Dáire Littleton Caden

From: Planning Emails <planning@sligococo.ie>
Sent: Dé hAoine 26 Meitheamh 2026 17:27
To: Dáire Littleton Caden
Cc: Planning Emails
Subject: RE: section 5 referral

> **Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Hi Daire,

Please note the following:

1. 15th May, 2026
2. "Whether the use of the guesthouse permitted under Reg. Ref. PL. 14167 at Eagle Heights B&B, Muckduff, Enniscrone, Co. Sligo F26V020 to provide accommodation for international protection applicants, is or is not development and whether development constitutes exempt development or does not constitute exempt development?"
3. 2nd June, 2026
4. Rupopado Limited, c/o Hughes Planning & Development Consultants, 85 Merrion Square, Dublin 2

Regards,

Fidelma Loughlin
Planning Section
Sráid na Céibhe, Shligigh, F91 PP44
Quay Street, Sligo

+353-71-9114458
floughlin@sligococo.ie
sligococo.ie | sligo.ie

Sligo County Council
Comhairle Chontae Shligigh
Sligo.

From: Dáire Littleton Caden <daire.littletoncaden@pleanala.ie>
Sent: Friday 26 June 2026 17:18
To: Planning Emails <planning@sligococo.ie>
Subject: section 5 referral

A chara,

A Referral under section 5 of the Planning and Development Act, 2000 (as amended) was received on **26th June 2026** in relation to your ref **ED652**

Can you please confirm the following as applicable?;

1. The date the question/request for declaration under Section 5 was submitted to the planning authority.
2. The q uesfon put to the planning authority
3. The date the declaration was issued / due to be issued, by the planning authority
4. The names and addresses of the owners of the land and occupier and their agent (if any) if different, and any other parties involved in the case .

Many thanks,

Daire Littleton Caden
Processing
Ext: 7115

Dáire Littleton Caden
Executive Officer
Processing Section
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902
Teil: 01-873-7115

Má fhaigheann tú an ríomhphost seo lasmuigh de na gnáthuaireanta oibre, ní bheidh mé ag súil le freagra ná gníomh lasmuigh de d'uaireanta oibre féin.

If you receive this email outside of normal working hours, I do not expect a response or action outside of your own working hours

Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil.

Please consider the environment before printing this mail.

Fógra Rúin: Tá an ríomhphost seo agus aon chomhaid atá nasctha leis faoi rún agus dírithe amháin don seolaí. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bainisteoir an chórais.

Tabhair faoi deara led thoil: aon tuairimí nochtaithe san ríomhphost seo is iad tuairimí an tseoltóra féin agus níl sé intuigthe gurb iad tuairimí An Coimisiún Pleanála nó go gcloíonn siad le polasaithe ráite An Coimisiún.

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Please Note: any views expressed in this email are those of the individual sender and may not necessarily reflect the views or accord with the stated policies of An Coimisiún Pleanála.

Validation Checklist

Lodgement Number : **LDG-088682-26**
Case Number: **ACP-324408-26**
Customer: **Rupopado Limited**
Lodgement Date: **26/06/2026 14:21:00**
Validation Officer: **Dáire Littleton Caden**
PA Name: **Sligo County Council**
PA Reg Ref: **ED652**
Case Type: **Section 5 Referrals**
Lodgement Type: **Referral**

An Coimisiún Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm PA Case Link	Confirmed-Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Yes
Subject Matter available	Yes
Question	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

Section 5 referral

BPRL01

BPRL07

Blue file cover

Scan referral to J drive

Run at: 30/06/2026 09:47

Run by: Dáire Littleton Caden

Lodgement Cover Sheet - LDG-088682-26

Section 5 Referral

An Coimisiún Pleanála

Details

OD-023113-26

Lodgement Date	26/06/2026
Customer	Rupopado Limited
Lodgement Channel	In Person
Lodgement by Agent	Yes
Agent Name	Hughes Planning & Development Consultants
Correspondence Primarily Sent to	Agent
Registered Post Reference	

Lodgement ID	LDG-088682-26
Map ID	
Created By	Seán Young
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Appeal
Section	Processing

PA Name	Sligo County Council
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	220.00
Refund Amount	

Observation/Objection Allowed?	
Payment	PMT-070574-26
Related Payment Details Record	PD-070403-26

