

Comhairle Contae Chorcaí Cork County Council

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19th October 2023

REF: D/281/23
LOCATION: Pontoon Walk Way, Midleton, Co. Cork

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

Dear Madam,

On the basis of the information submitted by you on 18th September 2023, the Planning Authority, having considered the question whether or not (1) the public realm works/redevelopment of Kennedy Park including raising of ground level and landscaping, (2) raising of ground level and associated works at the western side of the Owenacurra river from pontoon bridge to Riverside Way and (3) the construction of 2no bridges on the cycleway namely the pontoon footbridge and smaller bridge on the pontoon footpath at **Pontoon Walk Way and Cycle Path, Midleton, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**

Please note that whereas question 3 refers to 2no new bridges, this is inaccurate. The works undertaken were to 2no existing structures and the assessment is based on the works undertaken. The other alternative would have been to advise that the Council could not adjudicate on Item 3.

Reason for Decision

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

- Section 2(1), 3(1), 4, and S179 of the Planning and Development Act, 2000, as amended,
- Article 80 and Class 16, Schedule, 2, part 1 of the Planning and Development Regulations and
- The particulars received by the Planning Authority on 18th September 2023

And Whereas Cork County Council has concluded that –

- (1) The public realm work/ redevelopment of Kennedy Park raising of ground around Kennedy Park was implemented by the Planning Authority in accordance with its own development powers as outlined under S4 and S179 of the Planning and Development Act, 2000, and specifically in accordance with

Section 80(1)(k) of the Planning & Development Regulation 2001 (as amended).

- (2) The Raising of ground level and associated works on the Western side of the Owenacurra river between the Pontoon Bridge and the riverside way development was carried to facilitate creation of a temporary compound to allow implementation of the works to Pontoon walkway. Such temporary compounds are permissible in conjunction with the implementation of a project (i.e class 16, schedule 2, part 1 of the Planning and Development Regulations, 2001 (as amended)). As the project has recently been completed, the compound should be removed within a reasonable timeframe or may be put to an appropriate alternative use in accordance with an appropriate consent or relevant Local Authority own development legislative provision.
- (3) The improvement/alterations of 2no bridges on the cycle way (pontoon bridge and smaller footbridge). The Planning Authority has previously adjudicated on this matter and determined that the subject works, which involved maintenance, improvement or other alteration of the East and West Bridges on Pontoon Walkway in Midleton is "development" and is "exempted development" as per S4(1)(h) of the Act

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>

Comhairle Contae Chorcaí Cork County Council

Airtight Ltd.,
c/o Denis Quinlan,
The Courtyard,
Main Street,
Schull,
Co. Cork.

19th October 2023

Our Ref.: D/281/23

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

Whether the development of the Pontoon walkway/cycleway beginning at the N25 underpass and terminating at Riverside Way/Kennedy Park intersection, Middleton, Co. Cork is or is not development or is or is not exempted development

Dear Sirs,

Further to recent correspondence notifying you of a third-party declaration with regard to the above development I enclose for your information copy of the Planning Authority's decision.

Yours faithfully,


Tracy O' Callaghan
SO PLANNING DEPARTMENT

Encl.

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Comhairle Contae Chorcaí Cork County Council

Central Parks Developments Ltd.,
City Quarter,
Lapp's Quay,
Cork.

