

ROSCOMMON COUNTY COUNCIL

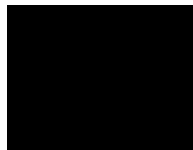
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Noel Whelan,



Reference Number: DED 845
Application Received: 18th February, 2025
Name of Applicant: Noel Whelan
Agent: N/A

WHEREAS a question has arisen as to whether the following works 'Permission to avail of Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, F42 XH51, is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 3 and 4 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- (b) Under Article 9(1)(a)(iii) it is considered that the proposal has the potential to "*endanger public safety by reason of traffic hazard or obstruction of road users*".
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development for permission to avail of Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, F42 XH51, is a development that is **not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,
A/Senior Planner,
Planning.

Date: 19th March, 2025

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Carmel Curley

From: Carmel Curley
Sent: Wednesday 19 March 2025 11:12
To: Aisling
Subject: DED 845 - Notification of Decision
Attachments: DED 845 - Notification of Decision.pdf

Hi Noel,

Please find attached Notification of Decision for DED Application 845.

Regards,

Carmel

Carmel Curley, Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



**Planner's Report on application under
Section 5 of the Planning and Development Act 2000 (as amended)**

Reference Number:	DED 845
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Noel Whelan
Location of Development:	Academy House, Goff Street, Ballypheasan, Roscommon Town, F42 XH51
Site Visit:	March 18 th 2025

WHEREAS a question has arisen as to whether the following works; “Permission to avail of Class 20F Exemption to accommodate people seeking International Protection” under the Planning & Development Act (Exempt Development) Regulations 2018 at the above address is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- a) Sections 3 and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the Regulations 2001 as amended.
- d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);
- e) The planning history on site.

1.0 Site Location & Description of Development & Nature of Proposed Development
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Site Location:

- The subject site encompasses a development is a 3-4 storey mid-terrace structure, which is situated in the townland of Ballypheasan. It is located to the eastern extent of Goff Street, which converges with Main Street to the north and the Circular road to the south.

Development Description:

- **Access:** Vehicular access arrangements are as per the conditions stated above with provision for on-street parking. Pedestrian access to the development is by way of stepped access to the western elevation of the property (front door is located here) and via chapel lane to the north extent of the back to which the subject site forms part.
- **Boundaries:** This is a mid-terrace dwelling; public access to the rear is precluded.
- **Dwelling:** The dwelling is historic in nature - as evidenced by the 6-inch (1830-1930) historic maps.

Nature of Proposed Works:

The applicant has advised in their application that “no works to be carried out”, in relation to the development.

2.0 Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the following European Sites were noted:

- Appropriate Assessment

The closest designated sites include 'Lough Ree' SAC (Site Code: 000440) which is located ca. 3.7km east of the subject site; Corbo Bog SAC (Site Code: 002349) which is located 7.8km north-east of the subject site and Ballinturly Turlough SAC (Site Code: 000588) which is located ca. 5.2km south-west of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are architectural and/or archaeological heritage sites/structures in proximity to the subject site and property thereon.

- Assessment of Architectural & Archaeological Heritage

- The property is located within Archaeological Zones of Notification (Zone: R184453).
Archaeological heritage is legally protected from unauthorised damage or interference through powers and functions under the National Monuments Acts 1930-2004.
- The subject site is located in proximity to Roscommon Town's Architectural Conservation Area (ACA). The building is not a protected structure.

Having regard to the foregoing, and the *Nature of the Proposed Works*, wherein the applicant states that there are “no works to be carried out” to the subject site, it is considered that the works proposed do not necessitate further examination as regards to architectural and/or archaeological assessment.

3.0 Planning History

As per Roscommon County Council's Planning Registry and GIS Planning database, a planning history assessment of the subject site and property thereon yielded the following results:

- **PD/04/891** Incomplete Application: **Invalidated 13/07/2004**
- **PD/04/2209** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).
- **PD/04/2310:** For **change of use** of one number habitable house to office

accommodation having one office in the basement and two offices in the ground floor and three offices on the first floor and three offices on the second floor (total of nine offices) with provision of a toilet and kitchen for the ground floor and first and second floor at Academy House, (proposed protected structure). **Grant date: 05/09/2010**

- **PD/08/1414** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).
- **PD/24/60143** Pertains to development in proximity to, but outside the red-line boundary of the current application (DED 793).

4.0 Relevant Statutory Provisions

Planning and Development Acts 2000 (as amended)

Section 3 (1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (2)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

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.

- Particular regard is had to Class 20F of column 1 and the associated Conditions and Limitations set out under Column 2.

Schedule 2, Part1

Column 1 Description of Development	Column 2 Conditions and Limitations
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	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 2022 ¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001 ² . 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

<p>centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport</p> <p>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.</p>	<p>displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</p> <p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p> <p>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.</p> <p>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).</p> <p>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.</p>
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Article 9 (1)

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

(a) If the carrying out of such work 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.
- (viiB) Comprise development in relation to which 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.
- (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

5.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether the use of the subject premises as a residence to accommodate people seeking International Protection at Academy House, Goff Street, Main Street, Roscommon Town, comprises a material change of use. The existing building on site has an established class of use as offices, as per the most recent planning file on the development/subject site (PD/04/2310). The applicant's proposal under this Section 5 application is to use this premises as a residence for International Protection Applicants. Further to the foregoing, the following matters and observations have been taken into consideration in relation to this application.

5.1 APPLICATION DOCUMENTATION:

The following documentation was submitted in relation to this application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended).

- Application for a Declaration under Section 5 of the PDA 2000 (as amended).
- Cover Letter for Academy House Section 5 Application (Thomas P. English)
- Review of Section 5 Application, Academy House, Roscommon (NRB Consulting Engineers)
- Site Layout Map x 1 (A3)
- Site Location Map x 1 (A3)
- Upper Ground Floor Plan (A4)

A schedule of works was not submitted as part of the application for a Declaration under Section 5 of the Planning & Development Act, 2000. There are no works to be carried in relation to the building.

5.2 PLANNING HISTORY REVIEW:

A review of the planning history for this development yielded the following relevant results:

▪ **PD/04/2310 – Permission Granted: 05/09/2010**

Permission was granted for change of use of one number habitable house to office accommodation having one office in the basement and two offices in the ground floor and three offices on the first floor and three offices on the second floor (total of nine offices) with provision of a toilet and kitchen for the ground floor and first and second floor at Academy House.

