Our Case Number: ACP-323829-25

Planning Authority Reference Number: \$5/25/127



URGENT

Director of Services Planning Department **Tipperary County Council** Civic Offices Nenagh Co. Tipperary



Date: 19 November 2025

Re: Whether the change of use of buildings for the purposes of accommodating protected persons and the use as an emergency reception and orientation centre for protected persons, is or is not development, and is or is not exempted development. Dundrum House Hotel, Dundrum, Co. Tipperary

Dear Sir / Madam,

I've been asked by the Commission to refer to the above-mentioned referral lodged by you on the 30th October 2025.

Further to our letter to you dated 5th November 2025, please find enclosed a copy of the referral received from you on 30th October 2025.

Please be advised that the Commission have received several enquiries regarding the availability to view the above-mentioned referral.

The Commission would appreciate if you could make a copy of the referral which is enclosed, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority until the referral is withdrawn or is dismissed or determined by the Board at your earliest convenience.

Please quote the above referral number in any further correspondence.

Yours faithfully,

Sorcha Skelly

Senior Executive Office

Direct Line: 01-8737164

ADHOC

Registered Post

Teil Glao Áitiúil

Ríomhphost

Tel LoCall **Facs** Fax Láithreán Gréasáin

Website

Email

(01) 858 8100 1800 275 175 (01) 872 2684 www.pleanala.ie communications@pleanala.ie

64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902

64 Mariborough Street Dublin 1 D01 V902

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

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



Comhairte Contae Thíobraid Árann, Oifigí Cathartha, Cluain Meala, Co. Thíobraid Árann

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

E91 N512

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

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

E45 A099

t 0818 06 5000/60/ e customerservice @tipperarycoco.ie

tipperarycoco.ie

Date: 29th October, 2025

Our Ref: S5/25/127

Civic Offices, Nenagh

An Comisiun Pleanála 64 Marlborough Street Dublin 1 D01 V902



Re: Application for a Section 5 Declaration – The change of use of buildings referred to as Holm Oaks, The Square Block, The Coach House and the Ground Floor, First Floor and Second Floor of the Old Wind/C Block within Dundrum House Hotel to use for (a) the purposes of accommodating protected persons (Class 14(h)), (b) use as an emergency reception and orientation centre for protected persons (Class 14(i)), at Dundrum House Hotel, Dundrum, Co. Tipperary, E34 R768.

A Chara,

I enclose herewith copy of Section 5 Application received from Mr Barry Reynolds on behalf of Utmasta Limited which we refer to you for decision in accordance with Section 5(4) of the Planning and Development Act 2000 (as amended).

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

Yours sincerely





Oifigí Cathartha Bóthar Luimnigh An tAonach Co. Thiobraid Árann Éire Civic Offices Limerick Road Nenagh Co. Tipperary Ireland t 0818 06 5000

e finance@tipperarycoco.ie

www.tipperarycoco.ie

AN BORD PLEANALA 64 MARLBOROUGH STREET DUBLIN 1. CO DUBLIN IRELAND

REMITTANCE ADVICE / FAISNÉIS ÍOCAÍOCHTA

208608
750470
29/10/2025
1/1

Your Ref/ Bhur dTagairt	Inv Date/ Dáta Sonraisc	Our Ref/ Ár dTagairt	AMOUNT/ SUIM EUR	Payable Iníoctha EUR
REFERRAL FEE	29/10/2025	30916907	110.00	110.00
(3)				.*
PAGE TOTAL / IOMLÁN	A AN LEATHANAIGH	EUR	110.00	110.00
PAGE TOTAL / IOMLAR BRAND TOTAL / MÓRI		EUR	110.00	110.00

WH = Withholding Tax CT = Subcontractors Tax INT = Late Payment Interest, Rate = 10.15%

RA = Non Resident Landlord CMP = Late Payment Compensation



16 OCT 2025 S5/25/127

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

<u>Application for a Section 5 Declaration</u> Development / Exempted Development



Applicant Utmasta Limited

Address Suite 108, Q House, 76 Furze Road, Sandyford Business Park, Dublin 18, D18 AY29

Telephone No.

E-mail

Agent's (if any) address:

Applicant []

Barry Reynolds	
Drumbaragh, Kells, Co. Meath, A82 E3Y1	
ere all correspondence in relation to this application is to be	

Refer to email above.

3. Location of Proposed Development:

Agent [X

Postal Address <u>or</u> Townland or	Dundrum House Hotel, Co. Tipperary.
The state of the s	Dunurum House Hotel, Go. Tipperary.
Location	E34 R768
las may best	LOT 11/100
identify the land or	
A STATE OF THE PARTY OF THE PAR	i e
structure in	
question)	



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.

See cover letter that includes description		*	
E E		38	76
			-
		See cover letter th	at
Proposed floor area of proposed works/uses:	sqm	includes descriptio	

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

Please tick appropriate box to show applicant's legal interest in the land or	A. Owner	B. Occupier
structure	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure	See separate letter from Utmas	ta Limited
If you are not the legal owner, please state the name and address of the	Name: Brogan Capital Ventu Address:	res Limited
owner	Dundrum House Hotel, Co. Tipperary, E34 R768.	

^			
Signature of Applicant(s)	Ana Maria Fernandez	Date:	29.09.2025

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.

\$6,....

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> Pla

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 GO. SCUNCIL
Fee Recd. € 80 Receipt No 132 132	C 6 OCT 2025
Receipted by Mara Allis	55/25/127



Mr. Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1

Tipperary County Council, Planning Section, Civic Offices, Emmet Street, Clonmel, Co. Tipperary.

