

Comhairle Contae Chorcaí Cork County Council

Declan McCarthy,
Castletown,
Oysterhaven,
Co. Cork.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.

Fón: (021) 4276891

R-phost: planninginfo@corkcoco.ie

Suíomh Gréasáin: www.corkcoco.ie

Planning & Development,

County Hall,

Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891

Email: planninginfo@corkcoco.ie

Web: www.corkcoco.ie



13th November 2023

REF: D/280/23
LOCATION: Castletown, Oysterhaven, Co. Cork

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir,

On the basis of the information submitted by you on 14th September and 17th October 2023 the Planning Authority, having considered the question whether a proposed log cabin garden structure at **Castletown, Oysterhaven, Co. Cork** is or is not development and is or is not exempted development has declared that **it is development and is not exempted development.**

Reason for Decision

The Planning Authority in considering this referral had particular regard to:

- Schedule 2, Article 6, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended), and
- The particulars received by the Planning Authority on 14th September and 17th October 2023

And Whereas Cork County Council has concluded that –

The proposed log cabin garden structure at **Castletown, Oysterhaven, Co. Cork** constitutes **development that is not exempted development.** The proposal constitutes development, and comes within the scope of Schedule 2, Article 6, Part 1, Class 3, but fails to comply with condition and limitation 2 as the proposed garden room log cabin (25m²) together with existing store (24 m²) cumulatively (49 m²) exceeds the maximum floor area allowable (25 m²).

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.



We are Cork.



Recycled

Yours faithfully,



**KEVIN O' REGAN,
SENIOR EXECUTIVE OFFICER,
PLANNING DEPARTMENT.**

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

13 November 2023

S.5 DECLARATION

APPLICANT: Mr Declan McCarthy

ADDRESS: CASTLETOWN, COUNTY CORK, KINSALE, COUNTY CORK

Your Ref: D280/23

REPLY TO FURTHER INFORMATION RECEIVED 17 OCTOBER 2023

1. The owner confirms there is a detached store in derelict condition with no door and rotten windows. The photos show dilapidated and rotten window frames and no external door.
2. The external facing material of the proposed structure is tongue and groove 45mm logs.

I have no discretion, information supplied confirms there is already an external store circa 24m² (metal roof).



The proposed garden room log cabin (25m2) together with existing store (24 m2) cumulatively (49 m2) exceeds the maximum floor area allowable (25 m2) as an exempted development in Schedule 2, Article 6, Part 1, Class 3 (construction, erection, or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure) of the Planning Regulations 2001 (as amended) – condition and limitation 2.

<p>CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.</p>	<ol style="list-style-type: none">1. No such structure shall be constructed, erected or placed forward of the front wall of a house.2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved
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Conclusion

The proposal constitutes development, and comes within the scope of Schedule 2, Article 6, Part 1, Class 3 – but fails to comply with condition and limitation 2 as the proposed garden room log cabin (25m2) together with existing store (24 m2) cumulatively (49 m2) exceeds the maximum floor area allowable (25 m2)

Steve Baxter
Executive Planner
BA Hons Dip Town Planning

XX

PLANNERS 1ST REPORT

Proposal

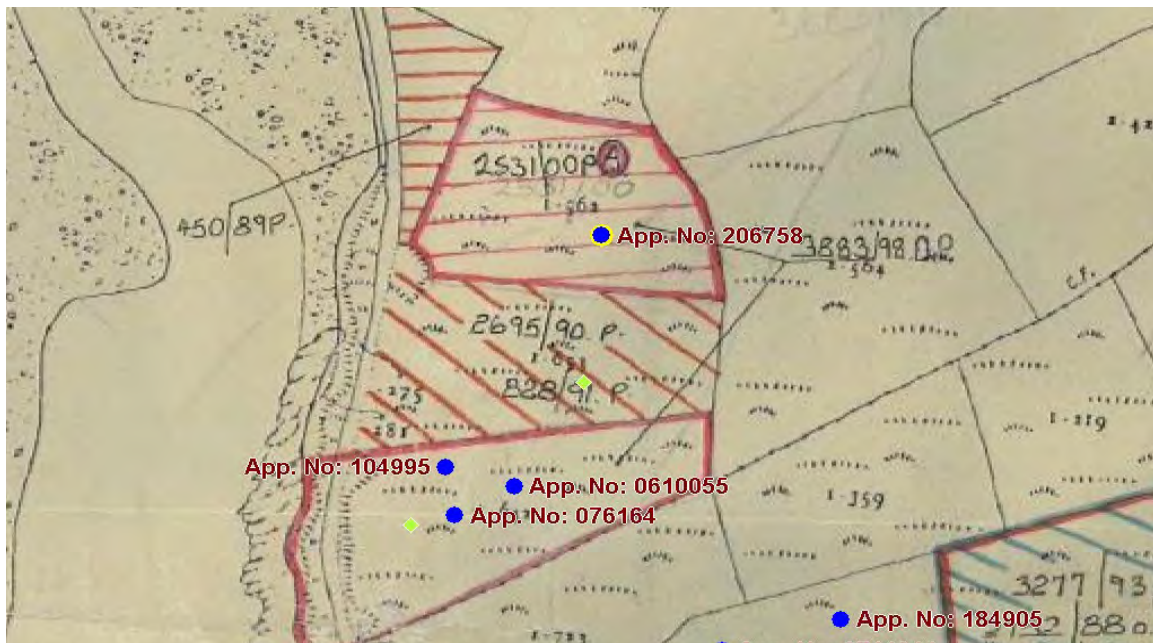
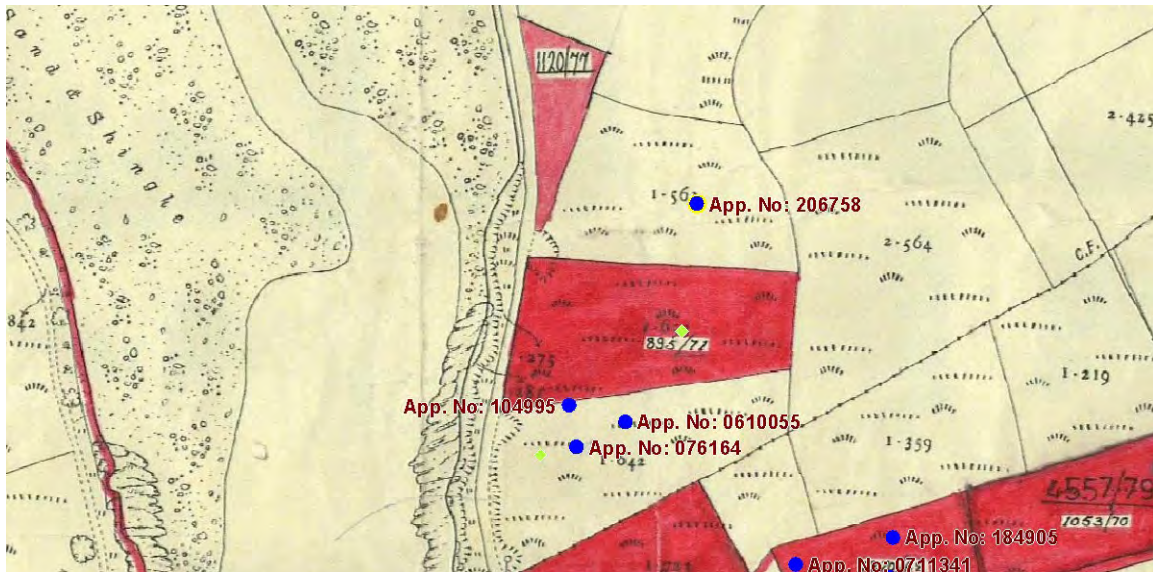
The proposal is for a detached logcabin structure.

