Comhairle Contae Chorcaí Cork County Council

Donal Manning, c/o Sean Desmond Consulting Engineers Ltd., The Granary, The Glen, Kinsale, Co. Cork. Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891 • Faics: (021) 4276321 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development, County Hall, Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891 • Fax (021) 4276321 Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie



27th June, 2023

REF: LOCATION: D/248/23 Kilcolman, Ballinspittle, Co. Cork.

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

Dear Sir,

On the basis of the information submitted by you on 31st May 2023 the Planning Authority, having

considered the question whether or not the proposed rear extension to the property at Kilcolman,

Ballinspittle, Co. Cork is or is not development and is or is not exempted development has declared that it **is development and is not exempted development**.

Reason for Decision

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

- Schedule 2, Article 6, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and
- The particulars received by the Planning Authority on 31st May 2023

And Whereas Cork County Council has concluded that -

The proposed works at **Kilcolman, Ballinspittle, Co. Cork** constitutes development but it is NOT an exempted development because the structure cannot come within the scope of Schedule 2, Article 6, Part 1, Class 1 (Development within the curtilage of a house) of the Planning Regulations 2001.

For clarity, the structure is not occupied as a dwelling, the residential use has been abandoned, and recommencing any residential use would require sewage system and vehicle entrance that would require Permission.

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,

deall

PIO TREACY, ADMINISTRATIVE 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

27 June 2023

S.5 DECLARATION

APPLICANT: , County Cork.

Your Ref: D 248 23

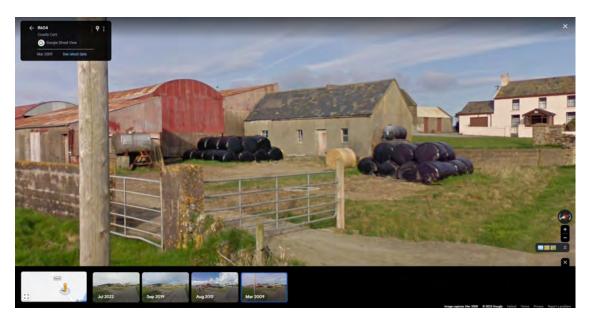
Proposal

I have not inspected the site.

The host structure is a dwelling on the 1st Edition OS Map. It is a vernacular residential dwelling.

The dwelling is very long-term vacant in semi-derelict condition. The use has been abandoned. It cannot be reactivated without enabling development such as sewage system and formation or improvement of vehicle entrance for which Permission would be required.

I am not satisfied the structure can avail of Schedule 2, Article 6, Part 1, Class 1 (Development within the curtilage of a house) of the Planning Regulations 2001 – because the structure is not occupied as a dwelling, and residential use could not be re-activated without carrying out development to make it habitable etc.



Requirement for Appropriate Assessment has been screened out for this proposed development having regard to the lack of ecological or hydrological connection between the development site and any European Site.

Conclusion

The proposal constitutes development.

But it is NOT an exempted development because the structure cannot come within the scope of Schedule 2, Article 6, Part 1, Class 1

(Development within the curtilage of a house) of the Planning Regulations 2001.

For clarity, the structure is not occupied as a dwelling, the residential use has been abandoned, and re-commencing any residential use would require sewage system and vehicle entrance that would require Permission.

Regards Steve Baxter Executive Planner BA Hons Dip Town Planning

Sean Desmond Consulting Engineers Limited Chartered Civil & Structural Engineers, The Granary, The Glen, Kinsale, Co Cork

Tel 021 4773288 Mob 086 8987102

28th May 2023

Cork	County	Council,
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Planning Department,

County Hall,

Carrigrohane Road,

Cork

Section 5 Declaration of Exemption – Kilcolman, Ballinspittle, Co Cork

A Chara,

Please find attached the Section 5 application including copies of the following:

- 1. Application form x 4 no
- 2. Copy of Section 1 confidential contact info x 1 no
- 3. 1:10,560 map x 4 no
- 4. 1:2500 map x 4 no
- 5. 4 no copies of drawings of proposed development
- 6. Cheque for $\in 80 application$ fee

Please contact the undersigned if you have any queries.

Yours Faithfully,

- Desnord.

Sean Desmond BE CEng MIEI DipEng Chartered Engineer Mobile 086-8987102

PLANNING DEPARTMENT
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3 1 MAY 2023
CORK COUNTY COUNCIL
County Hall, Cork



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST (Please tick $\sqrt{}$) **4** No. Copies of Application Form: 1 No. Copy of Contact Details: 4 No. Copies 6" O.S. Maps: 4 No. Copies 25" O.S. Maps: 4 No. Copies of Site Layout Plan: 4 No. Copies Scaled Drawings of Development: €80 Application Fee: PLANNING DEPARTMENT FOR OFFICE USE ONLY **Receipt No.** -0001LED Cash/Cheque/ 3 1 MAY 2023 **Credit Card** CORR COUNTY COUNCIL Date 03/2013 County Hall Declaration DATE STAMP HERE δP. Ref. No.

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

<u>http://www.corkcoco.ie/Privacy-Policy</u> 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 <u>dpo@corkcoco.ie</u> 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)

Dowal MANING

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

LINCOLMAN, BAUINGPITTUE, Co. CORK

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

15 THE PROPOSED R	EAR EXTENSION CONSIDERED
ELEMPT DEVELOPMEN	T UNDER THE CURENT
PLANHING AND DE	UCLOPMENT REGULATIONS?
	PLANNING DEPARTMENT
	3 1 MAY 2023 CORK COUNTY COUNCIL County Hall, Cork

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 (m^2)

(a) Floor area of existing/proposed structure(s):	40 m ²
 (b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1st October, 1964 (including those for which planning permission has been obtained): 	Yes No V 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:	NO CHANGE OF USE
Existing/previous use	Proposed use
DNEUNGHOUSE	DNEUNGHOUSE
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No 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	B. Other
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:

	tructure/Proposed Protected Structure or within the curtilage of a Protected Yes No
	ation under Section 57 of the Planning & Development Act 2000 been requested operty by the Planning Authority: Yes PANNING DEPERTMENT
If yes, please state re	elevant reference No
Is this site located w Development Plan?	Vithin an Architectural Conservation Area (ACA), as designated in 26 County Yes No CORK COUNTY

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 tacking the bax below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork Council's Privacy Policy available at http://www.corkcoco.ie/privacy-statement-cork-councy-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 prevatision for my personal information to be processed for the purpose stand above

Signed (By Applicant Only).	Auger daning	
Daw	29/08/27 1	

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

Where Special Categories of personal data / sensitive personal data are provided as part of *i* 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 opinior
- 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.corkeoco.ic/privacy-statement-cork-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

