

Comhairle Contae Chorcaí Cork County Council

Blackwater Tyre Services Ltd.,
c/o Frank Crowley,
FC Design Services,
Grange West,
Fermoy,
Co. Cork.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.

Fón: (021) 4276891

R-phost: planninginfo@corkcoco.ie

Suíomh Gréasáin: www.corkcoco.ie

Planning & Development,

County Hall,

Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891

Email: planninginfo@corkcoco.ie

Web: www.corkcoco.ie



28th September 2023

REF: D/278/23

LOCATION: 131 Glencullen, Duntahane, Fermoy, Co. Cork, P61 KD71.

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 4th September 2023 the Planning Authority, having considered the question whether or not the construction of a single storey domestic rear extension at **131 Glencullen, Duntahane, Fermoy, 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:

- Section 2, 3, 4 and 5 the Planning and Development Act 2000 (as amended),
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- Schedule 2, Part 1, Class 1 of the Planning & Development Regulations 2001 (as amended) and
- The particulars received by the Planning Authority on 4th September 2023

And Whereas Cork County Council has concluded that –

The construction of a single storey domestic rear extension at **131 Glencullen, Duntahane, Fermoy, 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.



We are Cork.



Recycled

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,



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

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

Planners Report

Section 5 Declaration Reference D278.23

The Question

Whether the construction of a single-storey extension comprising of 34sq.m floor space, to the rear of an existing dwellinghouse is / is not exempted development for the purposes of the Planning and Development Act.

Site Context

The subject site is located in the townland Duntahane, within the development boundary of Fermoy. The property forms part of a residential housing estate and is semi-detached by design. The estate can be accessed via L-15425. The surrounding land uses are predominantly residential in nature with Fermoy town centre being sited roughly 800m to the north-east. The River Blackwater is located just short of 1km to the north of the subject property.

