



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

Name of Applicant(s):	
Agent Name: (if applicable)	
Location of Proposed Development / Works:	
(Townland or postal address as appropriate and Eircode if available)	
Description of Proposed Development in (Only works listed below will be assessed to	ncluding details of works (where applicable): under this section 5 application)

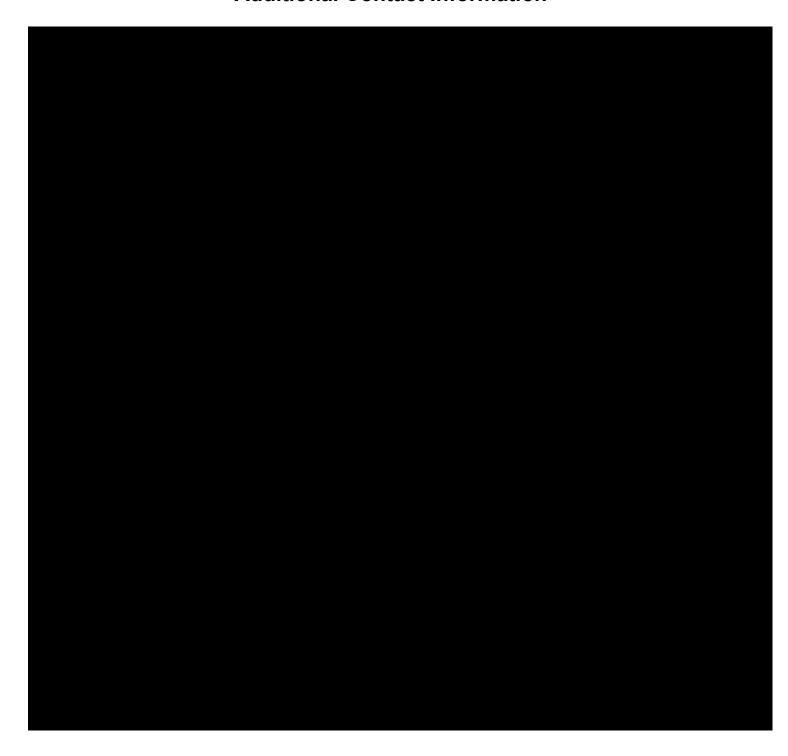


Is the development a Protected	Yes	No	
Structure or within the curtilage of a Protected Structure?			
Has a declaration under Section 57 of	Yes	No	
the Planning and Development Act			
2000 (as amended) been requested or			
issued in respect of the property.			
Applicant(s) Interest in the site:			
If not the Owner of the site, please			
provide the name of the Landowner:			
Please list types of plans, drawings			
etc. submitted with this application:			
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:			
I hereby certify that the information provided is true and accurate			

I hereby certify that the information provided is true and accurate			
Signature of Applicant/Agent:			
Date:			




