



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

***Application for a Section 5 Declaration
Development / Exempted Development***

1. Applicant's address/contact details:

<i>Applicant</i>	SWIFTCastle ROSCREA LTD.
<i>Address</i>	QUALITY HOTEL, REDBARN, YOUGHAL, CO. CORK
<i>Telephone No.</i>	-
<i>E-mail</i>	-

2. Agent's (if any) address:

<i>Agent</i>	ANTHONY D MURPHY
<i>Address</i>	ARCADIA ARCHITECTS - ARDCAVAN, WEXFORD, Y35 HX96
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	RACKET HALL ACCOMMODATION CENTRE, RACKETHALL, ROSCREA, CO. TIPPERARY E53 WV00
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

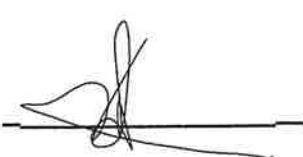
THE SECTION 5 APPLICATION INVOLVES THE CHANGE OF USE OF A FORMER HOTEL INTO A DIRECT PROVISION ACCOMMODATION CENTRE TO PROVIDE ACCOMMODATION TO INTERNATIONAL PROTECTION APPLICANTS. THE WORKS ARE TO BE CONSIDERED UNDER CLASS 14(H) OF THE PLANNING AND DEVELOPMENT REGULATIONS (SI. 582 OF 2015) AND DEEMED EXEMPTED DEVELOPMENT IN ACCORDANCE WITH SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT, SUBJECT TO APPROVAL.

Proposed floor area of proposed works/uses: 3771 m² (CHANGE OF USE)

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(s) _____



Date: 11/12/2024

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00

Receipt No CLONMEL/0/188079

Date 17/12/24

Received by Helen Prout



Planning Section
Tipperary County Council
Civic Offices
Limerick Road
Nenagh
Co. Tipperary

Ref: P24.073.01

11/12/2024

Dear Sir/Madam,

**Re: Rackett Hall Direct Provision Accommodation Centre,
Roscrea, Co. Tipperary, E53 WV00**

We are pleased to enclose a Section 5 Application on behalf of our client in respect of the Property.

The required application fee amount of €80.00 is included.

1 no. copy of the following documents are enclosed:

Section 5 application form duly completed and signed/dated.

2 No. copies of the following documents/drawings are enclosed:

Drawing register; and
Section 5 application drawings.

The Section 5 application involves the change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants.

The works are to be considered under Class 14(h) of the Planning and Development Regulations (SI. 582 of 2015) and deemed Exempted Development in accordance with Section 5 of the Planning and Development Act, subject to approval.

Cont.d./...

Dublin Road
Ardcavan
Wexford
Co. Wexford
Y35 HX96

T +353 (0)53 9152771

14 South Leinster Street
Dublin 2
D02 HK73

T +353 (0)1 9081667

office@arcadiaarchitects.com

arcadiaarchitects.com

We trust that the enclosed documentation is acceptable to register and validate the Section 5 Application and we look forward to receipt of a favourable decision in due course.

Yours faithfully.



Anthony D Murphy BA (Hons) Arch, BArch (Hons), MRIAI

Director
On behalf of ARCADIA ARCHITECTS

Encls.

cc. Client

Ryan, Siobhan Anne

From: Prout, Helen
Sent: 17 December 2024 15:02
To: Ryan, Siobhan Anne
Subject: Copy of Receipt Section 5

Good afternoon Siobhan,
Please find attached details in relation to the above.
Regards Helen

Helen Prout Clerical Officer
Finance – Motor Tax/Receipts Cover
Tipperary County Council
Parnell Street/Civic Offices
Clonmel
Co. Tipperary.
Tel No 052 6165852/6165801

Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

17/12/2024 13:58:23

Receipt No. : CLONMEL/0/188079

ANTHONY MURPHY
ARCADIA ARCHITECTS
ARDCAVAN
CO WEXFORD Y35 HX96

SECTION5 EXEMPTION DECLARATION 80.00
GOODS 80.00
VAT Exempt/Non-vatable
RACKETT HAL

Total : 80.00 EUR

Tendered :
Credit Card 80.00



Credit Card\Laser Card Payment Form

Customer Account No.	N/A	
Company	planl	
Name	Swiftcastle Roscrea Ltd.	
Address	c/o Rackethall Accommodation Centre, Roscrea, Co. Tipperary, E53 WV00	
Payment Amount	€80.00	
Card Number	Please call Anthony Murphy at Arcadia Architects for Payment	
Security Number		
3 digit number found on the back of the card above signature CCV Number		
Card Type		
Expiry Date		
Name on Card		
Person on Phone	N/A	
Relationship to A/C Holder	N/A	
Contact Telephone No.	Anthony Murphy (086) 2040000	
Details Taken by	N/A	
Section	Planning Section	
Date	06/12/2024	
Please Note – all customer details must be completed & returned to Receipts office		
Receipt No.	Signed	No. Seq

Description: Historic 6" Latest Edition
 Publisher / Source: Tailte Éireann
 Data Source / Reference: TY012+012A
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1955

Survey Date =
 Levelled Date = 31-Dec-1955

TY017
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1909

TY018
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1904

OY043
 Revision Date =
 Survey Date =

Levelled Date = 31-Dec-1911

LS015
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1909

LS021
 Revision Date =
 Survey Date =
 Levelled Date = 31-Dec-1909

Clip Extent / Area of Interest (AOI):
 LLX,LLY= 613638.85,687987.72
 LRX,LRV= 618560.85,687987.72

ULX,ULY= 613638.85,691621.72
 URX,URY= 618560.85,691621.72

Projection / Spatial Reference:
 IREN95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y = 616099.85,689804.72

Data Extraction Date:
 11-Nov-2024

License / Copyright:
 © Tailte Éireann, 2024
 All rights reserved.

Description: Digital Landscape Model (DLM)
 Publisher / Source: Tailte Éireann
 Clip Extent / Area of Interest (AOI):
 LLX,LLY= 615808.35,689589.72

LRX,LRV= 616391.35,689589.72
 ULX,ULY= 615808.35,690019.72
 URX,URY= 616391.35,690019.72

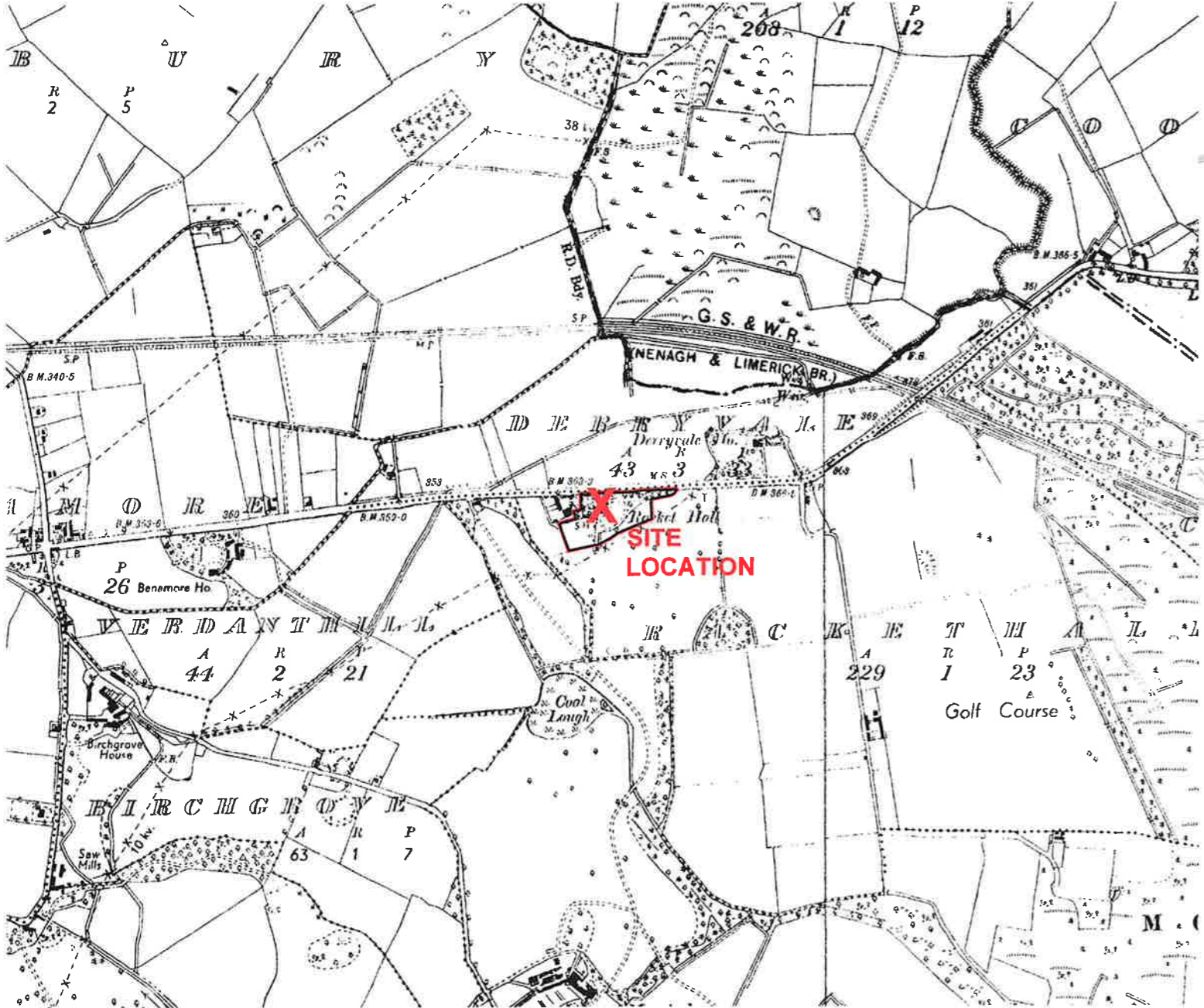
Projection / Spatial Reference:
 Projection= IREN95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y= 616099.85,689804.72

