

Pat Gibney  
13 Railway Gardens  
Station Road  
Townspark East  
Lismore  
Waterford  
P51 F6W8  
19/06/2023

The Secretary,

An Bord Pleanála,

64 Marlborough Street,

Dublin 1,

D01 V902,

Planning Authority; Waterford City and County Council (WCC)

Planning Authority Register Reference Number; D5 2023/10

**Description of Development:** Referral of a Declaration by WCC in relation to Lismore House Hotel as I do not agree with the decision WCC have made. I believe the works carried out from January 2022 and continue to be carried out to the Site of the Lismore House Hotel and its curtilage a protected structure requires planning permission as it is unpermitted development and is not exempt development.

**Location of Unauthorised Development:** Lismore House hotel 1 and 2 Main Street Lismore County Waterford P51 A30C.

**Response received from Planning Authority;** Appendix A

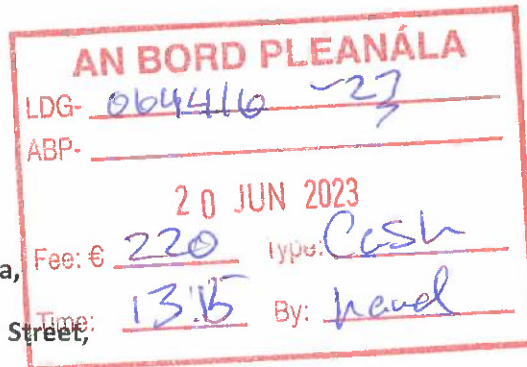
**Acknowledgement from Planning Authority of submission to them;** Appendix B

**Information submitted to Waterford City and County Council;** Appendix C

#### Appeal Details and Supporting information

Under section 5(3)(a); I am making a Referral to An Bord Pleanála for formal adjudication following initial consideration of the matter by Waterford City and County Council (WCC). I refer to the response received from WCC Appendix A and wish to state that WCC are wrong in their Declaration for the reasons I have outlined below

1. Information submitted to Waterford City and County Council (WCC) previously which is attached in Appendix C. (Please note the AF2 was erected on 24/01/2022 and is still erected on the unpermitted gate, the gate was erected prior to this)





2. Appendix D: response received from WCC Chief Fire Officer that the Fire Safety Certificate application was received on the 17/11/2022. This would mean that internal alterations and demolition were completed by this date to the area applied for.
3. 17/11/2022 is **prior** to the amended changes in planning law that WCC mention in their decision.
4. In the Guidelines issued to Planning Authorities for Class 20F amendment. It clearly states "Where a proposed change of use would materially affect a protected structure, the exemption is removed and planning permission is required in accordance with Section 57 of the Planning and Development Act 2000, as amended. Class 20F was amended on the 29th of November 2022, works on the Site began on or before the 24/01/2022.
5. There is no planning report issued with WCC decision. WCC has not identified all potential impacts on the protected structures and has not critically examined them.
6. WCC has not put details of the Declaration online for members of the public to view.
7. Section 57(1) of the Planning and Development Act as amended, seeks to limit the application of the general exempted development provisions that apply under the Act stating "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.
8. Transforming of the hotel from the permitted 28 rooms to 44 is significant works which have been carried out over the last 17 months. This is an intensification of use.
9. No Architectural Heritage Impact Assessment carried out by WCC or the Developer.
10. No assessment for bats carried out prior to works commencing or since.
11. WCC have not justified why they haven't carried out an 'appropriate assessment' for the project. This justification must dispel all reasonable scientific doubts about the possible impacts the project will have on a protected nature site. Information for WCC to carry out this assessment must be supplied by the Developer. Surface water from the curtilage of the protected structures runs directly into the Blackwater River SAC (002170). The Blackwater River SAC is within 230m of the hotel. Blackwater Callows SPA is within 595m of the hotel. A direct surface connectivity exists with the potential for significant effects resulting from a



deterioration in water quality via release of hydrocarbons and other products during site-based works and the use of the hotel. Also, the increased wastewater load when the site is in use from an increase in population in the town of Lismore along with cumulative developments in the area has not been assessed on the Lismore Treatment plant which acts as a mitigation measure prior to the wastewater entering the Blackwater River.

12. A Water Framework Directive (WFD) Compliance Assessment has not been carried out.
13. Enforcement notice was issued previously by WCC in relation to the ramp access to the hotel.
14. Unauthorised developments are not entitled to benefit from the exempted development provisions of the Planning and Development Regulations (articles 9 and 10).
15. Where an unauthorised use is being carried out, it is not permitted to change use to an otherwise exempted use under part 4 of schedule 2 of the regulations.

