

Comhairle Contae Chorcaí Cork County Council

An Rannóg Pleanála,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC
Fón: (021) 4276891 Faics: (021) 4276321
Suíomh Gréasáin: www.corkcoco.ie
Planning Department,



Board of Management Clogagh National School,
C/O Crocon Engineers Ltd.,
Unit 18,
Airport East Business & Technology Park,
Cork.
T12 AV62

County Hall,
Carrigrohane Road, Cork T12 R2NC
Tel: (021) 4276891 Fax: (021) 4276321

29th March, 2023

REF: D/224/23
LOCATION: Clogagh North, Timoleague, Co. Cork, P72 EP38

RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000

Dear Sir/Madam,

On the basis of the information and plans submitted by you on the 15th March, 2023 the Planning Authority having considered whether the proposed construction of a 209m² extension at **Clogagh National School, Clogagh North, Timoleague, Co. Cork** is or is not development and is or is not exempted development has declared that it is **exempted development**.

Reason for Decision

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

- Sections 3(1) and 4 of the Planning and Development Acts 2000(as amended)
- Schedule 2, Part 1, Class 57 of the Planning and Development Regulations 2001 as amended
- Article 9(1) of the Planning and Development Regulations 2001 as amended

And Whereas Cork County Council has concluded that –

The proposed extension at Clogagh National School, Clogagh North constitute development but is considered **exempted development** having regard to the Conditions and Limitations on Class 57 exempted development.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

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.

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>

Planning Ref D/224/23

Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Site Location: Clogagh National School, Clogagh North,
Timoleague Co. Cork.

Proposed Development: i) Is planning permission required to for the proposed development – construction of a 209m2 extension to Clogagh National School

Proposal /Context

The applicant is seeking a determination by the planning authority as to whether or not an extension to the existing National School in Clogagh is exempted development under the Planning and Development Regulations (2001, as amended).



The works proposed are the construction of a 209m2 extension to the existing Clogagh National School.

Planning History

None

Flooding and Appropriate Assessment

Site is not in a flood risk zone

The site is located within the screening zone of Courtmacsherry Estuary SAC and Courtmacsherry Bay SPA . The nearest watercourse is circa 165m from the site and the site is located circa 3.7km upstream of the SAC and SPA. Having regard to the scale of the project along with the conservation objectives for the site and the lack of direct or indirect connection between the proposal and the SAC & SPA, it is reasonable to conclude that the proposed development will not have significant impact on Courtmacsherry Estuary SAC and Courtmacsherry Bay SPA

Legislative Context

According to **Section 3(1) of the Planning and Development Act (2000-2010)**,

“development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.

Section 4 of the same Act lists works that would be considered exempted development. It also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

Of particular relevance to this application is **Schedule 2 Part 1** of the **Planning and Development Regulations (2001 – 2013)**.

Class 57 of said Schedule considers *the extension of a school , where the school has not been previously extended under a Class 57 exemption*, by the construction or erection of an extension to the side or rear of the school be exempted development subject to a number of conditions and limitations.

Conditions and limitations

- 1 The floor area of any such extension shall not exceed 210 square metres,
- 2 No such structure shall be above ground floor.
- 3 Any extension shall be a distance of not less than 2 metres from any party boundary.
- 4 An exemption under this class shall only be availed of once

5 Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time of being in force.

Article 9 of said Regulations lists a series of restrictions on exemptions which includes

(a) if the carrying out of such development would—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area 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,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (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,
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) 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 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, save any excavation, pursuant to and in accordance with a licence granted under [section 26](#) of the [National Monuments Act, 1930](#) (No. 2 of 1930),

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,
- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area 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,
- (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,
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, 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 in a development plan for the area 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 and the development would materially affect the character of the area,

- (b) in an area to which a special amenity area order relates, if such development would be development:—
 - (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
 - (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
 - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
 - (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,
 - (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,
 - (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.
- (2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.

Assessment

The existing school has a floor area of 300m² and the proposed extension is 209m². No Class 57 extension has taken place on the site in the past. Having reviewed Class 57 *The extension*

of a school exemption the proposal is compliant with Condition 1 ,2 3 & 4 . It is up to the applicant to ensure that they comply with Condition 5.

