



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

Planning Services

RECEIVED DATE: 18/11/2025

## SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

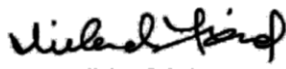
**Completed application form & supporting documentation to be returned to the Planning Authority by email to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>Name of Applicant(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Marine View Partners Limited                                                  |
| <b>Agent Name:</b><br>(if applicable)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Michael Friel                                                                 |
| <b>Location of Proposed Development / Works:</b><br>(Townland or postal address as appropriate and Eircode if available)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Marine View Apartments<br>West End,<br>Bundoran<br>County Donegal<br>F93 CX73 |
| <b>Description of Proposed Development including details of works (where applicable):</b><br>(Only works listed below will be assessed under <u>this</u> section 5 application)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                               |
| <p>The continued use of an existing residential property to provide accommodation for persons availing of International Protection.</p> <p>The Department of Justice intends to continue to utilize the property for the accommodation of International Protections Applicants.</p> <p>S.I No.582/2015 – Planning and development (amendment)(No.4) Regulations 2015 provides under Class 14(h), a “Change of use of various forms of premises providing residential or overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation” which will be deemed to be exempt development, thus not requiring Planning permission for the change of use.</p> |                                                                               |



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|                                                                                                                                               |                                         |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----|
| Is the development a Protected Structure or within the curtilage of a Protected Structure?                                                    | Yes                                     | No |
|                                                                                                                                               |                                         | X  |
| Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property. | Yes                                     | No |
|                                                                                                                                               |                                         | X  |
| Applicant(s) Interest in the site:                                                                                                            | Owner                                   |    |
| If not the Owner of the site, please provide the name of the Landowner:                                                                       | N/A                                     |    |
| Please list types of plans, drawings etc. submitted with this application:                                                                    | Plans & Elevations<br>Site Location Map |    |
| Planning History - list any relevant planning application reference numbers:                                                                  |                                         |    |
| Are you aware of any enforcement proceedings connected to the site? If so, please supply details:                                             | None                                    |    |

|                                                                     |                                                                                      |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| I hereby certify that the information provided is true and accurate |                                                                                      |
| Signature of Applicant/Agent:                                       |  |
| Date:                                                               | 11 <sup>th</sup> November 2025                                                       |

RIAI

Registered  
Architect

2025

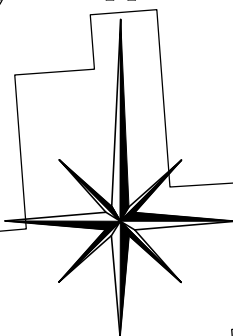
Architect  
Accredited in  
Conservation

G3

PSDP  
Accreditation

P

N



# SITE LAYOUT PLAN

SITE AREA = 0.16 Ha.

11.8

11.3

X-621960  
Y-923250

61

Shambr

**Job Title:** Marine view apartments  
Marine view  
West end  
Bundoran  
Co donegal

**Client:** Marine view apartments

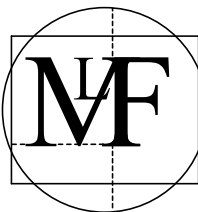
**Drawing Title:**  
Site Layout Plan

**Scale:**  
1:500

**Job No.**  
25XXX

**Date:**  
Nov. 2025.

**Drawing No.**  
02.



Michael Friel  
Architects & Surveyors Ltd  
Creeslough,  
Co. Donegal.  
Tel - 074 91 38814  
Mob - 087 2869658  
E-mail:  
michael@mfielarchitects.ie