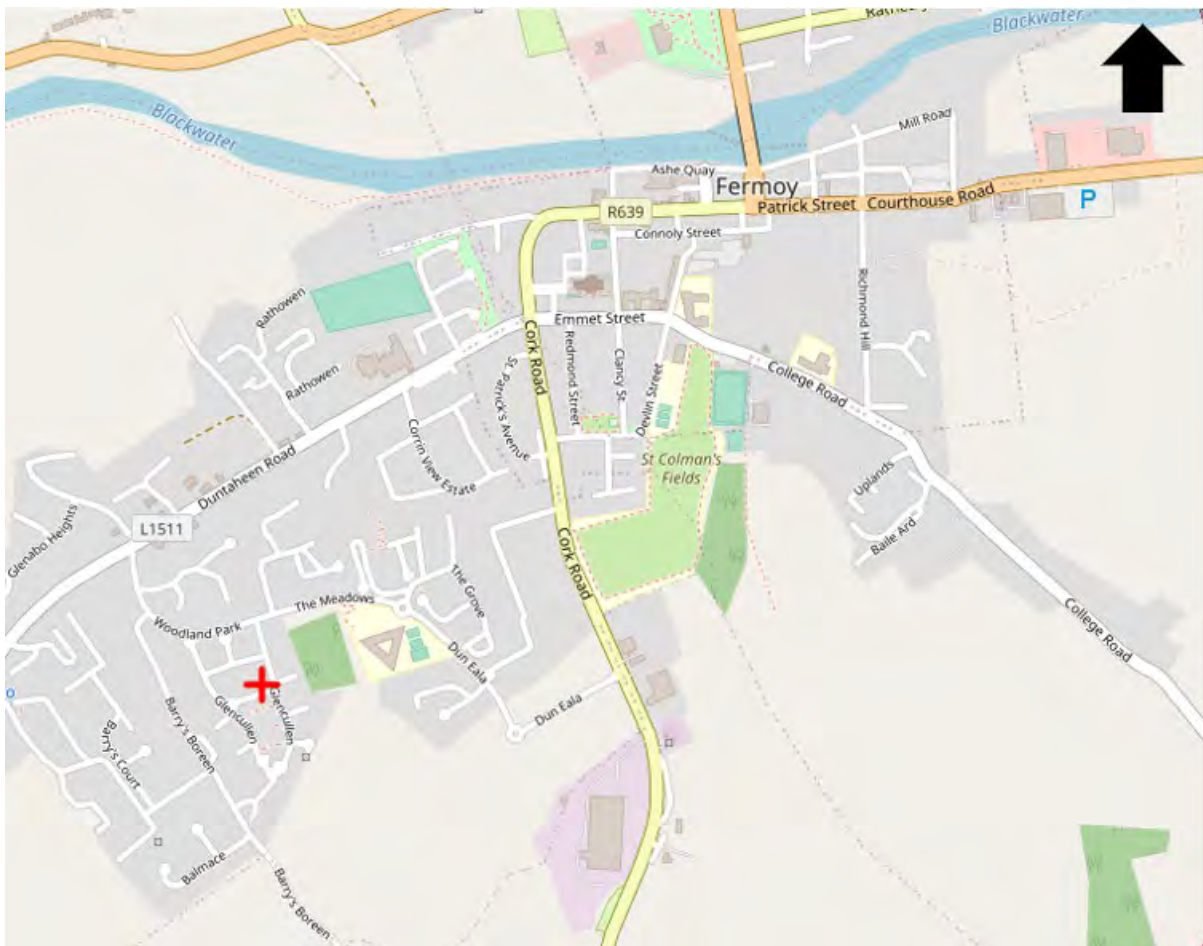


Fig.1 Approximate Site Location

There is no planning history on the subject property itself. However, the table below summarizes the parent history attached to the site.

| Reference No | Development Description | Decision |
|--------------|--|----------|
| 02/5788 | Residential development – 138 no. dwellinghouses, 20 no. apartments & 1 no. creche | Grant |
| 04/936 | 23 no. dwellinghouses (change of plan) | Grant |

Statutory Provisions

Planning and Development Act, 2000 (as amended)

Section 3 (1) states that,

“In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the 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 from development for the purposes of the Planning and Development Act.

Planning and Development Regulations, 2001 (as amended)

Article 6, Part 1

“Subject to article 9, development consisting of a class specified in column 1 of part 1 of schedule 2 shall be exempted for the purposes of the Act, provided that such development complied 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) sets out the criteria under which development relating to Article 6 shall not be exempted development.

Assessment

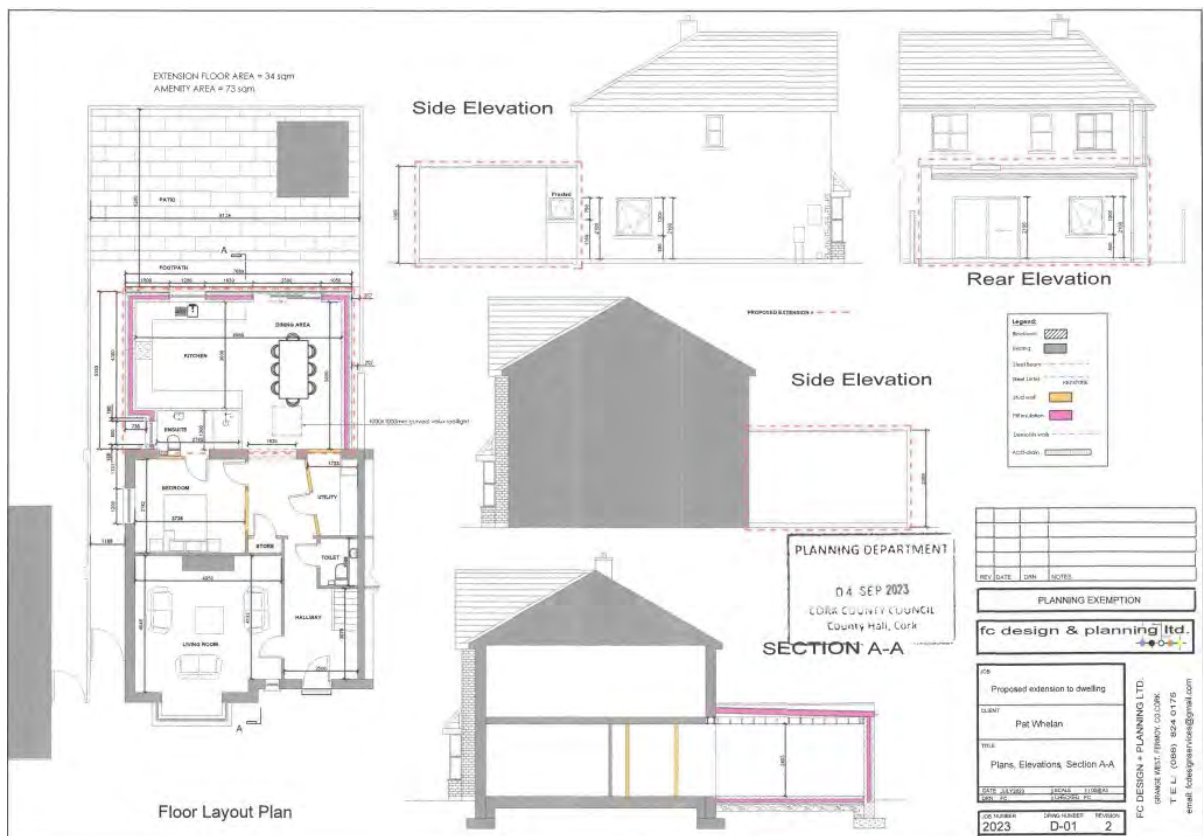


Fig. 2 Proposed Extension

Having regard for the question posed to the Planning Authority, the proposal constitutes “development” as set out under Section 3 of the Planning and Development Act 2000, in that “works”, which by interpretation as set out under Section 2 of the Act, includes “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”, are proposed to be carried out on the subject site.