Additional Contact Information




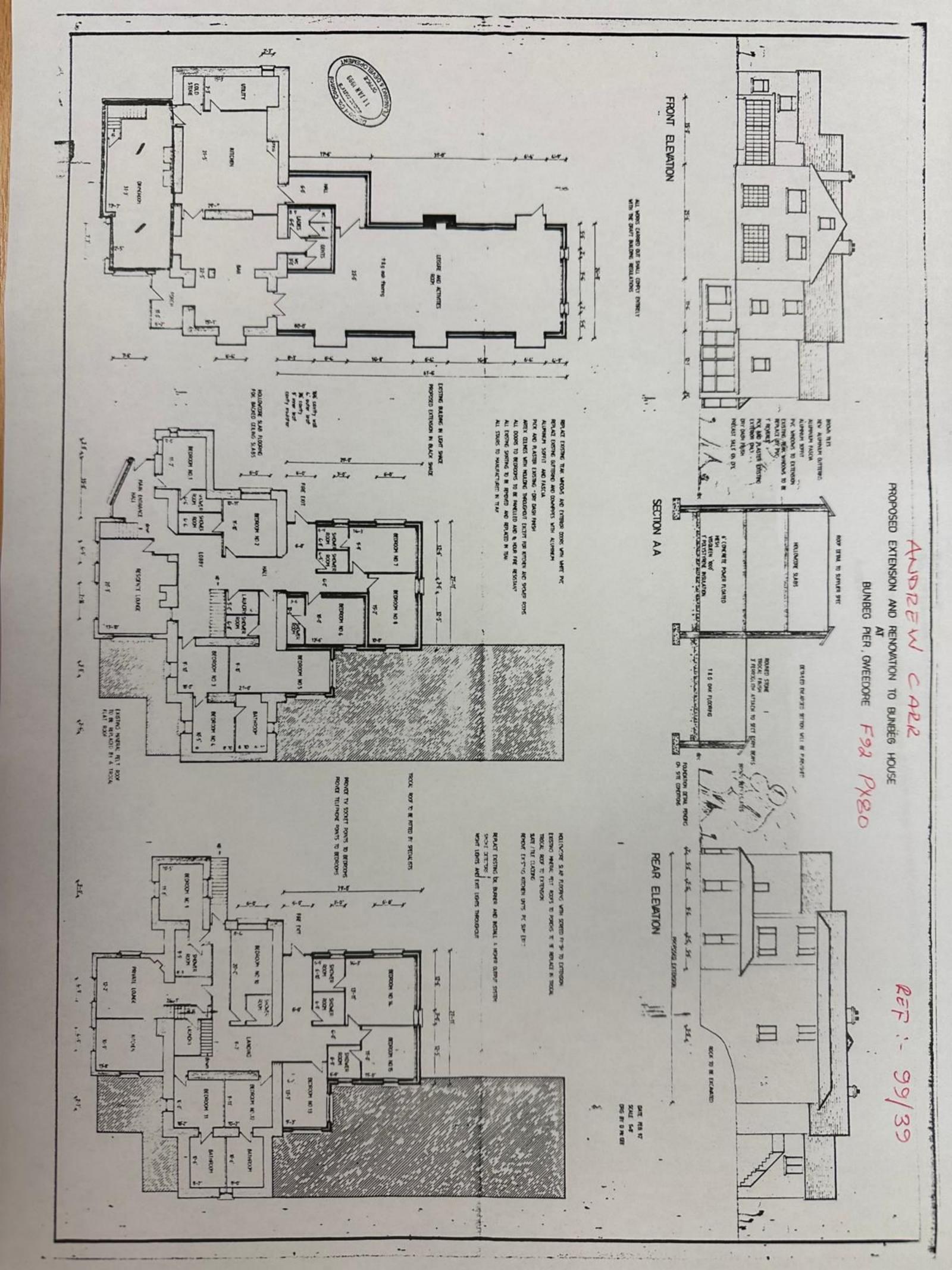


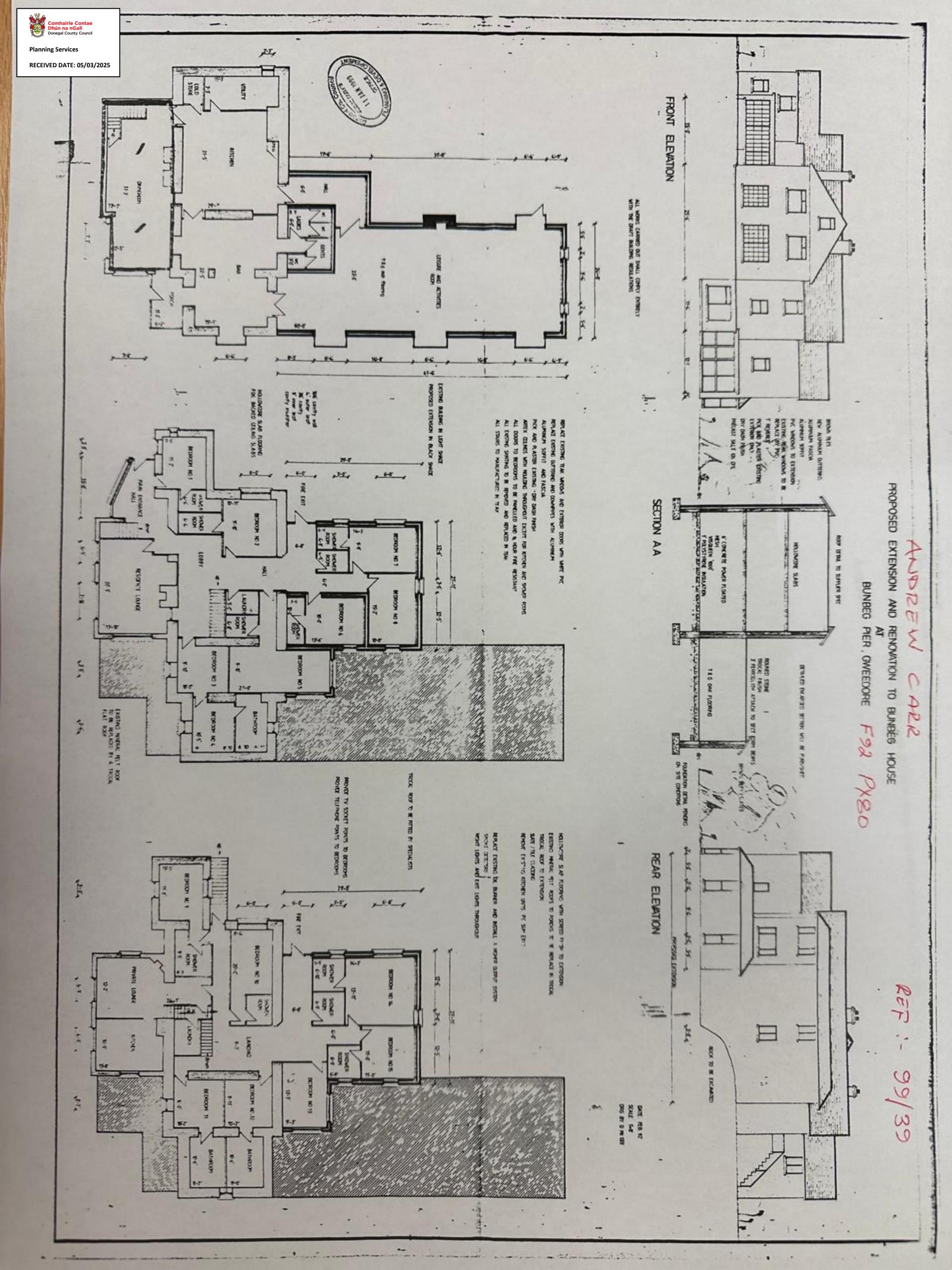
Advice to Applicant

- (a) **Prescribed Fee** €80.00 You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
 - **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
 - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
 - **Elevations** (if applicable) (plans, elevations and sections drawn to a scale of not less than **1:200**).
 - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to planning@donegalcoco.ie
- (d) More information on exempted development can be found on the OPR planning leaflets available at https://www.opr.ie/planning-leaflets/









Chief Executive's Order No: 2025PH1099

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 5th March 2025 (FIC 7th April 2025) from

Andrew Carr,

in relation to the conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY at Bunbeg House, Bunbeg, Co. Donegal F92 PX80.

SUBMITTED:-

Written request received 5th March 2025 (FIC 7th April 2025) as above and report dated 16th April 2025 from the Assistant

Planner (Ref. No: S5 25/28 refers).

ORDER:-

Having considered the said request, the report of the Assistant Planner, and the record forwarded to the Council by An Bord 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.