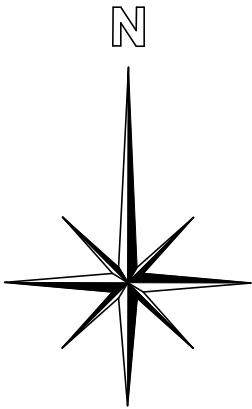


Planning Services

RECEIVED DATE: 18/11/2025

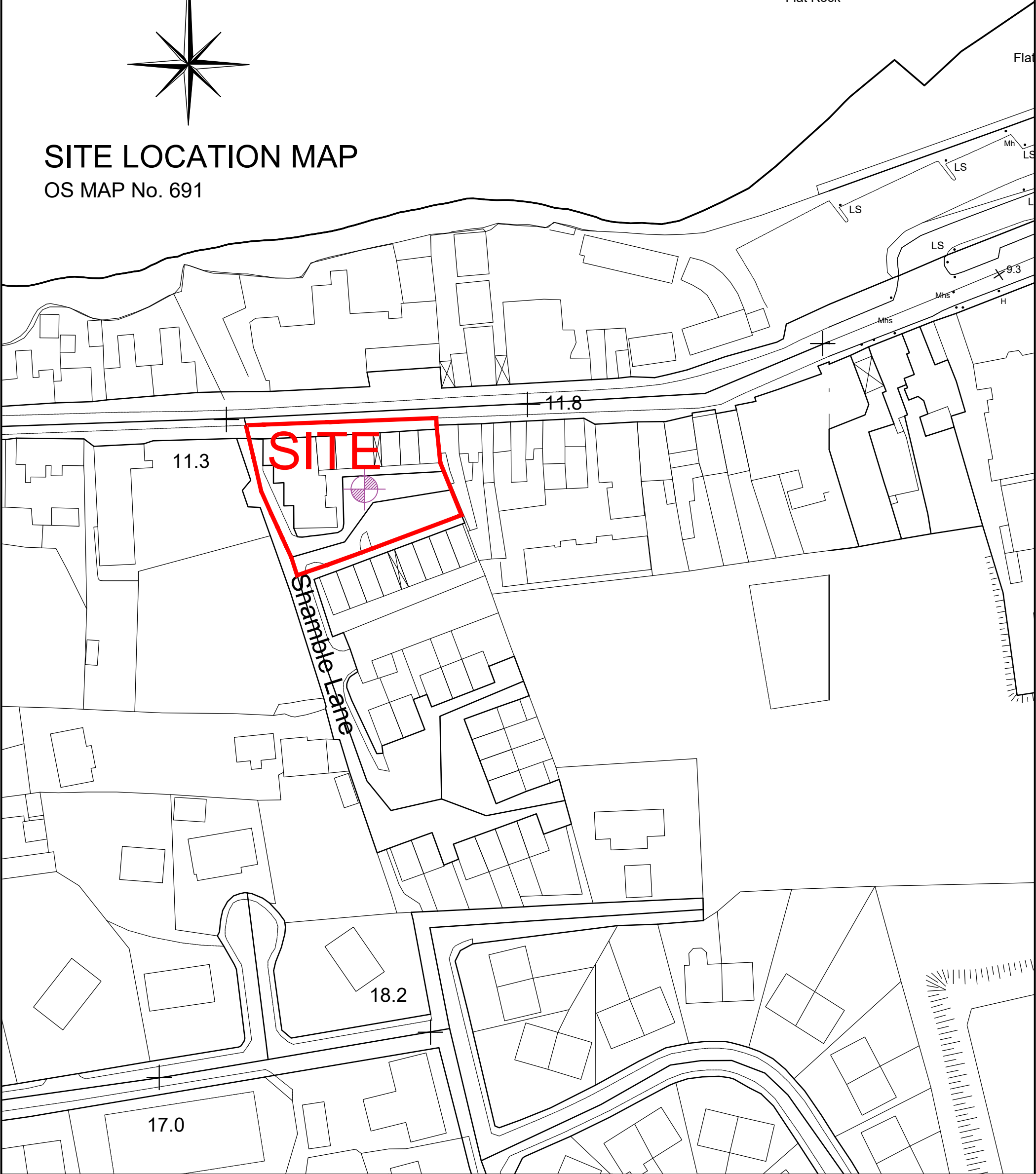
Flat Rock

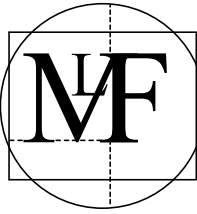
X-581435  
Y-858690

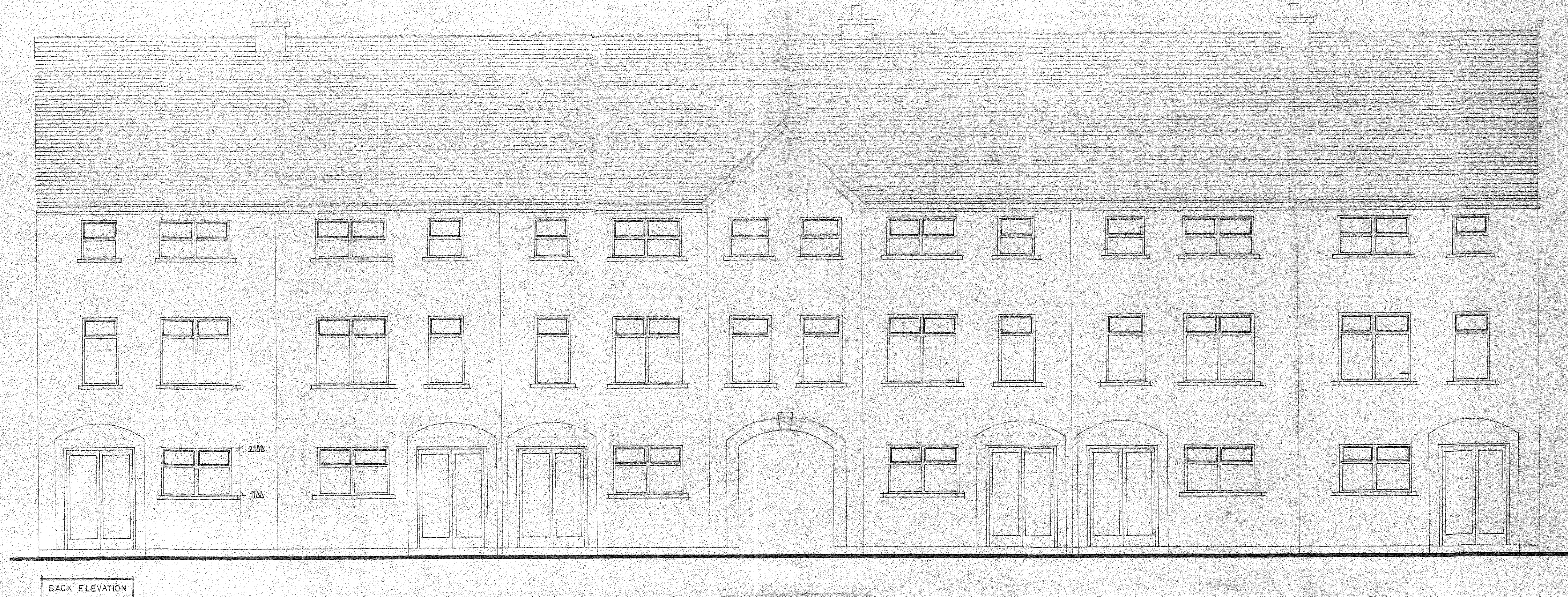


Flat Rock

SITE LOCATION MAP  
OS MAP No. 691



|                                                                                               |                                        |                            |                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------|----------------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Job Title:</b> Marine view apartments<br>Marine view<br>West end<br>Bundoran<br>Co donegal | <b>Drawing Title:</b><br>Site Location |                            | <br>Michael Friel<br>Architects & Surveyors Ltd<br>Creeshlough,<br>Co. Donegal.<br>Tel - 074 91 38814<br>Mob - 087 2869658<br>E-mail:<br>michael@mfielarchitects.ie |
|                                                                                               | <b>Scale:</b><br>1:2500                | <b>Date:</b><br>Nov. 2025. |                                                                                                                                                                                                                                                          |
| <b>Client:</b> Marine view apartments                                                         | <b>Job No.</b><br>25XXX                | <b>Drawing No.</b><br>02.  |                                                                                                                                                                                                                                                          |



