

# Comhairle Contae Chorcaí Cork County Council

Edmund Rice Schools Trust,  
Meadow Vale,  
Clonkeen Road,  
Blackrock,  
Co. Dublin  
A94 YN96

23<sup>rd</sup> August, 2023

**Our Ref.: D/200/23**


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

*Whether two temporary 2 storey modular buildings at Christian Brothers School, Castleredmond, Midleton, 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.

*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>*

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
Fón: (021) 4276891 • Faics: (021) 4276321  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning & Development,  
County Hall,  
Carrigrohane Road, Cork T12 R2NC.  
Tel (021) 4276891 • Fax (021) 4276321  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



# Comhairle Contae Chorcaí Cork County Council

Christian Brothers Province Centre,  
Griffith Avenue,  
Marino,  
Dublin 8

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Dear Sirs,

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Web: [www.corkcoco.ie](http://www.corkcoco.ie)



The Board of Management of Midleton CBS Secondary School,  
c/o Joseph O' Brien,  
KOBW Architects,  
2 Empress Place,  
Summer Hill,  
Cork.  
T23 KH68.

23<sup>rd</sup> August 2023

REF: D/200/23  
LOCATION: Christian Brothers School, Castleredmond, Midleton, Co. Cork.

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

Dear Sirs,

On the basis of the information submitted by you on 18<sup>th</sup> January and 3<sup>rd</sup> August 2023 the Planning Authority, having considered the question whether the addition of two temporary two-storey modular buildings to an existing school at *Christian Brothers School, Castleredmond, 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**.

### Reason for Decision

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

- Sections 2(1), 3(1), and 4 of the Planning and Development Act, 2000 (as amended),
- Class 20(D) of Part 1 of Schedule 2 of the Planning and Development Regulations (as amended),
- Article 6(1) and 9(1) of the Planning and Development Regulations, 2001 (as amended), and,
- The particulars received by the Planning Authority on 18<sup>th</sup> January and 3<sup>rd</sup> August 2023

**And Whereas Cork County Council has concluded that –**

The addition of two temporary two-storey modular buildings to an existing school at *Christian Brothers School, Castleredmond, Midleton, Co. Cork*, constitutes **development which 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,



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

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

## D200-23- School extension- CBS Castleredmond

---

### The Question

The applicant is querying whether the addition of two temporary classrooms to an existing school is / is not exempted development for the purposes of the Act

### Planning History



13/4709- Permission granted to the BoM for the Demolition of existing single storey classroom building and ancillary sheds, removal of existing single storey pre-fabricated buildings, new single storey pre-fabricated temporary classroom accommodation consisting of 10 no. classrooms, fitness suite, changing room and toilets with associated site works for the duration of the construction works, alterations to existing school, a two and three storey extension to the west and south of existing school comprising 15 no. new classrooms, social areas, administration rooms, teaching spaces, laboratories, stores, toilets and ancillary spaces, new P.E. hall with fitness suite, stores and ancillary spaces, the re-alignment of the existing playing field, surface car parking, basketball courts and associated site works and landscaping



## 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.

The provisions of Class 20 (D) of Part 1 of Schedule 2 regulations is also of relevance

<p><b>CLASS 20D</b></p> <p>Development consisting of –</p> <p>The erection on land on which a school is situated of a structure to facilitate the continued delivery of education.</p>	<ol style="list-style-type: none"> <li>1. No such structure shall be erected for a period exceeding 5 years.</li> <li>2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.</li> <li>3. No such structure shall exceed two storeys.</li> <li>4. Distance to party boundary -             <ol style="list-style-type: none"> <li>(a) any single storey structure shall be a distance of not less than 2 metres from any party boundary,</li> <li>(b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or</li> <li>(c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall -                 <ol style="list-style-type: none"> <li>(i) have no windows overlooking, or</li> <li>(ii) have obscure glass.</li> </ol> </li> </ol> </li> <li>5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.</li> </ol>
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## Assessment

The applicant is proposing to erect 2no. two storey temporary structures (cumulative total of 1335sqm) on the lands. Please note the existing school building has a floor area of approx. 8, 678sqm (as per details submitted under Pl Ref No.. 13/4709). *No floor plans or elevations of the proposed structures have been provided (applicant has indicated that they will be two storey)*

Having reviewed the provisions of Class 20(D), exemptions do exist for the provision of an additional structure on the site however it is noted that the exemption class specifically refers to a “structure” (as opposed to “structures”) and

the caveats also reflect the singularity of this wording. I also note the definition of “structure” from the Act-

*“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, and –*

Again this definition implies a singular entity.

As two structures are proposed, there is a question as to whether or not the proposal can meet the requirements of the exemption class. In considering this issue, it is also worth asking whether this exemption could be invoked on multiple occasions i.e. several individual proposals each for a singular “structure”? If so, then it would seem reasonable to consider both structures proposed under this submission as the second structure could likely be erected in any event. Where the issue is unclear however is that elsewhere across the various exemption classes, references to the cumulative total of exempt structures are often referenced as an overall guide (see agricultural exemptions for example). While this is not the case in this instance the key difference may be that this exemption only relates to a temporary use (5 years). This may be the reason that reference to total quantum of structures is not expressly stated as the structure(s) will ultimately be removed. Instead the exemption class refers to the “structure” not exceeding 30% of the GFA of the school. The subject development account for approx. 15% of the GFA of the school and thus falls well under this requirement. Please note this issue has been considered by the SE/P and S/P/. The overall 30% limitation would appear to be the most apt consideration in this instance and in that context the subject proposal would appear compliant with the main caveats of the exemption class

#### **Article 9 – Restriction on Exemptions.**

Article 9(1) states that development to which Article 6 relates shall not be exempted for the purposes of the Act.