The total floor space of the proposal is 25 m2. The maximum height is circa 2.7m

History

The house obtained Permission under Planning Register No.71/.895. And was extended under Planning Register No. 90/2695 and 91/828.

The proposed location of the logcabin is within the planning curtilage of the dwelling.



Assessment

I have not inspected the site.

I am familiar with the area and location of the house.

The proposal is for a garden room type structure. It is to be used as 'multi-functional garden room for storage and recreation' within the curtilage of the house.

Legally, speaking the house curtilage is usually taken to be the planning unit. And although the proposed development appears to be on goarse / scrub and on high ground disconnected from the house – it is still the house curtilage for purposes of this process.

Conditions & Limitations:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house. **PASS**
2. The total area of such structures constructed, erected, or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres. **UNCLEAR: On Google there appears to be what looks like or might be a store structure at rear of the house: circled red**



3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres. **PASS**
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house. **UNCLEAR: There is no specification provided a standard drawing shows roof boards only.**
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres. **PASS**

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

The proposed development passes the Article 9(1) limitations on exemptions.

The proposed development does not come within scope of a mandatory EIA. And the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

Having regard to this separation distance from the site, coupled with the scale, and nature of development it there is no potential for the proposed development to give rise, or contribute to negative impacts on any Natura 2000 site which could be significant.

CONCLUSION

The proposal constitutes development.

To complete my assessment of the conditions and limitations under Schedule 2, Article 6, Part 1, Class 3 (construction, erection, or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure) of the Planning Regulations 2001 (as amended) I require some further information as follows:

I need verification about two matters.

- 1. On Google there appears to be what might be a store roofed structure at rear of the house? Please clarify whether this is the case-or-not?**
- 2. There is no specification provided of external materials or finishes. A standard drawing shows roof boards only. What is the proposed roof covering?**

Regards

Steve Baxter
Executive Planner
BA Hons Dip Town Planning

Tracy O Callaghan,
SO Planning Department,
County Hall,
Carrigrohane Road,
Cork.

Castletown,
Oysterhaven,
Co.Cork.

16/10/2023.

Your ref: D/280/23

Re: Declaration of Exempt Development.

Dear Tracy,

Thank you for your letter of the 12th.

Further information required:

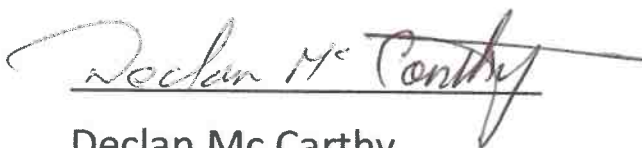
1. Store @rear of house.

Please this structure was built by the previous owners many years ago (20+yrs?). The store is now derelict with no door and rotten windows. I attach photographs of same.

- 2.