5.3 OBSERVATIONS:

In relation to the foregoing the following observations have been taken into consideration:

Planning History:

The planning file referenced above establishes the use of the subject site as office accommodation. In accordance with Column 1 of Class 20F of S.I. No. 376 of 2023, Planning and Development (Exempted Development) (No. 4) Regulations 2023, the temporary use of such structures for the accommodation or support of displaced persons or persons seeking international protection is permissible, subject to the limitations and conditions outlined in Column 2 of the said Part 1.

Consultants Cover Letter: Thomas P. English

The primary points of the correspondence from Thomas P. English are:

1. **Access Arrangements:** That in regard to access/egress the *"Goff Street side door will only be used as a means of escape from the building in the event of a fire/emergency and will be signed accordingly. This door is an emergency door."*
2. **Resident Occupancy:** That in relation to IPA occupancy, that *"the maximum would be 17 rather than 21 which was previously stated"*
3. **Upper Ground Floor Plans:** The inclusion of a ground floor plan which *"outlines the guesthouse resident's entrance/exit at the rear of the property which is accessible from the eastern side of the property along Chapel lane via the town centre carpark"*. The emergency escape door is also outlined which is located on the Goff Street side of the property.

Consultants Cover Letter: NRB Consulting Engineers

The primary points of the correspondence from NRB Consulting Engineers are:

1. **Review of Section 5 Application:** NRB Consulting Engineers reviewed the Section 5 Planning Documentation for Academy House, Roscommon.
2. **Expertise:** The review was conducted by Eoin Reynolds, a Chartered Engineer specialising in Traffic & Transportation and Roads Design/Safety.
3. **Access Routes:** Academy House has pedestrian access from Goff Street and Chapel Lane, with the primary access route being via Chapel Lane.
4. **Safety Enhancements:** Roscommon County Council has planned public realm improvements on Goff Street to enhance traffic safety for pedestrians and road users.

5. **Usage:** Academy House is proposed to be used as a guesthouse for people seeking international protection, with a duty manager and 24/7 security.
6. **Resident Management:** Residents will use key cards and sign in/out via Chapel Lane entrance, with extensive CCTV for management.
7. **Previous Use:** Academy House has been used as a guesthouse for Ukrainian Nationals since early 2023, with fire safety compliance confirmed in November 2024.
8. **Safety Assessment:** No adverse pedestrian, traffic, or road safety issues are expected with the proposed use of Academy House.

Having regard to the foregoing, and in particular the proposed accommodation of 17 individuals at the subject premises, the Planning Authority has serious concerns regarding the potential overdevelopment of the site and the associated increase in vehicular traffic volumes on the adjoining Goff Street. Goff Street converges with Main Street, Roscommon Town, forming a T-junction with Church Street, an area that experiences significant congestion during peak hours. While the application references additional primary access via Chapel Lane, it is noted that this route functions as a pedestrian thoroughfare, facilitating permeability through the block of buildings flanking the eastern side of Main Street/Goff Street, as well as the adjacent commercial car park serving multiple retail developments, including, but not limited to, Tesco and SuperValu. Furthermore, Thomas P. English & Associates and NRB Consulting have not provided an assessment of the anticipated daily vehicular movements, traffic impact, or parking requirements associated with the proposal. Given the proposed occupancy levels and the potential intensification of use, the Planning Authority considers it appropriate that a full Transport & Traffic Assessment (TTA) be undertaken to comprehensively evaluate the implications of the proposed development on the local road network and traffic conditions.

To this end, regard, reference is made to Article 9(1) of the Planning and Development Regulations 2001 (as amended), which sets out limitations on the application of exempted development provisions under Article 6. Notably, Article 9(1)(a)(iii) which stipulates that development shall not be deemed exempted if the works would "endanger public safety by reason of traffic hazard or obstruction of road users". Given the existing traffic conditions and the potential intensification of use at the premises, the Planning Authority considers that the proposed development may give rise to a traffic hazard, thereby rendering it ineligible for exemption under the Regulations.

With Regard to Article 9(1)(a) of the Planning and Development Regulations, it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Article 9(1)(a)(viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

6.0 Recommendation

WHEREAS a question has arisen as to whether a proposed development; "*Permission for Class 20F Exemption to accommodate people seeking International Protection*" under the *Planning & Development Act (Exempt Development) Regulations 2018*" at the site located at "*Academy House, Goff Street, Ballypheasan, Roscommon Town, F42 XH51*" is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 3 and 4 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site.

AND WHEREAS I have concluded that

- The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- Under Article 9(1)(a)(iii) it is considered that the proposal has the potential to "*endanger public safety by reason of traffic hazard or obstruction of road users*".
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or ELAR does not apply with respect to the current case.

AND WHEREAS I have concluded that

- The said development, "*Permission for Class 20F Exemption to accommodate people seeking International Protection*" under the *Planning & Development Act (Exempt Development) Regulations 2018*" at the site located at "*Academy House, Goff Street, Ballypheasan, Roscommon Town, F42 XH51*" is not exempted development and that a declaration to that effect should be issued to the Applicant.

Signed:



Blaithín Kinsella
Assistant Planner
Date: 18th March 2025

Signed:



Alan O'Connell
Senior Executive Planner
Date: 18th March 2025





Comhairle Contae
Ros Comáin
Roscommon
County Council



Noel Whelan,



Date: 19th February, 2025

Planning Reference: DED 845

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: Permission for Class 20F Exemption to accommodate people seeking International Protection under the Planning & Development Act (Exempt Development) Regulations 2018 at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 18th February, 2025, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00, Receipt No. **L/01/0/233160** dated 18th February, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 845**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

18/02/2025 15:17:19

Receipt No : L01/0/233160

NOEL WHELAN


EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED845	

Total : 80 00 EUR

Tendered :
Credit/Debit Card 80 00
7108

Change : 0 00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development

Name of Applicant(s)	NOEL WHELAN
Name of Agent	NOEL WHELAN
Nature of Proposed Works	PERMISSION FOR CLASS 2 OF EXEMPTION TO ACCOMMODATE PEOPLE SEEKING INTERNATIONAL PROTECTION AT ACADEMY HOUSE
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	ACADEMY HOUSE GOLF STREET BALLYPHEASAN ROSCOMMON TOWN
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>255 sq m</u> b) <u>—</u>
Height above ground level:	<u>11m</u>
Total area of private open space remaining after completion of this development	<u>—</u>
Roofing Material (Slates, Tiles, other) (Specify)	<u>—</u>