I have had verbal discussions with the Area Engineer who has no concerns in relation to traffic safety. The Article 9 limitations were also reviewed, and I am satisfied that no Article 9 de exemption applies.

Conclusion

Having considered the information received and the provisions of both the Planning and Development Act and the Planning and Development Regulations the extension proposed at Clogagh National School , Clogagh constitute "development" **but is considered exempted development** having regard to the Conditions and limitations on Class 57 exempted development.

John Redmond

Area Planner

28/03/2023



Crocon Engineers Ltd.

Chartered Engineers | Building Surveyors | Planning Consultants
| Conservation Consultants |

Unit 18, Airport East Business & Technology Park Co. Cork T12 AV62
4 Main St., Bantry, Co. Cork P75 PW64 | 027 50123 | www.crocon.ie

The Secretary,
Planning Department,
Norton House,
Skibbereen,
Co. Cork

REF No.
PLANNING (WEST) DEPT
21 MAR 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT25

CroCon Ref 22184

Date: 20 March 2023

**RE: Unsolicited Further Information - Application for Section 5
Declaration of Exemption – Additional Accommodation at
Clogagh National School**

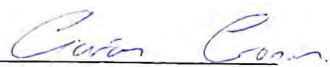
Dear Sir/Madam,

Further to the application submitted by CroCon Engineers on the week starting 13/03/2023, I would like to clarify the following points:

- The floor area of the proposed extension does not exceed 210m² (the floor area of the proposed extension is 209m²)
- No part of the proposed extension is above the ground floor
- The distance of the proposed extension to the site boundary has been increased to 2.2m
- No exemption under class 57 has previously been availed of
- The proposed structure complies with the current Department of Education Primary and Post Primary Technical Guidance Documents

I trust all is in order, please do not hesitate to contact me should you have any queries.

Yours sincerely,


Ciarán Cronin BEng CEng MIEI
Chartered Engineer



Crocon Engineers Ltd.

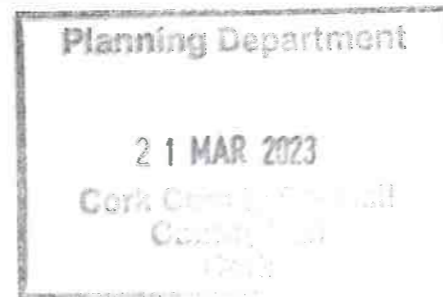
Chartered Engineers | Building Surveyors | Planning Consultants
| Conservation Consultants |
Unit 18, Airport East Business & Technology Park Co. Cork T12 AV62
4 Main St., Bantry, Co. Cork P75 PW64 | 027 50123 | www.crocon.ie

The Secretary,
Planning Department,
Norton House,
Skibbereen,
Co. Cork

CroCon Ref 22184

Date: 14 March 2023

**RE: Application for Section 5 Declaration of Exemption – Additional
Accommodation at Clogagh National School**



Dear Sir/Madam,

I enclose a Section 5 Declaration of Exemption Application Form, concerning a proposed extension at Clogagh National School, Clogagh North, Timoleague, Co. Cork (P72 EP38).

A previous Application for Section 5 Declaration of Exemption which was submitted on 24th January 2023 (Ref - D/201/23). The current application contains revised plans and layouts.

The fee of €80.00 has been paid by phone. Receipt no. WCP11358.

I trust all is in order, please do not hesitate to contact me should you have any queries.

Yours sincerely,


Ciarán Cronin BEng CEng MIEI
Chartered Engineer





CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

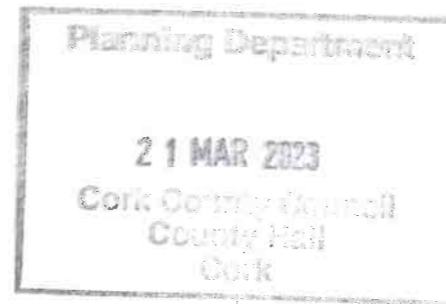
- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

X
X
X
X
X
X
X

FOR OFFICE USE ONLY

Receipt No.	WCP0011358
Cash/Cheque/ Credit Card	CARD
Date	14/3/23
Declaration Ref. No.	D/224/23

