

Comhairle Contae Chorcaí Cork County Council

Pearl Beamish,
10 Dun Orga,
Cloyne,
Co. Cork.
P25 RP77

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,



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

11th April, 2023

REF: D/223/23
LOCATION: 10 Dun Orga, Cloyne, Co. Cork P25 RP77

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

Dear Madam,

On the basis of the plans and information submitted by you on the 16th March, 2023 the Planning Authority having considered whether the construction of a domestic single storey rear extension at **10 Dun Orga, Cloyne, 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:

- The details submitted to the Planning Authority on the 16th March, 2023
- Sections 2(1), 3(1) and 4(4) of the Planning and Development Act (2000, as amended)
- Articles 3, 6 and 10 of the Planning and Development Regulations (2001, as amended)
- Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations (2001, as amended)

And the Planning Authority hereby decides that the construction of a single storey rear extension at 10 Dun Orga, Cloyne, Co. Cork, is **development** and is **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,

A handwritten signature in black ink, appearing to read 'Kevin O'Regan', with a horizontal line underneath it.

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>

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

D223-23- Rear extension, 10, Dun Orga Cloyne

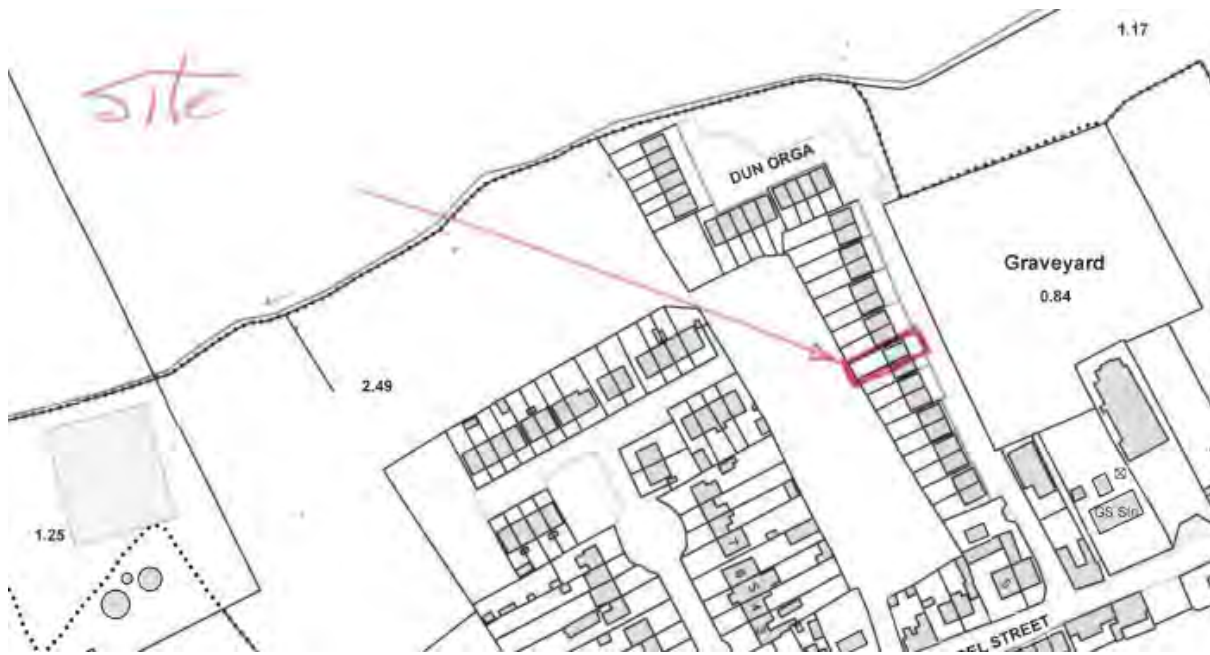
The Question

The applicant is querying whether the construction of a 18.8sqm single storey rear extension is/ is not exempted development for the purposes of the Act

Planning History

There is no planning history on the subject site





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”.