Signed	Aqual 1/a	
Date	69/05/23.	
However if consent to the us information cannot be consid- entitled to withdraw consent, with a legal obligation or for	dered us part of the decision insking process. O , as the right of ensure does not apply to a sinu- the performance of a task carried out in the pul-	iration of exemption decision-making process due nee a decision has been made, an applicant is not for where processing is required for compliance dic interest. submitted will be accultable probledy to
iew at the Planning A	athority offices.	PLANNING DEPARTMENT
	authority offices.	
	athority offices.	PLANNING DEPARTMENT 3 1 MAY 2023 CORK CLOURTY COUNCIL

ADVISORY NOTES:

The application must be accompanied by the required fee of $\in 80$

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 <u>Planning and Development Acts 2000</u>, <u>as amended</u> and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	Sean Dosmad	1
Date	28 - MAY - 2023	



Planning Pack Map





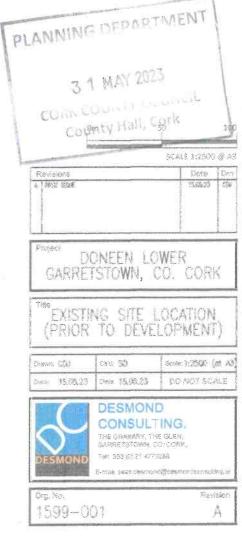
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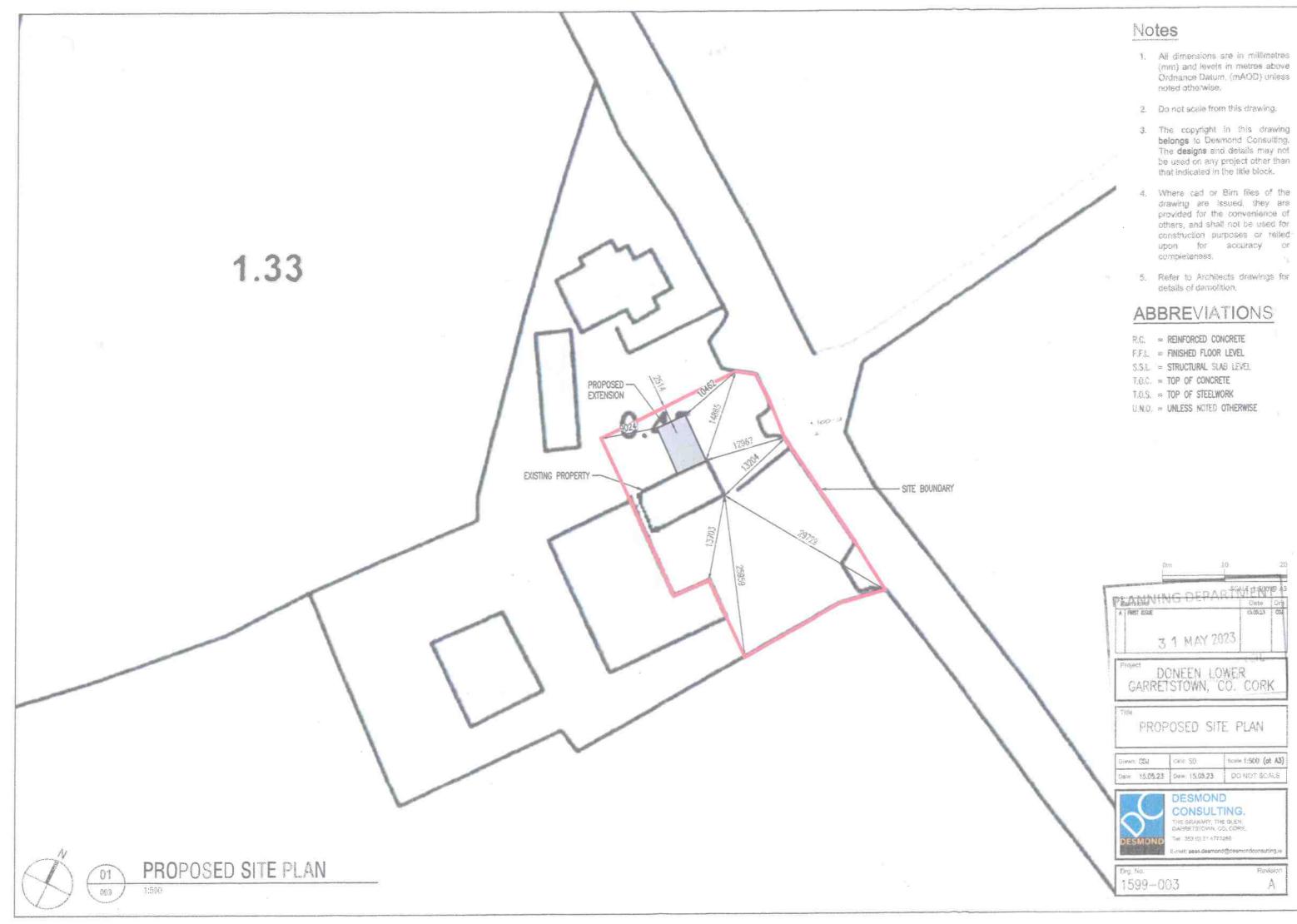
- 1. All dimensions are in millimetres (mm) and levels in metros above Ordnance Datum, (mAOD) unless noted otherwise.
- 2. Do not scale from this drawing.
- 3. The copyright in this drawing belongs to Desmond Consulting. The designs and details may not be used on any project other than that indicated in the title block.
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- 5. Refer to Architects drawings for details of demolition.