19th October 2023

Our Ref.: D/281/23

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

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

D281-23-CCC Pontoon and Walkway, Midleton

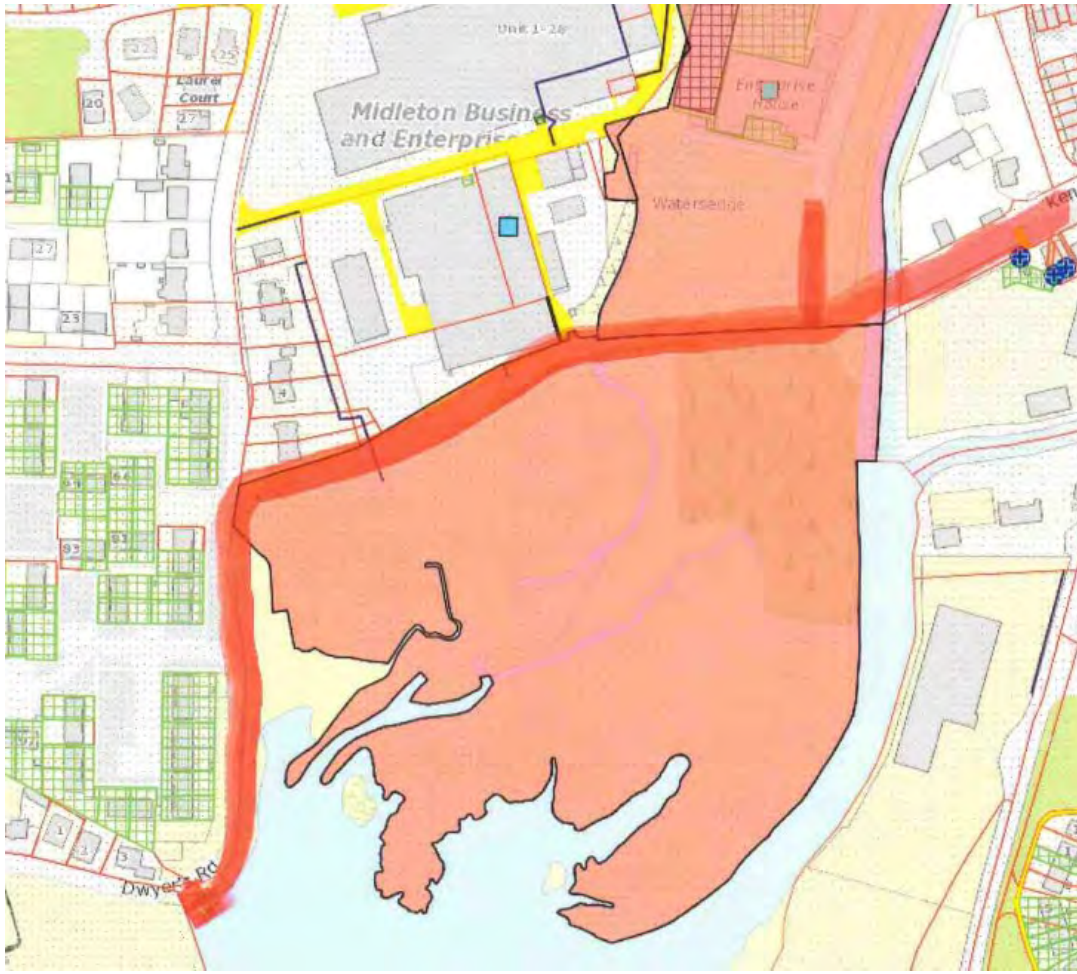
The Question

The applicant is querying whether the work outlined below is/is not “development” and or “exempted development” for the purposes of the Act

1) the public realm works / redevelopment of Kennedy Park including the raising of ground level and landscaping.
2) raising of ground level and associated works at western side of Owenacurra river from pontoon bridge to the Riverside way development. and
3) the construction of two bridges on the cycle namely the Pontoon foot bridge and smaller bridge on the pontoon footpath. is or is not development and is or is not exempted development.

Planning History

The works in question have been carried out by Cork County Council



Statutory Provisions

I consider the following statutory provisions relevant to this referral case:
Planning and Development Act, 2000

Section 3 (1) states:-

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

Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”.

The term ‘structure’ is defined in the Act as follows:

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined.

4. – (1) The following shall be exempted developments for the purposes of this Act –

(aa) development by a local authority in its functional area (other than, in the case of a local authority that is a coastal planning authority, its nearshore area)

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations, 2001.

Local authority own development.

179. – (1) (a) The Minister may prescribe a development (other than development to which *section 179A* applies,] or a class of development for the purposes of this section where he or she is of the opinion that by reason of the likely size, nature or effect on the surroundings of such development or class of development there should, in relation to any such development or development belonging to such class of development, be compliance with the provisions of this section and regulations under this section.

(6) This section shall not apply to proposed development which –

(a) *consists of works of maintenance or repair other than works to a protected structure, or a proposed protected structure, which would materially affect the character of –*

(i) *the structure, or*

(ii) *any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,*

(d) *is development in respect of which an environmental impact assessment report is required under section 175 or under any other enactment, or*

(e) *is development in respect of which an appropriate assessment is required under section 177AE, or under any other enactment.*

Planning and Development Regulations, 2001

Article 80 deals with “prescribed development” for the purposes of S 179 of the Act

Application detail

Assessment

This is an unorthodox use of the S5 referral process as the applicant is essentially querying if works carried out by Local Authority constitute “exempted development” for the purposes of the Act. The S5 provision is usually used in relation to works carried out by private citizen(s) as opposed to the consenting Authority. There is a requirement on the Local Authority to seek permission (known as Part 8 process) if the scale of works exceeds a prescribed size or type. The works subject of the S5 referral were not subject to a part 8 process thus the CCC has already determined on this issue. Notwithstanding, this assessment will query the scale of the works carried out against the requirement to seek part 8 permission.

Local Authority own development is specifically provided for under both the Planning Act and associated Regulations and the questions posed will therefore be considered against the suite of development that can be legitimately carried out by the Local Authority under the legislation

The applicant has posed three main questions and these are set out below. Please note in considering these questions, I have discussed the extent of the works undertaken to date with the Traffic and Transport section engineer, CCC (T&T were responsible for the design and implementation of the queried works)

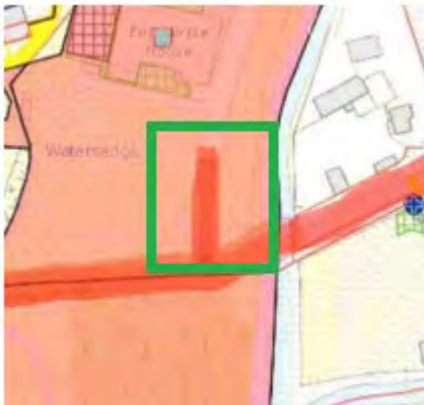
- 1- The public realm works/ redevelopment of Kennedy Park raising of ground around Kennedy Park
- 2- Raising of ground level and associated works on the Western side of the Owenacurra river between the Pontoon Bridge and the riverside way development
- 3- The construction of two bridges on the cycle way (pontoon bridge and smaller footbridge)

Item 1- Kennedy Park was re-graded/landscaped to connect to the refurbished pontoon bridge. Some additional street furniture was also added to the park. Section 80(1) of the P&DR 2001 deals with Local Authority requirements to procure part 8 permission. The development is not one of the “prescribed” developments listed under S80(1) (a)-(j). Part (k) of that section facilitates development other than those specified where the estimated cost does not exceed 126,000euro. The works to

the park can be judged to fall under category (j) as the total cost of the works amounted to **90,454.52euro** (figure provided from T&T section). Accordingly part 8 permission would not have been required.

Item 2-

This area relates to a temporary compound that was erected to facilitate implementation of the works. Such compounds are permissible in conjunction with the implementation of a project (i.e. Class 16 of the general exemptions in the P&DR allows such temporary compounds in conjunction with the implementation of a permission or an exempted development under the Act). I understand this area is currently fenced off and it will need to be removed now that the works are complete (unless an alternative use can be found for same in accordance with an appropriate consent or relevant Local Authority own development legislative provision)



Compound area

Item 3- The applicant has referenced the “construction” to two bridges in the question posed. This position is inaccurate insofar as the bridges were already existing and no new bridges were constructed. The work that was carried out related to improvement/ repair of two narrow footbridges (Eastern & Western Bridges), which cross over the Owennacurra River. In order to better accommodate pedestrians and cyclists the bridges were widened and the deck levels were raised by 0.5m at the behest of the Office of Public Works (OPW) so that they are consistent with the Midleton Flood Relief Scheme.