Taking a precautionary approach, and all the points I have raised above WCC are wrong in the decision they made and the development which has and continues to be carried out is not exempt development. I trust my concerns will be taken into consideration prior to a decision being reached.

Yours Sincerely

A handwritten signature in dark ink, appearing to read 'P. Gibney', with a stylized flourish at the end.

Patrick Gibney



## **APPENDIX A RESPONSE RECEIVED FROM WCC**







PLANNING & DEVELOPMENT ACT 2000, AS AMENDED.

Section 5

Planning Authority Reference No. D5 2023/10

**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? These works have been carried out to provide a care facility for IPAS refugees at Lismore House Hotel. 1-2 Main Street, Lismore, Co. Waterford P51 A30C is development which is exempted development is within the meaning of the Act.

**AND WHEREAS** Patrick Gibney has requested a declaration on the said question from Waterford City & County Council on the 14<sup>th</sup> April 2023.

**AND WHEREAS** Waterford City & County Council, in considering this request, had regard to the details submitted and:

- (a) Sections 2, 3, 4 & 57 of the Planning and Development Act 2000 (as amended)
- (b) Classes 14 and 20F of Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended)

**AND WHEREAS** the Planning Authority concluded that:-

The development consisting of:

the works carried out(ongoing) to Lismore House Hotel, a Protected Structure, and within its curtilage since January 2022?. These works have been carried out to provide a care facility for IPAS refugees at Lismore House Hotel. 1-2 Main Street, Lismore, Co. Waterford P51 A30C is development and is exempted development.

**IT IS DECLARED** that the said development constitutes development which is exempted development.

For Kieran Kehoe  
Director of Services,  
Corporate Services, Culture and Planning

Dated this the 25/05/2023

*In accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) , any person issued with this declaration may, on payment of the prescribed fee, refer this declaration for review by An Bord Pleanála, 64, Marlborough Street, Dublin 1 , within 4 weeks of date of issuing of the declaration.*



**APPENDIX B Acknowledgement from WCC of submission to them.**





EC/DM/D5/2023/10

20/04/2023

Patrick Gibney  
13 Railway Gardens  
Station Road  
Townspark East  
Lismore  
Waterford P51 F6W8

**RE: Nos. 1 and 2 Main Stret Lismore, Co. Waterford. P51 A30C  
Section 5 Declaration**

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Dear Sir or Madam:

I wish to acknowledge receipt of your application for Section 5 Declaration relating to the above mentioned property and enclose receipt herewith.

Yours faithfully,

  
Eileen Grace,  
Staff Officer.



## **APPENDIX C Information submitted to WCC.**





**Waterford City and County Council,  
Planning Department, Menapia Building, The Mall, Waterford.**

**Telephone:** 0818 102020

**Email:** [planning@waterfordcouncil.ie](mailto:planning@waterfordcouncil.ie)

**Application for Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000, as amended.**

1. Name of Applicant: Patrick Gibney

Address: 13 Railway Gardens Station Road Townspark East Lismore Waterford P51 F6W8

2. Tel. No.: [REDACTED] Email Address: [REDACTED]

3. Postal Address of Site or Building 1/2 Main Street, Lismore, Co. Waterford P51 A30C

4. Applicant's interest in site: I live in the Architectural Conservation Area of Lismore and I am not happy with the unauthorised development been carried out since the 24/01/2022.

(If applicant is not freehold owner of the property in question, please provide name & address of owner)

Owner of the property is McHt Limited with a company address of The Box, Chapel Lane, Killarney, Kerry, Ireland. The directors are Peter and Sandra Dunlea whom live at Barleymount, Killarney ,Kerry, Ireland.

5. Full Description of the proposed Development. Planning permission is required where the works carried out from January 2022 and continue to be carried out to the Site of the Lismore House Hotel and its curtilage a protected structure requires planning permission as it is unpermitted development and is not exempt development. See attached further information in Appendix A.

6. If the proposed development is an extension to a dwellinghouse, please include the following floor areas:

- (i) Proposed Extension .....Sq. metres N/A
- (ii) Existing Structure.....Sq. metres N/A
- (iii) Rear private open space.....Sq. metres N/A

7. If the proposed development is for the erection of Garage/Shed/Store etc.,  
Please include the following:

- (i) Proposed Garage/Shed/Store etc.....Sq. metres N/A
- (ii) Existing Structure.....Sq. metres N/A
- (iii) Rear private open space.....Sq. metres N/A

8. For any building(s) to be retained on site, or for a change of use of the property

(a) Please indicate the existing use Use was a hotel permitted under planning permission 03328

(b) Please indicate the proposed use Don't know but is been used as a care facility for IPAS refugees

currently

9. Documents to be included with this application form to be submitted to the

Planning Department): Appendix B site location map and layout map. Floor plans and elevations N/A

Site Location Map

Site Layout Map

Scale 1:1000 or 1:2500

Scale 1:200 or 1:500

Floor Plans &

Fee (€80.00)

Elevations



10. Site History: Planning reference number(s): 03328 for 28 bedroom hotel, 211175 withdrawn, 062011, 93335

I hereby declare that the information given on this form is correct.