*(a) If the carrying out of such development would*

*(iii) endanger public safety by reason of a traffic hazard or obstruction to road users.*

The file has been referred to the area engineer to confirm whether or not the proposal is a traffic hazard/ obstruction of road users (please see report from A/E attached under appendix A below. The a/e is satisfied that no traffic issue arises

The conclusions in relation to AA and EIA above refer in the context of Article 9(1)(a) (viiB) and 9(1)(c) are dealt with separately below



## **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

As regards Appropriate Assessment, the key concern would be in relation to accommodating any additional wastewater capacity in the public sewer ( Midleton WWTP is currently at capacity though consented upgrades are imminent). Applicant may need confirmation from IW that the additional loading generated by the proposal can be accommodated

## **Conclusion**

Further Information is required

In order for the Planning Authority to screen out requirement for Appropriate Assessment and having regard to the ongoing wastewater treatment capacity issues in the Midleton area, the applicant will need to submit confirmation from Irish Water that the additional loading generated by the proposal can be accommodated

---


Enda Quinn  
Executive Planner  
23/2/2023


## Appendix A





RE: Section 5 Declaration of Exemption



Janette Kenny

To  Enda Quinn

 You replied to this message on 17/02/2023 10:10.

 Reply  Reply All  Forward 

Fri 17/02/2023 10:0

Hi Enda,

have no issues with the proposed.  
think considering it will be coming in anyway as an application for a permanent extension and the amount of active travel investment in the area I don't think there would be a basis for me to object on traffic grounds.

Regards,

Janette

---

**From:** Enda Quinn <[Enda.Quinn@CorkCoCo.ie](mailto:Enda.Quinn@CorkCoCo.ie)>  
**Sent:** Thursday 16 February 2023 16:16  
**To:** Janette Kenny <[Janette.Kenny@CorkCoCo.ie](mailto:Janette.Kenny@CorkCoCo.ie)>  
**Subject:** RE: Section 5 Declaration of Exemption

Hi Janette,

hope all well

think this one was circulated to you as well a while back. Just wondering if you had any traffic concerns? ( two temp structures at CBS school)

Kind Regards,  
Enda

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

D200-23- School extension- CBS Castleredmond

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Additional report 22/8/2023

Applicant has submitted confirmation of feasibility from Uisce Eirinn (UE) indicating that the proposed development can be accommodated subject to upgrade expected Q.4 2023 . Having regard to this detail and the fact that the UE upgrade is proceeding as per the expected timelines, it is reasonable to assume that wastewater from the proposal is likely to be accommodated in the public system by the time construction is likely to be complete. On this basis and having regard to the brownfield nature of the site, the separation distance to Natura 2000 sites (450m) and lack of any hydrogeological connection with same, I would be satisfied that significant impacts on Natura 2000 sites can now be successfully screened out

Accordingly, the proposal can be deemed to meet the provision of S4(4) of the Act

### **Conclusion**

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

(a) Section 2(1), 3(1), 4, of the Planning and Development Act, 2000, as amended,

Class 20(D) of Part 1 of Schedule 2 regulations 2001

Article 6 (1) and Article 9(1) of the Regulations 2001

The proposed school extension is deemed to constitute “development” as described under the Act but to also constitute “exempted development” as per Class 20(D) of Part 1 of Schedule 2 regulations 2001

---

Enda Quinn  
Executive Planner  
22/8/2023

1<sup>st</sup> August 2023

**The Planning Department,  
Cork County Council,  
Floor 2,  
County Hall,  
Carrigrohane Road,  
Cork T12 R2NC**

**Council Reference: D/200/23**

**Section 5 Declaration of Exemption Application for Temporary Accommodation at CBS  
Midleton Castleredmond, Midleton, Cork.**

Dear Sir/ Madam,

We refer to your letter dated 23<sup>rd</sup> February 2023 requesting further information and we attach a Confirmation of Feasibility letter from Irish Water dated 28<sup>th</sup> July 2023.

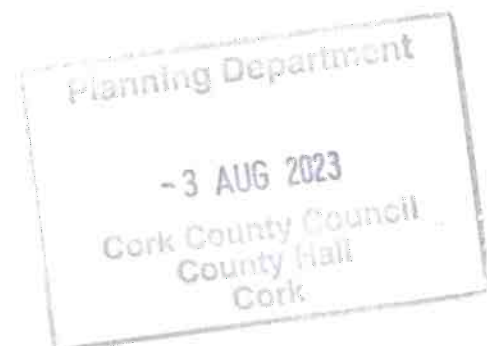
We trust that this addresses all relevant issues and look forward to your decision in due course. Please address all correspondence to this office.

Yours faithfully,



**Joseph O'Brien, B Arch (UCD), FRIAI, RIBA.  
KOBW Architects**

Enc.





## CONFIRMATION OF FEASIBILITY

Kordian Ignatiuk

11 Coke Lane  
Smithfield  
Dublin  
D07WNP2

28 July 2023

Uisce Éireann  
Bosca OP 448  
Oifig Sheachadair na  
Cathrach Éireas  
Cathair Chorcaí

Irish Water  
PO Box 448  
South City  
Delivery Office  
Cork City

[www.water.ie](http://www.water.ie)

**Our Ref: CDS23002038 Pre-Connection Enquiry  
Rosary Place, Castleredmond, Midleton, Co. Cork**

Dear Applicant/Agent,

### We have completed the review of the Pre-Connection Enquiry.

Irish Water has reviewed the pre-connection enquiry in relation to a Wastewater connection for a Business Connection of 1 unit(s) at Rosary Place, Castleredmond, Midleton, Co. Cork, (the **Development**).