SEMOR EX. PLANNER

DATED THIS 25 DAY OF APRIL 2025

Chief Executive's Order No: 2025PH1099

Ref.No: S5 25/28

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, 4 and 177U of the Planning and Development Act, 2000 (as amended), and.
- Articles 6(3), 9(1), Article 10(6)(d)(xii) and Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposed development **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Article 10(6)(d)(xii), or Class 14(h) of Part 1 of Schedule 2, of the Planning and Development Regulations 2001 (as amended).

y525/04

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

DECLARATION

Chief Executive's Order No: 2025PH1099

Reference No: S525/28

Name of Requester: Andrew Carr



Summarised Description of development the subject matter of request:

The conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY.

Location: Bunbeg House, Bunbeg, Co. Donegal F92 PX80.

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, 4 and 177U of the Planning and Development Act, 2000 (as amended), and,
- Articles 6(3), 9(1), Article 10(6)(d)(xii) and Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

The proposed development **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Article 10(6)(d)(xii), or Class 14(h) of Part 1 of Schedule 2, of the Planning and Development Regulations 2001 (as amended).

For Senior Ex. Planner Planning Services

Dated this 25th day of April 2025



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County House, Lifford, County Donegal, F93 Y622 T: 074 91 53900
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W: www.donegalcoco.ie

W: www.ccdhunnangall.ie

Planning Services

E: planning@donegalcoco.ie

Ref. No: S525/28

25th April 2025



Re: The conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY at Bunbeg House, Bunbeg, Co. Donegal F92 PX80.

A Chara,

I refer to your request received on 5th March 2025 (FIC 7th April 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 Bord Pleanala of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

For Senior Ex. Planner Planning Services

/jmcc

From: <u>CARMEL KELLY</u> on behalf of <u>planning mailbox</u>

To: <u>TERESA CONWAY</u>

 Subject:
 Ref.no: S525/28 - FI response

 Date:
 07 April 2025 11:43:38

Attachments: Room Configurations - Sheet1 (2).pdf

From: Andrew Carr

Sent: 07 April 2025 11:27

To: planning mailbox <Planning@Donegalcoco.ie>

Subject: For The Attention of - Lorna Ramsey Ref.no: S525/28

You don't often get email from a

. Learn why this is important

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

Hi Lorna,

I missed your call on Friday. I tried calling you back just now, but you were unavailable. Feel free to call me back anytime this week. Below is the missing information you requested -

- 1. Details of proposed number of occupants per bedroom See attached
- 2. Details of the existing wastewater treatment system Septic tank with secondary chamber and overflow into a stone area. It was built in accordance with the planning of the building to accommodate all bedrooms, as well as a restaurant and bar.

Best,

Andrew

Comhairle Contae			
Planning Services RECEIVED DATE: 07/04/2025	Bed Type: Double, Single, Bunk, Zip & Lock	Occupancy Max	Sixe (m2)
Room No			
ROOM 1	1 X DOUBLE, 2 X SINGLE	4	33
ROOM 2	1 X DOUBLE	1	16.2
ROOM 3	1 X DOUBLE	1	10.2
ROOM 4	1 X DOUBLE	1	10.2
ROOM 5	1 X DOUBLE	4	38
ROOM 6	1 X DOUBLE	2	18.2
ROOM 7	1 X DOUBLE	2	18.2
ROOM 8	1 X DOUBLE	2	18.2
ROOM 9	1 X DOUBLE	2	16.2
ROOM 10	1 X DOUBLE	2	16.1
ROOM 11	1 X DOUBLE, 1 Single	4	20
ROOM 12	1 X DOUBLE	2	19
ROOM 13	1 X DOUBLE, 1 X SINGLE	2	19
ROOM 14	1 X DOUBLE	2	22
ROOM 15	1 DOUBLE, 2 X SINGLE	2	16.1
ROOM 16	1 DOUBLE, 2 X SINGLE	2	16.1
ROOM 17	2 X DOUBLE, 1 X SINGLE	4	19.2
ROOM 18	2 X SINGLE	4	19.2
ROOM 19	1 X DOUBLE, 1 X SINGLE	4	18.5

ROOM 20	1 DOUBLE, 2 X SINGLE	4	22
		51	

Donegal County Council

SECTION 5 REFERRAL REPORT - Ref. No: S5 25/28

1.0 BACKGROUND

1.1 Location:

The subject site is located at Bunbeg House, Bunbeg, Co. Donegal. F92 PX80.