Signature of applicant/agent:

*PS Long*

Date:

*14/04/2023*



## APPENDIX A SECTION 5 DECLARATION: FURTHER INFORMATION

**Description of Development:** I believe the works carried out from January 2022 and continue to be carried out to the Site Area (Appendix B drawings) of the Lismore House Hotel and its curtilage a protected structure requires planning permission as it is unpermitted development and is not exempt development.

### Supporting information

1. The Elected Members of Waterford City and County Council adopted the Waterford City and County Development Plan 2022-2028 at the Full Council Meeting held on Thursday 7th June 2022 and it came into effect on Tuesday 19th July 2022. The Waterford City and County Development Plan 2022 - 2028 replaced the Waterford County Development Plan 2011-2017 (as extended).

The Site Area is made up of numbers 1 and 2 Main Street Lismore. It consists of Reg No 22809001 and 22809002 in the National inventory or archaeological heritage.

- Reg No. 22809001 is Lismore Arms Hotel, 1 Main Street, Lismore Waterford,
- Reg No.22809002 is identified as 2 Main Street, Lismore, Waterford.

The Site Area consists of two protected structures in the Waterford City and County Development Plan Appendix 9 Record of Protected Structures and detailed as per Table 1:

Table 1

RPS No	Name	Address	Type of Structure	NIAH No
WA750416	Lismore Arms Hotel	Main Street Lismore	Not Stated	22809001
WA750462	Cloisters (The)	Main Street, Lismore	House	22809002

The Site is within the Architectural Conservation Area of Lismore as listed in Appendix 10 of the development plan. For Boundary walls the following is stated in Appendix 10: *Historic rubblestone boundary walls are evident on the approaches into the town and add to the special character of Lismore. Their removal would be detrimental to the character and therefore is discouraged. Planning permission will be required for their removal and /or alteration of same.* Figure 2 below shows how the boundary walls have been affected and how the scenic approach into the town has been affected.



2. Planning number 211175 was submitted to WCC on 17/12/2021 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. The red line application was for the entire Site (Lismore House Hotel which includes numbers 1 and 2 Lismore Main Street, carpark, and boundary walls). MCHT unlimited contractors started this work in January 2022 and on the 24/01/2022 the AF2 in figure 1 was erected on site eventhough no planning had been granted by WCC. The gate and hoarding in figure 2 were erected before this. The gate, hoarding and the AF2 are still in place (14/04/2023). The AF2 stated 52 weeks to complete, but the works are continuing on the 14/04/2023. Figure 3 shows painting works happening August 2022 and figure 4 shows render stripped from the front façade 2022. WCC issued an RFI on the 17/02/2022 to the Developer. WCC withdrew planning application 211175 on the 18/01/2023 as the RFI had not been replied to. The Developer switched from MCHT Unlimited to MCHT Limited in 2022.

Figure 1 AF2 erected on new gate to car park on 24/01/2002

**HSA** Safety, Health and Welfare at Work (Construction) Regulations 2013

**Approved Form (AF 2)** Regulation 22

Particulars to be notified by Project Supervisor for the Construction Stage to the Health and Safety Authority before the construction work begins

**1 Client:** Provide name, full address, telephone number and e-mail address for the Client. If more than one Client, please attach details of all Clients on a separate sheet.

Name: MCHT Unlimited Company  
Address: 11 Anglemore St.  
Telephone: 00353 1 454 4444 E-Mail: info@mchtunlimited.com

**2 Project Supervisor Design Process and Health & Safety Coordinator:** Provide name, full address, telephone number and e-mail address for the PSPD and Health & Safety Coordinator for the Design Process.

PSPD Name: Crown Engineers H&S C. Name: Macklin Consultancy Ltd  
Address: Unit 18 Airport East Business & Technology Park Address: Unit 15 City North Business Park, Dublin 10, Cork  
Telephone: 00353 87 701273 Telephone: 00353 87 701273  
E-Mail: info@crown.ie E-Mail: info@macklinconsultancy.com

**3 Project Supervisor Construction Stage and Health & Safety Coordinator:** Provide name, full address, telephone number and e-mail address for the PSCE and Health & Safety Coordinator for the Construction Stage.

