



An
Bord
Pleanála

Inspector's Report ABP-321373-24

Question

Whether the change of use of a guesthouse to provide accommodation for persons seeking international protection is or is not development or is or is not exempted development.

Location

Dun a Rí House Hotel, Kingscourt, Co. Cavan, A82 ND30.

Declaration

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

384

Applicant for Declaration

Brimwood Unlimited Company

Planning Authority Decision

No Declaration/Cavan County Council
Is the Referrer

Referral

Referred by

Cavan County Council

Owner/ Occupier

Brimwood Unlimited Company

Observer(s)

None

Date of Site Inspection

13th March 2025

Inspector

Gerard Kellett

1.0 Site Location and Description

- 1.1. The subject site relates to Dun a Ri House Hotel, Kingscourt, Co. Cavan. The site comprises a two-storey terraced Victorian building c1880. The building is sited within town core of Kingscourt. The site fronts onto the R165 regional road to Carrickmacross to the south. The surrounding area is defined by a mix of commercial and retail uses.

2.0 The Question

- 2.1. The question posed to the Board by Cavan County Council (CCC) following the submission of a Section 5 declaration (P.A Ref: 384) by Brimwood Unlimited Company on behalf of Hughes Planning and Development Consultants, is as follows:

- Whether the use of a Guesthouse at Dun a Ri House Hotel, Kingscourt, Co. Cavan, A82 ND30, to provide accommodation for persons seeking international protection, constitutes exempted development or does not constitute exempt development.

The documentation submitted with the application state no works are being sought as part of this declaration and this section 5 application relates to the use of the building only.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. On the 1st of November 2024, a request for a Declaration in accordance with Section 5 (1) of the Planning and Development Act, 2000, as amended, was received by Cavan County Council from Brimwood Unlimited. In accordance with Section 5(4) of the Planning and Development Act, 2000, as amended, the Planning Authority referred the question raised in the referral sought by Brimwood Unlimited to the Board for determination on the 29th November 2024.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- *“In determining this referral to An Bord Pleanala the Planning Authority have concerns with regard to the existing use. It is unclear whether the premises is either a hotel or a guesthouse. The Planning Authority depicts the use as hotel. The latter also raises concerns as to whether this determination falls under Class 14 (h) or Class 20 (F) of the Planning and Development Regulations 2001 – 2024”.*

4.0 Planning History

PA REF: 10/173 – Permission granted 2010 for the change of use of existing retail ground floor known as ‘Macs Corner Shop’ to extension of existing bar area contained in Dun a Ri House Hotel (2) to construct alterations and amendments to existing ground floor plan (3) additional signage and new shop front to proposed new bar area Station Road/Carrickmacross Road frontage (4) to connect to existing services (5) to complete ancillary site works. This permission was granted subject to 9.no conditions. There are no notable conditions.

PA REF: 94/531 – Retention permission granted in 1994 for extension to Dun a Ri House Hotel.

PA REF: 87/16918 – Permission granted in 1987 to renovate existing garage and store into shop on ground floor and flats on first floor.

PA REF: 85/15304 – Retention permission granted in 1985 for basement store, dining hall, kitchen, toilets and boiler house.

PA REF: 83/14318 – Permission granted in 1983 to erect extension incorporating kitchen, dining, 9 bedrooms, change existing front entrance.

PA REF: 64/3325 – Permission granted in 1970 to erect bedrooms and toilet over Dun a Ri House Hotel.

5.0 Relevant Referrals

5.1. The following referrals by the Board are considered relevant

- ABP Ref: 307077-20: The Board determined that the use of apartments for protected persons was not development, as the permitted use of the apartments was not abandoned, and the current use of the premises was as apartments, and therefore no material change of use was involved.
- ABP Ref: 309922-21: This referral was connected to the above aforementioned referral; however, it was determined inter alia, that part of this referral referred to similar issues raised previously, and that the Board was precluded under Section 50 (2) of the Planning Act from making a determination on these items.
- ABP Ref: 316325-23: In this referral reference is made to *Horne V Freeney* [1982] IEHC 20, whereby for any development to avail of exempted development provisions in terms of Section 4(1)(h) exemptions of the Planning and Development Act, 2000 (as amended) it must have been completed in full in accordance with the planning permission.
- ABP Ref: 317271-23: In this referral the use of a dwelling and coach house as long term private residential accommodation for protected persons constituted works and development as it altered the character of the structures in terms of design and layout and internally and did not come within the scope of 4 (1) (h) or Section 57 (1) of the Planning and Development Act.
- ABP Ref: 318455-23: This referral relates to Whether (1) increased occupancy of bedrooms, (2) part use of building for accommodation for those seeking international protection, (3) exempted development status when building under renovations permitted as nursing home is or is not development or is or is not

exempted development. The Board deemed that the proposal was development and is not exempted development.