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

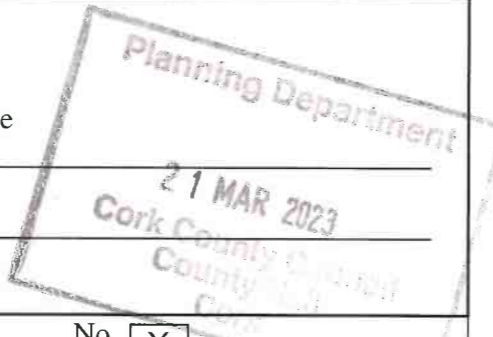
The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

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.

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):	Existing School - 300m ² Total Proposed - 509 m ² Proposed Extension - 209 m ²
(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 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 _____ _____
(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):

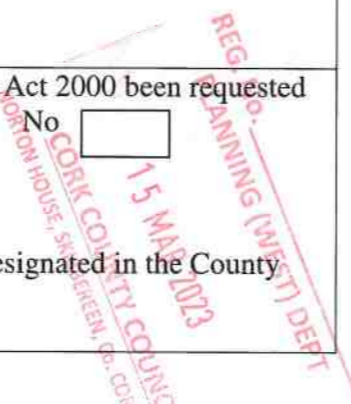


5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

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 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>Aiden Cahalane (Chairperson)</i>
Date	3/1/2023

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	
Date	

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.

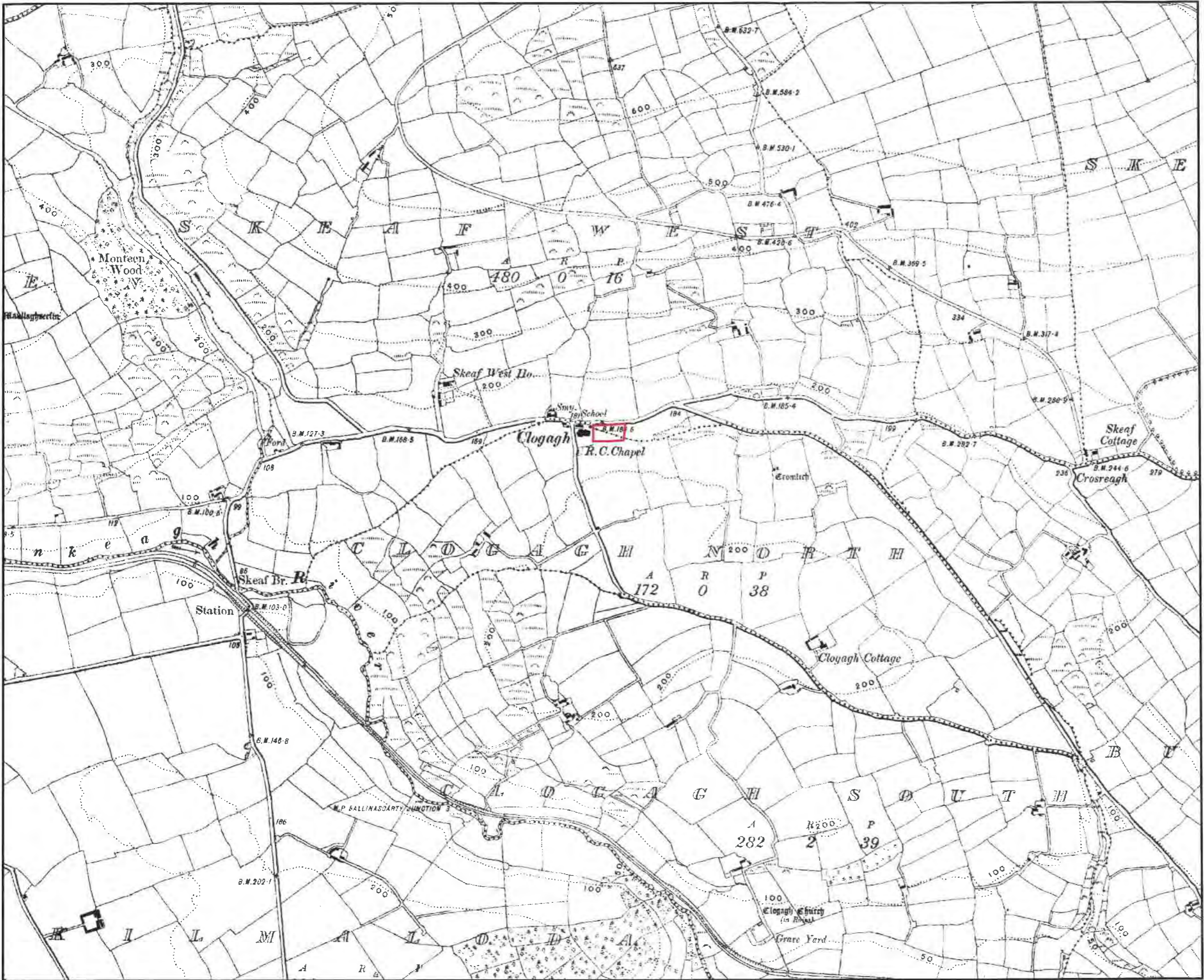
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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:

Signed (Applicant or Agent as appropriate)	 Ciarán Cronin BEng CEng MIEI. CroCon Engineers, Bantry, Co. Cork
Date	14/03/2023





Planning Department
 21 MAR 2023
 Cork County Council
 County Hall
 Cork

REG. No. _____
 PLANNING (WEST) DEPT
 15 MAR 2023
 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, CO. CORK (P2) (N1) 28

PLANNING APPLICATION
 NOT FOR CONSTRUCTION

scale 1:10560 dwg no. 01

CLOGAGH NS
 os map

quentin keohane architect
 Sunrise, Reencarrigeen, Ballinascarthy, Co Cork
 073 8839214



Planning Department
21 MAR 2023
Cork County Council
County Cork

REG. No. _____
PLANNING (WEST) DEPT
15 MAR 2023

CORK COUNTY COUNCIL
NORTON HOUSE, SWIBERDEN, Co. CORK P91 AT28

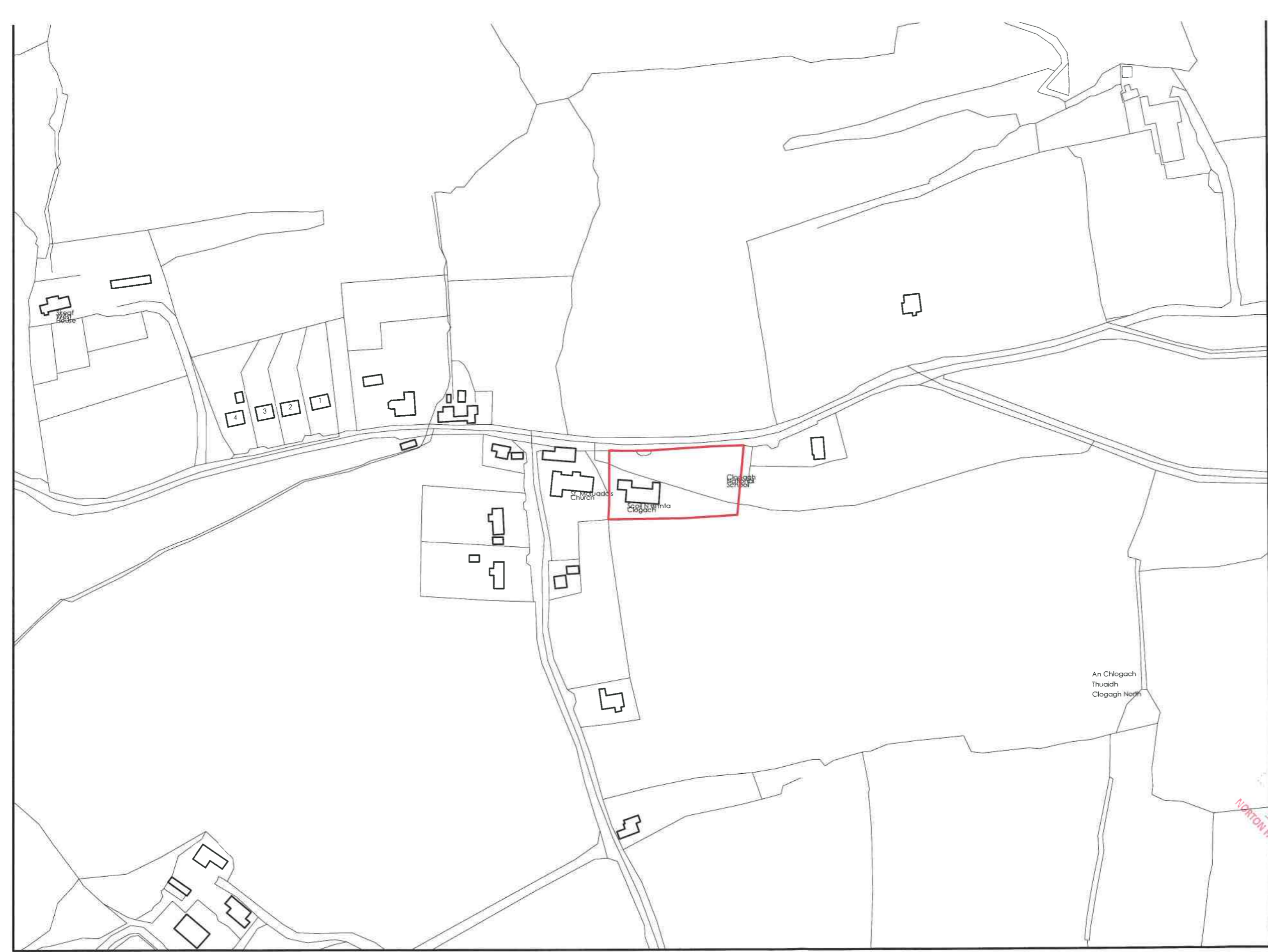
PLANNING APPLICATION
NOT FOR CONSTRUCTION

