Our Case Number: ACP-324159-26

Planning Authority Reference Number: ED/1303

An Coimisiún Pleanála

Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
W91 X77F

Date: 27 OCT 2026

Re: Whether a temporary change of use of The Eyre Powell Hotel for accommodation for displaced persons seeking international protection is or is not development or is or is not exempted development.
Eyre Powell Hotel, Main Street, Newbridge, Co. Kildare W12 X2R9.

Dear Sir / Madam,

An order has been made by An Coimisiún Pleanála determining the above-mentioned referral under the Planning and Development Act 2000, as amended. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Commission will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Commission will also make available the Inspector's Report, the Direction and Commission Order in respect of the matter on the Commission's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Commission is closed.

Yours faithfully,

Sue Morel
Executive Officer

RL100pan

Kildare County Council
Planning Department
29 OCT 2026
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Teil	**Tel**	(01) 858 8100		
Glao Áitiúil	**LoCall**	1800 275 175		
Láithreán Gréasáin	**Website**	www.pleanala.ie	64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902
Ríomhphost	**Email**	communications@pleanala.ie		

An Coimisiún Pleanála

Commission Order
ACP-324159-26

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Authority Reference Number: ED/1303

WHEREAS a question has arisen as to whether a temporary change of use of the Eyre Powell Hotel at Main Street, Newbridge, County Kildare to accommodation for displaced persons seeking international protection, is considered exempted development under Class 20F or Class 14h of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

AND WHEREAS Joseph Germaine requested a declaration on this question from Kildare County Council, and the Council issued a declaration on the 26th day of February 2026 stating that the matter was development and was not exempted development:

AND WHEREAS Joseph Germaine referred this declaration for review to An Coimisiún Pleanála, on the 25th day of March, 2026:

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AND WHEREAS An Coimisiún Pleanála reconfigured the question as follows:

whether a change of use of the Eyre Powell Hotel at Main Street, Newbridge, County Kildare to accommodation for persons seeking international protection, is considered exempted development under Class 20F or Class 14h of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

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

(a) Section 2(1), Section 3(1) and Section 4(2) of the Planning and Development Act, 2000, as amended,

(b) Articles 5, 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

(c) Part 1 *Exempted Development - General* of Schedule 2 to the Planning and Development Regulations, 2001, as amended, including Class 14(h) and Class 20F, and the conditions and limitations thereof,

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(d) the planning history of the site,

(e) the use of the site,

(f) the documentation on the file,

(g) the report and recommendation of the Inspector following a site visit:

AND WHEREAS An Coimisiún Pleanála has considered that:

(a) Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, recognises at Column 1, that the temporary use of any structure or part of a structure that is in certain specified 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 is development,

which is exempted, subject to compliance with the conditions and limitations of set out at Column 2.

(b) Condition and limitation 5 of the said conditions and limitations set out at Column 2, which must be met for the development to be exempted, sets out that the relevant local authority must be notified of locations where change of use is taking place, prior the commencement of development.

(c) There is no evidence on file that the change of use at Eyre Powell Hotel was the subject of a prior notification to the local authority.

(d) Class 14(h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, recognises at Column 1, that a change of use from hotel, to use as accommodation for protected persons, is development, and Column 2 sets no conditions or limitations for such development to be exempted.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the change of use of the Eyre Powell Hotel to accommodation for persons seeking international protection constitutes a material change of use, and is development,

(b) the said development does not fall within the exemption set out under Class 20F of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, in the absence of evidence that the said change of use was the subject of a prior notification to the local authority, in order to meet condition and limitation 5, set out at Column 2.

(c) the development is exempt under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations (2001) as amended,

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NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the change of use of the Eyre Powell Hotel to accommodation for persons seeking international protection, is development and is exempted development, at Main Street, Newbridge, County Kildare.

The Commission agreed with the Inspector that there is no category of "displaced persons seeking international protection" and agreed on the facts regarding the use of the hotel for more than twenty years, that the word "temporary" did not serve a meaningful purpose in the referral question. Consequently, the Commission agreed that the referral question should be reworded, and decided to reconfigure the question, as is set out above.

MaryRose McGovern
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 23rd **day of** October **2026.**

Kildare County Council
Planning Department
29 OCT 2026
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Comhairle Contae Chill Dara
Kildare County Council

Date: 26th February 2026.
Our Ref: ED/1303.

Joseph Germaine
C/O Brendan Moore Architects
38 St Kieran's Street
Kilkenny
R95 KN80

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Eyre Powell Hotel, Main Street, Newbridge, Co Kildare W12 X2R9.

Dear Sir/Madam,

I refer to your correspondence received on 24th November 2025 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

PP
Senior Executive Officer,
Planning Department.

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1303.

WHEREAS a question has arisen as to whether the temporary change of use of the Eyre Powell Hotel to accommodation for displaced persons seeking International Protection is considered exempted development under Class 20F or Class 14H at Eyre Powell Hotel, Main Street, Newbridge, Co. Kildare W12 X2R9, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 24th November 2025

AND WHEREAS Joseph Germaine requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended) and
(b) Planning and Development Regulations 2001 (as amended); and
(c) Documentation received with the application

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

(a) Section 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended)
(b) Articles 6 (specifically Class 20F, Part 1, Schedule 2) of the Planning and Development Regulations 2001 (as amended)
(c) The nature, extend and purpose of the works

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that whether the temporary change of use of the Eyre Powell Hotel to accommodation for displaced persons seeking International Protection is considered exempt development under Class 20F or Class 14H, **is development and is Not Exempted Development** pursuant to Section 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended) and Article 6 (specifically Class 20F, Part 1, Schedule 2) of the Planning and Development Regulations 2001 (as amended)

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

26th February 2026

pp
Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL

PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1303

Name Of Applicant(s):	Joseph Germaine
Address Of Development:	Eyre Powell Hotel, Main Street, Newbridge, Co. Kildare W12 X2R9.
Development Description:	Whether a temporary change of use of the Eyre Powell Hotel for accommodation for displaced persons seeking International Protection is considered exempted development under Class 20F or Class 14H.
Due date	22/12/25

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works the temporary change of use from hotel to accommodation for displaced persons seeking international protection under Class 20F or Class 14H Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) is or is not development and is or is not exempted development.