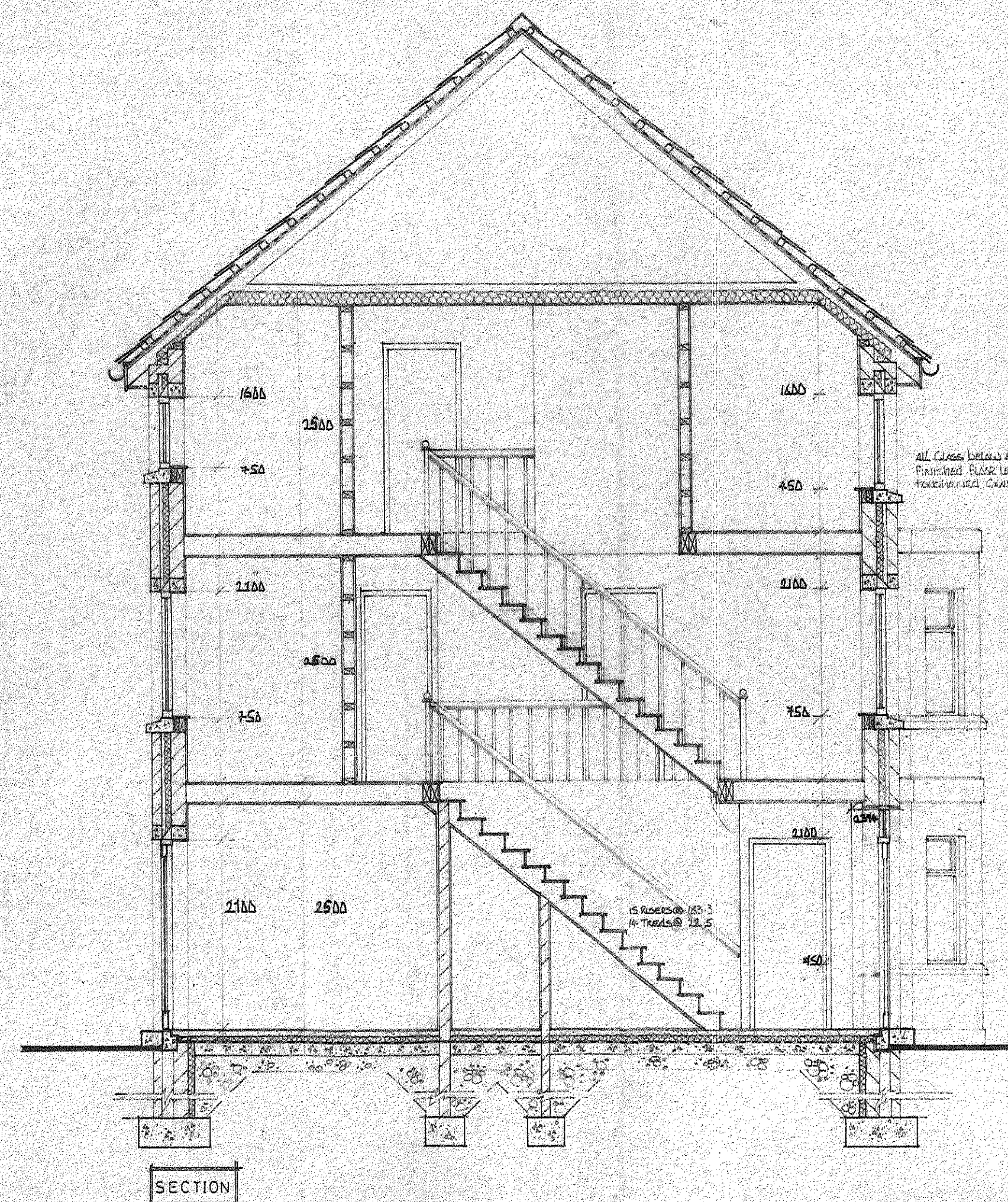
**CAVITY TRAY**  
TROCAL METAL FLASHING LAPPED  
OVER TROCAL TYPE S ROOFING  
SHEET ON FLEECE ON 19mm MARINE  
PLYWOOD ON FIRING PIECE ON  
150x38 mm TREATED SOFTWOOD  
JOIST WITH 150mm GLASS FIBRE  
INSULATION SUPPORTED ON  
STAINLESS STEEL JOIST HANGERS  
ON VAPOUR BARRIER WITH 12.5 mm  
PLASTER BOARD WITH SKIM COAT  
TO CEILING

215mm  
PRECAST CONCRETE  
LINSEAL

P.C.C. capping piece

TROCAL TYPE S ROOFING SHEET  
CARRIED OVER TROCAL METAL  
FLASHING ON FLEECE TO TOP OF  
CAVITY WALL  
45mm PREFORMED PLASTER  
MOULDING SUPPLIED AND FIXED BY  
SPECIALIST SUB CONTRACTOR  
15mm SAND CEMENT SMOOTH  
RENDER WITH WATER REPELLENT  
ADDITIVE  
100mm CONCRETE BLOCK OUTER LEAF  
40 mm AIR GAP 60 mm RIGID  
INSULATION 150 mm CONCRETE  
BLOCK INNER LEAF 150 mm PRE CAST  
CONCRETE LINTOLS PVC WINDOWS  
DPC 25mm INSULATION CONCRETE  
SILL BACKING

Section through Bay 1:10



**Foundations**

300mm deep by 1200mm wide concrete foundations  
with 6 no 12mm reinforcing bars foundation depth  
to be determined on site.

