permission to sell off all the fixtures and fittings – from beds to radiators and kitchen equipment to mirrors – that were left in it when it closed.

The hotel has since been stripped even further and is now instead full of all kinds of debris and rubbish, like broken glass and beer cans, while it is completely accessible from all sides, through a huge amount of doors and broken windows.

Local resident Michael Delaney, a member of the Rosslare Harbour Environment Group, said that their primary concern is a safety one.

'It's dangerous right now, that's the most important thing. Kids are in and out of it and it appears there have been people sleeping in it too. Every day you look at it more and more damage is being done,' he said.

'You just can't stop people going in there the way it is right now - it's wide open,' he added.

Mr Delaney said that the hotel is also 'a terrible eyesore on the place' and pointed out that it was mentioned a number of times in Rosslare Harbour's latest Tidy Towns report. 'Things like that just don't help, it's in an awful state,' he said.

Local TD Liam Twomey said the hotel has been the cause of 'loads of complaints' to him in recent times.

'This is causing huge annoyance for people living in Rosslare Harbour,' said Dr Twomey. 'It really is dangerous.'

The Rosslare Strand-based Fine Gael TD said that he has been in touch with Wexford County Council and the requests they have made to Merchant Properties for works to the building have gone unheeded so far.

Local residents have also contacted Wexford County Council directly about the situation with the hotel, with one stating that they wrote to the local authority 'not only over its tragic demise, but also the anti-social activity it has now attracted'.

Craig Innes, Wexford Area Engineer, has inspected the hotel and compiled a report. He said that they are corresponding with Merchant Properties and are hoping the situation can be resolved with recourse to planning enforcement.

'We'd be anxious that something is done sooner rather than later to make the site safe,' said Mr Innes.

The engineer said they are 'still at a point where the owner of the property can do something about this himself without our intervention', adding that the council would rather people would take responsibility for their own buildings without them having to take legal action.

Mr Innes said that there are two main priorities. Firstly, the hotel needs to be cleaned up. He said this would just be a clear out as 'there's nothing of value in it anymore'.

He said that site also has to be made secure, which will involve boarding it up, while retaining secure access for maintenance/security work. Mr Innes said this will have to be done in a particular way.

'We don't want it left as an eyesore either, we want it look presentable,' he said, pointing out that it may be some time before the planned development for the site goes ahead - if it ever does.

However, Mr Innes pointed out that structurally the building is 'pretty sound', so there's no concerns in that respect, but that all the other issues will need to be addressed soon.

The council engineer said it's up to Merchant Properties what the next step will be.

Merchant Properties is a property development vehicle for Chartered Accountants Hilary Haydon and Fiona Cottell of Dublin-based Haydon Chartered Accounts.

Mr Haydon failed to respond to this newspaper when asked to comment on the situation last Thursday. A ONCE pristine hotel in the heart of Rosslare Harbour has been allowed to rack and ruin, with locals now increasingly concerned about the type of activity taking place there.

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## Promoted Links



### Windows Users Didn't Know This Simple Trick To Block All Ads (Do It Now)

Removing ads is the first step in having a faster, safer and hassle-free browsing experience!

Safe Tech Tips

([https://go.safetechtips.com/88d31df5-1e14-42d7-a537-faae74b30b91?](https://go.safetechtips.com/88d31df5-1e14-42d7-a537-faae74b30b91?sectionid=$section_id&sectionname=$section_name&publisherid=$publisher_id&publishername=$publisher_name&adtitle=Windows+Users+Didn%27t+Know+1)

sectionid=\$section\_id&sectionname=\$section\_name&publisherid=\$publisher\_id&publishername=\$publisher\_name&adtitle=Windows+Users+Didn%27t+Know+1



### Single over 50 in Dublin ? See who's on Ourtime!

Here, older singles connect for love and companionship.

Ourtime

([https://www.ourtime.co.uk/?](https://www.ourtime.co.uk/?mtcmk=919454&fsd=174&cbOrigUrl=true)

mtcmk=919454&fsd=174&cbOrigUrl=true)



**Wexford County Council**  
**County Hall, Wexford**  
**Planning Section Tel 053 9176210**  
**Planning Section Fax 053 9165054**  
**Planning Application Form**

20091698

**BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING:**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to your application form.

**ADDITIONAL INFORMATION**

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

**DATA PROTECTION**

The planning process is an open and public one. In that context, all planning applications are made available for public inspection and we (the planning authority) publish weekly lists of planning applications received as well as weekly lists of planning decisions. This information may also be placed on a website where this is the policy of the planning authority.

It has come to our attention that the publication of planning applications by planning authorities can lead to applicants being targeted by persons in the business sector engaged in direct marketing. In response to a request from the Data Protection Commissioner, you are hereby given an opportunity to indicate a preference with regard to the receipt of direct marketing arising from the lodging of a planning application.

**If you are satisfied to receive direct marketing please tick this box.** ☐

Direct marketing may be by post, by telephone, by hand or by electronic mail such as email or text message where such details are supplied.