Eastern Bridge: The Eastern Bridge comprised a reinforced concrete beam deck on reinforced concrete abutments. The span of the structure is 15.15m. The development involved the replacement of the existing concrete beam deck with a steel bridge deck while retaining and reusing the existing abutments.

Western Bridge: The Western bridge comprised a steel beam deck on reinforced concrete abutments. The span of the structure is 17.65m. Again the development

involved replacing the existing steel beam deck with a steel bridge deck while retaining and reusing the existing abutments.

I understand that the applicant was previously informed under FOI that the refurbishment works to the main bridges was carried out under S(4)(1)(h) of the Act (see appendix A- assessment prepared by the SE/P, Transport section). The wording of S4 (1)(h) provides a general exemption for the *carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*

For the avoidance of doubt, please note the specific legislative provision dealing with Local Authority own development (S179 (6)) also uses similar type wording to that of S(4)(1)(h) thus a similar position applies

S179(6) This section shall not apply to proposed development which –
(a) consists of works of maintenance or repair other than works to a protected structure, or a proposed protected structure, which would materially affect the character of –
(i) the structure, or
(ii) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,

Having regard to the foregoing and having regard to the question posed by the applicant I would state that this matter has already been adjudicated upon by CCC. Therefore, I have not re-visited the issue as part of this assessment. The previous assessment prepared by the SE/P (Transport) would have been based on the full drawings/particulars of the bridge works which I have not been privy to.

Please note the use of S179(6) allows the “repair/ refurbishment” works to be separated out from requirements of Article 80 meaning the cost of these repair works does not fall within the scope of A80(1)(k)

EIA/ AA

With regard to the questions posed and having regard to the provision of S179(d)&(e) it is necessary to ensure any works would not give rise to any requirement for EIA or AA

In respect of EIA, I refer to screening detail previously carried out in relation to the bridges (see A/SP report under appendix B). While the EIA screening only relates to the bridges, I would also be satisfied that the works to Kennedy park (given their nature and scale) would not have triggered any requirement for EIA.

In addition, AA screening in respect of the full extent of works undertaken has previously been carried out. This detail has been included under appendix B.

On the basis of same, I am satisfied that the works carried out would not have given rise to any requirement for EIA or AA

Conclusion

In considering this referral, and having had regard particularly to –

- (a) Section 2(1), 3(1), 4, and S179 of the Planning and Development Act, 2000, as amended,
- (b) Article 80 and Class 16, Schedule, 2, part 1 of the Planning and Development Regulations

The Planning Authority has concluded:

1-The public realm work/ redevelopment of Kennedy Park raising of ground around Kennedy Park was implemented by the Planning Authority in accordance with its own development powers as outlined under S4 and S179 of the Planning and Development Act, 2000, and specifically in accordance with Section 80(1)(k) of the Planning & Development Regulation 2001

2- The Raising of ground level and associated works on the Western side of the Owenacurra river between the Pontoon Bridge and the riverside way development was carried to facilitate creation of a temporary compound to allow implementation of the works to Pontoon walkway. Such temporary compounds are permissible in conjunction with the implementation of a project (i.e class 16, schedule 2, part 1 of the Planning and Development Regulations, 2001). As the project has recently been completed, the compound should be removed within a reasonable timeframe or may be put to an appropriate alternative use in accordance with an appropriate consent or relevant Local Authority own development legislative provision

3- The question references the “construction” of two bridges. This question is inaccurate insofar as the bridges were already existing and no new bridges were constructed. The work that was carried out related to two narrow footbridges (Eastern & Western Bridges), which cross over the Owennacurra River. The Planning Authority has previously adjudicated on this matter and determined that the subject works , which involved maintenance, improvement or other alteration of the East

and West Bridges on Pontoon Walkway in Midleton is “development” and is “exempted development” as per S4(1)(h) of the Act

Enda Quinn
Executive Planner
11/10/2023

Appendix A

From: Ronnie Barry <Ronnie.Barry@CorkCoCo.ie>
Sent: Tuesday, April 5, 2022 1:22 PM
To: James Rigney <James.Rigney@CorkCoCo.ie>
Cc: Cormac Ó Súilleabháin <Cormac.OSuilleabhain@CorkCoCo.ie>
Subject: Pontoon Bridges Midleton

James,

Following our earlier discussion, I understand that the proposed works to the East and West bridges on Pontoon Walkway in Midleton will involve maintenance and repair works to the existing East and West bridges on Pontoon Walkway and will also involve the upgrade of the ramps to the eastern and western sides of the existing bridges. The repaired and improved bridges will be widened from 1.501 m to 2.47 m and will provide improved connectivity for pedestrians and cyclists on the Pontoon Walk in Midleton.

Section 4(1) of the Planning and Development Act 2000 (as amended) outlines that: the following may be of use to your query regarding the East and West bridges on the Pontoon Walkway in Midleton.

“The following shall be exempted development for the purposes of this Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;”

Cork County Council intends to undertake proposed maintenance, repair and improvement works on the East and West Bridges on Pontoon Walkway in Midleton.

Having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended), as set out above, and to the nature of the proposed maintenance, improvement or other alterations / works to the 2 no. bridge structures, it is considered that the proposed maintenance, repair and improvement works will not materially affect the external appearance of the structures or render the appearance inconsistent with the character of the East and West Bridges or of neighbouring structures. Accordingly, it is considered that the proposed works, which involve maintenance, improvement or other alteration of the East and West Bridges on Pontoon Walkway in Midleton is development and is exempted development.

Regards,

Ronnie.