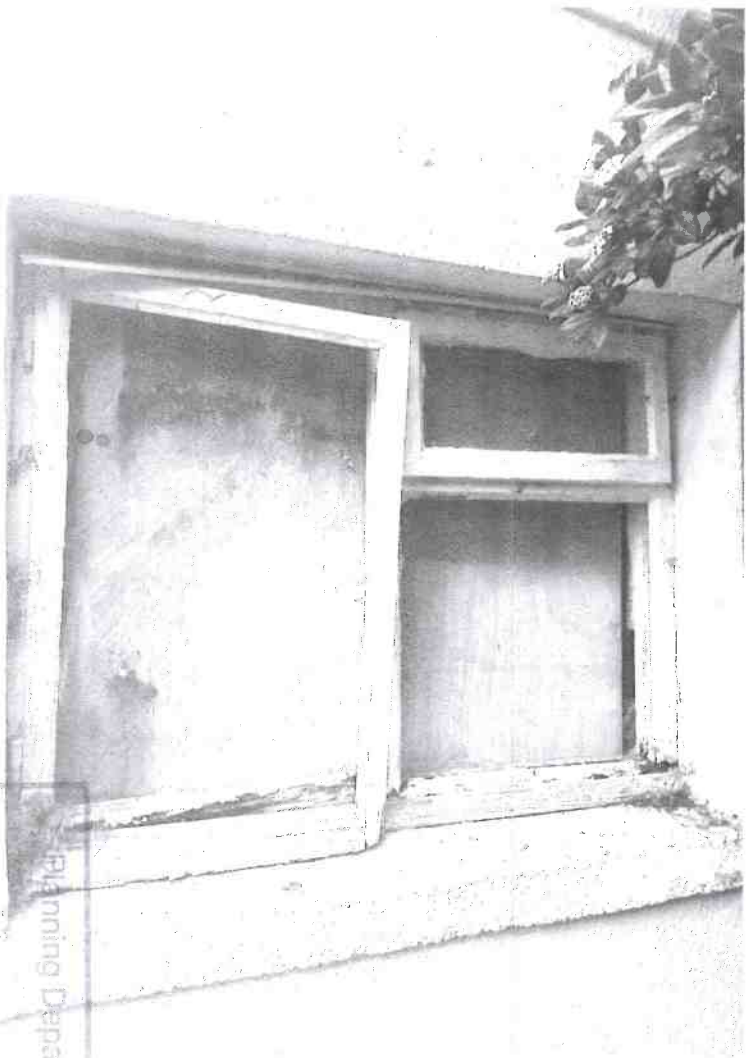
The external materials are 45mm wood tongue and groove.

Thank you for your attention,



Declan Mc Carthy.





Planning Department

17 OCT 2023

Cork County Council
County Hall
Cork





Planning Department

17 OCT 2023

Cork County Council
County Hall
Cork

Comhairle Contae Chorcaí Cork County Council

Declan McCarthy,
Castletown,
Oysterhaven,
Co. Cork.

12th October 2023

Our Ref.: D/280/23

RE: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.

Whether a proposed log cabin garden structure at Castletown, Oysterhaven, Co. Cork is development and is or is not exempt development.

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. You are advised that the information submitted does not demonstrate that the proposal is exempt under Section 5 of the Planning and Development Act 2000 as amended.

To allow the Planning Authority to complete our assessment of the conditions and limitations under Schedule 2, Article 6, Part 1, Class 3 (construction, erection, or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure) of the Planning & Development Regulations 2001 (as amended), you are required to submit the following further information:

1. On Google there appears to be what might be a store roofed structure at rear of the house? Please clarify whether this is the case-or-not?
2. There is no specification provided of external materials or finishes. A standard drawing shows roof boards only. Please forward details of the proposed roof covering.

Yours faithfully,



Tracy O' Callaghan,
SO Planning Department.

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

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Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
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Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



12 October 2023

S.5 DECLARATION

APPLICANT: Mr Declan McCarthy

ADDRESS: CASTLETOWN, COUNTY CORK, KINSALE, COUNTY CORK

Your Ref: D280/23

Proposal

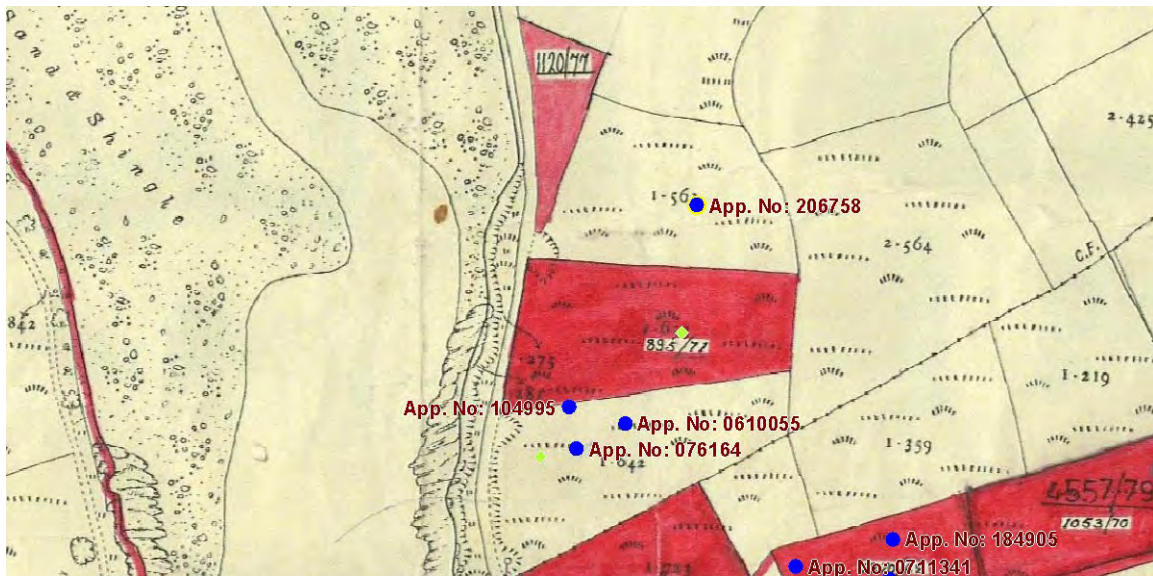
The proposal is for a detached logcabin structure.

