

# Comhairle Contae Loch Garman

AN BORD PLEANÁLA	
LDG- 068650-23	
ABP- _____	
12 DEC 2023	
Fee: € 110-	Type: C&A
Time: 14:41	By: Hand

12th December 2023

To: An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902

Re: Wexford County Council Reference EXD01050. Referral, pursuant to s.5(4) of the Planning and Development Act 2000 (as amended), by Wexford County Council regarding former Great Southern Hotel, Rosslare Harbour, Co Wexford.

A Chara,

Wexford County Council makes the within referral pursuant to s.5(4) of the Planning and Development Act 2000, as amended (**"the 2000 Act"**), and the relevant requirements of the Planning and Development Regulations 2001, as amended (**"the 2001 Regulations"**).

In making the within referral, Wexford County Council has had full regard to the requirements provided for by s.127 of the 2000 Act (which contains provisions as to the making of, *inter alia*, referrals to An Bord Pleanála).

## I. Introduction

1. As you will be aware, on 10<sup>th</sup> November 2023, Wexford County Council made a referral to An Bord Pleanála (**"the Board"**) pursuant to s.5(4) of the 2000 Act in relation to the site at the former Great Southern Hotel, Rosslare Harbour, County Wexford – ABP Ref. No. 318455-23. Same raised the following questions for determination:
  - (1) Is the intensification or increased occupancy of bedrooms covered under Planning and Development (Exempted Development) (No. 4) Regulations 2023 (S.I.376/2023) when consent for the nursing home was based on one occupant per room.
  - (2) Can the part use of the building for accommodation for those seeking international protection, which is undergoing renovation for use as a nursing home, be considered exempted development.



Comhairle Contae  
Loch Garman  
Wexford County  
Council

An Charraig Leathan, Loch Garman  
Carricklawn, Wexford Y35 WY93  
053 919 6000 | customerservice@wexfordcoco.ie  
www.wexfordcoco.ie | www.twitter.com/wexfordcoco



- (3) Can exempted development status accrue when the building is under extensive renovations commenced under an approval permitted as a nursing home but not completed.
2. The said referral, which detailed, *inter alia*, the factual basis relevant to same, including the relevant planning history, has not yet been determined by the Board (**"the Extant Referral"**).
  3. Subsequent to the making of the Extant Referral, Wexford County Council (**"the Council"**) received a Section 5 Application, pursuant to s.5(1) of the 2000 Act (**see Appendix 1**). This Section 5 Application, in substance, seeks a determination of similar/related issues as those currently before the Board in the Extant Referral made by the Council. The Extant Referral before the Board and the said application received by the Council relate to the same development/substantially the same development and raise similar/related issues.
  4. In this respect, the Council is conscious of not undermining the legal certainty granted by a valid Section 5 Determination (*such as the one that may issue as a result of the Extant Referral before the Board*) and wishes to avoid a situation which potentially undermines the utility of the Section 5 procedure and the objective of same for providing an authoritative ruling of whether a particular development is or is not development or is or is not exempted development. The Council wishes to avoid a situation whereby the said objective cannot be attained if there is the possibility of a series of conflicting Section 5 Determinations – which might arise if the Planning Authority and the Board were simultaneously considering the similar/related issues relating to the same site and the same development in the context of two separate Section 5 Referrals.
  5. Further, noting that the Council has already sought guidance from the Board on the same development in the context of the Extant Referral before the Board, and consistent with that position, it is noted that s.5(4) of the 2000 Act provides:
    - "(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may... request in writing from the relevant planning authority a declaration on that question....
    - ...
    - (4) Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board"



6. The Council now makes this related Section 5 Referral to the Board, pursuant to s.5(4) of the 2000 Act, and **seeks a determination on the following issue:**

**Is the proposed use of the buildings/properties/structures located at Saint Martin's Road Rosslare, former Great Southern Hotel, Rosslare Harbour, County Wexford, for the purposes of accommodating persons seeking international protection development, and if so, is same exempted development?**

7. As outlined above and as detailed hereinafter, the within referral arises out of the same factual circumstances, relates to the same development and raises similar/related issues as those currently before the Board in the Extant Referral.
8. As per the timelines set out in s.5 of the 2000 Act, a declaration on the said s.5 Application received by the Council would have been due by the 12<sup>th</sup> December 2023 – this has not issued in the circumstances detailed herein.

## **II. Relevant Context to the within Referral**

### **(i) Legislative Context**

9. The Planning and Development (Exempted Development) (No. 4) Regulations 2023 amended Part 1 of Schedule 2 of the 2001 Regulations and introduced a new Class of exempted development – Class 20F. Same provides, *inter alia*:

“Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.”

10. Exemptions under the 2001 Regulations are governed by Articles 5-11 of the 2001 Regulations and the relevant Schedules hereto. In this regard, it is noted that Art.9 of the 2001 Regulations disapplies exemptions in specific circumstances, providing, *inter alia*:

“Development to which article 6 relates shall not be exempted development for the purposes of the Act—



(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act...”

11. For completeness, the provisions of s.2, s.3 and s.4 of the 2000 Act are also of note insofar as same relate to the concepts of, *inter alia*, “development” and “exempted development”.

**(ii) Factual Context – including relevant background**

12. As outlined in the Extant Referral and in the said Section 5 Application made to the Council, the Great Southern Hotel in Rosslare Harbour had been closed and become derelict for a number of years. In 2021 a planning application (Planning Reg. Ref. No. 2021/0283) was made by Domal Developments and permission, subject to Conditions, was granted for:

“Permission for 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), 2nd 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. Martin's Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars”

A copy of the planning application form, the Council's Planning Report and the said permission is contained at **Appendix 2** hereto.

13. As detailed in the Extant Referral, an application (Planning Reg. Ref No. 2022/0711) was made by Amhola Rosslare Nursing Home Trading Limited in May 2022 and permission was granted for:

“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.”

A copy of the planning application form, the Council's Planning Report and the said permission is contained at **Appendix 3** hereto.

14. A Commencement Notice was received by the Building Control Section of the Council and validated on 16<sup>th</sup> May 2023 to commence works on the Nursing Home (*a Certificate of Completion has not been received at the time of writing and works would be outstanding*).
15. As outlined in the Extant Referral and in the Application made to the Council, a second 7-day Commencement Notice was received on 4<sup>th</sup> October 2023 for use of accommodation for those seeking internal protection as part of the development (the area marked green on the maps at Appendix 5 below). The said second Commencement Notice is contained at **Appendix 4** hereto.
16. The current position is that the site, the subject matter of the Extant Referral and the within Referral, comprises, *inter alia*, the conversion and extension of a former hotel located in the central core of the Village of Rosslare Harbour. Works have commenced and include one wing of the hotel (west wing) at an advanced stage of completion. The central core of the former hotel has been cleared with the main structural elements remaining. The south wing of the building is also under conversion with new windows installed and some works to the external fabric appear to have been carried out. Some new small structures have been added. A series of maps identifying the site and the structure which it is proposed to use to accommodate people seeking international protection is contained at **Appendix 5** hereto.

### **(iii) Change of Use – Development? And/or Exempted Development?**

17. The issue arising in the within Referral arises out of an application made to the Council under s.5(1) of the 2000 Act and, in particular, with regard to submissions made by the referring party in that context. The said submissions contend that the intended use of the building to accommodate those seeking international protection involves a “*fundamental difference in purpose to what has been permitted*” and a “*material change in use*” which “*materially contravenes*” Condition 1 of the relevant Planning Permission(s).
18. Whilst not referred to in the said submissions, the Council also notes the provisions of Art.9(1)(a) of the 2001 Regulations (referred to previously herein) and the possible disapplication of an exemption where it might be said to contravene a Planning Permission or Condition to same.



19. In the said submissions, it is also contended that *"the proposed change of use is material in nature and therefore constitutes "development" for the purposes of the [2000 Act]"*. Similar to the Extant Referral, the submissions raise issue with the effects of an intensification of use of the buildings.
20. The submission also, by reference to Art.6 of the 2001 Regulations and the new exemption provided for by Class 20F of the 2001 Regulations, asserts that the term "use" must be interpreted as it is understood in the 2000 Act and 2001 Regulations – in this context, it is asserted that *"the use of the property as a nursing home in line with the permission granted has never been implemented"*.
21. The submissions also contend for stated reasons that the "use" of the buildings/property *"as a former hotel has been abandoned and does not fall within the scope of s.20F of the 2001 Regulations"*.
22. It is noted by the Council that the permitted use, as per the relevant Planning Permissions (referred to previously herein), is as a nursing home.
23. In light of the aforesaid matters, the submission contends that the proposed change of use of the building/property to accommodate persons seeking international protection *"is not exempted development"*.
24. Noting that the Council – in the context of the Extant Referral which arises out of the same factual circumstances, relates to the same development, and raises similar/substantially the same issues – has sought the guidance of the Board (*with the said Extant Referral not yet decided*), and having regard to the aforesaid submission, the Council remains unclear as to whether, in the aforesaid circumstances, the proposed change of use of the building/property at issue so as to accommodate persons seeking international protection (i) is or is not development; and (ii) is or is not exempted development.

### **III. The Issue Referred**

25. In the aforesaid circumstances, the Council seeks the Board's determination on the following issue:

**Is the proposed use of the buildings/properties/structures located at Saint Martin's Road Rosslare, former Great Southern Hotel, Rosslare Harbour, County Wexford, for the purposes of accommodating persons seeking international protection development, and if so, is same exempted development?**



26. A copy of the within referral has been provided to the Applicant who made the said s.5(1) application/referral to the Council and the owner/developer of the site in question – the details of both are:

- (i) Verona Murphy – Ramsgrange, New Ross, County Wexford Y34D525.
- (ii) Amhola Rosslare Nursing Home Trading Limited, 36 Upper Mount Street, Dublin 2, Co Dublin (Aidan Gallagher, Director & Company Secretary and Derrick McGrath, Director, of Amhola Rosslare Nursing Home Trading Limited, 36 Upper Mount Street, Dublin 2, Co Dublin).

27. The Council therefore requests that the Board determine the matters set out above.



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**Diarmuid Houston**  
**Senior Planner**



To Elizabeth Hore  
Director of Services  
Economic Development & Planning

12<sup>th</sup> December 2023

**RE: EXD01050: Referral, pursuant to s.5(4) of the Planning and Development Act 2000 (as amended), by Wexford County Council regarding former Great Southern Hotel, Rosslare Harbour, Co Wexford.**

I refer to our previous discussions regarding the above Section 5 referral which was submitted to the Planning Authority by Deputy Verona Murphy on 15<sup>th</sup> November 2023. As you are aware we had previously submitted a request for An Bord Pleanála to make a determination on 10<sup>th</sup> November 2023 (Reference ABP-318455-23) prior to the submission by the Deputy.

I have reviewed the details submitted and I am of the opinion that the Planning Authority should be conscious of not undermining the legal certainty granted by a valid Section 5 Determination (*such as the one that may issue as a result of the Extant Referral before the Board*) and should avoid a situation which potentially undermines the utility of the Section 5 procedure and the objective of same for providing an authoritative ruling of whether a particular development is or is not development or is or is not exempted development.

It is important to avoid a situation whereby the said objective cannot be attained if there is the possibility of a series of conflicting Section 5 Determinations – which might arise if the Planning Authority and the Board were simultaneously considering the similar/related issues relating to the same site and the same development in the context of two separate Section 5 Application/Referral.





I am therefore recommending that we make a referral pursuant to s.5(4) of the Planning and Development Act 2000, as amended ("**the 2000 Act**"), and the relevant requirements of the Planning and Development Regulations 2001, as amended ("**the 2001 Regulations**") to An Bord Pleanála. I would be grateful if you could confirm and agree for the relevant payment of the fee for the referral.

  
Diarmuid Houston 12/12/23

Senior Planner.

  
Elizabeth Hore 12/12/23

Director of Services



12th December 2023

To: Verona Murphy,  
Ramsgrange,  
New Ross  
Co. Wexford  
Y34D525

Re: **EXD01050: Referral, pursuant to s.5(4) of the Planning and Development Act 2000 (as amended), by Wexford County Council regarding former Great Southern Hotel, Rosslare Harbour, Co Wexford.**

Dear Deputy Murphy,

We refer to your application made to Wexford County Council ("**the Council**") pursuant to s.5(1) of the Planning and Development Act 2000, as amended ("**the 2000 Act**"), received on the 15<sup>th</sup> November 2023.

We note that your application relates to development and a proposed change of use of building/property located at the site at the former Great Southern Hotel, Rosslare Harbour, County Wexford. In this regard, based on the submissions set out in your application, you have raised an issue/query as to whether the proposed use of the buildings/properties/structures located at Saint Martin's Road Rosslare, former Great Southern Hotel, Rosslare Harbour, Co Wexford, for the purposes of accommodating persons seeking international protection is development, and if so, is same exempted development.

As you are aware, on 10<sup>th</sup> November 2023, and prior to your application, the Council made a referral to An Bord Pleanála ("**the Board**") pursuant to s.5(4) of the 2000 Act in relation to the said site at the former Great Southern Hotel, Rosslare Harbour, County Wexford (ABP-318455-23). The Council, in the said referral, raised the following issues:

- (1) Is the intensification or increased occupancy of bedrooms covered under Planning and Development (Exempted Development) (No. 4) Regulations 2023 (S.I.376/2023) when consent for the nursing home was based on one occupant per room.
- (2) Can the part use of the building for accommodation for those seeking international protection, which is undergoing renovation for use as a nursing home, be considered exempted development.



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- (3) Can exempted development status accrue when the building is under extensive renovations commenced under an approval permitted as a nursing home but not completed.

The said referral, which detailed, *inter alia*, the factual basis relevant to same, including the relevant planning history, has not yet been determined by the Board (**"the Extant Referral"**).

As is apparent from your submissions, your application made under s.5(1) of the 2000 Act, in substance, seeks a determination of similar/related issues as those currently before the Board in the Extant Referral made by the Council. The Extant Referral before the Board and your said application relate to the same development/substantially the same development and raise similar/related issues.

In this respect, the Council is conscious of not undermining the legal certainty granted by a valid Section 5 Determination (*such as the one that may issue as a result of the Extant Referral before the Board*) and wishes to avoid a situation which potentially undermines the utility of the Section 5 procedure and the objective of same for providing an authoritative ruling of whether a particular development is or is not development or is or is not exempted development. As you can appreciate, the Council wishes to avoid a situation whereby the said objective cannot be attained if there is the possibility of a series of conflicting Section 5 Determinations – which might arise if the Planning Authority and the Board were simultaneously considering the similar/related issues relating to the same site and the same development in the context of two separate Section 5 Application/Referral.

Further, noting that the Council has already sought guidance from the Board on the same development in the context of the Extant Referral before the Board, and consistent with that position, it is noted that s.5(4) of the 2000 Act provides:

- "(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may... request in writing from the relevant planning authority a declaration on that question....
- ...
- (4) Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board"

In light of the foregoing, the Council will now make a further Section 5 Referral to the Board, pursuant to s.5(4) of the 2000 Act, and **seek a determination on the following issue:**



**Is the proposed use of the buildings/properties/structures located at Saint Martin's Road Rosslare, former Great Southern Hotel, Rosslare Harbour, County Wexford, for the purposes of accommodating persons seeking international protection development, and if so, is same exempted development?**

As outlined above and as detailed hereinafter, the within referral arises out of the same factual circumstances, relates to the same development and raises similar/related issues as those currently before the Board in the Extant Referral. In light of the foregoing, and noting the issues raised in your submissions, the Council consider that this further s.5(4) Referral is both necessary and appropriate.

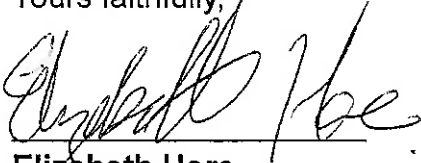
The Council will copy you into the said Referral, together with the Developer/land owner.

For the reasons outlined above, the Council have considered this the most appropriate course of action in circumstances where the issues raised are of some complexity and relate to the same development currently before the Board in the Extant Referral.

As you are further aware, if you are not satisfied with the Council's approach to this matter, it remains open to you to make your own referral to the Board pursuant to s.5(3)(b) of the 2000 Act, which provides:

"Without prejudice to subsection (2), in the event that no declaration is issued by the planning authority, any person who made a request under subsection (1) may, on payment to the Board of such fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued under subsection (2)."

Yours faithfully,



**Elizabeth Hore**

**Director of Services**

**Economic Development and Planning**

**053 9196000**



Aidan Gallagher, Derrick McGrath,  
Amhola Rosslare Nursing Home Trading Limited,  
36 Upper Mount Street,  
Dublin 2,  
Co Dublin

12<sup>th</sup> December 2023

**RE: Wexford County Council Reference EXD01050. Referral, pursuant to s.5(4) of the Planning and Development Act 2000 (as amended), by Wexford County Council regarding former Great Southern Hotel, Rosslare Harbour, Co Wexford.**

I am writing to you to advise you that the above application relating to a Section 5 referral has been referred to An Bord Pleanála by Wexford County Council. I have attached a copy of the referral for your information but further details, including the original referral request are available online on the Council's Website under the reference EXD01050.

You may be contacted directly by An Bord Pleanála on this matter as you are the owners of the property in question. I trust this information will be of use to you.