1.2 Site Description:

The site is located at Bunbeg Harbour and consists of a part three-storey high building.

Planning History

- 92/404 Retention of building for use as guest house and conversion of stores to rear of building for accommodation and extension to same. Granted in 1992 subject to conditions.
- 99/39 Retention of restaurant. Granted in 1999 subject to conditions.

2.0. THE QUESTION

The applicant, Andrew Carr, has made a submission to Donegal County Council seeking a Declaration of Exemption as to whether or not the following is exempt from planning permission:

Conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY.

3.0 **EVALUATION**

3.1 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".

3.2 Planning & Development Regulations 2001 (as amended):

Class 14(h) of Schedule 2, Part 1

Permits 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, or part thereof... to use as accommodation for protected persons."

- Protected persons are defined under the International Protection Act 2015.
- Conditions of exemption include:
 - Compliance with the definition and purpose of "protected persons."
 - o No contravention of planning conditions or zoning regulations.

3.0 ASSESSMENT

3.1 Consideration of Proposed Development

1. Existing Use:

o The property has most recently operated as a guest house/small hotel.

2. Proposed Use:

Accommodation centre for individuals seeking international temporary protection under DCEDIY

 Protected persons are defined in Section 2(1) of the International Protection Act 2015.

3. Analysis of Development:

o Planning permission was granted in 1992 (Ref.92/404) for Retention of building for use as guest house and conversion of stores to rear of building for accommodation and extension to same. The property appears to have operated as a guest house until very recently. The drawings approved under ref.92/404 demonstrate 20 bedrooms within the guesthouse and it is noted that condition 2 of the permission required the existing septic tank to be removed and replaced with a new tank- it is not clear if this was carried out. No information has been provided on the number of persons expected to occupy each bedroom and as such it is not possible to determine whether the existing wastewater treatment system has sufficient capacity to accommodate the loadings associated with the proposed use. As such, **FI recommended.**

o 4. Compliance with Class 14(h) conditions:

- The proposal aligns with Class 14(h), as the site is already a permitted guesthouse.
- The use as accommodation for protected persons does not conflict with local zoning or planning policy.

3.2 Appropriate Assessment

As the development constitutes a change of use without physical works, there
is no requirement for an Appropriate Assessment under Section 177U(9) of the
Planning and Development Act 2000 (as amended).

3.3 Environmental Impact Assessment (EIA)

 No significant environmental impacts arise from this proposed change of use, and the development is not within a class of projects requiring EIA under Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 (as amended).

4.0 Recommendation

In order to adequately assess the proposal, it is considered that further information be requested in accordance with Section 5(2)(b) of the Planning & Development Act, 2000 (as amended) as follows:

Schedule of Further Information

- 1. Applicant to submit details of the proposed number of occupants per bedroom.
- 2. Applicant to submit details of the existing wastewater treatment system and confirm that it has capacity for the proposed number of occupants and is functioning in accordance with Environmental Protection Agency guidelines.

Executive Planner

Lan lay

28/03/2025

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Frank Sweeney Senior Executive Planner Community Development & Planning Services 01/04/2025

SECTION 5 REFERRAL REPORT – Ref. No: S25/28 Further information response

1.0 THE QUESTION

- 1.1 The applicant, Andrew Carr, has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:
 - Conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY.