BPRL01
BPRL07

Appeal

PA notified 26/06/26

Run at: 26/06/2026 14:28
Run by: Seán Young

ACP-324408-26

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Lodgement Deadline	
Development Description	
Development Address	

Appeals Type	

Run at: 26/06/2026 14:28

Run by: Seán Young

HUGHES PLANNING
& DEVELOPMENT CONSULTANTS



AN COIMISIÚN PLEANÁLA
LDG- 088682-26
ACP-
26 JUN 2026
Fee: € 220 Type: Cheque
Time: 14.18 By: hand

PLANNING REPORT

SECTION 5 REFERRAL – DECLARATION OF EXEMPTED DEVELOPMENT

THE ACCOMMODATION OF PERSONS SEEKING INTERNATIONAL PROTECTION AT EAGLE HEIGHTS B&B, MACKDUFF, ENNISCRONE, CO. SLIGO, KF26 V020

SLIGO COUNTY COU NCIL

PREPARED IN JUNE 2026 ON BEHALF OF:

Rupopado Limited
6 Hatch Street Lower,
Saint Kevins,
Co. Dublin,
D02 CT96

85 Merrion Square, Dublin 2. D02 FX60
(353 (0)1 539 0710
info@hpdc.ie
www.hpdc.ie

1.0 Introduction

This referral to An Coimisiún Pleanála, pursuant to Section 5(3)(a) of the Planning and Development Act 2000 (as amended), has been prepared by Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, on behalf of Rupopado Limited, 6 Hatch Street Lower, Saint Kevins, Co. Dublin, D02 CT96 and relates to a Section 5 Declaration submitted to Sligo County Council under Reg. Ref. ED 652, regarding the use of Eagle Heights B&B, Mackduff, Enniscrone, Co. Sligo, KF26 V020

We request that An Coimisiún Pleanála review the Section 5 Declaration issued by Sligo County Council and make a determination with regard to the following question:

> ***"Whether the use of the guesthouse permitted under Reg. Ref. PL.14167 at Eagle Heights B&B, Muckduff, Enniscrone, Co. Sligo F26V020 to provide accommodation for international protection applicants, is or is not development and whether development constitutes exempt development or does not constitute exempt development?"***

The proposed use, which is the subject of this Section 5 Referral is the use of the property to accommodate persons seeking international protection. It is important to note from the outset that no works are being sought as part of this declaration, and this Section 5 Referral relates to the use of the building only.

The prescribed fee of **€220.00** is enclosed, along with a copy of the receipt of the Section 5 Application, issued by Sligo County Council. This report sets out the rationale for the proposed use. We request that An Coimisiún Pleanála issue a declaration stating that the use of Eagle Heights B&B to accommodate persons seeking international protection does not constitute development.

1.1 Section 5 Application to Sligo County Council

On 2nd June 2026, Sligo County Council refused a declaration of exemption which the proposed use of Eagle Heights B&B to provide accommodation to displaced persons or persons seeking international protection under Reg. Ref. ED 652 (See Appendix A).

The Planning Authority determined that the proposed use of the site is development and is NOT exempted development, stating:

> *'In having regard to the development description permitted under PL PL14167 which stated "dwelling and associated guest accommodation" and given the small scale of the guest accommodation provided on site, it is considered that the primary use of the structure on site is as a dwelling and that the guest accommodation is ancillary to the use as a dwelling. Class 14(h) lists the uses that can be changed to accommodate or support displaced persons or persons seeking international protection. This list does not include residential or dwelling. No other provisions would exempt the use of a dwelling on a temporary or permanent basis for persons seeking international protection.'*

From the outset, it is submitted that planning permission was granted 24th April 1986 for the use as a guesthouse (refer to Appendix B). Whilst it is submitted that the entirety of the property can avail of Class 14(h), given the commentary above and the history of the site, it is considered that at least a portion of the property undoubtably avails of the exemption, as Sligo County Council themselves state that the permitted use of the site is 'dwelling and associated guesthouse accommodation'. The Section 5 referral report will assess the proposed use in the context of the Planning and Development Act 2000 (as amended) and relevant case law.

1.2 Summary of Grounds for Referral

The applicant's grounds for referral can be summarised by the following points:

1. **Proposed Use is Exempted:** The site has been an authorised guesthouse for the past 40 years (as permitted under Reg. Ref. PL.14167) and therefore can avail of Class 14(h) contained within the Planning and Development Regulations 2001 – 2024 Schedule 2,

Article 6, Part 1, for a change of use from guesthouse to accommodation for persons seeking international protection.