6.0 Policy Context

6.1. Development Plan

Cavan County Development Plan 2022 – 2028 is the relevant Development Plan for the subject site.

The subject site is zoned “Town Core” which has zoning objective, *“Protect and enhance the special physical and social character of the town and village core while providing and/or improving town/village centre facilities”*.

6.2. Natural Heritage Designations

The site is not located within or adjoining any European Sites.

7.0 The Referral

7.1. Referrer’s Case – Application for Section 5(1) declaration to Cavan County Council

7.1.1. The development as presented in the Section 5 to the Council was submitted by Hughes Planning on the 1st November 2024 on behalf Brimwood Limited Company which can be summarised as follows:

- *“Whether the use of a Guesthouse at Dun Na Rithe property for the purposes of providing accommodating for persons seeking international protection, constitutes exempted development or does not constitute exempt development”*.
- A planning report outlining the site description and planning history.

- The proposed use is the temporary use of the property on behalf of the Minister for Children, Equality Disability, Integration and Youth to accommodate persons seeking international protection.
- The landowner believes that the proposed change of use is exempted development and considers Class 14 (h) of the regulations is applicable which states a variety of premises providing residential or overnight accommodation can be used for the purpose of accommodating refugees and asylum seekers.
- The applicant considers the definition of a 'guesthouse' falls under the umbrella of 'premises providing residential or overnight accommodation'.
- It is stated that no external works are being sought as part of this section 5 declaration.

7.2. Planning Authority Referral as per Section 5(4)

- 7.2.1. Cavan County Council (CCC) referred the Section 5 to the Board received on the 29th November 2024 for determination. The Planning Authority have concerns with regard to the existing use on site. CCC state it is unclear whether the premises is either a hotel or a guesthouse. The Planning Authority depicts the use as a hotel. The latter also raises concerns as to whether this determination falls under Class 14 (h) or Class 20 (F) of the Planning and Development Regulations 2001 – 2024.
- 7.2.2. CCC on the 10th of December submitted additional information as requested by the Board under section 128 of the Planning and Development Act. Details include the planning history of the site; stated no correspondence have taken place between the applicant and the Planning Authority; the name of the landowner (Brimwood Unlimited) and the date the declaration was due to be issued on the 28th of November 2024.

7.3. Response by Owner/ Occupiers

- 7.3.1. A response has been submitted by the applicant which can be summarised as follows:
 - It is acknowledged that the original question posed to the planning authority referenced the use of a guesthouse rather than a hotel which should have been the case.

- The planning history of the property presents several planning applications which refer to a hotel. It is noted that the property use was constructed as a hotel in 1880 prior to 1963 i.e. prior to the commencement of the local government planning and development 1963 on 1st October 1964.
- The proposed use of the hotel to provide accommodation to protected persons can be considered exempted development under both Class 14 (h) or Class 20F of the Planning and Development Regulations. However, Class 14 (h) provides a wider scope.
- The applicant considers the definition of a 'guesthouse' falls under the umbrella of 'premises providing residential or overnight accommodation'.

7.4. Further Response by Cavan

- 7.4.1. A further response has been received by Cavan County Council acknowledging the comments from the applicant.

8.0 Statutory Provisions

8.1. Planning and Development Act, 2000 (as amended)

Section 2(1) – Interpretation:

- 'alteration' includes-
 - (a)plastering or painting or the removal of plaster or stucco, or
 - (b)the replacement of a door, window or roof,
 - (c)That materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.
- 'development' has the meaning assigned to it by Section 3.

- ‘exempted development’ has the meaning specified in section 4.
- ‘structure’ means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and – (a) where the context so admits, includes the land on, in or under which the structure is situate.
- “use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.
- ‘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) – Development

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

Section 4 – Exempted Development

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including Section 4 (1)(h) providing for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior of the structure, or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures.

Section 4 (2) (a) of the Act provides 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) provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required.

8.2. Planning and Development Regulations, 2001 (as amended)

Article 6 (1) –Exempted Development

‘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 9 (1) – Restrictions on Exemption

Development to which article 6 relates shall not be exempted development for the purposes of the Act under certain circumstances and the restrictions and limitations are outlined in this Article.

(a) if the carrying out of such development would

- (i) Contravene a condition.
- (ii) Consist of or comprise the formation, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.
- (iii) Endanger public safety by reason of traffic hazard or obstruction of road users.
 - (iiia) Endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.
- (iv) Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest.
- (v) Comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it

would be likely to have a significant effect on the integrity of a European site,

- (vi) Consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- (vii) 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.