The question therefore is whether or not these “works” constitute “exempted development”, for the purposes of this Act.

Class 1, of Part 1, Schedule 2 of the Regs, which pertains to development within the curtilage of a house, allows for the extension of a house, up to **40sq.m**, to the **rear** of the house. This is regarded as exempted development for the purposes of this Act, however, is subject to a number of caveats.

Upon review of the conditions and limitations set out under Column 2, pertaining to Class 1 of the exempted development provisions, it is considered that none of these are applicable to the development proposed.

Appropriate Assessment / Environmental Impact Assessment

Section 4(4) of the PDA 2000 (as amended) de-exempts any development which requires an EIA or AA.

Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations lists the development types which may require an EIA, for the purposes of Part 10 of the Planning and Development Regulations 2001, (as amended).

Having regard to the above, it is considered that the development proposal would not require a mandatory or sub-threshold EIA. Furthermore, having regard for the nature of the development proposal and the distance to the Natura 2000 site, it is considered that the proposal would not trigger the need for an Appropriate Assessment.

Recommendation

Having regard to:

- a) The particulars received by the Planning Authority on 04/09/2023;
- b) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, (as amended),
- c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, (as amended),
- d) Articles 6 and 9 the Planning and Development Regulations 2001, (as amended),

The Planning Authority has concluded that the proposed single-storey extension of 34sq.m, to the rear of 131 Glencullen, Duntahane, Fermoy, Co. Cork, **“is development and is exempted development”**.



Rachel O'Callaghan
Graduate Planner
26/09/2023

Report and conclusion/recommendation endorsed.

Is Development and Is Exempted Development.



John Tierney
A/Senior Executive Planner
26/09/2023

fc design & planning ltd.



Planning Department

4 SEP 2023

Cork County Council
County Hall
Cork

Planning Department,
County Hall,
Carrigrohane Road,
Cork.

31/08/2023

RE: *Blackwater Tyre Services*: Exemption from planning permission at 131 Glencullen, Duntahane, Fermoy.

Dear Sir/Madam,

Please find enclosed the planning application for the above.

SCHEDULE OF DOCUMENTS:-

Exemption from Planning Fee €80
Four copies of Application forms
4 copies of Plan, Section and Elevations
Four copies of 1:10560 map
Four copies of 1:1000 map
Six copies of Site Layout Plan 1:200
Four copies of Site Location Map 1:10560
Four copies of Site Location Map 1:1000

Yours Sincerely

Frank Crowley
fc design & planning ltd.
086 8240175



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. | P12-2298 |
| Cash/Cheque/ Credit Card | Cheque |
| Date | 04/09/2023 |
| Declaration Ref. No. | D/278/23 |

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

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

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)

Blackwater Tyre Services LTD.

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

131 Edgewood, Duntinnan, Fermoy, Co. Cork
P61 K071

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

| |
|-------------------------------------|
| SINGLE STOREY EXTENSION TO THE REAR |
| OF AN EXISTING SUBSTANTIAL |
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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): | <i>Proposed</i> 34 sqm |
| (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): | | |

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 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) | Tatuck Wheel Black Water Tyre Services |
| Date | 30/8/2023 |

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 | Tatuck Wheel Black Water Tyre Services |
| Date | 30/8/2023 |

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 or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.

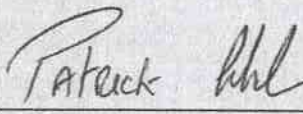

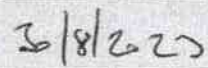
ADVISORY NOTES:

The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
 The application should be sent to the following address:
 The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

| | |
|--|--|
| Signed (Applicant or Agent as appropriate) |   |
| Date |  |



Site Location Map



Tailte
Éireann

CENTRE
COORDINATES:
ITM 580216,597594

PUBLISHED:
23/08/2023

ORDER NO.:
50353058_1

MAP SERIES:
6 Grid Raster

MAP SHEETS:
CK035

PLANNING DEPARTMENT
04 SEP 2023
CORK COUNTY COUNCIL
COUNTY MAPS UNIT

COMPILED AND PUBLISHED BY:
National Mapping Division of
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D08F6E4