It is the responsibility of those entities wishing to use the personal data on planning applications and decisions lists for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 & 2003 taking account of the preference outlined above

PLANNING REG. NO.: \_\_\_\_\_ FEE PAID: \_\_\_\_\_  
 RECEIPT NO.: \_\_\_\_\_ DATE: \_\_\_\_\_

**1. Name of Relevant Planning Authority:**

Wexford County Council

**2. Type of planning permission (please tick appropriate box):**

Permission [ X ]  
 Permission for Retention [ ]  
 Outline Permission [ ]  
 Permission consequent on [ ]  
 Grant of Outline Permission

**3. Where planning permission is consequent on grant of outline permission:**

Outline Permission Register Number:

N/A

Date of Grant of Outline Permission: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Version August 2007

**4. Applicant<sup>2</sup>: Name of Applicant (person/entity seeking planning permission not an agent acting on his/her behalf)**  
 (Address to be supplied at the end of this form – Question 23)

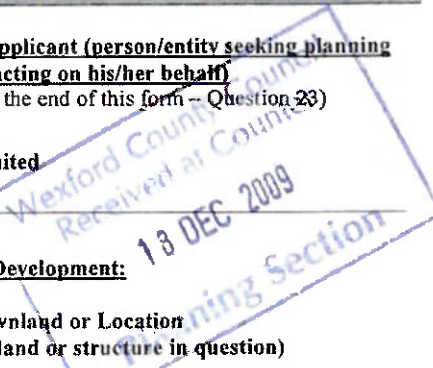
Merchant Properties Limited

**5. Location of Proposed Development:**

(a) Postal Address or Townland or Location  
 (as may best identify the land or structure in question)

St. Martin's Road, Rosslare Harbour, County Wexford

(b) Ordnance Survey Map Ref No.  
 (and the Grid Reference<sup>1</sup> where available)  
 5645-C



20091698

**6. Where Applicant is a Company (registered under the Companies Acts 1963 to 1999):**

(a) Names of All Company Directors

Hilary Haydon \_\_\_\_\_ Finoa Cottell \_\_\_\_\_

(b) Registered Address (of company)

110 Amiens Street, Dublin 1

(c) Company Registration Number

245130

**7. (a) Person/Agent acting on behalf of the Applicant (if any):**

Niall D. Brennan Associates, Architects (Address to be supplied at the end of form – Question 24)

(b) Correspondence to be sent to Agent

Yes [X] No [ ]

If the answer is no all correspondence will be sent to the Applicant's address

**8. Person responsible for preparation of Drawings and Plans<sup>3</sup>:**

(a) Name

Jude O'Loughlin

(b) Firm/Company

Niall D. Brennan Associates, Architects

**9. Description of Proposed Development:**(Brief Description of nature and extent of development<sup>4</sup>)

Demolition of existing bungalow and construction of new development consisting of demolition of existing 2 storey building known as St. Helen's Hotel, (formerly Great Southern Hotel) and construction of new 60 bed Nursing Home Facility on 2 to 4 storeys with new vehicular access from St Martin's Road, and associated car parking, landscaping and site development works at St. Helen's Hotel, St. Martin's Road, Rosslare Harbour.

**10. Legal Interest of Applicant in the Land or Structure:**

Please tick appropriate box to show applicant's legal interest in the land or structure

A Owner [X] B Occupier [ ]

\*C Other [ ] D Prospective Purchaser [ ]

\*Where legal interests is 'Other', please expand further on your interest in the land or structure

If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the planning application as listed in the accompanying documentation.

N/A

**11. Site Area:**

Area of site to which the application relates in hectares.

0.489 Ha

**12. Where the application relates to a building or buildings:**Gross floor space<sup>5</sup> of any existing building (s) in m<sup>2</sup>88.3 m<sup>2</sup>Gross floor space of proposed works m<sup>2</sup>(a) 2845 (b) \_\_\_\_\_ (c) \_\_\_\_\_ (d) \_\_\_\_\_ m<sup>2</sup>Gross floor space of work to be retained in m<sup>2</sup> (if appropriate)0 m<sup>2</sup>Gross floor space of any demolition m<sup>2</sup> (if appropriate)88.3 m<sup>2</sup>

If more than 4 units please attach a detailed schedule listing house types, no. of each house type and floor areas. N/A

**13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:**

Class of Development

Gross floor area in m<sup>2</sup>

N/A

**14. In the case of residential development please provide breakdown of residential mix:**

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses	N/A						
Apartments							
Number of car-parking spaces to be provided	Existing:	Proposed:		Total:			

**15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:**Existing use<sup>6</sup> (or previous use where retention permission is sought)

Hotel Carpark; Private House

Proposed use (or use it is proposed to retain)

Nursing Home

Nature and extent of any such proposed use (or use it is proposed to retain)

Nursing home with associated parking and garden use.

**16. Social and Affordable Housing – Please tick appropriate box**

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000<sup>7</sup> applies?

YES [ ] NO [X]

If the answer to the above question is "yes" and the development is not exempt (see below), you must specify, as part of your application, the manner in which you propose to comply with Section 96 of Part V of the Act.

If the answer to the above question is "yes" but you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000<sup>8</sup>, a copy of the Certificate of Exemption under Section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is "no" by virtue of Section 96(13) of the Planning and Development Act 2000<sup>9</sup>, details indicating the basis on which Section 96(13) is considered to apply to the development should be submitted.