Ronnie Barry | Pleanálaí Feidhmiúcháin Sinsearach | Pleanáil agus Forbairt

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Ronnie Barry | Senior Executive Planner | Planning and Development

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Appendix B

Links to AA Screening and EIA previously carried out in respect of the works undertaken

[Microsoft Word - Midleton Pontoon Cycleway Screening for AA \(FFEC's changes 2020-09-29\).docx.pdf](#)

**Habitats Directive Appropriate Assessment
Screening Determination**

Pontoon Bridge Repairs, Midleton, Co. Cork

**Completed by – Ian McDermott
Cork County Council.**

Date: December 2021



**Cork County Council
Comhairle Contae Chorcaí**

This document contains the Habitats Directive screening determination of Cork County Council in respect of proposed pontoon bridge repairs in Midleton, Co. Cork, which comprises the removal and replacement of the deck of 2 no. footbridges and the associated concrete repair works. The determination is based on the information provided in the Screening for Appropriate Assessment Report which has been prepared by Atkins for Cork County Council and which is appended to this document. This screening determination should be read in conjunction with that report.

In accordance with Regulation 250 of the Planning and Development Regulations, Local Authorities are required to carry out screening for appropriate assessment of proposed development to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on one or more European¹ sites. The Local Authority is required to determine that appropriate assessment of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on one or more European sites.

These requirements derive from Article 6(3) of the Habitats Directive which states that

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of

¹“European Site” means— (a) a candidate site of Community importance; (b) a site of Community importance; (c) a candidate special area of conservation; (d) a special area of conservation; (e) a candidate special protection area, or (f) a special protection area.

the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

EU and National Guidance sets out two main stages to the assessment process which are as follows:

Stage One: Screening

The process which identifies what might be likely impacts arising from a plan or project on a European site, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. No further assessment is required where the risk of significant impacts on European sites can be objectively ruled out during the screening stage.

Stage Two: Appropriate Assessment

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an Appropriate Assessment and requires the compilation of a **Natura Impact Statement** by the project proponent, which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used to identify and classify any implications of the plan or project for these sites in view of their Conservation Objectives. The Appropriate Assessment must include a determination as to whether or not the project would adversely affect the integrity of any European site or sites. The plan or project may only be consented if adverse effects on the integrity of European sites can be objectively ruled out during the Appropriate Assessment process. The plan or project may not be consented on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

Part 1: Description of the project and local site characteristics
Project Name: Pontoon Bridge Repairs, Midleton, Co. Cork
Project Details: The proposed project comprises the replacement of the existing Pontoon Walkway i.e. two narrow footbridges (Eastern & Western Bridges), which cross over the Owennacurra River. The proposed replacement of the walkway has been based on a structural assessment. In order to better accommodate pedestrians and cyclists the proposed new bridges will be widened and will see deck levels being raised by 0.5m at the behest of the Office of Public Works (OPW) so that they are consistent with the Midleton Flood Relief Scheme. <i>Eastern Bridge:</i> The Eastern Bridge comprises a reinforced concrete beam deck on reinforced concrete abutments. The span of the structure is 15.15m. The proposal is to replace the existing concrete beam deck with a steel bridge deck. The proposal is to retain and reuse the existing abutments. <i>Western Bridge:</i> comprises a steel beam deck on reinforced concrete abutments. The span of the structure is 17.65m. The proposal is to replace the existing concrete beam deck with a steel bridge deck. The proposal is to retain and reuse the existing abutments. In order to facilitate the proposal, the following works will be required;

- Site compounds will be established in Kennedy Park to the east of the eastern bridge and in the derelict ground to the south of Aldi at the western end of the western bridge.
- Access scaffolding shall be provided in and around each abutment to provide safe access to all abutments. Scaffold legs may be required in the watercourse at the river edge. Access scaffolding shall be provided with deck and edge planking which will be sealed with polythene beneath the deck planking to prevent material falling into the watercourse.
- Steel parapets shall be carefully removed from the bridge decks by unbolting the parapet footing joints. The parapets will then be cut into sections with a con-saw and manually lifted off the bridge and stored at the site compounds for collection and recycling.
- The bridge decks shall be freed from their abutment supports using percussion hammers and con-saws.
- A mobile crane will be used to lift the bridge decks from their abutments and transfer them to the nearest site compound. Both existing bridge decks shall then be broken up / dismantled in the site compound areas with the demolition material sorted and removed from site for recycling.
- Clause 804 crushed stone shall be brought to the compound areas, placed in layers and compacted to provide suitable platforms for the crane.
- All existing bridge abutments shall be cleaned (brushed with hand tools) and examined by engineers and remedial works identified. Remedial works are likely to involve localised reinforced concrete repairs with small quantities of in-situ concrete.
- New in-situ reinforced concrete bearing plinths shall be constructed on the existing abutments to receive the new bridge decks. Oversized timber shuttering will be used for the piping of in-situ concrete. The volume of concrete to be poured will be less than 5m³ at each abutment. The shuttering will be above water and thus not subject to inundation by river waters.
- The new bridge decks will be fabricated offsite and comprise galvanised steel beams, deck plate and parapets. The bridge decks shall be brought to site in pieces and assembled in the compound areas and prepared for lifting by a mobile crane. The bridge decks shall be placed on the prepared bearing plinths and fixed using mechanical bolts. Timber shuttering and steel rebar shall be provided in and around the beam ends as formwork and reinforcement to in-situ concrete end diaphragms. Parapets shall be bolted to the new bridge decks.
- Existing blockwork walls at the central island between the bridge decks shall be removed to the site compounds for collection and recycling. New walls (type to be decided- masonry blockwork or in-situ concrete) shall be built between the bridges on the central island.
- New walls (type to be decided- masonry blockwork or in-situ concrete) shall be built at the eastern end of the Eastern Bridge and the western end of the Western Bridge. These will eventually tie into the planned Midleton Flood Defence Scheme.
- Bituminous pavements in accordance with the TII Specification shall be provided at the approaches to the structures.