2nd October 2025



REF: Application for Section 5 Declaration of Exemption Under Planning and Development Act Temporary Change of Use on the site of Dundrum House Hotel, Dundrum, Co. Tipperary, E34 R768

To whom it may concern,

We write herewith to submit this application request for a Section 5 Declaration for Exempted Development for temporary change of use under the Planning and Development Act acting as agent on behalf of Utmasta Limited.

We request this application under 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.

Description of the Development

Further to our previous notification 24th October 2024, under Schedule 2, Class 20F sub paragraph (5), of the Planning and Development Regulations 2001 to 2024, which was submitted under Brogan Capital Ventures Limited as the owner of the site, and to the previously approved Declaration under Section 5 of the Planning and Development Act 2000 received on 10th January 2025 (your reference S5/24/147), Utmasta Limited has commenced Class 20F temporary use for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection in accordance with those said Planning and Development Regulations 2001 to 2024. The requirements setout within those regulations shall be fully complied with.

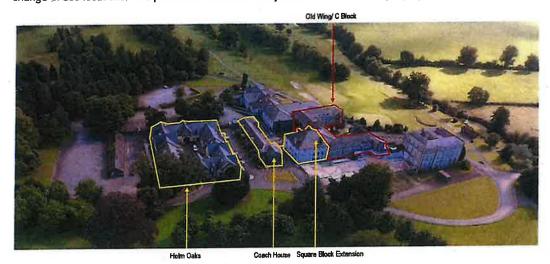
It is established that the current use of the premises described herein after are as existing use as "hotel" and shall be temporarily used for the purposes of Class 20F until such date of discontinuation as prescribed within the regulations noted above.

Similarly, Schedule 2, Class 14 sub paragraph (i) of the Planning and Development Regulations 2001 to 2024 is applied for this change of use.



The exact extent of the change of use is described herein and within the accompanying drawings scheduled included with this application.

The high-level photographic view of the site/buildings subject of this application gives orientation to the temporary change of use locations. This photo shall be read in conjunction with the accompanying plans.



There are 4 parts of the premises to which the exempted development applies described as follows. 3 of the buildings marked so in yellow are mainly used for habitable rooms. The building marked Old Wing/ C Block in red, provides as well as bedroom accommodation the main common social areas of the development including the welcome reception, recreation rooms, kitchen, dining and sanitary facilities, all of which are existing, and which supports the 3 buildings outlined in yellow above.

The buildings are colloquially called:

- Holm Oaks, which is a 2-storey courtyard arrangement consisting of 16 No. own door dwelling units, all accessed from ground floor level. This building has been granted planning permission under register reference 04/1238 on 5th July 2005. These dwellings are permitted for use as Hotel.
- The Square Block extension is a 4-storey extension building consisting of central stairs, hotel bedrooms on ground to third floor levels with common corridor with 25 bedrooms. This building has been granted planning permission under register reference 99/1161, 17th January 2000.
- The Coach House, consist of 2 floor levels with multiple bedrooms on each floor level as per the plans. The building has been granted planning permission under register reference 99/503, 6th August 1999.

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.



The Old Wing / C Block is a 3-storey building dating back to 1908 with alterations to include a reception area approved planning permission under register reference 99/924 granted on 15th October 1999. This building directly connects to The Square Block noted above.

Included with this notification is a copy of the plans of the buildings/ portions of blocks to which this notice applies, with the following drawing references

Drawing Number DUN-BR-XX-PL-DR-0020*	Drawing Title	
DIM PR XX 5	Old Wing & Square Block Ground Floor Plan	Revision
DUN-BR-XX-PL-DR-0021*	Old Wing & Square Block First Floor Plan	00
DUN-BR-XX-PL-DR-0022*	Old Wing & Square Block Second Floor Plan	00
DUN-BR-XX-PL-DR-0023*	Old Wing & Square Block Third Floor Plan	00
DUN-BR-XX-PL-DR-0024*	Holm Oaks Existing Ground and First Floor Plans	00
DUN-BR-XX-PL-DR-0025*	Coach House Existing Ground and First Floor Plans	00
ll plans are drawn at 1:100 scale	ground and First Floor Plans	00

The photos in Appendix A serve to identify the blocks involved along with the plans and the buildings are accordingly marked on the attached ordnance survey maps and site plans as follows:

Drawing Number DUN-BR-XX-PL-DR-0005	Drawing Title	<u>Anneed</u>
DUN-BR-XX-PL-DR-0007	Site Plan **	Revision
DUN-BR-XX-PL-DR-0007	Site Location Map and Site Block Plan	02
Shown scale 1:400	Site Location Maps***	02
Shown scale 1:2500 and 1-500		R00

There are no physical changes to any elevation and accordingly the elevations are not included in this application, however in Appendix A we include such photos to serve to identify the blocks by reference herein noted. The following is the area schedule as requested by the application form; these are overall GIA (gross internal area) m2 per building/ block. These areas are shown on drawings as the occupiable interior gross area.

Barry Reynolds, Drumbarage

Co. Meath, A82 E3Y1.

Shown scale 1:2500 and 1:5000

SCALLE

Holm Oaks	10			0.1
	Ground Floor (Units 1-12, 14-	17)	1015.1m2	
-	First Floor (Upper floors o same units).	f the	1023.2m2	
Old Win-10 Pt		otal		
Old Wing/ C Block	Ground Floor, mainly support	Oral	3032.9m2	2038.3n
	spaces (kitchens, recreation, reception etc.) and DDA compliant bedroom 107.	ant		
	First Floor, all bedrooms	+	647.3m2	
	Second Floor, all bedrooms	18	646.3m2	
Square Block	Tota	al		4,326.5m2
	Ground Floor	2	31.4m2	4,020.31112
	First Floor	-	15.9m2	
	Second Floor	_		
* *	Loft		2.5m2	
		14	7.8m2	
Coach House	Ground Floor (with a		1	887.6m2
	Ground Floor (with bedrooms 01 to 06 inclusive).	250	.6m2	
	First Floor (with bedrooms 07 to 12 inclusive).	256.	9m2	
	Total			
				507.5m2

Total Development Area		
	1-40	
	7,759.9m2	
Included at 1		

Included also is the relevant application form duly completed.

