



An
Coimisiún
Pleanála

Inspector's Report ACP-324208-26

Question

Whether works carried out on the lower ground floor and ground floor which have been carried out to provide a care facility for IPAS refugees is or is not development or is or is not exempted development.

Location

Lismore House Hotel, 1-2 Main Street, Lismore, Co. Waterford.

Declaration

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

IW/AR/D5/2026/07

Applicant for Declaration

MCHT Ltd.

Planning Authority Decision

No declaration

Referral

Referred by

MCHT Ltd.

Owner/ Occupier

MCHT Ltd.

Observer(s)

None

Date of Site Inspection

5th August 2026

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1.0 Site Location and Description

- 1.1. The referral property is the Lismore House Hotel, located in the centre of Lismore, Co. Waterford, and is comprised of two adjoining protected structures which are located within an Architectural Conservation Area (refer to para. 5.0 below). The two protected structures, i.e. Lismore House Hotel and The Cloisters have amalgamated internally but have separate front entrances onto the Main Street.
- 1.2. The referral property is a corner property and has frontage onto both Main Street and Castle Street, and the main entrance to the hotel is off the Main Street.
- 1.3. The property includes a 3-storey extension to the rear, with surface car parking also situated to the rear of the hotel building and the vehicular access is off Castle Street.
- 1.4. Lismore House Hotel is currently used to provide accommodation for international protection applicants.
- 1.5. The Lismore House Hotel (formerly known as the Devonshire Arms Hotel) is described as follows on the National Inventory of Architectural Heritage (NIAH reference 22809001)

'End-of-terrace five-bay three-storey over basement hotel with dormer attic, built 1846, on a corner site on site (and possibly incorporating fabric) of earlier house, c.1770, retaining early fenestration with prostyle diastyle Doric portico to centre, and two-bay three-storey side elevation to south-west. Extended, c.1895, comprising single-bay four-storey linking bay extending into two-bay four-storey return to north-west having single-bay full-height canted elevation to north-west, and with dormer attic added to original block. Renovated and extended, 1971, comprising two-bay single-storey infill bay to north-west. Part refenestrated, c.1995. Hipped slate roof (half-polygonal to canted elevation) with clay ridge tiles, rendered chimney stacks, barrel felt roofs to dormer attic windows having finials, some flat felt roofs, 1971, to dormer attic windows, and cast-iron rainwater goods on rendered eaves. Flat roof to portico not visible behind parapet. Shallow hipped corrugated-asbestos roof to infill bay with aluminium rainwater goods on rendered eaves.

- 1.6. The Cloisters is described as follows in the National Inventory of Architectural Heritage (NIAH reference 22809002)

Terraced three-bay two-storey house, c.1770, retaining most original fenestration. Reroofed and part refenestrated, c.1970. Renovated, c.1995, with replacement pubfront inserted to ground floor. Pitched (shared) roof with replacement artificial slate, c.1970, clay ridge tiles, rendered (shared) chimney stack, and cast-iron rainwater goods on rendered eaves. Replacement timber pubfront, c.1995, to ground floor with panelled pilasters, timber casement windows, timber panelled double doors having timber fascia over with consoles, and moulded cornice.

2.0 The Question

2.1. The question for consideration is as follows.

Whether works carried out on the lower ground floor and ground floor to Lismore House Hotel, a protected structure, which have been carried out to provide a care facility for IPAS refugees is or is not development or is or is not exempted development.

- 2.1.1. I would note, for the purpose of clarification to the Commissioners, that a similar question to the current referral was submitted to the PA as a Section 5 application and the planning reference no. for this case was L.A. Ref. D52023/10.
- 2.1.2. However, the current Section 5 application and referral is different to that of L.A. Ref. D52023/10, in that there is a material change in the planning facts as the referral documentation includes an Expert Opinion Report and Architectural Heritage Impact Assessment from a specialist heritage consultant and conservation engineer, which was not available in the previous application. Accordingly, I would not consider that the *Naraconon Trust v An Bord Pleanála* judgement would be relevant in this instance.