Reference Index:
 Map Series | Map Sheets
 1:2,500 | 4110-A
 1:2,500 | 4109-B

Data Extraction Date:
 Date= 11-Nov-2024

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ORDNANCE SURVEY RECORD PLACE MAP
 1/10560 @ A3



ORDNANCE SURVEY RURAL PLACE MAP
 1/2500 @ A3

Arcadia architects

Dublin Road
 Ardavan
 Wexford
 Co. Wexford
 Y35 HX96
 T +353 53 9152771
 office@arcadiaarchitects.com

14 South Leinster Street
 Dublin 2
 D02 HK73
 T +353 1 9081667
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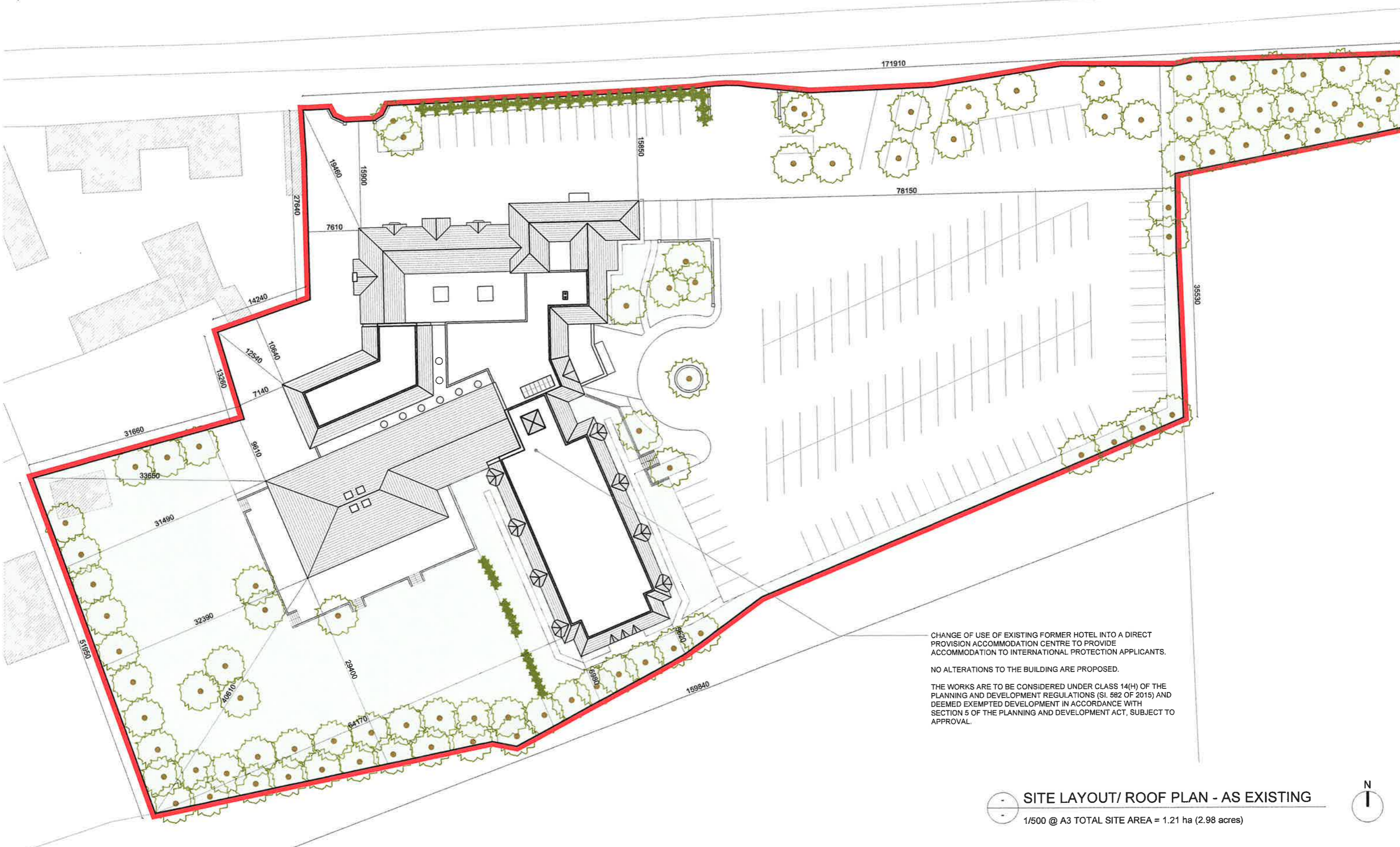
Rev.	By	Date	Description

Drawn By	Checked	Approved By
GPH	GPH	AM

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 - ARCHITECT TO BE INFORMED IMMEDIATELY OF ANY DISCREPANCIES BEFORE WORK PROCEEDS.

Client	Status
SWIFTCastle ROSCREA LTD.	SECTION 5
Project RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 W00	Job No. P24.073
Drawing Name OSI RECORD & RURAL PLACE MAP	Date 12/12/2024


Scale	Dwg No.	Rev.
VARIABLES	PP.01	-

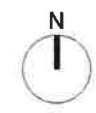


CHANGE OF USE OF EXISTING FORMER HOTEL INTO A DIRECT PROVISION ACCOMMODATION CENTRE TO PROVIDE ACCOMMODATION TO INTERNATIONAL PROTECTION APPLICANTS.

NO ALTERATIONS TO THE BUILDING ARE PROPOSED.

THE WORKS ARE TO BE CONSIDERED UNDER CLASS 14(H) OF THE PLANNING AND DEVELOPMENT REGULATIONS (SI. 582 OF 2015) AND DEEMED EXEMPTED DEVELOPMENT IN ACCORDANCE WITH SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT, SUBJECT TO APPROVAL.