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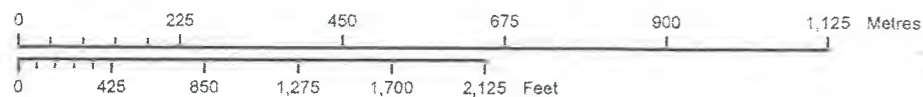
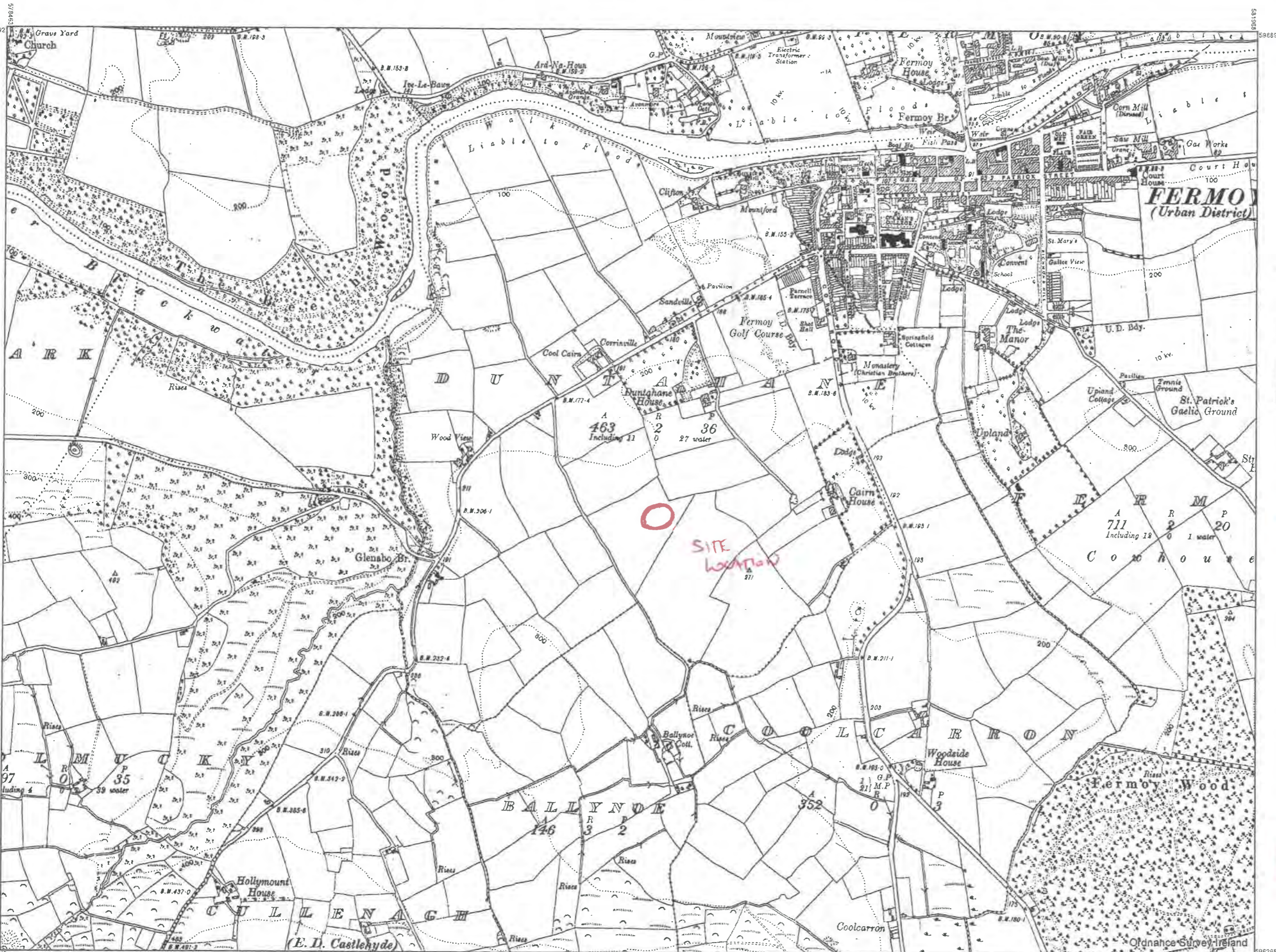
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CENTRE COORDINATES:
ITM 580216,597594