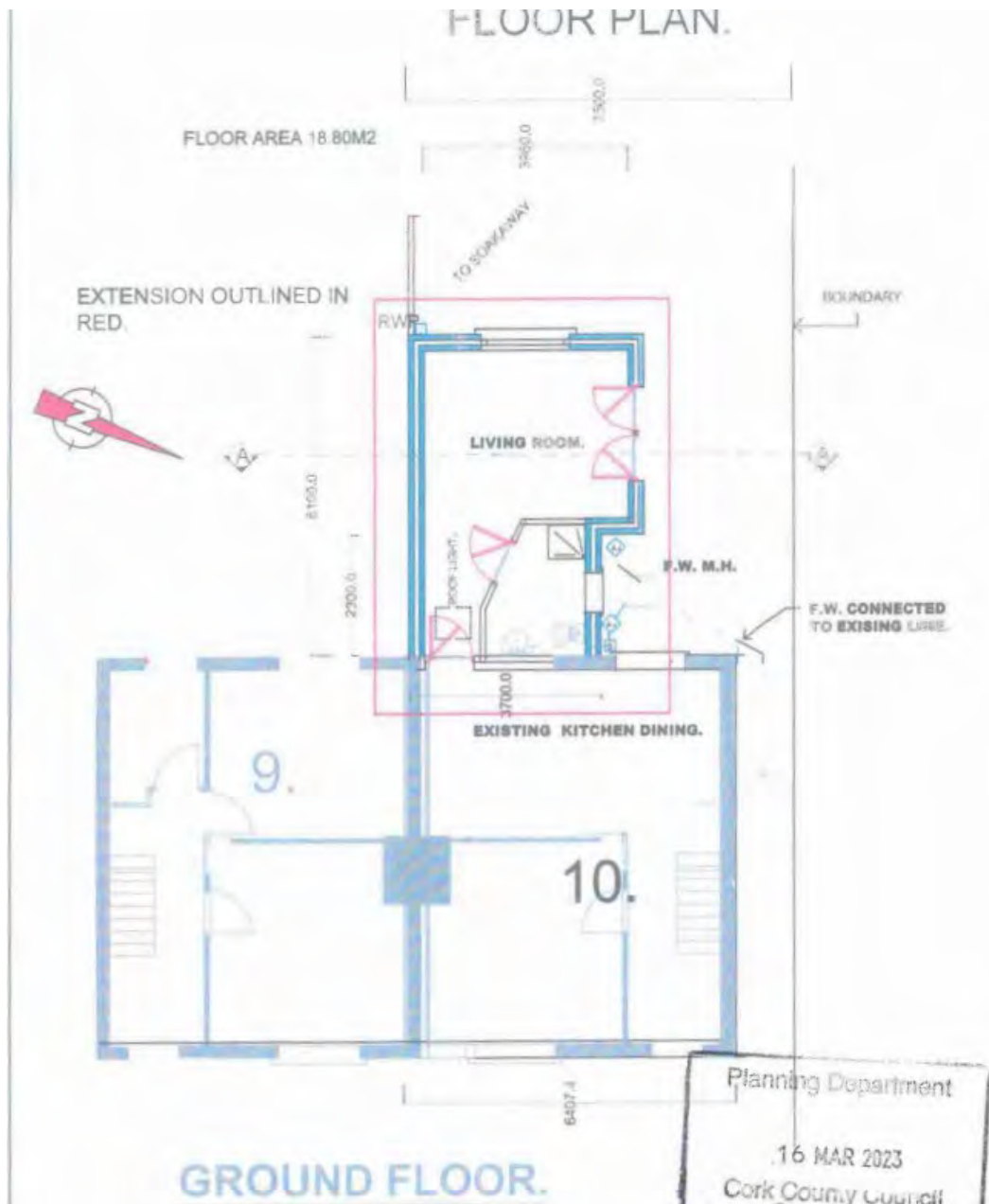
Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations, 2001.

Planning and Development Regulations, 2001

Article 6(1) of the Regulations states as follows:- “(a) Subject to article 9, development consisting of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development 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

Article 9 (1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

Assessment



Subject extension

Having regard to the question posed, the proposal constitutes “development” as set out under S3 of the Planning and Development Act 2000 in that “works” have been carried out on the site. The question therefore is whether or not these “works” constitute “exempted development” for the purposes of the Act

In relation to the rear extension Class 1, Schedule 2, Part 1, (Exempted Development) Regulations 2001) allows the construction of up to 40sqm new build to be constructed to the rear of an existing dwelling subject to certain caveats. The extension measures approx. 18.8sqm. Having reviewed the drawings submitted, the proposal complies with the caveats listed under class 1 of the exemption class