 **SITE LAYOUT/ ROOF PLAN - AS EXISTING**
1/500 @ A3 TOTAL SITE AREA = 1.21 ha (2.98 acres)





Arcadia
architects

Dublin Road
Ardcavan
Wexford
Co. Wexford
Y35 HX96

T +353 53 9152771
office@arcadiaarchitects.com

14 South Leinster Street
Dublin 2
D02 HK73

T +353 1 9081667
arcadiaarchitects.com



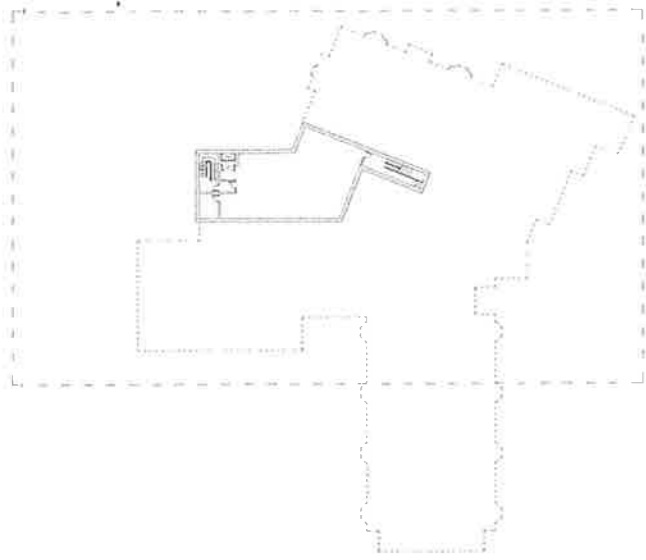
Rev.	By	Date	Description

Drawn By	Checked	Approved By
GPH	GPH	AM

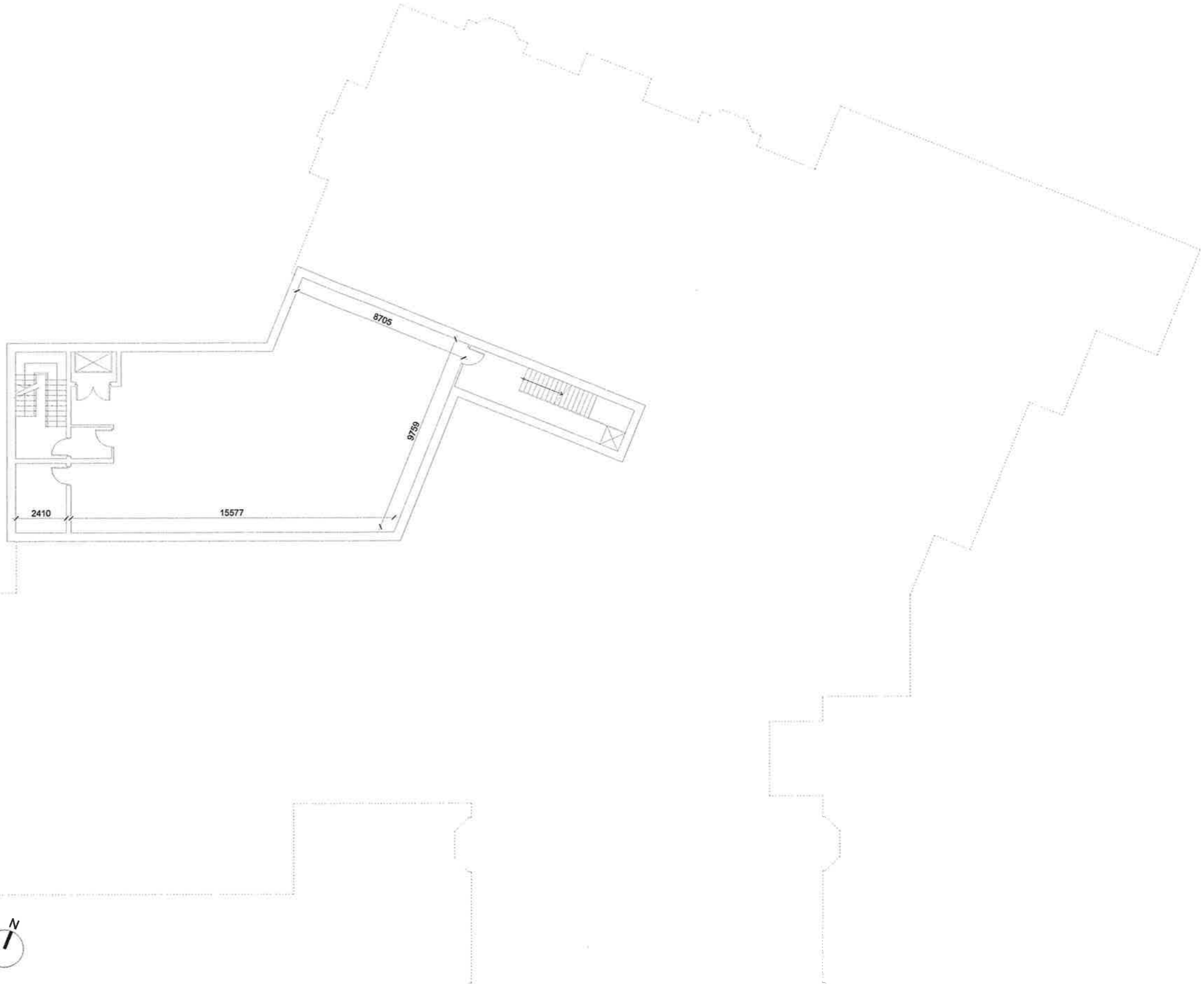
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Client SWIFTCastle ROSCREA LTD.
Project RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00
Drawing Name SITE LAYOUT PLAN - AS EXISTING

Status SECTION 5	Scale 1/500
Job No. P24.073	Dwg No. PP.02
Date 12/12/2024	Rev. -



BASEMENT FLOOR PLAN - AS EXISTING
1/1000 @ A3



BASEMENT FLOOR PLAN - AS EXISTING
1/200 @ A3 GROSS INTERNAL FLOOR AREA = 211m²
OJA FLOOR AREA = 3771 m²



Dublin Road
Ardcavan
Wexford
Co. Wexford
Y35 HX96

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Dublin 2
D02 HK73

T +353 1 9081667

arcadiaarchitects.com



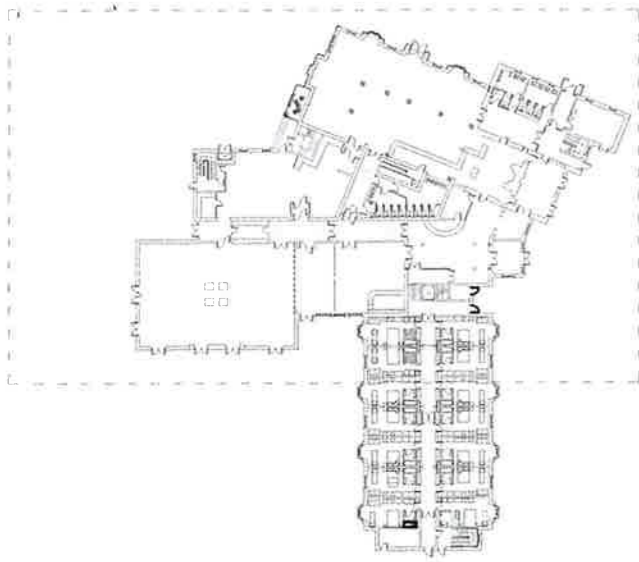
Rev.	By	Date	Description

Drawn By	Checked	Approved By
GPH	GPH	AM

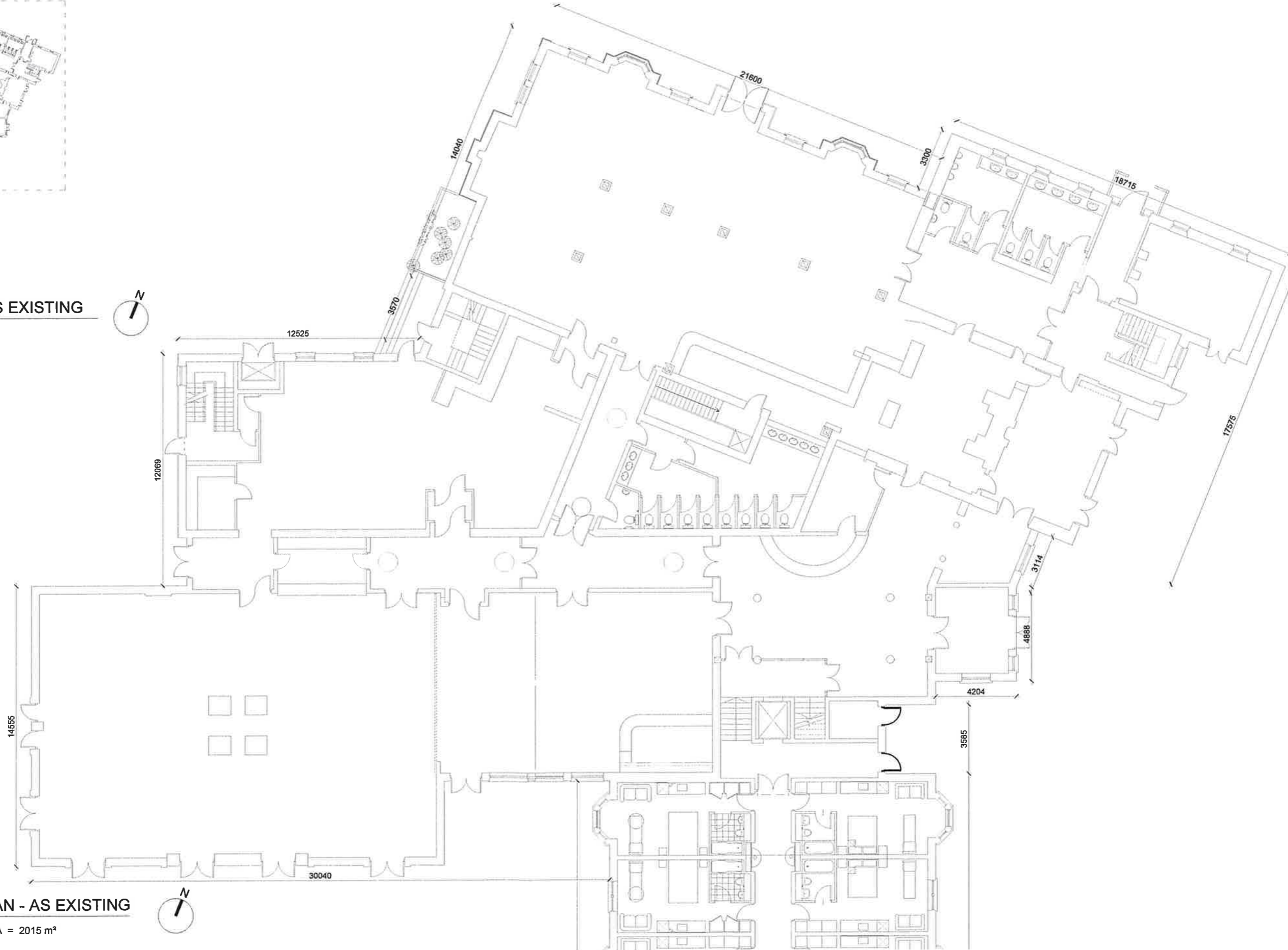
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Client	SWIFTCastle ROSCREA LTD.
Project	RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00
Drawing Name	BASEMENT PLAN - AS EXISTING

Status	SECTION 5	Scale	1/200
Job No.	P24.073	Dwg No.	PP.03
Date	12/12/2024	Rev.	-