Site Location

The subject site is located at The Eyre Powell Hotel, Main Street, Newbridge, Co. Kildare on lands zoned A Town Centre - *To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial, and civic uses.*

Description of Proposed Development

The declaration describes the premises as an "*existing hotel*" which is "*currently providing accommodation for displaced persons seeking international protection*." The question is raised whether a temporary change of use of the hotel to

accommodation for displaced persons seeking international protection is considered exempted development under Class 20F or Class 14H.

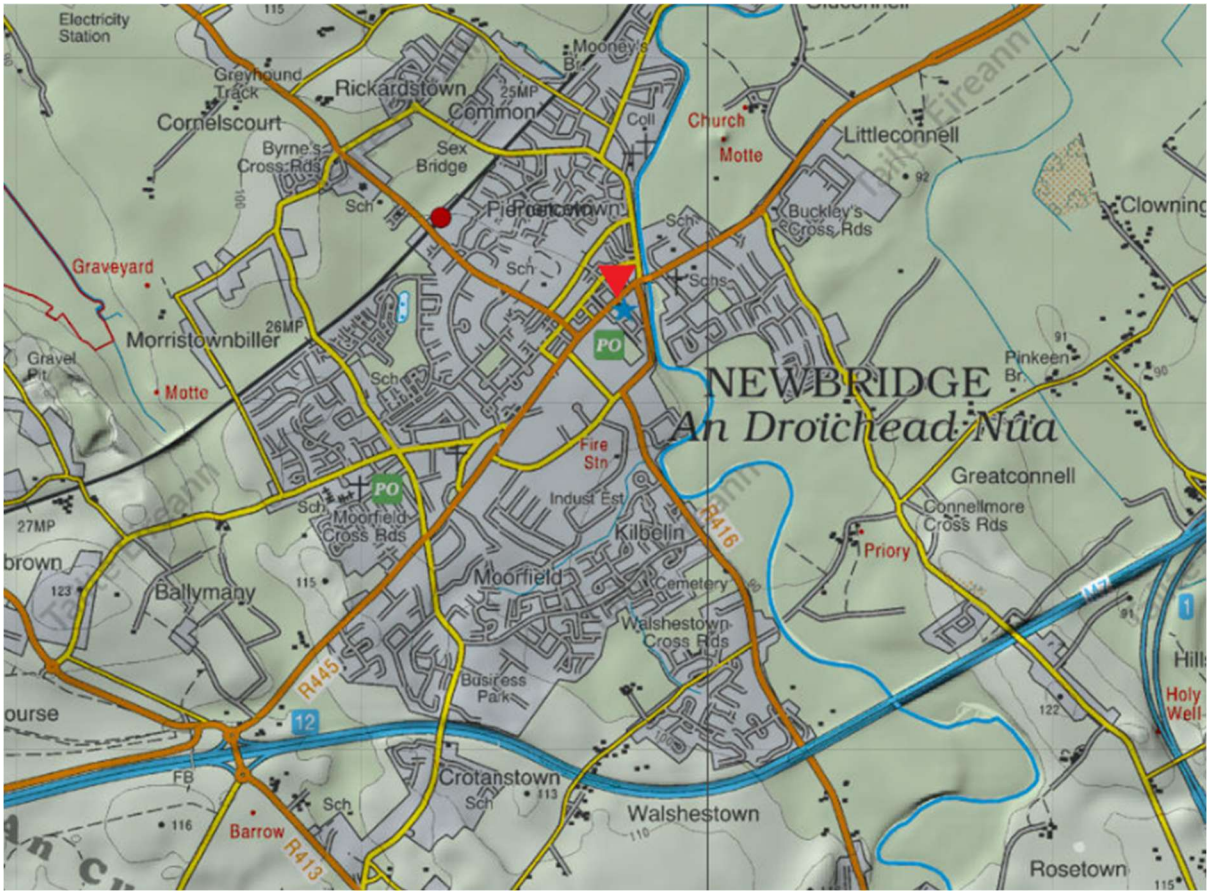


Fig 1: Site Location and context. Site identified with a red triangle.