**Floor Construction**

75mm sand/cement screed on 38mm rigid extra  
polystyrene insulation on 1200 gauge DPM on  
150mm concrete slab with A252 mesh on blinding  
on 150mm deep well compacted hard core where  
deeper compact in layers of 225mm DPM to be  
lapped with DPC where these meet.

**Wall Construction**

20mm sand/cement render (with water proof agent)  
applied in 2 coats on 100mm blockwork outer leaf  
100mm cavity including 60mm rigid polystyrene  
insulation 150mm blockwork inner leaf 12mm  
sand/cement plaster & hardwall finish. Plaster  
bands around patio doors and entrance to  
coachman's ally way.

**Stud Wall Construction**

12.5mm plasterboard and skim on 75x50mm soft  
wood studs at 450 c/c horizontally and 900mm  
vertically.

**Separating walls**

all separating walls to be 215mm carried to  
underside of roof covering. All separating walls to be  
adequately fire stopped.

**First floor construction**

19mm t&g flooring on 50x225 Sc3 softwood joists at  
400 c/c 12.5mm plasterboard and skim to ceiling  
adequate bridging to be provided through floor.  
Double joist to be provided where stud wall runs  
parallel to joists. Noggins to be provided where stud  
walls run across joists 225 x 75mm trimmers.  
Precast slabs to be used over coachman's ally way.  
2 no Universal beams or insitu cast concrete beams  
over entrance to coachman's ally way.

**Roof Construction**

Blue/black non asbestos slates. PVC fascia and soffit.  
Truss rafters to be designed and manufactured by an  
approved company. 90mm rigid polystyrene  
(roofmate by Styrofoam) insulation to sloped ceiling  
& 150mm fibre quilt insulation to ceiling with  
12.5mm foil backed plasterboard and skim to  
underside.

Ceiling joist to attic to be 30x175 sc3 softwood joists  
at 600mm c/c fixed to sides of rafters. Fix 150 x  
44mm softwood straps from wallplate to wall of void  
to increase triangulation of roof member.

Fix 75x100 softwood treated wallplate with 30x5mm  
galvanised steel holding down straps at 2mm  
centres.

**External Doors**

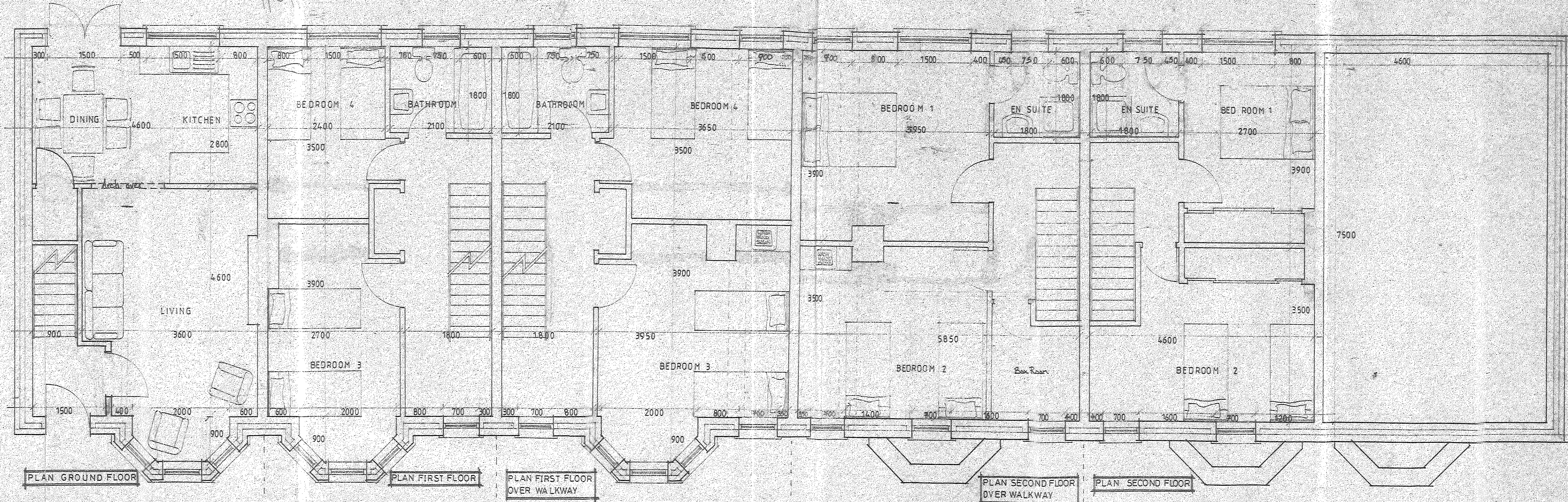
all external doors to be hardwood style agreed with  
client. Door to be fitted with 3 point locking system.  
Door to be fitted with draught strip and weather bar.  
All internal doors to be 6 panel pressed panel doors.