PSCE Name: Cluifine Wood Products H&S C. Name: Macklin Consultancy Ltd  
Address: Cluifine Address: Unit 15 City North Business Park, Dublin 10, Cork  
Telephone: 00353 87 701273 Telephone: 00353 87 701273  
E-Mail: info@macklinconsultancy.com E-Mail: info@macklinconsultancy.com

**4 Information on Construction Work:** Please provide your details/estimates for the following.

Description of Project: Extension and alterations to existing hotel and all associated site works  
Address of Site: Lismore House Hotel  
Castle St.  
Lismore  
Cork  
The planned date for the commencement of the construction work: 24/01/2022  
How long the construction work is expected to last: 52  
The maximum number of people carrying out construction work on site at any one time: 12  
The number of Contractors expected to work on site: 4

**5 Information on Construction Work:** Provide name, full address & telephone number of those selected to work on the





**Figure 2: Unpermitted gates and hoarding**



**Figure 3; Works on number 2 the Cloisters August 2022 (part of Site and protected structure)**



On the 02/02/2023 a change of use commenced with the protected structure now been used as a care centre for International Protection Applicants (Non-Ukrainian). Numbers stated in the media was that the care centre would accommodate 117 applicants in 44 rooms. The Site under planning permission 03328 has permission for 28 rooms as a hotel. To create the 44 rooms; parts of the inside of the protected structure have been demolished. The bar, residents lounge, foyer, tea rooms, 2 restaurants and function room have been



demolished and removed (figure 5). Works continue to the outside of the building as shown in figures 6, 7, 8, 9

Figure 4 Render stripped from hotel 2022

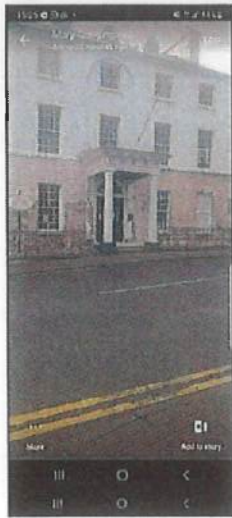


Figure 5: Picture taken inside the hotel January 2022.



Figure 6 shows the dormer windows on the roof still removed on 05/04/2023 and a scaffold still in place. Concrete works over the front façade can be seen in the centre bottom of the picture



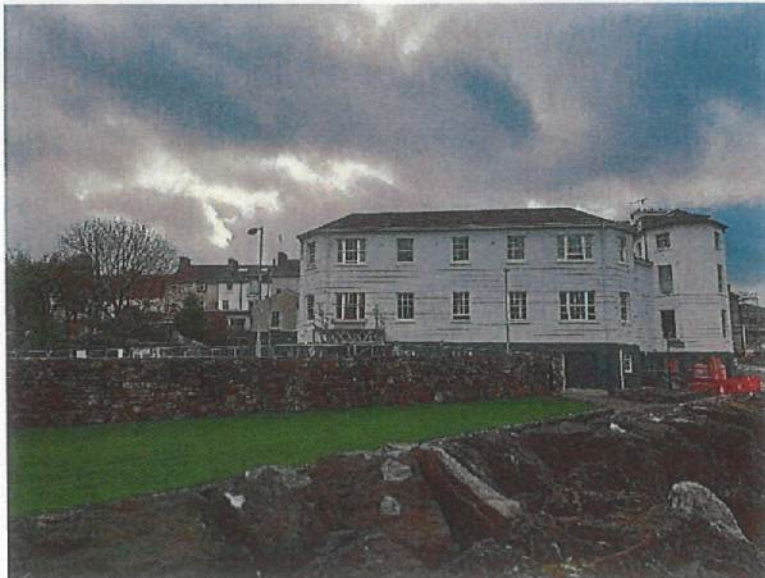




**Figure 7: Picture of number 1 main street painted white, and number 2 painted black on the 05/04/2023**



**Figure 8 Picture of the Site from Castle Street on 05/04/2023 with a grey colour used, windows and doors removed**



**Figure 9: Excavations and building works in car park 05/04/2023**





3. Part IV of the Planning and Development Act 2000 as amended details specific statutory provisions or additional statutory protections related to protected structures given their significance, whether architectural, historical, or cultural significance. Section 57(1) of the Act, seeks to limit the application of the general exempted development provisions that apply under the Act stating "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.**

From looking at figure 10 and 11 you can see the colour of the Hotel and Cloisters bar previously. Compared to how they now look in figure 7 (Cloisters is black and hotel is white) You can also see the 3 dormer windows on the roof in figure 10 which have been removed (figure 6 above). Works which alter **the character or appearance** of a protected structure require planning permission. It is immaterial in the context of works to a protected structure whether any argument can be made that such works improve its appearance. *Cairnduff v OConnell* [1986] IR 73 the supreme court held that the test as to whether works material affect the external appearance of the structure does not in any way depend on whether the appearance is for better or worse.