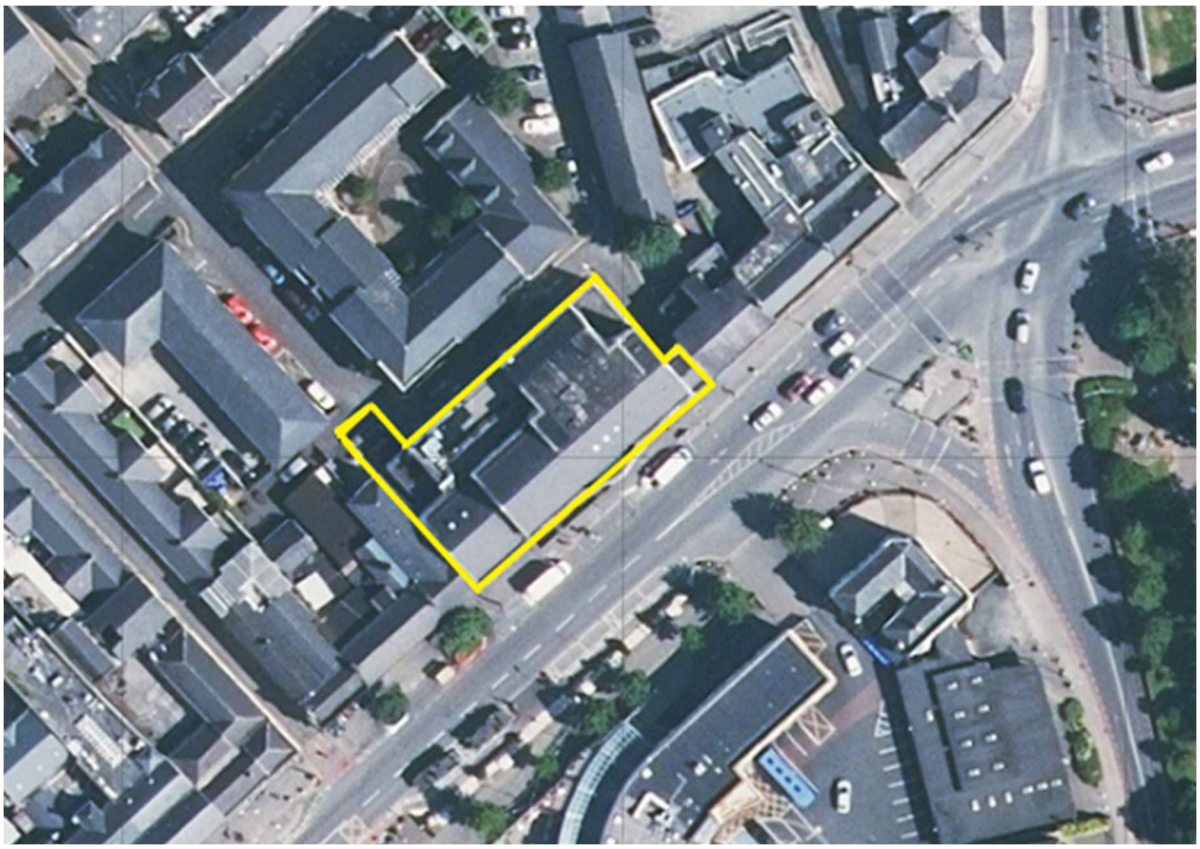


Fig 2: Aerial view of subject site. Site outlined in yellow

Planning History

98991 Permission **granted** to Faxhill Homes Ltd for *retention and completion of (1) revised front elevation to that granted under ref 218/97 (2) window and door openings on front, back and side elevations (3) relocation of residents lounge (4) revised layout to penthouse suite to include two additional bedrooms & staff living area; (5) revised layout to floor plans in basement, ground floor, first floor & second floor.*

98990 Permission **granted** to Faxhill Homes Ltd for *retention and completion (a) revised front elevation to that granted under ref 218/97 (b) retention of window opes at rear and side (c) retention of basement store (d)* ***retention of office area at rear at a proposed shop***

98989 Permission **granted** to Faxhill Homes Ltd for *retention and completion of (a) revised front elevation to that granted under ref 218/97 (b) window and door opes at rear and side (c) modified basement and ground floor layout all at proposed public house*

97218 Permission **granted** to Cox's Development Newbridge Ltd for *Phase 2 of apartment/hotel complex as part of Newbridge Urban Renewal (Phase 1 ref 1571/96) comprising 32-bedroom hotel with function room, bar, restaurant, basement level, ancillary works, shop, public house with basement level and ESB Substation.*

96/1571 Permission **granted** to Cox's Development Newbridge Ltd for Phase 1 of an Apartment/Hotel/Commercial Development Complex as part of newbridge Urban Renewal which incorporates 12, 3 bed apartments, 21, 2 bed, etc..

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'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)

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

Include other relevant sections of the act. E.g. (below)

Section 4(1)

The following shall be exempted development for the purposes of the Act-

(h) 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;

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Planning and Development Regulations 2001 (as amended)

Planning and Development Regulations 2001 (as amended)

Article 5(1)

Interpretation for this Part.

5.(1) In this Part—

"**business premises**" means—

(a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,

(b) **a hotel**, hostel (other than a hostel where care is provided) or public house, or

"**excluded premises**" means—
(b) any **guest house** or other premises (not being a hotel or a hostel) providing overnight guest accommodation, block of flats or apartments, club, or boarding house, or,

"**protected person**", for the purposes of Schedule 2, means—

(a) a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),

(b) a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or

(c) a programme refugee within the meaning of section 24 of the Refugee Act of 1996;

Article 6(1)
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)(a)(i)

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—…..(15 items)

Class 20F, Part 1, Schedule 2

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*	*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 4 March 2022[1] comes to an end in accordance with

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.	*Article 6 of the Council Directive 2001/55/EC of 20 July 2001².*
	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.

Class 14H, Part 1, Schedule 2

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,*	*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.*
(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 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.	*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.*

Assessment

Is it development?

The first question to address relates to whether or not the temporary change of use of the Eyre Powell Hotel for accommodation for displaced persons seeking International Protection would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended). The Act defines "development" as the carrying out of any **works** on, in, over or under land or the **making of any material change in the use** of any structures or other land.

The application does not propose any works to the structure and thus it is necessary to determine if the envisaged development will constitute a material change in use. A change of use can become "material" if the new use is different in character or impact, having regard to planning considerations such as intensity of use, nature of

occupancy, demand on local services, and potential effects on residential amenity or traffic. In light of the above, the envisaged development is a **material change of use** and would constitute **development** in accordance with Section 3(1) of the Act.

Is it exempted development?

The second question to address relates to whether or not the *'temporary change of use of the Eyre Powell Hotel for accommodation for displaced persons seeking International Protection is considered exempted development under Class 20F or Class 14H'.*

The referrer specifically states that the change of use is temporary, and this distinction can be considered material in planning terms. Class 20F is described as the "***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",* whereas Class 14F is described as a change of use *"from use as a hotel... to use as accommodation for protected persons."* The effect of the change of use under Class 20F is temporary whereas the change of use under Class 14H is permanent. The referrer has stated ***temporary change of use,*** and this clear distinction would exclude Class 14H, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

The question remains whether the change of use under Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) would constitute exempted development in accordance with the provisions of the Planning and Development Act, 2000 (as amended).

There are a number of conditions and limitations attached to Class 20F, which have been assessed in the context of the change of use as follows:

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.

It is stated that the temporary change of use is *"for accommodation for displaced persons seeking international protection".* 'Displaced persons' and 'persons seeking international protection' are 2 distinct categories. The phrasing of the question, within the application submitted, indicates that the question relates to the accommodation of displaced persons.

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 2022[1] comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001[2].

The temporary change of use for accommodation for displaced persons would comply with Condition No. 2.

3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

As outlined above, this application relates to the accommodation of displaced persons and not the accommodation of persons seeking international protection. Date of cessation of temporary use not stated.