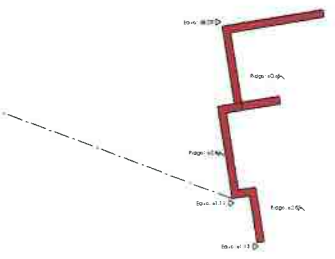
scale 1:2500 dwg no. 02



CLOGAGH NS
os map

quentin keohane architect
Sunrise, Reencarrigeen, BallinacCarthy, Co Cork
N23 RR39214





Planning Department
 21 MAR 2023
 Cork County Council
 County Hall
 Cork

REG. No. _____
 PLANNING (WEST) DEPT
 15 MAR 2023
 CORK COUNTY COUNCIL
 NORTON HOUSE, SHIRGREEN, Co. CORK, P61 0T2E

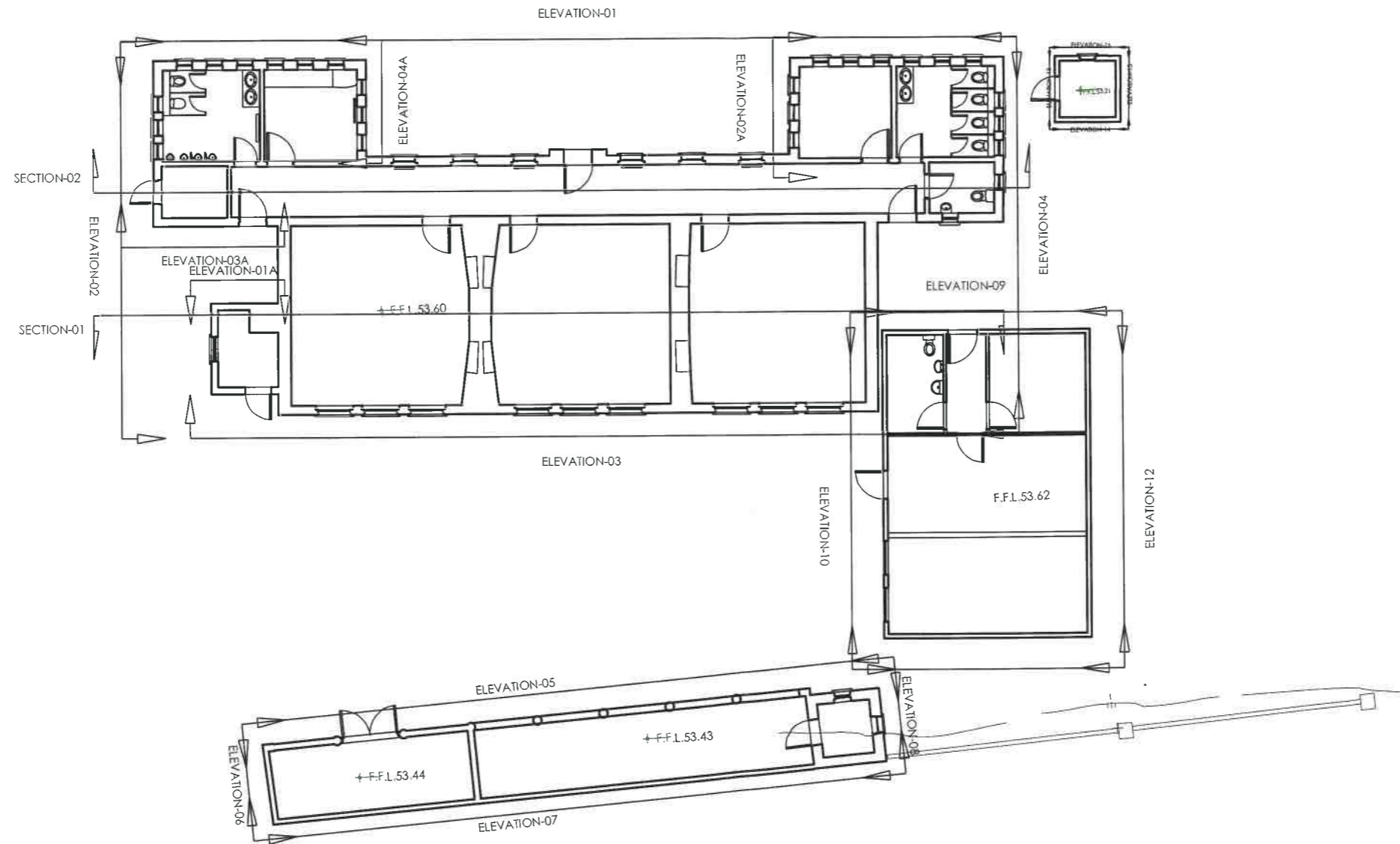
PLANNING APPLICATION
 NOT FOR CONSTRUCTION

scale 1:500 dwg no. 03a

CLOGAGH NS
 site map

quentin keohane architect
 Sunrise, Reencarrigeen, BallinacCarthy, Co Cork
 023 8839214