Based upon the details provided we can advise the following regarding connecting to the networks;

- **Wastewater Connection** - Feasible subject to infrastructure upgrade by Irish Water
  - In order to accommodate your proposed connection, works are required to create additional capacity in the Midleton wastewater treatment plant. Irish Water is currently progressing a project to provide this additional wastewater treatment capacity. The first of these projects is due for completion in Q4 2023 (subject to change) and the connection could be made as soon as practically possible after that date.

This letter does not constitute an offer, in whole or in part, to provide a connection to any Irish Water infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Irish Water.

As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted. The connection application is available at [www.water.ie/connections/get-connected/](http://www.water.ie/connections/get-connected/)

Planning Department  
- 3 AUG 2023  
Cork County Council  
County Hall  
Cork

## Where can you find more information?

- **Section A** - What is important to know?
- **Section B** - Details of Irish Water's Network(s)

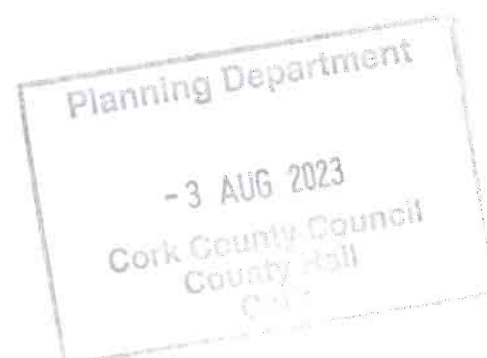
This letter is issued to provide information about the current feasibility of the proposed connection(s) to Irish Water's network(s). This is not a connection offer and capacity in Irish Water's network(s) may only be secured by entering into a connection agreement with Irish Water.

For any further information, visit [www.water.ie/connections](http://www.water.ie/connections), email [newconnections@water.ie](mailto:newconnections@water.ie) or contact 1800 278 278.

Yours sincerely,



**Yvonne Harris**  
Head of Customer Operations





## Section A - What is important to know?

What is important to know?	Why is this important?
<b>Do you need a contract to connect?</b>	<ul style="list-style-type: none"> <li>• Yes, a contract is required to connect. This letter does not constitute a contract or an offer in whole or in part to provide a connection to Irish Water's network(s).</li> <li>• Before the Development can connect to Irish Water's network(s), you must submit a connection application <u>and be granted and sign</u> a connection agreement with Irish Water.</li> </ul>
<b>When should I submit a Connection Application?</b>	<ul style="list-style-type: none"> <li>• A connection application should only be submitted after planning permission has been granted.</li> </ul>
<b>Where can I find information on connection charges?</b>	<ul style="list-style-type: none"> <li>• Irish Water connection charges can be found at: <a href="https://www.water.ie/connections/information/charges/">https://www.water.ie/connections/information/charges/</a></li> </ul>
<b>Who will carry out the connection work?</b>	<ul style="list-style-type: none"> <li>• All works to Irish Water's network(s), including works in the public space, must be carried out by Irish Water*.</li> </ul> <p>*Where a Developer has been granted specific permission and has been issued a connection offer for Self-Lay in the Public Road/Area, they may complete the relevant connection works</p>
<b>Fire flow Requirements</b>	<ul style="list-style-type: none"> <li>• The Confirmation of Feasibility does not extend to fire flow requirements for the Development. Fire flow requirements are a matter for the Developer to determine.</li> <li>• <b>What to do?</b> - Contact the relevant Local Fire Authority</li> </ul>
<b>Plan for disposal of storm water</b>	<ul style="list-style-type: none"> <li>• The Confirmation of Feasibility does not extend to the management or disposal of storm water or ground waters.</li> <li>• <b>What to do?</b> - Contact the relevant Local Authority to discuss the management or disposal of proposed storm water or ground water discharges.</li> </ul>
<b>Where do I find details of Irish Water's network(s)?</b>	<ul style="list-style-type: none"> <li>• Requests for maps showing Irish Water's network(s) can be submitted to: <a href="mailto:datarequests@water.ie">datarequests@water.ie</a></li> </ul>

