Comhairle Contae Chorcaí Cork County Council

The Board of Management, Gaelscoil Uí Éigeartaigh, c/o Patrick A. Cashman & Associates, Farren House, Cork Road, Midleton, Co. Cork P25 XY42 Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development, County Hall, Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891 Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie



21st December 2023

REF: D/309/23 LOCATION: Gaelscoil Uí Éigeartaigh, Carrignafoy, Cobh, Co. Cork P24 AF83

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

Dear Sirs,

On the basis of the plans and information submitted by you on the 21st November, 2023 the Planning Authority having considered whether the establishment of a pre-school, breakfast club and homework club within the existing school campus at **Gaelscoil Uí Éigeartaigh, Carrignafoy, Cobh, Co. Cork, P24 AF83** is or is not development and is or is not exempted development has declared that it is **not development**.

Reason for Decision

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

- The particulars received by the Planning Authority on 21st November 2023,
- Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended),
- Article 5(1) of the Planning and Development Regulations, 2001 (as amended) and
- The definition of a "school" and "support services" as per Section 2 of the Education Act, 1998

And Whereas Cork County Council has concluded that -

The establishment of a pre-school, breakfast club and homework club within the existing school building at Gaelscoil Uí Éigeartaigh, Carrignafoy, Cobh, Co. Cork, P24 AF83 **is not development**.

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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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

SECTION 5 DECLARATION – PLANNER'S REPORT

File Reference:	D/309/23	
Description:	The establishment of a pre-school, breakfast club and homework club within the existing school campus	
Applicant:	Board of Management, Gaelscoil Ui Éigeartaigh	
Location:	Carrignafoy, Cobh, P24 AF83	
Date:	18/12/2023	
SUMMARY OF RECOMMENDATION		
IS NOT DEVELOPMENT		

PURPOSE OF REPORT

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

SITE LOCATION

Gaelscoil Ui Éigeartaigh, Carrignafoy, Cobh. P24 AF83.

SUBJECT DEVELOPMENT

The establishment of a pre-school, breakfast club and homework club within the existing school campus. It is envisaged that these services would cater for children from approximately 2.5yrs – 13yrs of age with activities running for certain periods from 07:30hrs to 18:00hrs each day. All classrooms already have two toilets, wash-hand basins and a sink. Each classroom also has an emergency door to the exterior. Within the school there is an enclosed sensory garden, an enclosed open-air classroom and gardening area. There is also a sensory room and library room within close proximity on site. Outside there are suitable hard and soft play-areas which could be easily enclosed with a railing.

PLANNING HISTORY

Planning Applications

Planning Ref.
10/52010

Other Nearby / Relevant Applications

Planning Ref.	Development Description	Decision
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06/52084	Erection of fencing and netting totalling 5m in height around perimeter of artificial pitch with 6 no. 12m high columns withn 2 no. 1 Kw light fittings on each column and a 2.4m high palisade fence 2m outside artificial pitch surrounding the pitch. (Cobh Community College)	
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LEGISLATIVE CONTEXT

Planning & Development Act 2000 (as amended)

S.2(1) In this Act, except where the context otherwise requires—

"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

- S.3 (1) 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 structure or other land.
- S.4(1) The following shall be exempted development for the purposes of this Act—

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

Planning & Development Regulations 2001 (as amended)

Exempted Development

Interpretation for this Part

Article 5 (1) In this Part— 'school' has the meaning assigned to it by the Education Act 1998.

SCHEDULE 2, PART 4 – EXEMPTED DEVELOPMENT – CLASSES OF USE

CLASS 8

Use—

- (a) ---
- (b) As a creche
- (c) As a day nursery
- (d) As a day centre

Education Act, 1998, Section 2

"school" means an establishment which-

- (a) provides primary education to its students and which may also provide <u>early childhood</u> <u>education</u>, or
- (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training,

but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991.

"support services" means the services which the Minister provides to students or their parents, schools or centres for education. In accordance with *section 7* and shall include any or all of the following:

- (a) ...
- (b) ...
- (c) ..
- (d) ..
- (e) ..
- (f) ...
- (g) Provision of early childhood, primary, post-primary, adult or continuing education to students with special needs otherwise than in schools or centres for education.
- (h)

SUB-THRESHOLD EIAR

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that an EIAR is not required to be submitted.