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	_____
Is proposed works located at front/rear/side of existing house.	_____
Has an application been made previously for this site	_____
If yes give ref. number (include full details of existing extension, if any)	_____
Existing use of land or structure	_____
Proposed use of land or structure	_____
Distance of proposed building line from edge of roadway	_____
Does the proposed development involve the provision of a piped water supply	_____
Does the proposed development involve the provision of sanitary facilities	_____

Planning & Development Act 2000 (as amended), regarding Exempted Development

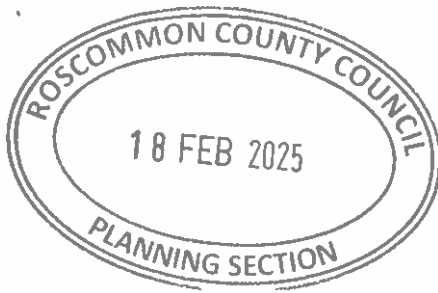
Signature: ML

Date: 18/2/25

Note: This application must be accompanied by: -

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed





**Thomas P. English
& Associates.**

Cover Letter for Academy House Section 5 application

Dear Mr. O'Connell

In response to the decision of the Section 5 application DED 793 that was submitted, we have resubmitted another Section 5 for Academy House on 18th of February. There seems to be a misunderstanding regarding the entrance/exit that will be used by residents at the guesthouse. The door that has been used previously is the door at the rear of the property. The Goff Street side door will only be used as a means of escape from the building in the event of a fire/emergency and will be signed accordingly. This door is an emergency escape door. This was also outlined to Paul O Donoghue and Karen Noonan on February 11th who inspected the property on behalf of DCEDIY.

Also please note that in the DED 793 application there was a further information request seeking confirmation on how many residents we were proposing to accommodate. Based on room sizes the maximum would be 17 rather than 21 which was previously stated.

We have attached the upper ground floor plan which outlines the guesthouse residents entrance/exit at the rear of the property which is accessible from the eastern side of the property along Chapel lane via the town centre carpark. On the same floor plan the emergency escape door is also outlined which is located on the Goff Street side of the property.

Kind Regards

Thomas P. English. B.E., M.I.E., A.C.I.I., C.M.I.O.S.H., A.I.E.M.A. Chartered Engineer.
Chartered Safety & Health Practitioner. Chartered Insurance Practitioner.

165 Ballymun Road, Glasnevin, Dublin 9.
Mobile: 086 - 2425308. Tel. 01 - 8379000.
E-mail: tpeng@connect.ie.

Carmel Curley

From: Aisling <accomventuresltd@gmail.com>
Sent: Monday 24 February 2025 10:17
To: Carmel Curley
Subject: Re: Academy House Section 5
Attachments: NRB Note of 17 Feb 2025.pdf

Hello Carmel,

Thanks for taking the call earlier. Please see attached the second part of the cover letter that was mistakenly omitted by myself for the Section 5 application for Academy House.

Regards,
Noel

On Tue, 18 Feb 2025, 14:32 Carmel Curley, <CCurley@roscommoncoco.ie> wrote:

Hi Noel,

Your application for a Section 5 Declaration has now been validated and assigned a reference number **DED845**.

Please call the cash desk on 090-6637108 to pay the €80 fee and please quote the reference number.

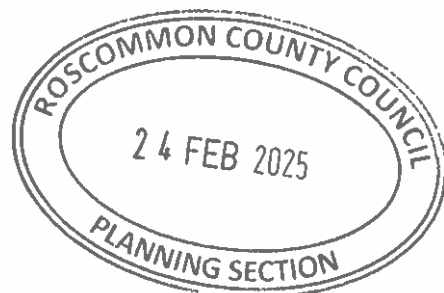
I will forward over an acknowledgement and receipt on receipt of same from the cash desk.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

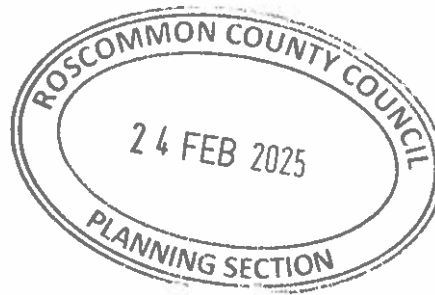
☎ (090) 6637100



17 Feb 2025
3042/ER

**Planning Dept.,
Roscommon County Council,**

*Sent By Soft Copy Email Only to
Mr Noel Whelan for onward transmission*



NRB Consulting Engineers Ltd
5th Floor
40 Mespil Road
Dublin 4
D04 C2N4

+353 1 292 1941
info@nrb.ie
www.nrb.ie

Dear All,

REVIEW OF SECTION 5 APPLICATION, ACADEMY HOUSE, ROSCOMMON

NRB Consulting Engineers are specialist in the area of Roads/Traffic/Transportation in terms of Assessment, Design and Road Safety, and we do not offer advice in other areas of Consulting Engineering. This review of the Section 5 Planning Documentation and particulars was undertaken by Eoin Reynolds, a Chartered Engineer and founding Director of NRB Consulting Engineers Ltd.

Eoin specialises in the field of Traffic & Transportation and Roads Design / Safety, generally assessing the infrastructure needs of developments. With over 35 years of experience, Eoin is expert in the provision of advice to both private sector and public sector clients on all aspects of roads, traffic and transportation, and mobility management. Eoin has given expert evidence at planning appeals, oral hearings, and public enquiries, and has given Papers at Engineers Ireland on related traffic/roads topics

The subject development / building within the centre of Roscommon Town has a pedestrian access to both the R366 Goff Street to the west, directly onto a wide pedestrian footpath, and also a pedestrian access route to/from Chapel Lane to the north. We understand that the primary pedestrian access route to serve the building will be via Chapel Lane.

We note that Roscommon County Council have published planned public realm project improvement works on Goff Street and locally, which will further enhance traffic safety conditions for pedestrians and road users in the vicinity of Academy House.

We understand that the proposal is for the use of Academy House as a guesthouse for people seeking international protection, and under these plans there is a contractual requirement to have a duty manager and 24/7 security on the property at all times. In these terms, all residents will be required to adhere to the rules regarding the entering / exiting of Academy House. All residents will be given a key card and they will be required to sign in and out of the property at the entrance via Chapel Lane to the rear of Academy House. There will also be an extensive CCTV system fitted throughout the property to assist management in the smooth running of the accommodation centre.

We understand that Academy House has been used as a guesthouse since early 2023 to accommodate Ukrainian Nationals. In October 2023, the local Fire Authority inspected Academy House. Following some upgrade works and a final inspection, a regularised fire cert was granted on 6th of November 2024 in line with guesthouse compliance for fire safety regulations.