Also included is a letter whereby Brogan Capital Ventures Limited gives permission for the submission of this Section 5 Request for Declaration application.

0 6 OCT 2025

55/25/127



We trust this is an acceptable application and we will be contact with your office immediately to pay the prescribed application fee.

Regards

Barry Reynolds

Dip. Arch. Tech. (TU Dublin)
RIAI (Arch.Tech.)
Chartered Architectural Technologist (MCIAT)
CIAT Chartered Practice, 2024
Chartered Building Engineer (C.Build E MCABE)

C 6 CCT 2025

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.



Appendix A:

Photos of the Relevant Premises for the Purposes of Identifying the Relevant Blocks involved.

Name of Building	Holm Oaks			
Type of	16 No. own door dwellings, class 1(a), which has no floor over 4.5m above ground level.			
Building	* These dwellings are not classed as apartments/ flats as they are not horizontally separated.			
Planning	This building has been granted planning permission under register reference 04/1238 on 5th July 20			
Permission	(see copy in Appendix C). The building has permission as part of the hotel.			

1. Exterior View

2. Courtyard View





3. Courtyard View showing own door entrances



See Plan Drawing DUN-BR-XX-PL-DR-0025 Revision 00 for the floor plans.

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.

E 6 00T 2025

55/25/127

Name of Building	Coach House
Type of Building	2 storey building separated into flats/ apartments. The works pertain only to the ground floor level, marked on plans, bedrooms 1 to 4.
Planning Permission	This building has been granted planning permission under register reference 99/503, 6th August 1999. (see copy in Appendix C). The building has permission as part of the hotel.

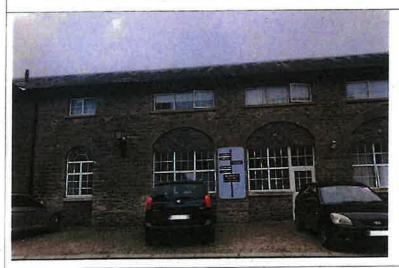
1. Typical Corridor View

2. Courtyard View





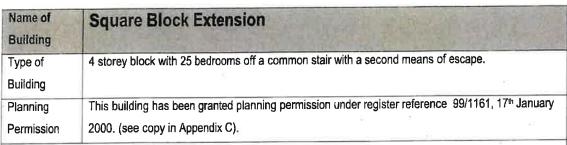
3. Main Entrance - door located behind the vehicle.



See Plan Drawing DUN-BR-XX-PL-DR-0024 Revision 00 for the floor plans.

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.

6 6 CCT 2025 55/25/127



1. Typical Exterior View



2. Main Entrance



See Plan Drawings DUN-BR-XX-PL-DR-0020,21,22 and 23 Revision 00 for the floor plans.

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.

0 6 OCT 2025

55/25/121

Name of Building	The Old Wing / C Block
Type of	3 storey building, with ground and first floor dating to 1908 and the second floor and loft constructed
Building	expected 1970s.
Planning	The main entrance reception/ waiting area, and lift has planning permission under register reference
Permission	99/924 granted on 15 th October 1999. (see copy in Appendix C).

1. Typical Exterior View



2. Main Old Wing and Entrance





See Plan Drawings DUN-BR-XX-PL-DR-0020,21,22 and 23 Revision 00 for the floor plans.

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.

0 8 OCT 2025

55/25/127





DUNDRUM HOUSE HOTEL COST & LESS BY RESORT

Utmasta Limited Suite 108, Q House **Furze Road** Sandyford Business Park Dublin 18

Date: 19th June 2025

Dear Utmasta.

Dundrum House Hotel section 5 Judicial review [JR] against Tipperary County Council Ref: Articles of agreement

Further to the meeting to between the parties herein Utmasta Limited [UL], Suite 108, Q House, Furze Road, Sandyford Business Park, Dublin 18, Brogan Capital Ventures limited [BCVL], Pillo Hotel, The Rath, Ashbourne, Co. Meath and Dundrum House hotel, Dundrum, Co. Tipperary It has been agreed that in consideration of fees paid by Utmasta Limited to Marck Hickey [Solicitor], or others, who have been engaged by Brogan Capital Limited in defence of this Judicial Review, BCVL agrees that it will continue in the defence of this JR and if such defence is unsuccessful then an appeal with be immediately taken up by BCVL.

BCVL also agrees to support UL becoming a "notice party" in these proceedings. UL will be entitled to any and all information pertaining to the progress of this case by BCVL and its legal team or others. UL will have the opportunity to consult with and instruct the legal team in conjunction with BCVL.

Should these articles of agreement vacillate for any reason then UL has the right to recover all fees in relation to these proceedings from BCVL. In the event BCVL unilaterally or arbitrarily breeches or violates this agreement by any means, UL has the right to recover all damages and pecuniary loss including expenses without deduction or defence by BCVL.

In addition to the foregoing BCVL hereby grants Utmasta Limited permission to lodge its own "Section 5" application in respect of works required at DHH.