Article 9 Restrictions

Restrictions on exemptions are listed under Article 9 of the Regulations. Having reviewed same against the subject development, none would apply

AA/ EIA

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act. Having considered that detail I am satisfied the proposal does not trigger any requirement for mandatory or sub-threshold EIA. Similarly and having regard to the nature of the proposal and the distance to Natura 2000 site, I am satisfied that requirement for AA is not warranted

Conclusion

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

- (a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,
- (b) Articles 3, 6 and 10 and Class 1 Schedule 2, part 1 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

(a) the proposal constitutes “development” within the meaning of S3 of the Act

(b) The rear extension is considered to constitute “exempted development” having regard to the provisions of Class 1, Schedule 2, Part 1, (Exempted Development) Regulations 2001

Enda Quinn
Executive Planner
6/4/2023

The Planning Dept.

Co. Hall

Cork

14/3/23.

re: Application for Section 5
Declaration of Exemption

Attached

4 No Copies of Application form.
4 No Copies of 6" O.S. Map.
4 No Copies of 25" O.S. Map.
4 No Copies Site Layout Dwg 4R2.
4 No Copies Scaled Drawings 1R1/1R3
1 No Copy of Contract details.
Fee €80

Signed *Rena Bewish*





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

FOR OFFICE USE ONLY

Receipt No.	R 90039965
Cash/Cheque/ Credit Card	Cash
Date	16/03/2023
Declaration Ref. No.	D/223/23

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):	
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use _____ _____ Proposed use _____ _____	
(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):		

16 MAR 2023
Cork County Council
County Hall
Cork

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

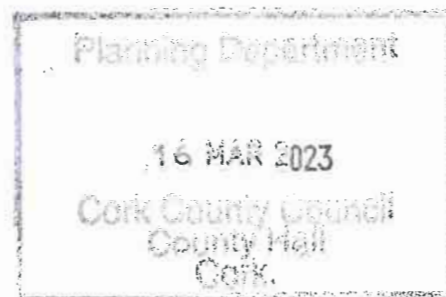
Signed (By Applicant Only)	<i>Paul Smith</i>
Date	14/3/23

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>Paul Smith</i>
Date	14/3/23

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's files.


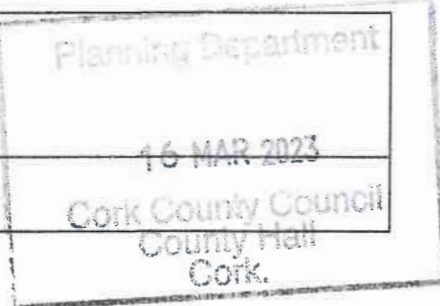
ADVISORY NOTES:

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.