Full details of the proposed project can be consulted in project documents including the Screening for Appropriate Assessment Report, as well as in the project drawings.

Site Characteristics:

The proposed project is located around the Owennacurra River on the southwestern side of Midleton town. The proposal is located within the Lee, Cork Harbour and Youghal Catchment, with the Owennacurra river forming a focal point of the general area. The Owennacurra river channel in the vicinity of the proposed project is ca. 15m wide.

The river is brackish in nature at the development site, with the river flowing south into the Owennacurra estuary, some 90m from the existing Pontoon Walkway. From here waters flow into the North Channel (Great Island) before discharging to Cork Harbour.

The Owennacurra estuary is part of Great Island Channel Special Area of Conservation (001058) and Cork Harbour Special Protection Area for birds (004030).

Part 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of associated information.

There are two EU sites within the Owennacurra estuary, and these have been identified as occurring within the potential zone of influence of the proposed project. These are the Great Island Channel Special Area of Conservation and the Cork Harbour Special Protection Area.

The **Great Island Channel SAC** is designated for the protection of two Annex I habitat types, being

- Mudflats and sandflats not covered by seawater at low tide; and
- Atlantic salt meadows (*Galuco-Puccinellietalia maritimae*).

Both of these habitats are recorded as occurring within the Owennacurra estuary.

The conservation objectives for these habitats are to

- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide; and
- To restore the favourable conservation condition of Atlantic salt meadows *Galuco-Puccinellietalia maritimae*.

Targets associated with these habitats are included in the [Great Island Channel Conservation Objectives document \(ver 1 June 2014\)](#).

The **Cork Harbour SPA** is an estuarine complex which is primarily comprised of intertidal habitats, mainly mudflats as well as some other coastal and marine habitats. These habitats support very high numbers of wintering waterfowl. The harbour regularly supports in excess of 20,000 wintering birds, making it an internationally important site and the fifth most important wintering waterfowl site in the country. The qualifying interests for this SPA are:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- Shelduck (*Tadorna tadorna*) [A048]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Pintail (*Anas acuta*) [A054]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]
- Lesser Black-backed Gull (*Larus fuscus*) [A183]
- Common Tern (*Sterna hirundo*) [A193]
- Wetland and Waterbirds [A999]

The Owennacurra estuary is part of Cork Harbour SPA with sub-site OL557 (NPWS tide counts) being the

Part 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of associated information.

closest proximity to the proposed project. This sub-site contains roost sites for Shelduck (*Tadorna tadorna*), Teal (*Anas crecca*) and Redshank (*Tringa tetanus*).

The Conservation Objectives for the Cork Harbour SPA are as follows:

- To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for Cork Harbour SPA;
- To maintain the favourable conservation condition of Common Tern in Cork Harbour SPA; and
- To maintain the favourable conservation condition of the wetland habitat at Cork Harbour SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

Targets associated with these features are included in the [Cork Harbour Special Protection Area Conservation objectives document \(ver1 Dec 2014\)](#).

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Part 3: Assessment of Likely Significant Effects

Activities which

- require direct intervention within the SAC or SPA;
- could cause release of toxic contaminants or other pollutants to watercourses;
- interfere with natural hydrological conditions in estuarine portions of the SAC or SPA;
- generate noise or visual disturbance stimuli at locations which could cause disturbance to qualifying interest bird species; or
- increase the risk of spread of invasive alien species within the SAC or the SPA,

could have the potential to interfere with the achievement of the Conservation Objectives established for these sites.

The AA screening report considers the potential risks of impact to the SAC and the SPA and rules out risk of significant impacts arising for the following reasons:

Direct Impacts:

All construction activities will be remote from the SAC and SPA i.e. intervening distance approx. 90m upstream. There will be no spatial overlap / direct intervention within the qualifying habitats of the SAC, with the closest recorded locations of 'Mudflats and sandflats' and 'Atlantic saltmarsh' habitats being at a remove of greater than 100m from the proposed site. Therefore, there is no associated risk of direct impacts to qualifying interest habitats or other habitats of biodiversity value within either EU site.

Indirect Impacts:

Disturbance / displacement impacts to species of conservation interest of the SPA – Both Grey Heron and Cormorant have been recorded in small numbers (1-2 birds) along the Owennacurra River close to the proposed development site. However, given that works are likely to occur outside the wintering season i.e. spring of 2022, and will only last 12-16 weeks, the proposed works will not negatively impact upon birds for which Cork Harbour SPA has been designated. Even if works occurred during the wintering months the proposed works would not result in disturbance impacts to birds in the estuarine reaches of the Owennacurra.

Furthermore, the grassland areas proximal to the proposed works are not suitable for use / used by field feeding qualifying species such as Curlew, Black-tailed Godwit or Oystercatcher.

During operation, increases in recreational activities in the vicinity of the SAC and SPA are not anticipated as a result of the proposed project. The proposed development is sufficiently remote from the SPA to the south that waterbirds within the SPA will not be disturbed by pedestrians using the bridge.

Potential release of toxic contaminants or other pollutants to the Owennacurra River - Activities associated with the construction of the bridges, could result in the release of toxic contaminants or silt to the Owennacurra River and in turn the SAC and SPA is considered in the AA screening report and is ruled out due to the following:

- Works which will take place within the site compounds e.g. laying of Clause 804 crushed stone, dismantling of existing bridges, are set back from the river and separated from the river by intervening areas of grassland which will buffer the river from the potential for run-off of silt-laden runoff and the accidental release of hydrocarbons.
- The river will be largely safeguarded from the cleaning of the abutments by the erected scaffolding and safety decking which will provide an indirect means of catching debris arising from the cleaning of the abutment. However, should material fall into the river, given the scale of the works negative impacts to European sites downstream of the works area are not anticipated.