Diarmuid Houston  
Senior Planner



## **APPENDICES**

### **APPENDIX 1:**

**Copy of Section 5 Declaration of Exempted Development Application EXD0150.**

### **APPENDIX 2:**

**Planning Reference 20210283**

**Copy of Planning Application Form, Planners Report,  
Chief Executive Order & Final Grant of Permission.**

### **APPENDIX 3:**

**Planning Reference 20220711**

**Copy of Planning Application Form, Planners Report,  
Chief Executive Order & Final Grant of Permission.**

### **APPENDIX 4:**

**7 Day Commencement Notice**

### **APPENDIX 5:**

**Maps -       No. 1 Site Location Map**

**No. 2 Site Layout Map**

**No. 3 West Wing Under Development**



**APPENDIX 1:**

**Copy of Section 5 Declaration of Exempted Development Application EXD0150**



EXD 010 50

**APPLICATION FOR DECLARATION OF EXEMPTED DEVELOPMENT  
SECTION 5 – PLANNING & DEVELOPMENT ACT 2000 (as amended)**

Name and address of applicant(s) VERONA Murphy on behalf of  
the people of Rosslare,  
Rausgarage, New Ross, Co. Wexford

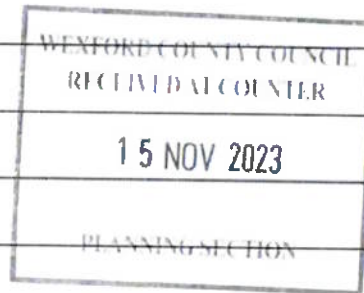
Eircode: Y34 D525

If applicant is a company – N/A

Names of Company Directors \_\_\_\_\_

Registered address of company \_\_\_\_\_

Companies office registration number \_\_\_\_\_



Name and address of person N/A  
acting on behalf of applicant \_\_\_\_\_

Eircode: \_\_\_\_\_

Location townland and postal  
address of land or structure  
concerned

St. Martin's Rd. Rosslare Harbour.

(Please attach site location map)

Nature and extent of development Proposed use of premises at St Martin's Rd.  
Rosslare, formerly the 'Great Southern Hotel, for the purpose of accommodating  
persons seeking international protection.

(Please attach drawings in detail to support application)

Section of Exempted Development  
Regulations under which exemption  
is claimed

see submission attached

SIGNED

Verona Murphy

DATE

15/11/2023

**Fee of €80.00 to accompany application**



## Planning Pack Map

**Halley Murphy & Associates**

**Archibald House**  
Parnell Street, Waterford

1. 401. 30/10/11

BT a l l y g i l l a n e l i t t l e

Rosslare Harbour  
Calafort Ros Láir

**CAPTURE RESOLUTION**

These results suggest that the study of the relationship between the frequency of use of the word "I" and the frequency of use of the word "you" is a promising area for future research.

**OUTPUT SCALE** = 1000

N



Ordnance Survey  
National Mapping Agency

ENTIRE  
COORDINATES.  
1945 2110161200

<b>PUBLISHED</b> 1981, 1982, 1983	<b>ORDER NO</b> 501-0935-1
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MAP SERIES	MAP SHEETS
1	1

1. OFFICE AND PUBLISHED BY  
2. ADDRESS  
3. CITY  
4. STATE  
5. ZIP

1. *How many people are there in your family?*  
 2. *What is the name of your mother?*  
 3. *What is the name of your father?*  
 4. *What is the name of your brother/sister?*

It is a self-imposed duty of the public administration to ensure that the public interest is served and that the public is not misled by any false information. The public administration is responsible for the accuracy of the information it provides to the public.

It was a job opportunity that was this man's life. He was a black man who had been in the military for 20 years. He was a man who had been in the military for 20 years. He was a man who had been in the military for 20 years.

2. The first step is to identify the problem. This involves understanding the current situation and the goals that need to be achieved.

- **Subjektive Interessent: Unbekannte Frequenzen** (11%)
- **6. Freie Meinung: Subjektive Interpretation** (20%)
- **Wichtigste: 10% (Subjektive)**

**0 1 A E ND**



# Site Location Map

**OS** Ordnance Survey  
National Mapping Agency

**CENTRE COORDINATES**  
Easting 74 100 612286

**PUBLISHED** 04/01/2011 **ORDER NO** 501/0938 1

**MAP SERIES** Irish Market **MAP SHEETS** WX48

**COMPILED AND PUBLISHED BY**  
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**LEGEND**  
Blue lines show water  
Black lines show roads

20210283

**Halley Murphy & Associates**

Burchill House  
Harrell Street, Waterford  
T 051 47 1111

01 MAR 2021

PLANNING SECTION

WATERFORD COUNTY COUNCIL

ROSSLARE HARBOUR

**SITE LOCATION**

Rosslare Harbour

Luskammore

ROSSLARE  
LANE 157 16 18

LANE 157 16 18

RAILWAY  
KINLOCH

AS 2.5 Meters

**CAPTURE RESOLUTION**

The map data is derived from the

Ordnance Survey data and is not

to be used for any other purpose

without the permission of the

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OUTPUT SCALE 1 TO 560







**Verona Murphy TD**  
INDEPENDENT WEXFORD  
*A Strong Independent Voice*

The Planning Department  
Wexford County Council.  
Carriglawn,  
Wexford.  
Y35 WY93.

14<sup>th</sup> November 2023

Dear Sirs,

**Proposed use of premises at Saint Martin's Road Rosslare, formerly the Great Southern Hotel, for the purpose of accommodating persons seeking International Protection.**

Following a meeting of the residents at Rosslare Harbour on Sunday 12<sup>th</sup> November 2023, I have been mandated by that meeting to make a Submission under Section 5 of the Planning and Development Act concerning the above development.



In accordance with Section 5 of the Planning and Development Act, 2000, as amended, I on behalf of the People of Rosslare Harbour am seeking a declaration from the Council confirming the use of the above property for the purpose of accommodating persons seeking international protection, is not exempted development.

I enclose herewith statutory fee in the sum of €80 and attach an OS map of the site concerned.

## **Background**

Planning permission was granted by Wexford County Council On the 11<sup>th</sup> of June 2021 to Domal Developments Limited under planning reference number 2021 0283 for the following development:

*“Change of use of former hotel to 90 bedroom nursing home, including day rooms, offices, meeting rooms, mortuary, laundry, kitchen, dining room, staff rooms, various bedrooms, treatment room, and ancillary accommodation, 24 one bedroom assisted living apartments and one studio apartment, second floor extension to existing north and west wings, single story extensions at south and east of existing building, two 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 engage at St. Martin’s Road, walled service area,*



*new boundary fencing with gate to northern boundary, ancillary site works and car parking for 77 cars."*

In May 2022 a further application reference number 2022 0711 was lodged by Amhola Rosslare Nursing Home Trading Limited and granted on the 22<sup>nd</sup> 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.*

A commencement notice was served by the developers of the nursing home in May 2023 and the development is in the course of construction, prima facie based on the plans and particulars approved by the planning authority and for the purpose identified in the planning application document submitted as part of that application i.e., a Nursing Home.



During the course of construction of the permitted development the developer submitted a second commencement notice issued in respect of permission 2022 0711 citing 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*

It would appear the developer erroneously believes that the proposed change of use is exempted development, it is not .

I have set out below the grounds of the referral and the reasons and considerations on which they are based.

## **Issues**

To determine whether the intended use is permissible the council must assess two issues.

- Is the intended change of use from a nursing home as permitted to the intended use as IPAS Centre material in nature and therefore constitutes development.
- If the answer to this question is yes then the council must assess whether the change from the permitted use of a nursing home to a facility for the



accommodation of persons seeking international protection, is or is not exempt development.

## **Assessment**

It is my submission that the character of the intended use involves a fundamental difference in purpose to what has been permitted. What has been permitted is a facility for the residential care of elderly people on a medium to long term basis. By contrast, the proposed intended use would involve providing a different service to a completely different user group, with no significant element of care being provided.

Secondly, one must consider whether the terms of the planning permission granted would have encompassed the material change use now being proposed.

The Chief Executives order approving of the proposed change of use makes plain that what was being approved was the change of use from a former hotel to a nursing home and did not encompass or permit any subsequent or alternative material change of use.

Condition number 1 of the permission granted by the council is quite explicit in that it states:

*"the proposed development shall be carried out in accordance with the plans and particulars lodged with the application".*



What is proposed now by the developer materially contravenes condition number one and no approval has been given for any alternative use.

Thirdly, the planning considerations and standards required to be taken into account for the proposed use differ from those that were required to be considered in assessing the application for the nursing home. Specifically, matters such hours of operation, frequency of visits, visitor turnover, and parking requirements would be materially different.

Rosslare is a small settlement that has seen its population increase by 87% since 2016 to a total of 2247 persons. The proposal involves adding 400 people incrementally, which equates to an increase of approximately 18% in the local population. Based on Ireland's average household size of 2.74 persons, this equates to adding approximately 146 housing units to the settlement.

It is considered that this level of increase in such a short period of time will put significant pressure on critical social infrastructure in the area. Moreover, it will have significant impacts and consequences in planning terms on the capacity of local schools and medical services, which are already at breaking point.

Furthermore, a nursing home will serve a more local catchment, with visitors during social hours and contribute to the local economy. It is evident from the council's



planner's report on the nursing home application, that he considered such matters to be relevant and material factors in grounding the recommendation to grant permission for the nursing home where he in summary stated:

- Nursing homes of the scale proposed provide approximately 60 full and part time jobs when operational.
- They provide care for the elderly in the community, and
- The socio-economic benefits for the village of Rosslare would be significant.

None of these material considerations apply in the case of the proposed change of use.

The question as to whether a change of use is a material one was addressed by the High Court where the court stated that the issues of relevance to this question are:

*“ the matters which the planning authority would take into account in the event of a planning application being made for the use. If these matters are materially different (from the original use) than the nature of the use, must be equally materially different” – Monaghan County Council V Brogan [1987 I.R.33].*

The current developers are proposing to intensify the use of the building by 500% representing a significant intensification of use in terms of bed spaces and in terms



of the scale of activities and accordingly this is a significant intensification of the use of the property in material contravention of the existing permission.

Based on all the foregoing, it is evident that the proposed change of use is material in nature and therefore constitutes “development” for the purpose of the Planning and Development Act 2000, as amended.

One must now address whether the proposed use as a facility to for accommodating persons seeking international protection falls within the scope of the exempted development regulations.

### **Regulations.**

Article 6 (1) Of the Planning and Development Regulations, 2001, as amended provide that subject to article 9, development of a class specified in column 1 of Part 1 of schedule 2 shall be exempted development.

Class 20 F was inserted by article 2 of SI 376 2023- Planning and Development (Exempted Development) (No.4) Regulations. 2023.



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.*

The word “use” here must be interpreted as it is understood in the Planning Acts and the Regulations made thereunder.

The premises in Rosslare has **not been used** as a Nursing Home, (which use is not specified in class 20 F) or used for any other purpose within the use classes in Class 20F. Simply put, the **use** of the property as a nursing home in line with the permission granted has never been implemented.



Therefore, as the existing structure does not fall within the scope of Class 20F the proposed IPAS centre is not exempt.

### **Abandonment of Use**

Does the use as a former hotel fall within the scope of class 20F?

The concept of abandonment is well established in Irish Planning law. Discontinuance of a use can result in a situation where the former development is taken to have been abandoned and the land left with a nil use (See David Browne - Simons on Planning Law, 3<sup>rd</sup> edition.)

Furthermore, the right to resume a use which had been lawfully carried out in the past, is lost because of cessation of that use.

The Supreme Court explained the concept as follows: Where a previous use of land has been not merely suspended for a temporary and determined period, but has ceased for a considerable time, with no evidenced intention of resuming it at any



time, the tribunal of fact was entitled to find that the previous use had been abandoned. (*Dublin County Council V Tallaght Block Company Limited*).

Browne states that an intention to resume development is an important factor in determining whether there has been abandonment. In addition, Browne points out that in determining if abandonment has taken place, an objective test is applied.

In summary, therefore, in determining whether the use of the former hotel has been abandoned several tests are generally applied and include-

1. The physical condition of the premises- e.g., is it derelict?
2. The length of time of abandonment – *see Cork County Council V Ardfert Quarries, where there was a lapse of four years in the use of an industrial building, and the use was held to have been abandoned.*
3. Evidence of any intention to resume the former use.
4. Objectively, would a reasonable person looking at the derelict former hotel conclude that its use as a hotel had been abandoned.

The documentation accompanying the application for the nursing home application confirms that the former Hotel became derelict in 2007.



Applying the tests and the criteria of the courts, as outlined above, the use as a hotel has long been abandoned.

The overarching point is, that if the use of a property, as in this case, has been clearly abandoned and lost its former use rights, a change of use ordinarily exempt will require planning permission.

Consequently, it would be impermissible to conclude that the use as a former hotel brings the premises within the ambit of Class 20F.

### **Conclusion.**

For all the reasons set out above, I trust that the council will concur with my submission that the proposed change of use of the premises at St Martins Road is development and secondly, is not exempted development.

I note the council may have made or are about to make a referral to ABP in relation to this matter. This is now not required in circumstances where you are now in receipt of this Section 5 referral and accordingly the motivation for making the referral to ABP no longer exists. If Wexford County Council have made such a referral same can be withdrawn.



Wexford County Council are empowered by legislation to make this determination pursuant to Section 5 of the Planning and Development Act as amended and decide that this is not exempted development.

Finally, any attempt to defer your decision in relation to this application would be very controversial and an abdication of your responsibility as a Planning Authority. It would be regarded by the public as evading responsibility for making a decision that might not be popular with certain other organs of the state.

I await hearing from you with your determination within the 4-week statutory period permitted by law.

Yours Faithfully

A handwritten signature in blue ink, appearing to read 'Verona Murphy', with a stylized flourish at the end.

**Verona Murphy**



**APPENDIX 2:**

**Planning Reference 20210283**

**Copy of Planning Application Form, Planners Report,  
Chief Executive Order & Final Grant of Permission.**







**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**

PLANNING SECTION

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):

<b>Permission</b>	<b>[ x ]</b>
<b>Permission for Retention</b>	<b>[   ]</b>
<b>Outline Permission</b>	<b>[   ]</b>
<b>Permission consequent on</b>	<b>[   ]</b>
<b>Grant of Outline Permission</b>	

**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 Developments

**Ltd**\_\_\_\_\_

### 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)**

**5645c**

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

**(a) Names of All Company Directors**

**Martin**

## Hannon

**Martin**

## Doran

**(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 [ ☒ ]      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>

Class 4      5718

Class 1      2262

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 ☒

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 of 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 (ACA)</u> ?	<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"/>
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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"/>
--	--------------------------	-------------------------------------

WCC Planning Application Form (Version November 2018)

**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"/>
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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>12</sup> (1:10000 and 1:2500)
- 6 copies of site or layout plan<sup>12</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.

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. - this should correspond with the wording of the Newspaper Advert & Site Notice
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 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



16.06.21	
Registered Date	1 <sup>st</sup> March 2021 WEXFORD COUNTY COUNCIL RECEIVED
Date Received Decisions Office	9 JUN 2021 PLANNING SECTION
Due Date	16 <sup>th</sup> June 2021
FI Date	20 <sup>th</sup> May 2021

**WEXFORD COUNTY COUNCIL  
PLANNING REPORT**

<b>Application No.</b>	20210283
<b>Applicant</b>	Domal Developments Ltd. ✓
<b>Location</b>	The site is located in the Townland of Ballygillane Little, St. Helens ✓
<b>Description</b>	<p>Development Proposal - Permission for 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), 2nd 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. Martin's Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars. ✓</p> <p>Site Description - The site is located on Saint Martin's Road in Rosslare Harbour village centre. There is a substantial two-storey building on the site, which was formerly used as a hotel. This building is now in poor condition and has been an eyesore at this prominent location for some time. There is also an access road that runs along the northern boundary of the site. ✓</p>



There are a number of residences (four) on Saint Martin's Road to the south of the site; there is a residential block (Tuskar Dwellings) to the west; and a residential block (old coastguard station) to the north. This block is within the landholding of the applicant, as is one of the dwellings on Saint Martin's Road.