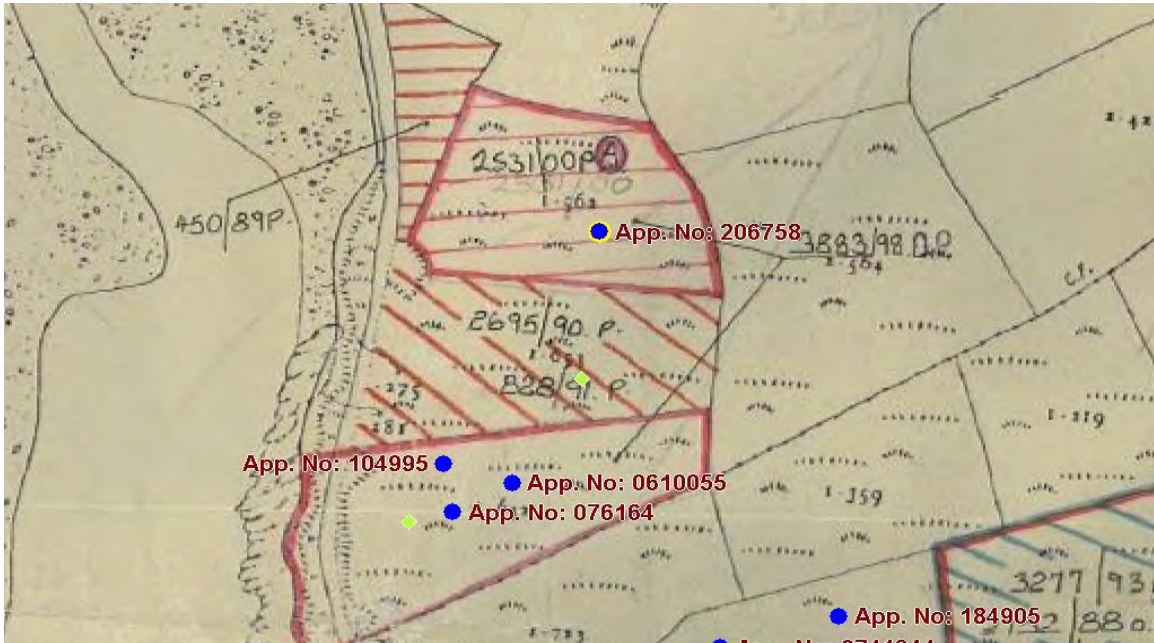
The total floor space of the proposal is 25 m². The maximum height is circa 2.7m

History

The house obtained Permission under Planning Register No.71/.895. And was extended under Planning Register No. 90/2695 and 91/828.

The proposed location of the logcabin is within the planning curtilage of the dwelling.





Assessment

I have not inspected the site.

I am familiar with the area and location of the house.

The proposal is for a garden room type structure. It is to be used as 'multi-functional garden room for storage and recreation' within the curtilage of the house.

Legally, speaking the house curtilage is usually taken to be the planning unit. And although the proposed development appears to be on goarse / scrub and on high ground disconnected from the house – it is still the house curtilage for purposes of this process.

Conditions & Limitations:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house. **PASS**
2. The total area of such structures constructed, erected, or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres. **UNCLEAR: On Google there appears to be what looks like or might be a store structure at rear of the house: circled red**



3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres. **PASS**
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house. **UNCLEAR: There is no specification provided a standard drawing shows roof boards only.**
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres. **PASS**
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

The proposed development passes the Article 9(1) limitations on exemptions.

The proposed development does not come within scope of a mandatory EIA. And the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

Having regard to this separation distance from the site, coupled with the scale, and nature of development it there is no potential for the proposed development to give rise, or contribute to negative impacts on any Natura 2000 site which could be significant.

CONCLUSION

The proposal constitutes development.

To complete my assessment of the conditions and limitations under Schedule 2, Article 6, Part 1, Class 3 (construction, erection, or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure) of the Planning Regulations 2001 (as amended) I require some further information as follows:

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- 2. There is no specification provided of external materials or finishes. A standard drawing shows roof boards only. What is the proposed roof covering?**

Regards

Steve Baxter
Executive Planner
BA Hons Dip Town Planning



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

Planning Department

14 SEP 2023

Cork County Council
County Hall
Cork

FOR OFFICE USE ONLY

Receipt No.	R230042237
Cash/Cheque/ Credit Card	Card
Date	14/09/2023
Declaration Ref. No.	D/280/23

DATE STAMP HERE

You should make sure that you are satisfied that any **information/documentation** that you submit is **appropriate to be viewed by the public**. Please do not submit any information that you do not want **3rd parties to view**.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A – CONTACT DETAILS)

Declan Mc Carthy

2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:

Castletown, Oysterhaven, Co.Cork.

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Placing of one storey garden room on site marked with an X on map site.