2.0 Site Description

The subject site relates to Eagle Heights B&B, located just South of Enniscrone Town. The site accommodates a two-storey, gable-roofed structure positioned along the R297 Road providing accessibility to Enniscrone Village. Due to its accessible location, the site benefits from efficient access to Sligo Town and a 15-min drive to Ballina Town in Co. Mayo. This allows the subject site excellent access route to a large range of service such as grocery stores, shopping centres, pharmacies, restaurants, public facilities and further amenities.



Figure 1.0 Streetview image of Eagle Heights B&B

The site is bounded by greenfield surrounding the site, and to the north, within a 3-mins car and 7- min walk is Enniscrone Beach. To the east, Bellawaddy River runs southernly and to the west, the site is amongst further detached residential developments. The site boundaries are defined by Greenfields and vegetation, with a concrete wall providing physical and visual separation from the public road along the site edge. Vehicular access is provided directly by the R297 to the west of the site. The site furthermore provides spaces for a multi-vehicular off-streetcar parking.

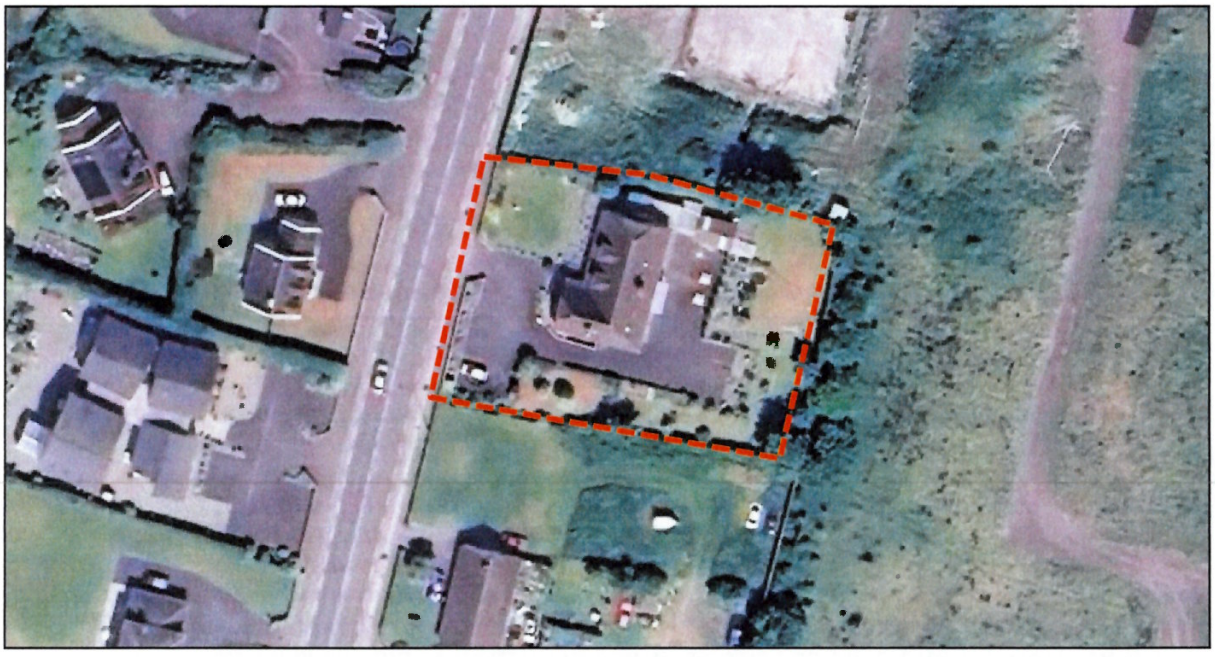


Figure 2.0 Aerial image of the subject site, outlined red.



Figure 3.0 Aerial view of the subject site in its wider locational context (subject site indicated by red star).

The site benefits from strong accessibility by a main access road. It is located along the R297 and approximately 300 metres from Main Street. The R297 connects southward to the N59, facilitating regional and national connectivity from Sligo through to Ballina Co. Mayo extending southernly to Galway City. In terms of public transport, the subject site is serviced by bus route 458 connecting Enniscrone to Ballina by Bus Eireann service. Enniscrone Golf Club, a popular golf course, is located 650m west of the subject site.