**Aerial view of the site**



**Front elevation of existing building**









**Front elevation of existing building (western wing)**



**Front elevation of existing building (eastern wing)**





**Eastern elevation**



**View of western wing from the north**



**View of residential block and western wing from the north**





**View of western wing from the north**



**Northern elevation of former hotel**





**North eastern view of former hotel**

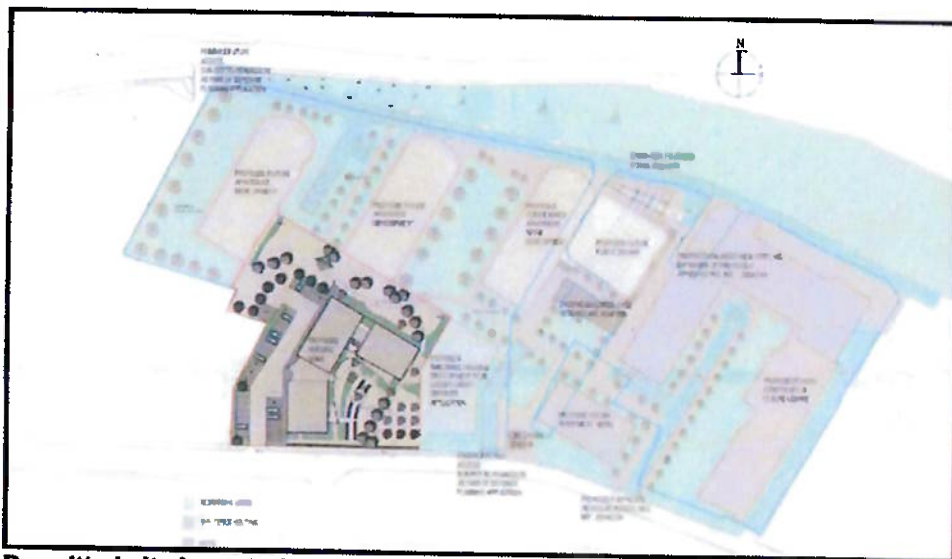
**Site Size - 1.11 ha.**

**Relevant Planning History / Site History -**

**20091698 KBT CAPITAL MANAGEMENT LTD (ABP Ref.: PL26.236725)**

Permission granted for 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 (permission extended to and expired on 12<sup>th</sup> October 2020).

Commenced? – No



**Permitted site layout plan**

**Relevant Section 35 History – None**

**Enforcement**

There is no Enforcement listed on APAS on 20/4/21.

DER 2017/007

Former hotel site listed on the Derelict Sites register.

**Pre- Planning**

Ref. No. P20200313



**Minutes of Pre-Planning Meeting – P20200313****Date: Thursday 12<sup>th</sup> November 2020****Applicant: Domal Developments Ltd.****Development Location: Great Southern Hotel site, Ballygillane Little****In attendance:-**

Applicant		Murt Doran		
Agent		Pat Halley		
Proposal		Nursing home and assisted living development		
Diarmuid Houston	Planning	Senior Planner	053 919 6206 087 417 5812	diarmuid.houston@wexfordcoco.ie
James Lavin	Planning	Senior Executive Planner	053 919 6445	james.lavin@wexfordcoco.ie
Tom Banville	Planning	Senior Executive Officer	053 919 6200	tom.banville@wexfordcoco.ie
Brendan Cooney	Environment	Senior Executive Scientist	053 919 6326	brendan.cooney@wexfordcoco.ie
Pre-Planning Contact			053 919 6616	majorpreplan@wexfordcoco.ie

**Matters Discussed:**

**NB:** The total number of units for this proposed phase is less than 100 no.  
Therefore this application is not subject to legislative procedure for Strategic Housing Developments.

**Planning/Policy:**

- The principle of a nursing home and assisted living development is acceptable to the Planning Authority.
- The conversion of the building is also acceptable and its reuse is welcomed by the Planning Authority
- The residential status of this development would also be acceptable under the proposed village centre zoning in the Draft Wexford County Development Plan 2021-2027.



**Access:**

- Design should consider access points, drop kerbs, gradients, site levels, parking, access to open space and landscaping.
- En-suite accessible units will be required as per Draft Wexford County Development Plan 2021-2027.
- You are advised to liaise with the Access Officer (Caroline Horan – [caroline.horan@wexfordcoco.ie](mailto:caroline.horan@wexfordcoco.ie)) prior to submitting a planning application.
- Design should seek to provide accessible parking close to the main entrances.
- Buildings should be designed to promote accessibility for all including provision of accessible parking spaces close to entrances.

**Building Control:**

- The applicant is advised to bear in mind the NZEB requirements should a grant of permission be issued.

**Services:**

- You are advised to make a pre-connection enquiry to Irish Water as soon as possible regarding capacity and connections to water and sewer services.
- Connection enquires will be required with any subsequent planning application.
- Details for surface water attenuation, designed in accordance with SuDS guidelines, will be required to be submitted as part of any subsequent planning application.

**Environment:**

- A Waste Management Plan will be required to be submitted with any subsequent planning application including details of any specialist requirements.

**Design:**

- An innovative landscaping approach is recommended which maximises the sites linkage to the coastal path/amenity area.
- A link path to the existing coastal walkway at the site boundary is required to enhance the public realm.
- Footpaths and lighting provision to the roadside boundary is required.
- Provision of underground ducting during construction for broadband infrastructure should also be considered.
- The provision of charging points for electric vehicles on site will be required.

**Roads:**

- Details on a lighting design scheme for the proposed development should be included in any subsequent planning application.
- Sightlines should be in accordance with DMURs specifications.
- Electric vehicle charging points shall be introduced to 20% of the parking spaces.

**Fire Office:**

- The applicant should be advised that under Article 12 of the Building Control Regulations, 1997 to 2020, a Fire Safety Certificate will be required in respect of any new buildings proposed as part of this development and works must not be carried out unless and until such Certificate has been granted.
- Hydrant system and water supply to be as per the "Standard Requirements for fire hydrants and water supplies in housing developments in County Wexford" (attached).

Copy of plans submitted – Yes, Plans are generally in compliance with the details as submitted for the meeting (see 3D drawing below).





3D view of front elevation per pre-planning

✓

### Site Notice

Inspected by: Liam Bowe

The site notice was in accordance with the Planning & Development Regulations, 2001 (as amended) on site inspection on 19<sup>th</sup> March 2021.



✓

### Referrals

Referral response/s were received from the following:

Area Engineer who recommended that further information be requested per IWV details.

Senior Executive Scientist (Environment) who recommended that further information be requested regarding waste collection and disposal.

Chief Fire Officer who advises that a FSC is required.

Disability Access Officer who states that a DAC is required (highlighted issues of compliance with WC's and accessible apartments).

Irish Water HQ Offices who recommended that further information be requested.

Heritage Council who have not commented.

✓



	<p>Health &amp; Safety Authority does not advise against granting planning permission.</p> <p>Health Service Executive who recommends that permission be granted but not that only 5% of the WC's are fully accessible.</p>
<b>Submissions/ Observations</b>	<p>Observations have been received from and can be summarised as follows:</p> <p>Lorraine Burke Castledaly St Martin's Road Rosslare Harbour Co Wexford</p> <ul style="list-style-type: none"> <li>• The drawings submitted by the applicant do not have her house on them.</li> <li>• Concerned about impact on her privacy and includes photographs highlighting these concerns.</li> </ul>

<b>National Policy</b>	<p>National Planning Framework – Project Ireland 2040</p> <p>Regional Planning Guidelines – South East Region 2010-2022</p> <p>Guidelines for Appropriate Assessment of Plans and Projects in Ireland</p> <p>Guidelines for Planning Authorities and An Bord Pleanála for carrying out Environmental Impact Assessment</p>
<b>Development Plan</b>	<p><b>Wexford County Development Plan 2013 – 2019 (extended)</b></p> <ul style="list-style-type: none"> <li>• Section 3.4.7 – District Towns</li> <li>• Section 4.3.3.2 - Section 12.6 - Managing Flood Risk</li> <li>• Section 18.8 – Accessibility</li> <li>• Section 18.9.4 – Nursing Homes and Residential Care Homes</li> <li>• Section 18.29.3 – Sightlines</li> </ul> <p><b>Zoned Land</b> - No</p>

<b>Biodiversity</b>	<p>EIA required: No</p> <p>AA required: No</p> <p>Please refer to attached Screening Report</p>
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<b>Conservation Area</b>	No.
<b>Protected Structure</b>	No
<b>Registered Monument</b>	No
<b>Zone of Archaeology</b>	No
<b>National Road Schemes</b>	No record found in spatial analysis for National Road Schemes

<b>Development Contributions</b>	<b>Floor Area = 2,262m<sup>2</sup> + 5718 sq. m.</b>								
	<b>Development Contributions Scheme 2018</b>								
	<b>Commercial/Nursing Homes</b>								
	<table border="1"> <tr> <th>Commercial</th> <th>Per Square Metre - €</th> </tr> <tr> <td>Roads</td> <td>6.00</td> </tr> <tr> <td>Recreational &amp; Community</td> <td>4.00</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>€10.00</b></td> </tr> </table>	Commercial	Per Square Metre - €	Roads	6.00	Recreational & Community	4.00	<b>TOTAL</b>	<b>€10.00</b>
	Commercial	Per Square Metre - €							
Roads	6.00								
Recreational & Community	4.00								
<b>TOTAL</b>	<b>€10.00</b>								
<b>New Build: 2,262m<sup>2</sup></b>									
	<b>Roads: €6 x 2,262sq.m. = €13,572.00 ✓</b>								
	<b>Recreational &amp; Community: €4 x 2,262sq.m. = €9,048.00 ✓</b>								
	<b>BER Provisional Assessment Received Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>								



**Issues****Policy**

It is policy outlined in Section 18.9.4 of the Wexford County Development Plan 2013-2019 that nursing homes be integrated wherever possible into the residential areas of towns and villages. Rosslare Harbour is designated as a District town under Section 3.4.7 of the Plan. Furthermore, the site contains a hotel building that has not been in use for a number of years. Therefore, the principle of the development of a nursing home with assisted living accommodation is acceptable to the planning authority at this location. ✓

**Design**

The design is based on the existing hotel and, as a result, largely predetermined. The applicant proposes to add an additional floor to the western wing and the rear of the northern wing. ✓

**Existing front elevation****Proposed front elevation****Existing rear elevation****Proposed rear elevation**

The proposed extensions and alterations to the existing building will be a significant enhancement to the visual appearance of the building and should provide a much welcome lift to this site and the village centre. The additional storey presents no visual amenity concerns within its village centre context.

The accommodation will comprise 92 no. bedrooms (*note 90 advertised*) over two floors, 25 apartments over three floors, reception, dining room, dining/activity room, 3 no. day rooms, a day room, 2 no. family rooms, ✓



kitchen, laundry, mortuary, meeting rooms physio, and significant staff facilities.

The accommodation is spread as follows:

- 1) 46 bedrooms and 2 apartments at ground floor,
- 2) 46 bedrooms and 7 apartments at first floor, and
- 3) 16 apartments at second floor.

All of the apartments have been designed to a good standard and exceed all the minimum standard requirements for new apartments. However, there were issues (highlighted by the Access Officer, Wexford County Council and the HSE in statutory consultations) regarding the accessible WC's within each bedroom/apartment and in the public area. Similarly, there is policy for adaptable standards for apartments that needs to be met for 20% of the proposed apartment units, i.e. 5 units. This has been addressed by further information where the applicant now shows 5 no. units that can be adapted for wheelchair users.

#### **External Materials**

The details of the finishes are provided and these will modernise the existing building – I will still include a suitable condition regarding this.

#### **Landscaping**

A detailed landscaping plan was requested at pre-planning in order to integrate the site with the coastal walk to the north. This was not submitted and was requested as further information. A detailed scheme has been submitted as further information, which is acceptable.

#### **Residential Amenity**

There are four residences immediately to the south of the site – one of these is not occupied and is in the ownership of the applicant. There is a low boundary wall along the shared boundary with these dwellings (see photographs below). Part of this is a c.1.5m plastered block wall, part is a c.2m high stone wall, and part is a 1.8m high stone wall with a further metre of evergreen hedge.



C.1.5m high block wall





**C.1.8m high stone wall**



**C.1.5m high block wall**



**C.1.8m high stone wall**

✓





**C.1.8m high stone wall with hedge**

I also note the third party submission in this regard, which highlights the omission of her dwelling from the site layout plan. The other dwellings were also omitted from the site layout plan. Concerns were raised regarding overlooking, particularly from the proposed second floor balconies. These dwellings are now on the site layout plan submitted as further information.

There is a level of overlooking that has prevailed at this location from first floor level within the hotel bedrooms. The provision of additional floor of accommodation at second floor level would have added to the level of overlooking. This was demonstrated well within the third party submission (please refer to photographs with the submission). I do note the proposal to construct a new 1.8m high wall within the site at this area, however, this really only squares the boundary situation and increases the land associated with the dwelling within the applicant's landholding. ✓

It may be possible to mitigate against this increased overlooking by a number of means, i.e. increased height of shared boundary, additional landscaping and/or minor amendments to the design. Given the significant socio-economic gains that this proposed development will bring to Rosslare Harbour and district, the applicant was given the opportunity to address this issue. It should be possible to arise at a solution where overlooking will be no more than presently exists.

The applicant proposes obscure glazing on the balcony guarding and a line of semi-mature trees along the boundary to prevent increased overlooking to two of the dwellings.

In the case of the closer dwelling, some elevational changes are proposed at first and second floor level to the nursing home. These include the removal of the balcony from the kitchen/living area and the balcony that is accessible from the bedroom only will be fitted with an obscure glazed balustrade 1.8m in height. This results in limiting any overlooking to what presently exists. ✓



	<p><b><u>Drainage</u></b> Existing connection to storm water drain.</p> <p><b><u>Access and Car Parking</u></b> There is an existing access to the site from St. Martin's Road in the village centre. This served the hotel and previous land use on the site. The applicant proposes 77 no. on-site car parking spaces. 13 of these are associated with the apartments and 8 with the service area – both accessed by the separate entrance along the east of the building. The remaining 56 spaces are associated with the nursing home element of the proposal. Therefore, 69 spaces are provided for the residential units.</p> <p>The standard requirement in the County Development Plan is 1.5 spaces per bed. This would lead to a requirement of 175.5 spaces, i.e. <math>((92 + 25) \times 1.5)</math>. This is a shortfall in excess of 100 spaces. The applicant was requested to address this deficit.</p> <p>The applicant has referenced the standards in the Draft Wexford County Development Plan 2021-2027, i.e. 1 space per 3 bedrooms, and end user experience. This results in 30 required for the nursing home, 25 for the apartments and 22 spaces as overspill if the need arises. I am satisfied that the provision at this village centre site is sufficient to accommodate the needs of the proposed development. ✓</p> <p><b><u>Water Supply</u></b> Public water mains – pre-connection agreement out of date. The applicant requests that the planning authority attach a suitable condition requiring agreement.</p> <p><b><u>Effluent treatment</u></b> Public foul sewer – pre-connection agreement out of date. The applicant requests that the planning authority attach a suitable condition requiring agreement.</p> <p><b><u>Flood Risk Assessment</u></b> OPW Flood Map Category C ✓</p> <p><b><u>Access for All</u></b> Disability Access Certificate required – Yes</p>
<p><b>Conclusion</b></p>	<p>The proposal represents a significant development for the village of Rosslare Harbour and the wider district area. Most nursing homes of this scale will provide approximately 60 full and part time jobs when operating. As well as facility that provides care for the elderly in the community, the socio-economic benefits for the village would be significant. ✓</p>



	<p>The design solution is based on the existing Great Southern building and it will significantly enhance the appearance of the site and the street. There was an issue with increased overlooking on the dwellings to the south and the applicant was given the opportunity to address this, which he availed of.</p> <p>Further to this, there were a number of other issues regarding WC accessibility, adaptable units, landscaping, waste management and the pre-connection agreement from Irish Water. These have either all been addressed or can be managed by suitable condition.</p>
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<b>Recommendation</b>	<p>It is recommended that <b>Permission be Granted</b> subject to the following conditions.</p>
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### **MATTERS CONSIDERED**

In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **REASON AND CONSIDERATION FOR DECISION ON PLANNING REG. NO. 20210283**

Having regard to provisions of the Wexford County Development Plan 2013-2019 (extended), the referral responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

### **16 NO. CONDITIONS ATTACHED TO PLANNING REG. NO. 20210283**

1)	SPE01	<p>The proposed development shall be carried out in accordance with:</p> <p>(i) The plans and particulars lodged with the planning application; and,</p> <p>(ii) The further information date stamped 20<sup>th</sup> May 2021, except as otherwise required by the conditions of this permission.</p> <p><b>REASON:</b> To ensure the proposed development accords with the permission and that effective control is maintained.</p>
2)	LEV03	<p><b>Standard Contribution Roads</b></p> <p>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</p>



		<p>of commencement of development and the amount shall be €13,572.00.</p> <p><b>REASON:</b> In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).</p>
3)	LEV04	<p><b>Standard Contribution Community</b></p> <p>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 €9,048.00.</p> <p><b>REASON:</b> In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).</p>
4)		<p>Prior to commencement of development, the applicant/developer shall submit for the written agreement of the planning authority precise details for the provision and management of the link to the coastal path.</p> <p><b>REASON:</b> In the interests of connectivity and safety.</p>
5)	IW01	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p><b>REASON:</b> In the interests of public health.</p>
6)		<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>REASON:</b> In the interests of public safety and residential amenity.</p>
7)		<p>Site development and building works shall be carried only out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>REASON:</b> In order to safeguard the amenities of property in the vicinity.</p>
8)		<p>Details of materials, colours and textures of all external finishes to the proposed development, including the boundary treatment adjacent to existing dwellings, shall be submitted to and agreed with the Planning Authority before the commencement of</p>



		development or, in default of agreement, shall be determined by An Bord Pleanála. <b>REASON:</b> In the interests of orderly development and the visual amenities of the area. ✓
9)	SER01	All services (electricity, telephone, etc) adjacent to and within the development shall be underground. <b>REASON:</b> In the interests of visual amenity. ✓
10)		Deliveries shall be restricted to the following periods: Monday to Saturday 8.30am to 18.00pm Sundays and Bank Holidays 9.00am to 17.00pm <b>REASON:</b> To protect the amenities of the occupiers of the residential properties in the vicinity of the site. ✓
11)		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. ✓ <b>REASON:</b> In the interests of visual amenity, traffic safety and the proper planning and development of the area.
12)		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. ✓ <b>REASON:</b> To prevent noise pollution.
13)		All foul waste from the proposed development shall be discharged to the foul sewerage drainage system. No foul effluent of any kind shall be discharged to any drain, stream, watercourse or wetland area. <b>REASON:</b> In the interests of public health. ✓
14)		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. <b>REASON:</b> To avoid overloading the foul sewerage system, in the interests of public health. ✓
15)		Adequate internal refuse storage areas for the development shall be provided within the curtilage of the application property. ✓ <b>REASON:</b> In the interests of public health and visual amenity.
16)		The proposed landscaping scheme shall be carried out within 12 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,



		<p>die, become severely 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.</p> <p><b>REASON:</b> As provided in Section 34(4)(e) of the Planning and Development Act 2000 (as amended) and in the interests of visual amenity. ✓</p>
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### Advice Notes

#### AN 1

Section 34 (13) of the Planning & Development Act 2000 (as amended) 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 is advised to consult the Building Regulations 1997 – 2014 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.

