



An
Bord
Pleanála

Board Order
ABP-317397-23

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D52023/10

WHEREAS a question has arisen as to whether works carried out (ongoing) to Lismore House Hotel, a Protected Structure, and within its curtilage since January 2022? [sic]. These works have been carried out to provide a care facility for IPAS refugees at Lismore House Hotel. 1-2 Main Street, Lismore, County Waterford is or is not development or is or is not exempted development.

AND WHEREAS Pat Gibney requested a declaration on this question from Waterford City and County Council and the Council issued a declaration on the 25th day of May, 2023 stating that the matter was development and was exempted development:

AND WHEREAS Pat Gibney referred this declaration for review to An Bord Pleanála on the 19th day of June, 2023:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1), 4(1)(h) and 57 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14 and Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the submissions on file
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) The works carried out to Lismore House Hotel to facilitate the temporary accommodation facility for international protection applicants would constitute development under Section 3(1) of the Planning and Development Act 2000, as amended.
- (b) The temporary change of use from hotel to accommodation for international protection applicants would constitute exempt development and would fall within the scope of Class 14 and Class 20F of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).
- (c) The works carried out 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 and would fall within the scope of the exemption provided by Section 4(1)(h) of the Planning and Development Act 2000, as amended,

- (d) However, it has not been satisfactorily demonstrated by the owner/occupier that the carrying out of the works to facilitate this temporary accommodation for international protection applicants does not materially affect the character of the Protected Structures, or any element of the structures which contributes to their special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and is, therefore, not exempt development under Section 57 of the Planning and Development Act 2000 (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the development at Lismore House Hotel, 1-2 Main Street Lismore is development and is not exempted development.


Stephen Bohan

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 28th day of January 2025.