Based on my review of the plans and the area, there is not and cannot be any adverse or unacceptable Pedestrian, Traffic or Road Safety issue associated with Academy House Residents using the pedestrian route to Chapel Lane or indeed the doorway to Goff Street. We are not aware of any historic traffic safety matters arising associated with the long established use of the building, or these pedestrian routes, and we expect that this will continue to be the case.

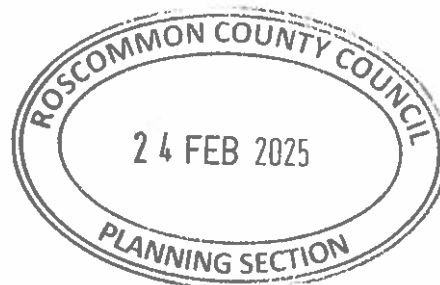


Please do not hesitate to contact me if you have any queries in relation to this submission or the content of the Note.

Yours sincerely,



Eoin Reynolds
Chartered Engineer
Director



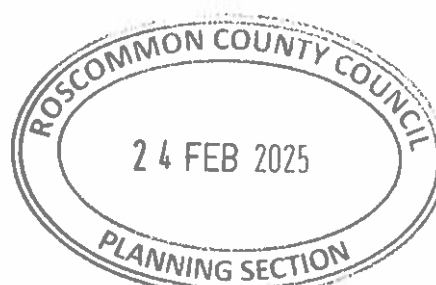
In completing the details below, We/I Note and Agree to entire content of this 4-page letter Ref 3040/AC/ER dated 19 Feb 2025.....

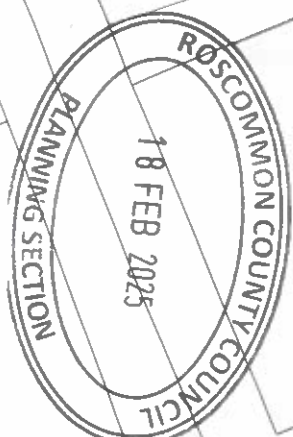
APPROVAL OF FEE & CLIENT BILLING DETAILS

<i>Client to provide exact invoicing/billing details hereunder;</i> <div style="height: 100px; border: 1px solid black;"></div>	<div style="border-bottom: 1px solid black; height: 30px; margin-bottom: 5px;">Signed</div> <div style="border-bottom: 1px solid black; height: 30px; margin-bottom: 5px;">Print Name</div> <div style="border-bottom: 1px solid black; height: 30px;">Dated</div>
--	--

NRB TERMS - Note that the person appointing NRB as client referenced above, in so-doing, confirms that they have the necessary client-authority to appoint NRB on this project, and confirms that funding is in place to pay for the service being provided. This quote is valid for 60 days. NRB Payment Terms are strictly 30 days following issue of invoice or as may otherwise be set out in any Agreement, and the Client in appointing NRB accepts and acknowledges this. In the event of cancellation, delay or termination of this appointment, by the client, through no fault of NRB Consulting Engineers Ltd., the full sum will become due and owing to NRB within 30 days of issue of Invoice. NRB Terms of Appointment include a limit of liability in respect of claims (other than those lower limits for pollution and contamination, asbestos or terrorism) to a monetary amount (clause 23) unless immediately notified in writing of differing requirements by the client at the time of appointment. The amount that will apply to this appointment is €1 million with a corresponding PI cover of €1 million for 6 years post completion of services. Our Terms are available upon request. Our EL cover is €13m and PL is €6.5m. Quotes are valid for 90 days.

NRB Standard Print/Report Costs	
Page Size/Type	Unit Cost
A4 B/W	€0.12
A4 Colour	€1.25
A3 B/W	€0.25
A3 Colour	€2.15
A1 B/W	€3.75
A1 Colour	€14.50
Report Binding	€15.00
Courier/Post	As incurred + 10%





—

1-7a

Fire Legend:









9.6m

R.W.



Y

2550-10

[illegible]