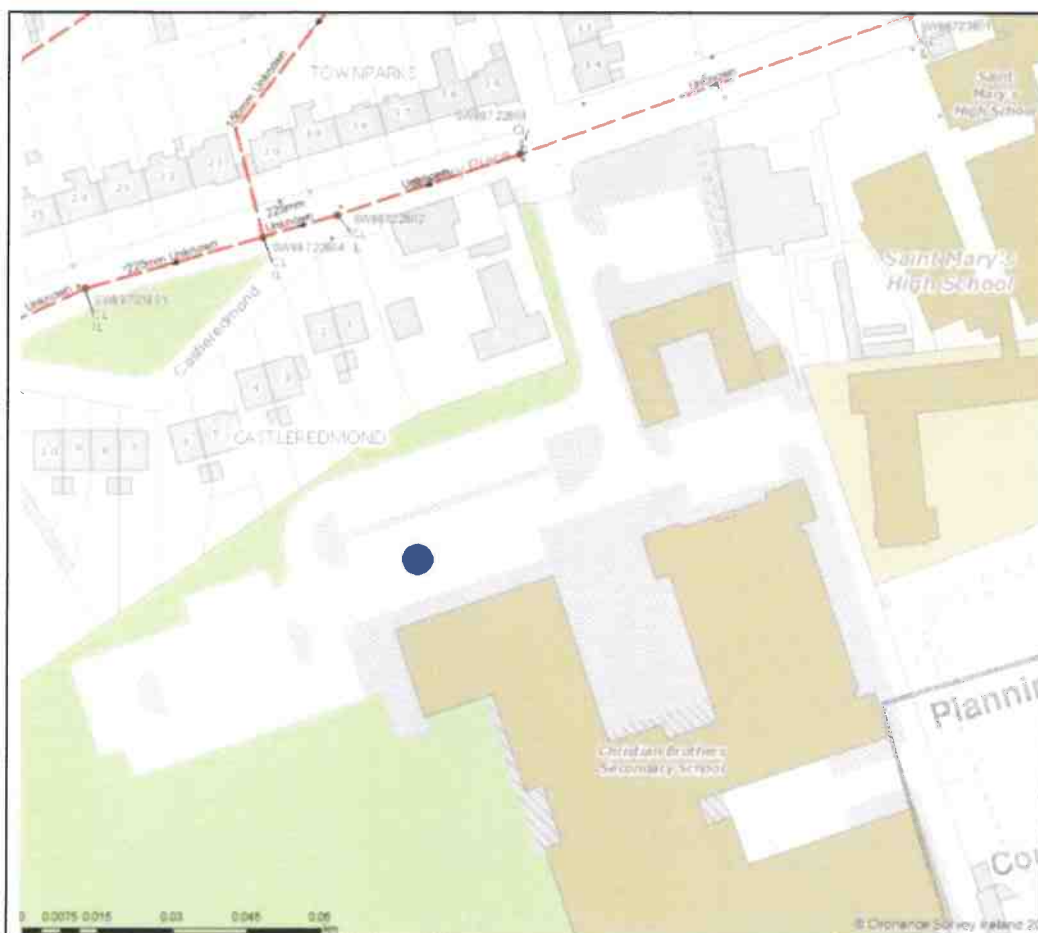
Planning Department  
 -3 AUG 2023  
 Cork County Council  
 Cork City Hall

<p><b>What are the design requirements for the connection(s)?</b></p>	<ul style="list-style-type: none"> <li>The design and construction of the Wastewater pipes and related infrastructure to be installed in this Development shall comply with <b><i>the Irish Water Connections and Developer Services Standard Details and Codes of Practice</i></b>, available at <a href="http://www.water.ie/connections">www.water.ie/connections</a></li> </ul>
<p><b>Trade Effluent Licensing</b></p>	<ul style="list-style-type: none"> <li>Any person discharging trade effluent** to a sewer, must have a Trade Effluent Licence issued pursuant to section 16 of the Local Government (Water Pollution) Act, 1977 (as amended).</li> <li>More information and an application form for a Trade Effluent License can be found at the following link: <a href="https://www.water.ie/business/trade-effluent/about/">https://www.water.ie/business/trade-effluent/about/</a></li> </ul> <p>**trade effluent is defined in the Local Government (Water Pollution) Act, 1977 (as amended)</p>

Planning Department  
-3 AUG 2023  
Cork County Council  
County Hall  
Cork

## Section B – Details of Irish Water’s Network(s)

The map included below outlines the current Irish Water infrastructure adjacent the Development: To access Irish Water Maps email [datarequests@water.ie](mailto:datarequests@water.ie)



Reproduced from the Ordnance Survey of Ireland by Permission of the Government. License No. 3-3-34

**Note:** The information provided on the included maps as to the position of Irish Water’s underground network(s) is provided as a general guide only. The information is based on the best available information provided by each Local Authority in Ireland to Irish Water.

Whilst every care has been taken in respect of the information on Irish Water’s network(s), Irish Water assumes no responsibility for and gives no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided, nor does it accept any liability whatsoever arising from or out of any errors or omissions. This information should not be solely relied upon in the event of excavations or any other works being carried out in the vicinity of Irish Water’s underground network(s). The onus is on the parties carrying out excavations or any other works to ensure the exact location of Irish Water’s underground network(s) is identified prior to

excavations or any other works being carried out. Service connection pipes are not generally shown but their presence should be anticipated.

Planning Department  
- 3 AUG 2023  
Cork County Council  
County Hall  
Cork

The Board of Management of Midleton CBS Secondary School,  
C/O Joseph O'Brien,  
KOBW Architects,  
2 Empress Place,  
Summer Hill,  
Cork.  
T23 KH68

23<sup>rd</sup> February, 2023

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*Whether the addition of two temporary two storey modular buildings to an existing school at Christian Brothers School, Castleredmond, Midleton, Co. Cork is or is not development and is or is not exempted development.*

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above.

It is considered that the information submitted with the Section 5 Declaration application is insufficient to enable the Planning Authority to make a determination in this case. In order for the Planning Authority to screen out requirement for Appropriate Assessment and having regard to the ongoing wastewater treatment capacity issues in the Midleton area, you are requested to submit confirmation from Irish Water that the additional loading generated by the proposed development can be accommodated.

Yours faithfully,

---

**ANGELA CARRIGY,  
ASO PLANNING DEPARTMENT.**

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

## D200-23- School extension- CBS Castleredmond

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### The Question

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

The provisions of Class 20 (D) of Part 1 of Schedule 2 regulations is also of relevance

<p><b>CLASS 20D</b></p> <p>Development consisting of –</p> <p>The erection on land on which a school is situated of a structure to facilitate the continued delivery of education.</p>	<ol style="list-style-type: none"> <li>1. No such structure shall be erected for a period exceeding 5 years.</li> <li>2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.</li> <li>3. No such structure shall exceed two storeys.</li> <li>4. Distance to party boundary -             <ol style="list-style-type: none"> <li>(a) any single storey structure shall be a distance of not less than 2 metres from any party boundary,</li> <li>(b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or</li> <li>(c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall -                 <ol style="list-style-type: none"> <li>(i) have no windows overlooking, or</li> <li>(ii) have obscure glass.</li> </ol> </li> </ol> </li> <li>5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.</li> </ol>
--	--

## Assessment

The applicant is proposing to erect 2no. two storey temporary structures (cumulative total of 1335sqm) on the lands. Please note the existing school building has a floor area of approx. 8, 678sqm (as per details submitted under Pl Ref No.. 13/4709). *No floor plans or elevations of the proposed structures have been provided (applicant has indicated that they will be two storey)*

Having reviewed the provisions of Class 20(D), exemptions do exist for the provision of an additional structure on the site however it is noted that the exemption class specifically refers to a “structure” (as opposed to “structures”) and

the caveats also reflect the singularity of this wording. I also note the definition of “structure” from the Act-

*“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, and –*

Again this definition implies a singular entity.

