

File With _____

SECTION 131 FORM

Appeal NO: ABP -322546-25

TO: SEO

Defer Re O/H ☐Having considered the contents of the submission dated/ received 17/6/25
fromApplicant I recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): No new planning growthE.O.: [Signature]Date: 24/06/25

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

SA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP -322846-25

M _____

Please treat correspondence received on 17/6/25 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 253. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐

Amendments/Comments

Applicant Response

4. Attach to file

(a) R/S ☐(d) Screening ☐(b) GIS Processing ☒(e) Inspectorate ☐(c) Processing ☒RETURN TO EO ☐EO: Dud LhDate: 18/6/25Plans Date Stamped ☐Date Stamped Filled in ☐AA: Laois KolesDate: 23/06/25

Ronan Megannety

Laura

From: Susan Cullen <SCullen@mhplanning.ie>
Sent: Tuesday 17 June 2025 16:30
To: Appeals2
Subject: ABP-322546-25
Attachments: LTR_250617_Mount Street Lower_Resp_SRC.pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/Madam,

We act on behalf of Lower Mount Street Accommodation Services Limited in relation to 33-41 Mount Street Lower and wish to respond to the Mount Street Residents Group referral to the Board which was circulated to our client on May 21st, 2025.

Kind regards,

Sue Cullen

Director

McCutcheon Halley

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An Bord Pleanála
64 Marlborough Street
Dublin 1

26 May 2025

Re: ABP-322546-25 (Dublin City Council Ref. 0093/25)
Temporary change of use of from office to use to accommodate or support displaced persons seeking international protection and associated works is or is not development and is or is not exempted development
33-41 Mount Street Lower, Dublin 2

Dear Sir or Madam,

We act on behalf of Lower Mount Street Accommodation Services Limited in relation to 33-41 Mount Street Lower and wish to respond to the Mount Street Residents Group referral to the Board which was circulated to our client on May 21st, 2025.

This referral relates to a simple query as to whether a permitted office building can avail of the exemption as detailed in Class 20F of the Planning and Development Regulations 2001 (as amended):

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.

Our client has already sought a Section 5 on this matter earlier this year and Dublin City Council has confirmed that the change of use was exempt development, DCC Ref. No. 0063/25. The further Section 5 lodged by the Residents group received the same decision from Dublin City Council as our client received, that the change of use is exempted development.

The case being put forward by the Mount Street Residents Group is a clear attempt to disrupt the planning process by any means possible and it is clear that they are in general not in favour of the provisions of the class 20F exemption. The referral process can only be used to interpret the current legislation. Our client has sought and received a declaration from Dublin City Council that the change of use is exempt and is disappointed that a separate declaration and subsequent referral has been made to the Board.

In reviewing the submission made by BPS we would like to clarify the following items:

Article 10

Article 10 of the Planning and Development Regulations 2001(as amended) does not apply. Article 10 refers to ,*'...a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall...*

Article 10 clearly does not relate to the exempt, temporary change of use that has been sought as it refers only to change of uses within a specified class.

Article 9

The proposed use of the Class 20F exemption in this case would not be restricted by Article 9 (1) (a) of the Planning Regulations as the use would not:

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

BPS has confirmed is their referral that the permitted use of the building is as an office. Office use is outlined is Class 20F as being an existing use that can avail of the exempted, temporary change of use to accommodate or support displaced persons or persons seeking international protection. The inference it this would contravene Condition No. 1 of a permission implies that none of the exemptions within the Regulations could ever be applied to any site as existing development would forever need to comply with the drawings and documents submitted with the application.

In addition to the above, the proposed change of use also complies with the provisions of Article 9(1)(a)(ii) through to (xii) of the Planning Regulations in that the proposed change of use:

- will not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway;
- will not endanger public safety by reason of traffic hazard or obstruction of road users;
- will not comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building;
- will not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation;
- will not have any effect on the integrity of a European site or natural heritage area;
- will not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure;
- will not preclude or restrict the continuance of the existing use;
- will not obstruct any public right of way;
- will not comprise the carrying out of works to the exterior of a structure within an architectural conservation area.

Section 4(1)(h)

The associated works to facilitate the proposed temporary use will affect only the interior of the structure and therefore comes within the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000 which states that *'development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures will be exempted development.'*

Any proposed works to the interior of the building which aid in facilitating the temporary change of use of this office building will not materially affect the external appearance of the building. Should the building owners wish to confirm the extent of the internal works required to facilitate this temporary change of use are exempt, a separate declaration in relation to these internal works can be made to Dublin City Council. The current referral before the Board relates only to the change of use.

Given the temporary nature of the Class 20F exemption which only allows for a temporary change of use up to December 31st, 2028, we ask the Board to revert with a decision as soon as possible to provide further clarity that the proposed change of use is exempt as determined by Dublin City Council.

Yours sincerely



Susan R. Cullen
McCutcheon Halley

Encl.

- Ref. No. 0063/25 Dublin City Council 'Notification of Declaration on Development and Exempted Development' issued on April 1st 2025.



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Uirlár 3, Oifigí na
Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

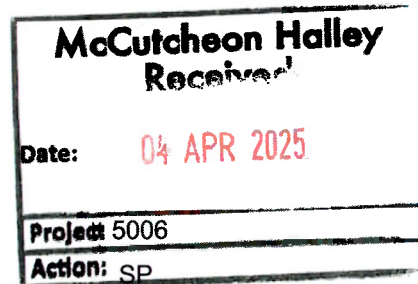
Planning & Property Development Department, Block 4, Floor 3,
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2288

E: Planning@dublincity.ie

02-Apr-2025

McCutcheon Halley
6, Joyce House
Barrack Square
Ballincollig
Co Cork



Application Number	0063/25
Application Type	Section 5
Registration Date	14-Mar-2025
Decision Date	01-Apr-2025
Decision Order No.	P2834
Location	33-41, Mount Street Lower, Dublin 2
Proposal	EXPP: Request for a section 5 declaration seeking confirmation that the temporary change of use from office use to accommodate or support displaced persons or persons seeking international protection (Class 20F) at 33-41, Mount Street Lower, Dublin 2, is exempted development.
Applicant	Lower Mount Street Accommodation Services Limited

- If you have any queries regarding this Decision, please contact the email shown above

Note:

Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by A Bord Pleanála within four weeks of the date of the issuing of the declaration.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Dublin City Council has by order dated 01-Apr-2025 decided to issue a Declaration that the above proposed development is EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Acts 2000 (as amended).

Reasons & Considerations:

The applicant should be advised that the change of use proposal would be exempted development as per Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The applicant shall be notified of this decision.

NOTE: In the interests of clarity, this Certificate of Exemption relates only to the temporary use of the building as detailed under Class 20F of Schedule 2, Part 1 of the Planning and Development Regulations

Ceannofig, Oifigí na Cathrach, An Ché Adhmaid, Bhaile Átha Cliath 8, Éire
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

**An Roinn Pleanála & Forbairt Maoine, Bloc 4, Uirlár 3, Oifigi na
Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.**

**Planning & Property Development Department, Block 4, Floor 3,
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.**

T: (01) 222 2288

E. Planning@dublincity.ie

02-Apr-2025

2001, as amended. No further works or alterations to the buildings can be confirmed under this declaration.

Signed on behalf of Dublin City Council


for Administrative Officer



Comhairle Cathrach
Baile Átha Cliath.
Dublin City Council

**An Roinn Pleanála & Forbairt Maoine, Bloc 4, Uirlá R. Jífigi na
Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.**

**Planning & Property Development Department, Block 4, Floor 3,
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.**

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02-Apr-2025