**17. Development Details – Please tick as appropriate**

	YES	NO
Does the proposed development consist of work to a <u>protected structure</u> and/or its curtilage or proposed protected structure and/or its curtilage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposed development consist of work to the exterior of a structure which is located within an <u>architectural conservation area</u> (ACA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the application relate to development which affects or is close to a <u>monument</u> or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 <sup>10</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the application relate to work within or close to an <u>European Site</u> (under S.I. No.94 of 1997) or a <u>Natural Heritage Area</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposed development require the preparation of an <u>Environmental Impact Statement</u> <sup>11</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the application relate to a development which comprises or is for the purposes of an activity requiring an <u>integrated pollution prevention and control licence</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the application relate to a development which comprises or is for the purposes of an activity requiring a <u>waste licence</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do the <u>Major Accident Regulations</u> apply to the proposed development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the application relate to a development in a <u>Strategic Development Zone</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposed development involve the <u>demolition</u> of any <u>habitable house</u> <sup>12</sup> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**18. Site History – Details regarding site history (if known)**

Has the site in question ever, to your knowledge, been flooded?  
Yes [ ] No [X]

If yes, please give details e.g. year, extent.

N/A

Are you aware of previous uses of the site e.g. dumping or quarrying?  
Yes [ ] No [X]

If yes, please give details

N/A

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes [ ] No [X]

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

Reference No.: N/A

Date of Submission:

**NOTE**

If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001 as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development<sup>13</sup>?

Yes [ ] No [X]

An Bord Pleanála Reference No.: N/A

**19 Pre-application Consultation**

Has a pre-application consultation taken place in relation to the proposed development<sup>14</sup>?

Yes No

If yes, please give details

Reference No. (if any):

Date(s) of consultation: 02.10.08; 31.10.08; 21.07.09

Persons involved: Diarmuid Houston, Eamonn Hoare, Ray Howell

**20 Services**

**Proposed Source of Water Supply**

Existing connection [ ] New connection [X]

Public Mains [X] Group Water Scheme [ ] Private Well [ ]

Other (please specify):

Name of Group Water Scheme (where applicable)

20091698

**Proposed Wastewater Management/Treatment**

Existing [ ] New [X]

Public Sewer [X] Conventional septic tank system [ ]

Other on-site treatment system [ ]

Please specify \_\_\_\_\_

**Proposed Surface Water Disposal**

Public Sewer/Drain [X]

Soakpit [ ]

Watercourse [ ]

Other [ ]

Please specify \_\_\_\_\_

**21. Details of Public Notice**Approved newspaper<sup>15</sup> in which notice was published

\_\_\_\_\_ Irish Independent \_\_\_\_\_

Date of publication 17 / 12 / 09

Date on which site notice was erected 18 / 12 / 09

**22. Application Fee**

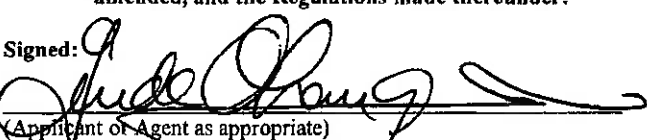
Fee Payable: €10,322

Basis of Calculation:

2845sq. m X €3.60 per sq.m = €10,322.00 plus €80.00 above

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder:

Signed:



(Applicant or Agent as appropriate)

Date: 18/12/09

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements.

**This form should be accompanied by the following documentation:**

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

**ALL Planning Applications**

- ☐ 6 copies of the fully completed and signed Planning Application Form
- ☐ 6 copies of the relevant page of newspaper that contains notice of your application including the date and title of the newspaper
- ☐ 6 copies of the site notice
- ☐ 6 copies of site location maps<sup>16</sup> (1:10560 and 1:2500)
- ☐ 6 copies of site or layout plan<sup>16+17</sup>
- ☐ 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections – except in the case of outline permission)
- ☐ The appropriate Planning Fee
- ☐ Planning Application Checklist (completed)

**Where the applicant is not the legal owner of the land or structure in question:**

- ☐ The written consent of the owner to make the application

**Where the application is for residential development that is subject to Part V of the 2000 Act:**

- ☐ Specification of the manner in which it is proposed to comply with section 96 of Part V
- Or
- ☐ A certificate of exemption from the requirements of Part V
- Or
- ☐ A copy of the application submitted for a certificate of exemption.

**Where the application is for residential development that is not subject to Part V of the 2000 Act by virtue of section 96(13) of the Act:**

- ☐ Information setting out the basis on which section 96(13) is considered to apply to the development.

**Where the disposal of wastewater for the proposed development is other than to a public sewer:**

- ☐ Information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed

**Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):**

- ☐ Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.

**Applications that refer to a material change of use or extension of such a material change of use:**

- ☐ Plans (including a site or layout plan) and drawings of floor plans, elevations and sections which comply with the requirements of Article 23) and other particulars required describing the works proposed.

**Where an application requires an Environmental Impact Statement:**

- ☐ An Environmental Impact Statement

**Applications that are exempt from planning fees:**

- ☐ Proof of eligibility for exemption

SEE ALSO PAGE 7

**Supplementary Information**

**TO BE COMPLETED FOR ALL SINGLE RURAL HOUSING APPLICATIONS**

By filling in this section of the application form you will greatly assist the Planning Authority in considering your application, reduce the need for further information and will save time in having a decision reached.

1. Name of Applicant (s) (not agent)

N/A

2. Is the proposed dwelling for:

- Occupation as a place of primary residence ☐
- For Sale ☐
- Second / Holiday Home ☐
- Occupation by member of farm family ☐

3. Indicate if in the event of a grant of planning permission you would be willing to accept an occupancy condition restricting first occupancy of the proposed house as a place of permanent residence for a period of 5 years.

Yes ☐ No ☐

4. Membership of Local Community

If you have been a member of the community in the area of the proposed site, please state length of time and approximate dates you have lived in the locality.