3.0 Planning History

A review of the Sligo County Council planning register revealed the following planning applications and Section 5 applications pertaining to the subject site.

Whilst it does not appear in the online planning register, it is noted that the client has the original decision notice dated 13th March 1986 illustrating that Sligo County Council granted permission for guest accommodation at the subject site under **Reg. Ref. PL.14167** which is enclosed with this referral (Appendix B).

Ref. ED 638 Sligo County Council refused a Section 5 Declaration on 10th April 2026 where the question before the Planning Authority was '*Whether the change of use of Eagle Heights B & B to provide accommodation for persons seeking international protection constitutes exempted development or does not constitute exempted development?*'

We note the Chief Executive's Order pertaining to the above Section 5 Application states:

> *'An examination of the planning history of the existing structure indicates that there are no records of planning permission for the use of the structure for anything other than a dwelling. Class 14(h) lists the uses that can be changed to accommodate or support displaced persons or persons seeking international protection. This list does not include residential or dwelling. No other provisions would exempt the use of a dwelling on a temporary or permanent basis for persons seeking international protection.'*

In response to the above, a subsequent Section 5 Application, as outlined below, was submitted to Sligo County Council. While regard may be had to the decision in the *Narconon Trust v An Bord Pleanála* matter, it is emphasised that the current Section 5 for which this referral relates raises a distinct planning question arising from the factual context of the subject development where the subject property is in fact a permitted guesthouse. Accordingly, it is submitted that the matter falls to be assessed on its own merits having regard to the particular facts and circumstances presented herein.

Ref. ED 652 Sligo County Council refused a Section 5 Declaration on 2nd June 2026 where the question before the Planning Authority was *'Whether the use of the guesthouse permitted under PL14167 at Eagle Heights B & B to provide accommodation for persons seeking international protection applicants, is or is not development and whether development constitutes exempted development or does not constitute exempted development?'*

We note the Chief Executive's Order pertaining to the above Section 5 Application states:

> *'In having regard to the development description permitted under PL PL14167 which stated "dwelling and associated guest accommodation" and given the small scale of the guest accommodation provided on site, it is considered that the primary use of the structure on site is as a dwelling and that the guest accommodation is ancillary to the use as a dwelling. Class 14(h) lists the uses that can be changed to accommodate or support displaced persons or persons seeking international protection. This list does not include residential or dwelling. No other provisions would exempt the use of a dwelling on a temporary or permanent basis for persons seeking international protection.'*

This Section 5 Referral negates the opinion of the Planning Authority that the site is solely a residential dwelling and cannot avail of Class 14(h), as the building is an authorised guesthouse and has been for the past 40 years, per the decision granted on 13th March 1986 under Reg. Ref. PL.14167 (Appendix B). Again, we note that at least a potion of the building undoubtably avails of the exemption given that the permitted use is 'dwelling and associated guest accommodation'.

4.0 Planning & Legislative Context

4.1 Basis of exemption for Proposed Change of Use

In respect of the legislative provisions, we refer to Class 14(h) contained within the Planning and Development Regulations 2001 – 2024 Schedule 2, Article 6, Part 1. We note that Class 14(h) is contained within of S.I. No. 582 of 2015 of the Planning and Development (Amendment) (No. 4) Regulations 2015. We refer to the provisions of exempted development Class 14(h) which states that;

> *'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'*

Class 14(h) is inserted by Article 4 of S.I. No. 582/2015 Planning and Development (Amendment)(No. 4) Regulations 2015.

Article 4 of these Regulations inserts 4 new classes of exempted development into the Planning and Development Regulations 2001 ("the Principal Regulations"), which has the effect that the changes of use specified in the new classes are exempted from the requirement to obtain planning permission. The new classes of exempted development are as follows:

> *'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.'*

As per Class 14(h) as noted above, a variety of premises providing residential or overnight accommodation can be used for the purpose of accommodating refugees and asylum seekers, we confirm that the property to which this Section 5 Referral relates is Eagle Heights B&B (guesthouse). Guesthouse is clearly listed as a use that can avail of the Class 14(h) and under the umbrella of '*other*

premises providing residential or overnight accommodation'. On this basis, it is submitted that the subject site can avail of the exemption afforded under Class 14(h). We note that Sligo County Council have refused the Section 5 Application on the basis that *'it is considered that the primary use of the structure on site is as a dwelling and that the guest accommodation is ancillary to the use as a dwelling'*. It is contended that this generalisation of the use of the site is misleading and we highlight that at least a portion of the building, designated for guesthouse use can avail of the exemption afforded under Class 14(h).

