

Date: 10th June 2025
Our Ref: ED/1226

SBLN Ltd. T/A Fairport Care Services
C/O Kevin Hughes
Hughes Planning and Development Consultants
No 85 Merrion Square
Dublin 2
D02 FX60

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Renvyle, Great Connell, Newbridge, Co Kildare

Dear Sir/Madam,

I refer to your correspondence received on 23rd April 2025 in connection with the above. Please find enclosed Receipt no. FIN1/0/511307 in relation to fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

**Senior Executive Officer,
Planning Department.**

<p style="text-align: center;">Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).</p>
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ED/001226.

WHEREAS a question has arisen as to whether the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) at Renvyle, Great Connell, Newbridge Co Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 23rd April 2025

AND WHEREAS SBLN Limited T/A Fairport Care Services requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and
- (c) Documentation received with the application

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) at Renvyle, Great Connell, Newbridge Co Kildare ***IS development and IS NOT EXEMPTED development pursuant to Section 2, 3, 4, and 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.***

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

10th June 2025.

**Senior Executive Officer,
Planning Department.**

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1226

Name Of Applicant(s):	SBLN Ltd, T/A Fairport Care Services
Address Of Development:	Renvyle, Great Connell, Newbridge, Co. Kildare, W12 WY44
Development Description:	change of use of a residential care home currently providing accommodation (Tulsa), to provide temporary residential accommodation for displaced persons or persons seeking international protection under Class 20F
Due date	21 st May 2025

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) is or is not development and is or is not exempted development.

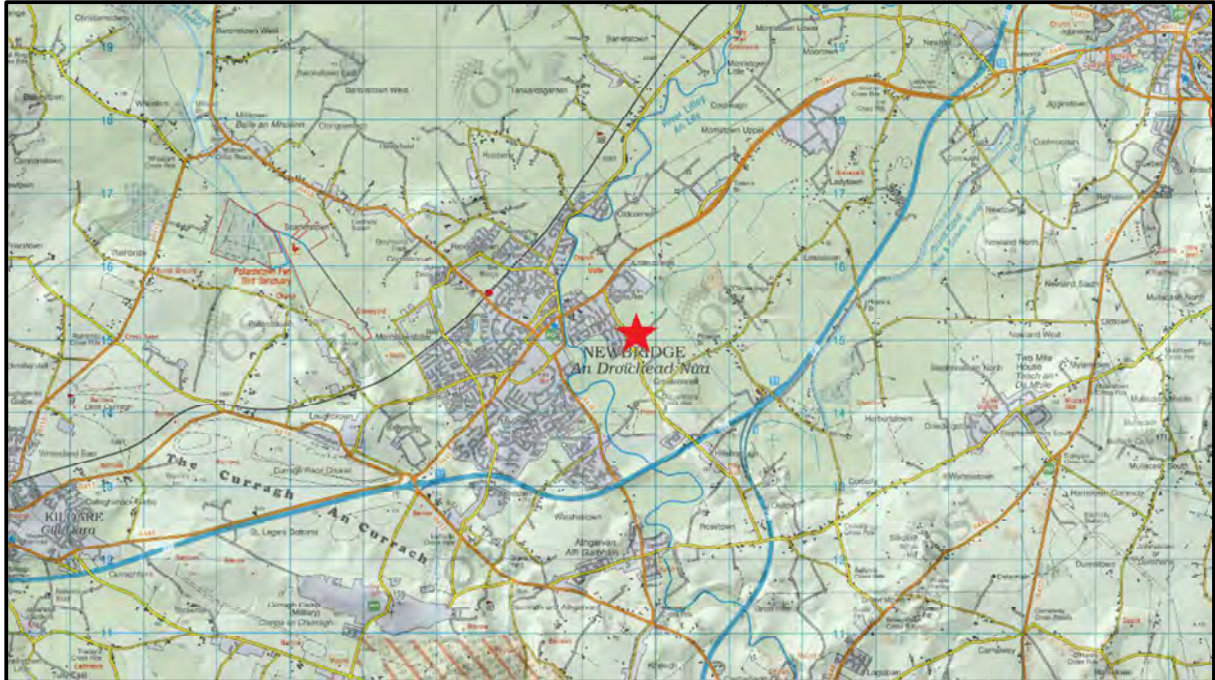
Site Location

The subject site is located at Renvyle, Great Connell, Newbridge, Co. Kildare, W12 WY44 and same is located approximately 1.1km to the east of Newbridge Town centre. The subject site is zoned B – Existing Residential/Infill in the Newbridge LAP 2013-2019.