Planning Department
14 SEP 2023
Cork County Council
County Hall
Cork

4. **APPLICATION DETAILS:**

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	25sq Meters
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use	Proposed use
N/A	N/a
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

5. **LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:**

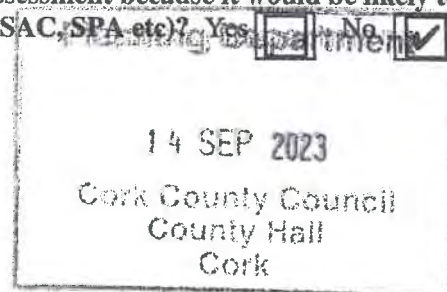
Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. **PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:**

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. **APPROPRIATE ASSESSMENT:**

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No



8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	<i>Declan Mc Conthy</i>
Date	<i>14/9/23</i>

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

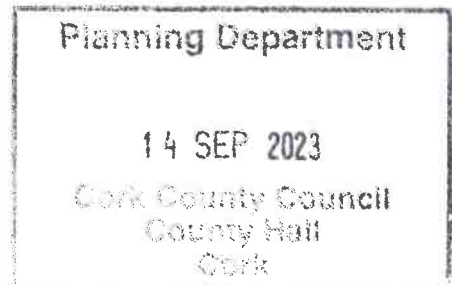
Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	<i>Declan Mc Conthy</i>
Date	<i>14/9/23</i>

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen. Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.



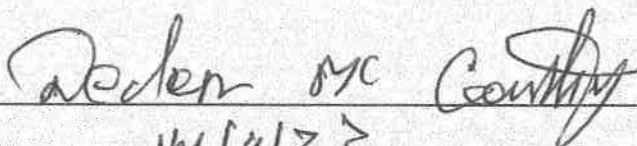
ADVISORY NOTES:

The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
 The application should be sent to the following address:
 The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the **Planning and Development Acts 2000, as amended** and the Regulations made thereunder:

<i>Signed (Applicant or Agent as appropriate)</i>	
Date	14/9/23

Planning Department

14 SEP 2023

Cork County Council
County Hall
Cork

Planning & Development Regulations 2001 (as amended) Schedule 2 Part 1 Exemption Criteria Analysis

Description	Class 58 Conditions and Limitation	Exempted Development in Context of Project
<p>Class 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.</p>	<ol style="list-style-type: none"> 1. No such structure shall be constructed, erected or placed forward of the front wall of a house. 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, take together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres. 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres. 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof shall conform with those of the house. 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres. 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such. 	<p>Proposed development is a one-storey multifunctional garden room to be used for storage, recreation, etc and is considered to fall within the definition of 'shed' or 'other structure' as defined in Class 3.</p> <ol style="list-style-type: none"> 1. The development is not proposed forward of the front wall of the existing house. 2. The development does not exceed 25 square metres. 3. The development does not impact private open space either within the existing property or in adjacent properties. 4. Finishes are as per the specification provided. The development is not to the side or contiguous to the existing house or any neighbouring houses. 5. The development height specification are below the restrictions indicated over. 6. The development is not to be used for any of the forementioned activities.
<p>Class 6 (a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p> <p>(b) Any works within the curtilage of a house for—</p> <p>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</p> <p>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</p>	<p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area.</p>	<p>The development includes an access track of approximately XXm width and XXm length. The access track comprises the removal of the upper layer of sod and installation of a stone/gravel compound.</p> <p>There is no material impact on ground levels and certainly no possibility of altering levels on adjoining ground by more than one metre.</p> <p>There is no proposed hard surface material.</p>

Planning Department
 14 SEP 2023
 Cork County Council
 County Hall
 Cork

Planning and Development Regulations/Acts- Other Exemption Criteria Analysis

Article / Section	Article Description	Commentary	Exempted Development Implications
9(1)(a)(i)	contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act	There are no extant planning permissions which would restrict this development..	None
9(1)(a)(iii)	endanger public safety by reason of traffic hazard or obstruction of road users,	The proposed optimisation works will be located entirely within the boundaries of the existing property There will be no works required to any public roads. In addition, the works will not result in the generation of any additional traffic movements.	None
9(1)(a)(vi)	interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	There will be no impact on having regard to the restrictions identified over.	None
9(1)(a)(vii)	Where the development comprises the excavation, alteration or demolition of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a specified statutory land use plan for the area;	As above.	None
9(1)(a)(viiA)	Where the development comprises the excavation, alteration or demolition of any monument listed in the Record of Monuments and Places under the National Monuments Acts (save in accordance with a relevant consent);	As above.	None
9(1)(a)(viiB)	Where the planning authority or the Board is competent authority for the purposes of Appropriate Assessment (AA) and the development would require an AA because it would be likely to have a significant effect on the integrity of a European Site;	With regard to the installation of the development there are no reasonable ecological or hydrological pathways to any European Site.	None
9(1)(a)(viiC)	Where the development would be likely to have an adverse impact on an area designated as a Natural Heritage Area (NHA) under the Wildlife Act;	As per the integrity of European Sites assessed above, it is not considered that the proposed optimisation works will result in an adverse impact on either an NHA or a proposed NHA.	None
9(1)(a)(x)	consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility	The development would not result in the fencing or enclosure of any lands as identified over.	None
9(1)(a)(xi)	Obstruct any public right of way	The development will be located on private property and will not obstruct any public right of way.	None
9(1)(a)(xii)	consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area	The proposed development is not located within or in close proximity to any Architectural Conservation Area (ACA).	None
9(1)(c)	Where the development is subject to the Environmental Impact Assessment Directive (i.e. is of a class of project listed in Annexes I or II of the Directive);	The development is not a project type as per the definitions for EIA projects set out in the Planning Acts and Regulations.	None
Section 57 of Planning Act	the carrying out of works to a protected structure, or a proposed protected structure	The development will not impact on any Protected Structures	None