5. Will the proposed development be located in:

- (a) Areas under Strong Urban Influence ☐
- (b) Stronger Rural Areas ☐
- (c) Structurally Weak Areas ☐

Applicants or Agents are advised to consult with Section 2.4.1 of the County Development Plan that sets out the Council's policy in relation to rural housing.

If the proposed dwelling is located in an area under (a) Strong Urban Influence, the applicant is requested to demonstrate your need for the proposed dwelling having regard to your current living accommodation.

(A).1 Do you own your home **20091698**

(A).2 Do you qualify as a first time buyer (never owned a dwelling)

Please clarify your linkages to the area

6. Occupational Details

Occupation	
Name & Address of Employer	
Actual Place of Work	
Distance of work from proposed site	

7. Any other information in support of your application that you feel is relevant

Please continue on a separate sheet if required.

**Declaration 1**

I hereby declare that the information provided in and accompanying this application is correct, accurate and true. I understand that should any of the information be found to be deliberately misleading that the County Council shall be entitled to take appropriate action

Signature of Applicant(s) (not agent)

Date

**Wexford County Council**  
**18 DEC 2009**  
**Planning Section**

## Directions for completing this form.

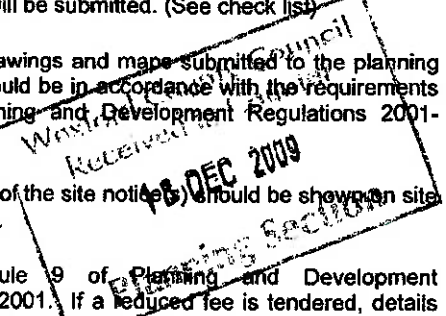
1. Grid reference in terms of the Irish Transverse Mercator.
2. "The applicant" means the person seeking the planning permission, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building; i.e. Floor areas must be measured from inside the external wall.
6. Where the existing use is 'vacant', please state most recent authorised use of the land or structure.
7. Part V of the Planning and Development Act 2000 applies where –
  - the land is zoned for residential use or for a mixture of residential and other uses;
  - there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing; and
  - the proposed development is not exempt from Part V.
8. Under section 97 of the Planning and Development Act 2000, applications involving development of 4 or fewer houses or development on land of less than 0.1 hectare may be exempt from Part V.
9. Under section 96(13) of the Planning and Development Act 2000, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act
10. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for the Environment, Heritage and Local Government or a local authority or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for the Environment, Heritage and Local Government. For information on whether national

monuments are in the ownership or guardianship of the Minister for the Environment, Heritage and Local

Government or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of the Environment, Heritage and Local Government (1890 20 20 21).

11. An Environmental Impact Statement (EIS) is required for classes of development prescribed by Article 93 and Schedule 5 of the Planning and Development Regulations 2001-2006. In accordance with Article 103 of the Planning and Development Regulations 2001, an EIS may also be required for developments below the prescribed threshold if the planning authority considers that the development is likely to have significant effects on the environment or, where the development would be located on or in an area, site, etc. set out in Article 103(2), it considers that the development would be likely to have significant effects on the environment of that area, site, etc.
12. Demolition of a habitable house requires planning permission.
13. The appeal must be determined or withdrawn before another similar application can be made.
14. A formal pre-application consultation may only occur under Section 247 of the Planning and Development Act 2000. While it is not mandatory, a pre-planning consultation is recommended. The applicant should contact the planning authority to arrange specific times and locations. In the case of residential development to which Part V of the 2000 Act applies, applicants are advised to avail of the pre-application consultation facility in order to ensure that a Part V agreement in principle can be reached in advance of the planning application being submitted.
15. The list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority to which the application will be submitted. (See check list)
16. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2006.
17. The location of the site notified should be shown on site location map.
18. See Schedule 9 of Planning and Development Regulations 2001. If a reduced fee is tendered, details of previous relevant payments and planning permissions should be given. If exemption from payment of fees is being claimed under Article 157 of the 2001 Regulations, evidence to prove eligibility for exemption should be submitted.
19. The address of the Applicant and Agent (if any) should be included here.

20091698



**Wexford County Council**  
**Carricklawn, Wexford Y35 WY93**  
**Planning Section Tel 053 9196000 (Option 2)**  
**Planning Section Fax 053 9196095**



## Planning Application Form

### **BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING:**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to your application form.

### **ADDITIONAL INFORMATION**

It should be noted that each Planning Authority has its own Development Plan, which sets out local development policies and objectives for its own area. The Authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

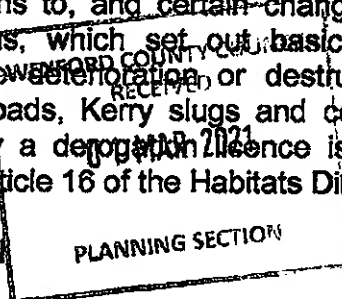
Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

### **OTHER STATUTORY CODES**

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Arts, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

### **DATA PROTECTION**

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.



