

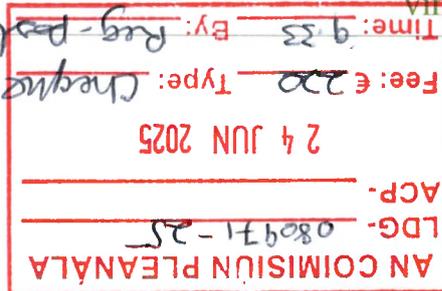
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23 June 2025

The Secretary
An Comisiun Pleanala
64 Marlborough Street
Dublin 1



**CONVENT OF MERCY TEMPLESHANNON ENNISCORTHY CO. WEXFORD
WEXFORD COUNTY COUNCIL PLANNING REGISTER REF. NO. EXD01188**

Dear Sir or Madam

We refer to the above and we confirm that we act for the referrer in this particular instance, Flodale Group Ltd. whose address is Pembroke Terrace, Abbeyleix Co. Laois.

We ask An Bord Pleanala to review the determination of the Council in this case with this submission being lodged with the Board under s.5(3)(a) of the Planning and Development Act, 2000 (as amended).

1. Background

By submission dated 15 May 2025, Flodale Group Ltd. sought a declaration of exempted development from Wexford County Council, with this proposal being set out in our originating report as follows:

'Whether a change of use of the existing rooms and spaces within a building which comprises the Convent of Mercy Templeshannon Enniscorthy Co. Wexford from its lawful use a residential convent to a centre for the accommodation of a combination of Ukrainian refugees and international protection applicants is development and / or is exempted development'.

Our submission which accompanied this referral explicitly stated, at page 10 therein, as follows:

'This activity would take place in existing rooms which are within the convent building, as it stands and this proposal does not require any physical works to the exterior or the interior of this premises'.

This limit on the ambit of the referral, so as to exclude 'works' was reiterated on page 15 thereof:

'The proposed conversion of the existing residential convent simply entails the replacement of beds and older-style furniture from the nunnery with modern features and no works to the building itself are actually needed for this development to take place...'.

2. Council Decision

Wexford County Council, by Director of Services Order no. P0696 of 13 June 2025, determined that this proposal fell outside the exempted development provisions of planning law for one reason. Although this formal decision document does not actually contain a reason for this determination, the Report of the Planning Officer had recommended that permission is required on the following basis:

'As the Convent of Mercy subject to this application represents an important component of the mid-nineteenth century-built heritage of Enniscorthy and it is noted that the Convent of Mercy is listed in the Wexford County Development Plan 2022-2028 as a protected structure. In order to undertake a fully comprehensive assessment of potential impacts on this protected structure it is considered that a full planning application must be submitted for the proposed change of use of the former religious convent for use as accommodation for persons seeking international protection with the required Architectural Impact Assessment as part of the planning application. It is considered that a full evaluation of the impact on this protected structure cannot be undertaken by way Section 5 of the Planning and Development Act, 2000 (as amended) or Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended). Therefore it is considered that the proposed development which is not exempted development.'

3. Original Referral

The initial submission which was lodged with the Planning Authority consisted of the following:

- Referral form;
- Planning report
- Conservation assessment

These documents will be forwarded by the Council to An Bord Pleanála, as per the usual procedure and we invite the Board to take the contents of these papers into account when considering this issue.

4. Referral Appeal

(i) Introduction

The present referral comprised the second section 5 reference by Flodale Group Ltd. in relation to the Convent of Mercy at Templeshannon Enniscorthy with its earlier submission, under reg. EXD01133 having failed on the basis that the Council needed to undertake an Architectural Impact Assessment, even though the application form which was lodged on this first occasion had expressly and explicitly indicated that the proposal did not involve any works to the Protected Structure. It is difficult to conclude that the reason for requiring consent was commensurate with the question which was posed.

Although an opinion by a Conservation Architect Grade One formed part of this present submission, the above text suggests that the Local Authority has had a change-of-mind to the degree that it now considers that an Architectural Impact Assessment cannot be considered as part of a section 5 reference. Especially as this present proposal does not involve any works, it is difficult to understand Wexford County Council conclusion, to the effect that this development requires planning permission.

(ii) Occupation by War Refugees

The referral which was lodged with the Planning Authority asked whether the use of this former nunnery by war refugees from Ukraine requires permission and highlighted the fact that planning law does not apply to proposals of this nature. This is a fact and we note that the Council's conclusion, to the effect that permission is needed for the conversion of this convent is based, not on this particular element of this two-prong referral request, but rather on the '*...the proposed change of use of the former religious convent for use as accommodation for persons seeking international protection...*'.

The Local Authority has accepted that the sleeping quarters in this building, which were formerly used as nuns' bedrooms and that the ancillary common areas, such as the kitchen / dining facilities, can be occupied by war refugees from Ukraine. We ask the Board to carry this conclusion forward into its determination of this referral and to accept that the usage of these rooms and spaces for this category of resident does not need permission as a result of the need for any Architectural Impact Assessment.

(iii) Occupation by International Protection Applicants

The Planning and Development (Exempted Development) (No 4) Regulations 2022 prescribes that the provision of accommodation for persons seeking international protection comprises exempted development, provided that the use of the building in question is 'for public worship or religious instruction' and we note that no part of the Report of the Planning Officer on the first occasion suggested that the new use would not comply with the generality of this provision, as a matter of overall principle. This presumption in favour of the proposed development should provide a springboard for any assessment and determination of this referral development by An Bord Pleanála.

Class 20F of this instrument is subject to six conditions, none of which were raised in the Planning Authority's determination in reg. EXD01133 and it is axiomatic that the Council accepts that this change of use does not need consent due to any breach of these stipulations. We again consider that this previous decision, which suggests that the only reason as to why consent is required relates to facilitating works, should clearly be used as a springboard for any assessment of this present proposal.

This provision is noted at pp.4-5 of the Report of the Planning Officer on this referral by at no point does this assessment, which tacitly concludes that this clause does not apply, explain why the benefit of Class 20F of the Planning and Development (Exempted Development) (No 4) Regulations 2022 should not extend to the occupation of the Convent of Mercy by international protection applicants.

5. Concluding Comment

This referral entails a change in the identity of the occupants of existing sleeping spaces and ancillary areas from members of a religious order, on one hand to war refugees and international protection applicants and, as this change of use does not involve any works to the Protected Structure, we respectfully disagree with the position which has been taken by Wexford County Council to this issue.

Moreover if, as has been accepted by the Local Authority, the use of these rooms by war refugees does not need consent as a matter of principle, we do not see how a change in the identity of future residents, from Ukrainians to International Protection Applicants from elsewhere, would affect the character or appearance of the Convent of Mercy, since no works are required for this conversion.

Yours faithfully


Vincent JP Farry
Farry Town Planning Ltd.