**The obligation to preserve a protected structure applies to all parts of the structure. This includes its interior, all of the land around it, and any other structures on that land and their interiors. The obligation also applies to any exterior or interior fixtures and fittings of a protected structure, or of any structure on land within its curtilage (this means any land or outbuildings which are/were used for the purposes of the structure).** *Cairnduff v OConnell* [1986] IR 73 the character of a structure was considered to relate to its shape, colour, design, ornamental features, and layout, rather than to its use. *Sherwin v. An Bord Pleanála* [2023] IEHC 26 (High Court (Judicial Review), *Humphreys J*, 27 January 2023) *Humphreys* observed what is required by the Act is "actual protection" the intention of the Act is "clearly to minimise" adverse impacts. The level of protection mandated cannot, vary depending on whether the Board is dealing with a S.5 application for a declaration or a planning application. The decision maker must first identify all potential impacts on the protected structures, and then critically examine each of them to see whether they are the minimum necessary in order to achieve any overall benefit to the protected structure by reason of retaining it in use. Before any planning judgements, one must first comply with all legal requirements. Those include compliance with the statutory system of protection of "protected structures", particularly section 57(10) of the 2000 Act.

Article 23(1)(e) & (f) PDR 2001 require that:

- e) *plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,*
- f) *plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and*





*site or layout plans shall indicate the distances of any such structure from the boundaries of the site.*

Article 23(2) PDR 2001 requires that planning applications to develop protected structures shall, additionally, *"be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure"*.

Article 22(5) PDR 2001 provides that floor plans are required of a protected structure proposed to be demolished.

This is a breach of Article 23(2) PDR 2001 and Articles 23(1) (e) & (f) PDR 2001. The transforming of the inside of the hotel from permitted 28 rooms to 44 is significant works which have been carried out for the last 15 months and still continue.

**Figure 10 Picture from National Inventory of Architectural Heritage of how Lismore Arms Hotel and Cloister bar previously looked.**



**Figure 11 Picture from National Inventory of Architectural Heritage of how Cloister bar previously looked.**





4. Please find attached in Appendix C; Guidelines issued to Planning Authorities for Class 20F amendment. It clearly states *"Where a proposed change of use would materially affect a protected structure, the exemption is removed and planning permission is required in accordance with Section 57 of the Planning and Development Act 2000, as amended.* It also states *A planning authority must be notified in writing of the details of the development prior to the commencement of the proposed change of use.*

It also goes on to state *In this context, as with the planning system generally, neither the granting of planning permission or the provision of an exemption from the requirement to obtain planning permission, removes the requirement to comply with any other code, particularly in relation to the Building Regulations.* Class 20F was amended on the 29<sup>th</sup> of November 2022, works on the Site began on or before the 24/01/2022.

Under point 3 above I have discussed how the development taking place has materially affected a protected structure and this Circular clearly states planning permission is required. It also states the Planning Authority must be notified in writing of the details of the development prior to the commencement of the proposed change of use. The new use for the provision of residential accommodation and 'care' (as defined in Article 5 of the Regulations) is defined under Class 9 (a) of Part 4 of Schedule 2 of the Regulations and is a material change of use by reason of providing a different service to a different user group. Under the Building regulations; material change of use means (b) a building which was not being used as— (i) a day centre, becomes so used, or (ii) a hotel, hostel, or guest building, becomes so used. Hotel was not used as a hotel in recent years and the change of use to a care centre is a material change of use. A Commencement Certificate was not issued by the Developer to the BCMS website.

5. The cumulative effects of new developments in Lismore and the intensity of use of the Site have not been considered by WCC. The Developers concerned are required either to obtain all relevant information on species that may be affected by the development by conducting or obtaining adequate scientific surveys, or alternatively to inform the competent authority of the absence of sufficient information to exclude doubt as to whether the project will have significant effects on the environment i.e bats, swifts, and lichen.
6. The existing sewage pipes have not been assessed to see if they can cope with the intensity of use, and to see if they meet current Irish Water Guidelines.

Taking a precautionary approach, I trust my concerns will be taken into consideration prior to a decision being reached.