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.

Not relevant.

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

It is stated in the application form that the property currently provides accommodation for displaced persons seeking international protection. Kildare County Council was not notified of the location of the change of use **prior to the commencement of development,** therefore the application does not comply with Condition No.5 of Class 20F.

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.

It is stated in the application that the change of use is for the accommodation of displaced persons for the purposes of accommodating persons seeking international protection

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).

As outlined above, this application relates to the accommodation of displaced persons and not the accommodation of persons seeking international protection.

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.

The application is for a *'temporary change of use'*

Article 2 of Council Directive 2001/55/EC of 20 July 2001
For the purposes of this Directive:
(a) "temporary protection" means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection;

Conclusion
It is stated in the application form that the property currently provides accommodation for displaced persons seeking international protection. The Local Authority was **not** notified of the location of the change of use prior to commencement of development, therefore the application does not comply with Condition No.5 of Class 20F and therefore is not considered exempted under Class 20F.

Having regard to:
- Sections 2, 3, 4, and 5, of the Planning and Development Act 2000 (as amended);
- Articles 6 (specifically Class 20F, Part 1, Schedule 2) of the Planning and Development Regulations 2001 (as amended); and
- The nature, extent and purpose of the works;

it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is not exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation
It is recommended that the applicant be advised that the development as described in the application *is development and is not exempted development.*

Martin Ryan
Senior Executive Planner
13/02/2026

J. O'Reilly
A/Senior Planner
25/02/2026

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether temporary change of use of the hotel to accommodation for displaced persons seeking international protection is considered exempted development under Class 20F or Class 14H.

AS INDICATED on the plans and particulars received by the Planning Authority

AND WHEREAS *Joseph Germaine* requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended); and
(b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

(a) Sections *2, 3, 4, and 5* of the Planning and Development Act 2000 (as amended);
(b) Articles 6 (specifically Class 20F, Part 1, Schedule 2) of the Planning and Development Regulations 2001 (as amended); and
(c) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

Whether a temporary change of use of the hotel to accommodation for displaced persons seeking international protection is considered exempted development under Class 20F or Class 14H.

IS development and IS NOT EXEMPTED development pursuant to Section 2, 3, 4, and 5 of the Planning and Development Act as amended and Article 6, of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening

APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details	
Planning File Ref	ED1303
Applicant name	Joseph Germaine
Development Location	Eyre Powell Hotel, Main Street, Newbridge, Co. Kildare W12 X2R9.
Site size	Approx. 943.3m^2
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	Pollardstown Fen SAC is located approx.. 2.2 km west of the application site
Description of the project/proposed development – temporary change of use of the hotel to accommodation for displaced persons seeking international protection is considered exempted development under Class 20F or Class 14H.	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	**Impacts on sites designated for freshwater habitats or species.** <u>Sites to consider</u>: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	*Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?*	**No**

2	**Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?*	**No**
3	**Impacts on designated terrestrial habitats.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?*	**No**
4	**Impacts on birds in SPAs** Sites to consider: Poulaphouca Resevoir	*Is the development within a Special Protection Area, or within 5 km of same?*	**No**

Conclusion:
If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.
No further assessment in relation to habitats or birds is required.
If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT *Selected relevant category for project assessed by ticking box.*		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	**x**
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	

Justify why it falls into relevant category above (based on information in above tables)	
No potential significant negative impacts on the nearest NATURA 2000 site by nature of development.	
Name:	Martin Ryan
Position:	Senior Executive Planner
Date:	13/02/2026

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order

I, Alan Dunney, Director of Services of Planning, Enterprise & Economic Development, by the powers conferred on the Chief Executive of Kildare County Council under Section 151 of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, and which powers are delegated to me pursuant to Section 154 of the Local Government Act 2001 (as amended) by Chief Excutive's Order number: 63325, do hereby make the following Order:

ORDER NO: DO64278 **Section:** Planning

SUBJECT: ED/1303
Joseph Germaine, C/O Brendan Moore Architects, 38 St Kieran's Street, Kilkenny. Exempt Development Application whether the temporary change of use of the Eyre Powell Hotel to accommodation for displaced persons seeking International Protection is considered exempted development under Class 20F or Class 14H. at Eyre Powell Hotel, Main Street, Newbridge, Co. Kildare W12 X2R9,

SUBMITTED: File Ref. ED1303 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is Not Exempted Development.

MADE THIS 26th DAY OF FEBRUARY YEAR 2026

SIGNED: Alan Dunney

DIRECTOR OF SERVICES

Comhairle Contae Chill Dara
Kildare County Council

Date: 25th November 2025
Our Ref: ED/1303

Joseph Germaine,
c/o Brendan Moore Architects,
38 St. Kieran's Street,
Kilkenny R95 KN80.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Eyre Powell Hotel, Main Street, Newbridge, Co. Kildare W12 X2R9.

Dear Sir/Madam,

I acknowledge receipt of your application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) received on 25th November 2025 in connection with the above.

Yours sincerely,

pp Norma O'Connor

Senior Executive Officer,
Planning Department.

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Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000

Incomplete application forms will be deemed invalid and returned

All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname GERMAINE Forenames JOSEPH
Phone No [redacted] Fax No
2. Address MAIN STREET, BALTINGLASS, CO. WICKLOW, 291 RYX.

Section 2	Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname GERMAINE Forenames JOSEPH
Phone No [redacted] Fax No
2. Address BRENDAN MOORE ARCHITECTS, 38 ST. KIERAN'S STREET, KILKENNY, R95 KN80.

Section 3	Company Details (if applicable)

1. Name of Company PEACHPORT LTD.
Phone No [redacted] Fax No
2. Company Reg. No 527579
3. Address MAIN STREET, BALTINGLASS, CO. WICKLOW, 291 RYX.

Section 4	Details of Site

1. Planning History of Site 03220, 03288
2. Location of Proposed Development EYRE POWELL HOTEL, MAIN STREET, NEWBRIDGE, CO. KILDARE, W12 X2R9.
3. Ordnance Survey Sheet No. 3606-11 (1:1000)
4. Please state the Applicants interest in the site OWNER.
5. Please state the extent of the proposed development EXISTING HOTEL AND ANCILLARY AREAS.