Brogan Capital Ventures Limited

6 6 001 2025 55/25/127

TIPPERARY COUNTY COUNCIL

Planning Section Memo

Planning Reference:

Section 5 25/127

Applicant:

Mr Barry Reynolds on behalf of Utmasta Limited

Development Address:

Dundrum House Hotel, Dundrum, Co. Tipperary, E34 R768

1. INTRODUCTION

On 6th October 2025 a request was made to Tipperary County Council for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Mr Barry Reynolds on behalf of Utmasta Limited. The wording of the proposal is unclear however having considered all of the submitted information it appears that the application is requesting a determination as to whether or not the following use constitutes development and if so, whether same is or is not exempted development:

The change of use of buildings referred to as Holm Oaks, The Square Block, The Coach House and the Ground Floor, First Floor and Second Floor of the Old Wing/C Block within Dundrum House Hotel to use for

(a) the purposes of accommodating protected persons (Class 14(h)),

(b) use as an emergency reception and orientation centre for protected persons (Class 14(i)),

The application as submitted includes;

- Section 5 application form
- Cover Letter including Appendix A (photographs of relevant blocks)
- Site Location Map
- Site Layout Plan
- Holm Oaks Floor Plans
- The Coach House and Square Block Floor Plans
- Old Wing/C Block Floor Plans (ground, first and second floor)

The submitted application form and cover letter do not refer to any works and pertain to a material change of use only.

Tipperary County Council is referring this matter to An Coimisiun Pleanala for a decision in accordance with Section 5(4) of the Planning and Development Act 2000, as amended. In accordance with Section 127(d) of the above mentioned Act this report sets the grounds of the referral and the reasons, considerations and arguments on which they are based.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant;

Planning and Development Act 2000, as amended

Section 2(1) of the Planning and Development Act, 2000, as amended (hereafter referred to as the Act), 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 same Act, 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 outs works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

Section 4(2)(a) 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 5 (Declaration and referral on development and exempted development) states;

(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

And;

(4) Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

Section 127 (Provisions as to making of appeals and referrals) requires that a referral shall

- (c) state the subject matter of the appeal or referral,
- (d) state in full the grounds of appeal or referral and the reasons, considerations and arguments on which they are based,

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;

Column 1	Column 2
Description of Development	Conditions and limitations
Class 14 Development consisting of a change of use— (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,	
(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 premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and	

Article 9 states;

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

- (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,

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.

3. SITE LOCATION

The Holm Oaks, The Square Block, The Coach House and the Old Wing/C Block are located within the Dundrum House Hotel and Golf Club complex. The Hotel and Golf Club is located to the south of the R505 Strategic Regional Road and is situated immediately outside of (south) of the settlement boundary of Dundrum. The Multeen River traverses the wider site. Dundrum House Hotel is included under the Record of Protected Structures contained in the Tipperary County Development Plan 2022 as Ref 1039.

4. RELEVANT SITE HISTORY

A full record of the planning application history for the site is attached as Appendix 1. The applications which the Planning Authority consider to be relevant to this assessment are listed below:

Old Wing/C Block

The Old Wing/C Block is understood to have been developed in the early 1900's. The floor plans submitted under P37045 indicated 14 bedrooms in this block. The accommodation was extended under P310842 and there were 38 bedrooms in addition to staff accommodation and recreational areas to be provided for within this area of the hotel. Under Pl. Ref. No. 99/924 permission was granted for alterations and extension to Dundrum House Hotel to form a new public entrance, to construct a lift shaft and lift and to form a new reception and waiting area. The block is shown to be in use as accommodation at this time however complete floor plans were not submitted on the file. It would have been possible for the applicant to carry out internal alterations resulting in a change to the number of bedrooms within this block. Having reviewed the information submitted by the applicant under Pl. Ref. 18601273 it appears that the C block would have accommodated circa 36 bedrooms (across the first and second floor). The layout of the ground floor would appear to allow for an additional 3 bedrooms however it is unclear if these were staff or guest bedrooms or recreational/play rooms. Whilst Pl. Ref. No. 18601273 was not implemented the material submitted by the applicant at that time is a useful indicator of the number of guests being accommodated within the hotel at that point in time.

Square Block

Under Pl. Ref. No. 991161 permission was granted for alterations to previously approved bedroom extension including (in summary) an increased floor area and increase from 16 to 18 bedrooms. There was no condition attached to this permission limiting use.

Coach House

Under Pl. Ref. No. 99503 permission was sought for the alteration and extension of the existing lofted coach house to 7 apartments. There was no condition attached to the permission limiting use. Having reviewed the permitted application relative to the ground floor plan (existing) submitted I note differences in the floor plan and window locations as constructed to that permitted. There is no record of same being agreed by condition. I do not consider that the proposed material change of use comprises the <u>extension, alteration, repair or renewal</u> of an unauth oriæd structure and the restriction on exemption set out under Article 9(1)(a)(viii) does not therefore apply.

Holm Oaks Block

Under Pl. Ref. No. 041238 permission was granted to demolish existing dutch barn and shed and to erect 16 two-storey residential hotel apartments and further to convert an existing shed into three residential hotel apartments with ancillary parking areas, roadways and site works. Condition No 26 requires as follows;

26. The proposed development shall be used for tourist / holday letting purposes only and shall not be used for as permanentprincipal residences.

Reason: Fo clarify the nature of the proposed development au thorized by this grantof perm ission, and to ensure the proposed development is

integrated into the existing Hotel and Leisure re lated facilities of Dundruce H ouseFlotel.

Pre-existing waste water treatment plant

Under Pl. Ref. No. 041239 planning permission was granted to decommission an existing waste water treatment plant and erect a forward feed pumping station, a peat bio-filter waste water treatment facility and a sand polishing filter in accordance with EPA guidelines.