Planning Department
 21 MAR 2023
 Cork County Council
 County Hall
 Cork

REG. No. _____
 PLANNING (WEST) DEPT
 15 MAR 2023
 CORK COUNTY COUNCIL
 MORTON HOUSE, SWIBBERDEN, Co. CORK P81 AT28

PLANNING APPLICATION
 NOT FOR CONSTRUCTION

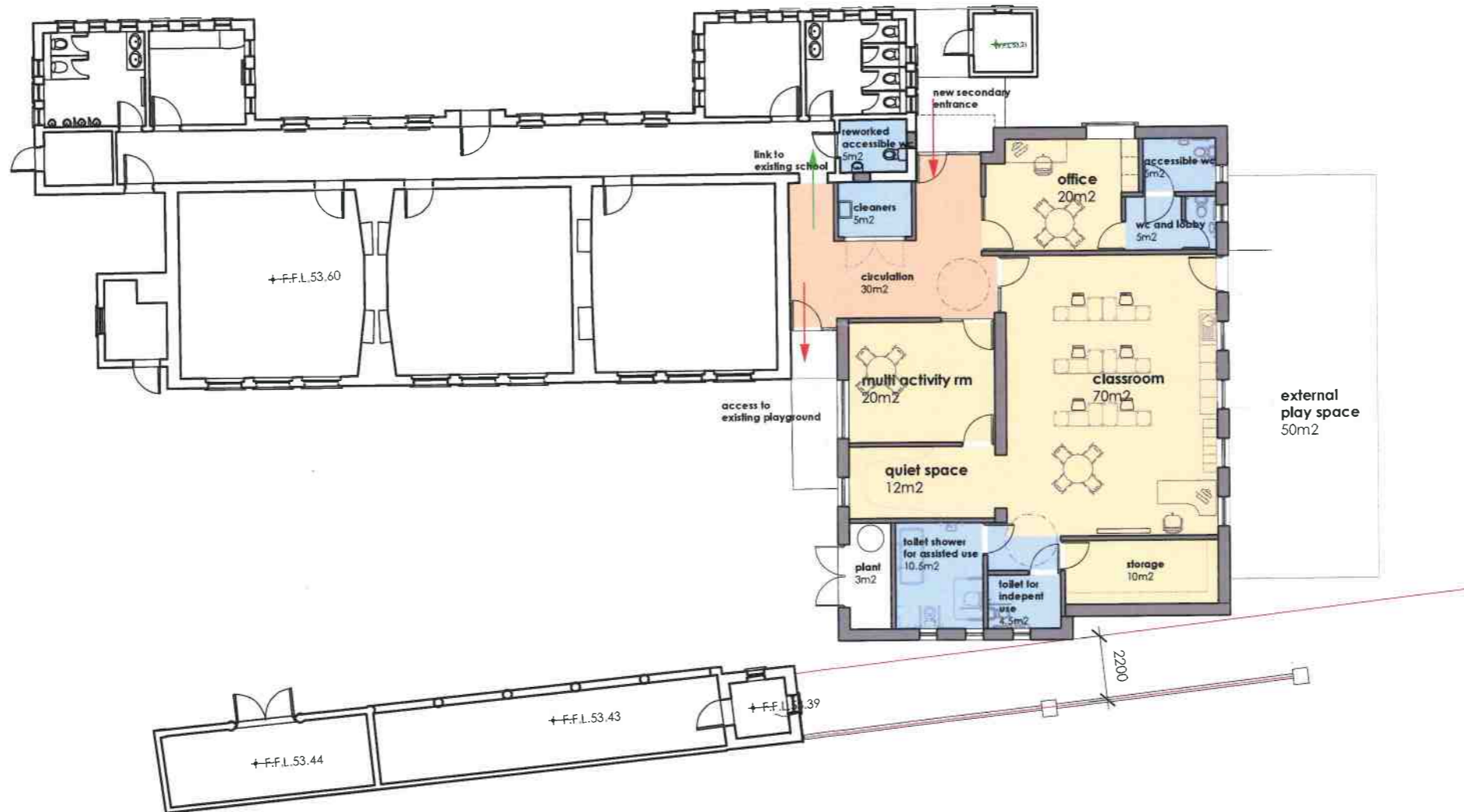
scale 1:200

dwg no. 04a

CLOGAGH NS
 ground floor plan

quentin keohane architect