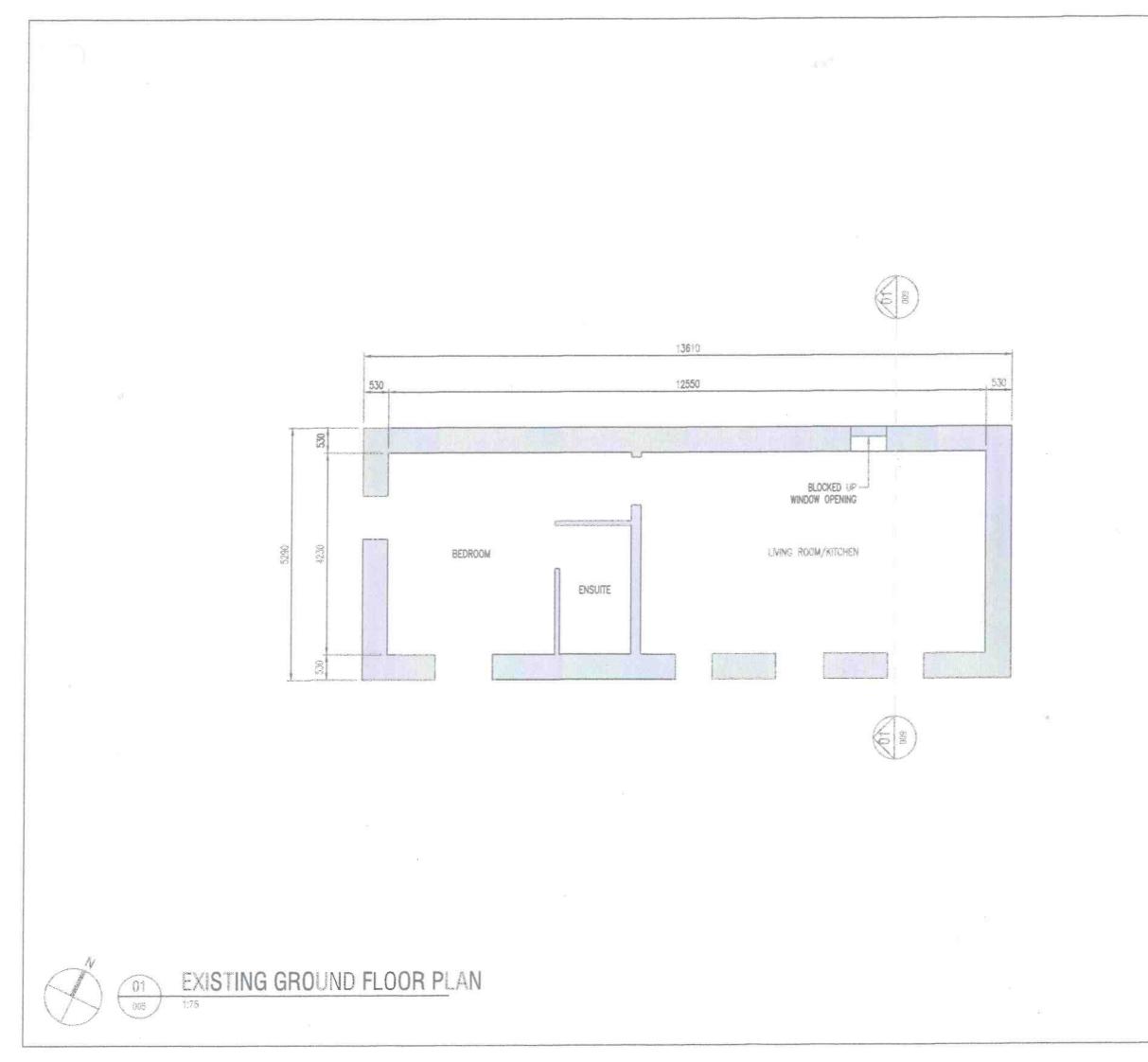
ABBREVIATIONS

- R.C. = REINFORCED CONCRETE
- F.F.L. = FINISHED FLOOR LEVEL
- S.S.L. = STRUCTURAL SLAB LEVEL
- 1.0.C. = TOP OF CONCRETE
- T.O.S. = TOP OF STEELWORK
- U.N.O. = UNLESS NOTED OTHERWISE