3.0 Planning Authority Declaration

- 3.1. No declaration made by the Planning Authority. The applicant on the 8th of April 2026, in accordance with Section 5(4) of the Planning and Development Act, 2000 (as amended), referred a referral to the Commission for determination.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- None

3.2.2. Other Technical Reports

- None

4.0 Planning History

4.1.1. Section 5

- ABP-317397-23 (L.A. Ref. D52023/10)

The Board determined in relation to the question '*whether works carried out to provide a care facility for IPAS refugees is or is not development or is or is not exempted development*' that the development at Lismore House Hotel, 1-2 Main Street, Lismore is development and is **not exempted development**.

The Board concluded that it has not been satisfactorily demonstrated by the owner/occupier that the carrying out of 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).

4.1.2. Planning Applications

- L.A. Ref. 21/1175 - Planning permission sought for construction of an extension, alterations to fenestration, change of use of nightclub to café/retail

space to Lismore House Hotel (a protected structure) and all associated site works. Further information was sought, and the applicant did not respond to same; the application was subsequently **deemed withdrawn**.

- L.A. Ref. 06/2011 – Permission was **granted** by the Council for the construction of a one tonne underground gas tank and ground works along with an ESB sub-station and switch room, total area 21.7 sq. m. in the car park of the Lismore Arms Hotel, Lismore.
- L.A. Ref. – 03/328 – Permission **granted** by the Council subject to conditions to refurbish the existing structure and to construct a three-storey extension to The Lismore Arms Hotel. The extension was to provide the following accommodation: guest bedrooms, a function/dining room, a nightclub and associated utility areas including an external walled storage area.

5.0 Policy Context

5.1. Waterford City and County Development Plan, 2022 – 2028

- 5.1.1. The appeal site is zoned TC ‘Town Core’ and the stated objective for these lands is as follows:

‘Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses’.

- 5.1.2. Appendix 9 of the CDP contains the ‘Record of Protected Structures’ and the referral property (1 - 2 Main Street, Lismore) comprises of two protected structures, and this includes RPS number WA750416, named as Lismore Arms Hotel, Main Street, Lismore, and RPS number WA750462, named as The Cloisters, Main Street, Lismore.

- 5.1.3. The RPS appraisal for the Lismore Arms Hotel describes the structure as follows;

An elegant substantial building, composed of balanced Classical proportions and finely detailed, which occupies an important site in the centre of Lismore. Well maintained, the building retains most of its original form, together with important salient features and materials.

- 5.1.4. The RPS appraisal for The Cloisters describes the structure as follows;

A well-proportioned house that retains most of its original form to the upper floors, together with important salient features and materials. However, the replacement pub front to ground floor is not a positive feature of the overall composition.

- 5.1.5. Appendix 10 of the Plan deals with Architectural Conservation Areas in the County. The referral site is located within the Lismore Architectural Conservation Area.

5.2. National Inventory of Architectural Heritage

- 5.2.1. Reg. no. 22809001, The Devonshire Arms Hotel (previous name of the referral property) is of regional importance for architectural, historical and social interest. The original use was a hotel, as is the current use and dates from 1845 – 1850.
- 5.2.2. Reg. no. 22809002, The Cloisters is of regional importance for architectural interest. The original use was a house, and the current use is a hotel, and the structure dates from 1760 – 1780.

5.3. Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

- 5.3.1. These guidelines, first published in 2004, are a guide to all those interested in protecting the built heritage and include guidance on criteria to be used when selecting structures for protection, and guidance in relation to the assessment of development proposals and declaration requests.
- 5.3.2. Chapter 4 of the Guidelines advises that depending on the individual circumstances and the special interests of the structure, the following works might require planning permission:
- Para. 4.12.4 – Changes to the internal layout (including those required for fire safety purposes or to improve access; alterations that would affect the original or early surviving plan form or section; the insertion of fixed partitions; the breaking out of new openings between rooms or spaces; the insertion of new doors or screens; the alteration of floor levels; the insertion of suspended ceilings; alterations to the layout or form of stairwells).
 - Para 4.12.5 – Alterations, including those required to meet the requirements of the Building Regulations, that would involve the loss of, removal of or