**Windows**

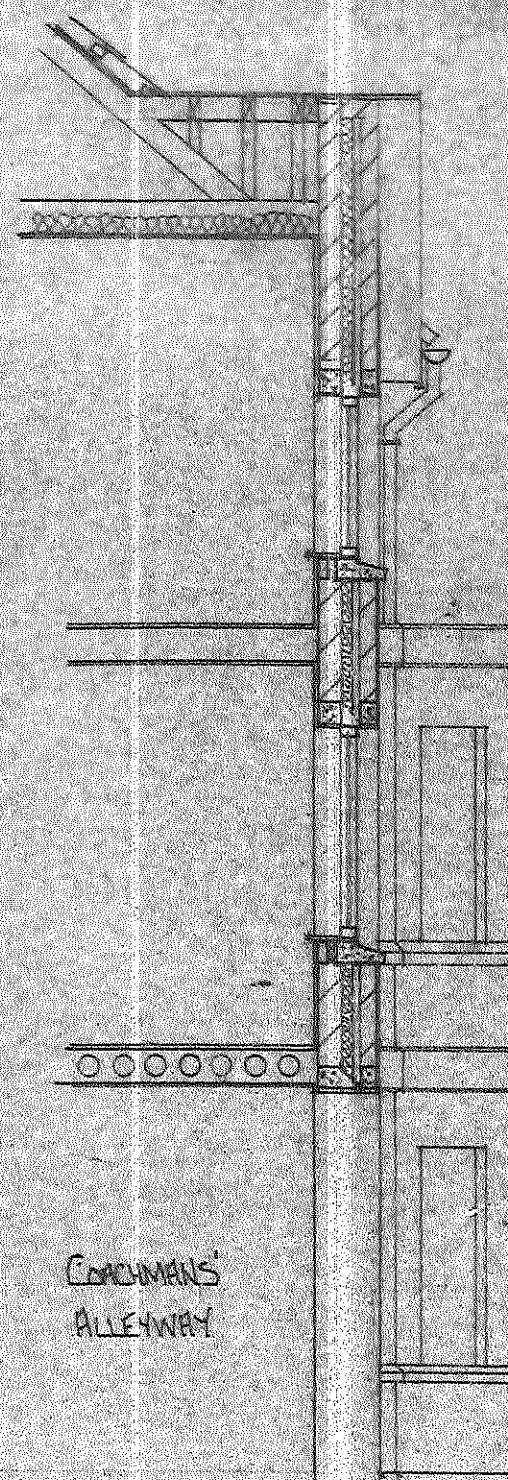
All windows to be fitted with suitable trickle vents  
giving 6000mm<sup>3</sup> / room ventilation in accordance  
with current building regulations.  
All windows to be double glazed. All windows to be  
PVC, openings as shown.