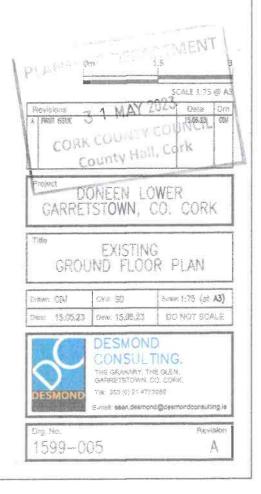


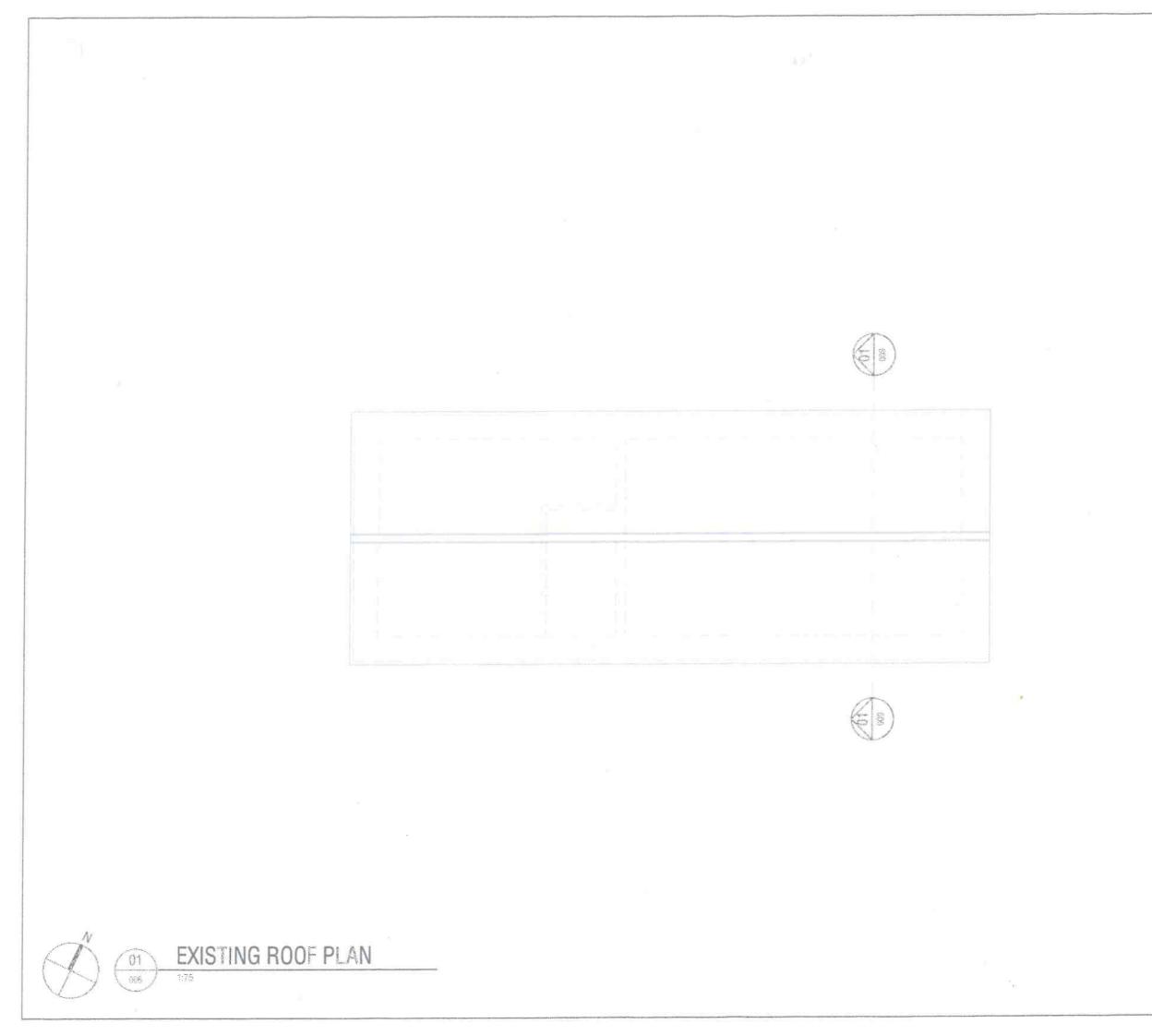


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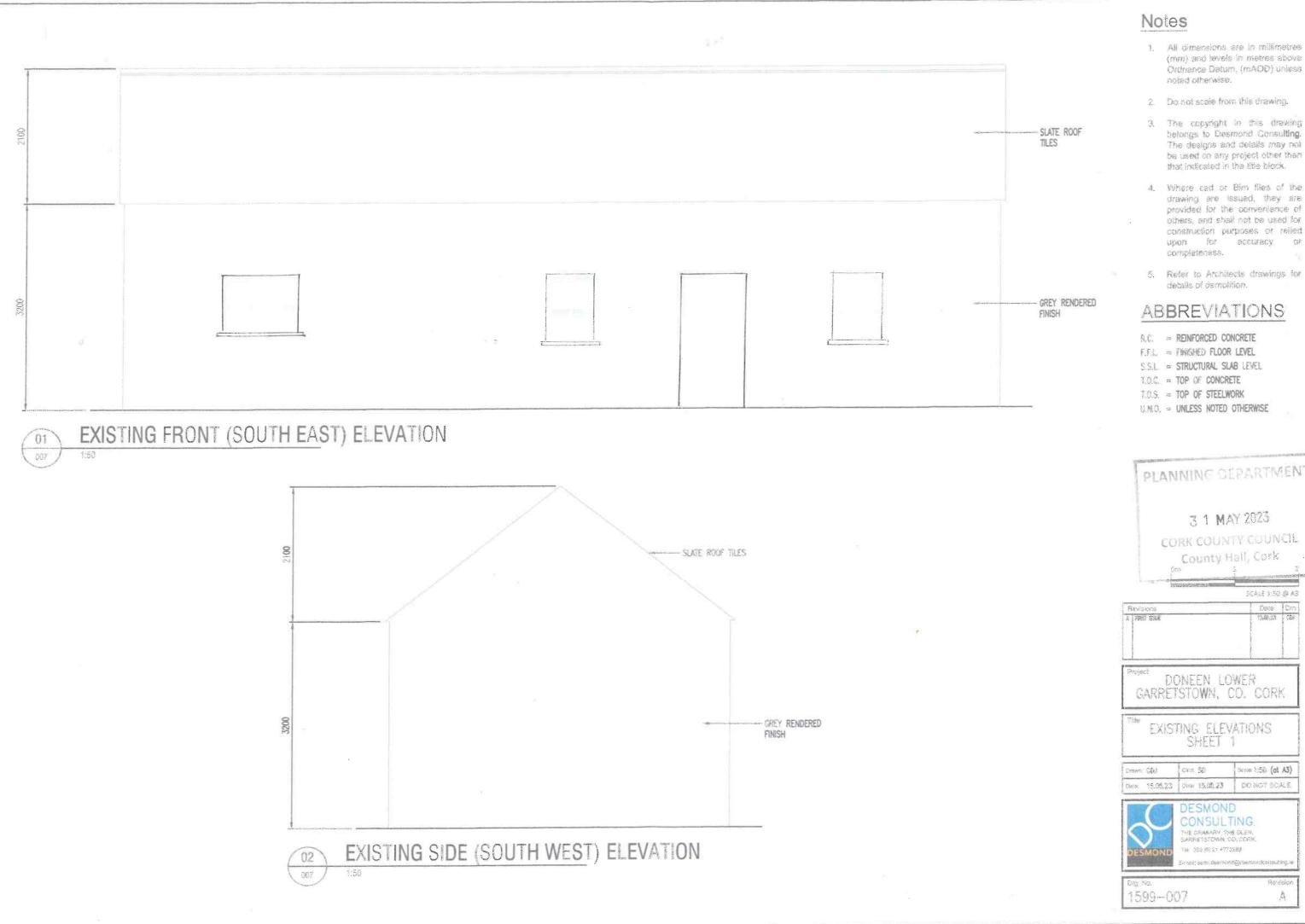