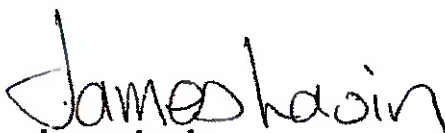
#### AN 04

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



Date: 8<sup>th</sup> June 2021

**Liam Bowe**  
**Executive Planner**



**James Lavin**  
**Senior Executive Planner**

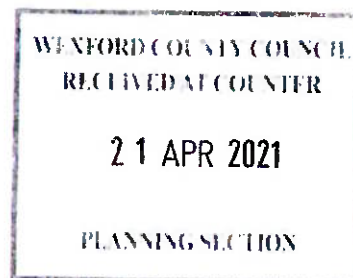
09 June 2021



25/04

Planning Number: 20210283

<b>Registered Date</b>	<b>1<sup>st</sup> March 2021</b>
<b>Date Received Decisions Office</b>	
<b>Due Date</b>	<b>25<sup>th</sup> April 2021</b>
<b>FI Date</b>	



<b>On receipt of F I's refer to:</b>	<b>Date Referred</b>
Environment	***
Roads	
Area Engineer	***
Other	Access Officer Irish Water HSE
<b>No Referral</b>	

### WEXFORD COUNTY COUNCIL PLANNING REPORT

<b>Application No.</b>	20210283
<b>Applicant</b>	Domal Developments Ltd.
<b>Location</b>	The site is located in the Townland of Ballygillane Little, St. Helens
<b>Description</b>	Development Proposal - Permission for 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), 2nd 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. Martin's Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars.

**Site Description** – The site is located on Saint Martin's Road in Rosslare Harbour village centre. There is a substantial two-storey building on the site, which was formerly used as a hotel. This building is now in poor condition and has been an eyesore at this prominent location for some time. There is also an access road that runs along the northern boundary of the site.

There are a number of residences (four) on Saint Martin's Road to the south of the site; there is a residential block (Tuskar Dellings) to the west; and a residential block (old coastguard station) to the north. This block is within the landholding of the applicant, as is one of the dwellings on Saint Martin's Road.



**Aerial view of the site**



**Front elevation of existing building**





**Front elevation of existing building (western wing)**



**Front elevation of existing building (eastern wing)**





**Eastern elevation**



**View of western wing from the north**



**View of residential block and western wing from the north**

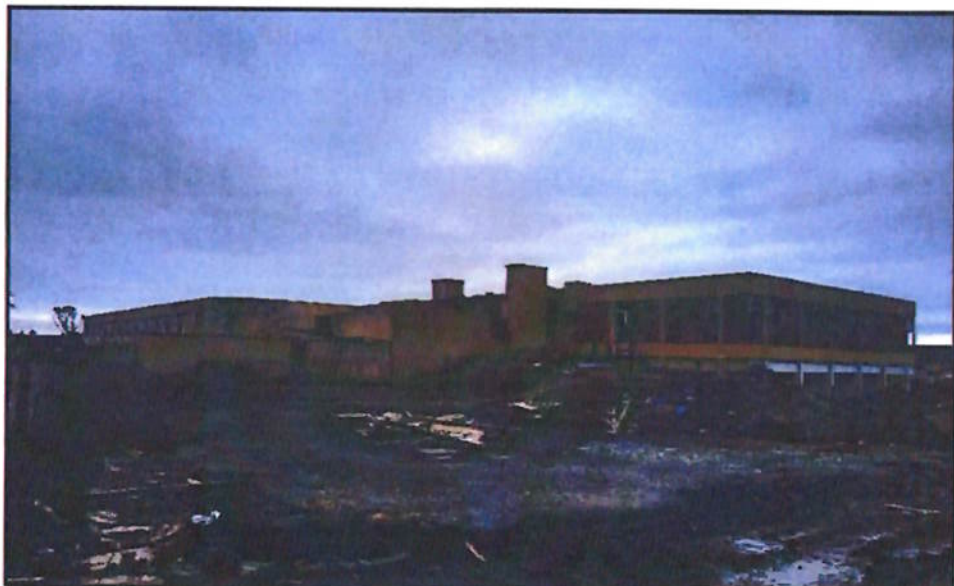




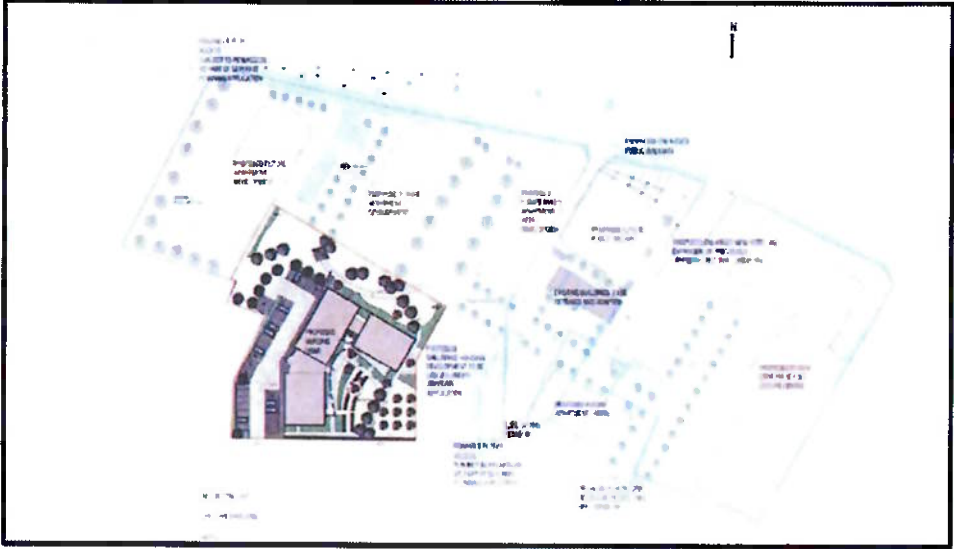
**View of western wing from the north**



**Northern elevation of former hotel**





	<p><b>North eastern view of former hotel</b></p> <p><b>Site Size - 1.11 ha.</b></p> <p><b>Relevant Planning History / Site History -</b>  <b>20091698 KBT CAPITAL MANAGEMENT LTD (ABP Ref.: PL26.236725)</b>          Permission granted for 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 (permission extended to and expired on 12<sup>th</sup> October 2020).          Commenced? – No</p>  <p><b>Permitted site layout plan</b></p> <p><b>Relevant Section 35 History – None</b></p>
<p><b>Enforcement</b></p>	<p>There is no Enforcement listed on APAS on 20/4/'21.</p> <p>DER 2017/007          Former hotel site listed on the Derelict Sites register.</p>
<p><b>Pre- Planning</b></p>	<p>Ref. No. P20200313</p>



**Minutes of Pre-Planning Meeting – P20200313****Date: Thursday 12<sup>th</sup> November 2020****Applicant: Domal Developments Ltd.****Development Location: Great Southern Hotel site, Ballygillane Little****In attendance:-**

<b>Applicant</b>		Murt Doran		
<b>Agent</b>		Pat Halley		
<b>Proposal</b>		Nursing home and assisted living development		
Diarmuid Houston	Planning	Senior Planner	053 919 6206 087 417 5812	diarmuid.houston@wexfordcoco.ie
James Lavin	Planning	Senior Executive Planner	053 919 6445	james.lavin@wexfordcoco.ie
Tom Barville	Planning	Senior Executive Officer	053 919 6200	tom.barville@wexfordcoco.ie
Brendan Cooney	Environment	Senior Executive Scientist	053 919 6326	brendan.cooney@wexfordcoco.ie
Pre-Planning Contact			053 919 6616	majorpreplan@wexfordcoco.ie

**Matters Discussed:**

**NB:** The total number of units for this proposed phase is less than 100 no.  
Therefore this application is not subject to legislative procedure for Strategic Housing Developments.

**Planning/Policy:**

- The principle of a nursing home and assisted living development is acceptable to the Planning Authority.
- The conversion of the building is also acceptable and its reuse is welcomed by the Planning Authority
- The residential status of this development would also be acceptable under the proposed village centre zoning in the Draft Wexford County Development Plan 2021-2027.



**Access:**

- Design should consider access points, drop kerbs, gradients, site levels, parking, access to open space and landscaping.
- En-suite accessible units will be required as per Draft Wexford County Development Plan 2021-2027.
- You are advised to liaise with the Access Officer (Caroline Horan – [caroline.horan@wexfordcoco.ie](mailto:caroline.horan@wexfordcoco.ie)) prior to submitting a planning application.
- Design should seek to provide accessible parking close to the main entrances.
- Buildings should be designed to promote accessibility for all including provision of accessible parking spaces close to entrances.

**Building Control:**

- The applicant is advised to bear in mind the NZEB requirements should a grant of permission be issued.

**Services:**

- You are advised to make a pre-connection enquiry to Irish Water as soon as possible regarding capacity and connections to water and sewer services.
- Connection enquires will be required with any subsequent planning application.
- Details for surface water attenuation, designed in accordance with SuDS guidelines, will be required to be submitted as part of any subsequent planning application.

**Environment:**

- A Waste Management Plan will be required to be submitted with any subsequent planning application including details of any specialist requirements.

**Design:**

- An innovative landscaping approach is recommended which maximises the sites linkage to the coastal path/amenity area.
- A link path to the existing coastal walkway at the site boundary is required to enhance the public realm.
- Footpaths and lighting provision to the roadside boundary is required.
- Provision of underground ducting during construction for broadband infrastructure should also be considered.
- The provision of charging points for electric vehicles on site will be required.

**Roads:**

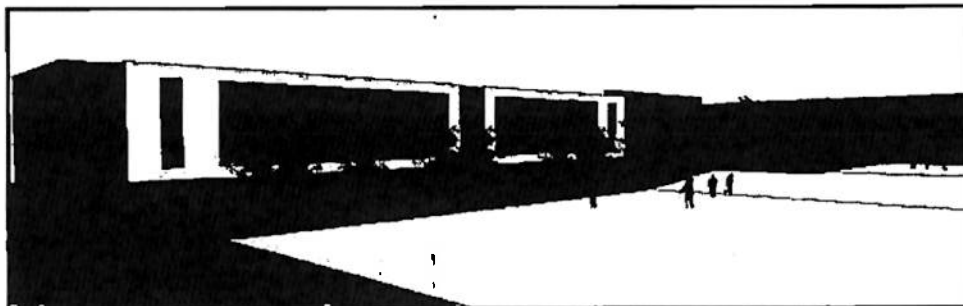
- Details on a lighting design scheme for the proposed development should be included in any subsequent planning application.
- Sightlines should be in accordance with DMURs specifications.
- Electric vehicle charging points shall be introduced to 20% of the parking spaces.

**Fire Office:**

- The applicant should be advised that under Article 12 of the Building Control Regulations, 1997 to 2020, a Fire Safety Certificate will be required in respect of any new buildings proposed as part of this development and works must not be carried out unless and until such Certificate has been granted.
- Hydrant system and water supply to be as per the "Standard Requirements for fire hydrants and water supplies in housing developments in County Wexford" (attached).

Copy of plans submitted – Yes, Plans are generally in compliance with the details as submitted for the meeting (see 3D drawing below).



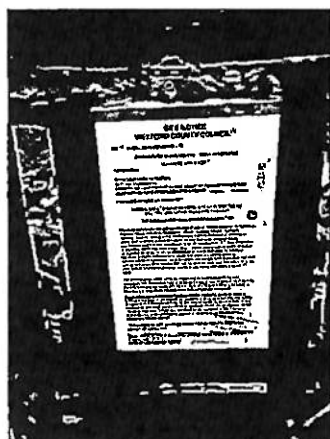


3D view of front elevation per pre-planning

### Site Notice

Inspected by: Liam Bowe

The site notice was in accordance with the Planning & Development Regulations, 2001 (as amended) on site inspection on 19<sup>th</sup> March 2021.



### Referrals

Referral response/s were received from the following:

Area Engineer who recommends that further information be requested per IW details.

Senior Executive Scientist (Environment) who recommends that further information be requested regarding waste collection and disposal.

Chief Fire Officer who advises that a FSC is required.

Disability Access Officer who states that a DAC is required and highlights issues of compliance with WC's and accessible apartments.

Irish Water HQ Offices who recommends that further information be requested.

Heritage Council who have not commented.



	<p>Health &amp; Safety Authority does not advise against granting planning permission.</p> <p>Health Service Executive who recommends that permission be granted but not that only 5% of the WC's are fully accessible.</p>
<b>Submissions/ Observations</b>	<p>Observations have been received from and can be summarised as follows:</p> <p>Lorraine Burke Castledaly St Martin's Road Rosslare Harbour Co Wexford</p> <ul style="list-style-type: none"> <li>• The drawings submitted by the applicant do not have her house on them.</li> <li>• Concerned about impact on her privacy and includes photographs highlighting these concerns.</li> </ul>

<b>National Policy</b>	<p>National Planning Framework – Project Ireland 2040</p> <p>Regional Planning Guidelines – South East Region 2010-2022</p> <p>Guidelines for Appropriate Assessment of Plans and Projects in Ireland</p> <p>Guidelines for Planning Authorities and An Bord Pleanála for carrying out Environmental Impact Assessment</p>
<b>Development Plan</b>	<p><b>Wexford County Development Plan 2013 – 2019 (extended)</b></p> <ul style="list-style-type: none"> <li>• Section 3.4.7 – District Towns</li> <li>• Section 4.3.3.2 - Section 12.6 - Managing Flood Risk</li> <li>• Section 18.8 – Accessibility</li> <li>• Section 18.9.4 – Nursing Homes and Residential Care Homes</li> <li>• Section 18.29.3 – Sightlines</li> </ul> <p><b>Zoned Land</b> - No</p>

<b>Biodiversity</b>	<p>EIA required: No</p> <p>AA required: No</p> <p>Please refer to attached Screening Report</p>
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<b>Conservation Area</b>	No.
<b>Protected Structure</b>	No
<b>Registered Monument</b>	No
<b>Zone of Archaeology</b>	No
<b>National Road Schemes</b>	No record found in spatial analysis for National Road Schemes

<b>Development Contributions</b>	<b>Floor Area = 2,262m<sup>2</sup> + 5718 sq. m.</b>								
	<b>Development Contributions Scheme 2018</b>								
	<b>Commercial/Nursing Homes</b>								
	<table border="1"> <tr> <th>Commercial</th> <th>Per Square Metre - €</th> </tr> <tr> <td>Roads</td> <td>6.00</td> </tr> <tr> <td>Recreational &amp; Community</td> <td>4.00</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>€10.00</b></td> </tr> </table>	Commercial	Per Square Metre - €	Roads	6.00	Recreational & Community	4.00	<b>TOTAL</b>	<b>€10.00</b>
	Commercial	Per Square Metre - €							
Roads	6.00								
Recreational & Community	4.00								
<b>TOTAL</b>	<b>€10.00</b>								
<p><b>New Build: 2,262m<sup>2</sup></b></p> <p><b>Roads: €6 x 2,262sq.m. = €</b></p> <p><b>Recreational &amp; Community: €4 x 2,262sq.m. = €</b></p> <p><b>BER Provisional Assessment Received</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>									

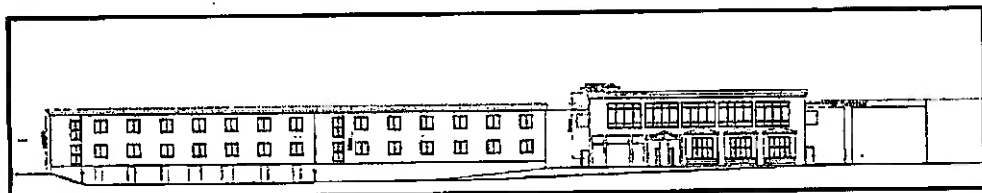


**Issues****Policy**

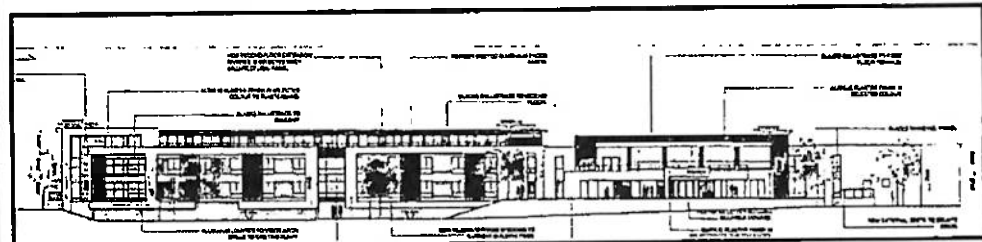
It is policy outlined in Section 18.9.4 of the Wexford County Development Plan 2013-2019 that nursing homes be integrated wherever possible into the residential areas of towns and villages. Rosslare Harbour is designated as a District town under Section 3.4.7 of the Plan. Furthermore, the site contains a hotel building that has not been in use for a number of years. Therefore, the principle of the development of a nursing home with assisted living accommodation is acceptable to the planning authority at this location.