Part 3: Assessment of Likely Significant Effects

The main risk of potential contamination to the Owennacurra River comes from the pumping of wet concrete into shuttering in order to reface the abutments. However, negative impacts to European sites downstream of the works area are not anticipated given that;

- The concrete truck will be parked as close to the bridge as is practical (i.e. on the public pathway close to the bridge);
- A pipe will then be run to deliver concrete to the shuttered area;
- The shuttering will be oversized in order to prevent any over topping of concrete;
- A worker will be placed at the truck and at the pipe end at all times;
- Emergency cut-offs will be in place at both ends;
- The pour will be supervised by the Site Foreman to ensure safe delivery of concrete to the shuttered abutment; and
- The volume of concrete to be poured will be less than 5m³ at each abutment.

During operation of the bridges, drainage of the pathway will be over-the-edge drainage into the grassy verge which will run parallel to the route. The pathway will cater for cyclists and pedestrians only and therefore, oils and hydrocarbons will not constitute a component of the surface-water runoff from the path or from the bridge surface, thereby not causing any potential water quality impacts to either the Owennacurra River, surface water or groundwater in the vicinity of the pathway.

Risk of spread of invasive species within EU sites. Control of a small area Himalayan balsam located close to the eastern bridge is currently being undertaken in order to minimise the risk of spreading this invasive species during proposed worked bridge works. As such, given the location and physical remove of the works areas from the SAC and SPA, the spread of invasive species to the SAC and SPA will not occur as a result of the proposed project.

In Combination Effects:

The AA screening report lists other plans and projects which are underway or proposed within the general area including:

- Midleton Flood Relief Scheme (FRS) - The proposed scheme is currently being developed and construction is anticipated to be from 2022 to 2024. The preparation of an AA Screening report is to be completed for the scheme, this will determine whether likely significant effects are anticipated as a result of the proposed scheme. Nonetheless, given the extent, scale and location of the currently proposed project, it is not anticipated to act in-combination with the Midleton FRS.
- Water Rock Urban Expansion Area (UEA) Infrastructure Works – This proposal received planning permission in 2019 and was subject to screening for AA. Given the nature, extent and scale of the currently proposed project, it is not anticipated to act in-combination with Water Rock UEA Infrastructure Works.
- Planning Ref 20/5418 - The construction of 6 no. external steel racking/shelving systems, resurfacing of existing external storage yard area and all associated site works.
- Planning Ref 20/4293 – The development will consist of the demolition of a derelict house on the site and the construction of 55 residential units.

The conclusion of the report is that the proposed project will not contribute to significant negative impacts on any EU site.

Part 4: Screening Determination Statement

On the basis of the information contained in the AA Screening Report, which is considered adequate to undertake a screening assessment and to make a screening determination Cork County Council is satisfied that the proposed project poses no likelihood of causing significant effects on any EU site for the following

reasons:

1. No direct interventions are proposed within the SAC or SPA – therefore no associated risk of direct damage to qualifying interest habitats or other habitats of biodiversity value within either EU site.
2. There is no risk that activities either during construction or use of the bridges which will cause disturbance / displacement impacts to birds as
 - no elements of the project will generate noise to significant levels above ambient levels in any part of the Cork Harbour SPA;
 - works will be short-term nature (12-16weeks) and likely outside the winter bird period i.e. construction likely to start during spring of 2022;
 - given the tolerance of local birds to the existing background noise levels, there should be no significant disturbance to species of conservation interest within the SPA as a result of the proposed works;
 - no elements of the project have the potential to cause significant visual disturbance to birds within any part of the Cork Harbour SPA given the intervening distance (>100m overland) and presence of visual buffers between the bridges and the vast majority of the SPA;
 - there are no features or habitats of value within the proposed works areas which would differentiate it as a critical resource for ex-situ qualifying interest bird species from similar habitats in the surrounding area; and
 - as per the information submitted winter bird studies conducted as part of the Midleton Flood Relief Scheme (FRS), along the Owennacurra River and upper estuary, noted that upper Owennacurra estuary, does not hold significant numbers of winter bird species and are below the 1% nationally important threshold for the species recorded. Additionally, there were no significant high tide roosts recorded close to Pontoon Bridges and no significant numbers of feeding birds recorded during mid or low tide counts in the environs of the works. Similarly, there was no indication that significant numbers of waders, wildfowl or gulls use the non-tidal stretches of river that flow through Midleton town.
3. It is considered that the works do not pose a risk of causing pollution of water in either the Cork Harbour SPA or the Great Island Channel SAC for the following reasons:
 - No instream works will take place as part of the proposal, significantly limiting pollution risk;
 - The risk of surface water emissions associated with the proposed development is considered low during the construction phase and imperceptible during the post construction phase. It is noted that silting up or accretion are natural processes in estuarine environment i.e. in habitats like Atlantic Salt Meadows and Mudflat and Sandflats. These habitats experience fluctuations in sediment on a daily basis and are only likely to experience negative effects from extremely severe changes in the sedimentation rate. These habitats as a whole will naturally adjust or reach equilibrium in response to any minor local changes. Therefore, given the scale and nature of the works, the risk generated by the proposal is considered minor at a local level in the short-term and imperceptible in the long-term;
 - There is a limited requirement for in-situ curing or casting of concrete i.e. 5m³ at each abutment. It is noted that the works will utilise oversized timber shuttering to prevent overtopping of the piped concrete. Furthermore, the shuttering will be above water and thus not subject to inundation by river waters. Therefore, any potential release of contaminants during the construction phase will be imperceptible in the context of the Owennacurra River and estuary and as such would not result in any significant effects to the qualifying interest of the SAC or SPA due to the dilution and assimilation capacity within the riverine and estuarine environments.

4. The proposed project does not pose a risk of causing the spread of invasive alien species to either the Cork Harbour SPA or the Great Island Channel SAC, which species could negatively impact qualifying interest habitats or species of either of these two sites.