GROUND FLOOR PLAN - AS EXISTING
1/1000 @ A3



PART GROUND FLOOR PLAN - AS EXISTING
1/200 @ A3 GROSS INTERNAL FLOOR AREA = 2015 m²
O/A FLOOR AREA = 3771 m²



Arcadia
architects

Dublin Road
Ardcavan
Wexford
Co. Wexford
Y35 HX96

T +353 53 9152771

office@arcadiaarchitects.com

14 South Leinster Street
Dublin 2
D02 HK73

T +353 1 9081667

arcadiaarchitects.com



Rev.	By	Date	Description

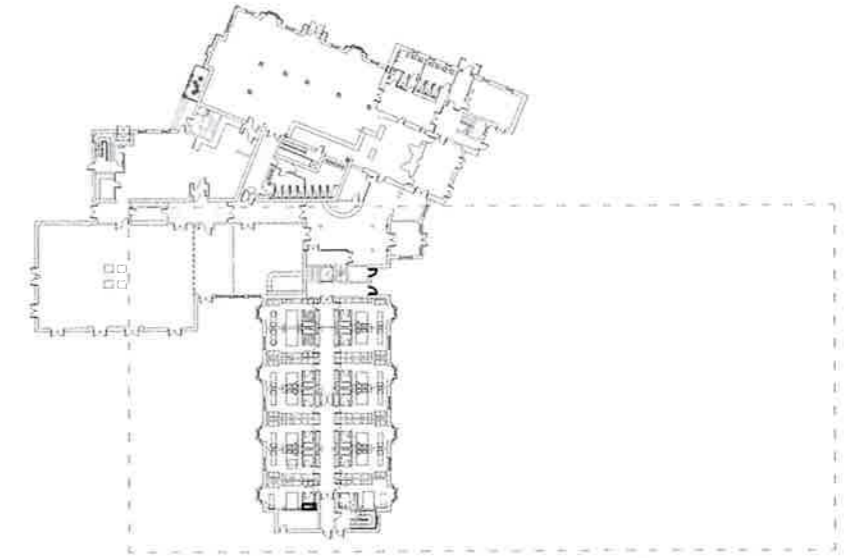
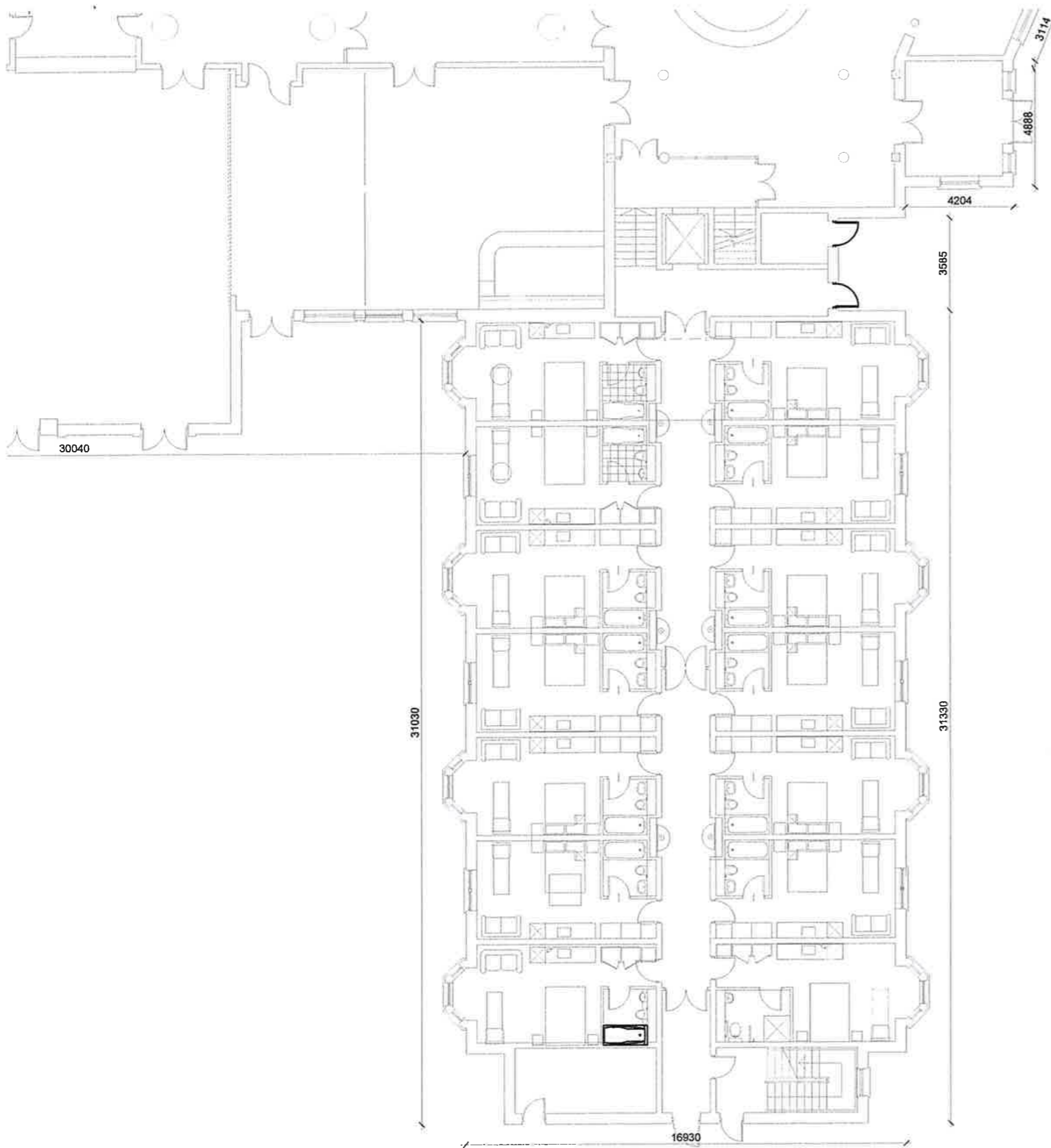
Drawn By	Checked	Approved By
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Client	Project	Drawing Name
SWIFTCastle ROSCREA LTD.	RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00	PART GROUND FLOOR - AS EXISTING

Status	Job No.	Date
SECTION 5	P24.073	12/12/2024

Scale	Dwg No.	Rev.
1/200	PP.04	-



GROUND FLOOR PLAN - AS EXISTING
1/1000 @ A3



PART GROUND FLOOR PLAN - AS EXISTING

1/200 @ A3 GROSS INTERNAL FLOOR AREA = 2015 m²

O/A FLOOR AREA = 3771 m²



Arcadia
architects

Dublin Road
Ardcavan
Wexford
Co. Wexford
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T +353 53 9152771

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14 South Leinster Street
Dublin 2
D02 HK73

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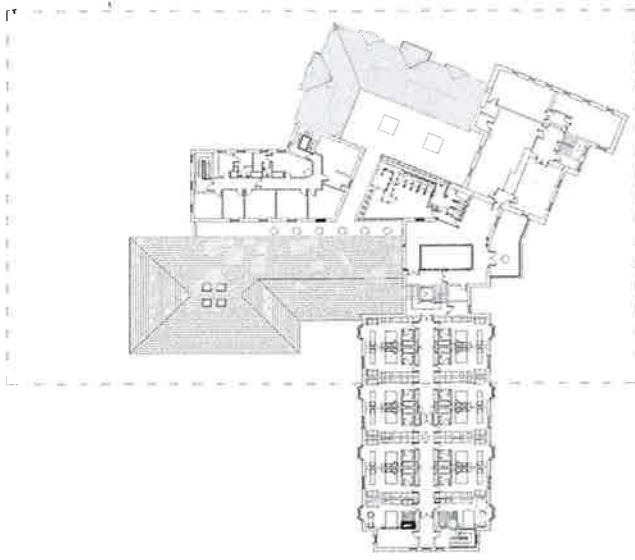