As two structures are proposed, there is a question as to whether or not the proposal can meet the requirements of the exemption class. In considering this issue, it is also worth asking whether this exemption could be invoked on multiple occasions i.e. several individual proposals each for a singular “structure”? If so, then it would seem reasonable to consider both structures proposed under this submission as the second structure could likely be erected in any event. Where the issue is unclear however is that elsewhere across the various exemption classes, references to the cumulative total of exempt structures are often referenced as an overall guide (see agricultural exemptions for example). While this is not the case in this instance the key difference may be that this exemption only relates to a temporary use (5 years). This may be the reason that reference to total quantum of structures is not expressly stated as the structure(s) will ultimately be removed. Instead the exemption class refers to the “structure” not exceeding 30% of the GFA of the school. The subject development account for approx. 15% of the GFA of the school and thus falls well under this requirement. Please note this issue has been considered by the SE/P and S/P/. The overall 30% limitation would appear to be the most apt consideration in this instance and in that context the subject proposal would appear compliant with the main caveats of the exemption class

#### **Article 9 – Restriction on Exemptions.**

Article 9(1) states that development to which Article 6 relates shall not be exempted for the purposes of the Act.

*(a) If the carrying out of such development would*

*(iii) endanger public safety by reason of a traffic hazard or obstruction to road users.*

The file has been referred to the area engineer to confirm whether or not the proposal is a traffic hazard/ obstruction of road users (please see report from A/E attached under appendix A below. The a/e is satisfied that no traffic issue arises

The conclusions in relation to AA and EIA above refer in the context of Article 9(1)(a) (viiB) and 9(1)(c) are dealt with separately below

## **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

As regards Appropriate Assessment, the key concern would be in relation to accommodating any additional wastewater capacity in the public sewer ( Midleton WWTP is currently at capacity though consented upgrades are imminent). Applicant may need confirmation from IW that the additional loading generated by the proposal can be accommodated

## **Conclusion**

Further Information is required

In order for the Planning Authority to screen out requirement for Appropriate Assessment and having regard to the ongoing wastewater treatment capacity issues in the Midleton area, the applicant will need to submit confirmation from Irish Water that the additional loading generated by the proposal can be accommodated

---


Enda Quinn  
Executive Planner  
23/2/2023


## Appendix A





RE: Section 5 Declaration of Exemption



Janette Kenny

To  Enda Quinn

 You replied to this message on 17/02/2023 10:10.

 Reply  Reply All  Forward 

Fri 17/02/2023 10:0

-hi Enda,

have no issues with the proposed.

think considering it will be coming in anyway as an application for a permanent extension and the amount of active travel investment in the area I don't think there would be a basis for me to object on traffic grounds.

*Regards,*

*Janette*

---

**From:** Enda Quinn <[Enda.Quinn@CorkCoCo.ie](mailto:Enda.Quinn@CorkCoCo.ie)>  
**Sent:** Thursday 16 February 2023 16:16  
**To:** Janette Kenny <[Janette.Kenny@CorkCoCo.ie](mailto:Janette.Kenny@CorkCoCo.ie)>  
**Subject:** RE: Section 5 Declaration of Exemption

-hi Janette,

hope all well

think this one was circulated to you as well a while back. Just wondering if you had any traffic concerns? ( two temp structures at CBS school)

Kind Regards,  
Enda

Edmund Rice Schools Trust,  
Meadow Vale,  
Clonkeen Road,  
Blackrock,  
Co. Dublin  
A94 YN96

19<sup>th</sup> January, 2023

**Our Ref.: D/200/23**

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

*Whether two temporary 2 storey modular buildings at Christian Brothers School, Castleredmond, Midleton, Co. Cork is or is not development or is or is not exempted development*

Dear Sir/Madam,

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 The Board of Management of Midleton CBS Secondary School with respect to whether the above description at CBS Midleton, Castleredmond, 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,

---

**Angela Carrigy**  
**ASO 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>*



Christian Brothers Province Centre,  
Griffith Avenue,  
Marino,  
Dublin 8

19<sup>th</sup> January, 2023

**Our Ref.: D/200/23**

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

***Whether two temporary 2 storey modular buildings at Christian Brothers School, Castleredmond, Midleton, Co. Cork is or is not development or is or is not exempted development***

Dear Sir/Madam,

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

Yours faithfully,

---

**Angela Carrigy**  
**ASO 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>*

17<sup>th</sup> January 2023

Our Ref: 2799/3.1

**The Planning Department,  
Cork County Council,  
Floor 2,  
County Hall,  
Carrigrohane Road,  
Cork T12 R2NC**

**Section 5 Declaration of Exemption Application for Temporary Accommodation at CBS Midleton Castleredmond, Midleton, Cork.**

Dear Sir/ Madam,

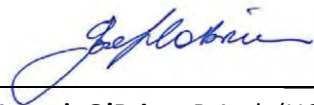
On behalf of our clients, The Board of Management of CBS Midleton, we enclose a Section 5 Declaration Application with the following documents:

- 5 no. copies of the application form.
- 5 no. copies of Existing Site Plan
- 5 no. copies of Site Location Map & Site Layout
- 5 no. copies of Proposed Site Layout Plan

Please contact our office on 021 4502319 to arrange payment of the €80 fee by phone.