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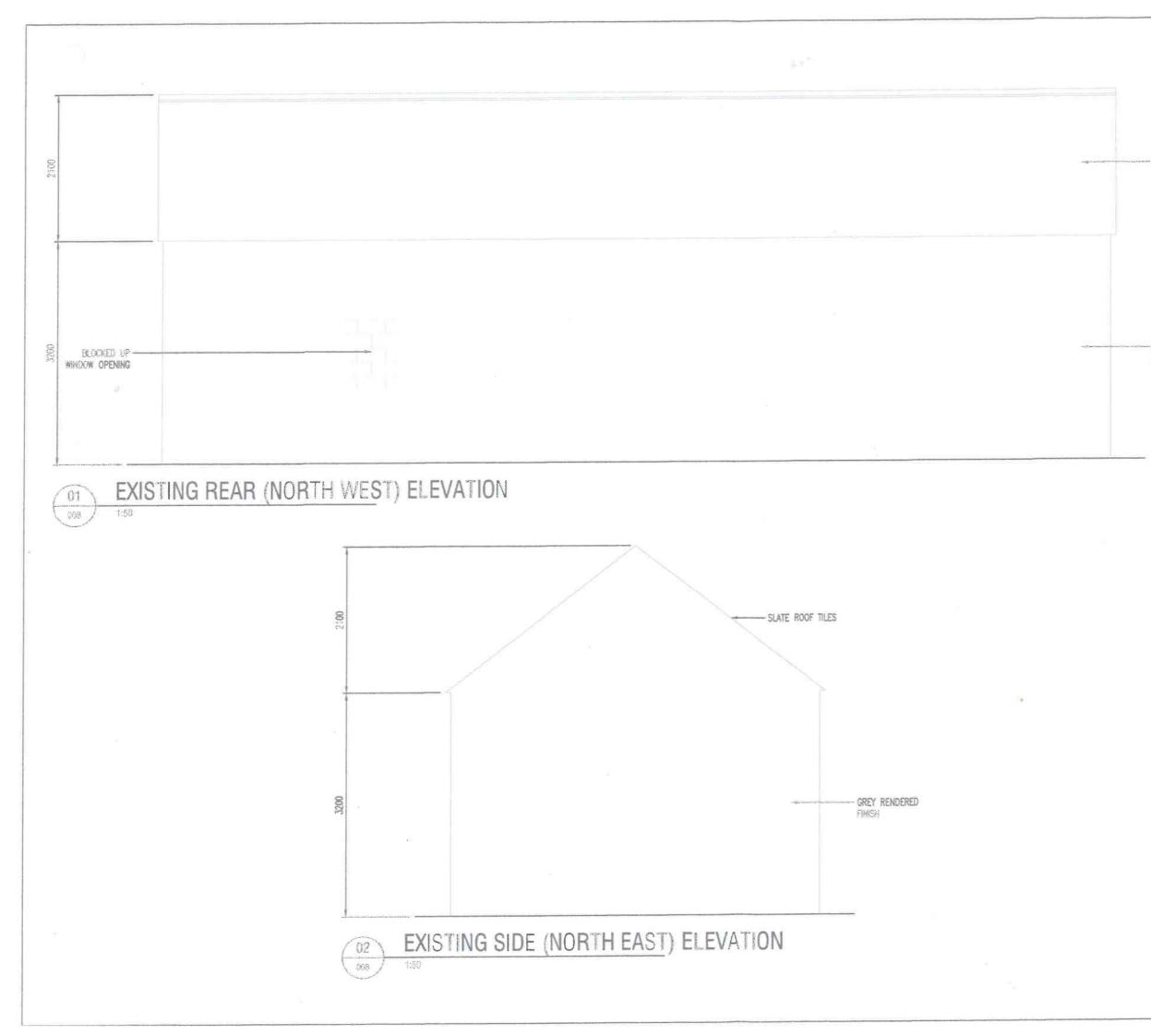
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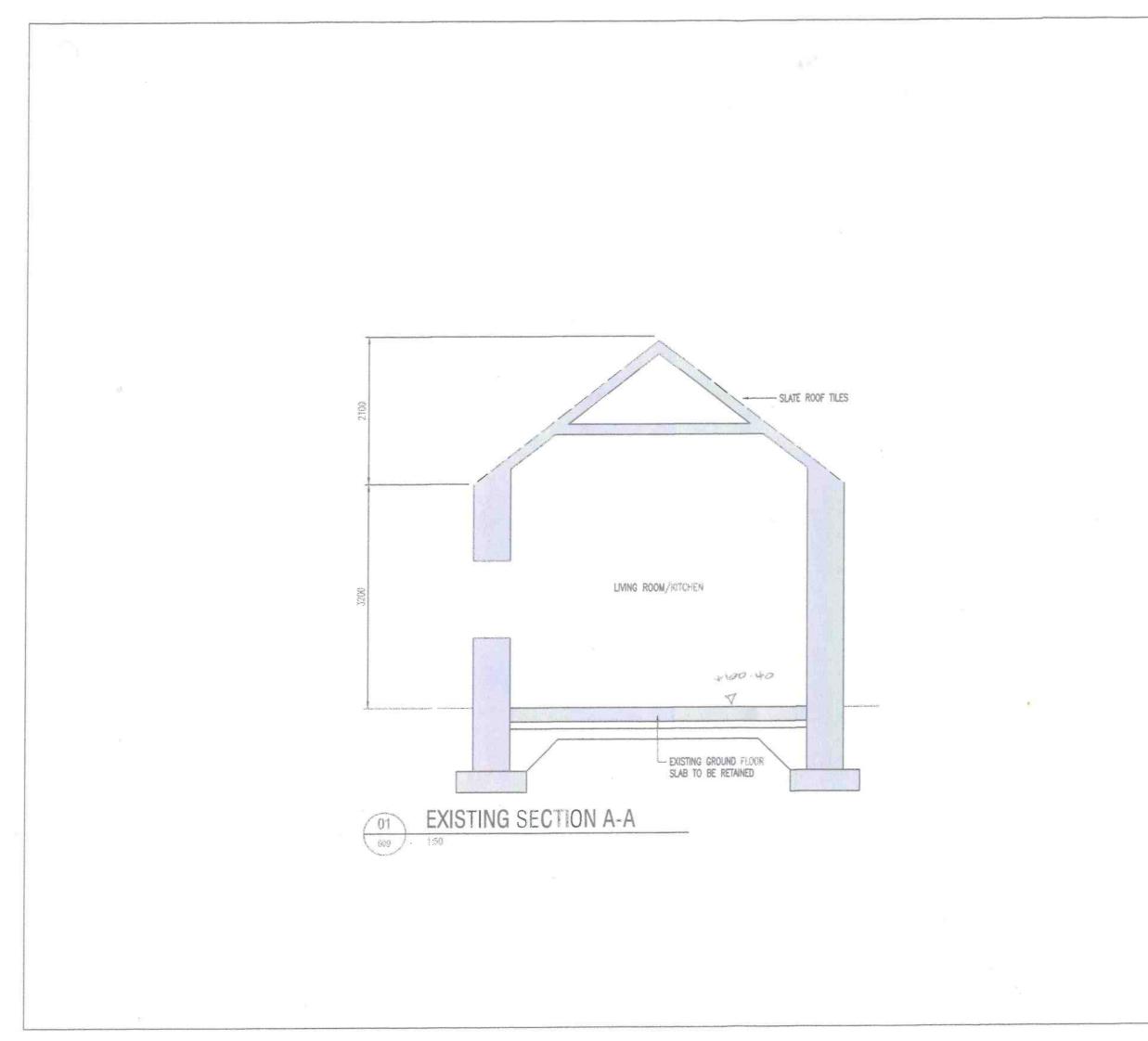
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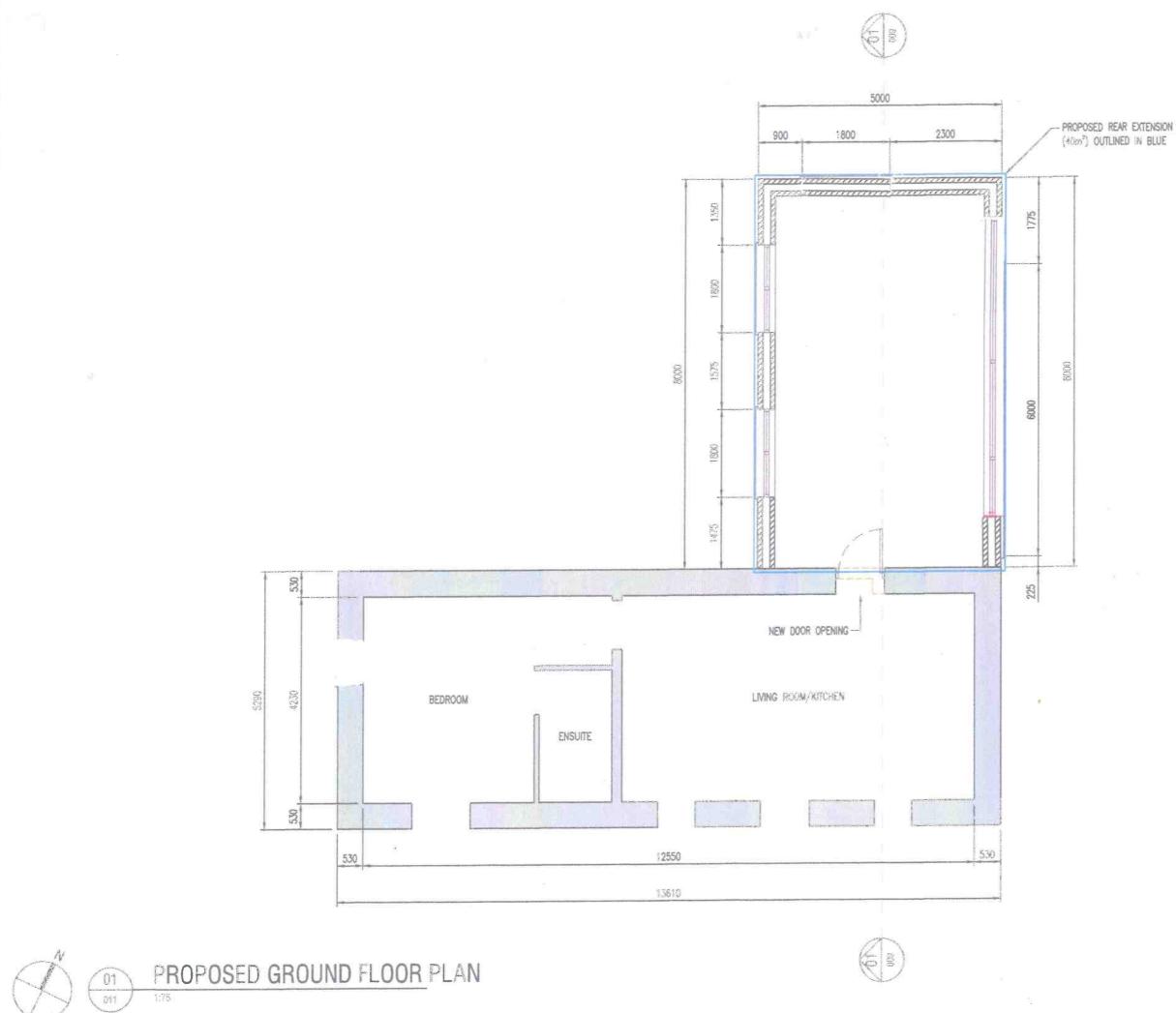
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ABBREVIATIONS