Rev. By	Date	Description

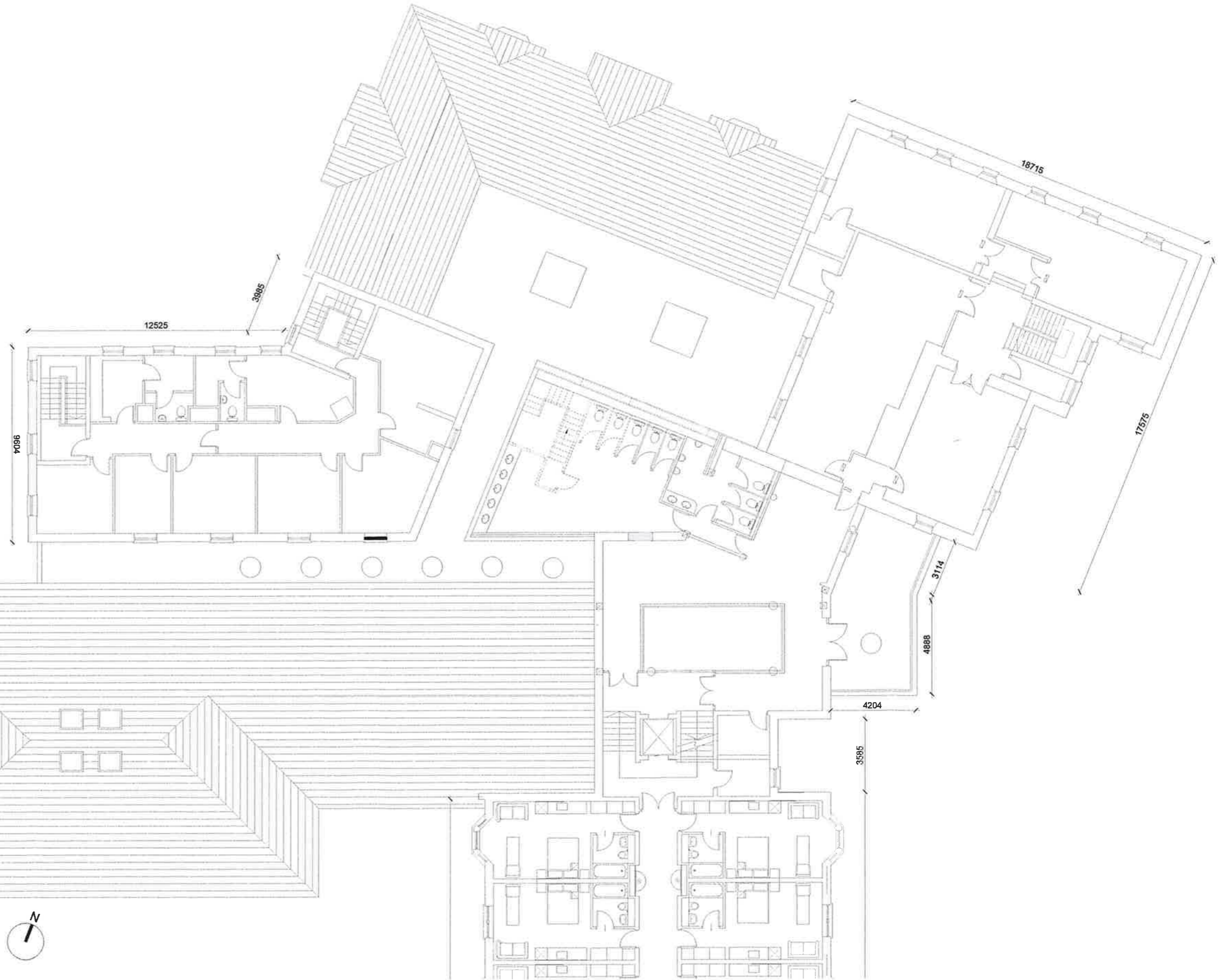
Drawn By	Checked	Approved By
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Client SWIFTCastle ROSCREA LTD.	Status SECTION 5	Scale 1/200
Project RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00	Job No. P24.073	Dwg No. PP.05
Drawing Name PART GROUND FLOOR - AS EXISTING	Date 12/12/2024	Rev. -



FIRST FLOOR PLAN - AS EXISTING
1/1000 @ A3



PART FIRST FLOOR PLAN - AS EXISTING
1/200 @ A3 GROSS INTERNAL FLOOR AREA = 1051 m²
O/A FLOOR AREA = 3771 m²



Arcadia
architects

Dublin Road
Ardcavan
Wexford
Co. Wexford
Y35 HX96

T +353 53 9152771

office@arcadiaarchitects.com

14 South Leinster Street
Dublin 2
D02 HK73

T +353 1 9081667

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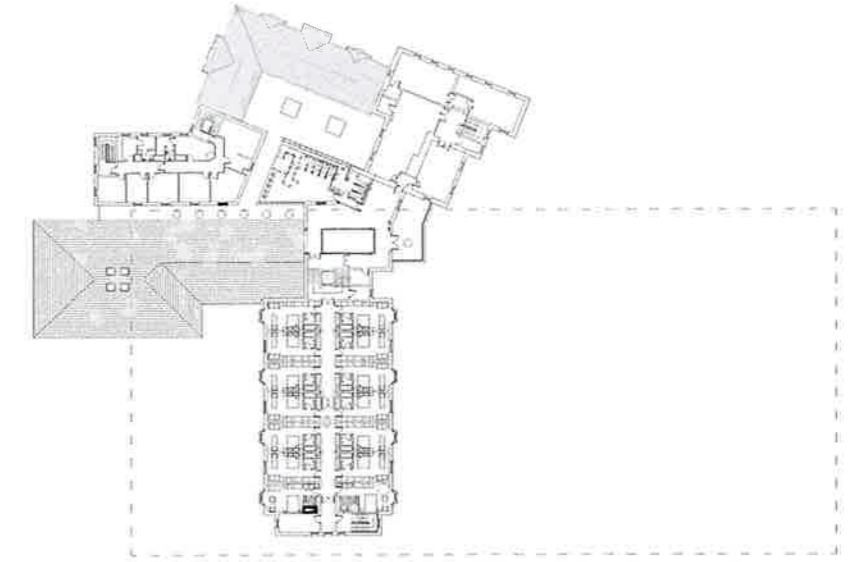
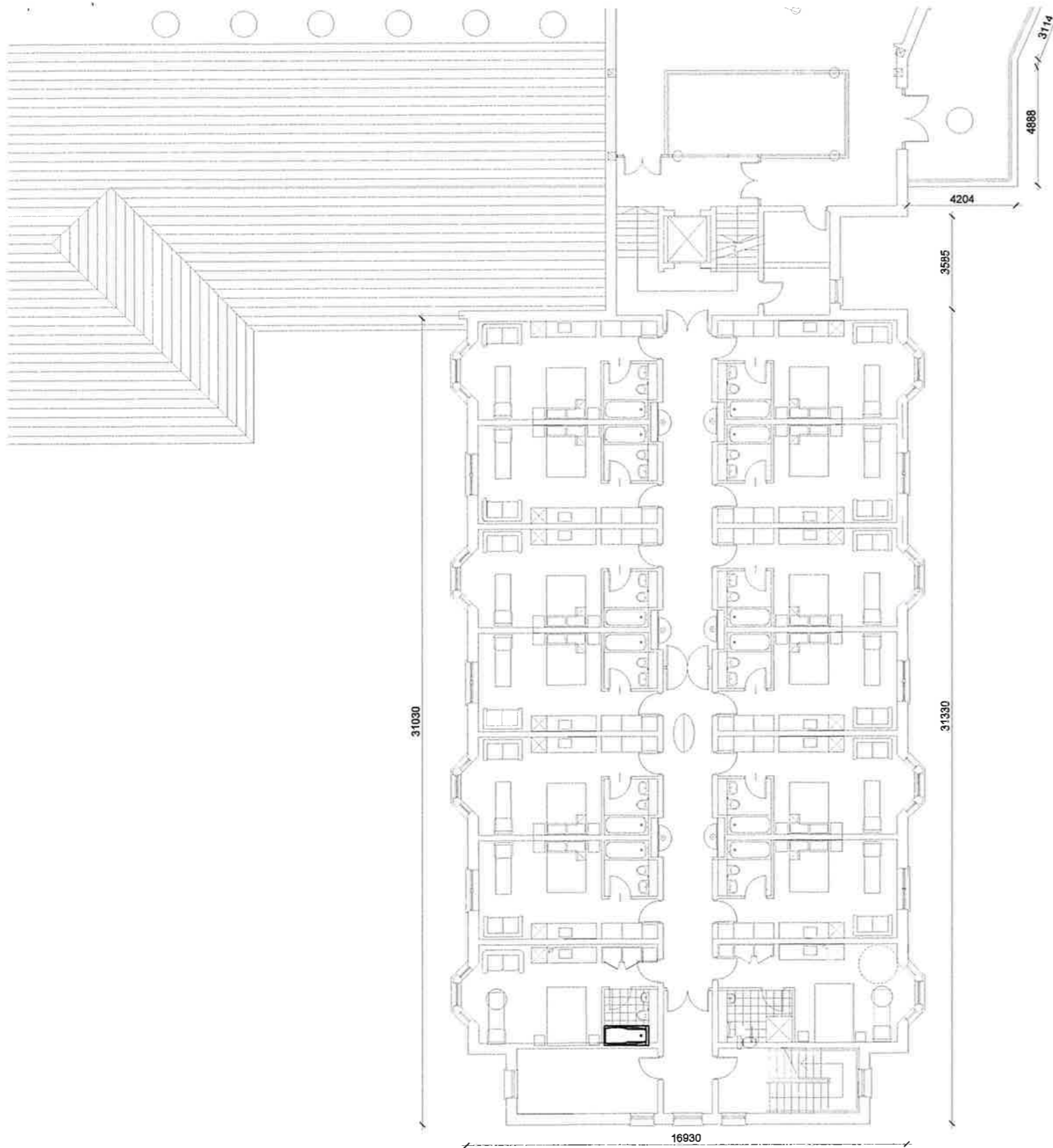
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

Drawn By	Checked	Approved By
GPH	GPH	AM

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Client SWIFTCastle ROSCREA LTD.	Status SECTION 5	Scale 1/200
Project RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00	Job No. P24.073	Dwg No. PP.06
Drawing Name PART FIRST FLOOR PLAN - AS EXISTING	Date 12/12/2024	Rev. -



Client SWIFTCastle ROSCREA LTD.	Status SECTION 5	Scale 1/200
Project RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00	Job No. P24.073	Dwg No. PP.06
Drawing Name PART FIRST FLOOR PLAN - AS EXISTING	Date 12/12/2024	Rev. -