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6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought *(specific details required)* WHETHER A TEMPORARY CHANGE OF USE OF THE EYRE POWELL HOTEL FOR ACCOMMODATION FOR DISPLACED PERSONS SEEKING INTERNATIONAL PROTECTION IS CONSIDERED EXEMPTED DEVELOPMENT UNDER CLASS 20F OR CLASS 14H.

7. Please give a detailed description of the Proposed Development *(Use separate page if necessary)*.....

EYRE POWELL HOTEL IS LOCATED ON MAIN STREET, NEWBRIDGE, CO. KILDARE, W12 X2R9. THE HOTEL CONTAINS 27 BEDROOMS AND CAN ACCOMMODATE UP TO 157 PERSONS. THE BUILDING ASLO CONTAINS A NUMBER OF ANCILLARY AREAS INCLUDING A RECEPTION, KITCHEN, LAUNDRY, RECREATION ROOM, SHOP, SITTING ROOM, 2 NO. DINING ROOMS, 9 NO. TV ROOMS, AS WELL AS NECESSARY SERVICE AREAS REQUIRED FOR DAILY OPERATIONS INCLUDING A PLANT ROOM, DRY AND COLD STORES, LIFT ROOM AND STORAGE AREAS. THE PROPERTY CURRENTLY PROVIDES ACCOMMODATION FOR DISPLACED PERSONS SEEKING INTERNATIONAL PROTECTION.

Section 5	The following must be submitted for a valid application

(Please Tick)

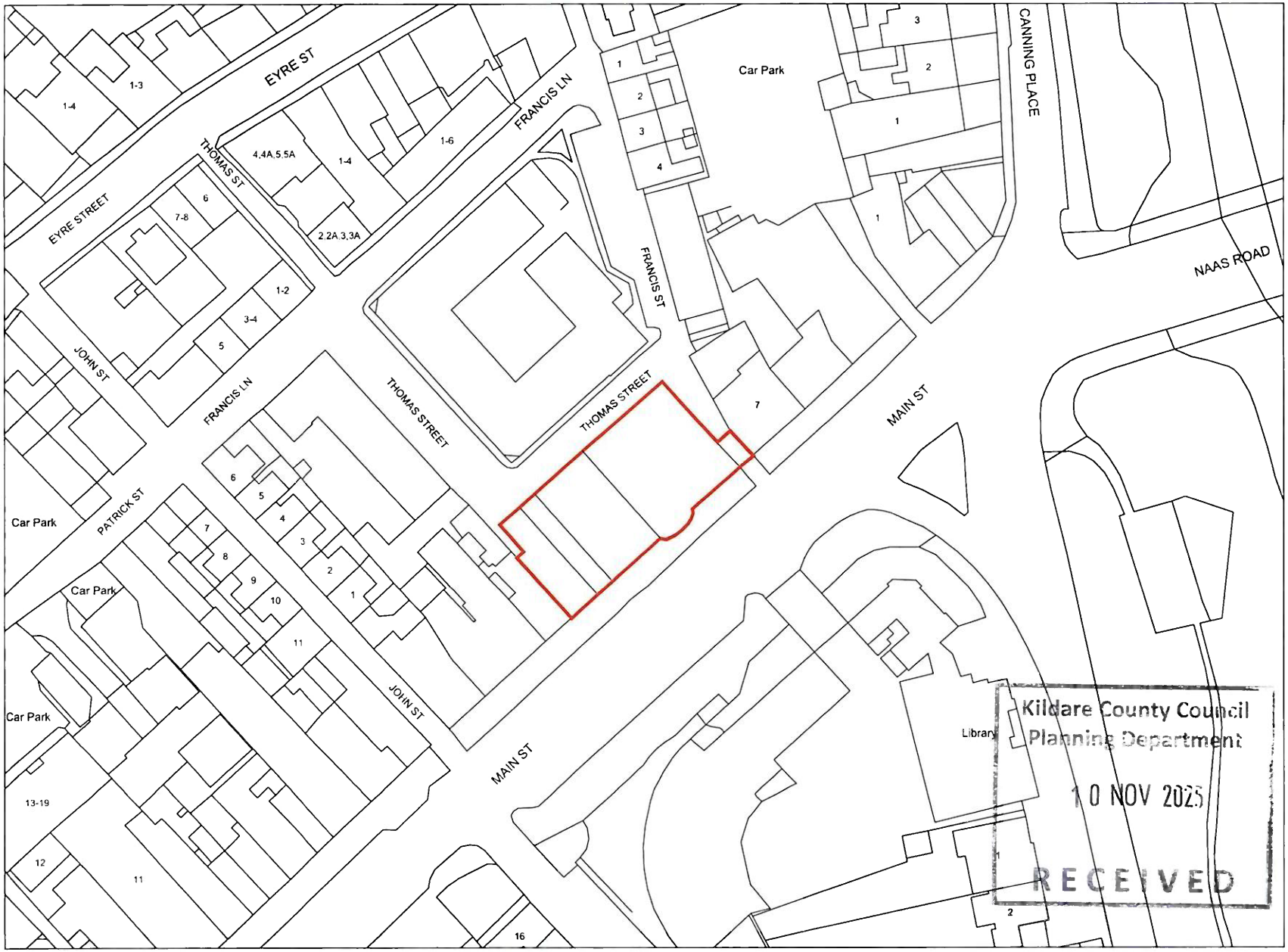
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

Section 6	Declaration

I, BRENDAN MOORE certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

or support displaced persons seeking international protection and associated works is considered exempted development

Signature: BQM Date: 07/11/2025



Description:
==========
Digital Landscape Model (DLM)

Publisher / Source:
==========
Ordnance Survey Ireland (OSi)

Data Source / Reference:
==========
PRIME2

File Format:
==========
Autodesk AutoCAD (DWG_R2013)

File Name:
==========
v_50049698_1

Clip Extent / Area of Interest (AOI):
==========
LLX,LLY= 639715.629,664367.3653
LRX,LRY= 640298.629,664367.3653
ULX,ULY= 639715.629,664797.3653
URX,URY= 640298.629,664797.3653

Projection / Spatial Reference:
==========
Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
==========
X,Y= 680557.715330
Reference Index:
==========
Map Series | Map Sheets
1:2,500 | 3606-11

Data Extraction Date:
==========
Date= 01-Mar-2019

Source Data Release:
==========
DCMLS Release V1.156.113

Product Version:
==========
Version= 1.4

License / Copyright:
==========
Ordnance Survey Ireland 'Terms of Use' apply.
Please visit 'www.osi.ie/about/terms-conditions'.