The subject site is characterised by a large residential, detached type house and is currently being utilised as a youth residential care home.

Description of Proposed Development

The declaration states that it is proposed to change the use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended)



Map 1: Site Location and context (Subject site denoted by red star)



Map 2: Aerial view of subject site.

Planning History

Planning File Reg. 24/60379

Planning permission **granted** for the replacement of existing roof to accommodate a first floor extension along with the remodelling of existing ground floor layout and front façade to include a canopy and bay windows along with removal of existing septic tank with permissions to connect to public foul sewer. Retention of change of use of existing detached bungalow for use as a residential care home, and proposed change of use for proposed development for use as a residential care home, retention of single storey detached garage as constructed and all associated site works at Renvyle, Great Connell, Newbridge, Co. Kildare. **Grant Date: 11/10/2024**

Noteworthy Conditions:

1. The development shall be retained, carried out and completed in its entirety in accordance with the plans, particulars and specifications received by the Planning Authority on 29/04/2024 and by revised details received by the Planning Authority on the 14/09/2024 except as amended by the conditions of this permission.

Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. The structure shall be used as a residential care home only. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended) no change of use shall occur without a prior specific grant of planning permission.

Reason: In the interest of clarity.

3. The structure and extension shall be jointly occupied as a single residential care home only. The extension shall not be subdivided from the remainder of the residential care home nor sold or let as a separate unit.

Reason: In the interests of clarity and to regulate the use of the development in the

PLANNING ISSUE ONLY

BRE 365 SOAKHOLE
SITE OUTLINED RED

ADJACENT DEVELOPMENT

FRONT FACADE AND BAY WINDOW
EXTENSIONS, DRG.No: SBNL/PLN-
FTL:100.00

EXISTING DEVELOPMENT
CHANGE OF USE, SBNL/PLN-003A
FFL:100.00

DORMER FLOOR ELEMENT
FFL:102.470

GARAGE FOR RETENTION FFL:100.0
SBNL/PLN-005

FOUL SEWER

no distance to side
or rear boundary

FOUL SEWER CONNECTION
subject to future connection with Irish Water

PUBLIC FOUL SEWER

SITE NOTICE

T.B.M.: 99.800

EX. SEPTIC TANK TO
BE DECOMMISSIONED

PLANNING ISSUE ONLY 10/10/2010
THE POSITIONS OF ADJACENT SEPTIC TREATMENT SYSTEMS
ARE BASED ON VISUAL INSPECTION & INFORMATION SUPPLIED
ON THE CLIENT ONLY.
SEWER WHITE DESIGN & PLANNING
DOES NOT ACCEPT ANY RESPONSIBILITY FOR ACCURACY OF INFORMATION

derek whyte
SEWER WHITE DESIGN & PLANNING
10/10/2010

BRE 365 Soakhole		BRE 365 Soakhole	
BRE 365 Soakhole		BRE 365 Soakhole	
DRG.No: SBNL/PLN-FTL:100.00	FFL:100.00	DRG.No: SBNL/PLN-003A	FFL:100.00
DRG.No: SBNL/PLN-005	FFL:100.00	DRG.No: SBNL/PLN-005	FFL:100.00

Planning File Reg. 21/1543

Planning permission **granted** for replacement of existing roof to accommodate a first floor extension along with remodelling of existing ground floor layout and front façade to include a canopy and bay windows along with removal of existing septic tank and connection to the mains sewer and all associated site works at Renvyle, Great Connell, Newbridge, Co. Kildare. **Decision Date: 15/12/2021**



Figure 2: Extract from the submitted site layout plan contained in Planning File Reg. 21/1543.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'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)

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

Section 4(1)

The following shall be exempted development for the purposes of the Act-

- (h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which*

affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Planning and Development Regulations 2001 (as amended)

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 5(1)

In this Part—

“care” means personal care, including help with physical, intellectual or social needs;

Article 9 (1)(a)(i) and 9(1)(a)(viii)

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,...

(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,

Class 20F, Part 1, Schedule 2

<i>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference</i>	<div data-bbox="847 1458 1391 1697"> <i>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</i> </div> <div data-bbox="847 1697 1391 1982"> <i>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with</i> </div>
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<p>centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<p>Article 6 of the Council Directive 2001/55/EC of 20 July 2001².</p>
	<p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p>
	<p>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</p>
	<p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p>
	<p>6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.</p>
	<p>7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).</p>
	<p>8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.</p>

Assessment

Is it development?

