



Our Ref: S5.23.25

Foxfield Inns DAC,
C/o Downey Planning & Architecture Limited,
29 Merrion Square,
Dublin

20/11/2025

Planning Declaration under Section 5 of the Planning & Development Act, 2000 (as amended) & the Planning & Development Regulations, 2001, (as amended).

Re: Whether the change of use of Atlantic Way Apartments, from hotel use to temporary accommodation for displaced persons seeking international protection under Class 14 (h) of Part 1 of Schedule of the Planning and Developments Regulations, 2001 as amended, is or is not exempted development

At: Atlantic Way Apartments, San Antonio Terrace, Salthill, Galway

A Chara,

I refer to your application for a declaration on development and exempted development under the provisions of (Section 5 of the Planning & Development Act 2000) as amended, and I wish to advise as follows:

On the basis of the information provided with the Section 5 application details, the particular circumstances described in the submission does not constitute development as the submitted application seeking an exemption under Class 14(h) for the proposed accommodation of internationally protected applicants, does not constitute a change of use from the permitted use. Therefore, it does not constitute development and the provisions of Class 14(h) do not apply. While there is no limitation on who will occupy such apartments in the Planning Act, Planning Regulations or in a condition attached to the original permission. In this case the occupancy, as in who occupies the apartments, is not a planning concern or issue, as such the use is not exempted development under Class 14(h), as it is not development in the first instance.

Accordingly, the issue of exemption does not arise, and no further consideration of Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) is necessary.

It must be emphasised that this opinion is given without prejudice to the provisions of Section 5(3) of the Planning & Development Act 2000 (as amended).

If applicants are dissatisfied with the determination of the Council in relation to a declaration of exempted development, then, within 4 weeks of the date that the declaration is issued by the Council, the person issued with the declaration can refer it to An Coimisiún Pleanála for review of the matter.

Mise le meas,

A handwritten signature in cursive script, appearing to read 'James Russell', written in dark ink.

**Senior Planner,
Planning Department.**