Section 5

Under Section 5 24/147 Tipperary County Council determined on the 10 January 2025 that

The change of use of buildings referred to as Holm Oaks, The Square Block, The Coach House and the Ground Floor of the Old Wing/C Block within Dundrum House Hotel to use for the purposes of accommodating displaced persons or persons seeking international

protection

(b) use as an emergency reception and orientation centre for protected persons at Dundrum House Hotel, Dundrum, Co. Tipperary

is <u>development and is exempted development</u> as it DOES fall under 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.

This decision is currently subject to a Judicial Review in the High Court.

The assessment undertaken by the Planning Section was based on the understanding that the hotel facility was discharging to the permitted and licenced waste water treatment plant on the site. The Planning Section observed in the course of a site inspection on the 5 March 2025 (for the purpose of investigating Enforcement File TUD-25-023), that a new waste water treatment system (WWTS) had been installed on the site without the apparent benefit of planning permission. The Planning Section was subsequently notified by the Environment and Climate Action Section of the Council on the 6 June 2025 that a Section 12 Notice issued under the Local Government (Water Pollution) Act 1977, as amended, to the owner of the property on the 5 August 2020 and that this was still extant.

The true position in relation to the WWTS was not known by the Planning Authority when carrying out its assessment of the Section 5 application in January 2025. As a result, the assessment of the Planning Authority proceeded on the basis of inaccurate information. It is the belief of the Planning Authority that in light of this fact the Appropriate Assessment Screening Report that accompanied the Section 5 assessment was flawed.

As result of this deficiency, the Planning Authority conceded the relief sought by the applicants to quash the Section 5 Declaration but solely on the ground that the screening carried out by the planning department was deficient.

Brogan Capital Ventures Limited are continuing to defend the Section 5 Declaration.

Enforcement

TUD-25-023. This is a current enforcement file. A Warning Letter was issued on the 23 April 2025 in relation to the following alleged unauthorised development;

i. Construction of a roofed structure on the foundation of the former ballroom to the north west of the hotel

ii. Construction of a maintenance building in the car park

- iii. Construction of new internal access roads to the south of the Golf Course and north west of Kilmore cottages
- iv. Construction of a driving range, hard cored car parking yard serving same, ball stop nets/posts and other ancillary infrastructure
- v. Provision of a new waste water treatment system and ancillary structure
- vi. Replacement of Ceiling of bedroom 317 in the C block

Items (i) and (ii) on the Warning Letter have been regularised under the Decisions to Grant permission issued under Pl. Ref. No. 2560641 and 2560642 as listed in Appendix A.

A decision has not yet been made under Section 153 as to whether or not to issue an Enforcement Notice in relation to the outstanding unauthorised development referred to under the Warning Letter.

Local Government (Water Pollution) Act 1977 & Section 12 Notice

Condition 12 of Planning Permission 04/1239 states the following:-

12. No discharge of wastewaters from the proposed development to surface water or ground water shall take place save in accordance with terms of a Discharge License under Section 4of the Local Government (Water Pollution) Acts 1977-1990.

No development shall commence on the site on foot of this grant of permission until such time as the aforementioned effluent discharge license has been granted to the developer.

Further any modifications to the development required on foot of the effluent discharge license shall be agreed in writing with the Planning Authority or in default of agreement as agreed with An Bord Pleanála, or a grant of permission is issued for the revised development as appropriate.

Reason: To obviate the risk of pollution arising from the proposed development and in the interest of proper planning and sustainable development.

Discharge Licence DW023-02 (Appendix 2) applied to the pre-existing waste water treatment system. The Discharge Licence states as follows;

1.2 Effluent discharges shall take place only as specified in the application received on 17th of September 2007 and as per drawings submitted with the application as modified and / or controlled by this licence and subject to the requirements of law. No material change in the quality or quantity of the effluent being discharged to waters shall be made without the prior consent of the Licensing Authority.

- 2.1 The characteristics of the effluent shall not exceed the emission limit values stipulated in Schedule A of this licence.
- **2.2** The level of unionised ammonia in the receiving waters downstream of the point of discharge shall not, as a consequence of the discharge exceed 0.02mg/l as N.

SCHEDULE A - OF Discharge Licence DW 023-02

EMISSIONS TO WATERS

Emission Point Reference: Discharge from the treatment plant

Emission to: Multeen River

Volume to be emitted: Maximum 179 m3 per day Maximum 7.5 m3 per hour

Maximum 7.5 m3 per hour Parameter pH mg/l		Emission Limit Values 6.0 – 9.0 kg/d			
			Biological Oxygen Demand (BOD)	5	0.895
			Suspended Solids (S.S.)	5	0.895
Total phosphorus as P	2	0.358			
Total Ammonia as N	5	0.895			
Total Nitrogen	15	2.685			
Fats, Oils & Grease (F.O.G.):	10	1.79			

ISSUE OF SECTION 12 NOTICE

Tipperary County Council issued a Section 12 Notice on the 5 August 2020 in relation to the preexisting Waste Water Treatment System on the site. The Notice required that the following works be carried out;

 Polluting matter on your premises shall not be allowed to discharge to or run-off in such manner as to result in pollution of any waters in contravention of the Local Government (Water Pollution) Acts 1977 to 2007. 		Within 21 days of the date of this Notice
acco	Ensure the Wastewater treatment is functioning in ordance with the requirements of the associated nce under Section 4 of the Local Government (Water	Within 60 days of the date of

In response to the Section 12 Notice Brogan Capital constructed a new waste water facility, which does not have the benefit of planning permission nor does it have a licence pursuant to Section 4 of the Act of 1977. Brogan Capital contends that the Section 12 notice obviated the need to secure planning permission for the new waste water facility and the need to secure a Section 4 licence under the Act of 1977. The Council does not agree with this view and considers the facility unauthorised development within the meaning of the PDA 2000.