**1. Name of Relevant Planning Authority:**Wexford County Council**2. Type of planning permission**

(please tick appropriate box):

Permission	[ x ]
Permission for Retention	[ ]
Outline Permission	[ ]
Permission consequent on Grant of Outline Permission	[ ]

**3. Where planning permission is consequent on grant of outline permission:****Outline Permission Register Number:****Date of Grant of Outline Permission:**     /      /     **4. Applicant<sup>2</sup>: Name of Applicant**

(person/entity seeking Planning Permission not an agent acting on his/her behalf)

(Address to be supplied at the end of this form - Question 24)

Domal DevelopmentsLtd**5. Location of Proposed Development:****(a) Postal Address or Townland or Location**  
(as may best identify the land or structure in question)**Former Great Southern Hotel site at St Martins  
Rd. Ballygillane Little, Rosslare Harbour****(b) Ordnance Survey Map Ref No.**  
(and the Grid Reference<sup>1</sup> where available)**6. Where Applicant is a Company**  
(registered under the Companies Acts):**(a) Names of All Company Directors**MartinHannonMartinDoran**(b) Registered Address (of company)**Greyfield, Tankardstown, Rathoath, Co  
Meath**(c) Company Registration Number**  
607594**7. (a) Person/Agent acting on behalf of the Applicant (if any):**Halley Murphy &  
Assocs           (Address to be supplied at the end of form - Question 23)**(b) Correspondence to be sent to Agent**  
Yes [ x ]      No [ ]

If the answer is no all correspondence will be sent to the Applicant's address

**8. Person responsible for preparation of Drawings and Plans<sup>3</sup>:**

**(a) Name**

Paul

Leonard \_\_\_\_\_

**(b) Firm/Company**

\_\_\_\_\_  
\_Halley Murphy & Assocs  
\_\_\_\_\_

**9. Description of Proposed Development:**

(Brief Description of nature and extent of development – this should correspond with the wording of the Newspaper Advert & Site Notice<sup>4</sup>)

\_Change of use of former Hotel to 90  
bedroom Nursing Home including  
dayrooms, offices, meeting rooms,  
mortuary, laundry ,kitchen ,dining  
room, staff rooms , various bathrooms,  
treatment room ,and ancillary  
accommodation , 24 one bedroom  
assisted living apartments and 1 studio  
apartment (total 25 apartments ) , 2<sup>nd</sup>  
floor extension to existing north and  
west wings ,single storey extensions at  
south and east of existing building , 2  
storey extensions at south and west of  
existing building ,3 storey extensions  
to south and west of existing building  
,alterations to all elevations ,external  
steps and ramps ,front boundary wall  
with railing and gates at St Martins Rd ,  
walled service area, new boundary  
fencing with gate to northern boundary  
, ancillary site works and carparking for

77 cars  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**10. Legal Interest of Applicant in the Land or Structure:**

Please tick appropriate box to show applicant's legal interest in the land or structure

A Owner ☒ B Occupier ☐  
\*C Other ☐ D Prospective Purchaser ☐

\*Where legal interests is 'Other', please expand further on your interest in the land or structure  
If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the planning application as listed in the accompanying documentation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11. Site Area:**

Area of site to which the application relates in hectares.

\_\_\_\_1.110\_\_\_\_\_ Ha

**12. Where the application relates to a building or buildings:**

Gross floor space<sup>5</sup> of any existing building (s) in m<sup>2</sup> \_\_\_\_\_6367\_\_\_\_\_ m<sup>2</sup>

Gross floor space of proposed works m<sup>2</sup>

(a)\_3425 ground floor \_\_\_\_\_(b)\_3091 first  
floor \_\_\_\_\_(c)\_1462 2<sup>nd</sup> floor \_\_\_\_\_(d)\_\_\_\_\_  
m<sup>2</sup>

Gross floor space of work to be retained in m<sup>2</sup>  
(if appropriate) N/A  
m<sup>2</sup>

Gross floor space of any demolition m<sup>2</sup>  
(if appropriate) N/A m<sup>2</sup>

If more than 4 units please attach a detailed schedule listing house types, no. of each house type and floor areas.

13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:

Class of Development	Gross floor area in m <sup>2</sup>
<u>Class 4</u>	<u>5718</u>
<u>Class 1</u>	<u>2262</u>
<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>

14. In the case of residential development please provide breakdown of residential mix:

15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use<sup>6</sup> (or previous use where retention permission is sought)

Disused hotel

Proposed use (or use it is proposed to retain)

Nursing Home and assisted living apartments

Nature and extent of any such proposed use (or use it is proposed to retain)

Entire building

16. Social and Affordable Housing – Please tick appropriate box

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000<sup>7</sup> applies?

YES [ ] NO [x]

If the answer to the above question is "yes" and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act including, for example,

(i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses							
Apartments							
Number of car-parking spaces to be provided	Existing		Proposed		Total		

authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and

(ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development

works as required to comply with the provisions in Part V of the Act..

If the answer to the above question is "yes" but you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000<sup>8</sup>, a copy of the Certificate of Exemption under Section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is "no" by virtue of Section 96(13) of the Planning and Development Act 2000<sup>9</sup>, details indicating the basis on which Section 96(13) is considered to apply to the development should be submitted.