Article 10 (1) Changes of Use

(1) 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 to 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.

Class 14 – Part 1 of Schedule 2 – ‘Exempted Development - General’

The Planning and Development (Amendment) (No.4) Regulations 2015 (S.I No 582/2015) amend Part 1 of Schedule 2, entitled ‘Exempted Development - General’ to insert a new section in Class 14 (h), (i) and (j) exemption to allow a change of use of certain class/use of building for protected persons (i.e. an applicant for international protection).

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

(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

Conditions and Limitations

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

Class 20 F – Part 1 of Schedule 2 – ‘Exempted Development - General’

The Planning and Development (Amendment) (No. 4) Regulations 2022 (S.I 605 of 2022) amend Part 1 of Schedule 2, entitled ‘Exempted Development - General’ to insert a new Class 20F exemption to allow the **temporary use** of a certain class/use of building to accommodate persons seeking international protection.

Class 20F was updated by the Planning and Development (Exempted Development) (No. 4) Regulations 2023 (SI No. 376/2023) to include “**displaced persons**” as being

those persons displaced due to the Ukraine war and to extend the exemption from **31st of December 2024 to 31st of December 2028** as detailed below.

Class 20F – Temporary Structures and Uses

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 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.

Conditions and Limitations

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4th March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001.
3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary protection 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.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
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.
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).
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.

9.0 Assessment

9.1. Introduction

- 9.1.1. It should be stated at the outset that the purpose of this referral is not to determine the acceptability or otherwise of the temporary accommodation use and associated building alterations in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.

9.2. Is or is not development

- 9.2.1. Section 3 (1) of the Planning and Development Act, 2000 (as amended) states that development means, *“the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land”*. The applicant has stated no external or internal works have been carried out, so in order for a change of use to be considered development, it must be a material change in the use as per the definition of development provided in Section 3(1)(a) of the 2000 Act.
- 9.2.2. There is no definition of ‘material change of use’ in the Act, or any other statute. However, the question as to whether a change of use is a material one was addressed by Keane J. in the case of Monaghan County Council -v- Brogan. He stated that the of relevance to this question are: *“...the matters which the planning authority would take into account in the event of a planning application being made for the use. If these matters are materially different (from the original use), then the nature of the use must equally be materially different”*. Furthermore, PL29/8/279 was the subject of a High Court challenge, McMahon -v- Dublin Corporation 1997 1 ILRM 227, in which the Board’s declaration was upheld. Barron J. held that, *“...in the absence of explicit reference in the planning permission to a permitted use, regard must be had to the use for which the structure was designed, i.e. the use which was objectively intended for the structure having regard to the relevant planning documentation. The purpose for which the plaintiffs’ homes had been designed was private residential, whereas the use to which they were currently being put was commercial”*.
- 9.2.3. I have considered the nature and characteristics of the hotel use in relation to its proposed function of accommodating persons seeking international protection and in my view the proposed use does not constitute a material change of use. In my opinion a hotel is typically designed to provide short-term or, in some cases, long-term accommodation for tourists and business travellers. The proposed use, while catering to a specific group (persons seeking international protection) remains fundamentally residential in nature, providing accommodation for temporary or extended stays. While it is acknowledged that the hotel is no longer operating for the general public, this change does not, in my view, alter the essential character of the use, which remains the provision of accommodation. Furthermore, no internal or external alterations are

proposed to the existing building that would materially alter its physical form or layout. The hotel retains its existing facilities including bedrooms and communal areas.

- 9.2.4. Therefore, it is my opinion that the change of use of the hotel to accommodate displaced persons or persons seeking international protection is not a material change of use of the building and which does not constitute development under section 3 (1) of the Planning and Development Act, 2000 (as amended).

9.3. Is or is not exempted development

- 9.3.1. As noted above a category of exempted development is provided under Class 14(h) inserted by article 4 of S.I. No. 582/2015 Planning and Development (Amendment) (No. 4) Regulations 2015 which allows for change of use: “(h) *from use as a hotel..., to use as accommodation for protected persons,*” subject to class 14 (j), the use ceasing and returning back to the previous use immediately prior to the change and not after a period of 3 years from the date of the commencement of the change of use. A further relevant exemption is provided under Class 20F, inserted by the Planning and Development (Exempted Development) (No. 4) Regulations 2023, S.I. No. 376 of 2023, dated 19th July 2023. Those regulations expand the use of premises which may be exempt from planning permission for a 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 hotel until the 31st of December 2028.