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works would not materially affect the character
of—

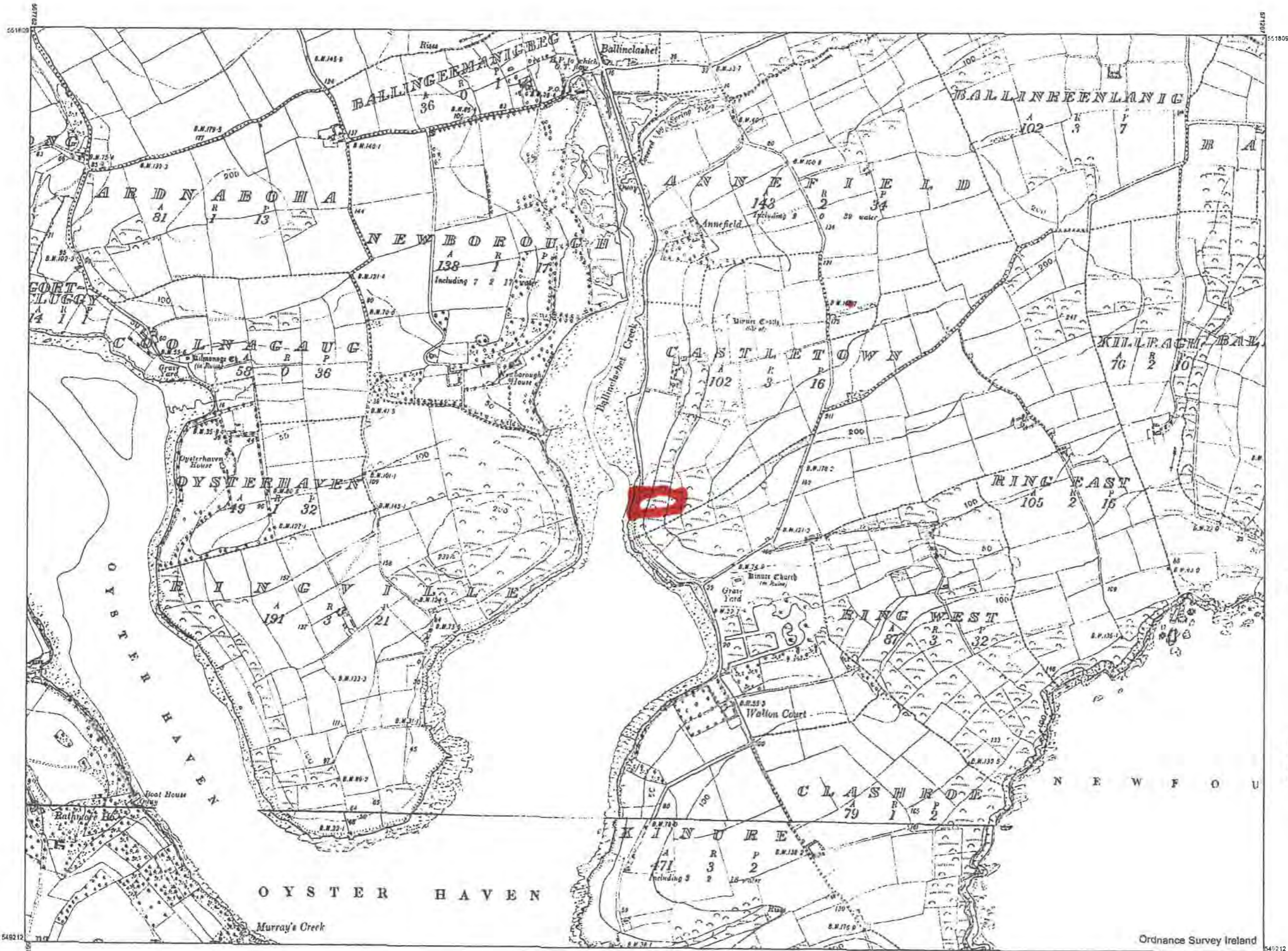
- (a) the structure, or
 - (b) any element of the structure which
contributes to its special architectural,
historical, archaeological, artistic, cultural,
scientific, social or technical
interest.
-

