



Griffin Project Management

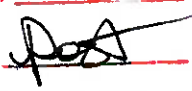
Civil Engineering & Project Management Consultants

51 New Street,
Killarney, Co. Kerry.

T:
M:
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17th July 2023

An Bord Pleanala,
64 Marlborough Street,
Dublin 1.

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
18 JUL 2023	
Fee: € _____	Type: _____
Time: _____	By: 

Re: Waterford City and County Council Ref D5 2023/10
Bord Pleanala 317397-23

Whether works carried out to provide a care facility for IPAS Refugees is or is not development or is or is not exempted development at Lismore House Hotel, 1-2 Main St, Lismore, Co Waterford.

We refer the above and confirm that we act on behalf of Mr. Michael Sheehan of McHt Limited Killarney, who has instructed us to make submissions on the referral of Mr Patrick Gibney with respect to the above matter to An Bord Pleanala.

We refer to your correspondence of 22nd June 2023 and respond as follows.


The submission upon examination appears to be appears to be concerned with 3 particular matters.

1. The sequence and schedule of the works in relation the various statutory consents required.
 2. Whether exempted works are or are not development or whether said works are or are not exempted development.
 3. Whether said exempted development regulations can be applied to a premises which is to be utilised for the accommodation of protected persons.
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1. It is submitted that the control of the sequence and schedule of works in relation to the various statutory requirements is only something, with respect to Bord Pleanala, which could be monitored and controlled by Waterford County and City Council Building Control and Enforcement Depts. The development applied for and was granted both a Fire Safety Certificate and a Disability Access Certificate.
 2. Whether exempted works are or are not development or whether said works are or are not exempted development. The act is specific in this regard "*Section 57 of the Planning and Development Act 2000 as amended allows for the owner or occupier of a protected structure to apply to the planning authority for a declaration as to the type of works which it considers would or would not materially affect the character of*

the structure or any element of the structure." The files pertaining to the premises will clearly demonstrate that the developer consulted with the Heritage Officer and the Planning Dept of Waterford County City Council prior to any works commencing.

3. The Planning and Development (Exempted Development) (No. 4) Regulations 2022 were introduced 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. 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. The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 were introduced in response to the emerging Ukrainian crisis. The Regulations give effect to Council Directive No 2001/55 EC and Council Implementing Decision EU 2022/382 of 04 March 2022 (European Council Decision) to provide immediate protection in EU countries for persons displaced by the Russian invasion of Ukraine, including the need to provide emergency accommodation and support to these displaced persons. The Regulations provide that the provisions of the Planning and Development Act 2000 (other than the environmental considerations in Sections 181A to 181C) will not apply to certain classes of development by or on behalf of a State Authority for the purposes of providing temporary protection to displaced persons as specified in the Regulations. It should be noted that 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 statutory code, particularly in relation to the Building Regulations, including fire safety. It should be noted that the developer current has both Fire Certs and DAC Certs in place for the works.

Yours sincerely,


Padraig Griffin, MCIOB, FCI Arb
Griffin Project Management,
Civil Engineering & Project Management Consultant