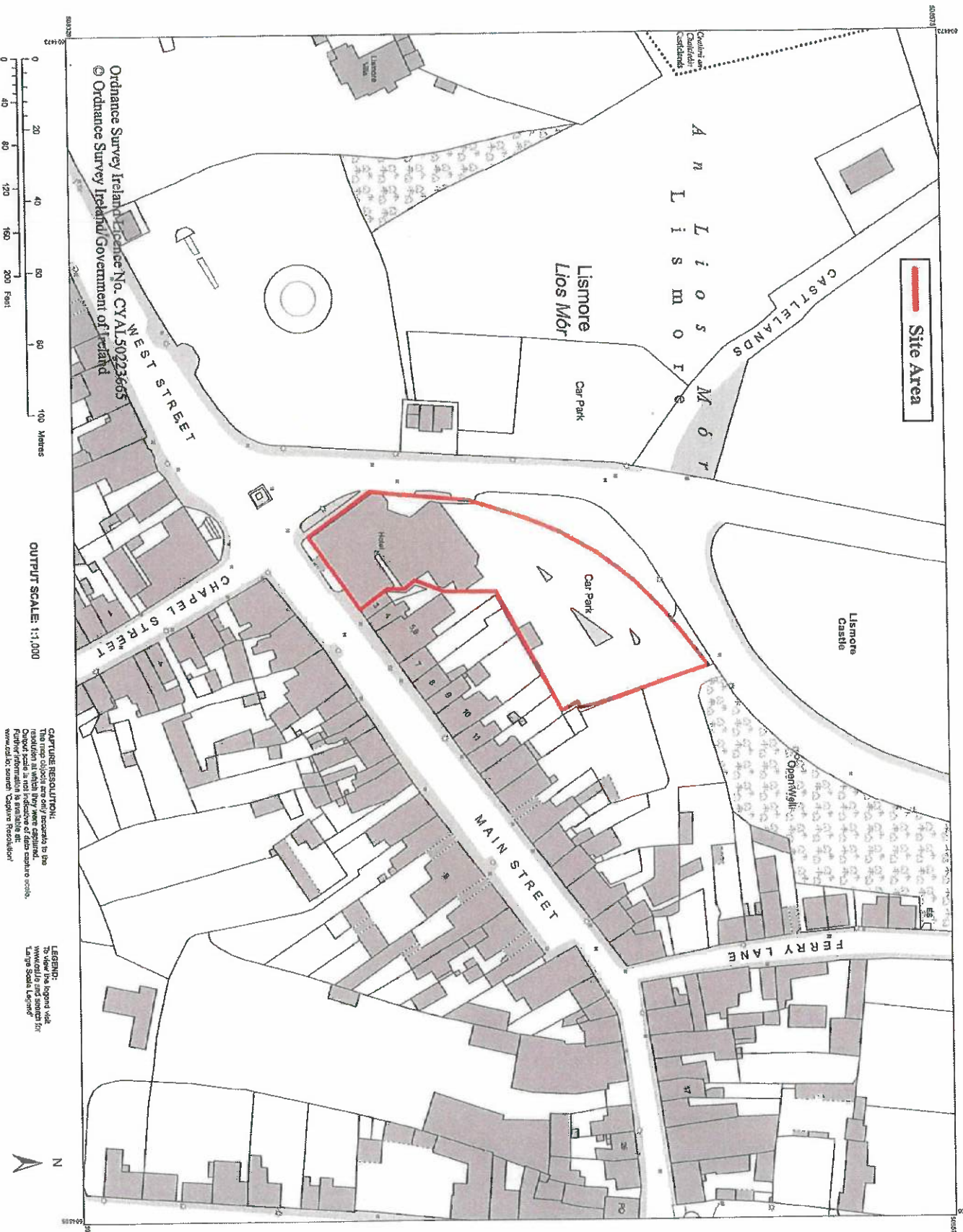


**APPENDIX B: SITE LOCATION MAP AND SITE LAYOUT MAP**



# Planning Pack Map

Site Area



**Taite Éireann**

**CENTRE COORDINATES:**  
ITM 604639.598452

**PUBLISHED:**  
13/04/2023

**ORDER NO.:**  
50328655\_1

**MAP SERIES:**  
1:1,000

**MAP SHEETS:**  
5955-11  
5955-12

**COMPILED AND PUBLISHED BY:**  
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Phoenix Park,  
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'Large Scale Legend'