IMPORTANT NOTE:

NOTES:

Site Boundary Outlined in Red

NORTH

BRENDAN MOORE ARCHITECTS
38 ST. KIERAN'S STREET, KILKENNY. R95 KN80. IRELAND

PROJECT: Eyre Powell Hotel, Main St, Newbridge, Co. Kildare, W12 X2R9

CLIENT: Peachport Limited

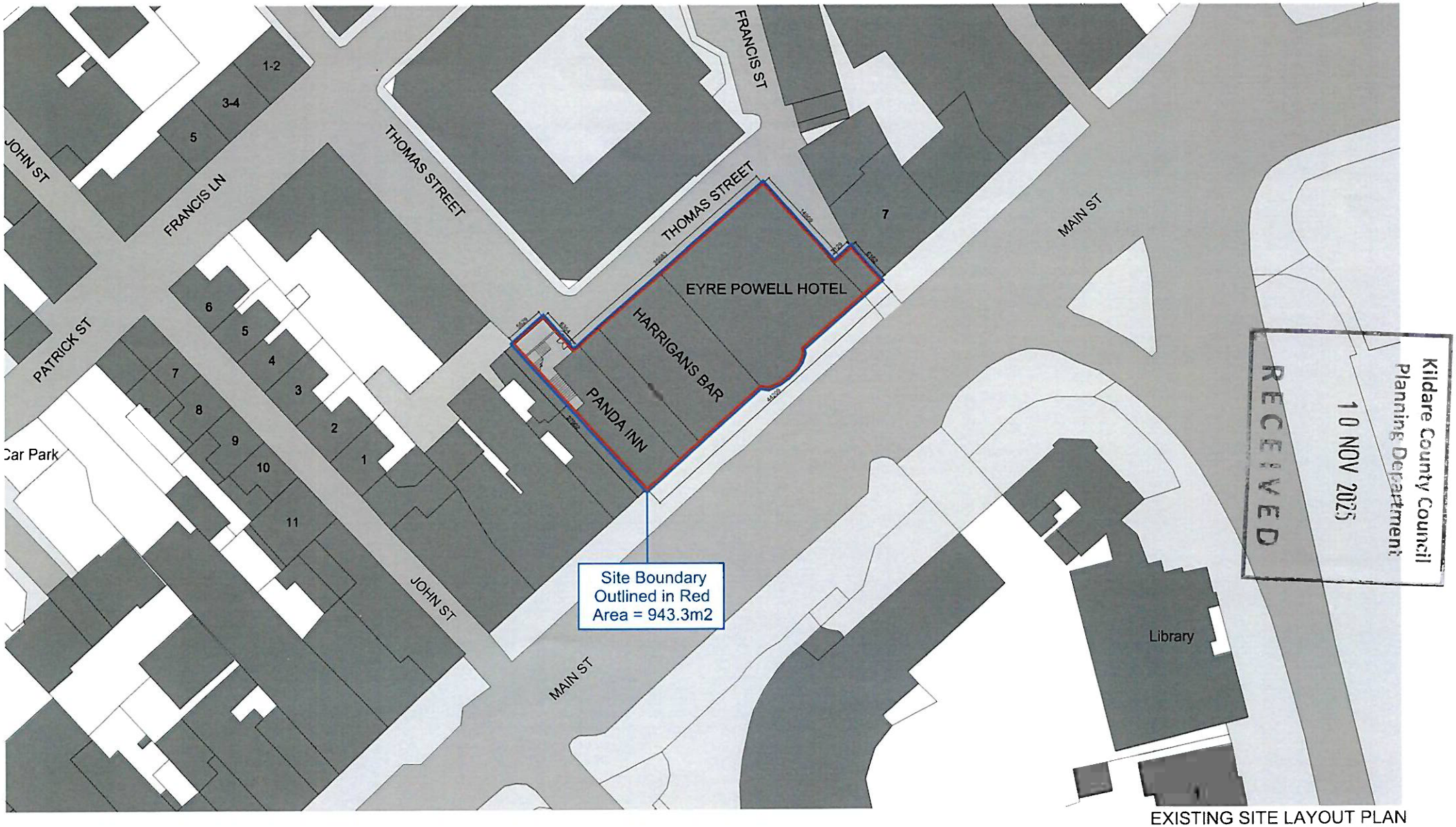
SCALE: 1,000@A1

DRAWING: Section 5

Site Location Map

353-87-4120718 brendan@bmarchitects.ie www.bmarchitects.ie

Job No: 25-019
Drwg No: 25-019 PP-050
Date: Nov. 2025
Drawn By: JH



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EXISTING SITE LAYOUT PLAN
SCALE 1:250

IMPORTANT NOTE:

NOTES:
Site Boundary Outlined in Blue:
Area Relating to Application Outlined in Red:

NORTH

BRENDAN MOORE ARCHITECTS
38 ST. KIERAN'S STREET, KILKENNY, R95 KN80, IRELAND

PROJECT: Eyre Powell Hotel, Main St, Newbridge, Co. Kildare, W12 X2R9
CLIENT: Peachport Limited
SCALE: 1/250@A1
DRAWING: Section 5
Existing & Proposed Site Layout Plan

353-87-4120718 brendan@bmarchitects.ie www.bmarchitects.ie

Job No: 25-019
Drwg No: 25-019 PP-100
Date: Nov. 2025
Drawn By: JH



REAR ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100

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EXISTING SECTION A-A
SCALE 1:100

