



Cavan

Comhairle Contae an Chabháin
Cavan County Council

Cavan County Council
Johnston Central Library
Farnham Street
Cavan H12 V3W4

T: 049 437 8300 Comhairle Contae an Chabháin
E: info@cavancoco.ie E: eolas@cavancoco.ie
W: www.cavancoco.ie

An Bord Pleanála
64 Marlborough Street
Dublin 1

11 March 2025

Ref: 396

AN BORD PLEANÁLA
LDG- _____
ABP- _____ 078622-25
12 MAR 2025
Fee: € 110.00 Type: (D)
Time: _____ By: Post

Re: Declaration under Section V of the Planning and Development Act 2000 (as amended) whether use of residential apartments to provide accommodation for persons seeking international protection at Coleman Court Apartments, Coleman Road, Cavan, Co Cavan is or is not exempted development

A Chara,

I enclose herewith copy of Section V Application received from Rossblue Management Ltd c/o Hughes Planning & Development Consultants which we refer to you for decision in accordance with Section 5(4) of the Planning and Development Act 2000 (as amended).

Statement of grounds for referral and fee of €110 is enclosed.

Mise le meas,

Cathal Boylan

Senior Staff Officer



Cavan County Council

**APPLICATION FOR DECLARATION UNDER SECTION V of
the PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

Name of Applicant: Rossblue Management Limited _____

Address of Applicant: 3 Chestnut Grove, Carrickmacross, Monaghan _____

Phone Number: +353 (0)1 539 0710 _____

Name of Agent: Hughes Planning & Development Consultants _____

Address of Agent: 85 Merrion Square, Dublin 2, D02 FX60 _____

Location of proposed Development: Coleman Court Apartments, Coleman Road,
Cavan, Co. Cavan

Is this a Protected Structure or within the curtilage of a Protected Structure?

- Yes
- No ✓

7. Description of Proposed Development: Whether the use of residential
apartments at Coleman Court Apartments, Coleman Road, Cavan, Co. Cavan, to
provide accommodation for persons seeking international protection, constitutes
exempted development or does not constitute exempt development?

8. Applicant's interest in site: Owner _____

Signed:  _____

Date: 11th February 2025



Please submit the following details with your application form:

1. Site location Map
2. Site layout plan
3. Details of gross floor space of development (if applicable)
4. Dimensions of proposed development
5. Details of previous extensions
6. Fee €80

Please note that your application cannot be fully processed until the attached form and appropriate documentation have been submitted to the Planning Department.

**Return completed form to: Planning Section
Cavan County Council, Johnston Central Library, Farnham Street, Cavan
T. (049) 4378300 E: plan@cavancoco.ie**





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Rossblue Management Limited
c/o Hughes Planning & Development Consultants
85 Merrion Square
Dublin 2
D02FX60

13 February 2025

Ref: 396

Re: Declaration under Section V of the Planning and Development Act 2000 (as amended) whether use of residential apartments to provide accommodation for persons seeking international protection at Coleman Court Apartments, Coleman Road, Cavan, Co Cavan is or is not exempted development

A Chara,

I wish to acknowledge receipt of your correspondence received in the Planning Office on 12 February 2025 in relation to Section V of the Planning and Development Act 2000 (as amended).

The Planning Authority wish to advise that your application is being reviewed and we shall be in further contact with you in due course.

Mise le meas,

Senior Staff Officer

MEMORANDUM

From Mairéad Sheridan Senior Executive Planner	To	Nicholas O'Kane Senior Planner  11/03/25
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Date 11/03/2025

RE: Application for Declaration under Section 5 of the Planning & Development Act 2000 as amended

Applicant: Rossblue Management Limited
Location: Chestnut Grove, Carrickmacross, Monaghan
Description: Declaration is sought under Section V of the Planning and Development Act 2000, for "whether use of residential apartments to provide accommodation for persons seeking international protection at Coleman Court Apartments, Coleman Road, Cavan, Co Cavan is or is not exempted development"

Site Location & Description

The subject site is located at Coleman Court Apartments, Coleman Road, Cavan and comprises of 2 no. two storey buildings. The property is currently residential. The subject site is zoned as Town Core in the Cavan County Development Plan incorporating a Local Area Plan for Cavan Town, 2022-2028. Access to the site is off the R-198-0.

Planning History

90 991057 Peter Rafferty, convert first floor premises to gymnasium, changing rooms and toilet, granted with conditions.
 96 991298 Peter Rafferty, 6 no. flat units, granted with conditions.
 99 991470 Peter Rafferty, demolish existing two story flats & erect new building with 8 No. self-contained apartments, granted with conditions.
 01 991562 Peter Rafferty, erect new advertising sign to gable of existing building, granted with conditions.
 18 517 Peter Rafferty, to replace existing advertising sign on gable of existing building known as 'Coleman Court' with upgraded digital sign, refused.

Legislative Context

PART 1, Section 5 of the Planning and Development Act (No. 30 of 2000, as amended):
 Declaration and referral on development and exempted development:

5.-(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, on payment

of the prescribed fee, request in writing from the relevant planning authority, a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

(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.

The Planning Authority consider the following to be the statutory provisions relevant to this application where a Declaration is sought under Section V of the Planning and Development Act 2000 as amended, for works including; for “whether use of residential apartments to provide accommodation for persons seeking international protection at Coleman Court Apartments, Coleman Road, Cavan, Co Cavan is or is not exempted development”.

The proposed development relates to Class 14 (h) of Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended and/or Class 20 (f) of Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended.

CLASS 14 (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.”

Conditions & Limitations of Class 14(h)

None.

CLASS 20(f)

“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.”

Conditions & Limitations of Class 20(f)

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².
3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).
8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

Article 6 - Exempted Development

Article 6(1) supports situations for exemption where:-

"Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1."

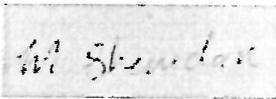
Restrictions of Exemption

Restrictions are placed on Exempted Development under Article 9(1) (2) and (3) of the Planning and Development Regulations, 2001, as amended. These relate to *inter alia* restrictive planning conditions on the site; access onto a road and traffic hazard; heritage, archaeological and landscape protections, obstructing a right of way. Also included in the exemption limitations is where a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

Matters of relevance:

The above question is referred to An Bord Pleanála, under Section 5(4) of the Planning and Development Act, as amended, seeking a determination “whether use of residential apartments to provide accommodation for persons seeking international protection at Coleman Court Apartments, Coleman Road, Cavan, Co Cavan is or is not exempted development”.

PLANNER SIGNATURE

A rectangular box containing a handwritten signature in dark ink, which appears to read "M. Stender".

DATE

11/03/2025



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85 Merrion Square
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Re: Declaration under Section V of the Planning and Development Act 2000 (as amended) whether use of residential apartments to provide accommodation for persons seeking international protection at Coleman Court Apartments, Coleman Road, Cavan, Co Cavan is or is not exempted development

A Chara,

I wish to advise that we have referred this Section V Application to An Bord Pleanála for decision in accordance with Section 5(4) of the Planning and Development Act, 2000 (as amended).

Le meas,

Cathal Boylan

Senior Staff Officer