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ABBREVIATIONS

利 .C.	-	REINFORCED CONCRETE
F.F.J.	33	FINISHED FLOOR LEVEL
S.S.L	35	STRUCTURAL SLAG LEVEL
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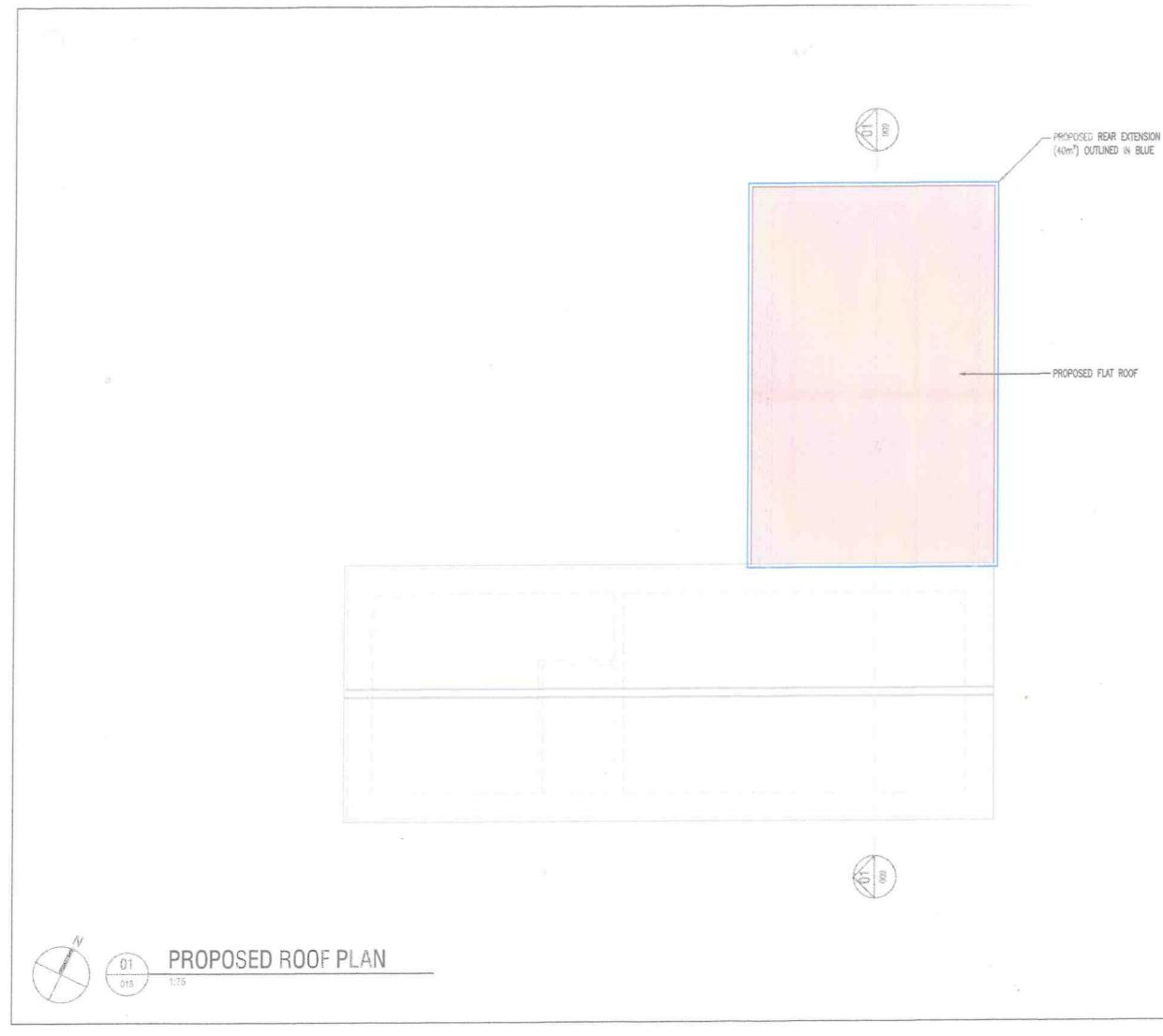
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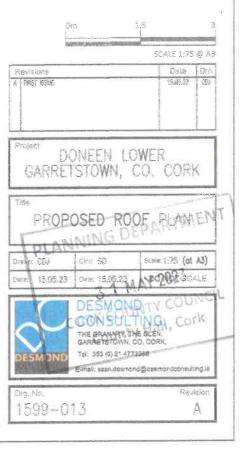