22

EET

1001

10

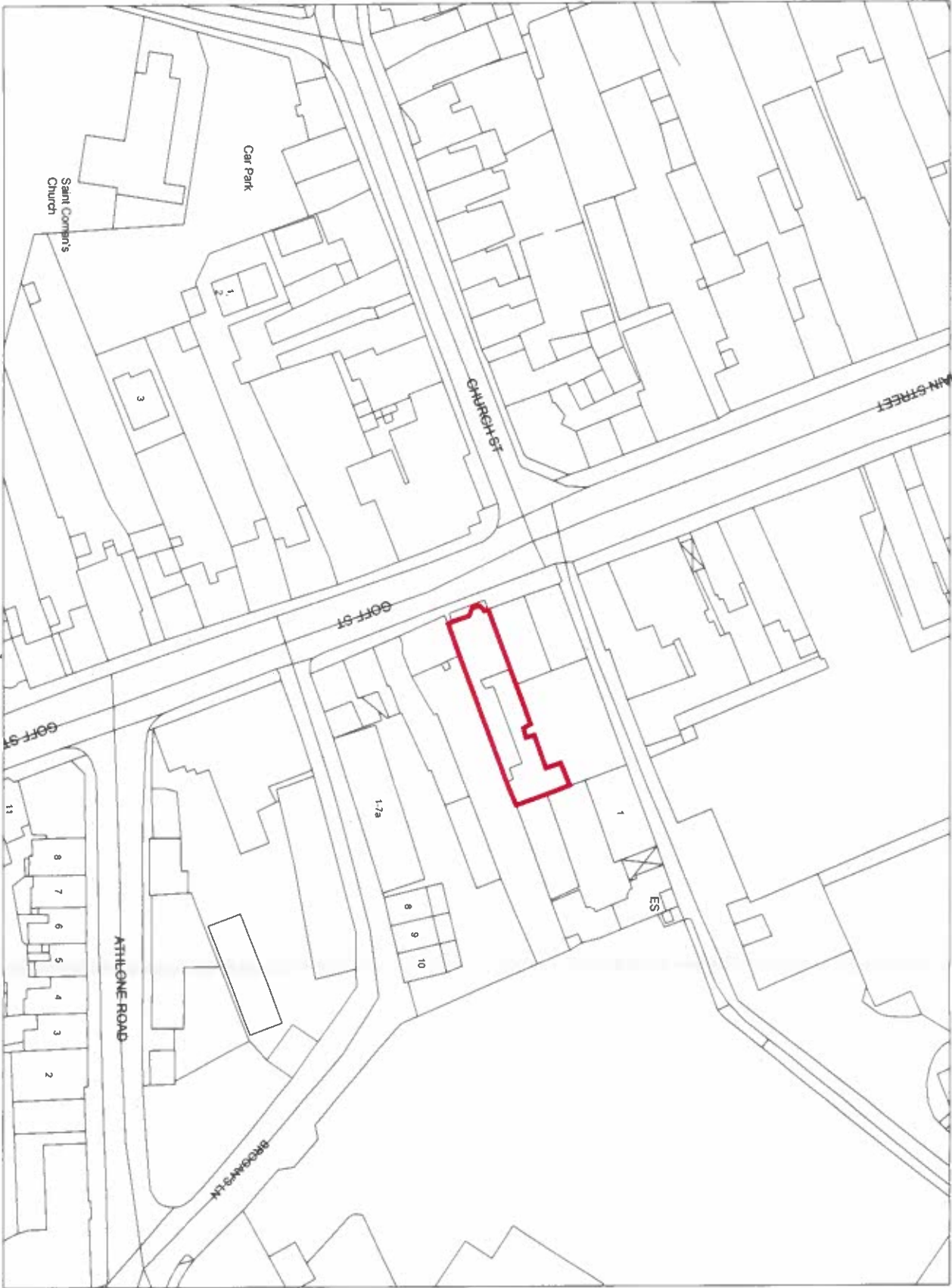
1000

24

Y: TE

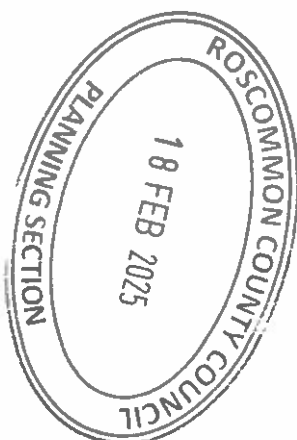
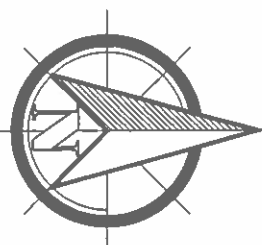


SITE BOUNDARY



SITE LOCATION MAP

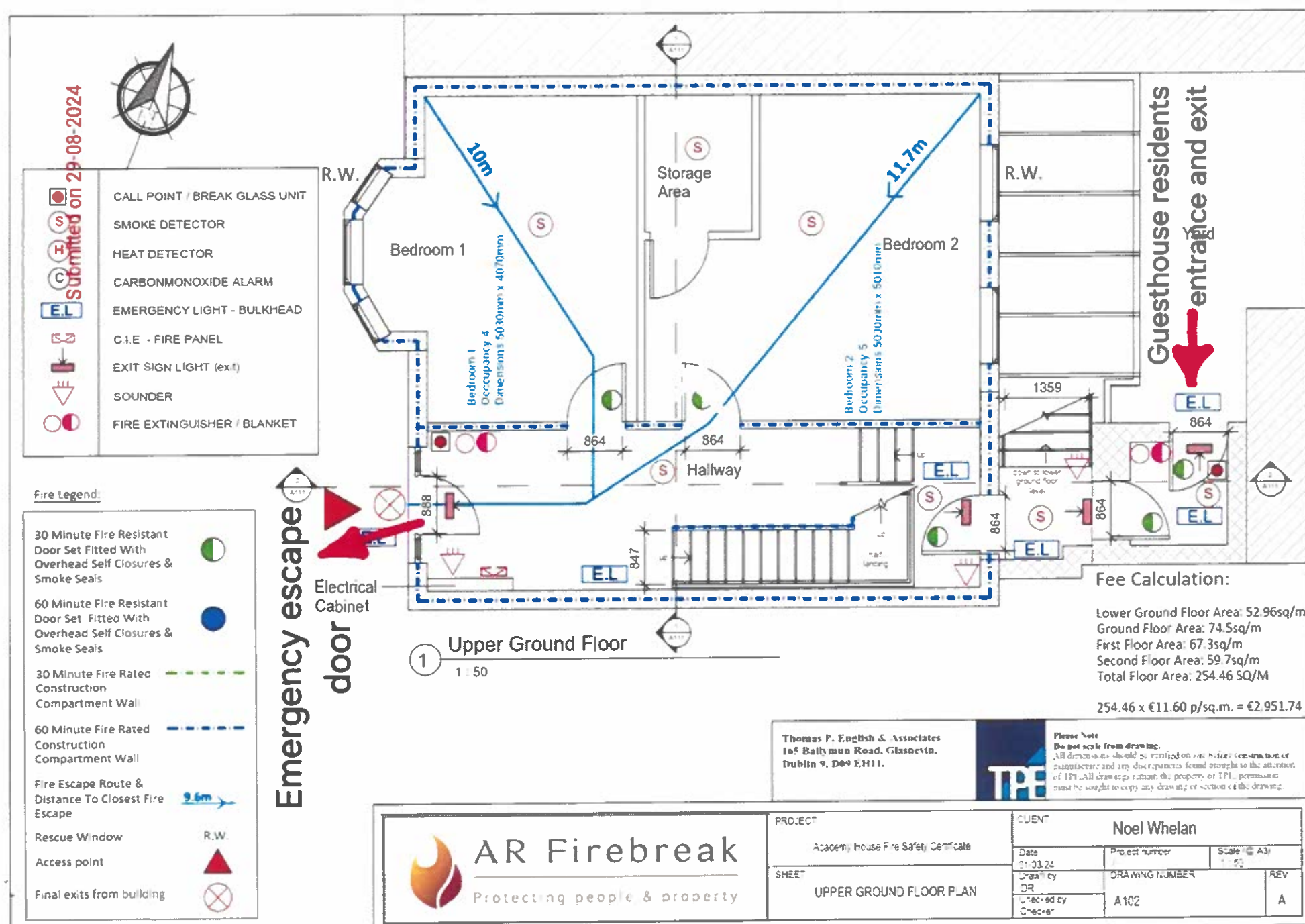
Please Note
Do not scale from drawing.
All dimensions should be verified on site before construction or manufacture and any discrepancies found brought to the attention of TPE. All drawings remain the property of TPE; permission must be sought to copy any drawing or section of the drawing.