- 9.3.2. The Planning Authority question is with regard to the existing use on site and whether the premises is either a hotel or a guesthouse and whether this determination falls under Class 14 (h) or Class 20 (F) of the Planning and Development Regulations 2001 – 2024. I note the Planning Authorities referral letter state the existing premises represents the use as a hotel. I have regard to the planning history of site which specifically references the existing premise as a hotel use. In my opinion the established use of the existing building is that of a hotel which in my view would both come within the scope of both Class 14 and Class 20F of Planning and Development Regulations 2001 (as amended) as a hotel is listed as a building within both classifications. Furthermore, a guesthouse use is listed also as a use within Class 14

and as such comes within the scope of Class 14 and is exempted development. Finally, in *Leitrim County Council and Dromaprop Ltd.* ([2024] IEHC 233) the issue of change of use was considered. Humphreys J. concluded that the change of use from a hotel to accommodation of protection seekers was clearly exempt under Class 14 (h) and 20F.

- 9.3.3. Having regard to the above, it is my opinion that application for the change of use of the hotel to accommodate displaced persons or persons seeking international protection is exempted development as a hotel use would come within the scope of both Class 14 and Class 20F of the Planning and Development Regulations 2001 (as amended).

9.4. Restrictions on exempted development

- 9.4.1. Article 9 of the Planning and Development Regulations 2001 (as amended) refers to restrictions on exempted development. I have assessed the proposed provision to provide accommodation for persons seeking international protection having regard to the relevant Article 9 restrictions. The proposal does not:

- (i) Contravene a condition.
- (ii) Consist of or comprise the formation, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.
- (iii) Endanger public safety by reason of traffic hazard or obstruction of road users.
 - (iiia) Endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.
- (iv) Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest.
- (v) Comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

- (vi) Consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- (vii) 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.

9.4.2. Therefore, the development complies with Article 9 of the Planning and Development Regulations 2001 (as amended).

9.5. Environmental Impact Assessment (EIA) Preliminary Examination

9.5.1. Development in respect of which an environmental impact assessment is required cannot be exempted development (Section 4(4) of the Planning and Development Act 2000 (as amended)).

9.5.2. Schedule 5 of Planning and Development Regulations 2001-2024 sets out the prescribed classes of development for the purposes of EIA. Part 1 of Schedule 5 provides a list of specified developments where an EIA is mandatory.

9.5.3. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

9.6. Appropriate Assessment Screening

9.6.1. Development in respect of which an appropriate assessment is required cannot be exempted development (Section 4(4) of the Planning and Development Act 2000 (as amended)).

9.6.2. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

10.0 Recommendation

10.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether, “the change of use of a Dun a Ri House Hotel and guesthouse, Kingscourt, Co. Cavan, A82 ND30 to provide accommodation for persons seeking international protection is or is not development or is or is not exempted development”.

AND WHEREAS Brimwood Unlimited Company requested a declaration on this question to Cavan County Council and the Council did not issue a declaration,

AND WHEREAS Cavan County Council referred this declaration for to An Bord Pleanála on the 29th of November 2024,

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

- (a) Section 2(1) and section 3 (1) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1), Article 9(1), article 10 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.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change of use of a Dun a Ri House Hotel and guesthouse, Kingscourt, Co. Cavan, to provide accommodation for persons seeking international protection does not constitute development as

defined under Section 3(1)(a) of the Planning and Development Act 2000 (as amended).

(b) the change of use of a Dun a Ri House Hotel and guesthouse to provide accommodation for persons seeking international protection is exempted development as it comes within the scope of Class 14 – Part 1 of Schedule 2 – ‘Exempted Development - General’ inserted by The Planning and Development (Amendment) (No.4) Regulations 2015 (S.I No 582/2015) and Class 20 F – Part 1 of Schedule 2 – ‘Exempted Development - General’ inserted by the Planning and Development (Amendment) (No. 4) Regulations 2022 (S.I 605 of 2022).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the change of use of a Dun a Ri House Hotel and guesthouse to provide accommodation for persons seeking international protection is not development and is exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gerard Kellett
Planning Inspector
31st March 2025

Appendix 1 - Form 1
EIA Pre-Screening

| | | | |
|--|--|------------|------------------------|
| An Bord Pleanála Case Reference | ABP-321373-24 | | |
| Proposed Development Summary | Whether the change of use of a guesthouse to provide accommodation for persons seeking international protection is or is not development or is or is not exempted development. | | |
| Development Address | Dun a Rí House Hotel, Kingscourt, Co. Cavan, A82 ND30 | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | |
| | | No | ✓ No further action |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | | | |
| No | | | |

| | | | |
|--|---|---|--|
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | |
| No | | | |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | | | |
| 5. Has Schedule 7A information been submitted? | | | |
| No | √ | Pre-screening determination conclusion remains as above (Q1 to Q4) | |
| Yes | | Screening Determination required | |

Inspector: _____

Date: _____