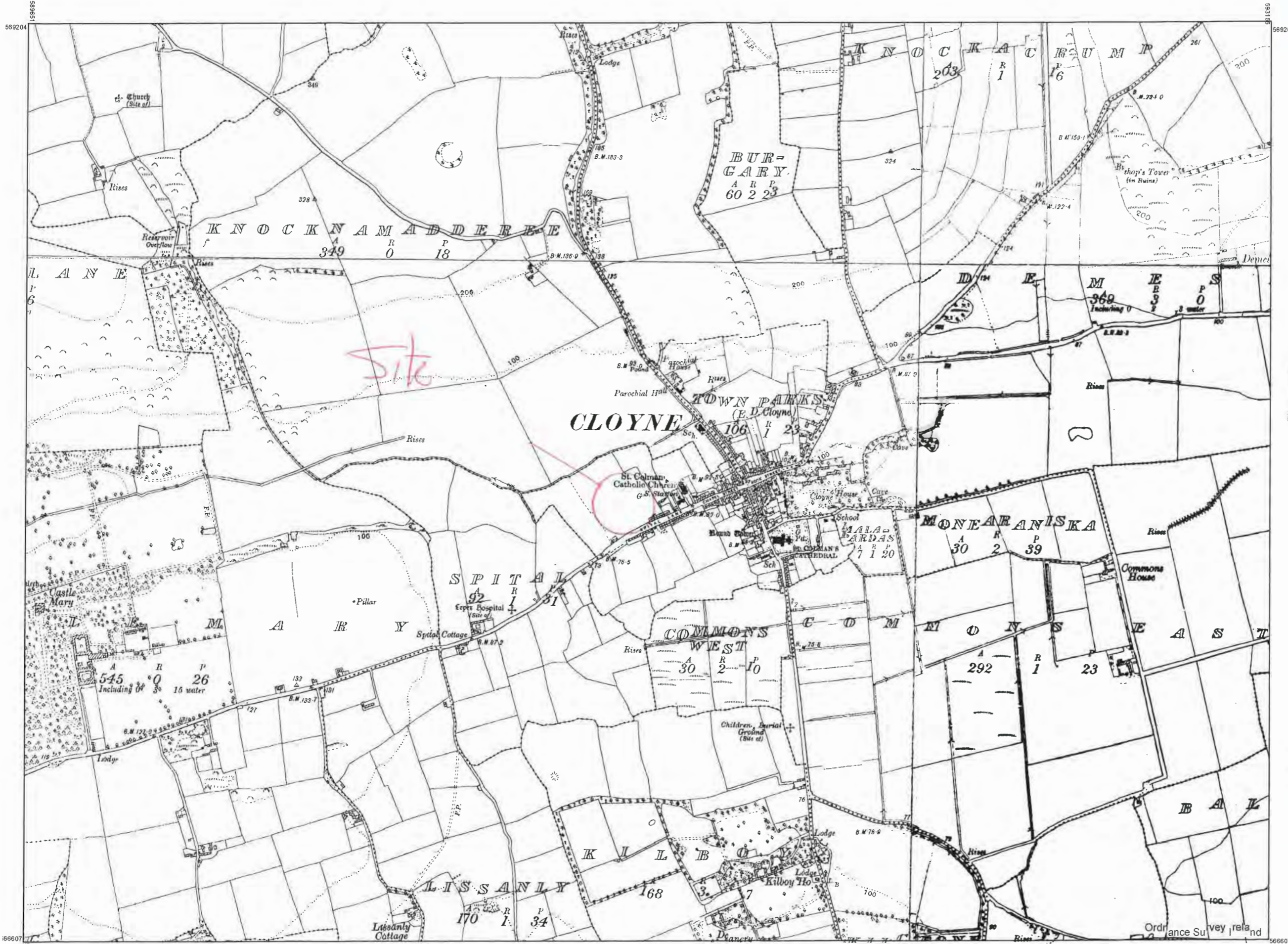
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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)		
Date	14.3.23	

Site Location Map

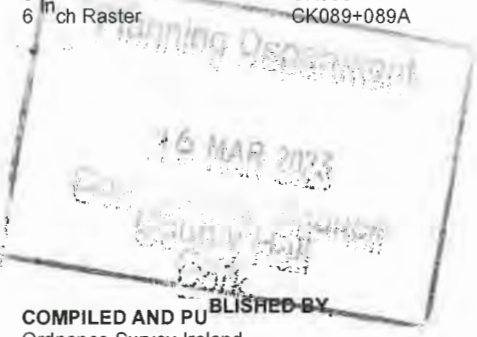


CENTRE COORDINATES:
ITM 591404.567906

PUBLISHED: 10/02/2023
ORDER NO.: 50316841_1

MAP SERIES:
6 Inch Raster
6 Inch Raster
6 Inch Raster
6 Inch Raster

MAP SHEETS:
CK076
CK077
CK088
CK089+089A



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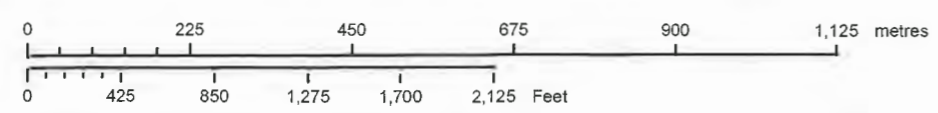
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search 'Large Scale Legend'



OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
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Planning Pack Map

CENTRE COORDINATES:
ITM 591404,567906

PUBLISHED: 10/02/2023
ORDER NO.: 50316841_1

MAP SERIES: 1:2,500
MAP SHEETS: 6433-D



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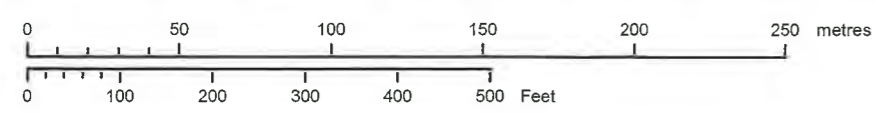
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LEGEND:

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search 'Large Scale Legend'

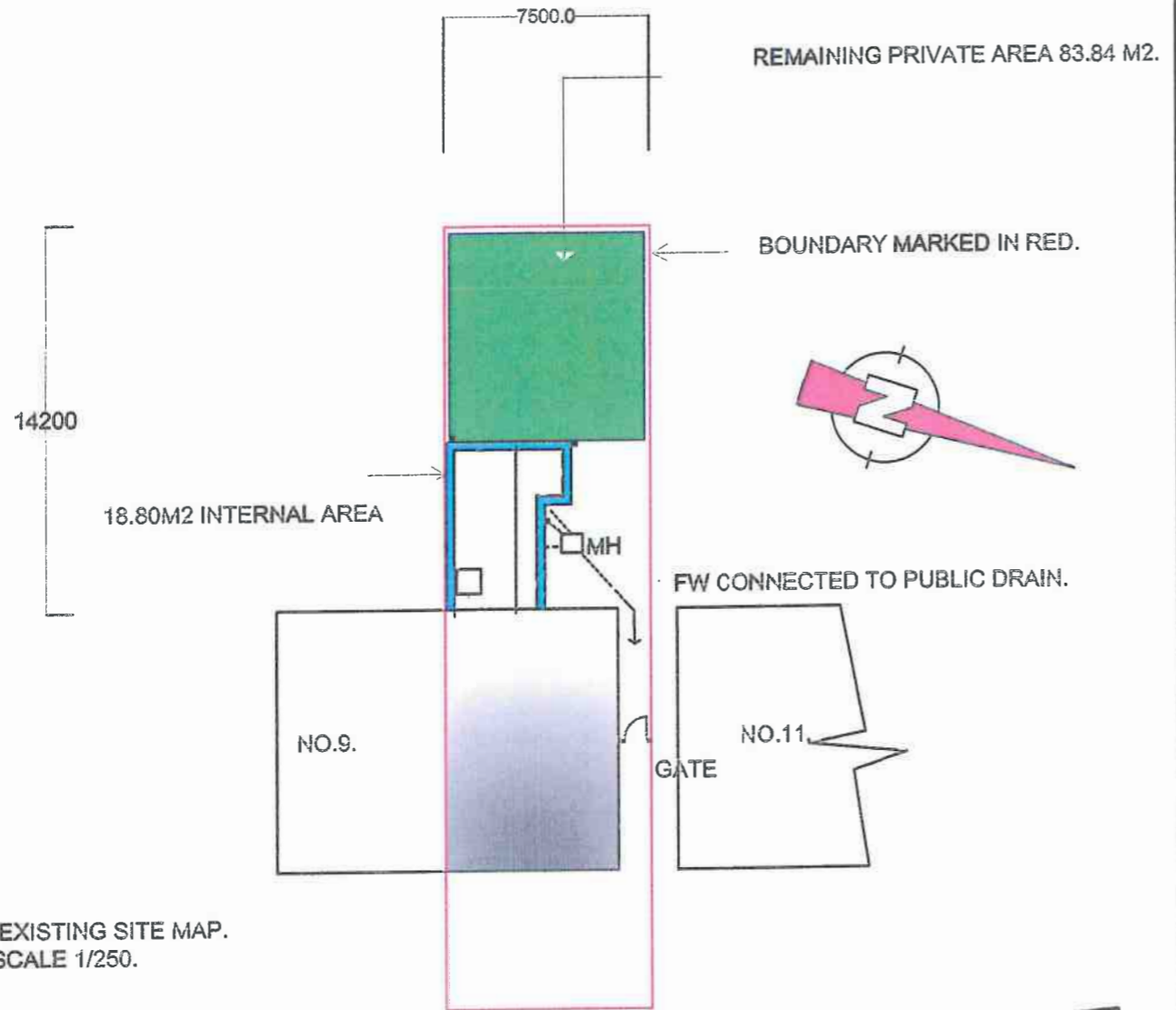


OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
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N.J. BRANSFIELD
PLANNING - ENGINEERING SERVICES MIDLETON O214632162.