Description:
Digital Landscape Model (DLM)
Publisher / Source:
Ordnance Survey Ireland (OSI)
Data Source / Reference:
PRIME2
File Format:
Autodesk AutoCAD (DWG_R2013)
File Name:
v_50401085_1.dwg
Clip Extent / Area of Interest (AOI):
LUX.LLV= 587359.95,764343.34
LUX.LRV= 587592.95,764343.34
ULX.ULV= 587359.95,764515.34
URX.URV= 587592.95,764515.34
Projection / Spatial Reference:
Projection= IRENET95_Inch_Transverse_Mercator
Centre Point Coordinates:
X,Y= 587476.45,764429.34
Reference Index:
Map Series | Map Sheets
2550-05
2550-10
Data Extraction Date:
Date= 17-May-2024
Source Data Release:
DCMLS Release V1.176.118
Product Version:
Version= 1.4
License / Copyright:
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.
Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.
© Suirbhéireacht Ordánais Éireann, 2024
Arna thionsú agus ama fhoilsiú ag Suirbhéireacht Ordánais Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire.
Sáraíonn aithneadh neamhdhárthaí cóipeáirí Shuirbhéireacht Ordánais Éireann agus Rialtas na hÉireann.
Gach cead ar cocrann. Ní ceadmhach aon chuid den fhoilseachán seo a chloicall, a athscrúdú nó a tharadh in aon thionn nó a aon bhealach lenn cead i scríbhinn nó in ádh eile an chloicir.
Ní bhoann bóthar, bealach nó cosh a bheith ar an léarsáil seo agus fhanais ar chéad sli.
Ní thaispeánann léarsáil de chuid Ordánais Shuirbhéireacht na hÉireann teorainn phróisiú deaithúil de mhaoin rann, ná úinéiríocht ghineálta málach.

Rev	Date	Description	Revision
CLIENT: NOEL WHELAN			
PROJECT: ACADEMY HOUSE, GOFF STREET			
PROJECT NO.: 021-24			
DRAWING NUMBER: A100			
DRAWING NAME: SITE LOCATION MAP			
SCALE: 1:1000 @ A3			
DATE: MAY 24			
DRAWN BY: SM			
APPROVED BY: TE			
Thomas P. English & Associates 165 Ballymun Road, Glasnevin, Dublin 9, D09 EH11.			





Mervyn Walsh

From: Planning Department
Sent: Tuesday 22 April 2025 13:36
To: appeals@pleanala.ie
Cc: Dillon Corcoran
Subject: ABP-322287-25 - Planning Authority Reference Number: DED 845
Attachments: DED 845 - Complete File.pdf; PD-04-2310 Decsion Documentation.pdf

Hi there,

Further to correspondence dated the 15/04/2025, from ABP, regarding the appeal, please find attached the complete file that relates to DED 845 and associated documentation, in response to the request for same.

Hardcopies of same, have been forward to ABP today via An Post.

Regards,

Mervyn Walsh.

**Mervyn Walsh, Administrative Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98**

☎: (090) 6637100

✉: planning@roscommoncoco.ie | www.roscommoncoco.ie

MAP LOCATION

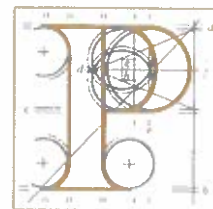


Comhairle Contae
Roscommon
County Council
Roscommon
County, Ireland



Our Case Number: ABP-322287-25

Planning Authority Reference Number: DED 845



An
Bord
Pleanála

Roscommon County Council
Áras an Chontae
Roscommon
Co. Roscommon



Date: 15 April 2025

Re: Whether the following works 'Permission to avail of Class 20F Exemption to accommodate people seeking international Protection at Academy House is or is not exempted development.
Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon.

Dear Sir / Madam,

Enclosed is a copy of a referral under the Planning and Development Act, 2000, (as amended).

In order to comply with section 128 of the Planning and Development Act, 2000, (as amended), please forward, within a period of 2 weeks beginning on the day on which a copy of the referral is sent to you, copies of any information in your possession which is relevant to the referral, including

- (i) details of previous decisions affecting the site;
- (ii) any correspondence that has taken place between the person(s) issued with a declaration under subsection (2)(a) of section 5 of the 2000 Act, (as amended), and the planning authority.
- (iii) the name and address of the owner of the land in question and the name of the occupier of the said land, if different;
- (iv) where no declaration was issued by you, indicate the date that the referral was due to be issued in accordance with subsection (2) of section 5 of the 2000 Act, (as amended)

In accordance with section 129 of the 2000 Act, (as amended), you may make submissions or observations in writing to the Board in relation to the referral within a period of 4 weeks beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the referral without further notice to you.

Please note when making a response/submission only to the referral it may be emailed to appeals@pleanala.ie and there is no fee required.

Please quote the above referral number in any further correspondence.

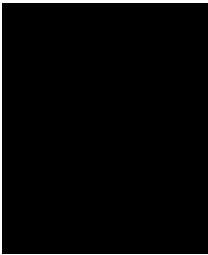
Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

**Appeal of Section 5 Declaration on Development and Exempted
Development Notification of Decision by Roscommon County Council**

Applicant Details

Noel Whelan



AN BORD PLEANÁLA
LDG- 079291-23
ABP-
14 APR 2025
Fee: € 170-00 Type: LAEN
Time: 12-21 By: LAEN

Property Details

Academy House,
Goff Street,
Ballypheasan
Co. Roscommon
F42 XH51

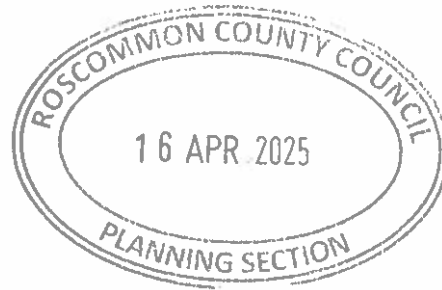


All related post of the review by An Bord Pleanála to be sent to applicant Noel Whelan who has submitted the appeal of Section 5. Please see address as outlined above.

Kind Regards

Noel Whelan

A handwritten signature in blue ink, appearing to read 'Noel Whelan', written over a horizontal line.



Cover Letter

I would like to take this opportunity to provide a bit of background to the Section 5 applications for Academy House. DED793 was first submitted on November 4th 2024. There is a statutory requirement to respond within a 4 week timeframe of having submitted a Section 5. We did not receive correspondence within this timeframe, nor did the council request any extension of time. On 17th of January 2025 we received a further information request which we duly responded to on the same day January 17th. On February 14th we received a decision from the council which was 14 weeks and 4 days from the date the council first received the application. The decision was not in our favour but more frustrating was the long delay for a decision long outside the 4 week timeframe.