**Design**

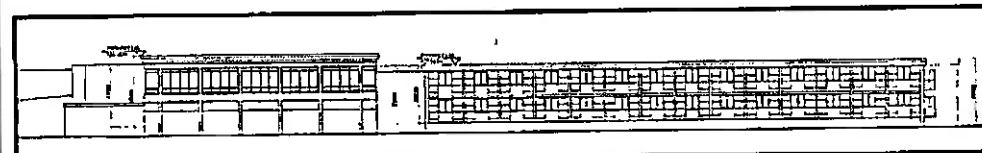
The design is based on the existing hotel and, as a result, largely predetermined. The applicant proposes to add an additional floor to the western wing and the rear of the northern wing.



Existing front elevation



Proposed front elevation



Existing rear elevation



Proposed rear elevation

The proposed extensions and alterations to the existing building will be a significant enhancement to the visual appearance of the building and should provide a much welcome lift to this site and the village centre. The additional storey presents no visual amenity concerns within its village centre context.

The accommodation will comprise 92 no. bedrooms (*note 90 advertised*) over two floors, 25 apartments over three floors, reception, dining room, dining/activity room, 3 no. day rooms, a day room, 2 no. family rooms,



kitchen, laundry, mortuary, meeting rooms physio, and significant staff facilities.

The accommodation is spread as follows:

- 1) 46 bedrooms and 2 apartments at ground floor,
- 2) 46 bedrooms and 7 apartments at first floor, and
- 3) 16 apartments at second floor.

All of the apartments have been designed to a good standard and exceed all the minimum standard requirements for new apartments. However, there are issues (highlighted by the Access Officer, Wexford County council and the HSE in statutory consultations) regarding the accessible WC's within each bedroom/apartment and in the public area. Similarly, there is policy for adaptable standards for apartments that needs to be met for 20% of the proposed apartment units, i.e. 5 units. This can readily be addressed by further information.

#### **External Materials**

The details of the finishes are provided and these will modernise the existing building – I will still include a suitable condition regarding this.

#### **Landscaping**

A detailed landscaping plan was requested at pre-planning in order to integrate the site with the coastal walk to the north. This has not been submitted and should be requested as further information.

#### **Residential Amenity**

There are four residences immediately to the south of the site – one of these is not occupied and is in the ownership of the applicant. There is a low boundary wall along the shared boundary with these dwellings (see photographs below). Part of this is a c.1.5m plastered block wall, part is a c.2m high stone wall, and part is a 1.8m high stone wall with a further metre of evergreen hedge.



**C.1.5m high block wall**





**C.1.8m high stone wall**



**C.1.5m high block wall**



**C.1.8m high stone wall**





**C.1.8m high stone wall with hedge**

I also note the third party submission in this regard, which highlights the omission of her dwelling from the site layout plan. The other dwellings are also omitted from the site layout plan. Concerns are raised regarding overlooking, particularly from the proposed second floor balconies.

There is a level of overlooking that has prevailed at this location from first floor level within the hotel bedrooms. The provision of additional floor of accommodation at second floor level will add to the level of overlooking. This is demonstrated well within the third party submission (please refer to photographs with the submission). I do note the proposal to construct a new 1.8m high wall within the site at this area, however, this really only squares the boundary situation and increases the land associated with the dwelling within the applicant's landholding.

It may be possible to mitigate against this increased overlooking by a number of means, i.e. increased height of shared boundary, additional landscaping and/or minor amendments to the design. Given the significant socio-economic gains that this proposed development will bring to Rosslare Harbour and district, I consider that the applicant should be given the opportunity to address this issue. It should be possible to arrive at a solution where overlooking will be no more than presently exists.

#### **Drainage**

Existing connection to storm water drain.

#### **Access and Car Parking**

There is an existing access to the site from St. Martin's Road in the village centre. This served the hotel and previous land use on the site. The applicant proposes 77 no. on-site car parking spaces. 13 of these are associated with the apartments and 8 with the service area – both accessed by the separate entrance along the east of the building. The remaining 56



	<p>spaces are associated with the nursing home element of the proposal. Therefore, 69 spaces are provided for the residential units.</p> <p>The standard requirement in the County Development Plan is 1.5 spaces per bed. This would lead to a requirement of 175.5 spaces, i.e. <math>((92 + 25) \times 1.5)</math>. This is a shortfall in excess of 100 spaces. The applicant needs to address this deficit.</p> <p><b><u>Water Supply</u></b> Public water mains – pre-connection agreement out of date.</p> <p><b><u>Effluent treatment</u></b> Public foul sewer – pre-connection agreement out of date.</p> <p><b><u>Flood Risk Assessment</u></b> OPW Flood Map Category C</p> <p><b><u>Access for All</u></b> Disability Access Certificate required – Yes</p>
<b>Conclusion</b>	<p>The proposal represents a significant development for the village of Rosslare Harbour and the wider district area. Most nursing homes of this scale will provide approximately 60 full and part time jobs when operating. As well as facility that provides care for the elderly in the community, the socio-economic benefits for the village would be significant.</p> <p>The design solution is based on the existing Great Southern building and it will significantly enhance the appearance of the site and the street. There is an issue with increased overlooking on the dwellings to the south and the applicant should be given the opportunity to address this.</p> <p>Further to this, there are a number of other issues regarding WC accessibility, adaptable units, landscaping, waste management and the pre-connection agreement from Irish Water. These should be included in the request for further information.</p>
<b>Recommendation</b>	It is recommended that the following <b>Further Information</b> be requested.



## Further Information

1. Please submit a site layout clearly demarcating the three dwellings on Saint Martin's Road
2. immediately to the south of the site. Please submit a demonstration of the levels of existing overlooking that occurs to these properties from first floor windows (a site section should be used to demonstrate this). Please also submit a site section demonstrating overlooking that would occur to the rear gardens of these dwellings from the proposed second floor balconies. Mitigation should be proposed for any increase in the levels of overlooking – this can take the form of design proposals and/or increase in height of shared boundaries, supplemented with landscaping.
3. There is policy within the Wexford County Development Plan that 20% of all proposed dwelling units must be to adaptable standards. Please submit details demonstrating that 5 of the proposed apartments are designed to adaptable standards. You should liaise with the Access Officer, Wexford County Council in this regard.
4. The standard car parking requirement in the Wexford County Development Plan 2013-2019 (extended) for nursing homes is 1.5 spaces per bed. The present proposal is for 69 spaces associated with the bedrooms/apartments. The requirement is 175.5 spaces, i.e.  $((92 + 25) \times 1.5)$ . Please submit details that address this deficit.
5. It was advised at pre-planning to submit a detailed landscaping plan with the application and to integrate the site with the coastal walk to the north. Please submit a detailed landscaping plan as previously advised.
6. Irish Water have advised that the COF submitted with the application is out of date (valid for 6 months only). Please submit an up to date pre-connection agreement with Irish Water.
7. Please submit a waste management plan for the development. The waste management plan shall cover the construction and operational phases of the development and shall include:
  - a) Details regarding storage of waste during the construction phase of the development,
  - b) Details regarding the disposal of all construction and demolition waste generated during the construction phase of the development,
  - c) Details regarding the storage of general, recycling and food waste during the operational phase of the development,
  - d) Details regarding the quantity, type and storage of all medical and hazardous waste (e.g. medical sharps, expired medication) generated on site, and
  - e) Contact details of a certified waste permit holder contracted to remove medical and hazardous waste from the development.

FP08

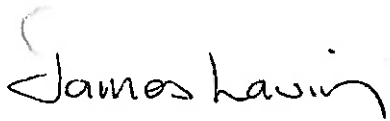



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**Liam Bowe**  
Executive Planner

**Date: 20<sup>th</sup> April 2021**



A handwritten signature in black ink that reads "James Lavin". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Lavin  
Senior Executive Planner

21 April 2021



## **REGISTER OF EXECUTIVE ORDERS**

### **Planning and Development Act 2000 (as amended)**

**ORDER NUMBER: PFP.0141/21**

**ORDER:** In exercise of the powers, functions and duties vested in the Chief Executive of Wexford County Council by Section 149 of the Local Government Act 2001 (as amended), which were on the 13 May 2020, delegated to me by the Chief Executive of Wexford County Council pursuant to Section 154 of the Local Government Act 2001 (as amended), IT IS HEREBY ORDERED THAT further information pursuant to Section 34(8)(b) of the Planning and Development Acts 2000 (as amended) and Article 33 of the Planning and Development Regulations 2001 (as amended) be requested in relation to the Planning Applications listed in the Schedule to this Order.

#### **SCHEDULE**

20210283      Domal Developments Ltd., Ballygillane Little, St. Helens

Signed by me at the County Hall Wexford on 23 April 2021

**TONY LARKIN**

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Tony Larkin  
Director of Service  
Economic Development & Planning



## **REGISTER OF EXECUTIVE ORDERS**

### **PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**PLANNING REGISTER NO: 20210283**

**ORDER NO: P.0837/21**

**ORDER:** In exercise of the powers, functions and duties vested in the Chief Executive of Wexford County Council by Section 149 of the Local Government Act 2001 (as amended), which were, on the 13 May 2020, delegated to me by the Chief Executive of Wexford County Council pursuant to Section 154 of the Local Government Act 2001 (as amended), IT IS HEREBY ORDERED THAT the decision of the Wexford County Council on the application described in the Schedule to this Order is as shown therein, and that the appropriate notifications be issued pursuant to Section 34 of the Planning and Development Act 2000 (as amended).

Signed by me at the County Hall, Wexford, on **11 June 2021**

**TONY LARKIN**

**DIRECTOR OF SERVICE**

#### **SCHEDULE**

##### **PARTICULARS OF PLANNING APPLICATION**

<b>PLANNING REG NO:</b>	20210283
<b>DATE OF APPLICATION:</b>	1 March 2021
<b>APPLICANT:</b>	Domal Developments Ltd.
<b>TYPE OF APPLICATION:</b>	Permission
<b>PROPOSED DEVELOPMENT:</b>	Permission for 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), 2nd 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. Martin's Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars
<b>LOCATION:</b>	Ballygillane Little, St. Helens
<b>DECISION:</b>	Granted subject to conditions <b>as listed hereinafter</b>
<b>DATE OF DECISION:</b>	11 June 2021



Having regard to provisions of the Wexford County Development Plan 2013-2019, the referral responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

#### **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 20/05/2021 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. 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 thirteen thousand, five hundred and seventy two euro (€13,572.00) as stated in Appendix 1 of this document.

##### **REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).

3. 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 nine thousand and forty eight euro (€9,048.00) as stated in Appendix 1 of this document.

##### **REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).

4. Prior to commencement of development, the applicant/developer shall submit for the written agreement of the planning authority precise details for the provision and management of the link to the coastal path.

##### **REASON:**

In the interests of connectivity and safety.

5. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

##### **REASON:**

In the interests of public health.



6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

**REASON:**

In the interests of public safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**REASON:**

In order to safeguard the amenities of property in the vicinity.

8. Details of materials, colours and textures of all external finishes to the proposed development, including the boundary treatment adjacent to existing dwellings, 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 Pleanála.

**REASON:**

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

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

**REASON:**

In the interests of visual amenity.

10. Deliveries shall be restricted to the following periods:  
Monday to Saturday 8.30am to 18.00pm  
Sundays and Bank Holidays 9.00am to 17.00pm

**REASON:**

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

11. 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.

12. 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.



13. All foul waste from the proposed development shall be discharged to the foul sewerage drainage system. No foul effluent of any kind shall be discharged to any drain, stream, watercourse or wetland area.

REASON:

In the interests of public health.

14. 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.

15. 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.

16. The proposed landscaping scheme shall be carried out within 12 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 severely 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 (as amended) and in the interests of visual amenity.

**END OF SCHEDULE**



## **APPENDIX 1: DEVELOPMENT CONTRIBUTIONS PAYABLE**

**Planning No:** 20210283

**Applicant Name:** Domal Developments Ltd.

**Location:** Ballygillane Little, St. Helens

**Proposal:** Permission for 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), 2nd 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. Martin's Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars

**Decision Date:** 11 June 2021

The following are the Development Contributions due in respect of the above Planning Permission:

<b>Infrastructure Type</b>	<b>Calculation Type</b>	<b>Amount Payable</b>
Roads	Commercial	€13,572.00
Community	Commercial	€9,048.00
<b>Total Payable</b>		<b>€22,620.00</b>

**Please note that the planning contributions are due at time of commencement. Failure to pay these will result in legal action for the collection of same, interest due and any other legal cost incurred.**

**For any queries in relation to the payment of Development Contributions, please contact the Development Contributions Debtor Unit, Finance Department, Wexford County Council, Carricklawn, Wexford  
Telephone: 053 9196476 / 053 9196509 / 053 9196626  
or e-mail: [dcdebtorunit@wexfordcoco.ie](mailto:dcdebtorunit@wexfordcoco.ie)**



## **DEVELOPMENT CONTRIBUTIONS**

### **METHODS OF PAYMENT**

- **By Bank Transfer** – Payment can be made directly to:

**BANK OF IRELAND, CUSTOM HOUSE QUAY, WEXFORD**

**BANK ACCOUNT NUMBER: 11934511**

**IBAN NUMBER: IE87 BOFI 9067 1811 9345 11**

**BANK SORT CODE: 90-67-18**

**BIC/SWIFT NUMBER: BOFIE2D**

**\*\*\* Quote your Customer Number or Planning Permission Number when making the transfer \*\*\***

- **By Phone** – please contact the telephone numbers below and quote your Customer Account No. and/or Planning Register No. and your credit/debit card details.

**Please be advised that you are not in compliance with your Planning Permission until your Development Contributions as conditioned are paid in full.**

**Failure to pay these will result in legal action for the collection of same, interest due and any other legal costs incurred.**

**Development Contributions Debtor Unit  
Finance Department  
Wexford County Council  
Carricklawn  
Wexford  
Tel: 053 9196626  
053 9196509  
053 9196476  
Email: [dcdebtorunit@wexfordcoco.ie](mailto:dcdebtorunit@wexfordcoco.ie)**



**WEXFORD COUNTY COUNCIL PLANNING AUTHORITY****PLANNING AND DEVELOPMENT ACT 2000 (as amended)****NOTIFICATION OF GRANT OF PLANNING PERMISSION**

Further to Notification of Decision on the application described in the Schedule to this Notice the application has now been determined as set out therein and is hereby **GRANTED** in accordance with the drawings and documents submitted.

Signed on behalf of Wexford County Council

*R. Gordon*

Date

14.07.21

**SCHEDULE****PARTICULARS OF PLANNING APPLICATION**

PLANNING REG NO: 20210283

DATE OF APPLICATION: 1 March 2021

APPLICANT: Dornal Developments Ltd.

TYPE OF APPLICATION: Permission

PROPOSED DEVELOPMENT: Permission for 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), 2nd 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. Martin's Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars

LOCATION: Ballygillane Little, St. Helens

DECISION: Granted subject to conditions as listed hereinafter

DATE OF DECISION: 11 June 2021



Having regard to provisions of the Wexford County Development Plan 2013-2019, the referral responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

#### **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 20/05/2021 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. 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 thirteen thousand, five hundred and seventy two euro (€13,572.00) as stated in Appendix 1 of this document.

**REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).

3. 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 nine thousand and forty eight euro (€9,048.00) as stated in Appendix 1 of this document.

**REASON:**

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Act 2000 (as amended).

4. Prior to commencement of development, the applicant/developer shall submit for the written agreement of the planning authority precise details for the provision and management of the link to the coastal path.

**REASON:**

In the interests of connectivity and safety.

5. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**REASON:**

In the interests of public health.



6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

**REASON:**

In the interests of public safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**REASON:**

In order to safeguard the amenities of property in the vicinity.

8. Details of materials, colours and textures of all external finishes to the proposed development, including the boundary treatment adjacent to existing dwellings, 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 Pleanála.

**REASON:**

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

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

**REASON:**

In the interests of visual amenity.

10. Deliveries shall be restricted to the following periods:  
Monday to Saturday 8.30am to 18.00pm  
Sundays and Bank Holidays 9.00am to 17.00pm

**REASON:**

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

11. 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.

12. 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.