The first question to address relates to whether or not the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended). The Act defines “development” as the carrying out of any **works** on, in, over or under land or the **making of any material change in the use** of any structures or other land.

The referral does not propose any works to the structure and thus it is necessary to determine if the envisaged development will constitute a material change in use. A change of use can become “material” if the new use is different in character or impact, having regard to planning considerations such as intensity of use, nature of occupancy, demand on local services, and potential effects on residential amenity or traffic.

In this case, the existing use as a residential care home typically involves:

- A managed environment with trained staff,
- Residents with specific needs,
- Long-term occupancy,
- A predictable and regulated pattern of use.

The above statement is supported by information received from a further information request in respect of Planning File Register 24/60379 where, the applicant at the time, indicated that the facility intended to house a maximum of 14 occupants, including trained staff and young people of all ages up to the age of 21 years old for a period of up to 3 years.

The proposed use as temporary accommodation for displaced persons or persons seeking international protection, while still residential in nature, differs in several key aspects:

- The occupancy profile is less predictable,
- It may involve higher or fluctuating numbers of occupants,
- The management model may be different (e.g. without on-site care staff),
- It may place different demands on local infrastructure and services.

While the referrer does not specify the parameters of the envisaged development, temporary accommodation for displaced persons or persons seeking international protection is not typically limited to those under the ages of 21 years old. Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) also does not place restrictions on the permitted number of residents, their maximum age, nor does it require permanent staff to reside on site.

These differences are not incidental – they can be considered material in planning terms. They alter the character and functioning of the use of the building, and they can potentially result in different external impacts on the area. In this regard, the proposed change in use is not a variation within the same general use class but rather a material change of use that falls within the scope of “development” under this Act.

In light of the above, the envisaged development is a **material change of use** and would constitute **development** in accordance with Section 3(1) of the Act.

Is it exempted development?

The second question to address relates to whether or not the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) would constitute exempted development in accordance with the provisions of the Planning and Development Act, 2000 (as amended).

After perusing the Council's Planning File Register, it is contended that the subject site is subject to a valid planning permission (Pl. Reg. Ref. 24/60379). This planning permission permits the use of the existing detached bungalow for use as a residential care home and by the referrer's own admission, this planning permission was taken up.

Condition 2 of the above-mentioned planning permission specifically limits the use of the site to a residential care home only. Furthermore, the condition includes a provision that no change of use shall occur on site without first obtaining the necessary planning permission.

Having regard to the planning history of the site, and in particular Condition 2 of Planning File Reg. Ref. 24/60379, which restricts the use of the premises to a residential care home only, the proposed change of use to a temporary accommodation for displaced persons or persons seeking international protection would constitute development within the meaning of Section 3 of the Planning and Development Act, 2000 (as amended). Furthermore, as it would contravene a condition of a planning permission, it is **not exempted development** under Class 20F of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended), having regard to Article 9(1)(a)(i) of those Regulations.

Conclusion

Having regard to:


- Sections 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- The nature, extent and purpose of the works;

It is considered that the proposed development **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is not**


exempted development as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is not exempted development*.



José Monteiro
Assistant Planner
09/06/2025



Martin Ryan
Senior Executive Planner
09/06/2025

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Appropriate Assessment Screening

A screening for Appropriate Assessment accompanies this report

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether the change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) is or is not development and is or is not exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 14 August 2024.

AND WHEREAS SBLN Ltd, T/A Fairport Care Services requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- (c) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

The change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended)

IS development and IS NOT EXEMPTED development pursuant to Section 2, 3, 4, and 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details

Planning File Ref	ED1226
Applicant name	SBLN Ltd, T/A Fairport Care Services
Development Location	Renvyle, Great Connell, Newbridge, Co. Kildare, W12 WY44
Site size	0.2787ha
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	Pollardstown Fen SAC located 3.2km north of the subject site
Description of the project/proposed development – Change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended)	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development

			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.	<i>Is the development within a Special Area of Conservation whose qualifying interests</i>	No

	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Pollardstown Fen SAC is located 3.2km north of the subject site. No impact on same.		
Name:	José Monteiro	
Position:	Assistant Planner	
Date:	09/06/2025	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order



I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO58976 **Section:** Planning