 Sunrise, Reencarrigeen, BallinacCarthy, Co Cork
 023 8839214





Planning Department
 21 MAR 2023
 Cork County Council
 County Hall
 Cork

REG. No. _____
 15 MAR 2023
 CORK COUNTY COUNCIL
 NORTH HOUSE, SIBBERDEN, Co. CORK, P61, A128

PLANNING APPLICATION
 NOT FOR CONSTRUCTION

scale 1:200 dwg no. 05a

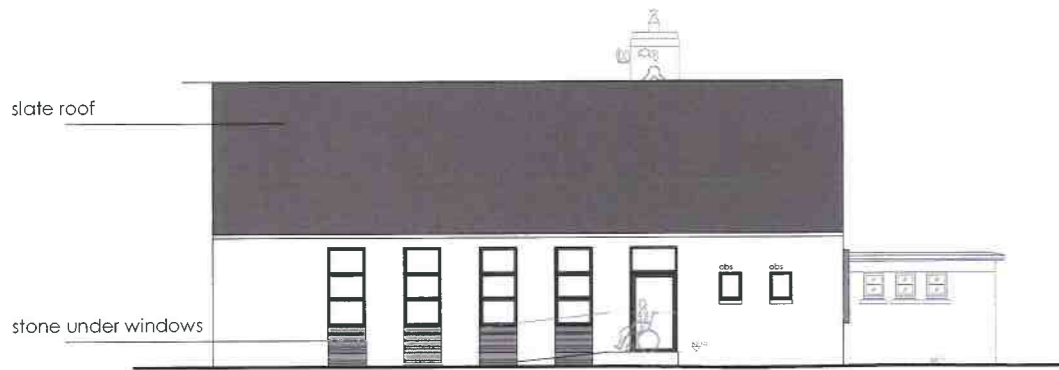
CLOGAGH NS
 ground floor plan as proposed