IMPORTANT NOTE:

NOTES:

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BRENDAN MOORE ARCHITECTS
38 ST. KIERAN'S STREET, KILKENNY, R95 KN80, IRELAND

PROJECT: Eyre Powell Hotel, Main St, Newbridge, Co. Kildare. W12 X2R9

CLIENT: Peachport Limited

SCALE: 1/100@A1

DRAWING: Section 5

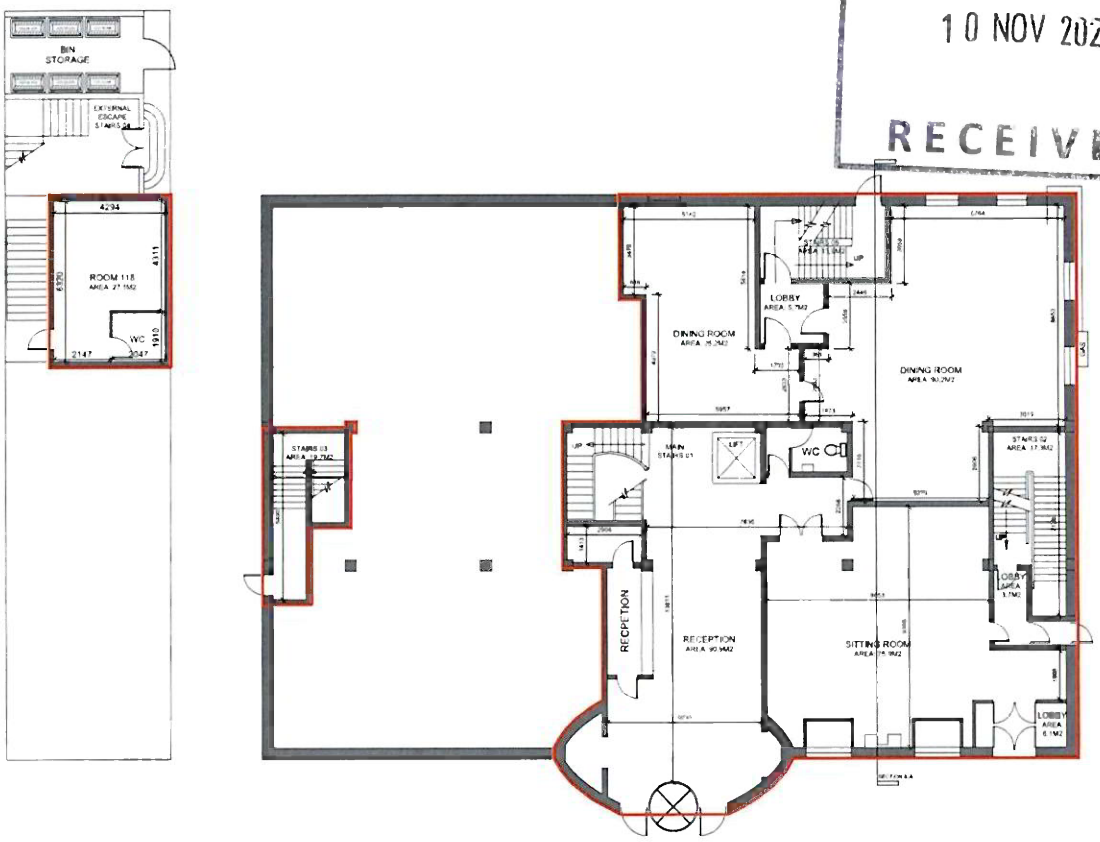
Existing Elevations & Section

353-87-4120718 brendan@bmarchitects.ie www.bmarchitects.ie

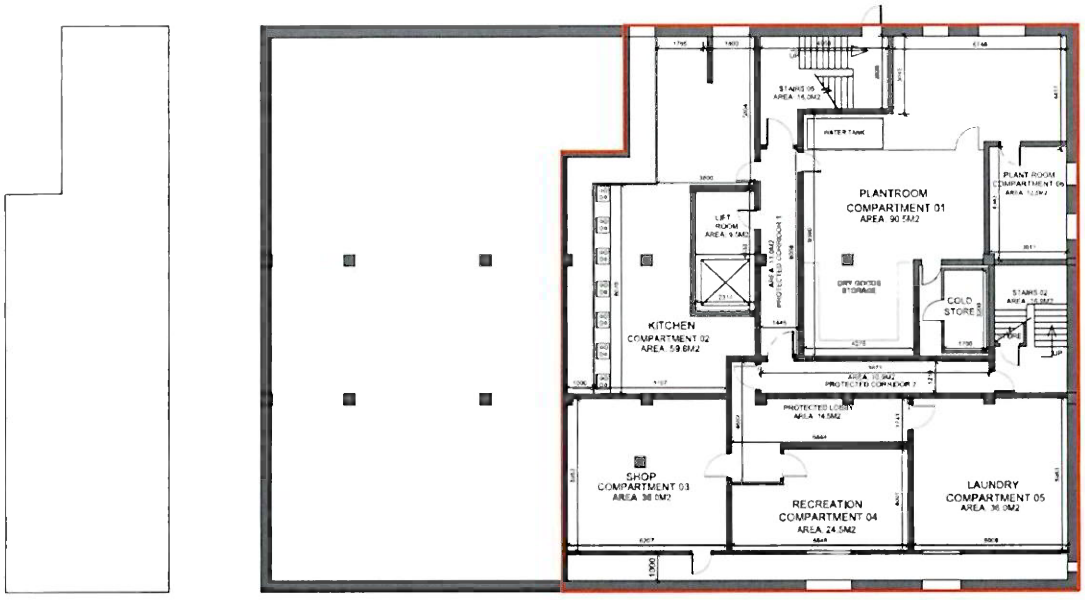
Job No: 25-019
Drwg No: 25-019 PP-104
Date: June 2025
Drawn By: JH

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EXISTING GROUND FLOOR PLAN
SCALE 1:100
AREA : 358.0m2



EXISTING BASEMENT PLAN
SCALE 1:100
AREA : 401.2m2

IMPORTANT NOTE:

NOTES:

Total Floor Area: 2,704.2sq.m.