PUBLISHED:
23/08/2023

ORDER NO.:
50353058_1

MAP SERIES:
1:1,000
1:2,500

MAP SHEETS:
5959-16
5959-17

PLANNING DEPARTMENT

04 SEP 2023

CORK COUNTY COUNCIL
County Hall, Cork

COMPILED AND PUBLISHED BY:
National Mapping Division of
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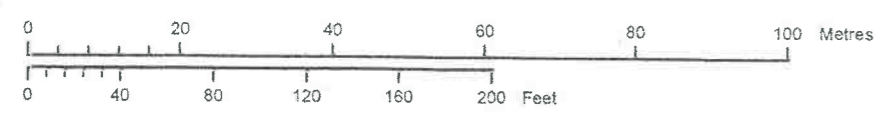
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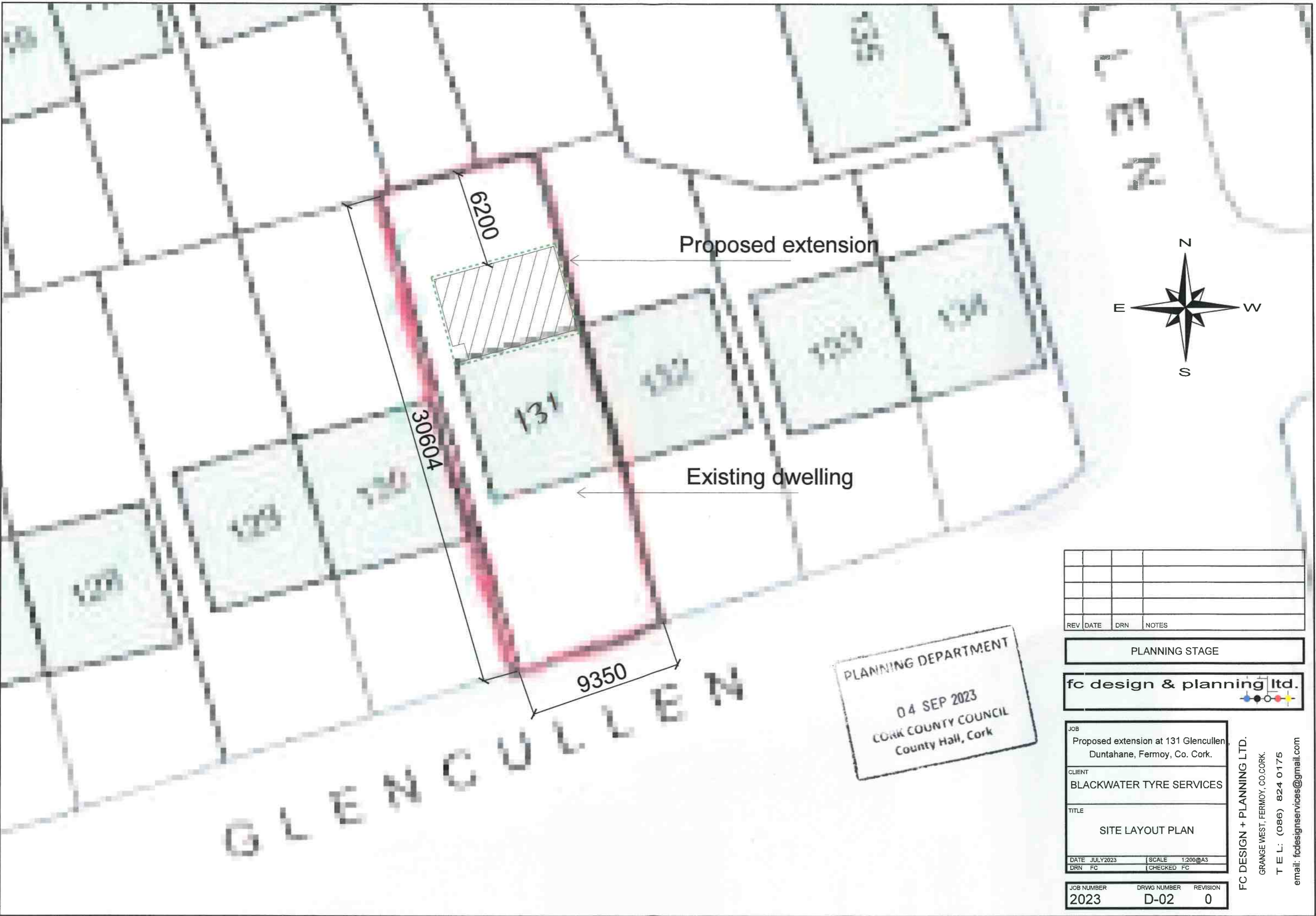
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CAPTURE RESOLUTION:
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resolution at which they were captured.
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Further information is available at:
www.osi.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'