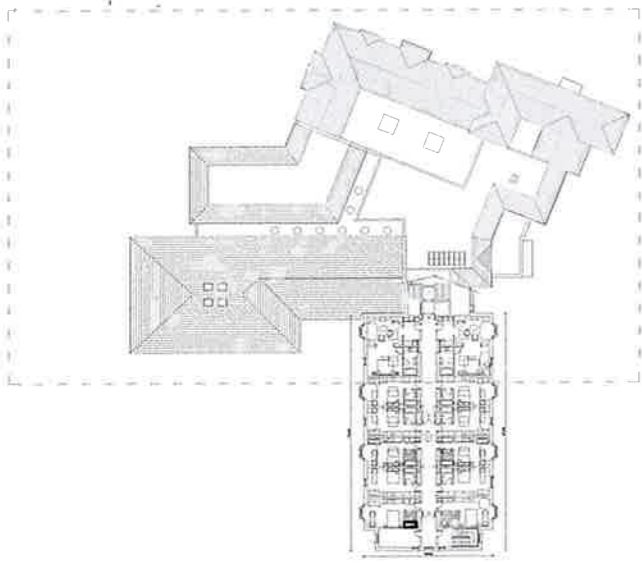

FIRST FLOOR PLAN - AS EXISTING
 1/1000 @ A3
 


PART FIRST FLOOR PLAN - AS EXISTING
 1/200 @ A3 GROSS INTERNAL FLOOR AREA = 1051 m²
 O/A FLOOR AREA = 3771 m²

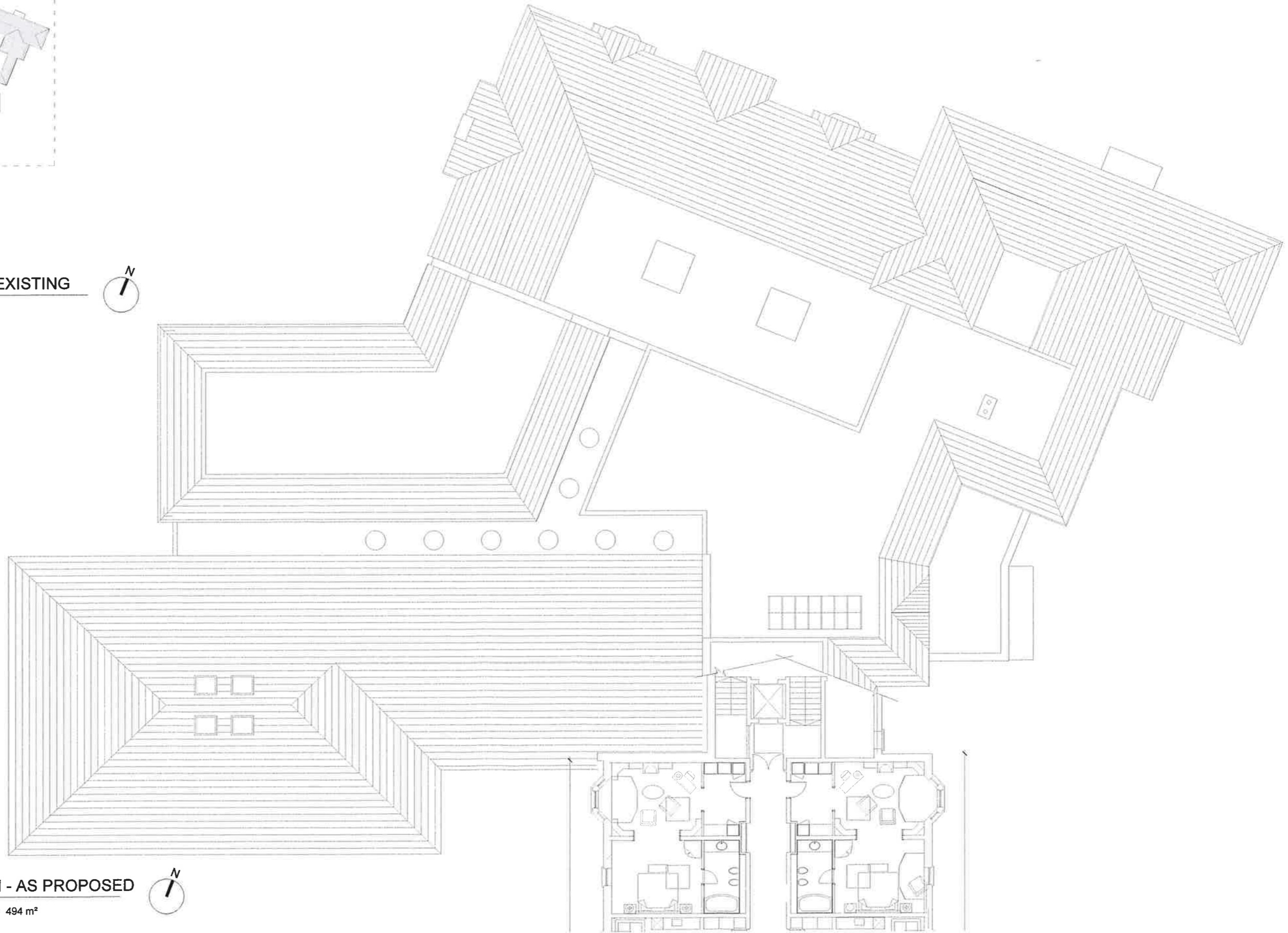


 Dublin Road Ardavan Wexford Co. Wexford Y35 HX96 T +353 53 9152771 office@arcadiaarchitects.com	14 South Leinster Street Dublin 2 D02 HK73 T +353 1 9081667 arcadiaarchitects.com		Rev.	By	Date	Description	Drawn By	Checked	Approved By	Client	Status	Scale
												SWIFTCastle ROSCREA LTD. Project RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00 Drawing Name PART FIRST FLOOR PLAN - AS EXISTING

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SECOND FLOOR PLAN - AS EXISTING
1/1000 @ A3



PART SECOND FLOOR PLAN - AS PROPOSED
1/200 @ A3 GROSS INTERNAL FLOOR AREA = 494 m²
O/A FLOOR AREA = 3771 m²



Dublin Road
Ardcavan
Wexford
Co. Wexford
Y35 HX96
T +353 53 9152771
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14 South Leinster Street
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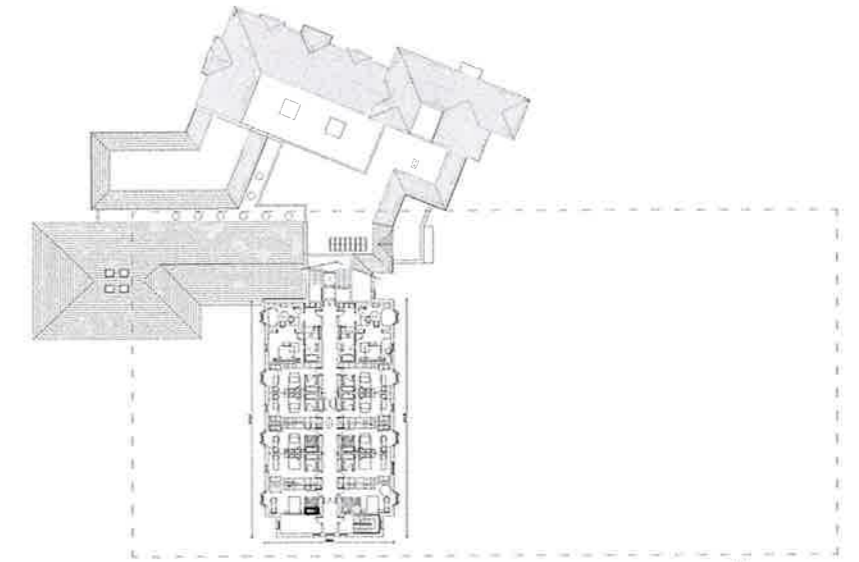
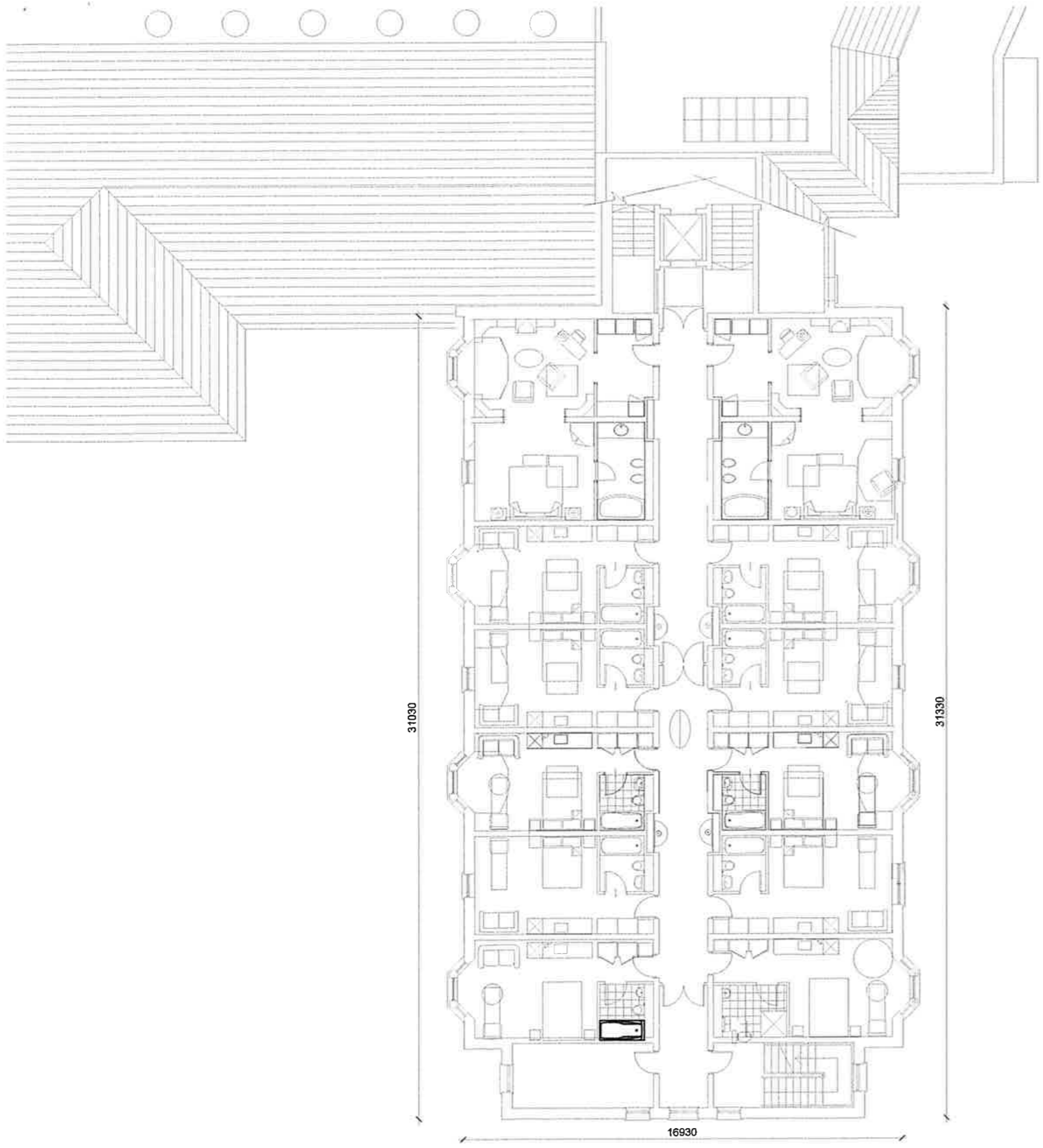
Rev.	By	Date	Description