**17. Development Details – Please tick as appropriate**

	YES	NO
Does the proposed development consist work to a protected structure and/or its curtilage or <u>proposed protected</u> structure and/or its curtilage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Does the proposed development consist of work to the exterior of a structure which is located within an <u>architectural conservation area</u> (ACA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

Does the application relate to development which affects or is close to a <u>monument</u> or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 <sup>10</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Does the proposed development require the preparation of an <u>Environmental Impact Assessment Report</u> <sup>11&amp; 12</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

Does the proposed development require the preparation of a <u>Natura Impact Statement</u> <sup>13</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

Does the application relate to work within or close to an <u>European Site</u> (under S.I. No.94 of 1997) or a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	-------------------------------------

**Natural Heritage Area?**

Does the application relate to a development which comprises or is for the purposes of an activity requiring an <u>integrated pollution prevention and control licence</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	-------------------------------------

Does the application relate to a development which comprises or is for the purposes of an activity requiring a <u>waste licence</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

Do the Major Accident Regulations apply to the proposed development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	-------------------------------------

Does the application relate to a development in a <u>Strategic Development Zone</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

Does the proposed development involve the <u>demolition</u> of any <u>habitable house</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

**18. Site History – Details regarding site history (if known)**

Has the site in question ever, to your knowledge, been flooded?

Yes ☐ No ☒

If yes, please give details e.g. year, extent.

Are you aware of previous uses of the site e.g dumping or quarrying?

Yes ☐ No ☒

If yes, please give details

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes ☐ No ☒

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:  
Reference No.: \_\_\_\_\_

Date of Submission: \_\_\_\_\_

**Do any Statutory Notices apply to the site/building at present? (e.g. Fire Safety, Enforcement, Dangerous Buildings, Derelict Sites, Building Control etc)**

Yes [ ] No [x]

If Yes Please give details:-  
\_\_\_\_\_

**NOTE**

If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001 as amended.

**Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development <sup>14</sup>?**

Yes [ ] No [x]

**An Bord Pleanála Reference No.:**  
\_\_\_\_\_

**19 Pre-application Consultation**  
**Has a pre-application consultation taken place in relation to the proposed development <sup>15</sup>?**

Yes [x] No [ ]

If yes, please give details

Reference No. (if any):

\_P20200313\_

**Please submit documentation**

Date(s) of consultation:

\_12\_/\_11\_/\_2020\_

Persons involved: \_\_\_as noted in minutes\_\_\_\_\_  
\_\_\_\_\_

**20 Services**

**Proposed Source of Water Supply**

Existing connection [x] New connection [ ]

Public Mains [x] Group Water Scheme [ ]

Private Well [ ]

**Other (please specify):**  
\_\_\_\_\_

**Name of Group Water Scheme (where applicable)**  
\_\_\_\_\_

**Proposed Wastewater Management/Treatment**

Existing [X] New [ ]

Public Sewer [X]

Conventional septic tank system [ ]

Other on-site treatment system [ ]

**Please specify**  
\_\_\_\_\_

**Proposed Surface Water Disposal**

Public Sewer/Drain [x]

Soakpit [ ]

Watercourse [ ]

Other [ ]

**Please specify**  
\_\_\_\_\_

**21. Details of Public Notice**

Approved newspaper<sup>16</sup> in which notice was published

Wexford

People \_\_\_\_\_

**Date of publication** \_16\_/\_2\_/\_2021\_

**Date on which site notice was erected**

\_1\_/\_3\_/\_2021\_

**22. Application Fee**

**Fee Payable:**

22,200.80

**Basis of Calculation:**

See attached

23. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Acts 2000, as amended, and the Regulations made there under:

**Signed:**

  
(Applicant or Agent as appropriate)

Date: 01/03/2021

**SEE ALSO PAGE 12**

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

**All Planning Applications**

- ☐ 6 copies of the fully completed and signed Planning Application Form
- ☐ 6 copies of the relevant page of newspaper that contains notice of your application including the date and title of the newspaper
- ☐ 6 copies of the site notice
- ☐ 6 copies of site location maps<sup>1</sup> (1:10560 and 1:2500)
- ☐ 6 copies of site or layout plan<sup>2</sup>
- ☐ 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections – except in the case of outline permission)
- ☐ The appropriate Planning Fee
- ☐ 6 Planning Application Checklist (completed)

**Where the applicant is not the legal owner of the land or structure in question:**

- ☐ The written consent of the owner to make the application

**Where the application is for residential development that is subject to Part V of the Planning & Development Acts 2000:**

Details of the manner in which it is proposed to comply with section 96 of Part V of the Act including, for example,

(i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and

(ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an

appropriate share of any common development works as required to comply with the provisions in Part V of the Act

- Or
- ☐ A certificate of exemption from the requirements of Part V

Or

  - ☐ A copy of the application submitted for a certificate of exemption

**Where the application is for residential development that is not subject to Part V of Planning & Development Acts 2000 virtue of section 96(13) of the Act:**

- ☐ Information setting out the basis on which section 96(13) is considered to apply to the development

**Where the disposal of wastewater for the proposed development is other than to a public sewer:**

- ☐ Information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.

**Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):**

- ☐ Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.

**Applications that refer to a material change of use or retention of such a material change of use:**

- ☐ Plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of Article 23) and other particulars required describing the works proposed.

**Where an application requires an Environmental Impact Assessment Report:**

- ☐ An Environmental Impact Assessment Report, and
- ☐ A copy of the confirmation notice received from the EIA portal in accordance with article 97B(2) of the permission regulations

**Applications that are exempt from planning fees:**

- ☐ Proof of eligibility for exemption<sup>18</sup>

#### Supplementary Information

#### TO BE COMPLETED FOR ALL SINGLE RURAL HOUSING APPLICATIONS

By filling in this section of the application form you will greatly assist the Planning Authority in considering your application, reduce the need for further information and will save time in having a decision reached.