damage to original or old internal joinery items (such as windows and window cases, staircases, doors and doorcases, skirting-boards, dado rails, panelling or decorative plasterwork); fitting of mounted signage; alterations to or replacement of, floor surfaces; replacement of integral floor coverings or structural elements; works to plasterwork ceilings or masonry or plaster vaulting including any work that has an effect on cornices or other associated details; removal of fireplaces or chimneypieces including mantel shelves, hearthstones or chimneybreasts; alteration or removal of staircases and all associated joinery masonry or plaster elements; alteration or removal of important fixtures or fixed furniture, such as built-in seating, counter-tops, bar gantries or cupboards; the removal of paint or wallpaper

- Para. 4.12.6 – Installation or repair of internal mechanical services.

5.4. Natural Heritage Designations

- Blackwater Callows SPA (site code 004094) – 640m northwest
- Blackwater River (Cork/Waterford) SAC (site code 002170) – 300m north
- Lismore Woods pNHA (site code 000667) – 1.5km north
- Blackwater River Callows pNHA (site code 000073) – 640m northwest
- Blackwater River And Estuary pNHA (site code 000072) – 560m northeast

6.0 The Referral

6.1. The referral submission includes a cover letter and a report, Expert Opinion Report and Architectural Heritage Impact Assessment. The report describes the relevant background, a description, historic and cartographic context to the referral property and an assessment of significance. The following is a summary of the Report's conclusions.

- Works to property since January 2022 have no predicted impact on the protected structures.

- Alterations required for IPAS contract are neutral in quality and imperceptible in respect of significance.
- Alterations are forward looking for a future use of the property as a hotel and will have positive long-term significance.
- The opening up works during construction informed the absence of any historic fabric.
- The location, function and form of new partitions are appropriate to the historic structure.
- Alterations do not affect the significance of the structure.
- The nightclub use in the basement was constructed in 2005 and the partitions to this area will have no impact on original fabric.
- The former bar area on the ground floor is located within the original structure and has been modified significantly prior to the current ownership. Modifications included the removal of interior fittings and fabrics.
- The modifications included replacing previous wainscotting with white painted tongue and grooved panelling. The intervention is both appropriate and reversible and the significance of the historic fabric has not been affected.
- New floor finishes have been provided in the former bar area which have replaced modern floor finishes. These have no impact on the historic fabric.

6.2. Planning Authority Response

- None

6.3. Further Responses

- None

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended.

7.1.1. Section 2(1) of the Act states the following:

- 'development' has the meaning assigned to it by Section 3;
- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'

7.1.2. Section 3(1) states that:

- '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 over land'.

7.1.3. 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) which provides 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.

7.1.4. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development.

7.1.5. 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.

7.1.6. Section 57.—(1) Notwithstanding section 4(1)(a), (h), (i), (ia) (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of— (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

7.2. Planning and Development Regulations, 2001, as amended.

7.2.1. Article 6(1) of the Planning and Development Regulations 2001, as amended, provide that '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'.

7.2.2. Schedule 2 of Part 1 to the Regulations set out the classes of exempted development, including '**Class 14**' allowing for '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'.

7.2.3. Statutory Instrument 376 of 2023 titled Planning and Development (Exempted Development) (No. 4) Regulations 2023 is an amendment to the 2001 Regulations which inserted a new **Class 20F** to Part 1 of Schedule 2 of the 2001 Regulations. Class 20F is set out as follows:

Class 20F	Conditions and Limitations
Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or	1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.

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	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 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 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.
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7.2.4. As provided for in Article 9(1)(a), the development to which article 6 relates, shall not be exempted development, under certain circumstances and the restrictions and limitations are outlined in this Article.

7.3. The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022)

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

7.3.2. Section 3(2) provides a reference to “proposed development” in sections 181A to 181C of the Act of 2000 shall include a reference to development of a class specified in the Schedule to which section 181A(1) of the Act of 2000 would apply if it was development of a class specified in regulations made under section 181(1)(a) of the Act of 2000.