5. No potential for in-combination effects have been identified.

It is therefore determined that Appropriate Assessment is not required

From: Noel Sheridan <Noel.Sheridan@CorkCoCo.ie>

Sent: Friday 29 April 2022 14:37

To: Cormac Ó Súilleabháin <Cormac.OSuilleabhain@CorkCoCo.ie>

Subject: RE: EIA Screening pedestrian and cycle bridges in Midleton - repair and maintenance February 2022 (002).docx

Cormac

I have read through the EIA Screening Report and the Determination attached to the report for the maintenance and repair work to the bridges on the Pontoon Walkway in Midleton.

I agree with the content of the report and I support the determination attached to it that there is no real likelihood of significant effects on the environment arising from the development having regard to the characteristics of the proposed development; the location of the development; and the types and characteristics of potential impacts.

Kind Regards

Noel Sheridan
A/Senior Planner

From: Cormac Ó Súilleabháin <Cormac.OSuilleabhain@CorkCoCo.ie>

Sent: Wednesday 16 March 2022 08:45

To: Noel Sheridan <Noel.Sheridan@CorkCoCo.ie>

Subject: EIA Screening pedestrian and cycle bridges in Midleton - repair and maintenance February 2022 (002).docx

Importance: High

Noel,

See attached report pertaining to repair and maintenance work to be carried out on the pedestrian/cycle bridges along the Pontoon Walkway in Midleton shortly. Can you please review same and issue a determination at your earliest convenience.

In the meantime if you have any queries please do not hesitate to contact me.

Is mise,

Cormac

Comhairle Contae Chorcaí Cork County Council

Airtight Ltd.,
c/o Denis Quinlan,
The Courtyard,
Main Street,
Schull,
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



21st September 2023

Our Ref.: D/281/23

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

Whether the development of the Pontoon walkway/cycleway beginning at the N25 underpass and terminating at Riverside Way/Kennedy Park intersection, Midleton, Co. Cork is or is not development or is or is not exempted development

Dear Sirs,

Please be advised that a declaration has been sought with respect to Section 5 of the Planning and Development Act 2000 (as amended) from the Planning Authority by Catherine White with respect to whether the above description at Midleton, Co. Cork constitutes development.

You are being notified as the applicant has indicated that you are the legal owner of the land in question.

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>

Comhairle Contae Chorcaí Cork County Council

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



Central Parks Developments Ltd.,
City Quarter,
Lapp's Quay,
Cork.

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We are Cork.



Recycled



EOIN C. DALY MALLON_{LLP}
SOLICITORS

The Secretary
Planning Department
Cork County Council
Carrigrohane Road
Cork
T12 R2NC

13 Sheares Street,
Fenns Quay,
Cork
T12 HPX4
DX 2056 Cork.

T: 021 4275244
W: www.ecdm.ie

KW/WHI.003/0027

14th September 2023

Re: Section 5 Declaration Request. (Planning and Development Act 2000)
Our client – Catherine White, Acres, Midleton, Co. Cork

Dear Sir/Madam,

Regarding the development of the Pontoon Cycle way in Midleton recently completed by the Council please find enclosed application for a Section 5 Declaration of exemption/non exemption completed in so far as is possible given that the development concerned was carried out by the Local Authority. Also enclosed is a cheque in the sum of €80 being the required fee.

We look forward to receiving your detailed and reasoned written statement as to whether the works constitute development and if so is it an exempt development.

Yours faithfully,


Kevin White
EOIN C DALY MALLON LLP
Email: kwhite@ecdm.ie
Phone extension no. 9





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:

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

See covering letter



FOR OFFICE USE ONLY

Receipt No.	P12-0002300
Cash/Cheque/ Credit Card	Cheque
Date	18/09/2023
Declaration Ref. No.	D/251/23

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)

Catherine White

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

The structure/ development is the recently completed Pontoon walk way and cycle way situate at Midleton beginning at the N25 underpass near the Midleton waste water treatment plant at (Riversfield estate) and terminating at Riverside way/ Kennedy Park intersection.

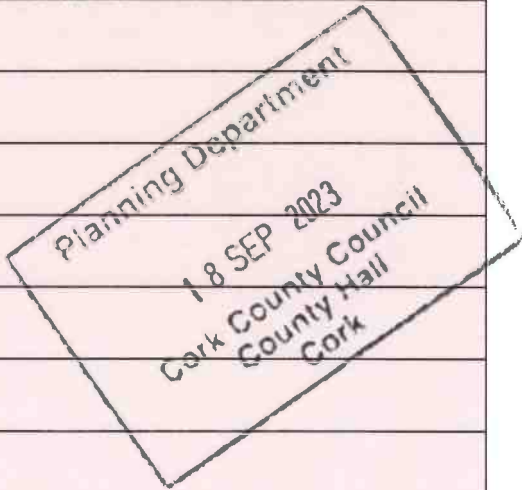
Full details of which are within the knowledge or procurement of the Planning Authority.

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

Whether the construction of the Pontoon walk way/ cycle way (c 700 meters in length) referred to in the Council's Cycle Development Plan published in January 2017 described as cycle route code M-U7 being that part beginning at the N25 underpass near the Midleton
waste water treatment plant at (Riversfield estate) and terminating at Riverside way/ Kennedy Park intersection, including
1) the public realm works / redevelopment of Kennedy Park including the raising of ground level and landscaping,
2) raising of ground level and associated works at western side of Owenacurra river from pontoon bridge to the Riverside way development. and
3) the construction of two bridges on the cycle namely the Pontoon foot bridge and smaller bridge on the pontoon footpath. is or is not development and is or is not exempted development.