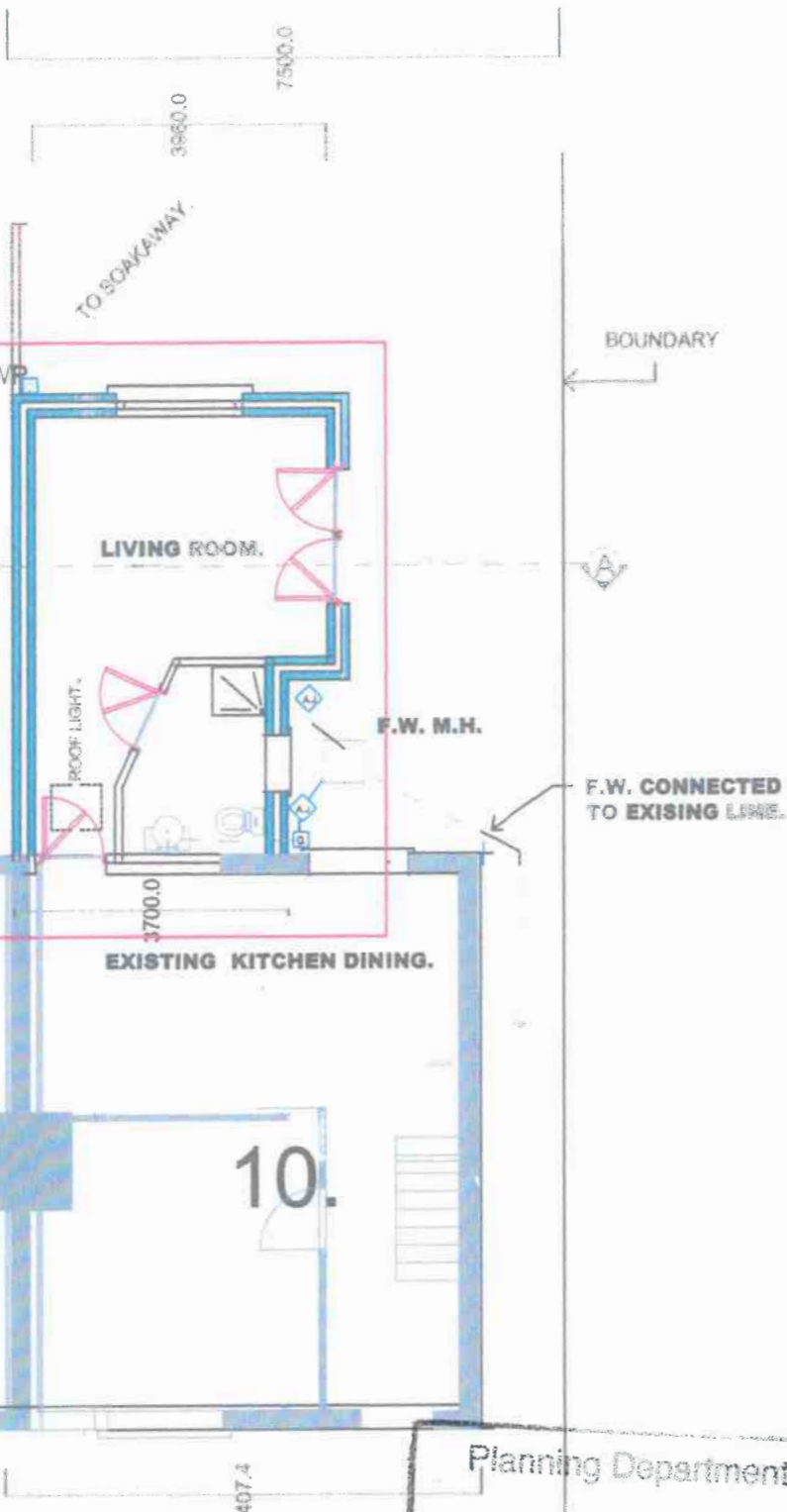
SITE MAP.
10 DUN ORGA, CLOYNE CO.CORK P25 RP77

Planning Department
16 MAR 2023
Cc: ...
...
...

DRG. NO. 4R2.

FLOOR PLAN.

FLOOR AREA 18.80M²



EXTENSION OUTLINED IN RED.