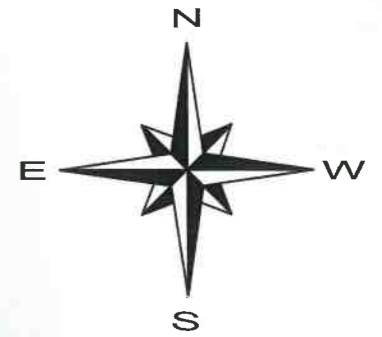


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Proposed extension

Existing dwelling



131
G L E N C U L L E N

PLANNING DEPARTMENT
04 SEP 2023
CORK COUNTY COUNCIL
County Hall, Cork

| REV | DATE | DRN | NOTES |
|-----|------|-----|-------|
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PLANNING STAGE

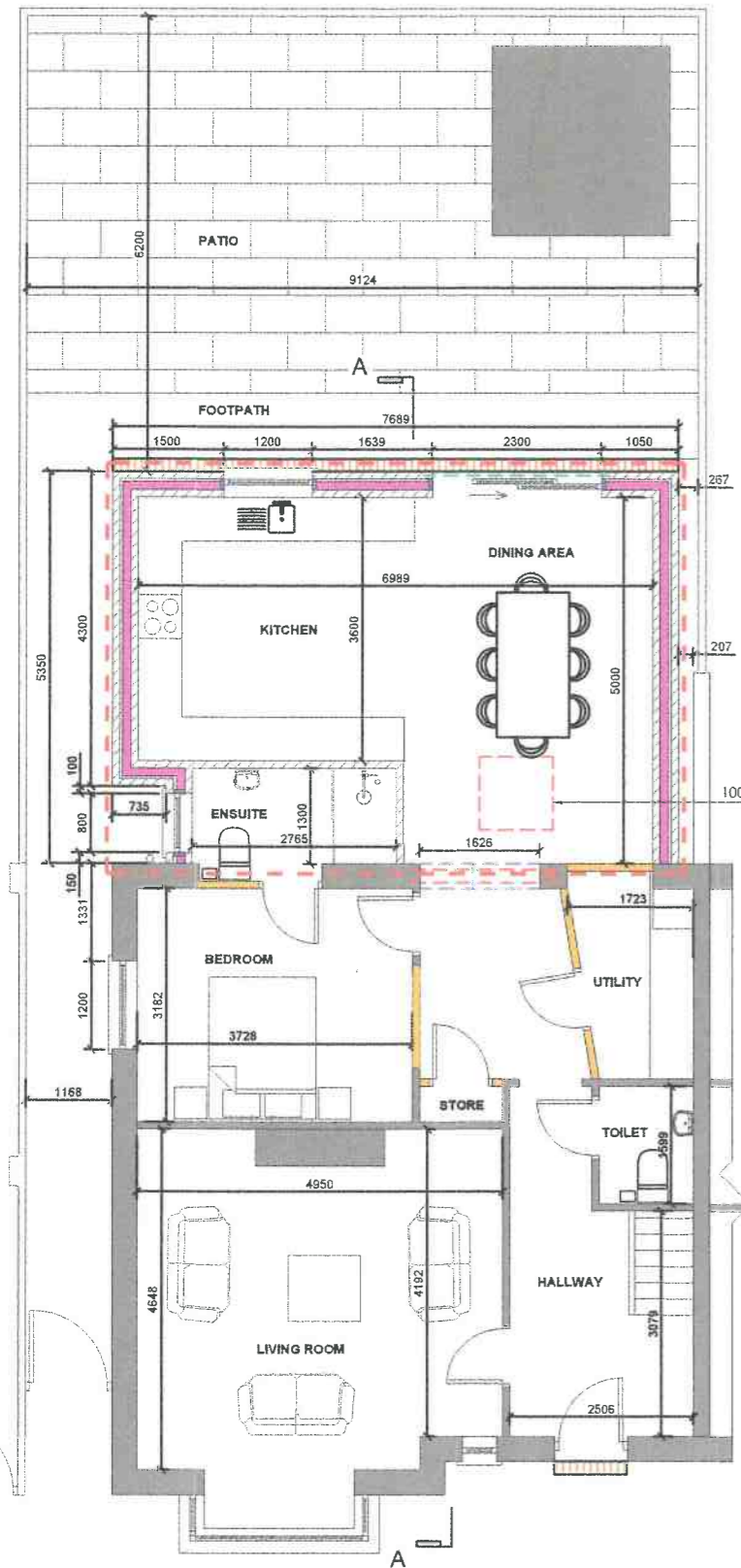
fc design & planning ltd.