We trust that the application addresses all relevant issues and look forward to your decision in due course. Please address all correspondence to this office.

Yours faithfully,



---

**Joseph O'Brien, B Arch (UCD), FRIAI, RIBA.  
KOBW Architects**

Enc.



## **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:**


### **FOR OFFICE USE ONLY**

<b>Receipt No.</b>	
<b>Cash/Cheque/ Credit Card</b>	
<b>Date</b>	
<b>Declaration Ref. No.</b>	

**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 3<sup>rd</sup> 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](mailto: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)**

--

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

--

**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


**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 (m<sup>2</sup>)

(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 <sup>st</sup> 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 <sup>2</sup> ) 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:	<b>A. Owner</b> <input type="checkbox"/>	<b>B. Other</b> <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	The land is in the ownership of the Congregation of Christian Brothers and Edmund Rice Schools Trust and is used by the Board of Management for the operation of the school.	
<b>If you are not the legal owner</b> , please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

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

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input 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 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

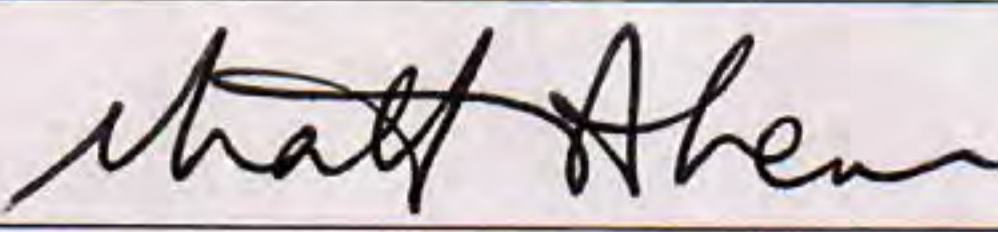


**8. DATA PROTECTION DECLARATION:**

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)	
Date	17-Jan-2023

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

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

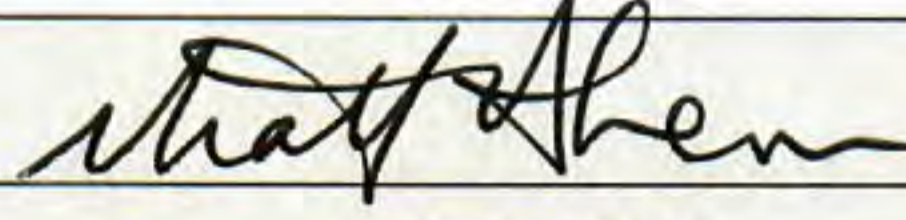
Special Categories of data / Sensitive Personal data include:

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

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

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

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

Signed	
Date	17-Jan-2023

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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto: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:**

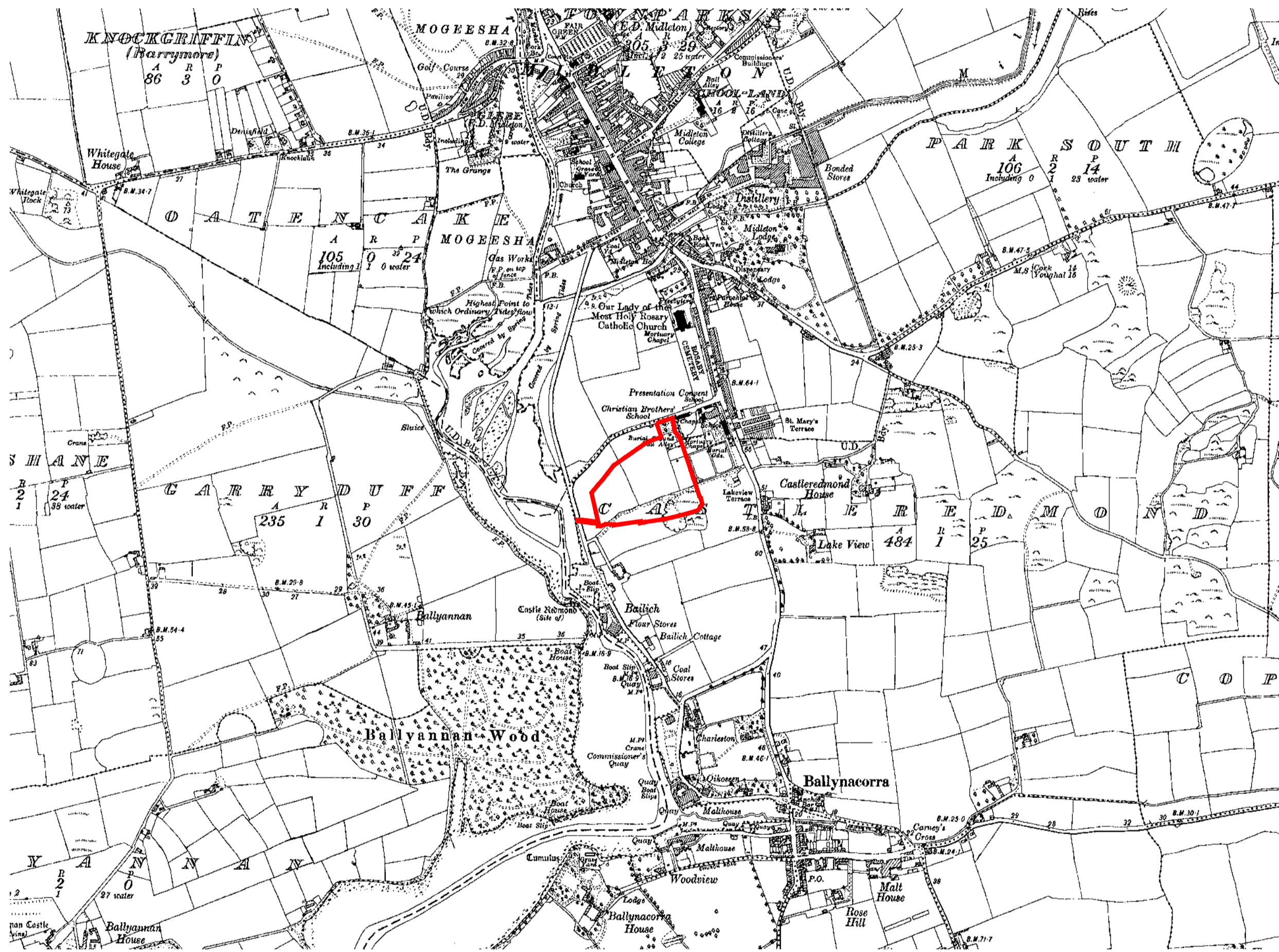
Signed (Applicant or Agent as appropriate)	
Date	