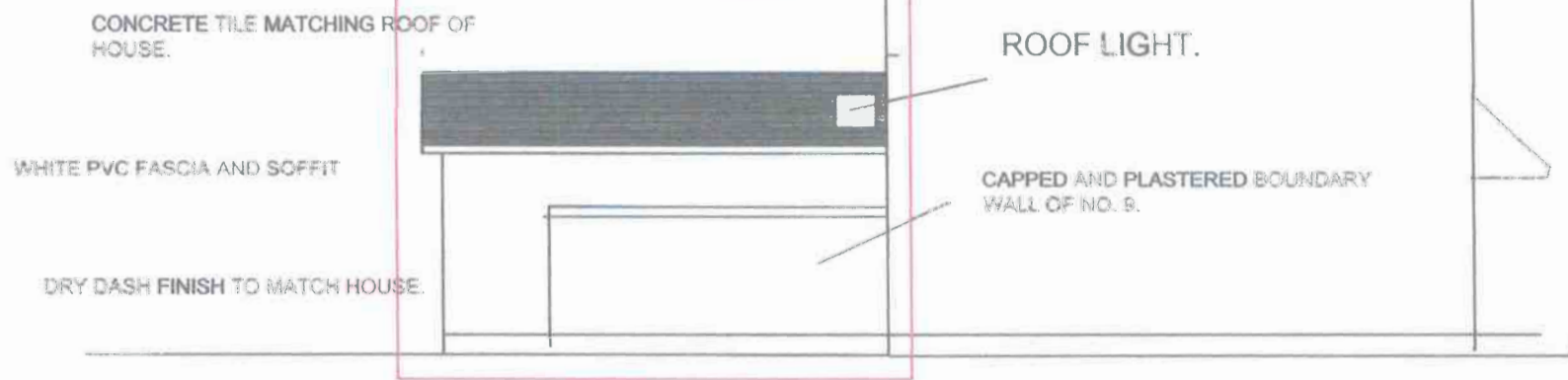


GROUND FLOOR.

SCALE 1 : 100.

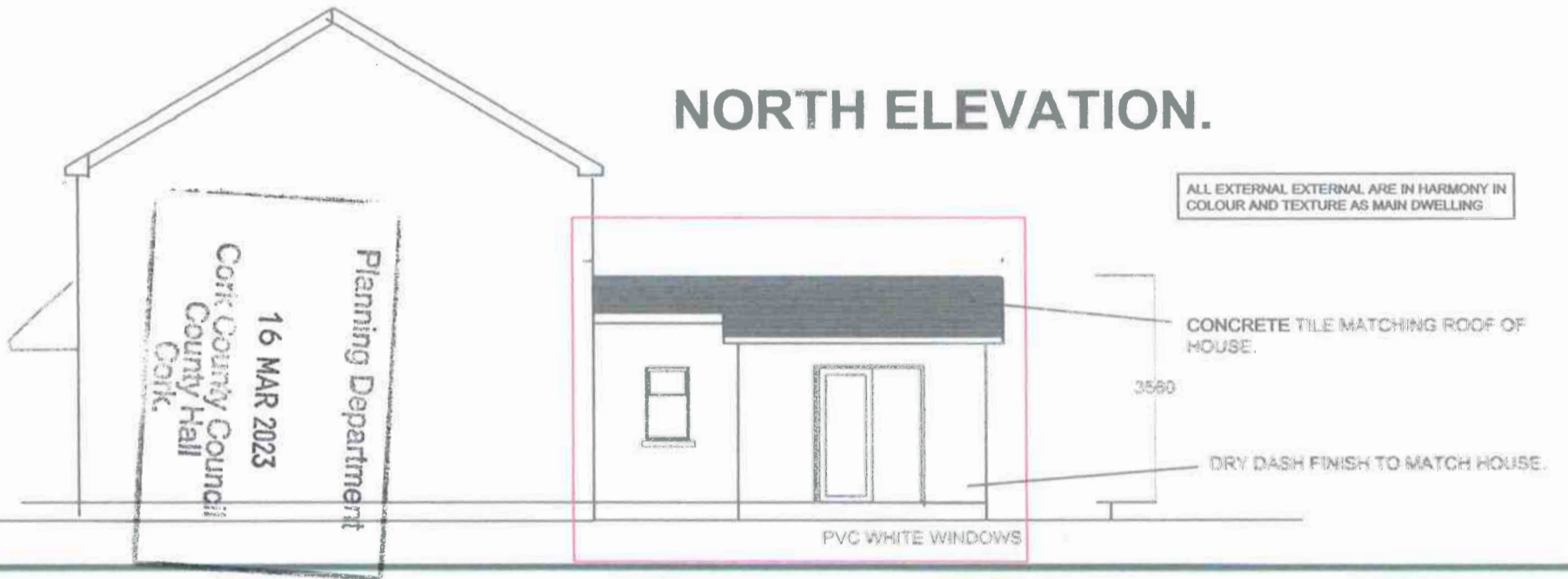
Planning Department
16 MAR 2023
Cork County Council
County Hall
Cork.