13. All foul waste from the proposed development shall be discharged to the foul sewerage drainage system. No foul effluent of any kind shall be discharged to any drain, stream, watercourse or wetland area.

**REASON:**

In the interests of public health.

14. 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.

15. 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.

16. The proposed landscaping scheme shall be carried out within 12 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 severely 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 (as amended) and in the interests of visual amenity.

**END OF SCHEDULE**



## **Advice Notes**

### **AN 1**

Section 34 (13) of the Planning & Development Act 2000 (as amended) 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 is advised to consult the Building Regulations 1997 – 2014 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.



## **ADVICE NOTE BUILDING CONTROL**

A person who intends to carry out any works, or to make a material change of use as regards a building to which Part II of the Building Control Regulations applies, shall give to the Building Control Authority notice in writing of such intention. Notice shall be not less than 14 days and not more than 28 days before the commencement of the works or the making of the material change of use.

A person in breach of the Building Control Regulations is guilty of an offence.

Summary proceedings may be taken for failure to comply with the Building Control Regulations.

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Please note: The Building Control (Amendment) Regulations 2014, which will apply to works and changes of use where the commencement notice is received by the Building Control Authority on or after **1<sup>st</sup> March 2014**, introduce significant changes to the Commencement Notice process.

It is strongly advised that you consult your technical advisor (Chartered Engineer, Registered Architect or Chartered Building Surveyor) to ensure that you comply with these Regulations.

Further information may be obtained from:

- Department of the Environment website - <http://www.localgov.ie/en/link-type/bcms>
- Building Control Section of Wexford Co Co's website - <http://www.wexford.ie/wex/Departments/BuildingControl/>

**NOTE;** All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>



## **APPENDIX 1: DEVELOPMENT CONTRIBUTIONS PAYABLE**

**Planning No:** 20210283

**Applicant Name:** Domal Developments Ltd.

**Location:** Ballygillane Little, St. Helens

**Proposal:** Permission for 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), 2nd 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. Martin's Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars

**Decision Date:** 11 June 2021

The following are the Development Contributions due in respect of the above Planning Permission:

<b>Infrastructure Type</b>	<b>Calculation Type</b>	<b>Amount Payable</b>
Roads	Commercial	€13,572.00
Community	Commercial	€9,048.00
<b>Total Payable</b>		<b>€22,620.00</b>

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**For any queries in relation to the payment of Development Contributions, please contact the Development Contributions Debtor Unit, Finance Department,  
Wexford County Council, Carricklawn, Wexford  
Telephone: 053 9196476 / 053 9196509 / 053 9196626  
or e-mail: [dcdebtorunit@wexfordcoco.ie](mailto:dcdebtorunit@wexfordcoco.ie)**



## **DEVELOPMENT CONTRIBUTIONS**

### **METHODS OF PAYMENT**

- **By Bank Transfer** – Payment can be made directly to:

**BANK OF IRELAND, CUSTOM HOUSE QUAY, WEXFORD**

**BANK ACCOUNT NUMBER: 11934511**

**IBAN NUMBER: IE87 BOFI 9067 1811 9345 11**

**BANK SORT CODE: 90-67-18**

**BIC/SWIFT NUMBER: BOFIE2D**

**\*\*\* Quote your Customer Number or Planning Permission Number when making the transfer \*\*\***

- **By Phone** – please contact the telephone numbers below and quote your Customer Account No. and/or Planning Register No. and your credit/debit card details.

**Please be advised that you are not in compliance with your Planning Permission until your Development Contributions as conditioned are paid in full.**

**Failure to pay these will result in legal action for the collection of same, interest due and any other legal costs incurred.**

**Development Contributions Debtor Unit  
Finance Department  
Wexford County Council  
Carricklawn  
Wexford  
Tel: 053 9196626  
053 9196509  
053 9196476  
Email: [dcdebtorunit@wexfordcoco.ie](mailto:dcdebtorunit@wexfordcoco.ie)**



**APPENDIX 3:**

**Planning Reference 20220711**

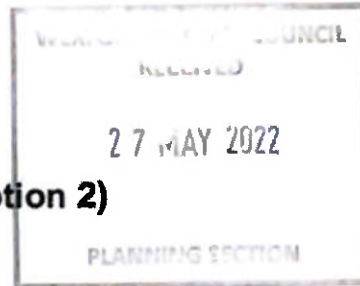
**Copy of Planning Application Form, Planners Report,  
Chief Executive Order & Final Grant of Permission.**



20220711

Form No. 2 Article 22

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



20220711

## 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:

N/A

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)

Amhola Rosslare Nursing Home Trading  
Limited \_\_\_\_\_

**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, St Martins  
Road, Ballygillane Little, Rosslare Harbour,  
Wexford \_\_\_\_\_

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

5645-C

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

(a) Names of All Company Directors  
Aidan Gallagher, Kevin Beary, Liam

McGroary \_\_\_\_\_

(b) Registered Address (of company)  
36 Upper Mount Street,  
Dublin 2 \_\_\_\_\_

(c) Company Registration Number  
691940 \_\_\_\_\_

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

McCutcheon Halley Planning  
Consultants (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  
Piotr

Kolodziejski \_\_\_\_\_

(b) Firm/Company

Reddy Architecture +  
Urbanism \_\_\_\_\_

**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>)  
Permission for alterations to the 90

bedroom nursing home scheme  
permitted by Wexford County Council  
(Ref: 2021/0283) at the Former Great  
Southern Hotel Site, St Martins Road,



**Ballygillane Little, Rosslare Harbour, Wexford.** The proposed works to the former hotel building 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 façade 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.

**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.

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**11. Site Area:**

Area of site to which the application relates in hectares.

0.901 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> 5,818.8 m<sup>2</sup>

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

(a) 3043.2m<sup>2</sup> (GF)(b) 2775.6m<sup>2</sup>(FF)

(c) \_\_\_\_\_ (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) 600.37 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>5,818.8</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\_\_\_

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

\_\_\_Nursing Home\_\_\_

**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 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 WCC Planning Application Form (Version August 2021)

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

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**

Does the proposed development consist work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage? YES [ ] NO [ X ]

Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)? [ ] [ X ]

Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National



Monuments (Amendment) Act, 1994<sup>10</sup>

Does the proposed development [ ] [ x ]  
require the preparation of an  
**Environmental Impact Assessment  
Report**<sup>11& 12?</sup>

Does the proposed development [ ] [ x ]  
require the preparation of a  
**Natura Impact Statement**<sup>13?</sup>

Does the application relate to work [ ] [ x ]  
within or close to an **European Site**  
(under S.I. No.94 of 1997) or a  
**Natural Heritage Area?**

Does the application relate to a [ ] [ x ]  
development which **comprises** or is  
for the purposes of an activity  
requiring an **integrated pollution  
prevention and control licence?**

Does the application relate to a [ ] [ x ]  
development which comprises or is  
for the purposes of an activity  
requiring a **waste licence?**

Do the Major Accident Regulations [ ] [ x ]  
apply to the proposed development?

Does the application relate to a [ ] [ x ]  
development in a **Strategic  
Development Zone?**

Does the proposed development [ ] [ x ]  
involve the **demolition** of any  
**habitable house?**

**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.

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

Yes [ ] No [ X ]

If yes, please give details

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

Yes [ x ] 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.:

2021/0283

Date of Submission: 1 March 2021

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): Ref:P20210669

**Please submit documentation**

Date(s) of consultation: 24/02/2022  
Persons involved: See pre planning letter from  
Wexford County Council attached

**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

The Irish Daily Star

Date of publication 26 / 05 / 2022

Date on which site notice was erected  
26 / 05 / 2022

**22. Application Fee**

Fee Payable:  
€20,037.92

Basis of Calculation:



Class 4 – Nursing Home – 5,416.09m<sup>2</sup> @  
3.60m<sup>2</sup> = €19, 497.92  
Class 8 – External Plant and roof plant– GFA –  
0.9ha @ €50/0.1 ha = €450  
Class 13 – Demolition & Landscaping – 0.9Ha  
@€10/0.1 = €90

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: 27 / 05 / 2022

SEE ALSO PAGE 12







- ☐ 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 (1:10560 and 1:2500)
- ☐ 6 copies of site or layout plan
- ☐ 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.

**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







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.

#### 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 Have you ever owned a rural dwelling?







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

**Please clarify your linkages to the area**

**6. Occupational Details**

<b>Occupation</b>	
<b>Name &amp; Address of Employer</b>	
<b>Actual Place of Work</b>	
<b>Distance of work from proposed site</b>	

**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** \_\_\_\_/\_\_\_\_/\_\_\_\_

**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. – this should correspond with the wording of the Newspaper Advert & Site Notice**

**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 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 98(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 considers that the proposed development is likely to have a significant effect on a European site it is open to him/her to submit a NIS with the planning application
14. The appeal must be determined or withdrawn before another similar application can be made.
15. A formal pre-application consultation may only occur under Section 247 of the Planning and Development Act 2000. An applicant should contact his or her planning authority if he/she wishes to avail of a pre-application consultation. In the case of residential development to which Part V of the 2000 Act applies, applicants are advised to avail of the pre-planning consultant facility in order to ensure that a Part V agreement in principle can be reached in advance of the planning application being submitted.
16. 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)
17. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001 (as amended).



SCANNED

21.07.22

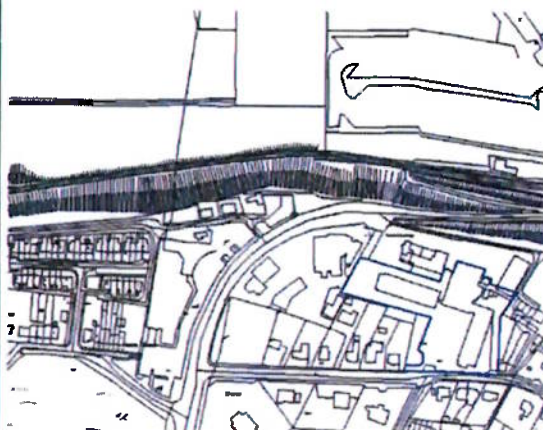
On receipt of F I's refer to:	Date Referred
Environment	
Roads	
Area Engineer	
Other	
No Referral	
Reason for Refusal	Public Health
	Road Safety
	Neighbour Amenity
	Development Plan

Registered Date	27 May 2022
Date Received Decisions Office	<div style="border: 1px solid black; padding: 5px; text-align: center;"> WEXFORD COUNTY COUNCIL RECEIVED  20 JUL 2022   PLANNING SECTION </div>
Due Date	21 July 2022
FI Date	

### WEXFORD COUNTY COUNCIL PLANNING REPORT

Application No.	20220711
Applicant	Amhola Rosslare Nursing Home Trading Limited ✓
Location	The site is located in the Townland of Ballygillane Little, St. Helen's ✓
Description	<p>Development Proposal - 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 ✓</p> <p>Site Description – The site has direct access to Saint Martins Road and an access road and coastal amenity walkway (Wexford Walking Trail) also bounds the northern boundary of the site. The surrounding area of the site is primarily residential which consists of low-density detached houses. Located 400m to the north of the site is Rosslare Harbour and Europort railway station which is the premier Irish port servicing the European continent daily. The village centre of Rosslare is characterised by retail, hotel, leisure and residential uses ✓</p>





Site Size - 0.90

**Relevant Planning History / Site History -  
20210283 Domal Developments**

Permission for 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), 2nd 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 Road, walled service area, new boundary fencing with gate to northern boundary, ancillary site works and car-parking for 77 cars at Ballygillane Little, St. Helens - Permission was granted subject to 16 no. conditions.

2009/1698 (ABP Ref: PL.26.236725)  
Merchant properties ltd in



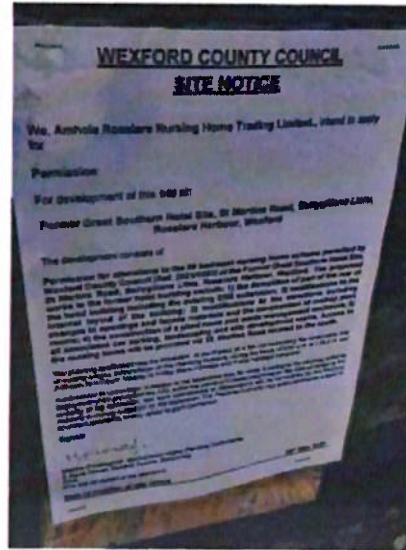
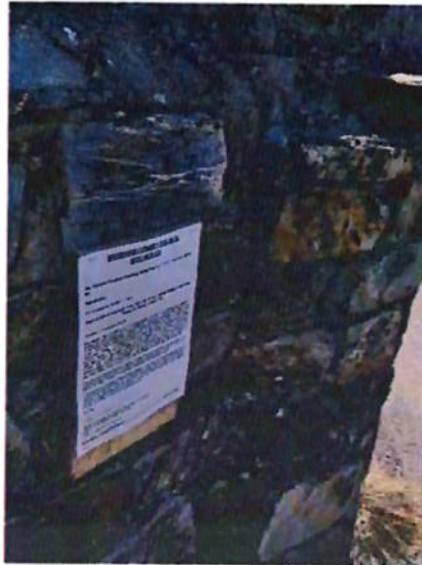
	<p>May 2010 for the demolition of existing bungalow and construction of new development consisting of demolition of existing 2 storey building known as St. Helens hotel, (formerly great southern hotel) and construction of new 60 bed nursing home facility on 2 to 4 storeys with new vehicular access from St martins road, and associated car parking, landscaping and site development works- Permission was granted subject to 19 no. conditions. The application was appealed to ABP and on appeal, a grant was issued</p>																																										
Enforcement	<p>No recent. The site had been the subject to a number of derelict site and dangerous places orders in the past.</p>																																										
Pre- Planning	<p>The applicant(s) have given no details of any pre-planning meeting held.</p> <p>Ref. No. P20210669</p> <div><p><b>Minutes of Pre-Planning Meeting P20210669</b> <b>Date: Thursday 24<sup>th</sup> February 2022</b> <b>Applicant: Amulata Healthcare Trusting Trading Limited</b> <b>Development Location: Ballyphane LIME, St Helens</b> <b>to attend:-</b></p><table><tr><td>Applicant</td><td>Fergus Boyle</td></tr><tr><td>Agent</td><td>Maple O'Callaghan, Don Black, Colin Cadden, Sue Cullen, Pats Keady, Matt De Munnor, Adam Healy &amp; Pats Bogan</td></tr><tr><td>Proposed</td><td>Modifications to permitted 60 bed nursing home development and 24 assisted living apartments and 1 studio apartment (20210669) at Ballyphane LIME, St Helens  Modifications will include removal of upper floor, elevation changes and internal changes to the layout. The proposed nursing home will contain 60 no. bed spaces. Development also proposes a separate area for 24 no. Independent Living Units.</td></tr><tr><td>Donnell Hanlon</td><td>Planning</td><td>Senior Planner</td><td>023 919 0091</td><td>087 417 8812</td><td>donnell.hanlon@wexfordcoco.ie</td></tr><tr><td>Sharon Canny</td><td>Enforcement</td><td>Senior Executive Officer</td><td>023 919 0220</td><td></td><td>sharon.canny@wexfordcoco.ie</td></tr><tr><td>Tom Scully</td><td>Planning</td><td>Senior Executive Officer</td><td>023 919 0200</td><td></td><td>tom.scully@wexfordcoco.ie</td></tr><tr><td>Mark Collins</td><td>Executive Municipal District</td><td>Executive Engineer</td><td>023 919 0000</td><td></td><td>mark.collins@wexfordcoco.ie</td></tr><tr><td>Brian Kennedy</td><td>Housing</td><td>Senior Staff Officer</td><td>023 919 0001</td><td></td><td>brian.kennedy@wexfordcoco.ie</td></tr><tr><td>Preparatory Contact</td><td></td><td></td><td>023 919 5400</td><td></td><td>enquiry@wexfordcoco.ie</td></tr></table><p>• Noise and dust pollution during construction may be an issue – ensure it is accounted for and controlled. • Details for surface water attenuation will be required to be submitted as part of any subsequent planning application. • Surface water should be taken based attenuation as the network to the north has limited capacity. • Waste disposal plan required • Ensure high levels of energy transition and possible opportunity for solar panels.</p><p><b>Notes</b></p><ul style="list-style-type: none"><li>The applicant should be advised that under Article 12 of the Building Control Regulations, 1997 to 2021, a Fire Safety Certificate will be required in respect of each of the buildings proposed as part of the development.</li><li>Hydrot system and water supply serving housing to be as per the "Standard Requirements for the hydraulic and water supplies in housing developments in County Wexford" (2018).</li></ul><p><b>P. E. Russell</b> Strategic Planner Date: 23/02/2021</p></div> <div><p>The applicant is advised that the review of the County Development Plan is expected to be completed in the 2<sup>nd</sup> Quarter of this year and advice may change once the plan is adopted.</p><p><b>Comments</b></p><p>The site is currently unoccupied but will be covered by the County Development Plan 2022-2028 Vol. 3.</p><p><b>Design</b></p><ul style="list-style-type: none"><li>The design approach is acceptable, 3D plans should be submitted.</li><li>Plans can proceed for consideration, further discussion is required on the new development.</li></ul><p><b>Access</b></p><ul style="list-style-type: none"><li>Footpath improvement works on public road required (including lighting).</li><li>Footpaths link from road to coastal walkway (reasonable access is recommended).</li><li>SU or charging points will be required.</li></ul><p><b>Access</b></p><ul style="list-style-type: none"><li>Approach roads and external circulation forms, including accessible parking, ramps, steps, connectivity via footpaths and crossing points.</li><li>Main entrance door to be at least 1000mm single leaf.</li><li>Entrances must have counter.</li><li>Internal circulation corridor within, door widths, landing edges and potential clash of doors interfaces internal steps and associated handrails.</li><li>Access to service facilities to be of 2.5m clear width as per the regulations.</li></ul><p>(Please contact Caroline Huran- Access Section if you have any queries in relation to the above by email caroline.huran@wexfordcoco.ie)</p><p><b>Access</b></p><ul style="list-style-type: none"><li>Part V does not apply.</li><li>Housing department are supportive of the development and welcome the job service with the nursing home.</li></ul><p><b>Recommendations</b></p><ul style="list-style-type: none"><li>Impact of operations of the past needs to be addressed in the design (Noise Pollution).</li><li>Construction management plan will be required for the development.</li></ul></div>	Applicant	Fergus Boyle	Agent	Maple O'Callaghan, Don Black, Colin Cadden, Sue Cullen, Pats Keady, Matt De Munnor, Adam Healy & Pats Bogan	Proposed	Modifications to permitted 60 bed nursing home development and 24 assisted living apartments and 1 studio apartment (20210669) at Ballyphane LIME, St Helens  Modifications will include removal of upper floor, elevation changes and internal changes to the layout. 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Site Notice	<p>Inspected by: D Houston</p> <p>The site notice was in accordance with the Planning &amp; Development</p>																																										