7.3.3. Schedule – Classes of Development - Article 3

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

8.0 Relevant Referrals

- 8.1. ACP-322857-25: The Commission determined on the 18th of March 2026 that the change of use of the existing rooms and spaces within a building which comprises the Convent of Mercy, Templeshannon, Enniscorthy, County Wexford from a residential convent to a centre for the accommodation of Ukrainian refugees and international protection, which includes works, is development and is not exempted development. The Commission concluded that it has not been satisfactorily demonstrated in the level of detail provided by the referrer that the carrying out of the said works does not materially affect the character of the Protected Structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and these works cannot therefore, be determined as being not exempt development under Section 57 of the Planning and Development Act 2000 (as amended).
- 8.2. ABP-322371-25: The Commission determined on the 20th of April 2026 that the temporary change of use of the basement, ground, first, second and third floors of The Cube Building, Monahan Road, Ballintemple, Cork, is development and is not exempted development. The Commission determined that there is no evidence that the temporary change of use from office use to accommodate persons or persons seeking international protection is by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth, and that the temporary change of use and associated works do not come within the scope of Class 20F of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended.
- 8.3. RL3598: The Board determined on the 15th of May 2018 that the physical works to the interior of No 41 Belvedere Place, Dublin 1, a protected structure, would come within the scope of section 4(1)(h) of the Act, however the development constitutes works that would materially affect the character of this protected structure and of elements of the protected structure which contribute to its special architectural interest (including works affecting the interior and the exterior), and, therefore, the restriction on exemption provided for under Section 57 of the Planning and Development Act, 2000, as amended, applies in this instance, and the subject works are, therefore, not exempted development.

- 8.3.1. RL2851: The Board determined on the 29th of July 2011 that a change of use from a domestic dwelling to residential with support living, at The Millhouse (a protected structure), Whitechurch Road, Rathfarnham, Dublin, is development and is exempted development. However, the Board determined that the modifications/alterations to the protected structure constitute works which are development and are not exempted development, having regard to Section 57(1) of the Planning and Development Act, 2000. The works included the subdivision of original rooms and the insertion of sanitary facilities and associated plumbing which would materially affect the character of elements of the protected structure which contribute to its character and special interest and, therefore, do not come within the scope of Section 4 (1(h) of the said Act.

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 subject building use 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)(a) of the Act defines development as 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 and in effect relates to both works and the material change in the use of land or structures.
- 9.2.2. It was evident from my site assessment and also having regard to the information on the file that the three-storey extension to the rear of the hotel is a modern structure. I would acknowledge based on available information on the file that the rear extension was constructed in 2005 following its permission in 2024 (L.A. Ref. 03/328). According to existing floor plans, submitted with the referral application, the 3-storey

rear extension included a night club at lower ground floor level and a function room at ground floor level, both ancillary to the main hotel use.

- 9.2.3. I noted from my site assessment, and it is evident from the submitted floor plans accompanying the referral application that works have been undertaken to both the lower and ground floor areas of the rear extension. These works primarily involved the introduction of new partitions and the removal of existing partitions to facilitate a change to the internal layout of these floor areas from night club and function room to bedrooms to accommodate international protection applicants.
- 9.2.4. These alterations constitute 'works' and as such falls under the definition of development under Section 3(1)(a) of the Act.

9.3. **Is or is not exempted development**

- 9.3.1. Development can be exempt from the requirement for planning permission by either Section 4 of the Planning and Development Act, 2000, as amended, (hereafter referred to as the Act) or by Article 6 of the Planning and Development Regulations, 2001, as amended (hereafter referred to as the Regulations). Section 4(1) of the Act has primacy over the exempted development provisions of the Regulations.
- 9.3.2. The referral question for consideration before the Commission relates to works carried out on the lower ground floor and ground floor level to an existing 3-storey extension to the rear of Lismore House Hotel, a protected structure. The outcome of these works is to facilitate a change of use from hotel use to a use to provide accommodation for international protection applicants. I will firstly consider whether the works carried out to the structure are exempted development, and following this whether the subsequent change of use is exempted development.
- 9.3.3. Alterations to the Structure

Section 4(1)(h) of the Act provides an exemption for,

'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'.