SUBJECT: ED 1226 SBLN Limited T/A Fairport Care Services, C/O Kevin Hughes Hughes Planning and Development Consultants, No 85 Merrion Square, Dublin 2. Exempt Development Application for The change of use from a residential care home currently providing accommodation to temporary accommodation for displaced persons or persons seeking international protection under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) at Renvyle, Great Connell, Newbridge Co Kildare

SUBMITTED: ED1226 With Recommendation from the Senior Executive Planner and Reports from the Councils Technical Officers

ORDER: I hereby order the following Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is not exempted development

MADE THIS 10TH DAY
OF JUNE YEAR 2025

SIGNED: Alan Dunney
DIRECTOR OF SERVICES

Kildare County Council

Declaration of Exempt Development under Section 5,
of the Planning and Development Act 2000

Incomplete application forms will
be deemed invalid and returned



All responses must be in block
letters

Section 1	Details of Applicants
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1. Name of Applicant(s) A. Surname T/A Fairport Care Services Forenames SBLN Ltd.....
 Phone No..... Fax No.....
 2. Address 2-3 Lurgan Street, Smithfield, Dublin 7, D07 PF67.....

Section 2	Person/Agent acting on behalf of applicant (if applicable)
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1. Name of Person/Agent: Surname Hughes..... Forenames Kevin.....
 Phone No. 01 539 0710..... Fax No.....
 2. Address Hughes Planning and Development Consultants No. 85 Merrion Square, Dublin 2, D02 FX60.....

Section 3	Company Details (if applicable)
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1. Name of Company SBLN Ltd T/A Fairport Care Services.....
 Phone No..... Fax No.....
 2. Company Reg. No. 648154.....
 3. Address 2-3 Lurgan Street, Smithfield, Dublin 7, D07 PF67.....

Section 4	Details of Site
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1. Planning History of Site See enclosed Section 5 Planning Report.....
 2. Location of Proposed Development 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44.....

- | |
|---|
| Kildare County Council
Planning Department
23 APR 2025
RECEIVED |
|---|
3. Ordnance Survey Sheet No. 3606-17 and 3606-C.....
 4. Please state the Applicants interest in the site Owner.....

5. Please state the extent of the proposed development.....
Proposal to use site to accommodate people seeking international protection.

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (*specific details required*).....

Exempted change of use under Class 20F of the Planning and Development Regulations 2001 (as amended).

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....

The questions before the planning authority is:

.....
'Whether the use of 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44, a residential care home currently providing accommodation Tulsa – Child and Family Agency, and Department of Children, Equality, Disability, Integration, and Youth, to provide temporary residential accommodation for displaced persons or persons seeking international protection under Class 20F, is or is not development and whether development constitutes exempted development or does not constitute exempted development?'
.....
.....

Section 5	The following must be submitted for a valid application
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		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	<input checked="" type="checkbox"/>
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	<input type="checkbox"/>
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	<input type="checkbox"/>
4.	All drawings to differentiate between the original building, all extensions and proposed development	<input type="checkbox"/>
5.	Fee of 80 Euro	<input checked="" type="checkbox"/>

Section 6	Declaration
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I, Kevin Hughes certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature:  23 APR 2025 Date: 17th April 2025

Kildare County Council
Planning Department

RECEIVED

PLANNING REPORT

Section 5 Application – Declaration of Exempted Development



The accommodation of refugees and asylum seekers at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44.

Kildare County Council

APRIL 2025

SUBMITTED ON BEHALF OF:
SBLN Ltd T/A Fairport Care Services

2.0 Site Description

The subject development, known as 'Renvyle', is located in Great Connell, due east of Newbridge, with direct access from Great Connell Road. 'Renvyle' is a detached, single-storey dwelling constructed c.1975, comprising a single-storey detached garage to the rear and containing seven bedrooms. The property occupies approximately 0.31 hectares and is set within mature planting.

The site is bounded to the north and south by similar detached dwellings, with a residential estate immediately to the west and disused agricultural lands to the east. It is conveniently located within minutes of Newbridge town centre in County Kildare and close to a range of essential services. Additionally, the property benefits from an extensive transport network, including proximity to the M7 Motorway and Newbridge Station, which provides direct long-distance connections to Dublin city centre and beyond.