6.0 Relevant National and Regional Policy Context

This section of the report examines local, regional and national planning policies relevant to the subject lands. Documents of note: Project Ireland 2040 – National Planning Framework, Regional Spatial and Economic Strategy 2019-2031, Housing for All – A New Housing Plan for Ireland, and Dublin City Development Plan 2022-2028.

6.1 Project Ireland 2040 – National Planning Framework

The National Planning Framework (NPF) is the Government's high level strategic plan for shaping the future growth and development of our country out to the year 2040. Following a decision of Government in June 2023, the preparation of revised NPF commence, which resulted in the National Planning Framework – First Revision, published in April 2025.

The revised NPF responds to updated projections for population growth anticipating that Ireland's population will increase by approximately one million people between the period of 2022 and 2040. The NPF now plans for a population of 6.1 million by 2040, up from 5.85 million in the 2018 NPF.

The following excerpts of the NPF are relevant to the subject site:

> *'Increasing housing supply remains the principal solution to resolving homelessness. Housing for All provides four pathways to achieving four overarching objectives, one of which is Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion. Each of the pathways contains a comprehensive suite of actions to achieve these Housing Policy Objectives.'*

Moreover, we would note the following national policy objectives as per Project Ireland 2040:

National Policy Obj. 12	*Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
National Policy Obj. 37	*Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.*
National Policy Obj. 38	*Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.*
National Policy Obj. 45	*Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.*

The guidance set out in the NPF highlights that residential development that contributes to the provision of housing for a vulnerable cohort through the delivery of a socially inclusive development that promotes equality of opportunity and an improved quality of life for all, including those seeking asylum within Ireland.

The provision of emergency accommodation for international protection applicants within an existing building and in a built-up area, served by existing public transport, services, and infrastructure is considered to be in accordance with the NPF's target of using existing buildings to meet Ireland's housing needs.

6.2 Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032

The Regional Spatial and Economic Strategy for the Northern and Western Region (RSES) was published in 2020. A Regional Spatial & Economic Strategy (RSES) is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. At this strategic level, it provides a framework for investment to better manage spatial planning and economic development throughout the Region. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Regions.
Section 1.1 highlights the overarching goal to ensure peoples needs are met, stating:

> *'Many of the region's key strategic assets, opportunities and challenges are identified in this strategy and policy responses are designed to ensure that people's needs, such as access to housing, jobs, education, healthcare, recreation, ease of travel and overall well-being are met sustainably. The strategy is to connect the strengths of this incredible region and celebrate its unique sense of place.'*

Additionally, Section 3.5 outlines the need for compact growth, stating:

> *'The health of our villages and towns can be significantly influenced through the delivery of new housing through the utilisation of existing buildings, brownfield/infill sites or otherwise. The NPF target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites is an important opportunity for our smaller towns and villages to be re-imagined and therefore it is included as a key objective.'*

Additionally, the RSES outlines the following objective for Sligo Area:

RPO 3.7.39 *Ensure that at least 40% of new residential and employment-related development in the Regional Growth Centre occurs within Sligo's existing built-up urban area, through regeneration and consolidation on infill and brownfield sites.*

As outlined above, access to housing is a key priority for the Region. The use of the subject site to facilitate the accommodation of international protected persons and their families within the existing urban fabric, making efficient use of a site that is well located in terms of public transport access and proximity to a wide range of local amenities. The integration of such accommodation into the built environment supports the sustainable development of Sligo by maximising the use of existing infrastructure and services, while also contributing to a more equitable and inclusive society.