Drawn By	Checked	Approved By
GPH	GPH	AM

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Client	SWIFTCastle ROSCREA LTD.
Project	RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00
Drawing Name	PART SECOND FLOOR PLAN - AS EXISTING

Status	SECTION 5	Scale	1/200
Job No.	P24.073	Dwg No.	PP.08
Date	12/12/2024	Rev.	-



SECOND FLOOR PLAN - AS PROPOSED
1/1000 @ A3

PART SECOND FLOOR PLAN - AS EXISTING

1/200 @ A3 GROSS INTERNAL FLOOR AREA = 494 m²
O/A FLOOR AREA = 3771 m²



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Co. Wexford
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T +353 1 9081667
arcadiaarchitects.com

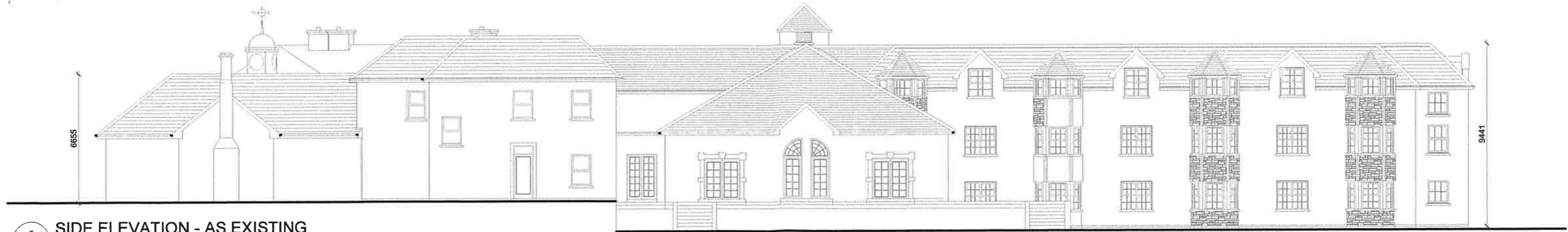


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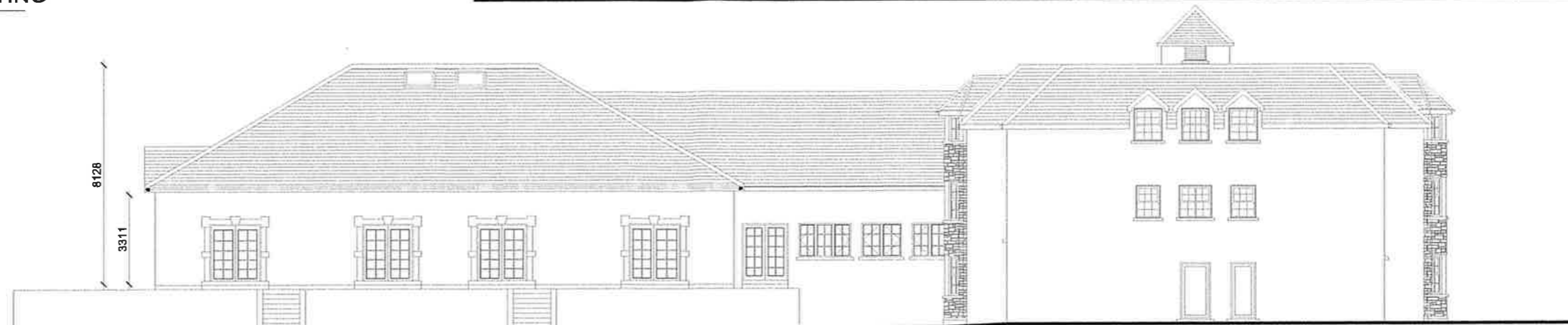
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GPH	GPH	AM

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Client SWIFTCastle ROSCREA LTD.	Status SECTION 5	Scale 1/200
Project RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00	Job No. P24.073	Dwg No. PP.09
Drawing Name PART FIRST FLOOR PLAN - AS PROPOSED	Date 12/12/2024	Rev. -



○ SIDE ELEVATION - AS EXISTING
1/200 @ A3



○ REAR ELEVATION - AS EXISTING
1/200 @ A3



○ SIDE ELEVATION - AS EXISTING
1/200 @ A3



○ FRONT ELEVATION - AS EXISTING
1/200 @ A3

Arcadia
architects

Dublin Road
Ardcavan
Wexford
Co. Wexford
Y35 HX96

T +353 53 9152771

office@arcadiaarchitects.com

14 South Leinster Street
Dublin 2
D02 HK73

T +353 1 9081667

arcadiaarchitects.com



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Client	Status	Scale
SWIFTCastle ROSCREA LTD.	SECTION 5	1/200
Project	Job No.	Dwg No.
RACKET HALL ACCOMMODATION CENTRE, ROSCREA, CO. TIPPERARY, E53 WV00	P24.073	PP.10
Drawing Name	Date	Rev.
ELEVATIONS - AS EXISTING	12/12/2024	-



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 18th December, 2024 Our Ref: S5/24/151 Civic Offices, Nenagh

**Swiftcastle Roscrea Ltd
C/O Anthony D Murphy
Arcadia Architects
Ardcavan
Wexford
Y35 HX96**

Re: Application for a Section 5 Declaration – Change of use of a former hotel into a direct provision accommodation Centre to provide accommodation to international protection applicants at Rackett Hall Accommodation Centre, Rackethall, Roscrea, Co. Tipperary.

Dear Mr. Murphy,

I acknowledge receipt of your application for a Section 5 Declaration received on 17th December, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL
Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Reference: Section 5/24/151

Applicant: Swiftcastle Roscrea Ltd.

Development Address: Racket Hall, Roscrea, Co. Tipperary

Proposed Development: Change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants.

1. GENERAL

On 17th December 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Mr. Anthony D. Murphy on behalf of Swiftcastle Roscrea Limited as to whether or not the following works constituted development and if so, whether same was exempted development:

"Change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants".

The application as submitted includes;

- Section 5 application form
- Cover Letter
- Site Location Map
- Site Layout Plan
- Elevations and Floor Plans

The submitted application form and cover letter do not refer to any works and pertain to a material change of use only. The site layout (Drawing No. PP02) submitted with the application specifically states that no alterations to the building are proposed.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3 and development shall be construed accordingly."

And,

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure".

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of 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 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended. Section 4(2)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:-

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 57 (Works affecting character of protected structures or proposed protected structures) is not considered relevant as the Section 5 relates to a change of use only.