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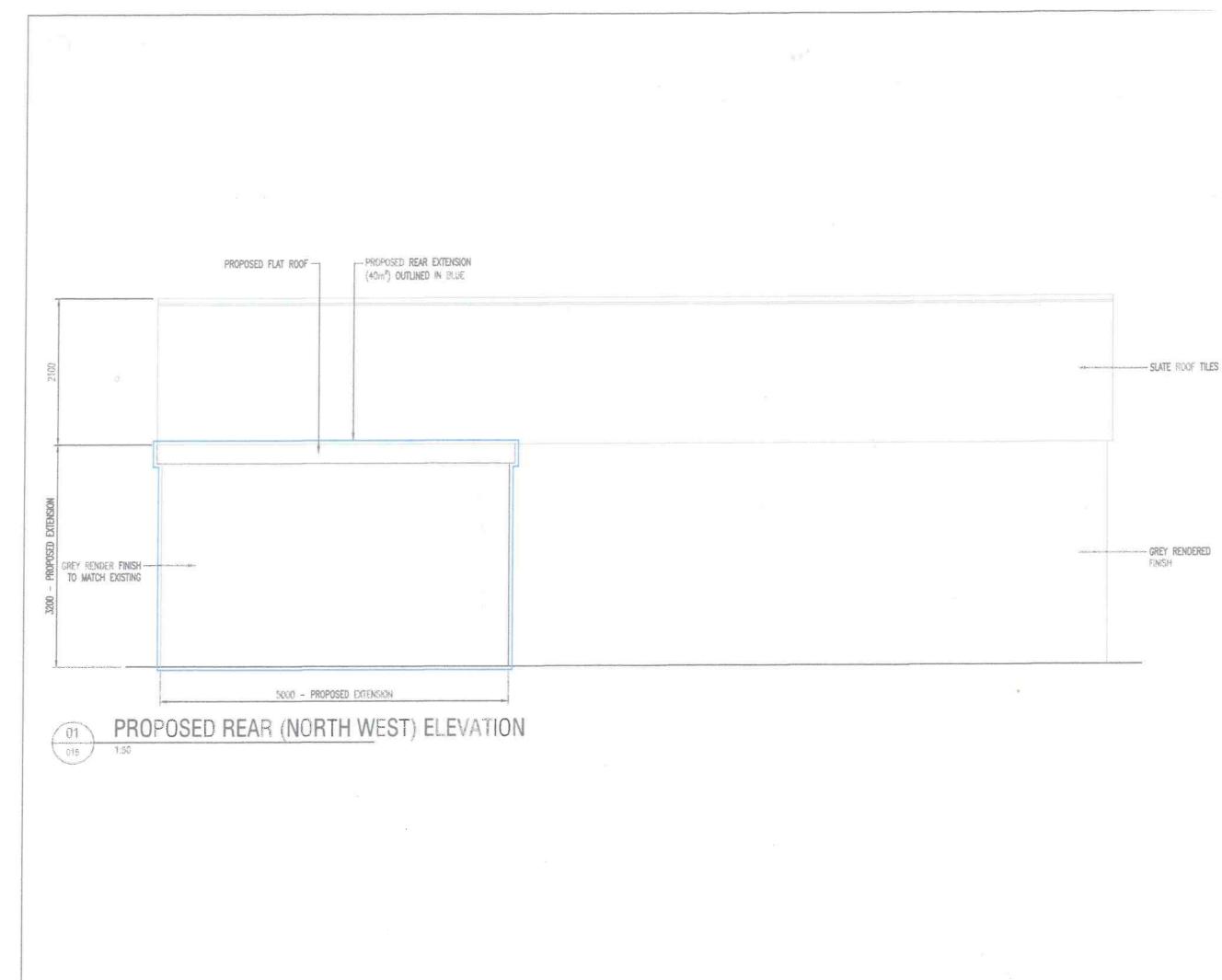
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3 1 MAY 2023

CORK COUNTY COUNCIL County Hall, Cork

SCALE 1:50 @ 43

Revisions	Date (
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PROPOSED ELEVATIONS SHEET 2

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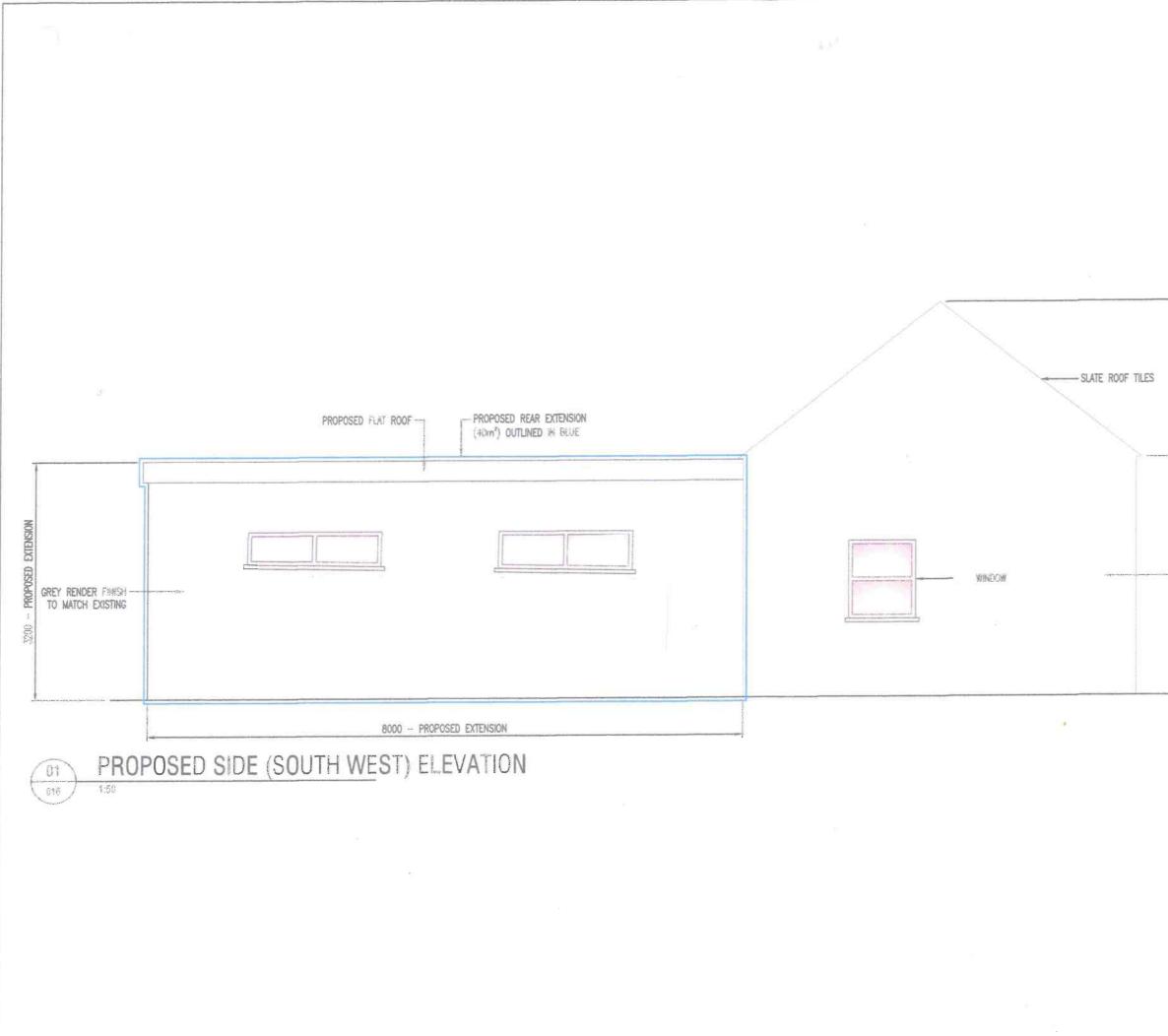
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E-mail sean,desmond@csemondconsulting.ia