1. Name of Applicant (s) (not agent)

2. Is the proposed dwelling for:

- |  |     |
|--|-----|
| Occupation as a place of primary residence | [ ] |
| For Sale                                   | [ ] |
| Second / Holiday Home                      | [ ] |
| Occupation by member of farm family        | [ ] |

3. Indicate if in the event of a grant of planning permission you would be willing to

accept an occupancy condition restricting first occupancy of the proposed house as a place of permanent residence for a period of 5 years.

Yes ☐ No ☐

Applicants or Agents are advised to consult with Table 12 Criteria for Individual Rural Housing of the Wexford County Development Plan that sets out the Council's policy in relation to rural housing.

#### 4. Membership of Local Rural Area

If you have been a member of the local rural area in the area of the proposed site (as defined by Table 12 of the County Development Plan), please state length of time and approximate dates you have lived in the locality. Please provide a map showing proposed site & location of linkages to area.

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#### 5. Will the proposed development be located in:

- (a) Areas under Strong Urban Influence ☐  
 (b) Stronger Rural Areas ☐  
 (c) Structurally Weak Areas ☐  
 (d) Coastal Zone ☐

The applicant is requested to demonstrate their need for the proposed dwelling having regard to your current living accommodation.

(A).1 Do you own your home ☐

(A).2 Do you qualify as a first time buyer (never owned a dwelling) ☐

Please clarify your linkages to the area

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#### 6. Occupational Details

Occupation	
Name & Address of Employer	

Actual Place of Work

Distance of work from proposed site

#### 7. Any other information in support of your application that you feel is relevant

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Please continue on a separate sheet if required.

#### Declaration 1

I hereby declare that the information provided in and accompanying this application is correct, accurate and true. I understand that should any of the information be found to be deliberately misleading that the County Council shall be entitled to take appropriate action

Signature of Applicant(s) (not agent)

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

#### Directions for completing this form.

- Grid reference in terms of the Irish Transverse Mercator.
- "The applicant" means the person seeking the planning permission, not an agent acting on his or her behalf.
- Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
- A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc. - this should correspond with the wording of the Newspaper Advert & Site Notice
- Gross floor space means the area ascertained by the internal measurement

of the floor space on each floor of a building; i.e. Floor areas must be measured from inside the external wall.

6. Where the existing land or structure is not in use, please state most recent authorised use of the land or structure.
7. Part V of the Planning and Development Act 2000 applies where –
  - the land is zoned for residential use or for a mixture of residential and other uses;
  - there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing; and
  - the proposed development is not exempt from Part V.
8. Under section 97 of the Planning and Development Act 2000, applications involving development of 9 or fewer houses or development on land of less than 0.1 hectare may be exempt from Part V.
9. Under section 96(13) of the Planning and Development Acts 2000, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act
10. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Arts, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of the Environment, Heritage and Local Government.
11. An Environmental Impact Assessment Report (EIAR) and the confirmation notice from the EIA portal are required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2018 which equals or exceeds, as the case may be, a limit, quantity or threshold set for that class of development. An EIAR and confirmation notice from the EIA portal will also be required by the planning authority in respect of sub-threshold development where the authority considers that the development would be likely to have significant effects on the environment (article 103).
12. In accordance with Article 97 of the Planning and Development Regulations 2001 (as amended) where an EIAR is required to be submitted in connection with a planning application the applicant for planning permission shall submit 10 copies and one electronic copy of the EIAR. The electronic copy of the EIAR submitted shall be searchable by electronic means as far as practicable.
13. An appropriate assessment of the proposed development is required in cases where it cannot be excluded that the proposed development would have a significant effect on a European site. It is the responsibility of the Planning Authority to screen proposed developments to determine whether an appropriate assessment is required and where the Authority determines that an appropriate assessment is required, the Authority will normally require the applicant to submit a Natura impact statement (NIS). Where the applicant

**WEXFORD COUNTY COUNCIL PLANNING AUTHORITY**

**PLANNING AND DEVELOPMENT ACT 2000**

**NOTIFICATION OF DECISION ON PLANNING APPLICATION**

The Decision of Wexford County Council on the application described in the Schedule to this Notice is as shown therein. Please be advised that in making this Decision, Wexford County Council has taken into account any observations or submissions received. Please read the notes supplied with this Notice.

Signed on behalf of *Wexford County Council*

Date 15 April 2010

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**SCHEDULE**

**PARTICULARS OF PLANNING APPLICATION**

PLANNING REG. NO.: 20091698

DATE OF APPLICATION: 18 December 2009

APPLICANT: MERCHANT PROPERTIES LIMITED  
110 Amiens Street  
Dublin 1

TYPE OF APPLICATION: PERMISSION

PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING BUNGALOW AND  
CONSTRUCTION OF NEW DEVELOPMENT CONSISTING  
OF DEMOLITION OF EXISTING 2 STOREY BUILDING  
KNOWN AS ST. HELEN'S HOTEL, (FORMERLY GREAT  
SOUTHERN HOTEL) AND CONSTRUCTION OF NEW 60 BED  
NURSING HOME FACILITY ON 2 TO 4 STOREYS WITH NEW  
VEHICULAR ACCESS FROM ST MARTIN'S ROAD, AND  
ASSOCIATED CAR PARKING, LANDSCAPING AND SITE  
DEVELOPMENT WORKS

LOCATION: BALLYGILLANE LITTLE, ST HELENS

DECISION: GRANTED subject to CONDITIONS as listed hereinafter.