(ii) Carry out root cause analysis and submit corrective

action report to the address the non- compliances.

Pollution) Acts 1977 as amended.

Recent sampling records that even if the existing Section 4 licence extended to the new waste water facility, which the Council submits it does not, the waste water facility is not operating within the limits of that licence.

5. GROUNDS OF REFERRAL, REASONS & CONSIDERATIONS

As set out above Tipperary County Council is referring this matter to An Coimisiun Pleanala for a decision in accordance with Section 5(4) of the Planning and Development Act 2000, as amended. The reasons and considerations of the referral are set out below;

Is the current application Res Judicata

It is arguable that for as long as the existing Section 5 remains in being, that it precludes the current application on the basis that the change of user at issue remains the same.

The user that is the subject of the current Section 5 application is significantly different in scale/intensity to that which was the subject of the Section 5 declaration issued under Ref 24/147, in that the current application concerns a much larger area of the Dundrum Complex (the first and second floors of the C Block are now included for) representing an increase of circa 25% in floor area on the previous application (7,759.9 sq m in comparison to 6,121.3 sq m). The submitted floor plans indicate that the

Notice

subject area is to accommodate 301 persons. The number of people to be accommodated was not specified under Section 5 24/147 however by virtue of the two additional floors of the C Block now included for it appears that the occupancy is to increase above that proposed in 2024. The information submitted under Pl. Ref. No. 18601273 would indicate that the area subject to the current Section 5 accommodated circa 194 persons when the property was last in use as a hotel.

The intensification of user is recognised as a change in planning circumstances that may warrant fresh consideration under this Section 5. The Coimisiun will need to be satisfied that the consideration of the current Section 5 application would not constitute a collateral challenge on the declaration issued under Section 5 24/147, and would be lawful.

Is the proposal development and is it or is it not exempted development?

On the face of matters it appears that the proposal is a material change of use and is development. It also appears that the proposal avails of an exemption under Class 14(h) and (i) of the Regulations. However it is noted that the Coimisiun will satisfy itself to these facts.

With respect to the restrictions on exemptions set out under Section 4(4) of the Act and Article 9 of the Regulations, it is noted that the proposal is to accommodate 301 persons in an area of the hotel which the Council understands would have accommodated circa 194 guests, when the hotel was operating as a hotel. The hotel and other ancillary buildings on the site are discharging to a WWTS which was constructed in circa 2023 without the benefit of planning permission and which is operating without a Section 4 licence.

Any declaration will need to consider whether the number of IPAS residents to be accommodated on the site under the Section 5 proposal (a) is a user which breaches a condition of any permission regulating the Dundrum Complex or is inconsistent with any use specified in a permission under the Act, such as to engage article 9(a)(i) of the Planning and Development Regulations 2001, as amended, or (b) if the user triggers a requirement for an appropriate assessment such as to engage Section 4(4) of the Planning and Development Act 2000, as amended.

ned:

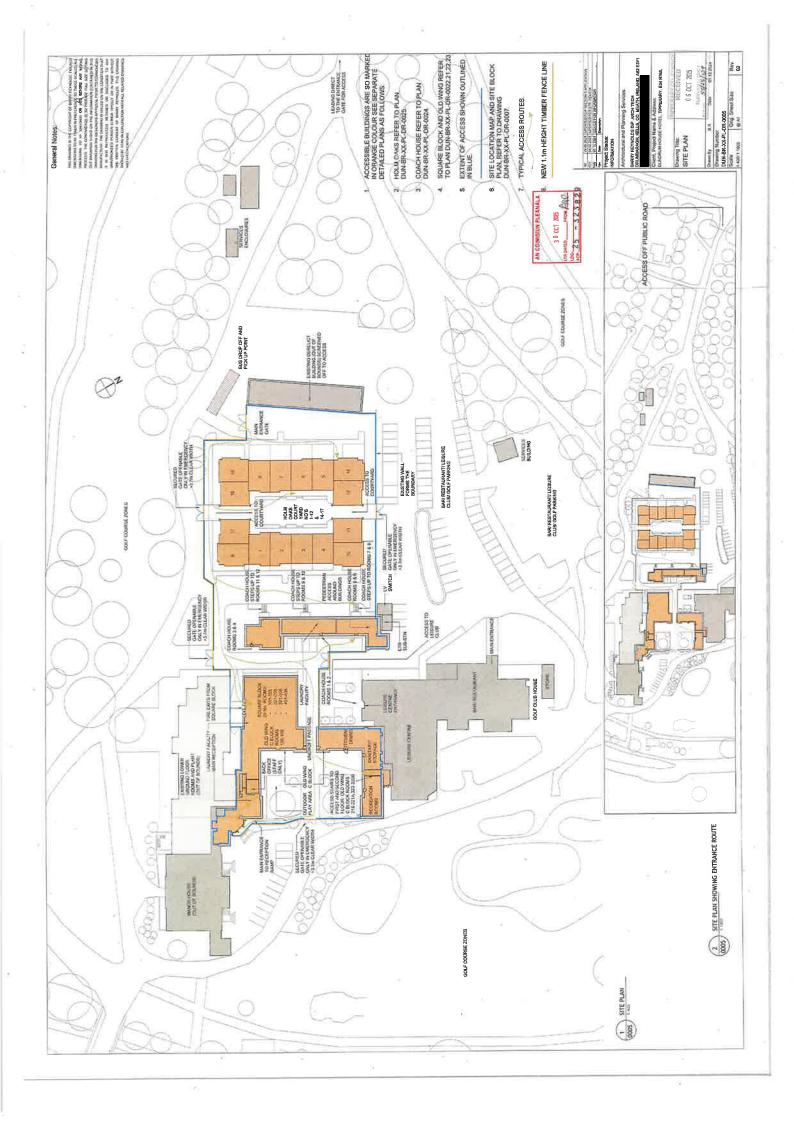
Signed:

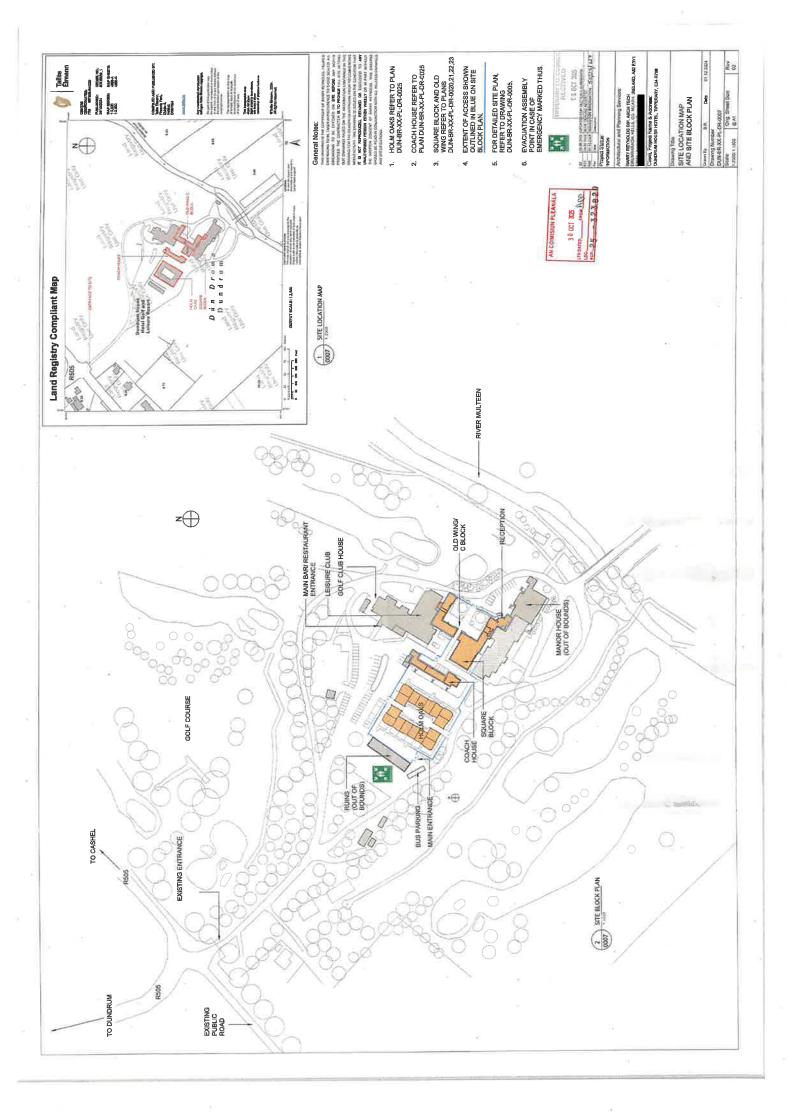
Caroline Conway Senior Executive Planner Date: 29.10.2025

Appendix 1 -	Full	Planning	History
--------------	------	----------	---------

P37045	Conditional grant	Convert Dundrum House to grade A hotel erect function room and ancillar accommodation
P310842	Conditional grant	Extension (Conservatory, games rooms and 16 bedrooms)
P312585	Conditional grant	Alteration and pool and leisure complex
95529	Conditional grant	Retention of conference centre, 4 no. hotel bedrooms and 2 no. entrance doors
<u>97183</u>	Conditional	Swimming pool, leisure facilities, golf clubhouse and associated site works,
<u>99503</u>	grant Conditional grant	Alterations and extensions to existing lofted coach house and to develop it as apartments
99504	Conditional grant	Construction of three storey extension, comprising 16 bedrooms with ensuites stairs and ancillary accommodation, with associated external works
99924	Conditional grant	Alterations and extension to Dundrum House Hotel to form a new publi entrance, to construct a lift shaft and lift and to form a new reception and waiting area
<u>991161</u>	Conditional grant	Alterations of previously approved bedroom extension to Dundrum House Hote - changes include increased floor area on the ground, first and second floors the provision of a third (attic) floor and increase from 16 to 18 bedrooms/ensuite & anc accom
<u>04946</u>	Incomplete	Demolition of an existing Dutch barn and shed and to erect 16 2-store residential hotel apartments and further to convert an existing shed into residential hotel apartments with ancillary parking areas, roadways and sit works
<u>041238</u>	Conditional grant	To demolish existing dutch barn and shed and to erect 16 two-storey residential hotel apartments and further to convert an existing shed into three residential hotel apartments with ancillary parking areas, roadways and site works Protected Structure (S 023).
<u>041239</u>	Conditional grant	To decommission an existing waste water treatment plant and erect a forward feed pumping station, a peat bio-filter waste water treatment facility and a same polishing filter in accordance with EPA guidelines. Protected Structure (S023)
<u>041272</u>	Conditional grant	24 terrace, two-storey dormer residential holiday cottages at a courtyard development in two clusters each 12 units with ancillary parking areas roadways and site work. Protected Structure (S 023).
041294	Conditional grant	14 detached, two-storey dormer, residential holiday homes, development with ancillary, gate entrance, roadways and site works at premises and land Dundrum House Hotel is a Protected Structure (S023)
<u>041389</u>	Conditional grant	A new three-storey dormer 44 bedroom hotel and conference centre and single storey health and spa buildings development with ancillary parking areas roadways and site works within the curtilage of Dundrum House Hotel which is a protected structure, ref. no. S023
<u>041562</u>	Conditional grant	Access road incorporating a road bridge and two pedestrian bridges over the Multeen River to serve new holiday developments on the grounds. Dundrur House Hotel is a protected structure
10317	Conditional grant	Ten year planning permission is sought for an integrated tourism developmer comprising the following works: (a) construct three-storey dormer forty for bedroom hotel and conference centre (b) single storey health and spa building (c) all weather playing field and associated changing facilities and lighting (d) golf driving range and associated facilities (e) change of use of 12 no. existing two storey terraced dormer dwellings constructed under permission ref. 04/127 from residential holiday homes to residential use (f) 13 no. detached two stored dormer dwellings (g) associated car parking, roadways, site boundaries and development works; all works to be carried out within the curtilage of Dundrur House Hotel which is a protected structure ref. S023 in the South Tipperar County Development Plan 2009-2015 and to connect to existing waste water
18601273	Conditional Grant	treatment facility constructed under permission ref. 04/1239. I Plan identifie same expires on the 21/8/2021. an Integrated Tourism Development comprising the following works at Dundrur House Hotel, Dundrum: a) Construction of a two-storey boutique whiske distillery and service yard with borehole for water supply and associated can