## Regulations, 2001 (as amended) on site inspection on 7-6-22



## Referrals

Referral response/s were received from the following:  
(note unable to scan copies of reports due to IT issue)

Senior Executive Scientist (Environment) further information be requested to provide a construction management plan – this can be dealt with by condition

Irish Water HQ Offices – No report

Housing Department – No report

Health & Safety Authority – “Does not advise against the granting of planning permission”

Disability Access Officer – no report

Roads - Recommends that permission be granted

Health Service Executive who recommends that permission be granted with conditions

Dept of Housing, Local Gov. & Heritage – No report

Iarnrod Eireann – Standard advice provided

Submissions/  
Observations

None recorded on APAS when checked on 20-7-22



<b>National Policy</b>	<p>National Planning Framework – Project Ireland 2040</p> <p>Regional Planning Guidelines – South East Region 2010-2022</p> <p>Guidelines for Appropriate Assessment of Plans and Projects in Ireland</p> <p>Guidelines for Planning Authorities and An Bord Pleanála for carrying out Environmental Impact Assessment</p>
<b>Development Plan</b>	<p><b>Wexford County Development Plan 2013 – 2019 (extended)</b></p> <ul style="list-style-type: none"> <li>• Section 3.4.7 – District Towns</li> <li>• Section 4.3.3.2 - Section 12.6 - Managing Flood Risk</li> <li>• Section 18.8 – Accessibility</li> <li>• Section 18.9.4 – Nursing Homes and Residential Care Homes</li> <li>• Section 18.29.3 – Sightlines</li> </ul> <p><b>Zoned Land</b> - No ✓</p>

<b>Biodiversity</b>	<p>EIA required: No</p> <p>AA required: No</p> <p>Please refer to attached Screening Report</p>
<b>Conservation Area</b>	No.
<b>Protected Structure</b>	No
<b>Registered Monument</b>	No
<b>Zone of Archaeology</b>	No
<b>National Road Schemes</b>	No record found in spatial analysis for National Road Schemes

<b>Development Contributions</b>	<p>Floor Area = 5818.8</p> <p>600.37 sq. m. demolition</p> <p>The proposed development will not result in an increase floor area for the development. The proposal is for minor alterations to the approved</p>
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**scheme phase 1**

Phase 2 includes the expansion of the floor area and is covered under the parent permission 20210283

Phase 1 as shown on the plans does not attract contributions as it is a conversion of a building and a derelict building. ✓

**Issues****Policy**

It is policy outlined in Section 18.9.4 of the Wexford County Development Plan 2013-2019 that nursing homes be integrated wherever possible into the residential areas of towns and villages. Rosslare Harbour is designated as a District town under Section 3.4.7 of the Plan. Furthermore, the site contains a hotel building that has not been in use for a number of years. Therefore, the principle of the development of a nursing home with assisted living accommodation is acceptable to the planning authority at this location.

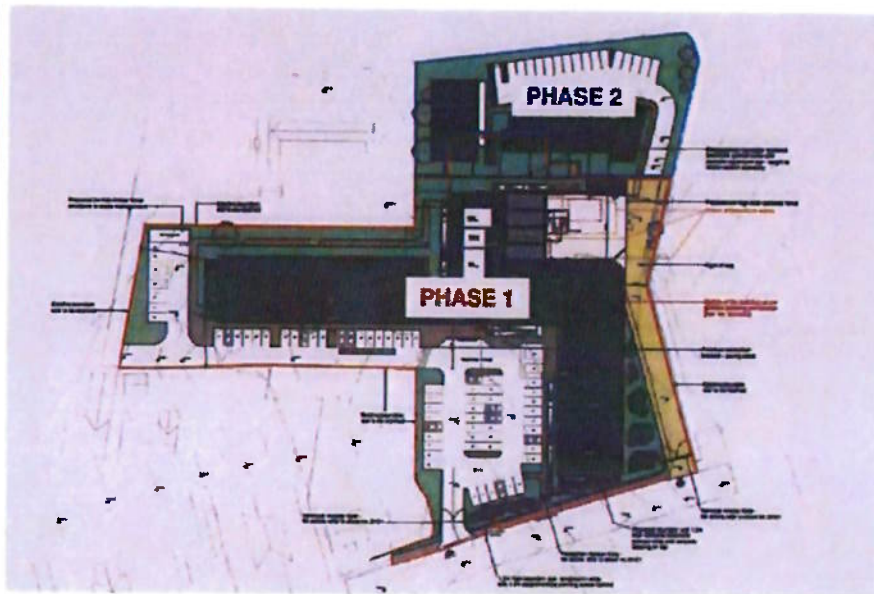
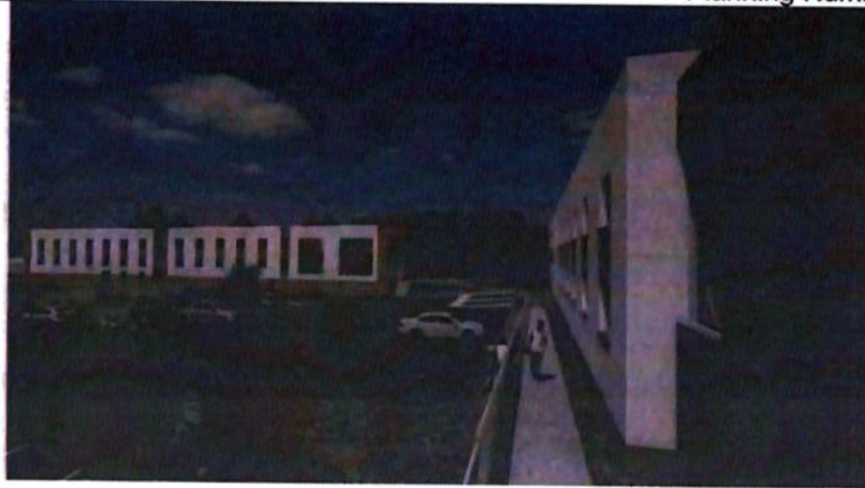
This application proposes to reduce the height of the permitted scheme granted and remove the use of Independent Living Units from within the nursing home building. The Independent Living Units will be proposed within phase 2 of the masterplan for and will be subject to a separate planning application. The removal of the ILU's as part of this application reduces the building mass from the previously permitted application (Ref: 2021/0283). ✓

**Design**

The development proposes a nursing home which is reduced in height from the previously permitted scheme. The design approach to the building facade and a change in the architectural language ensured the retention of the existing window opening sizes and provides a facade treatment that will ensure longevity and a sustainable finish to the proposed building. ✓







### **Materials**

Walls to be smooth self-finish render painted to cream and dark grey color. To break up the mass, a brick will be used to form a plinth around the building and also to emphasize architectural features such as stair wells and the main entrance area. The flat roofs will be an insulated PVC membrane or similar, matching colour of the surrounding roof finishes. All flashings and rainwater goods will be in pressed aluminum, grey colour to match the joinery. ✓

### **Access**

Access is as per previously granted permission

The development proposes a new access via St. Martins Road which is located to the south of the site. The development proposes a separate access for the proposed nursing home development and an additional access will be provided for service access and for the independent living units to the rear which will form a separate application.

The parking associated to the nursing home development will be accommodated to the southwest of the proposed nursing home development. The nursing home will consist of 69 no. car parking spaces ✓



	<p>which includes 2 no. accessible car bays on site and an ambulance set down area in front of the proposed building. The proposed parking will be associated to the nursing home development. The previous granted permission (Ref 2021/0283) allowed for 52 no. car parking spaces for the proposed nursing home development. ✓</p> <p><b><u>Water Supply</u></b> Public water mains.</p> <p><b><u>Effluent treatment</u></b> Public foul sewer.</p> <p><b><u>Flood Risk Assessment</u></b> OPW Flood Map Category C</p> <p><b><u>Access for All</u></b> Disability Access Certificate required – Yes</p>
<b>Conclusion</b>	<p>The principle of development has been established on the site under planning reference 2021/0283. This application proposes to reduce the height of the permitted scheme granted and remove the use of Independent Living Units from within the nursing home building</p> <p>This is a simple alteration to the previously approved scheme and includes a reduction in the overall development. The planning authority is therefore limited to what has been applied for and the changes to the development are considered to be acceptable.</p> <p>It is also noted that construction work has commenced on the derelict building in preparation for works and to ensure compliance with previous orders. ✓</p>
<b>Recommendation</b>	<p>It is recommended that <b>Permission be Granted</b> subject to the following conditions. ✓</p>

### **REASON AND CONSIDERATION FOR DECISION ON PLANNING REG. NO. 20220711**

Having regard to provisions of the Wexford County Development Plan 2013-2019, the referral responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

### **3 NO. CONDITIONS ATTACHED TO PLANNING REG. NO. 20220711**

1)	The proposed development shall be carried out in accordance with the plans and particulars lodged with the planning application, the terms and conditions of the governing permission, planning
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		<p>register 20210283 except as otherwise required by the conditions of this permission.</p> <p><b>REASON:</b> To ensure the proposed development accords with the permission and that effective control is maintained.</p>
2)		<p>A revised construction and waste management plan shall be submitted for the written agreement of the planning authority prior to the works out lined in this planning application commence. The development shall be carried out in accordance with the agreed scheme</p> <p>Reason In the interests of public health</p>
3)		<p>The works to provide a public footpath on the roadside boundary of the site shall be completed with the first phase of the overall development of the site.</p> <p>Reason In the interests of pedestrian safety</p>

### Advice Notes

#### AN 1

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

"A person shall not be entitled solely by reason of a Permission 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 development shall comply with The Building Regulations 1997 (as amended). 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.

The applicant is advised that the proposed development requires a Disability Access Certificate/Revised Disability Access Certificate in order to comply with Part M of the Building Regulations 2010 Access and Use.

Inc HSE report



**Diarmuid Houston**  
Senior Planner

**Date: 20 July 2022**



**Bernie Doyle**

---

SCANNED

**From:** Diarmuid Houston  
**t:** 20 July 2022 09:06  
**To:** Planning Submissions; Bernie Doyle  
**Attachments:** 20220711.docx

Please see attached report

Thanks  
Diarmuid



## **REGISTER OF EXECUTIVE ORDERS**

### **PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**PLANNING REGISTER NO: 20220711**

**ORDER NO: P.0986/22**

**ORDER:** In exercise of the powers, functions and duties vested in the Chief Executive of Wexford County Council by Section 149 of the Local Government Act 2001 (as amended), which were, on 14 April 2022, delegated to me by the Chief Executive of Wexford County Council pursuant to Section 154 of the Local Government Act 2001 (as amended), IT IS HEREBY ORDERED THAT the decision of the Wexford County Council on the application described in the Schedule to this Order is as shown therein, and that the appropriate notifications be issued pursuant to Section 34 of the Planning and Development Act 2000 (as amended).

Signed by me at the County Hall, Wexford, on **20 July 2022**

**ELIZABETH HORF**

**DIRECTOR OF SERVICE**

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#### **SCHEDULE**

##### **PARTICULARS OF PLANNING APPLICATION**

<b>PLANNING REG NO:</b>	20220711
<b>DATE OF APPLICATION:</b>	27 May 2022
<b>APPLICANT:</b>	Amhola Rosslare Nursing Home Trading Limited
<b>TYPE OF APPLICATION:</b>	Permission
<b>PROPOSED DEVELOPMENT:</b>	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
<b>LOCATION:</b>	Ballygillane Little, St. Helen's
<b>DECISION:</b>	Granted subject to conditions as listed hereinafter
<b>DATE OF DECISION:</b>	20 July 2022



Having regard to provisions of the Wexford County Development Plan 2013-2019, the referral responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

**CONDITIONS AND REASONS THEREFOR**

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the planning application, the terms and conditions of the governing permission, planning register 20210283 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. A revised construction and waste management plan shall be submitted for the written agreement of the planning authority prior to the works outlined in this planning application commences. The development shall be carried out in accordance with the agreed scheme.

**REASON:**

In the interests of public health.

3. The works to provide a public footpath on the roadside boundary of the site shall be completed with the first phase of the overall development of the site.

**REASON:**

In the interests of pedestrian safety.

**END OF SCHEDULE**



**APPENDIX 4:**

**7 Day Commencement Notice**



**NOTIFICATION OF ENTRY ONTO REGISTER - 7 DAY NOTICE**

County: Wexford County Council

To: Aidan Gallagher  
Gerard Fagan  
John Doherty

Date of Receipt of Notice: 04/10/2023 05:00pm

Date Entered onto Register: 11/10/2023

7 Day Notice Number : SN0009264WX

Description of Commenced Building or Works: 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.

Address: Saint Martin's Road Rosslare Harbour  
Wexford Y35 WE02

Dear Sir / Madam

Wexford County Council as the Building Control Authority hereby notifies you, in accordance with Article 20A (3)(b) of the Building Control Regulations 1997 - 2015, that the 7 Day Notice, submitted on the 04/10/2023 05:00pm, in relation to the above building / works has been deemed **Valid**, and particulars relating to same have been entered on the Register maintained pursuant to Part IV of the Building Control Regulations 1997 - 2015 on the 11/10/2023.

Yours Faithfully  
Wexford County Council

---

**Note 1:**

*The Building Control Act 1990 - 2014, Section 6(4) clearly states that "Where a certificate of compliance, or a notice to which subsection (2)(k) relates, is submitted to a building control authority shall not be under a duty to -*

- (a) Ensure that the building or works to which the certificate or relates will, either during the course of the work or when completed, comply with the requirements of building regulations or be free from any defects*
- (b) Ensure that the certificate complies with the requirements of the Act or of regulations or orders made under this Act, or*
- (c) Verify the facts stated in the certificate are true and accurate.*

**Note 2:**

*Validation is solely based on the assumption that the facts stated in and the attachments forming part of the Notice/Application/Certificate are true and accurate.*



*If, subsequent to validation, it is found that there are inaccuracies, it may cause the Notice /Application /Certificate to be subsequently invalidated and may be subject to enforcement proceedings. Enforcement carries a cost.*





Reddy Architecture + Urbanism  
Douglas Business Centre,  
Carrigaline Road, Douglas,  
Cork, T12 P088, Ireland.

T: +353 21 436 2922  
E: [cork@reddyarchitecture.com](mailto:cork@reddyarchitecture.com)

ARCHITECTURE  
INTERIOR DESIGN  
PLANNING  
PROJECT MANAGEMENT  
URBANISM

P23-127C Rosslare Emergency Accommodation Planning note.doc

6<sup>th</sup> October 2023

Attention of:  
**Mr Eoin Gilmartin,**  
**ORS**

**Re: Rosslare Emergency Accommodation Centre Planning Note**

Dear Mr. Gilmartin,

Further to our email correspondence, please note the following in relation to the planning requirements for the emergency accommodation.

We confirm that the proposed works are compliant under SI 376 of 2023 and SI 582 of 2015 of the planning regulations.

Under Class 14(h) and (i) of the Regulations, (see extract below) hotels, nursing homes (and other facilities that provide overnight accommodation" can be changed to emergency accommodation and also include for reception and orientation areas associated with such accommodation.

The only limitations on the change of use are there is a limit of 6 residences who have a physical/mental disability.

In addition, if the facility is used for more than 3 years then a change of use permission would be needed to change it back to nursing home/hotel.



ISO 9001:2015 Certified

● **Offices in:**  
Dublin, Cork, Kilkenny, Galway  
London, Belfast.

Reddy O'Riordan Staehli Ltd.  
Registered in Ireland, Reg. No. 380628.  
Registered Office: Schoolhouse Studio,  
Carrigaline Road, Douglas, Cork T12 P088  
Ireland.