6.3 Housing for All – A New Housing Plan for Ireland

The 'Housing for All – A New Housing Plan for Ireland' was published in September 2021 as part of the Irish Government's 'Our Shared Future' programme which, in turn, sets out the Government's mission to tackle the housing crisis. The objective of the plan is to ensure that everybody has *'access to sustainable, good quality housing to purchase or rent at an affordable price, built to a high standard, and location close to essential serviced, offering high quality of life.'*

It specifically provides for the support of persons seeking International Protection in Ireland, stating *'Local Authorities will work to agree a national spatial distribution key for accommodation and will also play an important role in community and service access integration.'*

The following objective is specific to International Protection Accommodation Services:

Housing Policy Objective 9:

Provide housing and supports to facilitate community integration for Refugees

9.1 Local Authorities will agree a national spatial distribution key with DCEDIY for the accommodation of the 2,900 refugees under IRPP 2020-2023. They will also source and provide accommodation and support the integration of the new arrivals under the IRPP through the ongoing work of the existing county-side interagency working groups.

9.2 Local Authorities, DHLGH, and its agencies, including The Housing Agency, will support DCEDIY as appropriate in the implementation of the provisions of the White Paper and IRPP 2020-2023.

In review of the above, accommodation for international protection applicants is fully aligned with the strategic aims and policy objectives set out in Housing for All. The proposal responds directly to national policy priorities by contributing to the prevention and reduction of homelessness amongst international protected persons and promoting social inclusion through the provision of appropriate, supported accommodation.

6.4 Guidelines for the Development of New Emergency Accommodation (2022)

The Guidelines for the Development of New Emergency Accommodation (September 2022), published by the Department of Housing, Local Government and Heritage, were prepared under Action 3.7 of the Government's Housing for All strategy. The document provides a comprehensive framework for the planning, design, and operation of new emergency accommodation facilities, including family hubs, with a focus on dignity, safety, privacy, and minimising the trauma associated with homelessness.

These guidelines establish clear expectations for how emergency accommodation should be integrated into local communities and designed to meet the specific needs of families and individuals in crisis. The emphasis is on providing short-term, supported accommodation that promotes stability and allows homeless persons as well as asylum seekers to transition successfully into long-term housing. It is submitted that proposed use would be developed in accordance with the above.

6.5 Sligo County Development Plan 2024-2030

The subject site is zoned '*eRES- Existing Residential'* in the Sligo County Development Plan 2024-2030 with the objective to:

'Protect and enhance the residential amenity of established residential areas and their communal or public open space and allow for small-scale infill development which is appropriate to the character and pattern of development in the immediate area. The introduction of other compatible or ancillary uses, redevelopment and regeneration may also be considered in these areas, as long as the dominant use remains residential.'

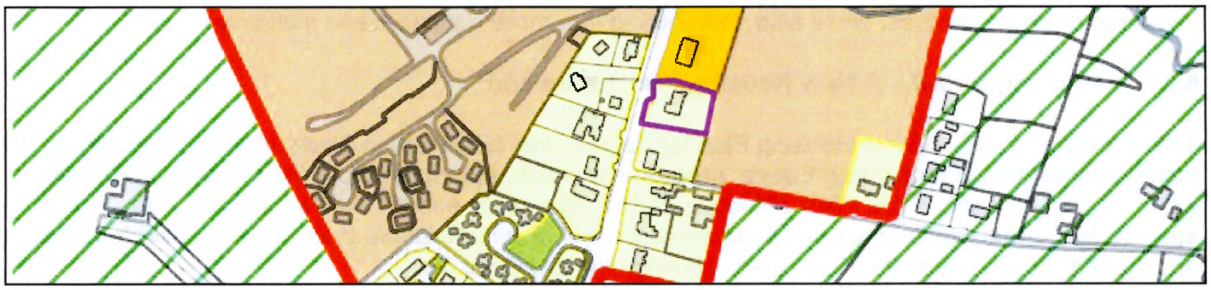


Figure 4.0 Extract from the Enniscrone zoning map of the Silgo County Development Plan 2024-2030, with the subject site outlined in purple.

As displayed above, the subject site provides a residential use within a primarily residential area in Enniscrone. It is considered that this use of the site is appropriate in regard to the surrounding area and the zoning objective for lands zoned *'eRES'*.