NOTE - Do not scale

|                                                                            |                                                                                                                                 |                                                                                |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| job title<br>HOLIDAY ACCOMMODATION<br>29 No. UNITS AT<br>WEST END BUNDORAN |                                                                                                                                 | client<br>MARINE VIEW DEVELOPMENTS                                             |
| scale<br>1:50                                                              | architect<br>JOHN F. O'DOHERTY & ASSOC.<br>architects planners<br>6 St. Mary's Road, Buncrana,<br>Co. Donegal. tel: (077) 62400 | title<br>HOUSE TYPE 1<br>BACK ELEVATION<br>SECTION<br>drawing number<br>246-03 |



FRONT ELEVATION



SECTION A-A 1:50  
A 16.11.98 SECTION A-A Added & Cuts  
B 16.11.98  
Amendments to be changed & dimensions added

NOTE — Do not scale

|                                                                           |                                                                                                                |                                                       |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| job title<br>HOLIDAY ACCOMMODATION<br>29 No. UNITS AT<br>WESTEND BUNDORAN |                                                                                                                | client<br>MARINE VIEW DEVELOPMENTS                    |
| scale<br>1:50                                                             | architect<br>JOHN F. O'DOHERTY & ASSOC.<br>architects planners<br>6 St. Mary's Road, Buncrana,<br>Co. Donegal. | title<br>HOUSE TYPE 1<br>PLANS AND<br>FRONT ELEVATION |
| date                                                                      |                                                                                                                | drawing number<br>24-6-02                             |
| drawn                                                                     |                                                                                                                | tel: (077) 62400                                      |



**Comhairle Contae  
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Donegal County Council

Áras an Chontae,  
Leifear,  
Contae Dhún na nGall, F93 Y622

County House,  
Lifford,  
County Donegal, F93 Y622

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**E:** info@donegalcoco.ie  
**W:** www.donegalcoco.ie  
**W:** www.ccdhunnangall.ie

**Planning Services**  
**E:** planning@donegalcoco.ie

E-mail: [Office@mfrielarchitects.ie](mailto:Office@mfrielarchitects.ie)

Our Ref: S525/104

19 November 2025

Marine View Partners Limited

**Re: Section 5 - The continued use of an existing residential property to provide accommodation for persons availing of International Protection. The Department of Justice intends to continue to utilize the property for the accommodation of International Protections Applicants. Location: Marine View Apartments, West End, Bundoran, F93 CX73**

A Chara,

I wish to acknowledge receipt of your application received on 19<sup>th</sup> November 2025 in relation to the above.

Yours sincerely,

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref.No: 25/104**

### **Donegal County Council**

#### **1.0 COMMENTS**

The subject site is an apartment block in Bundoran known as Marine View. It is stated that it is in use as accommodation for persons availing of international protection.

The proposed works constitute one element as follows:

1. Continued use of an existing residential property to provide accommodation for persons seeking international protection as provided for in S.I. No. 582/2015 Planning and Development Regulations 2015 – Class 14(H).

The existing building is not on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage. The entire site is within an area designated as Established Development in the Bundoran Area Plan 2024-2030 and is also within an area marked for regeneration. It is designated as High Scenic Amenity in the County Donegal Development Area Plan 2024-2030.

#### **2.0 EVALUATION**

In preparing the assessment for this reference, regard has been had to the following statutory provisions:

#### **3.0 Planning and Development Act, 2000 (as amended)**

##### **Section 2(1)**

In this Act, except where the context otherwise requires –

**"structure"** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

(a) where the context so admits, includes the land on, in or under which the structure is situate ...

**"works"** includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...

Section 3(1)

**"Development"** in this Act 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.

Section 177U(9)

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct screening for appropriate assessment in accordance with the provisions of this section".

Class 14

Development consisting of a change of use –

(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,

EXPLANATORY  
NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation).*

Class 14(h): Change of use of various forms of premises providing residential or overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation. This class of exempted development will assist in

implementing the Government's Irish Refugee Protection Programme (IRPP), which was established on 10 September 2015 in response to the migration crisis in central and southern Europe.

#### **4.0 ASSESSMENT**

##### **4.1 Consideration of Proposed Development:**

- (i) The applicant has made use of the explanatory note with reference to Class 14 (h) as a basis of the Section 5 application. This is clearly stated not to be part of the Regulations. Class 14 (h) provides for a change of use 'from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation.' The current use as an apartment block does not fall under Class 14 (h) and therefore the development is **NOT** exempted development.
- (ii) It is considered that the proposed works noted above constitute "development" within the meaning of the Act, being works.
- (iii) Appropriate assessment is not a consideration in the assessment of this referral.

##### **5.2 Conclusion:**

It is considered that:

- (i) Continued use of an existing residential property to provide accommodation for persons seeking international protection as provided for in S.I. No. 582/2015 Planning and Development Regulations 2015 – Class 14(h) constitutes "development" within the meaning of the Act, being works, but is not exempted development as the current use does not fall within those uses specified in Class 14 (h).