SOUTH ELEVATION.



SCALE 1 : 100.

NORTH ELEVATION.



Planning Department
16 MAR 2023
Cork County Council
County Hall
Cork.



WEST ELEVATION ELEVATION.

SCALE 1 : 100.

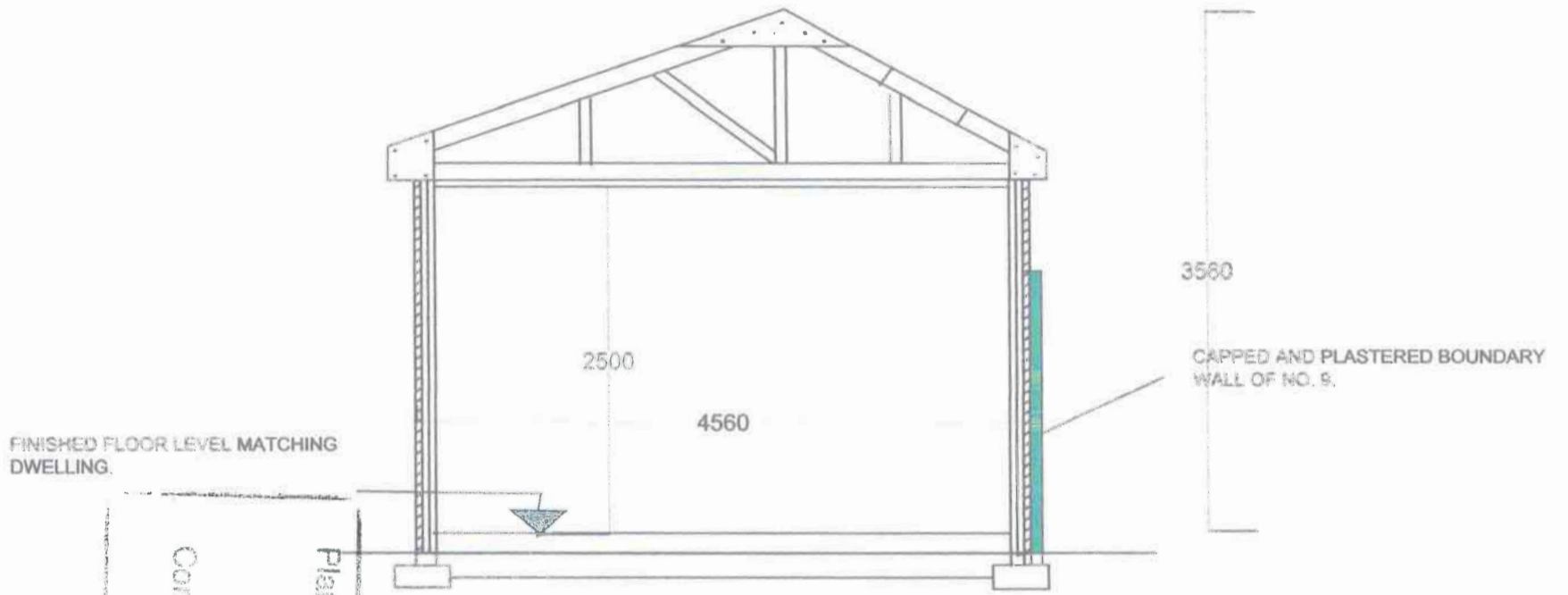
ALL EXTERNAL EXTERNAL ARE IN HARMONY IN COLOUR AND TEXTURE AS MAIN DWELLING

CAPPED AND PLASTERED BOUNDARY WALL OF NO. 9.

EAST ELEVATION NO CHANGE



Planning Department
16 MAR 2023
Cork County Council
County Hall
Cork



SECTION A: A..

Planning Department
16 MAR 2023
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County Hall
Cork.