On speaking to a few engineers of the councils decision, they were shocked at the reason that was given so we decided to resubmit. We contacted the council so we could speak with the planner to try and get a better idea of his reasoning behind his observation. The office clerk said they would get him to ring us but this call was never returned by the planner. On receipt of the councils decision we decided to resubmit on February 18th a new Section 5 application and address an observation the council had made on the first application. The new application was submitted with a cover letter and also two reviews from two engineers which we have also attached to this email. The response from the council was received on 19th of March, 29 days after submission, again outside the statutory timeframe. Unfortunately, the decision wasn't in our favour but what was most frustrating was that both reviews provided by the engineers were given no consideration.

In brief the property meets the criteria as set out in the 20F exemption. Its last usage prior to accommodation was an office space used by different local businesses and over 20 years ago it was used as a college/residential building where students were accommodated while completing courses hence the name 'Academy House'. The building itself is an existing building with no material alteration proposed to the building, it is 'a material change of use by itself' with no changes to the structure inside or outside. The building has been brought up to full compliance with a new Fire Safety Cert FRG2407816RN granted by Roscommon County Council on 21st November 2024 to use the property as a guesthouse to provide accommodation to International Protection Applicants. It has been contracted with DCEDIY to accommodate BOTP. There is an abundance of social infrastructure and amenities to support residential use at this property, unlimited availability of essential services including medical and educational facilities. There are no environmental issues related to this property and the council referred to this in both their decisions; DED 793 and 845.

Yours sincerely, Noel Whelan (Applicant)

A handwritten signature in blue ink, appearing to read 'Noel Whelan', written over a horizontal line.

8/4/25

ROSCOMMON COUNTY COUNCIL

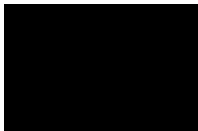
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Noel Whelan,



Reference Number: DED 845
Application Received: 18th February, 2025
Name of Applicant: Noel Whelan
Agent: N/A



WHEREAS a question has arisen as to whether the following works 'Permission to avail of Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, F42 XH51, is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 3 and 4 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 20F of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- (b) Under Article 9(1)(a)(iii) it is considered that the proposal has the potential to "endanger public safety by reason of traffic hazard or obstruction of road users".
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development for permission to avail of Class 20F Exemption to accommodate people seeking International Protection at Academy House, Goff Street, Ballypheasan, Roscommon Town, Co. Roscommon, F42 XH51, is a development that is not exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,
A/Senior Planner,
Planning.

Date: 19th March, 2025

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.



17 Feb 2025
3042/ER

**Planning Dept.,
Roscommon County Council,**

*Sent By Soft Copy Email Only to
Mr Noel Whelan for onward transmission*



NRB Consulting Engineers Ltd
5th Floor
40 Mespil Road
Dublin 4
D04 C2N4

+353 1 292 1941
info@nrbl.ie
www.nrb.ie

Dear All,

REVIEW OF SECTION 5 APPLICATION, ACADEMY HOUSE, ROSCOMMON

NRB Consulting Engineers are specialist in the area of Roads/Traffic/Transportation in terms of Assessment, Design and Road Safety, and we do not offer advice in other areas of Consulting Engineering. This review of the Section 5 Planning Documentation and particulars was undertaken by Eoin Reynolds, a Chartered Engineer and founding Director of NRB Consulting Engineers Ltd.

Eoin specialises in the field of Traffic & Transportation and Roads Design / Safety, generally assessing the infrastructure needs of developments. With over 35 years of experience, Eoin is expert in the provision of advice to both private sector and public sector clients on all aspects of roads, traffic and transportation, and mobility management. Eoin has given expert evidence at planning appeals, oral hearings, and public enquiries, and has given Papers at Engineers Ireland on related traffic/roads topics

The subject development / building within the centre of Roscommon Town has a pedestrian access to both the R366 Goff Street to the west, directly onto a wide pedestrian footpath, and also a pedestrian access route to/from Chapel Lane to the north. We understand that the primary pedestrian access route to serve the building will be via Chapel Lane.

We note that Roscommon County Council have published planned public realm project improvement works on Goff Street and locally, which will further enhance traffic safety conditions for pedestrians and road users in the vicinity of Academy House.

We understand that the proposal is for the use of Academy House as a guesthouse for people seeking international protection, and under these plans there is a contractual requirement to have a duty manager and 24/7 security on the property at all times. In these terms, all residents will be required to adhere to the rules regarding the entering / exiting of Academy House. All residents will be given a key card and they will be required to sign in and out of the property at the entrance via Chapel Lane to the rear of Academy House. There will also be an extensive CCTV system fitted throughout the property to assist management in the smooth running of the accommodation centre.

We understand that Academy House has been used as a guesthouse since early 2023 to accommodate Ukrainian Nationals. In October 2023, the local Fire Authority inspected Academy House. Following some upgrade works and a final inspection, a regularised fire cert was granted on 6th of November 2024 in line with guesthouse compliance for fire safety regulations.

Based on my review of the plans and the area, there is not and cannot be any adverse or unacceptable Pedestrian, Traffic or Road Safety issue associated with Academy House Residents using the pedestrian route to Chapel Lane or indeed the doorway to Goff Street. We are not aware of any historic traffic safety matters arising associated with the long established use of the building, or these pedestrian routes, and we expect that this will continue to be the case.



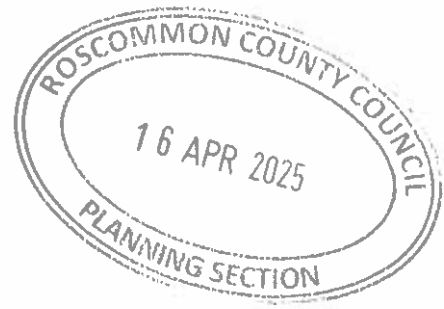
Please do not hesitate to contact me if you have any queries in relation to this submission or the content of the Note.

Yours sincerely,



Eoin Reynolds
Chartered Engineer
Director





Cover Letter for Academy House Section 5 application

Dear Mr. O'Connell

In response to the decision of the Section 5 application DED 793 that was submitted, we have resubmitted another Section 5 for Academy House on 18th of February. There seems to be a misunderstanding regarding the entrance/exit that will be used by residents at the guesthouse. The door that has been used previously is the door at the rear of the property. The Goff Street side door will only be used as a means of escape from the building in the event of a fire/emergency and will be signed accordingly. This door is an emergency escape door. This was also outlined to Paul O Donoghue and Karen Noonan on February 11th who inspected the property on behalf of DCEDIY.