Total Occupancy : 157

Red line outlining the extent of application boundary:

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BRENDAN MOORE ARCHITECTS
38 ST. KIERAN'S STREET, KILKENNY, R95 KN80, IRELAND

PROJECT: Eyre Powell Hotel. Main St, Newbridge. Co. Kildare, W12 X2R9

CLIENT: Peachport Limited

SCALE: 1/100@A1

DRAWING: Section 5

Existing Basement & Ground Floor Plan

353-87-4120718 brendan@bmarchitects.ie www.bmarchitects.ie

Job.No 25-019

Drwg No: 25-019 PP-101

Date: Nov. 2025

Drawn By: JH

BRENDAN MOORE ARCHITECTS



EXISTING SECOND FLOOR PLAN
SCALE 1:100
AREA : 539.7m2

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EXISTING FIRST FLOOR PLAN
SCALE 1:100
AREA : 768.8m2

IMPORTANT NOTE:

NOTES

Total Floor Area: 2,704.2sq.m.
Total Occupancy : 157
Red line outlining the extent of application boundary:

BRENDAN MOORE ARCHITECTS
38 ST. KIERAN'S STREET, KILKENNY, R95 KN80, IRELAND

PROJECT: Eyre Powell Hotel, Main St, Newbridge, Co. Kildare, W12 X2R9

CLIENT: Peachport Limited

SCALE: 1/100@A1

DRAWING: Section 5

Existing First & Second Floor Plan

353-87-4120718 brendan@bmarchitects.ie www.bmarchitects.ie

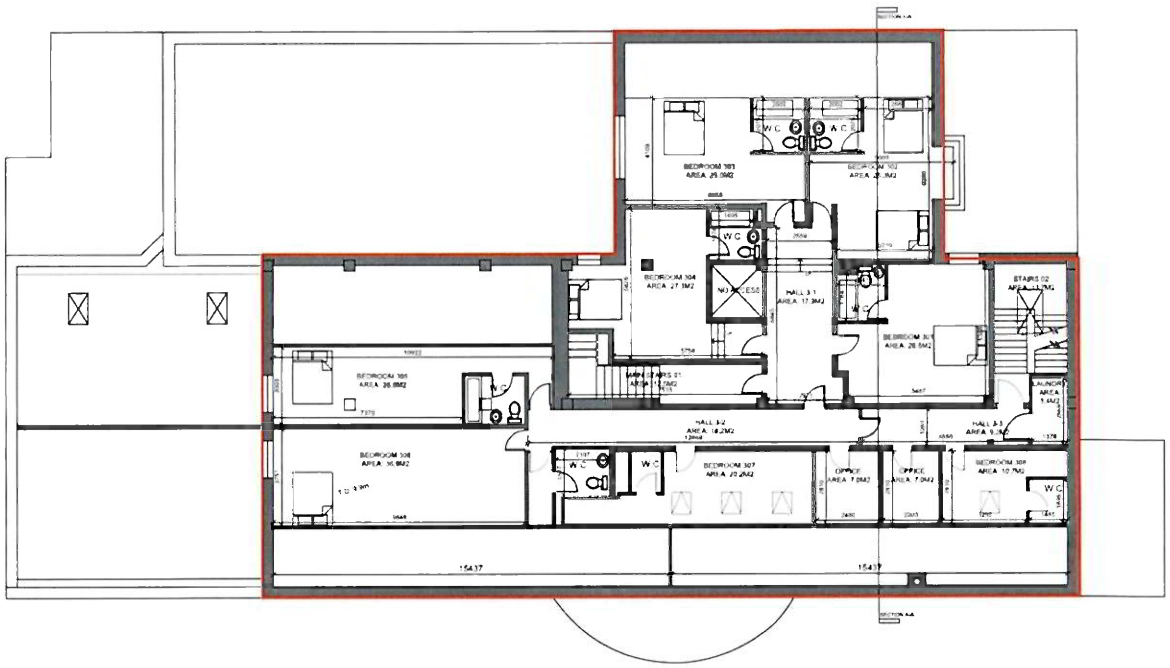
Job No 25-019
Drwg No 25-019 PP-102
Date: Nov. 2025
Drawn By: JH

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FRONT ELEVATION
SCALE 1:100



EXISTING THIRD FLOOR PLAN
SCALE 1:100
AREA : 322.3m2

IMPORTANT NOTE:

NOTES:
Total Floor Area: 2,704.2sq.m.
Total Occupancy : 157
Red line outlining the extent of application boundary:

BRENDAN MOORE ARCHITECTS
38 ST. KIERAN'S STREET, KILKENNY, R95 KN80, IRELAND
353-87-4120718 brendan@bmarchitects.ie www.bmarchitects.ie

PROJECT: Eyre Powell Hotel, Main St. Newbridge, Co. Kildare. W12 X2R9
CLIENT: Peachport Limited
SCALE: 1/100@A1
DRAWING: Fire Safety Certificate
Existing Third Floor Plan & Elevation

Job No: 25-019
Drwg No: 25-019 PP-103
Date: Nov. 2025
Drawn By: JH

BRENDAN MOORE ARCHITECTS

BOIHSR	PLANNING FEESECTIO	80.00		BANK	1925799	1	0	24/11/2025

24/11/2025 — PLANNING FEESectio SP — + €80.00

Payee Name:	KILDARE COCO
Payee IBAN:	IE69 BOFI 9012 3911 0668 06
Originator Name:	BRENDAN MOORE ARCHITECTS LIMITED
Amount:	+ €80.00
Value Date:	24/11/2025
Payment Reference:	PLANNING FEE
Originator Reference Party:	Not provided by sender
ID code or Originating reference party:	Not provided by sender
Originator ID:	Not provided by sender
Purposes of the Credit Transfer:	Not provided by sender
Payee Reference Party Name:	Not provided by sender
ID code of Payee Reference Party:	Not provided by sender
Remittance Information:	Section 5 App Fee for Eyre Powell Hotel