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)

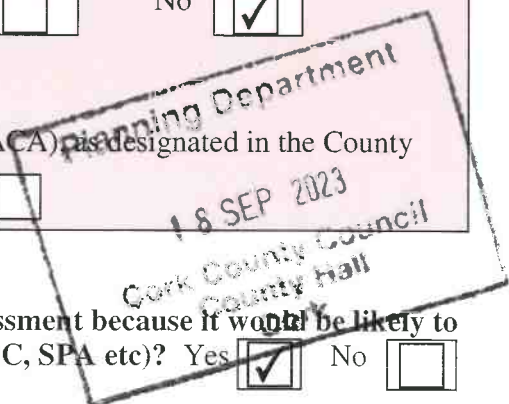
(a) Floor area of existing/proposed structure(s):	
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 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 type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	OWNER OF ADVERSLY AFFECTED LANDS AT KENNEDY PARK	
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):	Cork County Council, Central Park Developments Ltd. Y Manning Airtight Ltd	

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 checked="" type="checkbox"/> No <input 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. <u>No 02509</u>
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>Catherine White</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:

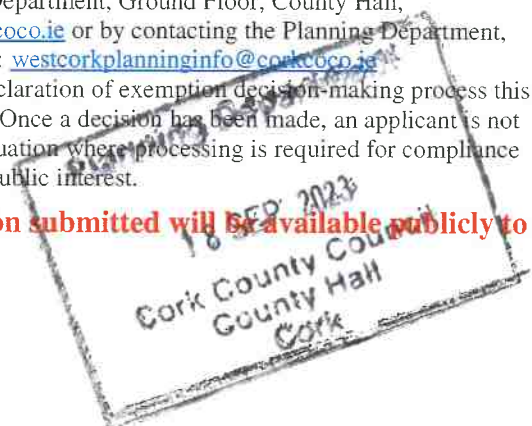
Sensitive personal data being submitted in support of Declaration of Exemption Application

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

Signed	<i>Catherine White</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.

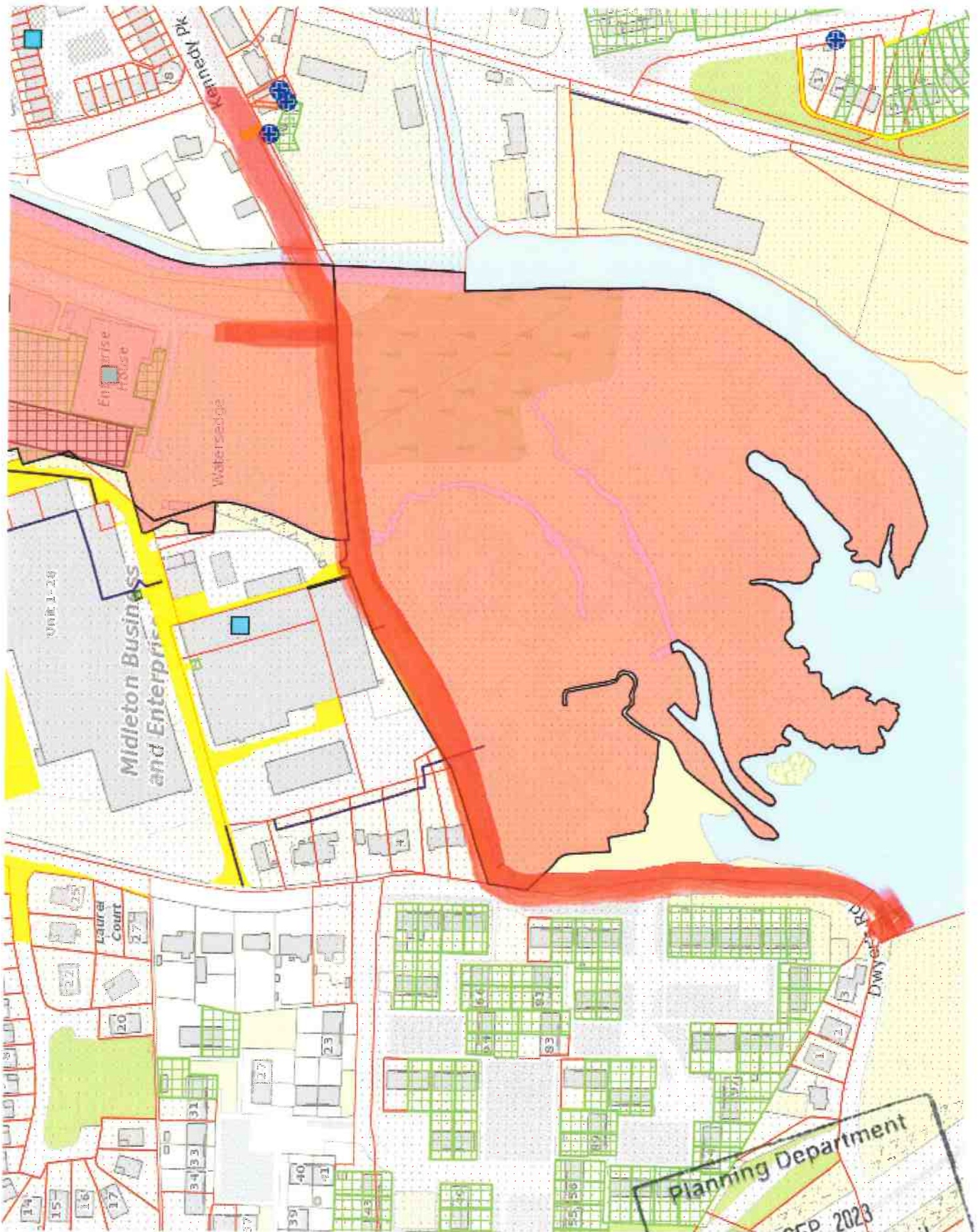
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and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

Signed (Applicant or Agent as appropriate)	 KEVIN WHITE Solicitor
Date	14-9-23





Planning Department
18 SEP 2023
Cork County Council
County Hall
Cork.