Also please note that in the DED 793 application there was a further information request seeking confirmation on how many residents we were proposing to accommodate. Based on room sizes the maximum would be 17 rather than 21 which was previously stated.

We have attached the upper ground floor plan which outlines the guesthouse residents entrance/exit at the rear of the property which is accessible from the eastern side of the property along Chapel lane via the town centre carpark. On the same floor plan the emergency escape door is also outlined which is located on the Goff Street side of the property.

Kind Regards

Thomas P. English. B.E., M.I.E., A.C.I.I., C.M.I.O.S.H., A.I.E.M.A. Chartered Engineer.
Chartered Safety & Health Practitioner. Chartered Insurance Practitioner.

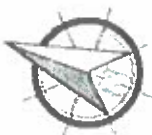
165 Ballymun Road, Glasnevin, Dublin 9.

Mobile: 086 - 2425308

Tel. 01 - 8379000

E-mail: tpeng@connect.ie

Submitted on 29-08-2024



	CALL POINT / BREAK GLASS UNIT
	SMOKE DETECTOR
	HEAT DETECTOR
	CARBON MONOXIDE ALARM
	EMERGENCY LIGHT - BULKHEAD
	CIE - FIRE PANEL
	EXIT SIGN LIGHT (exit)
	SOUNDER
	FIRE EXTINGUISHER / BLANKET

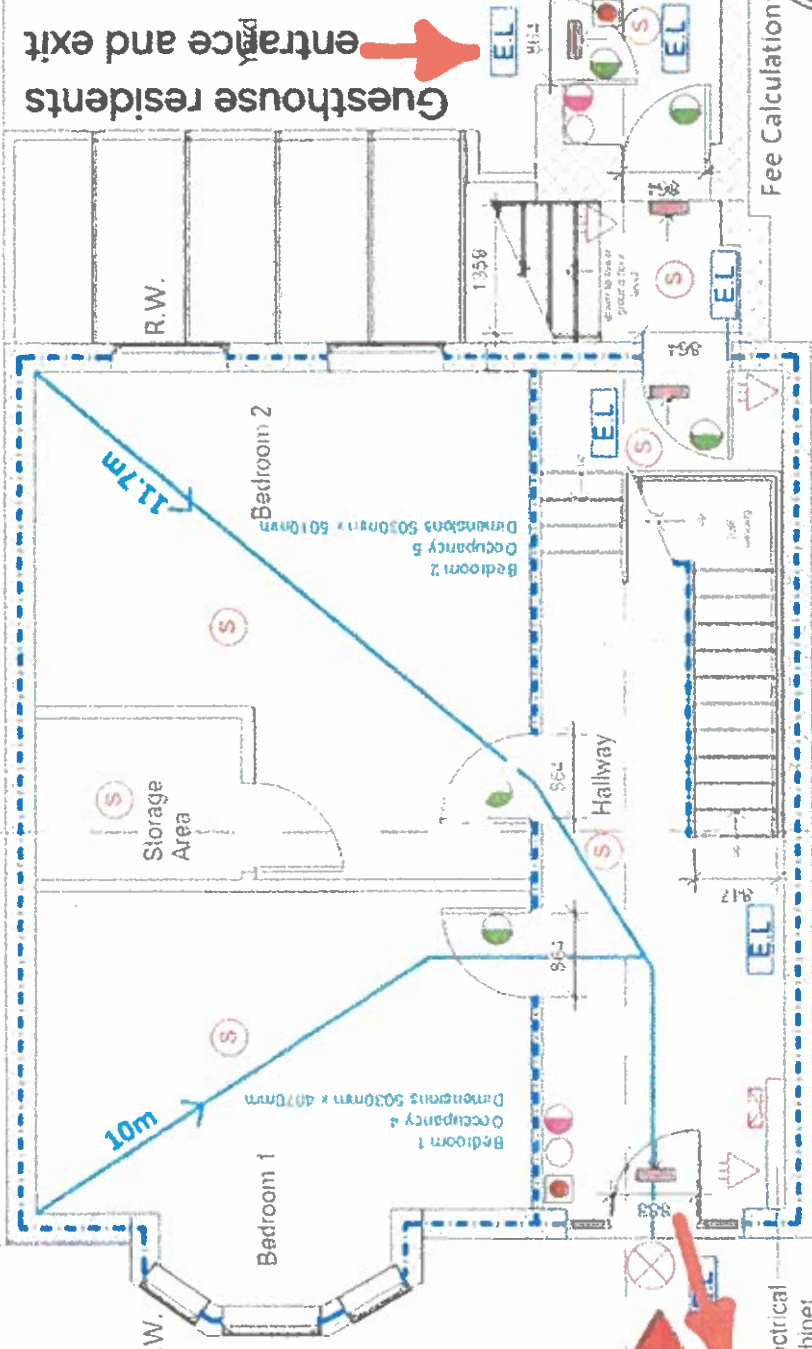
Fire Legend

	30 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
	60 Minute Fire Resistant Door Set Fitted With Overhead Self Closures & Smoke Seals
	30 Minute Fire Rated Construction Compartment Wall
	60 Minute Fire Rated Construction Compartment Wall
	Fire Escape Route & Distance to Closest Fire Escape
	Rescue Window
	Access point
	Fire exits from building

Emergency escape

Electrical Cabinet door

Guesthouse residents entrance and exit



Fee Calculation:

Lower Ground Floor: 72.95sq/m
Ground Floor Area: 72.95sq/m
First Floor Area: 67.95sq/m
Second Floor Area: 25.95sq/m
Total Floor Area: 255.95sq/m
255.95 x €11.60 p/sq/m = €2,969.10

Thomas P. English & Associates
100 Ballymore Road, Glasnevin,
Dublin 9, D09 Y1H1.



Please Note:
This plan was drawn from drawings
submitted to the Council for planning purposes.
It is not intended to be used for any other purpose
without the written consent of the Council.
The Council does not accept any liability for any
loss or damage arising from the use of this plan.

PROJECT

AR Firebreak
Protecting people & property

Address: Upper Ground Floor

Upper Ground Floor Plan

CLIENT

Noel Whelan

File	01/03/24	Scale (G.A.)	1:50
Project Name	Upper Ground Floor	Client Name	Noel Whelan
Project No.	1192	Project Manager	1