quentin keohane architect
 Sunrise, Reencarrigeen, Ballinacathry, Co Cork
 023 8829214

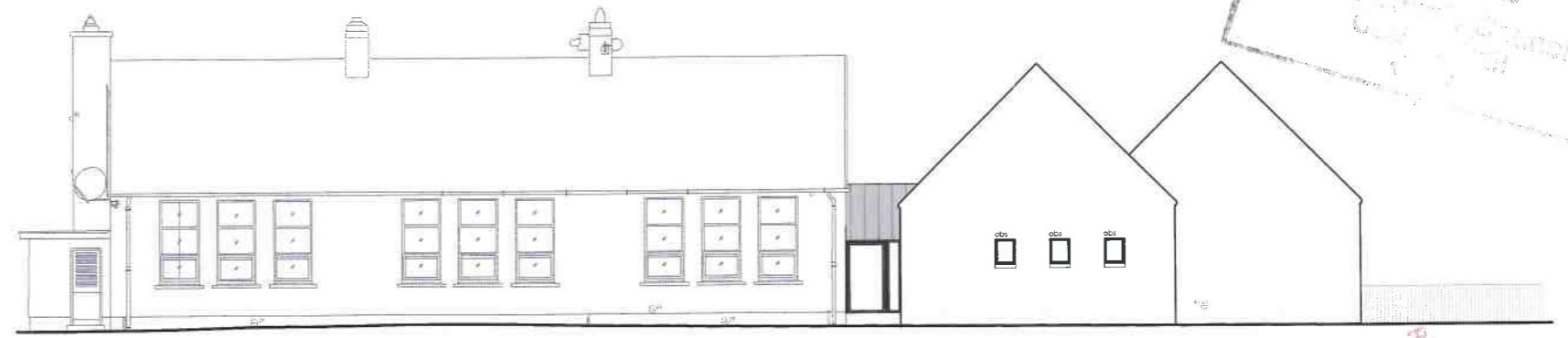




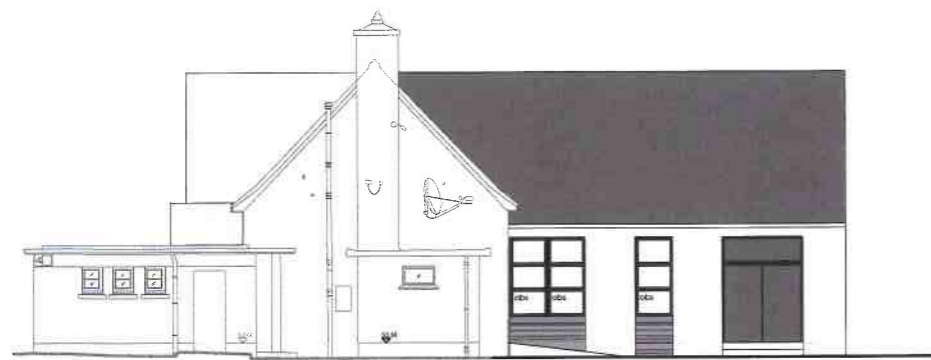
front elevation



side elevation



front elevation



side elevation

Planning Department
21 MAR 2023
Cork County Council
Cork City Council

REG. No. PLANNING (W/17/17/161)
15 MAR 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SHIBBEREN, CO. CORK P81 AT28

PLANNING APPLICATION
NOT FOR CONSTRUCTION

scale 1:200

dwg no. 06a

CLOGAGH NS
elevations as proposed

quentin keohane architect
Sunrise, Reencarrigeen, BallinacCarthy, Co Cork
022 8839214