It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanála for determination.

#### **6.0 RECOMMENDATION**

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT  
THE SUBJECT MATTER OF THE REQUEST AS ABOVE -

**IS Development**

**&**

**IS NOT Exempted Development**

**WITHIN THE MEANING OF THE ABOVE ACT**

**The proposal to:**

Continue use of an existing residential property to provide accommodation for persons seeking international protection as provided for in S.I. No. 582/2015 Planning and Development Regulations 2015 – Class 14(h)

**The Planning Authority, in considering this referral, had regard particularly to:**

- (a) Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- (b) Article Class 14 (h) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended)

**And concluded that:**

The proposal is development but is not exempted development as the current use of the building does not fall within those uses specified in Class 14 (h) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).

**Signed:** 

**Position: Exec Planner**

**Date:** 02/12/2025.



---

Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services, 08/12/2025

**Chief Executive's Order No: 2025PH3575**

**Planning and Development Acts 2000 (as amended)**

**SECTION 5:-**

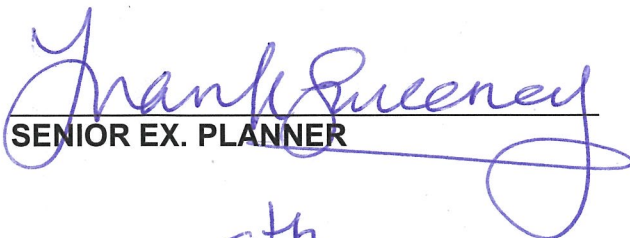
Request received 18<sup>th</sup> November 2025 from Marine View Partners Ltd C/o Michael Friel Architects & Surveyors Ltd, Creeslough, Letterkenny, Co. Donegal F92 TF60 in relation to the continued use of an existing residential property to provide accommodation for persons availing of International Protection at Marine View Apartments, West End, Bundoran, Co. Donegal.

**SUBMITTED:-**

Written request received 18<sup>th</sup> November 2025 as above and report dated 2<sup>nd</sup> December 2025 from the Executive Planner (Ref. No: S5 25/104 refers).

**ORDER:-**

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Coimisiún Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.

  
SENIOR EX. PLANNER

DATED THIS 8<sup>th</sup> DAY OF DECEMBER 2025

LME

**Chief Executive's Order No: 2025PH3575**

**Ref.No: S5 25/104**

**SCHEDULE**

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- Article Class 14 (h) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended)

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT**, as the current use of the building does not fall within those uses specified in Class 14 (h) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).

ys 08/12

***Planning and Development Acts, 2000 (as amended)***  
***(Declaration and Referral on Development and Exempted Development)***

**DECLARATION**

**Chief Executive's Order No:** 2025PH3575

**Reference No:** S525/104

**Name of Requester:** MARINE VIEW PARTNERS LTD  
C/O MICHAEL FRIEL ARCHITECTS & SURVEYOR LTD  
CREESLOUGH  
LETTERKENNY  
CO. DONEGAL  
F92 TF60

**Summarised Description of development the subject matter of request:**

The continued use of an existing residential property to provide accommodation for persons availing of International Protection

**Location:** Marine View Apartments, West End, Bundoran, Co. Donegal.

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- Article Class 14 (h) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended)

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT**, as the current use of the building does not fall within those uses specified in Class 14 (h) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).



**For Senior Ex. Planner**  
**Planning Services**

**Dated this 8<sup>th</sup> day of December 2025**



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**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

**Ref. No:** S525/104

8<sup>th</sup> December 2025

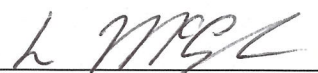
MARINE VIEW PARTNERS LIMITED  
C/O MICHAEL FRIEL ARCHITECTS & SURVEYOR LTD  
CREESLOUGH  
LETTERKENNY  
CO. DONEGAL  
F92 TF60

**Re: The continued use of an existing residential property to provide accommodation for persons availing of Internation Protection at Marine View Apartments, West End, Bundoran, Co. Donegal.**

A Chara,

I refer to your request received on 18<sup>th</sup> November 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a Declaration for review by the Coimisiún within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

  
\_\_\_\_\_  
**For Senior Planner**  
**Planning Services**  
/jmcc