6.5.1 Housing

Chapter 26 of the Development Plan relates to the provision of housing, emergency accommodation, and other social housing in the Sligo administrative boundaries. The following policies and objectives may be considered relevant to the subject site:

P-SHOU-1 *Promote social inclusion by ensuring that social housing is well distributed throughout all residential areas rather than concentrated in a few locations*

P-SHOU-3 *Ensure that the supply of housing units under the Housing Strategy reflects the current and anticipated demographic characteristics and household sizes.*

P-SHOU-4 *Encourage linkages between social housing developments and any adjoining residential areas through the provision of shared facilities, services, and pedestrian, cycle and vehicular connections, as appropriate.*

P-DN-HOU-1 *Continue to meet the housing needs of persons with special needs both by direct provision of accommodation and by facilitating the provision of housing by the voluntary sector.*

P-DN-HOU-3 *Support the implementation of the North-West Regional Homelessness Action Plan 2023–2028 and successor documents and prioritise the provision of suitable accommodation for the homeless and for those in need of emergency accommodation.*

P-DN-HOU-5 *Support proposals for the provision of sheltered housing and emergency accommodation, and work with the various bodies / organisations responsible for provision of this type of specialised accommodation.*

The site's ongoing usage providing accommodation to persons seeking international protection is in accordance with the aforementioned policies as it offers much-needed sheltered housing in a convenient village location.

7.0 Conclusion

The permitted guesthouse accommodation at Eagle Heights B&B, Muckduff, Enniscrone, Co. Sligo, is proposed to provide accommodation for persons seeking international protection under the International Protection Accommodation Services (IPAS). This facility will not provide care to residents.

Therefore, the question before An Coimisiún Pleanála is as follows:

> ***"Whether the use of the guesthouse permitted under Reg. Ref. PL.14167 at Eagle Heights B&B, Muckduff, Enniscrone, Co. Sligo F26V020 to provide accommodation for international protection applicants, is or is not development and whether development constitutes exempt development or does not constitute exempt development?"***

This Section 5 Referral clarifies that the use of a residential dwelling as accommodation for displaced persons seeking international protection does not constitute development.

Accordingly, we request a declaration to this effect from An Coimisiún Pleanála under Section 5 of the Planning and Development Act 2000 (as amended). Should you have any queries or require any further information, please do not hesitate to contact the undersigned. We trust that the Commission will have regard to this submission and look forward to the decision in due course.

Kevin Hughes MIPI MRTPI
Director For HPDC Ltd.

Appendix A Sligo County Council Chief Executive Order (Ref. ED 652) received on 2nd June 2026.

COMHAIRLE CONTAE SHLIGIGH
ÁRAS CONTAE CÓIS ABHAINN SLIGEACH
SLIGO COUNTY COUNCIL
COUNTY HALL RIVERSIDE SLIGO
+353 71 911 1111
+353 71 914 1119
info@sligococo.ie
www.sligococo.ie

File Ref: ED 652

02/06/2026

Rupopado Limited
c/o Hughes Planning & Development Consultants,
85 Merrion Square,
Dublin 2

Re: Application for exemption in accordance with Section 5 of the Planning and Development Act 2000 (as amended) in respect of *'Whether the use of the guesthouse permitted under PL14167 at Eagle Heights B & B to provide accommodation for persons seeking international protection applicants, is or is not development and whether development constitutes exempted development or does not constitute exempted development'*

I enclose herewith a declaration in accordance with Section 5 of the Planning and Development Act, 2000 (as amended) in respect of the following:

Name & Address of Applicant:	Rupopado Limited
Declaration Requested for:	Whether the use of the guesthouse permitted under PL14167 at Eagle Heights B & B to provide accommodation for persons seeking international protection applicants, is or is not development and whether development constitutes exempted development or does not constitute exempted development.
Location:	Muckduff, Enniscrone, Co. Sligo F26V020
File Reference:	ED 652
Application Received:	15/05/2026

Where a Declaration is issued under this Section, any persons may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review to the Coimisiún within four weeks of the date of issuing of the declaration by Sligo County Council.

Signed on behalf of Sligo County Council

pp Fidelma Loughlin

Aisling Smyth
Administrative Officer
PLANNING SECTION

Sligo.

Appendix B Copy of Decision Notice Issued by Sligo County Council on 13th March 1986 regarding the authorised use of the site as a guesthouse (Reg. Ref. PL.14167).

SLIGO COUNTY COUNCIL

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT, 1963 - SECTION 26.

DECISION

Jerome O'Dowd,
Rathnaconeen,
Ballina.