| | |
|--|----------------|
| JOB Proposed extension at 131 Glencullen, Duntahane, Fermoy, Co. Cork. | |
| CLIENT BLACKWATER TYRE SERVICES | |
| TITLE SITE LAYOUT PLAN | |
| DATE JULY2023 | SCALE 1:200@A3 |
| DRN FC | CHECKED FC |

| | | |
|--------------------|---------------------|---------------|
| JOB NUMBER 2023 | DRWG NUMBER D-02 | REVISION 0 |
|--------------------|---------------------|---------------|

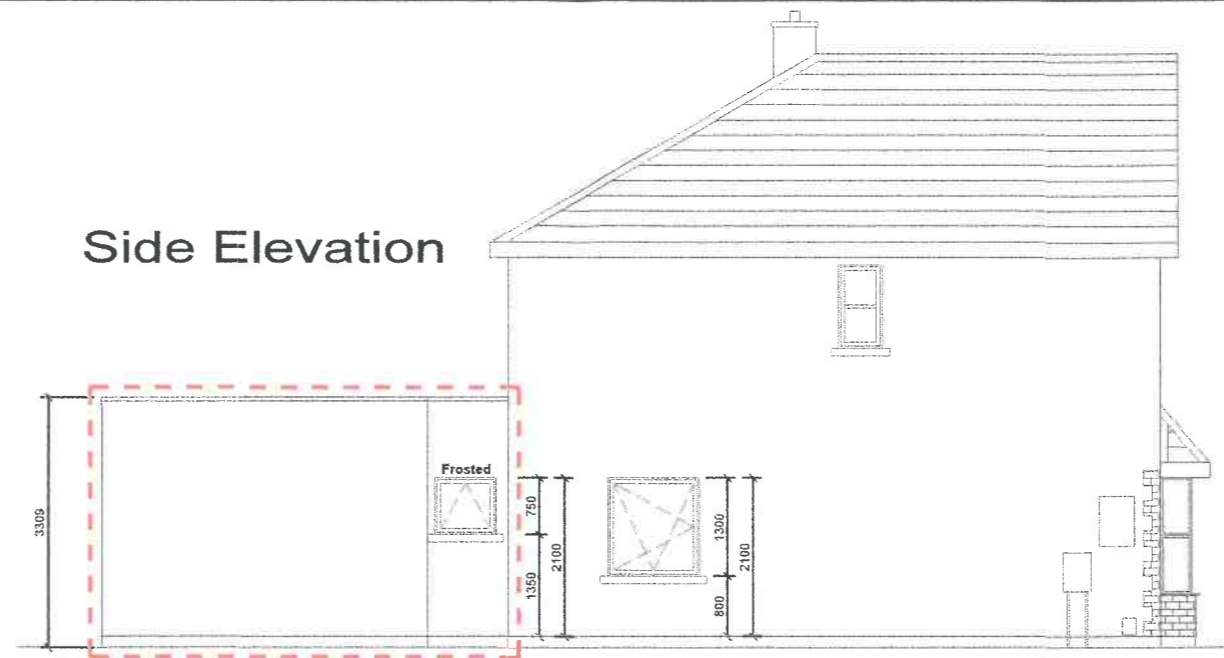
FC DESIGN + PLANNING LTD.
GRANGE WEST, FERMOY, CO.CORK.
T E L : (086) 824 0175
email: fcdesignservices@gmail.com