Revision

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		4.	Where cad or Bim files of the drawing are issued, they are provided for the convenience of others, and shall not be used for construction purposes or relied upon for accuracy or completeness.
	1	5.	Refer to Architects drawings for details of demolition.
	2100	R.C. F.F.L. S.S.L. 7.0.C. T.O.S.	BREVIATIONS = REINFORCED CONCRETE = FINISHED FLOOR LEVEL = STRUCTURAL SLAB LEVEL = TOP OF CONCRETE = TOP OF STEELWORK = UNLESS NOTED OTHERWISE
- Grey Rendered Finish	3200	Pi	ANNING DEPARTMENT
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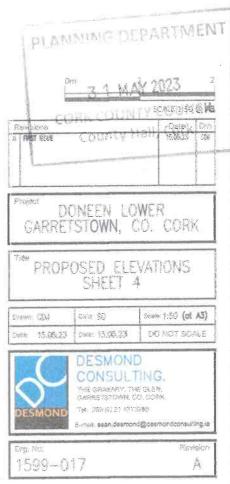
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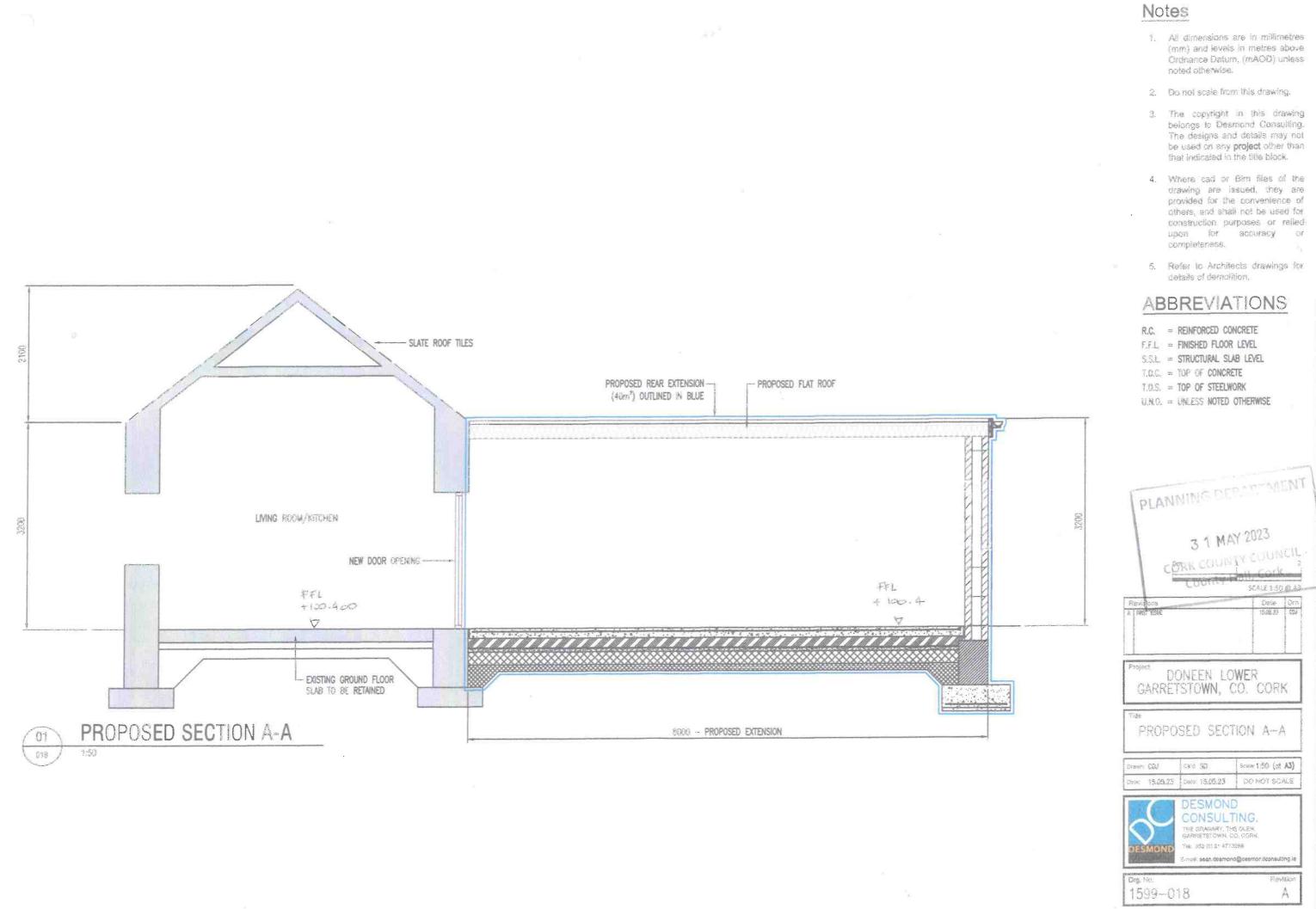


- All dimensions are in millimetres (mm) and levels in metres above Ordnance Datum, (mAOO) unless noted otherwise.
- 2. Do not scale from this drawing.
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- Where cad or Bim files of the drawing are issued, they are provided for the convenience of others, and shall not be used for construction purposes or relied upon for accuracy or completeness.
- Refer to Architecta drawings for details of demolition.

ABBREVIATIONS

- R.C. = REINFORCED CONCRETE F.F.L. = FINISHED FLOOR LEVEL S.S.L. = STRUCTURAL SLAB LEVEL T.O.C. = TOP OF CONCRETE
- T.O.S. = TOP OF STEELWORK
- U.N.O. = UNLESS NOTED OTHERWISE





R.C.	11	REINFORCED CONCRETE
F.F.L.	33	FINISHED FLOOR LEVEL
S.S.L	100	STRUCTURAL SLAB LEVEL
T.O.C.	-	TOP OF CONCRETE
T.0.S.	-	TOP OF STEELWORK
HAR.	1000	UNLESS NOTED OTHERWIS