Reference No. in Planning Register
P1.14167
Date of Receipt of Application
12/2/1986

Notice is hereby given that the Sligo County Council by order dated 12th.March,1986,

decided to grant permission

to the above named, for development of land, in accordance with the documents lodged, namely :—
and revised plan submitted on 12/2/1986,
erection of a dwelling house with associated guests accommodation at Muckdu Enniscrone.

and subject to the conditions set out in the schedule hereto. (Conditions 1 - 15)

Signed on behalf of SLIGO COUNTY COUNCIL

13th.March,1986.

Regd.Post.

SCHEDULE

1. the development shall comply with the "Proposed Building Regulations" issued by the Department of the Environment.
2. the existing road drainage system shall not be obstructed by the develop
3. proper provision shall be made to ensure no surface water is diverted or allowed to flow onto the adjoining public road.
4. parking for 10 cars shall be provided on site in bays 16' X 8'.
5. the developer shall before commencement of the development make a financ contribution of £500.00 to Sligo County Council towards the cost of publ services facilitating the development.
6. existing front wall shall be plastered and capped, and access to public road shall conform with Standard Council specification.
7. existing footpath shall be suitably dished to Council specification.

Ctd.....

Provided there is no appeal against this DECISION, a grant of Planning Permission will issue at the end of one month (see footnote).
This NOTICE is not a grant of permission and work should not be commenced until planning permission is issued

NOTE :

1. Any appeal against a decision of a Planning Authority under Section 26 of the Act of 1963, may be made to An Bord Pleanala. The applicant for permission may appeal within **one month** beginning on the day of receipt by him of the decision. Any OTHER PERSON may appeal to An Bord Pleanala within 21 days beginning on the date of the decision.
2. Appeals should be addressed to An Bord Pleanala, Floor Blocks VI & VII, Irish Life Centre, Lower Abbey Street, DUBLIN 1. An appeal by the applicant for permission sh ars of the proposed development and the date of the decision by any other person, the name of the applicant, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.
3. An appeal to the board will be invalid unless it is accompanied by a fee of £36.00

8. building line shall be a minimum of 30' from front boundary wall (in line with adjacent dwelling).

9. (a.) all ground floor windows from bedrooms shall have a side hung opening casement sufficiently large to permit egress. This casement shall ha. no dimensions smaller than 450 mm. and the overall opening area shall not be less than 0.3 sq. m. The window sill shall be not more than 950 mm above floor level.

(b) the kitchen dining room, lounge, utility room laundry and basement rooms shall be enclosed in construction of one hour fire resistance.

(c) all other partitions shall be of half hour fire resistance. Doors to bedrooms shall be of half hour fire resistance.

(d) the main stairway shall be protected at ground and first floor level by half hour fire resisting construction. The dining room shall not enter directly into the stairwell. A partition of half hour fire resistance shall be provided at both levels to separate the stairway from the remainder of the building. This shall necessitate re-design of the upper floor.

(e) a separate means of escape shall be provided from the first floor at the north gable.

10. floors shall have half hour fire resistance except over kitchen, dining room, basement, laundry, lounge and utility room where they shall have one hour fire resistance.

11. emergency lighting to B.S.5266 including exit lighting shall be provided to the corridors at both levels.

12. an electric fire allarm system to B.S.5839 shall be installed in the premises. Automatic detection shall be provided to the basement laundry, utility room, dining room, lounge and kitchen, and to the corridors.

13. the heating system shall be as indicated in Mr. O'Dowd's letter received on 22nd. January, 1986.

14. electrical installation shall conform with the rules of the Electro Technical Council of Ireland.

15. fire fighting equipment shall be provided as follows:-

(a) two 9 litre water extinguishers to each of the corridors.

(b) One 4 kg. dry powder and one fire blanket to the kitchen.

(c) one 4.5 kg. B.C.F. extinguisher to the unility room.

(d) one hosereel to the ground floor corridor.

The reasons for these conditions are: for (1) to ensure a proper standard of construction: for (2) & (3) to ensure adequate drainage arrangements are made by developer: for (4) to reduce traffic hazards and to ensure satisfactory access to site: for (5) in accordance with Local Government (Planning & Development) Act, 1963, Section 26 (2) (g) and or (h): for (6) (7) & (8) so as to allow for road improvements and orderly development and in the interests of road safety: for (9) - (15) in the interests of fire safety.

SIGNED: _____
COUNTY SECRETARY

DATE: 12/3/86