		parking, in lieu of previously approved (1 0/317) three-storey dormer, forty-four bedroom Hotel and Conference Centre. b) Construction of a Golf Course Maintenance Building and associated storage areas. c) Construction of a Bottling Plant and whiskey storage area, including ancillary stores. d) Demolition of existing Hotel Entrance Lobby and associated circulation areas, and demolition of existing Basement stores and services spaces. e) Construction of a two-storey over partial existing basement building to the North West of existing hotel, comprising replacement Function Room with additional floor area. Preevent space, circulation areas, Meeting Rooms, increased basement area for service areas, sanitary facilities, plant rooms, kitchens and storage areas. f) Construction of new two-storey building over existing basement, adjacent to Protected Structure S023 to comprise Hotel Entrance Foyer, lobbies, reception, circulation and mezzanine areas. g) Alterations to Protected Structure S023 comprising removal of existing lift shaft, installation of new lift, alterations to external opes to connect to new extension, internal alterations to room layouts, repairs to building fabric including floors, walls, roof, windows and doors, construction of pediments and hipped roofs to existing wings and installation of mechanical and electrical services. h) Landscaped gardens to South West and North East of Protected Structure S023, including hard and soft landscaping. i) Retention of revised layout of previously approved (10/317) Golf Driving Range and associated facilities, including new Practice Green. j) Associated car parking, roadways, site services, landscaping, screening, site boundaries, upgrade works to existing waste water treatment plant and all associated site development works. All works to be carried out within the curtilage of Dundrum House Hotel which is a Protected Structure Ref. S023 in the South Tipperary County Development Plan 2009 – 2015 and to connect to the existing Waste Water Treatment facilityconstru
2560641	Conditional Grant	an existing modern low height single storey temporary stee and metal clad structure providing weather protection to the existing below ground plant rooms adjacent the main hotel buildings. The period of temporary use shall be agreed by the authority as part of this application
2560642	Conditional Grant	a modern existing standalone single storey water softener out building in the existin gcar parki ngarea and associated works





PUBLISHED US/127024 10日第 OSi PLACE Map COMPANY TO AND PUBLISHED BY: Any vincethament reproductions retriges faste factors reprofit

Dún Dro Dundru COTTON SCALE LIBER Planning Pack Map

COMPLED AND PUBLIS Take freen Take freen Dak 16 Take Take Dourse

the control implication of the control implicati

2 STELOCATION MAP

THIS PLAN IS SHOWN AT COMPLIANT SCALE 1:2500. IT IS NOT POSSIBLE TO SHOW THE FULL RED LINE BOUNDARY ON THIS PLAN,

SEE PLAN SCALE 1:5000 OPPOSITE WHICH SHOWS THE FULL EXTENT OF THE RED LINE BOUNDARY

RED LINE BOUNDARY MEANS IN THE OWNERSHIP OF THE APPLICANT.

THIS SITE PLAN IS OUTLINED IN RED THIS IS ALSO THE FULL LANDHOLDING BY THE APPLICANT





Drawing Title: SITE LOCATION MAPS

8 R Date

1:3500 SCALE PLAN VERSION SHOWN OPPOSITE DOES NOT SHOW THE FULL EXTENT OF THE SITE, HOWEVER IS INCLUDED AS REQUIRED TO MEET THE SUBMITTAL REQUIREMENTS OF THIS APPLICATION.

THIS PLAN IS SHOWN AT 1:5000 SCALE TO CAPTURE THE FULL EXTENT OF THE LANDHOLDING IN RED OUTLINE. SEE SITE PLAN DRAWING DUNABR.XX.PL-DR-0005 (SIIP PIBIT) R00 FOR LOCATIONS OF THE PORTIONS OF THE PREMISES SUBJECT TO THIS APPLICATION, THEREIN A BLUE LINE DENOTES THIS EXTENT WITH THE BUILDINGS ACCORDINGLY MARKED.

1 SITE LOCATION MAP

Roo Drawing Number Duts ER-XX-FL-DR-d009 Scarle Table 1600 | Qx Al

DULTNETNE TO BE CHECKED ON NITE BESCHE PROCEED THE CONTRACTION BY TO PROVIDE I'D U. OUT DECAMINGS BARED ON THE MCURALATION CONT.

z

Talke Éireann

CENTRE COMMUNES III SPITAS ENAMO DIBLEMED ONDER HO: CATIONAL ENAMOS, I AND 4558