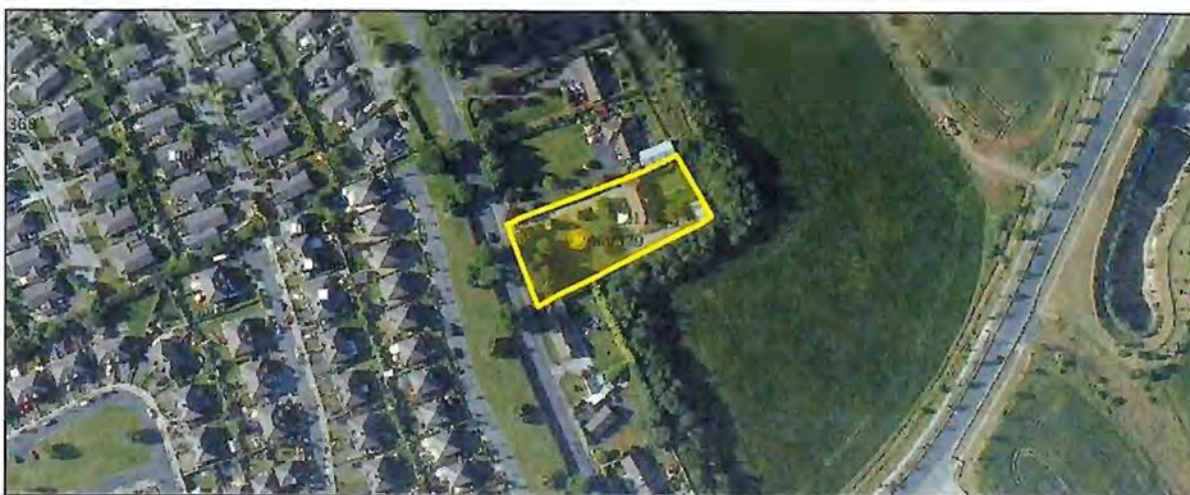


Figure 1.0 Aerial view of the subject site referred to as 'Renvyle' (outlined in yellow).



Figure 2.0 Image looking northeast at subject site from site access and driveway.

Currently, the site is in use as a residential care home for Fairport Care who work with families, children & young people that are referred to Fairport through Tusla – the Child and Family Agency on behalf of the Department of Children, Equality, Diversity, Inclusion, and Youth (DCEDIY).

It is submitted that the continued use of the property for residential accommodation for international protected persons, as defined above, can facilitate a smooth transition to this use, while ensuring compliance with planning regulations.



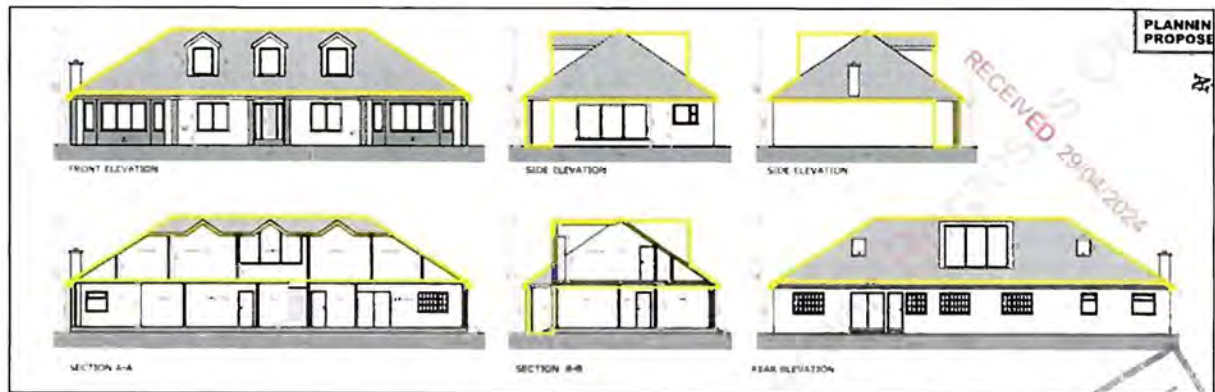


Figure 5.0 Proposed elevations and sectional drawings granted under Reg. Ref. 24/6079.