- 9.3.4. It is clear from the information on the file, including the submitted floor plans, that none of the alterations relate to the external appearance of the structure, and relate solely to the interior of the structure.
- 9.3.5. Notwithstanding that S. 4(1)(h) of the Act would afford an exemption for works to the interior of the structure, section 57(1) of the Act needs consideration in respect of whether an exemption would apply for internal works and alterations, as the referral property relates to two protected structures, Lismore House Hotel (RPS number WA750416) and The Cloisters (RPS number WA750462).
- 9.3.6. S. 57(1) of the Act states that the carrying out of works to a protected structure shall be exempted development only if those works would not materially affect the character of—
- (a) the structure, or
 - (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- 9.3.7. Therefore, the question at issue is whether or not the internal works materially affect the character of the structure, or any element of the structure which contributes to its special interest.
- 9.3.8. In terms of assessing the magnitude of internal alterations to a protected structure and whether such alterations materially affect the character of the structure, or the special architectural interest of the structure I would have regard, to Chapter 4 of the Architectural Heritage Guidelines (2011). Para. 4.12.4 of the Guidelines (2011) provides guidance in respect of changes to the internal layout to a protected structure and whether such changes would require planning permission. The Guidelines notes the following would require planning permission, alterations to the internal layout, including those required for fire safety purposes or to improve access, alterations that would affect the original or early surviving plan form or section, the insertion of fixed partitions, the breaking out of new openings between rooms or spaces, the insertion of new doors or screens. Furthermore, para. 4.12.5 of the Guidelines (2011) refers to changes to the internal structures, finishes and linings, that would involve the loss of or the removal of or damage to original or old

internal joinery items (such as windows and window cases, staircases, doors and doorcases, skirting-boards, dado rails, panelling or decorative plasterwork).

- 9.3.9. It is evident from the submitted floor plans that the works carried out primarily relate to the rear extension, which was constructed in 2005, and a smaller extent of works relates to The Cloisters protected structure.
- 9.3.10. The referral documentation includes a report entitled 'Expert Opinion Report and Architectural Heritage Impact Assessment' (the Expert Opinion Report), prepared by a specialist heritage consultant and conservation engineer, and is accompanied by both original and current floor plans for the lower ground floor and ground floor level. The Expert Opinion Report evaluates the impacts of the works on the protected structures and the character of the structures, to determine whether such works would materially affect the special interests of the structures.
- 9.3.11. I would note that Section 4 of the referrer's Expert Opinion Report is an assessment of significance which is contained in Table 1 of the Report. Table 1 subdivides the assessment into two separate assessments, one on the original structure of Lismore House Hotel and the second assessment on the 2005 extension to the rear of the hotel.
- 9.3.12. Table 1 submits that the works carried out or the alterations to the 2005 extension are exempted development and have no impact on the historic significance of the protected structure as they principally occur in the 2005 rear extension.
- 9.3.13. I would acknowledge that the assessment methodology of the Expert Opinion Report discusses the classification of impacts on the hotel, and this culminates in Table 2 '*Assessment of Impacts and Recommended Mitigations*'. Table 2 subdivides the assessment into four distinct categories, as follows.
1. Lismore House Hotel exterior envelope and setting
 2. Windows and External Doors
 3. Internal Partitions to 2005 extension
 4. Wainscotting to Bar Area
- 9.3.14. In respect of categories 1 – 2 above, Table 2 of the Expert Opinion Report notes that no works were undertaken to the exterior of the Hotel, as such the level of anticipated impact is '*no predicted impact*' on these items, as the development option

does not adversely or positively affect an architectural heritage site, and accordingly no mitigation measures are proposed for categories 1 and 2 above.