**Directors:**  
Anthony Reddy (Chairman), Aidan Healy  
Sean Kearns, Gareth Maguire

**Associate Directors:**  
Paul Mulligan, Richard Booth  
John Leane, Niall Chisholm, Padraig Hyde

**Group Directors:**  
Rob Keane, Kosta Kapetangianis,  
David McDowell, Mike Freaney,  
Mark Kennedy, Tim Pettigrew,  
Rory Murphy

**Associates:**  
Tom Phelan, Sam Mayes, Paul O'Brien



(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,	The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.	Commented [J705]: Class 14(h) is inserted by article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015
(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and		Commented [J701]: Class 14(h) is inserted by article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015
(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both,	Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest	<p>Commented [J702]: Class 14(j) is inserted by article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015</p> <p>Commented [J706]: Class 14(j) is inserted by article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015</p> <p>Commented [J703]: Class 14(j) is inserted by article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015</p>

If you have any queries in relation to the above, please do not hesitate to contact me.



Aidan Healy  
Director  
For Reddy Architecture + Urbanism





All

[Home](#) | [Applications](#) | [Building Projects](#) | [Completion Certificates](#) | [KReports v4.2](#) | [Emails](#) | [Notes/History](#) | [>>](#)Recent: ved: CN Revised I... Rosslare Eme... form\_of\_7\_da... Rosslare\_Eme... ger\_byrne\_co... completion o... Oakhill  
 signature\_comme... Kilcannon House Building Pro...

Actions: View My Email

Assigned to:

Date Sent:

Building Projects: Rosslare Emergency Accommodation Centre - West Wing (Phase 1)

From: donotreply@nbco.gov.ie

Email Status: sent

To: anita.kelly@wexfordcoco.ie, bryan.beale@wexfordcoco.ie, darren.buchanan@wexfordcoco.ie, caroline.horan@wexfordcoco.ie, colm.mcgrath@wexfordcoco.ie, craig.innes@wexfordcoco.ie, clare.storan@wexfordcoco.ie, davin.connick@wexfordcoco.ie, edward.rossiter@wexfordcoco.ie, raymond.hamill@wexfordcoco.ie, Jacqui.Eydt@wexfordcoco.ie, marie.ryan@wexfordcoco.ie, michael-redmond@wexfordcoco.ie, olive.cunningham@wexfordcoco.ie, paul.lestrange@wexfordcoco.ie, pauline.moore@wexfordcoco.ie, paul.murphy2@wexfordcoco.ie, patrick.oconnor@wexfordcoco.ie, ray.murphy@wexfordcoco.ie, Steve.Gooden@wexfordcoco.ie, theresa.redmond@wexfordcoco.ie

Cc:

Bcc:

Subject: CN Revised Information

Body: Dear BCMS Admin,

Re: Rosslare Emergency Accommodation Centre - West Wing (Phase 1)  
Submission No: 8505097

The Commencement Notice with the Description 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. has been marked as requiring Revised Information. The Revised Information must be returned to the Building Control Authority on or before the 10/10/2023.

WCC note that you have inserted the PP relating to the conversion to a Nursing Home. Can you please replace this with a Exempted and Upload a Covering Letter that refers to SI 376 of 2023 and SI 582 of 2015. Very many thanks. WCC Bldg Cntrl

Yours Sincerely,  
Building Control Section  
Wexford County Council

☐ Show Plain Text

Attachments:

**Attachments**

						(0 - 0 of 0)		
Subject			Customer			Last Modified		
No Data								

**Companies**

<div>Create</div>			<div>(0 - 0 of 0)</div>		
Name		City		Phone	
No Data					

**Customers**

<div>Create</div>			<div>(0 - 0 of 0)</div>		
Name	Company Name	Email			
No Data					

**Users**

Select			(0 - 0 of 0)		
Name	User Name	Email	Phone		
No Data					



**WEXFORD COUNTY COUNCIL PLANNING AUTHORITY**  
**PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**NOTIFICATION OF GRANT OF PLANNING PERMISSION**

Further to Notification of Decision on the application described in the Schedule to this Notice the application has now been determined as set out therein and is hereby **GRANTED** in accordance with the drawings and documents submitted.

Signed on behalf of Wexford County Council

Pauline Moore

Date

22 AUG 2022

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**SCHEDULE**

**PARTICULARS OF PLANNING APPLICATION**

PLANNING REG NO: 20220711

DATE OF APPLICATION: 27 May 2022

APPLICANT: Amhola Rosslare Nursing Home Trading Limited

TYPE OF APPLICATION: Permission

PROPOSED 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

LOCATION: Ballygillane Little, St. Helen's

DECISION: Granted subject to conditions as listed hereinafter

DATE OF DECISION: 20 July 2022



## Planning Register No. 20220711

Having regard to provisions of the Wexford County Development Plan 2013-2019, the referral responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

**CONDITIONS AND REASONS THEREFOR**

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the planning application, the terms and conditions of the governing permission, planning register 20210283 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. A revised construction and waste management plan shall be submitted for the written agreement of the planning authority prior to the works outlined in this planning application commences. The development shall be carried out in accordance with the agreed scheme.

**REASON:**

In the interests of public health.

3. The works to provide a public footpath on the roadside boundary of the site shall be completed with the first phase of the overall development of the site.

**REASON:**

In the interests of pedestrian safety.

**END OF SCHEDULE**



## **Advice Notes**

### **AN 1**

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

"A person shall not be entitled solely by reason of a Permission 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 development shall comply with The Building Regulations 1997 (as amended). 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.

The applicant is advised that the proposed development requires a Disability Access Certificate/Revised Disability Access Certificate in order to comply with Part M of the Building Regulations 2010 Access and Use.





Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

**OUR TEMPORARY OFFICE**

Environmental Health Service  
Health Service Executive South  
Larkin House,  
Larkins Cross  
Co Wexford.  
Telephone M: 053 9114374

**EHO PLANNING CONSULTATION REPORT**

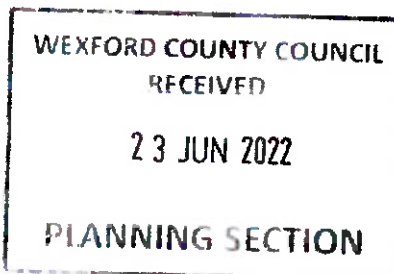
**MEMO TO:** Planning and Development Officer

**PLANNING AUTHORITY:** Wexford County Council

**REGISTER NUMBER:** 20220711

**Location:** Ballygillane Little, St Helens

**APPLICANT:** Amhola Rosslare Nursing Home Trading Ltd.



**PROPOSED 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

To: Planning and Development Officer,

This report only comments on Environmental Health (EH) Impacts of the proposed development.

- The assessment is based on an assessment of documentation received in this office on 8th June 2022 and documents on your website on 22<sup>nd</sup> June 2022.
  - All commitments to future actions including mitigation and further monitoring have been taken as read and all data results included have been accepted as accurate.
  - No additional investigations / measurements were undertaken.
  - This report refers only to those sections of the documents which are relevant to the HSE.
  - We have made observations and submissions under the following public health and environmental health interest : Air, Noise, Water, Waste, Pest Control
1. That a Construction Management Plan should be submitted. It should detail measures in place to reduce any adverse impacts from construction on the environment and health and to control any temporary emissions during the construction phase to prevent nuisance or adverse



health effects. Demolition, construction and operation, shall take place such that there will be no emissions of malodours, fumes, gas, dust, deleterious materials or industrial effluents.

It should include limits regarding hours of operation. The EHS considers the following as standard operation hours for construction sites:

Monday to Friday 08.00 – 18.00

Saturday 08.00 – 13.00

Sundays and Public Holidays No noisy work on site.

A dust control strategy should be implemented to prevent dust nuisance arising, particularly during the demolition stage. Measures to protect ground and surface water and the management of waste should also be included.

Storage arrangements for chemicals shall be such as to prevent any leakage to soil or groundwater e.g. leak proof containers of adequate capacity. Any bulk industrial chemical storage should be bunded.

1. Where the construction may impact on services to local residences, schools or food businesses they should be notified in advance.
2. Baiting for rodents should be carried out prior to commencement of the development, particularly as the building is derelict and the site has been vacant for some time.
3. All new drainage works and connections conform to the Local Authority's requirements. Drainage connections should be such as not to give rise to a Public Health nuisance.
4. Properly constructed gullies and traps should be incorporated into the drainage system for the interception and prevention of petrol, oil and grease from gaining entry to the public sewer.
5. Toilet accommodation and bedrooms should be adequately ventilated to the external air by mechanical means.
6. A mechanically aided system of intake/ extract ventilation should be provided in the cooking area which communicates directly with the outside air. Local mechanical extract ventilation should be provided over all cooking and steam emitting appliances (including dishwashers). Stainless steel canopies should be provided with grease filters. All external ducting should extend at least 1m above eaves level so as to avoid nuisance to adjoining properties/residents. Exhaust points from local exhaust ventilation over cooking areas should be located such as to avoid causing a nuisance to neighbouring premises and dwellings. Air intake and extract points should also be located a sufficient distance apart to avoid recirculating foul air.
7. Suitable and sufficient ventilation should be provided throughout the development. The following rates of ventilation are advised:

• Restaurant Area	-	6 - 12 air changes per hour
• Kitchen Area	-	20 - 30 air changes per hour
• Stores Area	-	6 - 12 air changes per hour
• Sanitary Accommodation	-	4 - 6 air changes per hour
• Toilet lobbies	-	2 air changes per hour
8. Toilets should be ventilated directly to the outside air. Toilets should also be separated from food preparation or storage rooms by a ventilated lobby. A minimum of 3 air changes per hour is recommended for toilet areas and 2 air changes per hour for lobbies.
9. A potable water supply direct from the rising main should be supplied to all cold water taps in the kitchen areas and at any drinking water points.
10. Kitchen/food preparation areas should be adequate in size to meet the needs of the residents and staff being catered for.
11. Adequate hygienic waste collection and disposal facilities shall be provided on site. External waste storage in the proposed waste management enclosure to be located on a hard standing surface which is sloped to a drain.
12. All waste generated at the site during construction shall be stored under appropriate conditions to prevent release of waste or dust prior to disposal to a licenced landfill or recovery facility agreed to by the Planning Authority.
13. Any new artificial lighting for the proposed development should not be obtrusive or a source of nuisance to neighbouring residences.
14. A dust control strategy should be implemented during construction to prevent dust nuisance arising or any release of dust into production or work areas.
15. Any new artificial lighting should not be obtrusive or a source of nuisance to neighbouring residences.
16. Noise levels on site should not cause a nuisance to neighbouring sensitive receptors and should not exceed 50dB(A) at the site boundary. If the daytime background limit is below 35dB(A)



activities on site shall not give rise to noise levels at noise sensitive locations which exceed the following sound pressure limits;

50db(A) Laeq,1 hour, 08:00 to 20:00 Monday to Friday

08:00 to 14:00 Saturday. 45 db(A) Laeq,15 minutes at all other times

If the daytime background limit is above 35db(A) activities on site shall not give rise to noise levels which exceed the background levels by more than 10 db(A) for daytime and shall not exceed the background level for night time and there shall be no clearly audible tonal component or impulsive component in noise emission at noise sensitive locations.

Signature



Kay O Connor

T/Senior Environmental Health Officer,

All correspondence regarding this planning consultation should be sent to Jane Power PEHO.



## **ADVICE NOTE BUILDING CONTROL**

A person who intends to carry out any works, or to make a material change of use as regards a building to which Part II of the Building Control Regulations applies, shall give to the Building Control Authority notice in writing of such intention. Notice shall be not less than 14 days and not more than 28 days before the commencement of the works or the making of the material change of use.

A person in breach of the Building Control Regulations is guilty of an offence.

Summary proceedings may be taken for failure to comply with the Building Control Regulations.

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Please note: The Building Control (Amendment) Regulations 2014, which will apply to works and changes of use where the commencement notice is received by the Building Control Authority on or after **1<sup>st</sup> March 2014**, introduce significant changes to the Commencement Notice process.

It is strongly advised that you consult your technical advisor (Chartered Engineer, Registered Architect or Chartered Building Surveyor) to ensure that you comply with these Regulations.

Further information may be obtained from:

- Department of the Environment website - <http://www.localgov.ie/en/link-type/bcms>
- Building Control Section of Wexford Co Co's website - <http://www.wexford.ie/wex/Departments/BuildingControl/>

**NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.envron.ie/en/DevelopmentHousing/BuildingStandards/>**



**APPENDIX 5:**

**Maps -       No. 1 Site Location Map**  
**No. 2 Site Layout Map**  
**No. 3 West Wing Under Development**









Unique Identifier: 8505097  
(for official use only)

**BCMS**

Building Control Management System

Form 677 day Notice

Building Control Acts 1990 AND 2007

(Article 20A)

Building Control Authority: Wexford County Council

1. I hereby give 7 day's notice in accordance with Part IIIA of the Building Control Regulations 1997 to 2014 that it is intended to carry out the development as described below.

Name of Building Owner(s): Aidan Gallagher

Address: Runabehy Quay Road, Dungloe, Donegal, Ireland

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: ag@amhola.com

Proposed Commencement Date: 11/10/2023

2. I enclose the fee payable for making this Notice of € 12,296.00

3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below)

Description of proposed development:

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..

Planning Permission No.: 20220711 Date Granted: 20/07/2022 Date of expiry: 20/07/2027

Valid Fire Safety Certificate Applied for (date): \_\_\_\_\_

Fire Safety Certificate No.: 3015196

Location of development: Saint Martin's Road, Rosslare Harbour, Co. Wexford, Y35 WE02

Number of buildings: 1 Number of new buildings: 0

Use of buildings: Residential (Other)





**3b. Residential Development Information:**

Total number of dwelling units (all phases\*): \_\_\_\_\_

Total no of phases\* \_\_\_\_\_ of which \_\_\_\_\_ are multiple unit dwellings.

Phase being commenced under this 7 Day Notice: \_\_\_\_\_

No. of units covered by this phase/ 7 Day Notice\*\*: \_\_\_\_\_

Commencement date for this phase: 11/10/2023

(Proposed) End-date for this phase: 30/11/2023

(\* Where applicable, i.e. phasing not relevant for single houses) (\*\* Include single house figure here also)

**4. Builder:**

Name: John Doherty, Axis Construction Limited

Address:

30 Main Street, Dungloe, Dungloe, Donegal, Ireland

Construction Industry Register Ireland Registration No. (where applicable): NA/NA (Other)

**5. Building Designer Details:**

Name: Sean Kearns, Reddy Architecture+Urbanism

Address: Reddy Architecture+Urbanism Douglas Business Centre Carrigaline Road

Douglas, Cork, Ireland

Telephone: (021) 4362922 Fax: \_\_\_\_\_

Email: skearns@reddyarchitecture.com

Practice Registration No. (where relevant): 99062 (RIAI Register)

Where required under Part IIIA of the Building Control Regulations 1997 to 2014, the mandatory certificate of Design Compliance signed by the above Designer accompanies this 7 Day Notice.





**6. Submission of Documents (where applicable): A Schedule of Documents accompanying this 7 Day Notice is attached in the following format:**

**Schedule of Documents:**

**(Plans, Calculations, Specifications, Ancillary Certificates & Particulars)**

<u>Documents</u>	<u>Reference</u>	<u>Description/ Remarks</u>
------------------	------------------	-----------------------------

**7. Signature by Building Owner:**

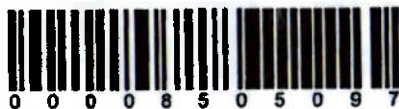
Signature: \_\_\_\_\_

(Building Owner) Aidan Gallagher

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

28/9/2023





I/we Aidan Gallagher, Mr. Kevin Beary

of Runabehy Quay Road, Dungloe, Donegal, Ireland

do solemnly and sincerely declare that I/we have made an application to the Local Authority for a Fire Safety Certificate in respect of works commencing not less than 7 days from this date.

Description of works:

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..

Located at: Saint Martin's Road, Rosslare Harbour, Co. Wexford, Y35 WE02

Pursuant to Article 12 of the Building Control Regulations 1997 to 2009 and I/we solemnly declare that the application has been completed in full and complies in all respects with the relevant provisions of the Building Control Regulations. I/We further solemnly declare that any works that have commenced before the grant of the Fire Safety Certificate will comply fully with the Building Regulations and I/we will, within such period as may be specified by the Building Control Authority, carry out any modification of such works that is required by or under the Fire Safety Certificate, including any condition(s) attached to the Fire Safety Certificate when granted by the Building Control Authority.

Signed: 

Aidan Gallagher

Date: 28/9/2023

Signed in the Presence of Commissioner of Oaths:

Name: Tony O'Sullivan

Address: Solicitor

Beauchamps LLP

Riverside 2,

Sir John Rogerson's Quay,

Dublin 2

Signature: 

Commissioner of Oaths

Warning: It is an offence for a person to knowingly or recklessly make a Statutory Declaration that is false or misleading in a material respect.

NOTE:

This declaration must be signed by a person with the authority and ability to carry out the declared undertakings. This will, in most cases, be the owner of the building unless legal authority has been delegated and submitted with the declaration.