2.0 Assessment To Date

2.1 For initial preamble see Planner's FI report on file dated 28/03/2025.

3.0 Further Information Request

- 3.1 Further information was requested for the following:
 - 1. Applicant to submit details of the proposed number of occupants per bedroom.
 - 2. Applicant to submit details of the existing wastewater treatment system and confirm that it has capacity for the proposed number of occupants and is functioning in accordance with Environmental Protection Agency guidelines.

4.0 Further Assessment

- 4.1 Further information response was received on 07/04/2025:
 - 1. Details of the proposed number of occupants per bedroom. The applicant has submitted a detailed document highlighting the number of rooms and corresponding bed type, along with occupancy numbers per room. The total number of proposed occupants is 51.
 - 2. The applicant has indicated the existing wastewater treatment system was upgraded in accordance with planning permission granted under planning ref. no. 92/404. The further information details have failed to confirm the details and capacity of the existing wastewater treatment system and has failed to confirm it is operating in accordance with EPA guidelines. In relation to change of use from guest house/hotel Article 10(6)(d)(xii) of the Regulations requires that "no development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice Wastewater Treatment and Disposal System serving single houses into which any amendment to that Code or any replacement for it." As the requestor has not demonstrated that the WWTS is adequate to cater for the

wastewater associated with the proposed 51 residents on a fulltime basis the planning authority considers the development can not avail of the exemptions under Class 14(h) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).

5.0 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

Conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY.

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

- (a) Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- (b) Articles 6(3), 9(1), Article 10(6)(d)(xii) and Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

and concluded that:

The proposed development IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT as it does not fall within the scope of Article 10(6)(d)(xii), or Class 14(h) of Part 1 of Schedule 2, of the Planning and Development Regulations 2001 (as amended).

A Bradley

Assistant Planner 16/04/2025.

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Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
16/04/2025

Chief Executive's Order No: 2025PH0833

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 5th March, 2025 from Andrew Carr, in relation to the conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY at Bunbeg House, Bunbeg, Co. Donegal. F92 PX80.

SUBMITTED:-

Written request received 5th March, 2025 as above and report dated 28th March, 2025 from the Executive Planner (Ref. No: S525/28 refers) recommending that further information be sought in accordance with Section 5 (2) (b) of the Planning & Development Act 2000 (as amended).

ORDER:-

Recommendation approved. Having considered the said request and the report of the Executive Planner dated 28th March, 2025, I hereby order, pursuant to Section 5 (2) (b) of the Planning & Development Act 2000 (as amended) that a request for further information be sought from the requester and the developer to submit the information/documents stipulated in the Schedule to this Order.

SENIOR EXECUTIVE PLANNER

DATED THIS

DAY OF APRIL 2025



Ref. No: S525/28- Chief Exective's Order No: 2025PH00833

- 1. Applicant to submit details of the proposed number of occupants per bedroom.
- 2. Applicant to submit details of the existing wastewater treatment system and confirm that it has capacity for the proposed number of occupants and is functioning in accordance with Environmental Protection Agency guidelines.

01/04



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Planning Services

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Ref.No: S525/28

1st April, 2025

Andrew Carr

F94 P2C7

Re: Conversion of existing guesthouse/hotel for use as accommodation centre for individuals seeking international temporary protection under DCEDIY at Bunbeg House, Bunbeg, Co. Donegal. F92 PX80.

A Chara

I refer to your request received 5th March, 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Pursuant to Section 5 (2) (b) of the Planning & Development Act 2000 (as amended) you are hereby requested to submit the information/documents stipulated on the attached Schedule.

Mise le meas

for Senior Ex. Planner Planning Services

/mp

Ref. No: S525/28- Chief Exective's Order No: 2025PH00833

- 1. Applicant to submit details of the proposed number of occupants per bedroom.
- 2. Applicant to submit details of the existing wastewater treatment system and confirm that it has capacity for the proposed number of occupants and is functioning in accordance with Environmental Protection Agency guidelines.