Planning and Development Regulations, 2001, as amended

Article 5 defines

“**protected person**”, for the purposes of Schedule 2, means—

- (a) a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),
- (b) a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or
- (c) a programme refugee within the meaning of section 24 of the Refugee Act of 1996;

Article 6(1) states;

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.

Class 14(h) and (i) of Part 1 of Schedule 2 and relevant and are set out below;

<p>Change of use CLASS 14</p> <p>(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,</p> <p>(i) 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 (h) of the said</p>	
--	--

<p>premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>
--	--

Article 9 states - Restrictions on exemption

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 development 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,

The proposal does not contravene any permission associated with the development.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

There is no proposal to open an access

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

There is no proposal to alter access etc so the proposal does not endanger public safety

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/a

(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,

The existing hotel is a permitted development

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

There is no objective in the Development Plan in relation to the continuance of the building for use as a hotel

Article 10 legislates for a change of use and article 10(1) states the following:

“Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not-

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.”

A hotel is not listed under any class set out under Part 4 therefore this article is not relevant to the proposed change of use.

S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

Section 391 of said regulations states:

3. (1) The Act of 2000 (other than sections 181A to 181C) shall not apply to the classes of development specified in the Schedule carried out by, or on behalf of, a State authority during the relevant period for the purposes of providing temporary protection to displaced persons

The schedule under said regulations are as follows:

1. Reception and integration facilities.
2. Residential accommodation, including ancillary recreational and sporting facilities.
3. Medical and other health and social care accommodation.
4. Education and childcare facilities, including ancillary recreational and sporting facilities.
5. Emergency management coordination facilities.
6. Structures or facilities ancillary to development referred to in paragraphs 1 to 5, including administration and storage facilities.
7. Infrastructure and other works ancillary to development referred to in paragraphs 1 to 6.

3. **ASSESSMENT**

a. Site Location

The site is situated approximately 2.5km east of Roscrea Town Centre. The site is accessible from the old Dublin Road, R445. The site accommodates the three-storey hotel which is subject to this application and an expansive car park to the eastern side of the hotel with additional parking to the front.



b. Relevant Planning History

04510233	Deemed withdrawn following FI request	First floor toilet facilities and boiler room. (Previously approved Planning Ref: 03510351). This application is subject to a Waste Management Licence.
03510351	Conditional grant of permission	Retain and complete revised hotel extension facades to all elevations, retain a further extension to the already approved function room 2 and permission to modify the internal bedroom layout which increases the

		number of bedrooms from 36 no. to 40 no. (previously approved planning PLC/21735). Application is subject to a Waste Management Licence.
51/21735	Conditional grant of permission	Demolish part of existing building construct 36 no bedrooms foyer restaurant kitchen - basement storage staff accommodation extend existing bar & lounge 2 no meeting rooms sewage treatment plant & site works
51/12384	Conditional grant of permission	Demolish part of existing building construct 36 no bedrooms foyer restaurant kitchen - basement storage staff accommodation extend existing bar & lounge 2 no meeting rooms sewage treatment plant & site works
51/9643	Permission refused on appeal	Extension--Bedrooms,Function Room,Kitchen & Ancillary Rooms *** Appealed 18/06/82 ***
51/9642	Permission refused on appeal	Outline Perm. For Sports Centre *** Appealed 18/06/82
51/8496	Conditional grant of permission	New Dining Room,Bedrooms,Toilets,Lounge Extension To Existing Hotel And Erection Of Septic Tank At Racket Hall,Roscrea *** Appeal Withdrawn 22/6/81

c. **Assessment**

A) “Is or is not Development”

As set out under the introduction section above the application for a Section 5 Declaration does not refer to works and is limited to a change of use only. In order for a change of use to be considered development, it must be a material change in the use as per the definition of development provided in Section 3(1)(a) of the Planning and Development Act 2000, as amended.

I consider that the nature and characteristics of a facility accommodating international protection applicants is materially different to that of a hotel. It is my opinion therefore that the change of use of a hotel to a facility accommodating international protection applicants is a material change of use which constitutes “*development*” within the meaning of Section 3 of the Act.

B) “Is or is not Exempted Development”

In considering whether the exemptions available under Class 14(h) and (i) can be availed of in this instance it is important to note that these exemptions provide for protected persons. It is noted that the application refers to international protection applicants which it is considered would fall under this category.

“**protected person**”, for the purposes of Schedule 2, means—

- (a) a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),
- (b) a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or
- (c) a programme refugee within the meaning of section 24 of the Refugee Act of 1996;

It is considered that the use of the hotel for the purposes of accommodating international protection applicants, does avail of the exemptions set out under Class 14(h) and Class 14(i) of Part 1 of Schedule 2 of the Regulations.

C) Restrictions under Article 9

In respect of those works proposed considered exempted development, it is not considered that the restrictions on exempted development as set out under Article 9 apply.

4. **RECOMMENDATION**

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on the Any Natura 2000 sites can be excluded. See AA Screening below.

EIA

The proposed change of use does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. See Screening Report attached.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants at Rackett Hall Roscrea is development and is or is not exempted development.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 14(h) and Class 14(i) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

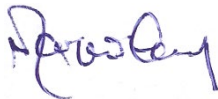
AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants,

is development and is exempted development. The proposals meets the exempted development provisions as set out under Class 14(h) and Class 14(i) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

Advice Note: This Section 5 Declaration refers to a material change of use only and does not include for any works.

Signed:



Executive Planner

Date: 21.1.2025

A/Senior Executive Planner:



Date: 22/1/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5/24/151
(b) Brief description of the project or plan:	Change of use of a former hotel into a direct provision accommodation Centre to provide accommodation to international protection applicants.
(c) Brief description of site characteristics:	Existing Hotel
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance proposed development ² (km)	from	Connections (Source-Pathway-Receptor)	Considered further screening Y/N	in
000585 Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	On site		Yes	Yes	
000412 Slieve Bloom Mountains SAC	https://www.npws.ie/protected-sites/sac/000412	Within 15km		No	N	
002147 Lisduff Fen	https://www.npws.ie/protected-sites/sac/002147	Within 15km		No	N	
002162 River Barrow and River Nore	https://www.npws.ie/protected-sites/sac/002162	Within 15km		No	N	
002236 Island Fen SAC	https://www.npws.ie/protected-sites/sac/002236	Within 15km		No	N	
002332 Coolrain Bog	https://www.npws.ie/protected-sites/sac/002332	Within 15km		No	N	
002333 Knockacoller Bog SAC	https://www.npws.ie/protected-sites/sac/002333	Within 15km		No	N	

004160	Slieve Bloom Mountains SPA	https://www.npws.ie/protected-sites/spa/004160	Within 15km	No	N
004233	River Nore SPA	https://www.npws.ie/protected-sites/spa/004233	Within 15km	No	N

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	No works proposed. Proposal relates to a change of use only.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance Noise/vibration Changes to water/groundwater due to drainage or abstraction Presence of people, vehicles and activities Physical presence of structures (e.g. collision risks) Potential for accidents or incidents 	No works proposed. Proposal relates to a change of use only. Existing hotel
In-combination/Other	

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> Reduction or fragmentation of habitat area Disturbance to QI species Habitat or species fragmentation Reduction or fragmentation in species density Changes in key indicators of conservation status value (water or air quality etc.) Changes to areas of sensitivity or threats to QI Interference with the key relationships that define the structure or ecological function of the site 	None
---	------

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

No works proposed. Proposal relates to a change of use only. Existing hotel and gold club discharges to the Multeen and is subject to a waste licence. **Proposal is not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Marion Carey	Date: 21.1.2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5/24/151		
Development Summary:	Change of use of a former hotel into a direct provision accommodation Centre to provide accommodation to international protection applicants.		
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A		
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory No Screening required	
<input checked="" type="checkbox"/> No		Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)			
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required	
Signature and Recommending Officer:	Date of	Marion Carey	Date: 21.1.2025



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Tipperary County Council

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Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
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E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 22nd January, 2025

Our Ref: S5/24/151

Civic Offices, Nenagh

**Swiftcastle Roscrea Ltd
C/O Anthony D Murphy
Arcadia Architects
Ardcavan
Wexford
Y35 HX96**

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 17th December, 2024, in relation to the following proposed works:

Change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants at Racket Hall, Roscrea, Co. Tipperary.

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 14(h) and Class 14(i) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

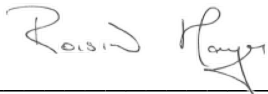
AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants, is development and is **exempted development**. The proposals meets the exempted development provisions as set out under Class 14(h) and Class 14(i) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

Advice Note: This Section 5 Declaration refers to a material change of use only and does not include for any works.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/151** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 40781 dated 2nd January, 2025, hereby order that pursuant to the provisions of the Planning and Swiftcastle Roscrea Ltd., C/O Anthony D Murphy, Arcadia Architects, Ardavan, Wexford, Y35 HX96 re: Change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants at Racket Hall, Roscrea, Co. Tipperary is development and is exempted development.


AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 14(h) and Class 14(i) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the change of use of a former hotel into a direct provision accommodation centre to provide accommodation to international protection applicants, is development and is **exempted development**. The proposals meets the exempted development provisions as set out under Class 14(h) and Class 14(i) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

Signed:



Date: 22/01/2025

Sharon Kennedy

Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District