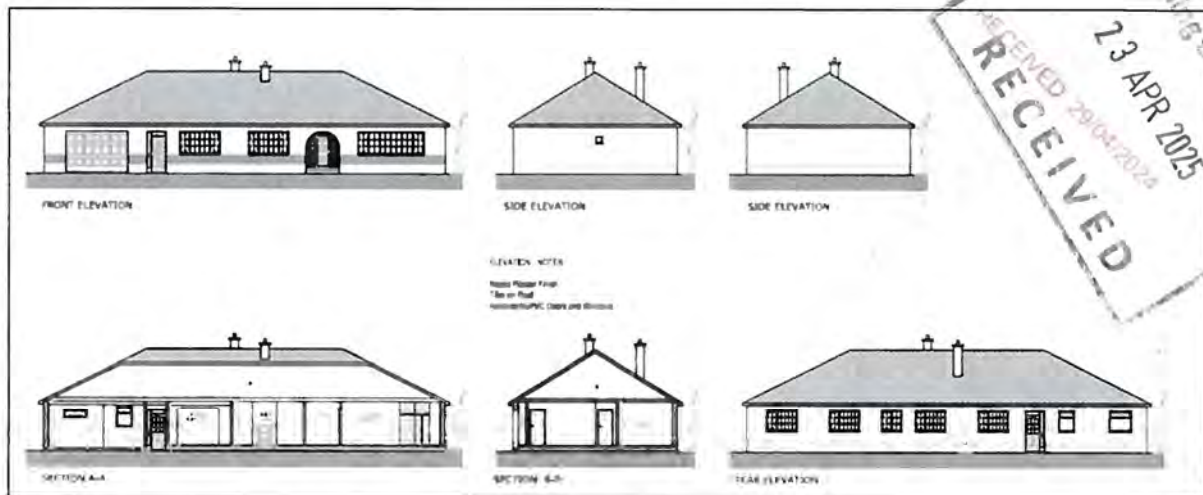


Figure 6.0 Existing elevations and sectional drawings submitted under Reg. Ref. 24/6079.

Whilst we note that the application granted permission for a first-floor extension, the Planning Authority also granted retention for the change of use of the subject site to provide residential care accommodation on behalf of Tusla and subsequently DCEDIY. The following condition is noted in the decision:

2. *The structure shall be used as a residential care home only. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended) no change of use shall occur without a prior specific grant of planning permission.*

It is submitted that the condition requiring the structure to be used exclusively as a 'residential care home' is rendered inapplicable by the provisions of Class 20F of the Planning and Development Regulations 2001 (as amended) as this use is considered under the broader scope of a 'social care accommodation', a listed exempted change of use class under the legislative provision. As such it is considered that under Class 20F, the proposed change of use qualifies as exempt development, allowing the applicant to proceed without a specific grant of planning permission for this change. This is further discussed in section 5.1 of this report.

Reg. Ref. 21/1543 Planning permission was granted by Kildare County Council 15th December 2021 for the replacement of the existing roof to accommodate a first-floor extension along with remodelling of existing ground floor layout and front façade to include a canopy and bay windows along with removal of existing septic tank and connection to the mains sewer and all associated site works.

Taking into consideration of the above granted planning permissions on site, it is considered that the existing use of the development is a permissible and authorised use.

The proposed development at 'Renvyle' will provide a social care accommodation supported by care practices and a resident-focused operational framework. The service is designed to promote safety, well-being, personal development, and integration into the wider community through the following:

Type of Care	Proposed Use
	Social Care Accommodation
Physical	<p>Guidance on accessing local healthcare services and public transport.</p> <p>Public notice board providing information on support services</p> <p>Fire safety measures, including fire alarms, extinguishers, and emergency evacuation plans.</p> <p>Kitchen and nutrition facilities designed to accommodate diverse cultural dietary needs in a safe and inclusive manner.</p> <p>Provision of external amenity spaces to encourage outdoor activity and relaxation.</p> <p>Quiet study room with access to learning resources for self-improvement.</p> <p>Semi-private rooms with lockable storage to ensure privacy and security of personal belongings.</p> <p>Orientation and guidance on daily living practices.</p>
Intellectual	<p>Support in accessing local libraries, community centres, or learning hubs.</p> <p>Assistance in finding and enrolling in further education or vocational training programmes.</p> <p>Life skills training to promote independence, self-sufficiency, and long-term integration.</p> <p>Shared communal areas to promote peer interaction, social integration, and reduce social isolation.</p> <p>Dedicated notice board with information on local community events and group activities.</p>
Social	<p>Encouragement of healthy friendships and group bonding initiatives.</p> <p>Opportunities for residents to contribute to surveys and feedback mechanisms to ensure their voices are heard in the day-to-day operation of the residence.</p> <p>Access to confidential support services for personal concerns.</p>

Table 1.0 Table of proposed use and types of physical, intellectual, and social care to be provided.