EXTENSION FLOOR AREA = 34 sqm
 AMENITY AREA = 73 sqm



Floor Layout Plan

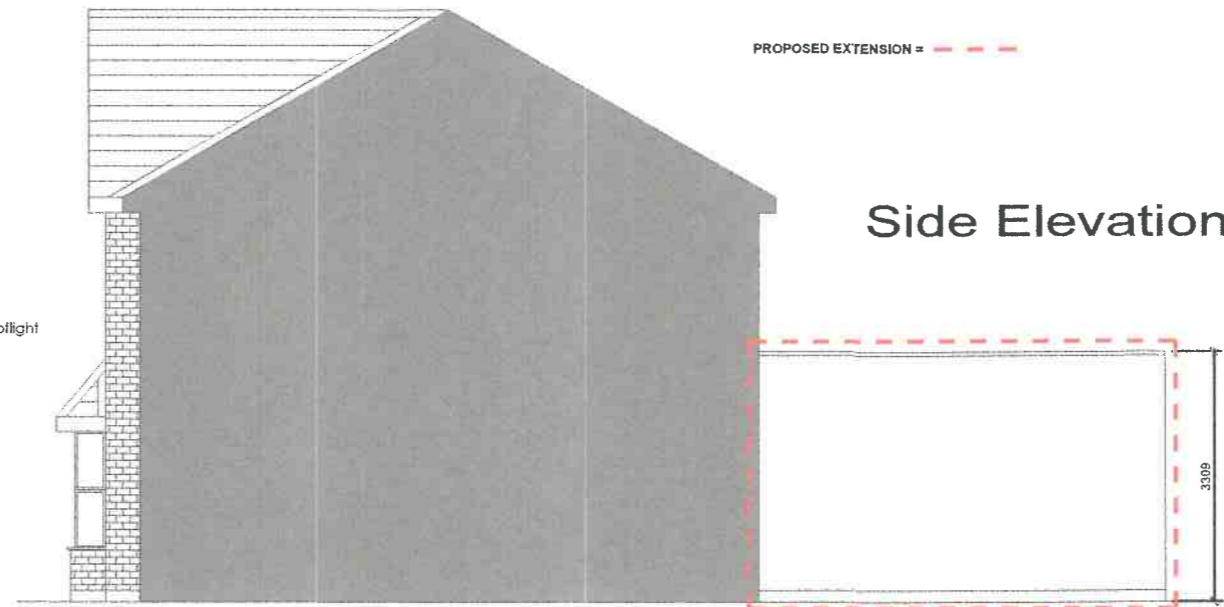
Side Elevation



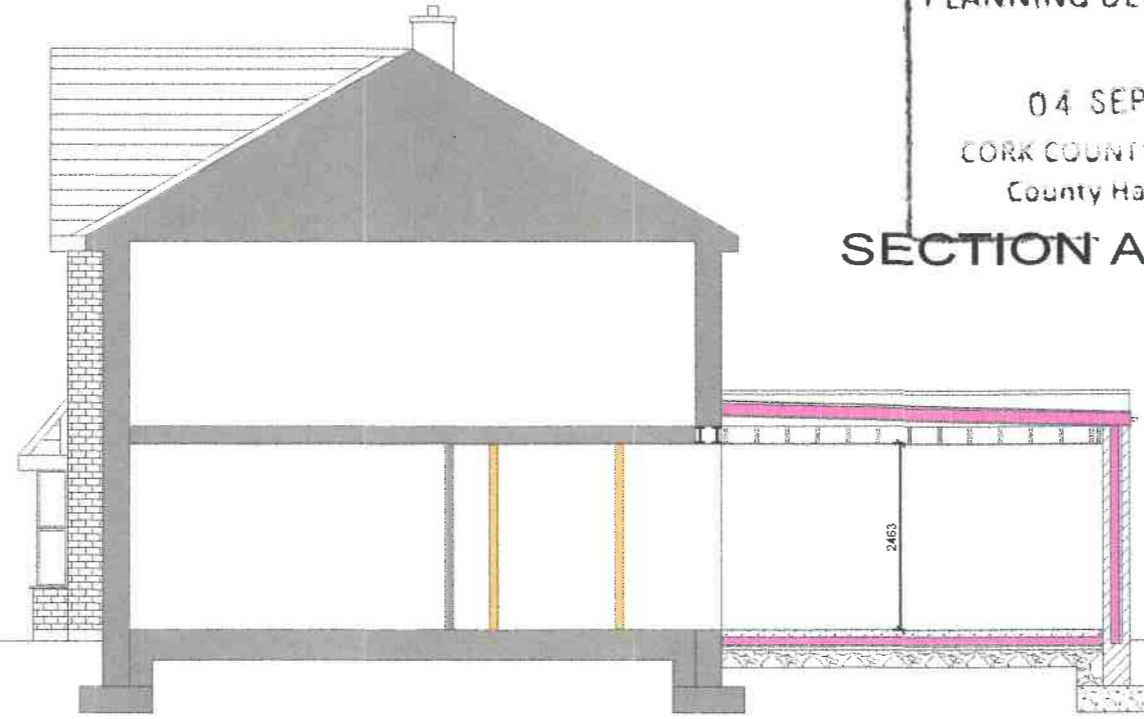
Rear Elevation



Side Elevation



PLANNING DEPARTMENT
 04 SEP 2023
 CORK COUNTY COUNCIL
 County Hall, Cork
 SECTION A-A



| REV | DATE | DRN | NOTES |
|-----|------|-----|-------|
| | | | |
| | | | |
| | | | |

PLANNING EXEMPTION

fc design & planning ltd.

| | |
|-------------|--------------------------------|
| JOB | Proposed extension to dwelling |
| CLIENT | Pat Whelan |
| TITLE | Plans, Elevations, Section A-A |
| DATE | JULY 2023 |
| DRN | FC |
| SCALE | 1:100@A3 |
| CHECKED | FC |
| JOB NUMBER | 2023 |
| DRWG NUMBER | D-01 |
| REVISION | 2 |

FC DESIGN + PLANNING LTD.
 GRANGE WEST, FERMOY, CO.CORK.
 T E L: (086) 824 0175
 email: fcdesignservices@gmail.com