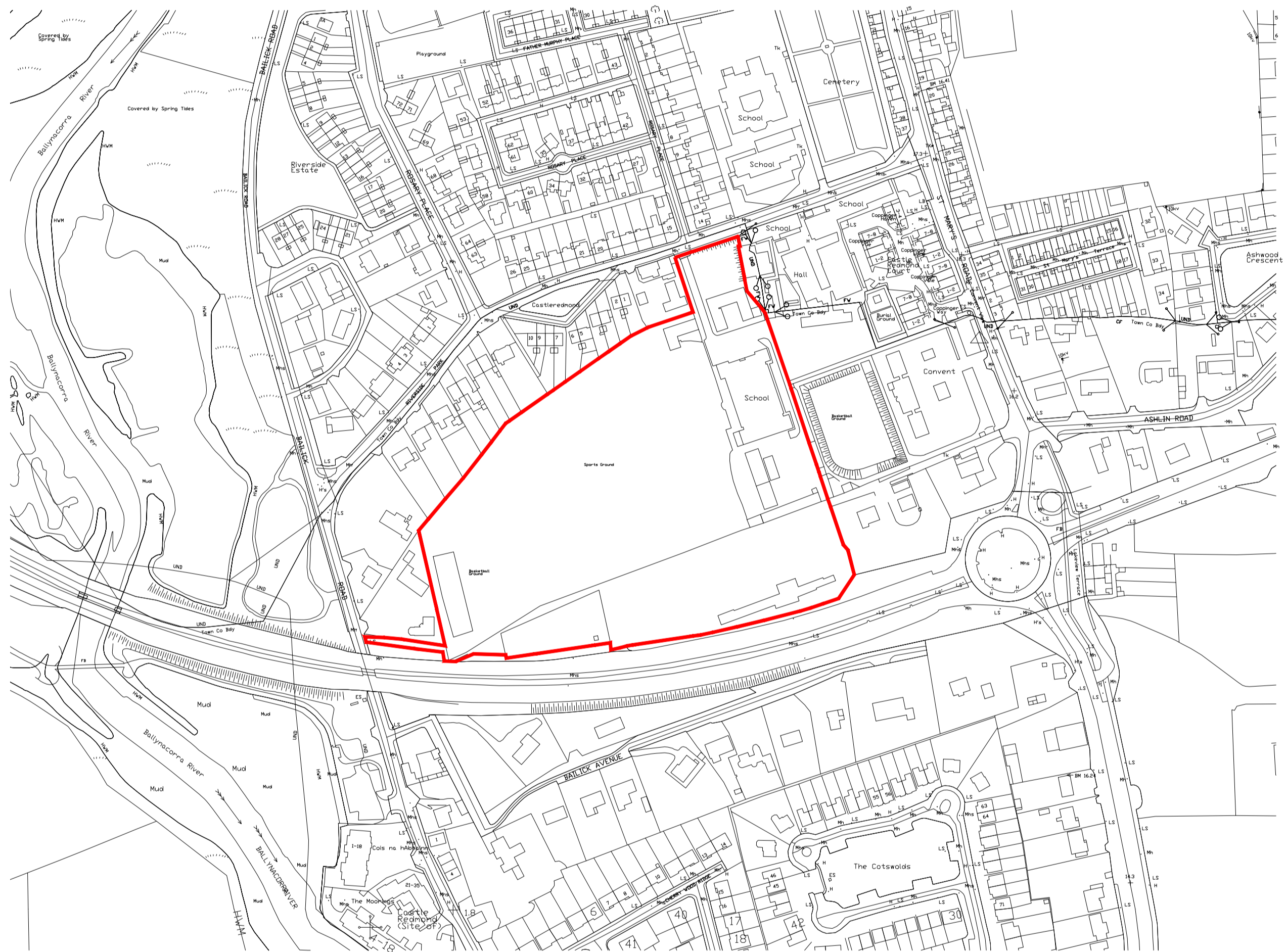
LEGEND:

SITE BOUNDARY OUTLINED IN RED

SITE AREA = 4.68Ha (11.56 acres)