Given that the existing use aligns with the regulatory definition of care, we submit that the residential care home falls within the broader category of social care accommodation. Consequently, no material change of use is occurring in this instance. Instead, the only proposed change is a transition from one form of social care accommodation to another, specifically, temporary accommodation for protected persons.

On this basis, it is submitted that the subject site can avail of the temporary exemption afforded under Class 20F of the regulations.

Further to the above, we would note that Class 20F is subject to a number of conditions and limitations set out in Column 2 of the regulations. The following sections of this report will respond to each of these items:

1. *The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.*

The proposed use of the development at 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44 is consistent with this requirement, as it is intended to accommodate displaced persons or persons seeking international protection in collaboration with the International Protection Accommodation Services (IPAS). This aligns with the Government's ongoing efforts to provide suitable accommodation for individuals in need.

2. *Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council*

- (ii) the minor unmarried children of a person referred to above, point (a) or (b), or of his or her spouse, without distinction as to whether they were born in or out wedlock or adopted;
- (iii) Other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person referred to in paragraph 1, point (a) or (b) at the time.

We note the definition of 'displaced persons' is understood by the applicant.

- 7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

We note the definition of 'international protection' is understood by the applicant.

- 8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

Accordingly, 'Temporary Protection' is defined as:

'a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular, if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection'.

The Temporary Protection referred to above relates to influxes of displaced persons from third countries. As noted in paragraph 3 above, temporary protection will extend till no later than 31st December 2028.

In summary, we confirm the intention of this Section 5 application is to provide accommodation to International Protection Accommodation Services (IPAS) applicants for a temporary period not later than the end of 2028, at which point the use will cease and revert to social care accommodation use as required.

6.0 Planning Context

6.1 Kildare County Development Plan 2023-2029

The Kildare County Development Plan 2023-2029 is the relevant statutory policy document for the subject site. However, it is noted that a new Local Area Plan (LAP), Newbridge LAP 2025-2031, is being drafted and until it is provided Kildare County Council will have regard for the Newbridge LAP 2013-2019 until the new LAP becomes available. As such, the proposal site is subject to the zoning designation of the Newbridge LAP 2013-2019 and is zoned 'B: Existing Residential / Infill'. The objective for this zoning is 'To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.'



Figure 7.0 Extract from Newbridge Local Area Plan 2013-2019 showing the subject site is zoned 'B: Existing Residential / Infill' (outlined in pink).

In this context, the existing use aligns with the regulatory definition of care and falls within the broader category of social care accommodation. The proposal does not constitute a material change of use but rather represents a transition from one form of social care provision to another, specifically, the delivery of temporary accommodation for protected persons in need of support and supervision.

Accordingly, it is submitted that the proposed development does not materially alter the character of the existing permitted use and remains in compliance with the terms and intent of the original planning permission.

In this context, the key question for consideration by the Planning Authority is as follows:

'Whether the use of 'Renvyle', Great Connell, Newbridge, Co. Kildare, W12 WY44, a residential care home currently providing accommodation to Tulsa – Child and Family Agency, and the Department of Children, Equality, Disability, Integration, and Youth, to provide temporary residential accommodation for displaced persons or persons seeking international protection under Class 20F, is or is not development and whether development constitutes exempted development or does not constitute exempted development?'

We respectfully request Kildare County Council to make a formal declaration under Section 5 of the Planning and Development Act 2000 (as amended) to determine whether the proposed use of the building, as outlined in this report, constitutes exempt development. It is noted that no physical works are being sought as part of this application, and the request pertains solely to the determination of the proposed change of use.

Should you have any queries or require further information, including access to the building, please do not hesitate to contact the undersigned.



Kevin Hughes MIPI MRTPI
Director for HPDC



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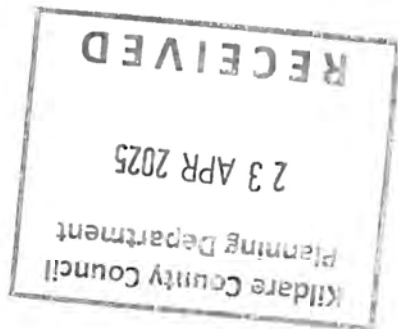
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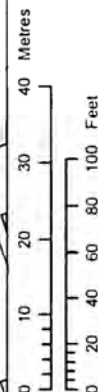
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