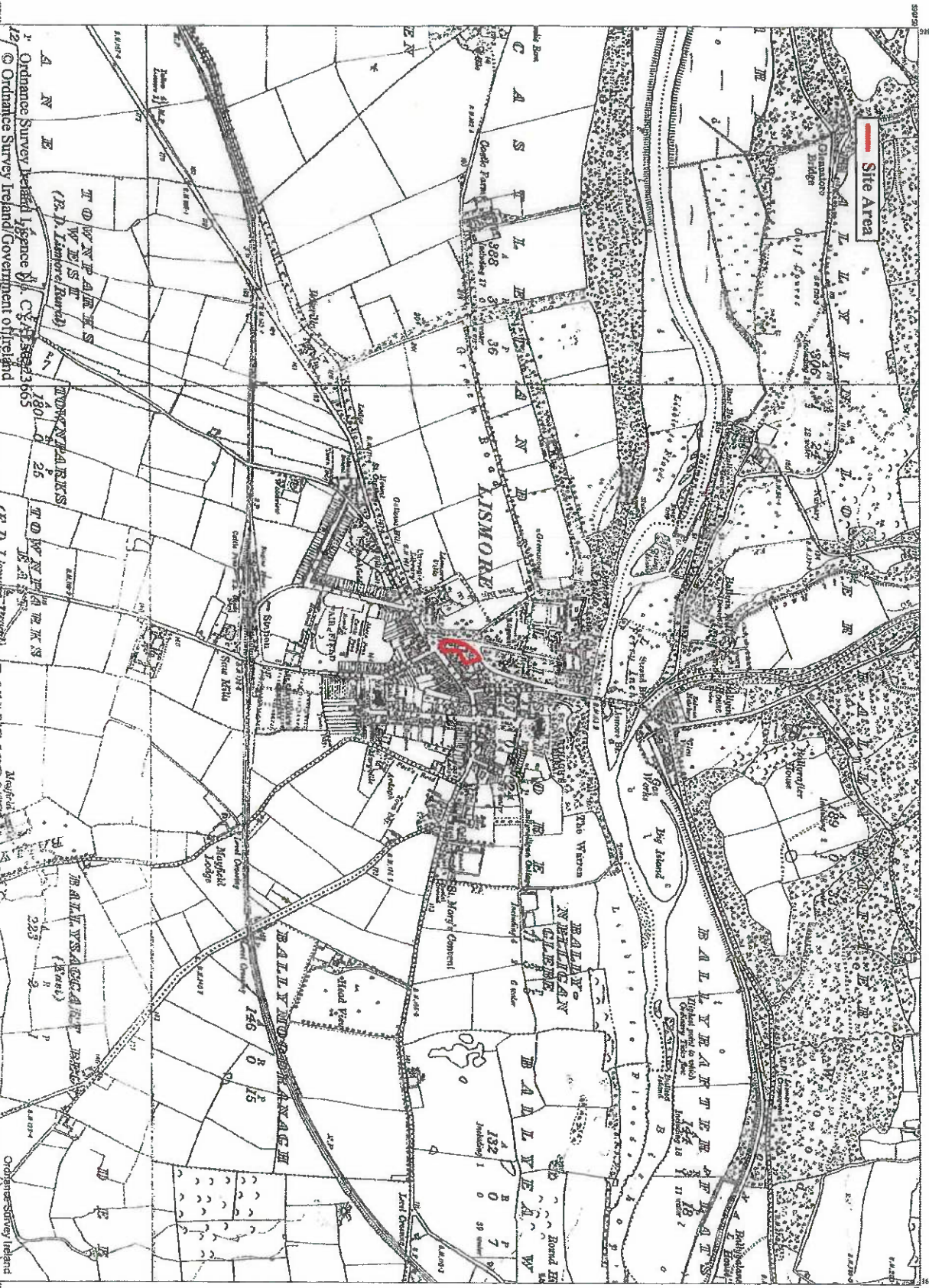
**OUTPUT SCALE: 1:1,000**

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# Site Location Map



**Taite  
Eireann**

**CENTRE  
COORDINATES:**  
TM 604635 696452

**PUBLISHED:**  
13/04/2023

**ORDER NO.:**  
50326895\_1

**MAP SERIES:**  
6 inch Raster  
6 inch Raster  
6 inch Raster  
6 inch Raster

**MAP SHEETS:**  
WD020  
WD021  
WD022  
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**LEGEND:**  
Large Scale Legend



**OUTPUT SCALE: 1:10,560**

0 225 450 675 900 1,125 METRES

0 425 850 1,275 1,700 2,125 FEET



**APPENDIX C: Guidelines issued to Planning Authorities for  
Class 20F amendment**





To: Directors of Planning in each local authority

CC: Chief Executives  
Senior Planners  
An Bord Pleanála  
Office of the Planning Regulator  
Directors of Regional Assemblies

Circular Letter PL 10/2022

1 December 2022

**Re: Planning and Development (Exempted Development) (No. 4) Regulations 2022**  
**[S.I. 605/2022]**

I have been asked by Mr. Peter Burke, T.D., Minister of State for Planning and Local Government to advise that he has signed the above set of Regulations which have immediate effect. A copy of the Regulations is attached for information.