- 9.3.15. In relation to category 3 above I note that Table 2 of the Expert Opinion Report refers that the works undertaken to the internal walls involve removal of walls which are not historic, and the new partition walls proposed are designed to be reversible. It is submitted that the alterations to the 2005 extension (i.e. the insertion of new partitions and the removal of existing partitions) are positive for the long-term use of the property as a hotel. I would concur with this assessment as the partitions, both new and those removed, relate solely to the rear extension, which is not part of the original structure.
- 9.3.16. In relation to the wainscotting in the former bar area on the ground floor level, referred to as category 4 above, which is located within the original structure, I would note that Table 2 of the Expert Opinion Report submits that the new wainscotting in the bar area replaced a late 20th century intervention and is reversible. The potential impact is described as having no predicted impact.
- 9.3.17. The Expert Opinion Report asserts that the former bar area on the ground floor, located within the original structure, has been modified significantly prior to the current ownership and these modifications included the removal of interior fittings and fabrics. The Expert Opinion Report submits that the modifications included replacing previous wainscotting with white painted tongue and grooved panelling and submits that the intervention is both appropriate and reversible and the significance of the historic fabric has not been affected.
- 9.3.18. I would acknowledge that wainscotting also known as decorative panelling and usually installed on the lower part of an interior wall, can add to the architectural character of an historic building. I note that the Expert Opinion Report does not include any photographs of the former wainscotting as the modifications to the bar area were undertaken prior to the current owner's tenure. Notwithstanding, I would accept that the Expert Opinion Report submits that the interventions are reversible, which is an established built conservation principle in the Architectural Heritage Guidelines (2011). In this regard I would acknowledge para 7.12.1 of the Guidelines (2011) which advises that the use of reversible processes when undertaking works to a protected structure is always preferable, as it allows future correction of

unforeseen problems, should the need arise, without lasting damage being caused to the architectural heritage.

- 9.3.19. I would not consider that the alterations to the former bar area, currently used as a dining area for the international protection applicants, would materially affect the character of the structure or any element that contributes to its special architectural interest, having regard to the limited area of wainscotting affected as indicated on the submitted floor plans, and having regard to the reversibility of the modifications, which is consistent with the established conservation principles of the Guidelines (2011).
- 9.3.20. The Expert Opinion Report concludes overall that the works to the property since January 2022 have no predicted impact on the protected structures, as they relate primarily to the modern extension to the rear and the works will have positive long-term significance for the hotel use.
- 9.3.21. I would agree with the referrer's Expert Opinion Report, based on my site assessment and the submitted plans, that the impact of the alterations to the rear extension, which is devoid of any original architectural features, would not affect the historic fabric of the protected structures. Furthermore, the interventions to the wainscotting within the protected structure (The Cloisters) is limited in scale and is reversible. I would therefore consider, based on the submitted Expert Opinion Report and the submitted ground and lower ground floor plans, that the referrer has adequately demonstrated that the alterations do not materially affect the character of the structure or any element that contributes to its special architectural, historical and social interest.
- 9.3.22. In conclusion I would consider that the works would not materially affect the character of the structures or any element of the structures which contributes to its special architectural interest. I would therefore consider that the internal works to this property would be exempted development having regard to Section 4(1)(h) of the Act, and the exemption would not be restricted by S. 57(1) of the Act.

9.3.23. Change of Use

While I have considered the exempted development provisions in respect of alterations to the structure, a protected structure, I will now consider whether the change of use, facilitated by the alterations, from hotel to accommodation providing for international protection applicants is exempted development.

9.3.24. I would consider that Class 14(h) of Part 1, Schedule 2 of the Regulations would be the relevant exemption for consideration for the proposed change of use. Class 14(h) provides an exemption for a change of use from hotel to use as accommodation for protected persons. For clarity, Class 14(h) of the Regulations states the following,

*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,*

9.3.25. I note that the Class 14(h) exemption refers to one condition and limitation, as follows,

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2

9.3.26. I do not consider, based on the information available on the file, that this condition and limitation would restrict the available exemption in this instance.

9.3.27. Therefore, I would be satisfied that the proposed change of use from hotel use to residential accommodation to provide for international protection applicants is exempted development.

9.4. **Restrictions on exempted development**

9.4.1. I have noted above that the available exemption in Class 14(h), Part 1, Schedule 2 of the Regulations is applicable in respect of the referral before the Commission. Notwithstanding, and should the Commission consider otherwise, I would acknowledge that Article 9 of the Planning and Development Regulations, 2001 (as amended), refers to restrictions on exempted development.