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Site Location Map



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Éireann**



**CENTRE
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ITM 569515,550511

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11/09/2023

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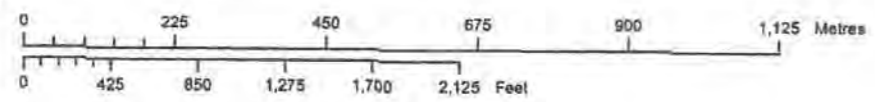
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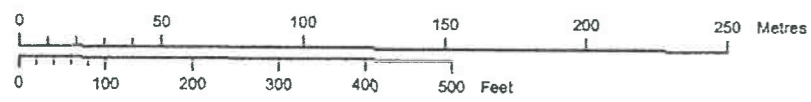
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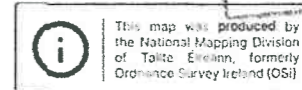
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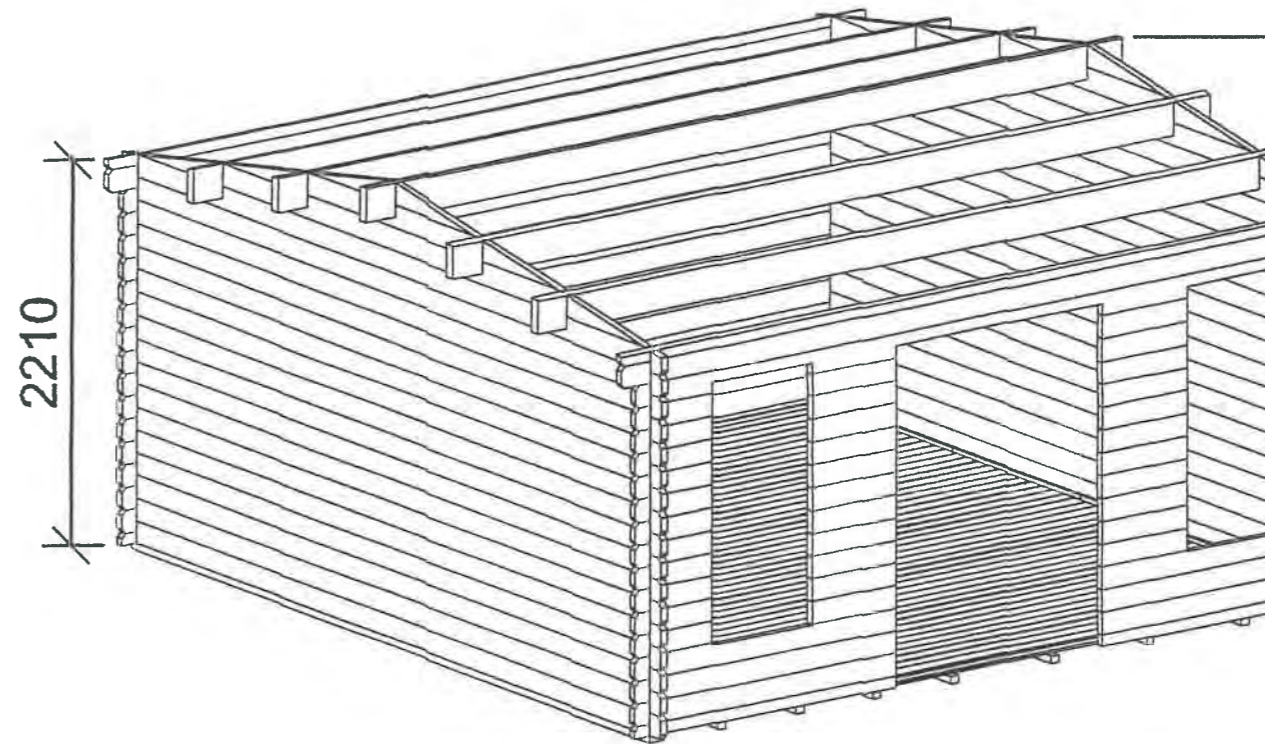
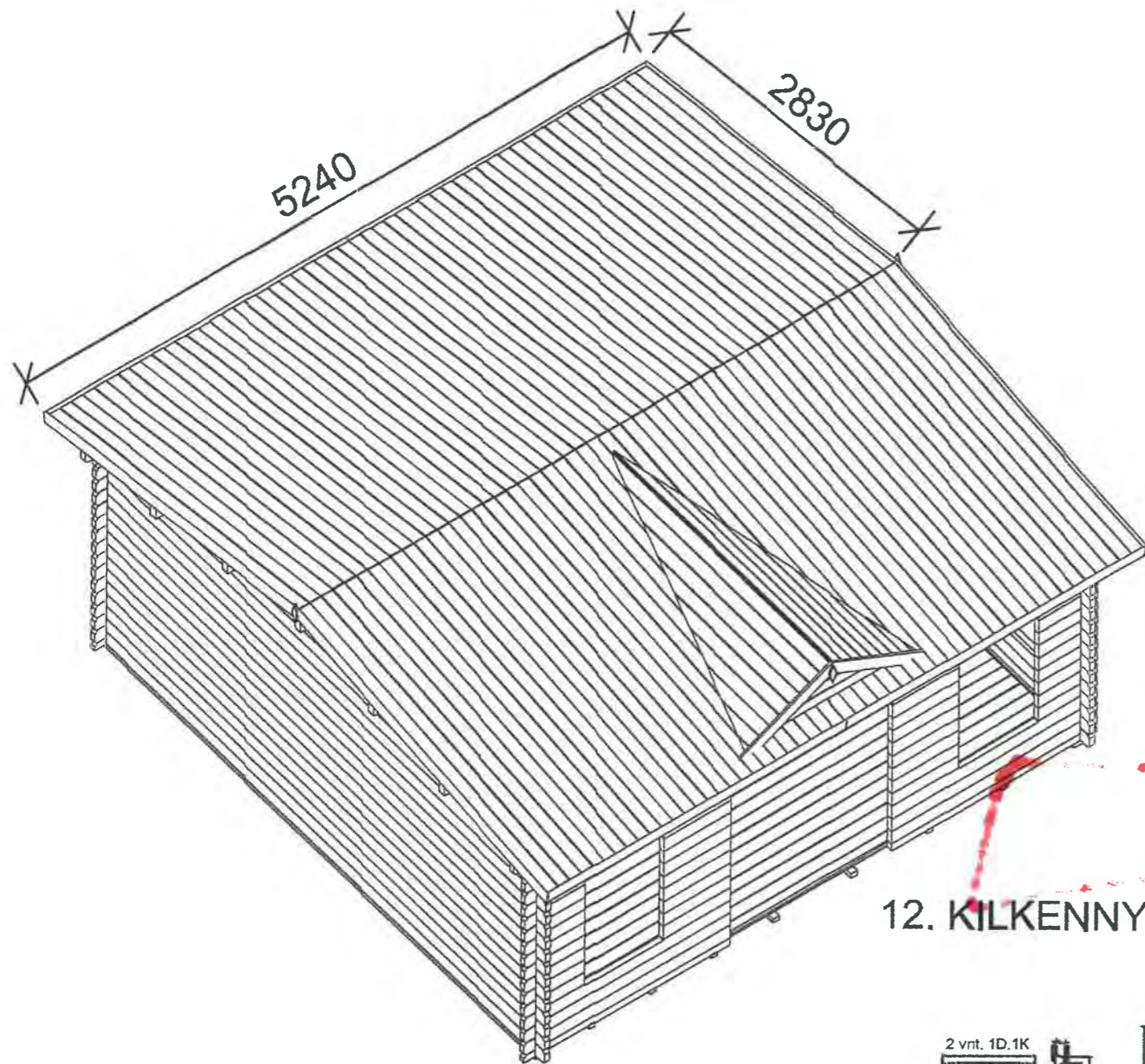
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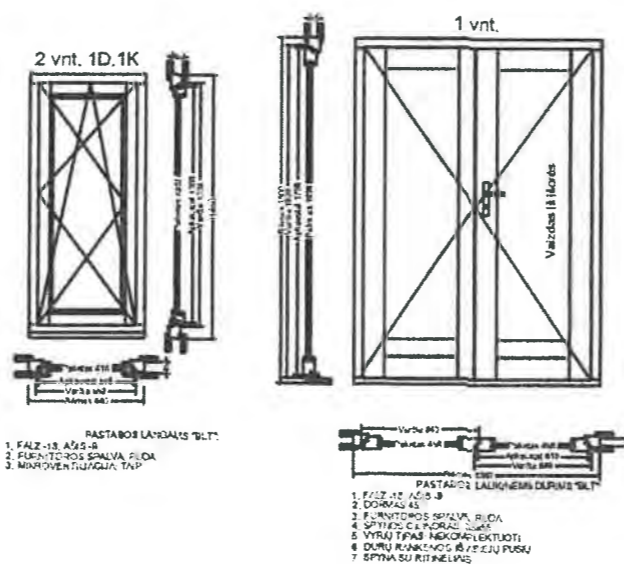
SITE LAYOUT PLAN



