



The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

AN BORD PLEANÁLA

LDG- _____

ABP- _____

07 APR 2025

Fee: € _____ Type: _____

Time: 17.03 By: hand

Date: 7 April, 2025
Our Ref: KK JN 17229

Dear Sir / Madam,

RE: RESPONSE TO SECTION 5 REFERRAL BY MR. THOMAS MURPHY IN RELATION TO WHETHER THE CHANGE OF USE FROM A TRAINING CENTRE TO A MEN'S SHED, IS OR IS NOT DEVELOPMENT AND IS OR IS NOT EXEMPTED DEVELOPMENT AT UNIT 5, DOCKLANDS INNOVATION PARK, 128-130 EAST WALL ROAD, DUBLIN 3

AN BORD PLEANALA REF.: 322041-25

DUBLIN CITY COUNCIL REG. REF.: 0017/25

1.0 INTRODUCTION

- 1.1 On behalf of our client, EWR Innovation Park Ltd, Building 1, Swift Square, Northwood Park, Northwood, Dublin 9, we John Spain Associates, 39 Fitzwilliam Place, Dublin 2, hereby submit this response to the Section 5 Referral submitted by Mr. Thomas Murphy, in relation to a Section 5 Declaration which was sought by Mr Murphy in relation to Unit 5, Docklands Innovation Park, 128-130 East Wall Road, Dublin 3.
- 1.2 This response is in reply to correspondence received from An Bord Pleanála (dated the 11th of March 2025) inviting our client to submit a response by the 7th of April 2025 (i.e. within 4 weeks of the date of the ABP Letter) in respect of the referral of the question set out in Section 5 Declaration Reg. Ref.: 0017/25 to An Bord Pleanála for a decision.
- 1.3 The Section 5 application related to a request for a declaration from the Dublin Council on the following question:

"Does change of use to men's shed constitute development, and is it exempted development?"
- 1.4 A Section 5 Declaration issued by Dublin City Council on the 10th of February 2025, which stated '*The change of use of Unit 5 from training centre to men's shed is development and is exempted development*'.
- 1.5 A detailed response was submitted to Dublin City Council in respect of the Section 5 application, and Section 2 below provides a response to the issues raised. In summary, the key function of the Men's Shed in Unit 5 includes training and teaching classes to members, including physical skills such as woodworking. The current activities align with the permitted training facility use granted under Reg. Ref.: 3974/00. No change of

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use is required nor has taken place for the current use on site, as it is considered that the predominant activity which takes place within the men's shed is the learning of practical workshop skills such as woodworking, including making and providing furniture for local clubs and facilities.

- 1.6 The primary use of the facility is for education and training of members of the men's shed, rather than the primary use being a social club, with social club being an ancillary use to the training use, and as such the existing use is considered acceptable.

2.0 RESPONSE TO GROUNDS OF REFERRAL

- 2.1 In summary, the Section 5 Referral states that it wishes to appeal the Section 5 decision of DCC under Reg. Ref.: 0017/25, stating that the parent permission for Unit 5 was for 'light industry' use, with planning permission granted under Reg. Ref.: 3974/00 for change of use to a training facility for the faculty of tourism and food. It continues that the unit is currently in use as a social club, East Wall Men's Shed, and that there has been a material change of use, for which planning permission should be sought. We note that as part of the referral to the Board, the applicant has not provided any additional evidence to demonstrate there has been a change of use, other than reference to the unit being used by a Men's Shed.
- 2.2 In response to the above, and as previously set out in the detailed response to DCC, our client has advised that Unit 5 is currently in use by the East Wall Men's Shed and that this operates as a workshop facility and important social outlet for retired men within the local area at ground floor level. The workshop includes regular training and classes, teaching members of the club new skills including woodworking and similar crafting skills. The facility is also used by members of the Men's Shed to undertake new skills and learn crafts, including the making of benches and other furniture for local clubs and facilities.
- 2.3 It is acknowledged Reg. Ref.: 3974/00 has been implemented on site, and consists of the change of use of the unit from industrial to training facility for the faculty of Tourism and Food, incorporating new canopy and mechanical plant in yard and on roof. However it is considered the operation of the Men's Shed in this instance meets the definition of a training facility, as permitted under Reg. Ref.: 3974/00, noting the workshops, training and teaching that takes place.
- 2.4 A Training Centre is defined in the Dublin City Development Plan 2022-2028 as the *"Use of a building, or part thereof, or land for the training or re-training of persons of an industrial or service nature"*.
- 2.5 Class 10 use, per Part 4 of Schedule 2 (f) of the Planning and Development Regulations 2001 (as amended) is described as *"a social centre, community centre or non-residential club, but not as a dance hall or concert hall"*. Social and Community Infrastructure is defined in the Development Plan as *"the physical infrastructure necessary for successful communities, i.e. community infrastructure such as schools, libraries, community centres, cultural spaces, health centres, facilities for the elderly and persons with disabilities, childcare facilities, parks, and other facilities and spaces for play and recreational activity."*
- 2.6 Overall, the unit whilst occupied by the Men's Shed is used for training and teaching skills to men who are members of the group in accordance with the permitted use. The primary use of the facility is for education and training of members of the men's shed, rather than the primary use being a social club, with social club being an ancillary use

to the training use, and as such the existing use is considered to be consistent with the permitted use of the unit.

- 2.7 The Section 5 Declaration issued DCC was in agreement that there is no change of use, with the DCC Planner's Report for the Section 5 Request under Reg. Ref.: 0017/25 stating:

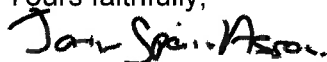
'While there is undoubtedly an element of social and community infrastructure associated with the existing use on the site, it is considered that a 'men's' shed' which is a non-profit organisation, the purpose of which is to provide space for social interaction and craftwork with the aim of aiding the health and wellbeing of men, would accord with the permitted use on the site as a training centre given the nature of activities that has been outlined by the submission on behalf of the owner. The submission notes that the primary use of the facility is for education and training of members of the men's shed, rather than the primary use being a social club, with social club being and ancillary to the training use, and as such the existing use is considered to be consistent with the permitted use of the unit.

On this basis the Planning Authority considers that the change of use from training facility to men's shed is exempt from the requirement to seek planning permission'

3.0 SUMMARY AND CONCLUSION

- 3.1 The Section 5 Referral relates to the question "Does change of use to men's shed constitute development, and is it exempted development?" in relation to Unit 5, Docklands Innovation Park, 128-130 East Wall Road, Dublin 3.
- 3.2 The key function of the Men's Shed in Unit 5 includes training and teaching classes to members, including physical skills such as woodworking. The current activities align with the permitted training facility use granted under Reg. Ref.: 3974/00. No change of use is required nor has taken place for the current use on site, as it is considered that the predominant activity which takes place within the men's shed is the learning of practical workshop skills such as woodworking, including making and providing furniture for local clubs and facilities.
- 3.3 The primary use of the facility is for education and training of members of the men's shed, rather than the primary use being a social club, with social club being and ancillary use to the training use, and as such the existing use is considered acceptable.
- 3.4 Having regard to the above, it is respectfully submitted that the Board should uphold the Planning Authority's Section 5 Declaration confirming that the development is exempted development.

Yours faithfully,



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