1 SITE LOCATION MAP  
1:10000 © A1



2 SITE LAYOUT  
1:2500 © A1

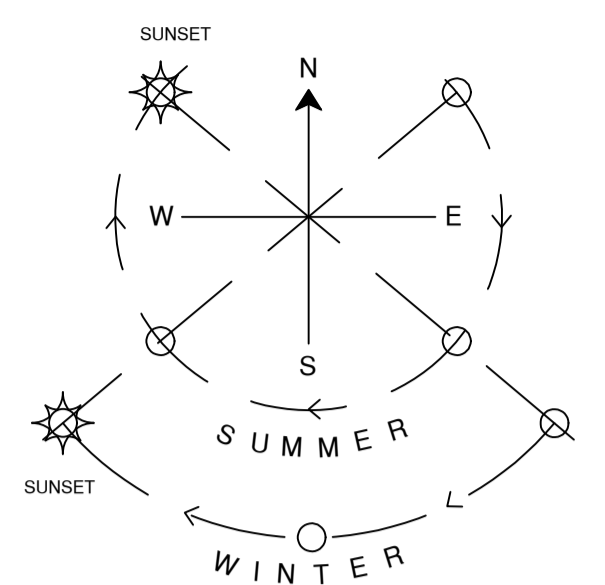
Ordnance Survey Ireland  
Licence No. AR 0004213  
(c) Ordnance Survey Ireland  
and Government of Ireland  
  
OS No. CK-076  
OS No. 6388-01  
OS No. 6387-05

ITM Centre Point Co-ordinate:  
X,Y = 588209, 572742

Rev	Date	Inf	Revision
DRAWING: Site Location Map & Site Layout Temporary Modular Buildings			
PROJECT: CBS Middleton Castleredmond, Middleton, Co. Cork			
<b>KOBW</b> ARCHITECTS			
KELLY BARRY O'BRIEN WHELAN <small>+353 (0) 21 4502319 arch@kobw.ie www.kobw.ie 2 Empress Place, Summer Hill, Cork, T23 KH68, Ireland</small>			
JOB REF: 2799	DWG NO.:	DATE:	
JH	EX-001	13.01.2023	
DRN	COMMENTS	SHEET:	SCALE:
JH		A1	1:10000 & 1:2500

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**LEGEND**

- SITE BOUNDARY OUTLINED IN RED
- SITE AREA = 4.68Ha (11.56 acres)

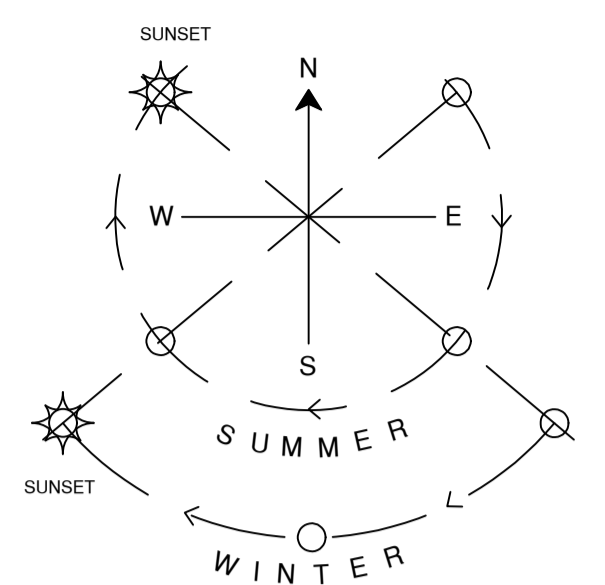
Ordnance Survey Ireland  
 Licence No. AR 0004213  
 (c) Ordnance Survey Ireland  
 and Government of Ireland  
 OS No. CK-076  
 OS No. 6388-01  
 OS No. 6387-05

ITM Centre Point Co-ordinate:  
 X,Y = 588209, 572742

Rev	Date	Int	Revision
DRAWING: Existing Site Plan			
PROJECT: CBS Midleton Castleredmond, Midleton, Co. Cork			
<b>KOBW</b> ARCHITECTS			
KELLY BARRY O'BRIEN WHELAN			
<small>+353 (0) 21 4502119 arch@kobw.ie www.kobw.ie 2 Empress Place, Summer Hill, Cork, T23 KH68, Ireland</small>			
JOB REF: 2799	DWG NO: EX-001	DATE: 13.01.2023	
DRN: JH	CRD: JOB	ISSUE FOR: COMMENTS	SHEET: A1 SCALE: 1:500

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**LEGEND**

- SITE BOUNDARY OUTLINED IN RED
- EXISTING BUILDING
- TEMPORARY MODULAR BUILDINGS
- TEMPORARY WALKWAY

SITE AREA = 4.68Ha (11.56 acres)  
 CAR PARKING = 125 SPACES  
 TEMPORARY: -14  
 CAR PARKING = 111 SPACES

Ordnance Survey Ireland  
 Licence No. AR 0004213  
 (c) Ordnance Survey Ireland  
 and Government of Ireland  
 OS No. CK-076  
 OS No. 6388-01  
 OS No. 6387-05

ITM Centre Point Co-ordinate:  
 X,Y = 588209, 572742

Rev	Date	Int	Revision
DRAWING: Proposed Site Layout Plan Temporary Modular Buildings			
PROJECT: CBS Midleton Castleredmond, Midleton, Co. Cork			
<b>KOBW ARCHITECTS</b>			
KELLY BARRY O'BRIEN WHELAN			
<small>+353 (0) 21 4502219 arch@kobw.ie www.kobw.ie 2 Empress Place, Summer Hill, Cork, T23 KH68, Ireland</small>			
JOB REF: 2799	DWG NO: TA-001	DATE: 13.01.2023	
DRN: JH	CRD: JOB	ISSUE FOR: COMMENTS	SHEET: A1
			SCALE: 1:500

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