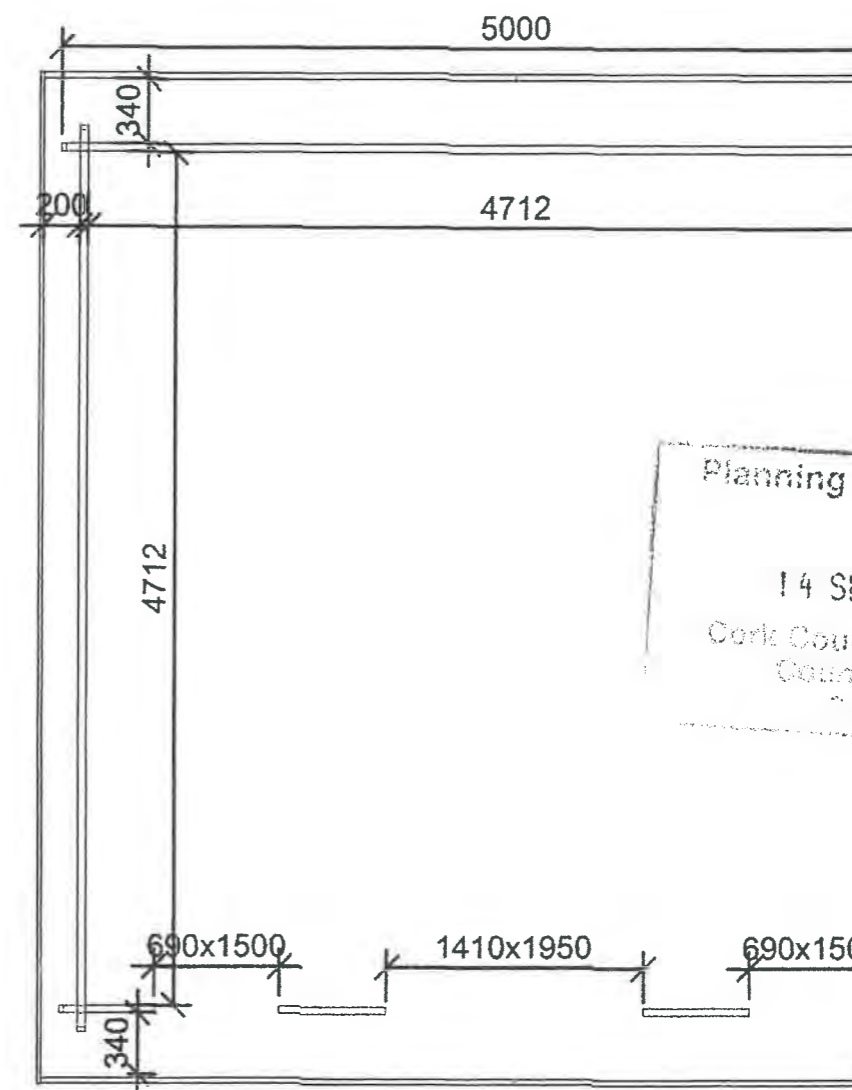
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12. KILKENNY 45 mm 5x5 m V2



- Lagių aukštis, mm - 40;
- Grindų aukštis, mm - 19;



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