These new Regulations amend provisions in the Planning and Development Regulations 2001, as amended (the Principal Regulations), to assist the Minister for Children, Equality, Disability, Integration and Youth (MCEDIY) in meeting Ireland's legal obligation to provide accommodation to international protection applicants.

#### **New Class of Exempted Development**

The Regulations amend Part 1 of Schedule 2, entitled 'Exempted Development - General', to the Planning and Development Regulations 2001, as amended, to insert a new Class 20F exemption.





This new Class permits the change of use of the following structures for the purpose of providing the necessary facilities for international protection applicants:

“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.”

This provision is a temporary measure and will expire on 31 December 2024; the use of such structures shall cease on the expiry of the regulation.

Where a proposed change of use would materially affect a protected structure, the exemption is removed and planning permission is required in accordance with Section 57 of the Planning and Development Act 2000, as amended.

#### **Notification Requirement**

A planning authority must be notified in writing of the details of the development prior to the commencement of the proposed change of use.

#### **Compliance with Building Regulations**

In this context, as with the planning system generally, neither the granting of planning permission or the provision of an exemption from the requirement to obtain planning permission, removes the requirement to comply with any other code, particularly in relation to the Building Regulations, including fire safety. The aim of the Building Regulations is to provide for the safety and welfare of people in and about buildings. It







is important to note in the context of these exempted development provisions that compliance with the Building Regulations 1997 to 2021 must still be achieved and Building Control procedures will still apply.

Under the Building Control Acts 1990 to 2020, primary responsibility for compliance with the requirements of the Building Regulations rests with the owners, designers and builders of buildings. In particular, the Building Control (Amendment) Regulations 2014 (where they apply) require greater accountability in relation to compliance with Building Regulations in the form of statutory certification of design and construction by registered construction professionals and builders, lodgement of compliance documentation, mandatory inspections during construction and validation and registration of certificates.

Any queries in relation to this Circular letter should be emailed to [planning@housing.gov.ie](mailto:planning@housing.gov.ie).

Terry Sheridan

Principal

Planning Policy and Legislation

**Attachment for information:**

Planning and Development (Exempted Development)(No. 4) Regulations 2022



## **APPENDIX D Response from WCC Chief Fire Officer.**



6/19/23, 8:51 AM

mail.com - Lismore House Hotel



## Lismore House Hotel

**From:** "Niall Curtin" <ncurtin@waterfordcouncil.ie>  
**To:** "Patrick Gibney" <Lismoretown@mail.com>  
**Date:** Mar 21, 2023 11:12:59 AM

Dear Patrick,

It appears that the Building Control Register is not available on the BCMS at this time. However, we keep registers of FSC and DAC applications as required by building control legislation. These registers contain the information publicly available regarding such applications and mirrors the details outlined on the granted certificates. The following table contains the register information regarding both applications for Lismore House Hotel

	Fire Safety Certificate	Disability Access Certificate
Application received	17/11/22	31/01/23
Reference No.	FSC2206553WD	DAC2300576WD
Applicant	Peter Dunlea	Peter Dunlea
Location	Lismore House Hotel	Lismore House Hotel
For	Extension and material alterations	Extension and material alterations
Decision	Granted 01/02/23	Granted with condition 13/03/23

For information -- a standard condition is attached to all Disability Access Certificates requiring works to be carried out in accordance with the plans and specifications submitted with the application.

<https://3c-ixa.mail.com/mail/client/mail/print?sessionId=7369B1C928DE7C7FD167459916AC95EF-n2.lxa12a?mailId=mai1679393585432098346>



6/19/23, 8:51 AM

mail.com - Lismore House Hotel

Regards

Niall Curtin,  
Chief Fire Officer,  
Waterford City and County Council,  
Waterford Fire Station  
Kilbarry Road,  
Waterford.  
Tel 051 849953  
Fax 051 872159

Together we can **STOP** fire

**Smoke alarms - Test alarms weekly - Obvious dangers - Plan your escape**

[www.firesafetyweek.ie](http://www.firesafetyweek.ie)

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**From:** Patrick Gibney <[Lismoretown@mail.com](mailto:Lismoretown@mail.com)>  
**Sent:** Thursday 16 March 2023 11:47  
**To:** Niall Curtin <[ncurtin@waterfordcouncil.ie](mailto:ncurtin@waterfordcouncil.ie)>  
**Subject:** Re: Lismore Hotel

Thanks Niall for your prompt response.

Under the building regulations; I would be of the view that a material change of use has taken place since the building was not been used and is now been used; and the change of use of parts of the building from function rooms to bedrooms.

<https://3c-lxa.mail.com/mail/client/mail/print.js?sessionId=7369B1C928DE7C7FD167459916AC95EF-n2.lxa12a?mailId=mai1679393585432098346>