DATE OF DECISION: 15 April 2010

**CONDITIONS AND REASONS THEREFOR**

1. The proposed development shall be carried out in accordance with:

- (i) the plans and particulars lodged with the planning application; and,
- (ii) the further information date stamped 19th March 2010 except as otherwise required by the conditions of this permission.

**REASON:**

To ensure the proposed development accords with the permission and that effective control is maintained.

2. Notwithstanding the submitted plans, the fourth floor level shall be omitted and revised plans shall be submitted to the Planning Authority for written agreement prior to the commencement of the development.

**REASON:**

In the interests of proper planning and sustainable development of the area.

3. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of public water supply schemes serving the functional area of the Planning Authority. The contribution shall be payable at the time of commencement of development and the amount shall be nineteen thousand nine hundred and sixty eight euro (€19,968.00)

**REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

4. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of public sewerage schemes serving the functional area of the Planning Authority. The contribution shall be payable at the time of commencement of development and the amount shall be thirty two thousand four hundred and forty eight euro (€32,448.00).

**REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

5. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of the public roads in the functional area of the Planning Authority. The contribution shall be payable at the time of commencement of development and the amount shall be forty two thousand four hundred and thirty two euro (€42,432.00).

**REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

6. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of community facilities in the functional area of the Planning Authority. The contribution shall be payable at the time of commencement of development and the amount shall be twelve thousand four hundred and eighty euro

(€12,480.00).

**REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

**7. Deliveries shall be restricted to the following periods:**

Monday to Saturday	8.30 am to 18.00 pm
Sundays and Bank Holidays	9.00 am to 17.00 pm

**REASON:**

To protect the amenities of the occupiers of the residential properties in the vicinity of the site.

**8. The noise level from within the boundaries of the development shall not exceed 55db (A) rated sound level at any point along the boundary of the development or the equivalent at any point outside the boundary between the hours of 8.00 to 18.00, Monday to Friday inclusive but excluding Bank Holidays. At all other times the noise level shall not exceed 45db (a) rated sound level. Neither shall noise contain any impulsive noise or audible tone components.**

**REASON:**

To prevent noise pollution.

**9. Ramped/drop kerb access points shall be provided on the footpaths at the heads of all junctions and intermediate points within the proposed development, to allow access through out the site for people with disabilities.**

**REASON:**

In the interests of proper planning and development.

**10. Details of materials, colours and textures of all external finishes to the proposed development, including the boundary treatment, shall be submitted to and agreed with the Planning Authority before the commencement of development or, in default of agreement, shall be determined by An Bord Pleanala.**

**REASON:**

In the interests of orderly development and the visual amenities of the area.

**11. The water supply to the development shall be provided from the public water supply only.**

**REASON:**

In the interests of public health.

**12. The proposed slates/ tiles shall be black, blue black or grey in colour.**

**REASON:**

In the interests of visual amenity.

**13. All services (electricity, telephone, etc) adjacent to and within the development shall be underground.**

**REASON:**

In the interests of visual amenity.

14. Prior to the commencement of development *full design details of all public footpaths adjoining the site, including position, gradient and materials shall be submitted to the Planning Authority for written agreement. Ramped or drop curb access points shall be provided on the footpaths to provide equal access for people with disabilities.*

REASON:

In the interests of traffic and pedestrian safety.

15. Levels of illumination on the site and external light sources shall be designed so as to minimise overall light emission from the site and to prevent glare or dazzle on adjoining access road, *public road or on adjoining properties.*

REASON:

In the interests of visual amenity, traffic safety and the proper planning and development of the area.

16. Levels of illumination on the site and external light sources shall be designed so as to minimise overall light emission from the site and to prevent glare or dazzle on adjoining access road, *public road or on adjoining properties.*

REASON:

In the interests of visual amenity, traffic safety and the proper planning and development of the area.

17. All surface water from roofs and paved areas shall be discharged to the surface water disposal system and no surface water shall be discharged to a foul sewer.

REASON:

To avoid overloading the foul sewerage system, in the interests of public health.

18. The proposed landscaping scheme shall be carried out within twelve months from that date when any building hereby permitted is occupied or carried out as the case may be. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON:

As provided in Section 34(4)(e) of the Planning and Development Act 2000 and in the interests of visual amenity.

19. Adequate internal refuse storage areas for the development shall be provided within the curtilage of the application property.

REASON:

In the interests of public health and visual amenity.

**END OF SCHEDULE**

Please note you are now required to remove your site notice(s) immediately.

**AN 1**

**Section 34 (13) of the Planning & Development Act 2000 reads**

**"A person shall not be entitled solely by reason of a Permission or Approval under this Section to carry out any development."**

**This is referred to in the context of the need to avoid infringing in any way the rights of adjoining property owners.**

**AN 2**

**The applicant/ developer are advised to consult the Building Regulations 1997 – 2000 in particular Part M - Access for People with Disabilities. The Building Control Section of Wexford County Council can be contacted for any advice in connection with the Building Regulations.**

**AN 04**

**All works to the public road or footpaths, including temporary works, will require consent from the Roads Section of Wexford County Council.**

**An05**

**Consultation With The Water Services Section Is Required Prior To Connecting To The Public Water-Main.**

**Prior to commencement of development, it is advised that the developer consult with the Health Information and Quality Authority (HIQA) with regard to ensuring compliance with all Nursing Home Regulations.**

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