- 9.4.2. In this regard I have assessed the development for the change of use from a hotel, a protected structure, to residential accommodation for international protection applicants in relation to the Article 9 restrictions.
- 9.4.3. I am of the view that the restrictions on exempted development under article 9 would not apply in respect of the change of use or associated internal works.
- 9.4.4. Accordingly, the Class 14(h) exemption, which in my opinion, is available in respect of the referral before the Commission then Article 9 would not de-exempt the exemption available under Class 14(h), Part 1, Schedule 2 of the Regulations.

10.0 EIA Screening

- 10.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

11.0 Appropriate Assessment

- 11.1. I have considered case ACP-324208-26 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 11.2. The closest European Sites, part of the Natura 2000 Network, are the Blackwater Callows SPA (site code 004094) located approximately 640m northwest of the referral site and Blackwater River (Cork/Waterford) SAC (site code 002170) situated 300m south of the referral site.
- 11.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 11.4. The reason for this conclusion is as follows:
- The minor nature and scale of the development.

- The location of the site on developed serviced lands.
- The absence of any ecological pathway from the development site to the nearest European Site.

11.5. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

11.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Recommendation

12.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether works carried out on the lower ground floor and ground floor to Lismore House Hotel, a protected structure, which have been carried out to provide a care facility for IPAS refugees is or is not development or is or is not exempted development:

AND WHEREAS MCHT Ltd. requested a declaration on this question from Waterford City and County Council and the Council did not make a declaration in this instance:

AND WHEREAS MCHT Ltd. referred this declaration for review to An Coimisiún Pleanála on the 8th day of April 2026:

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

- (a) Section 2(1), 3(1), 4(1), 4(2) and 4(4) 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) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) Previous referrals to the Commission, including ACP-322857-25
- (e) The documentation on the file, including the submission on behalf of the requestor MCHT Ltd:
- (f) the planning history of the site,
- (g) the pattern of development in the area:
- (h) the report and recommendation of the Inspector

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The works carried out to Lismore House Hotel to facilitate the accommodation facility for international protection applicants would constitute development under Section 3(1) of the Planning and Development Act 2000, as amended.
- (b) 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,
- (c) The carrying out of the works to facilitate the provision of accommodation for international protection applicants does not materially affect the character of the Protected Structures and is exempt development and would fall within the scope of Section 57 of the Planning and Development Act 2000 (as amended).
- (d) The change of use from hotel to accommodation for international protection applicants would constitute exempt development and

would fall within the scope of Class 14 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the development at Lismore House Hotel, 1-2 Main Street, Lismore, is 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Senior Planning Inspector

15th September 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-324208-26
Proposed Development Summary	Whether works carried out on the lower ground floor and ground floor which have been carried out to provide a care facility for IPAS refugees is or is not development or is or is not exempted development.
Development Address	Lismore House Hotel, 1-2 Main Street, Lismore, Co. Waterford.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) of Part 2: threshold 500 dwelling units. Class 10(b)(iv) of Part 2: threshold 2 ha.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-324208-26
Proposed Development Summary	Whether works carried out on the lower ground floor and ground floor which have been carried out to provide a care facility for IPAS refugees is or is not development or is or is not exempted development.
Development Address	Lismore House Hotel, 1-2 Main Street, Lismore, Co. Waterford.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development involves internal alterations to a rear extension to an existing hotel building which is a protected structure, to facilitate a change of use to provide accommodation for persons seeking international protection. The internal alteration works would generate waste. However, given the moderate size of the development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the use. Any potential contamination arising from the use would be limited in scale, having regard to the modest scale of the use and would have a localised impact. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural or historical significance. The nearest designated European Sites to the referral site are the Blackwater Callows SPA (site code 004094) located approximately 640m northwest of the referral site and Blackwater River (Cork/Waterford) SAC (site code 002170) situated 300m south of the referral site. Given that there are no hydrological connections I have concluded in my AA Screening that the development

cultural or archaeological significance).	would not likely have a significant effect on any European site. I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale and nature of development in question, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)