APPROPRIATE ASSESSMENT

The relevant European site is the Cork Harbour SPA (Site Code 004030). Having regard to its nature, scale and location within the existing built up area, it is considered that the proposal would not affect the integrity of the site referred to. Accordingly it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

ASSESSMENT

APPLICATION DETAILS

The question before the Planning Authority can be reasonably construed as "Whether the establishment of a pre-school, breakfast club and homework club within the existing school campus at Gaelscoil Ui Éigeartaigh, Carrignafoy, Cobh is or is not development and is or is not exempted development."

As set out in the submitted application form, it is envisaged that these services would cater for children from approximately 2.5yrs – 13yrs of age with activities running for certain periods from 07:30hrs to 18:00hrs each day. All classrooms already have two toilets, wash-hand basins and a sink. Each classroom also has an emergency door to the exterior. Within the school there is an enclosed sensory garden, an enclosed open-air

classroom and gardening area. There is also a sensory room and library room within close proximity on site. Outside there are suitable hard and soft play-areas which could be easily enclosed with a railing.

As per the submitted documents and drawings, no physical works are proposed to the existing building or classroom. The area of the existing room within the school in question is 62.5sqm.

IS OR IS NOT DEVELOPMENT AND IS OR IS NOT EXEMPTED DEVELOPMENT

Section 2(1) of the Act defines "works" as including "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure"

In terms of Section 3(1) of the 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 in the use of any structures or other land."

As noted above, there are no physical works proposed to facilitate the additional services proposed. With regard to the issue of use, it is necessary to establish if the proposal would result in a material change in use. Intensification of an existing use can also amount to development and material change of use depending on the degree of intensification, for example, where the intensification of use results in significant additional traffic generation, noise or disturbance etc. In this instance, the proposal is for additional school services being provided.

I note the permitted use is classroom, located within a primary school building comprising 8 no. classrooms in total plus a general purpose hall. The Education Act, 1998, Section 2 defines a "school" as an establishment which provides primary education to its students and which may also provide early childhood education.

The Act also defines "support services" as services which the Minister provides to students or their parents, schools or centres for education which includes, *inter alia*, provision of early childhood, primary, post-primary, adult or continuing education to students with special needs, otherwise than in schools or centres for education.

It is noted that the TUSLA School Completion Programme, Guidelines Towards Best Practice identify Breakfast Clubs and Homework Clubs as best practice activities to encourage school completion.

I am satisfied that that the proposed Breakfast Club and Homework Club services can be classified as school 'support services' serving existing students attending the school and would not amount to a change of use.

I am satisfied that the proposed pre-school service falls under early childhood education which comes within the definition of a 'school' as per the Education Act, 1998 and I am satisfied, given that the proposed preschool service will be accommodated within an existing classroom within the school building, it would not generate significant additional traffic movements, noise or disturbance to a degree which would amount to intensification of use resulting in a material change of use.

RECOMMENDATION

Having regard to:

- the particulars received by the Planning Authority on 21/11/2023;
- Section 2(1) and 3(1) of the Planning and Development Act 2000 (as amended);
- Article 5(1) of the Planning and Development Regulations, 2001 (as amended);
- the definition of a "school" and "support services" as per Section 2 of the Education Act, 1998;

it is considered that, the establishment of a pre-school, breakfast club and homework club within the existing school building at Gaelscoil Ui Éigeartaigh, Carrignafoy, Cobh, **is not development.**

Aheen

Louise Ahern Executive Planner 20/12/2023

Patrick A Cashman Associates

Architecture + Project Management Established 1987

The Secretary Planning Department Cork County Council County Hall Carrigrohane Rd Cork

20/11/2023

Re; Application for Section 5 Declaration of Exemption

For; The Board of Management Gaelscoil Ui Eigeartaigh, Carrig an Fia An Cobh Co Corcaigh

Dear Secretary

We refer to the above and confirm our clients' requirements, wherein, they require to use/assign an additional function to a designated classroom as (1)Pre-schooL, (2) Breakafast Club and a Homework Club all within the school campus.

These functions will, make use of all of school facilities, such as designated classroom , G.P room, Sensory room as well as out-door play area (secure). As stated the facility will service children ranging in age from 21/2 years to 13 years of age within the school campus.

We refer to the expanded declaration provided by Board of Management at Q3 -P2 of the accompanying application form.

We enclose the following drawings for your consideration;

- 1. 4 copies of floor plans (Sheet A) to scale of 1.100
- 2. 4 copies of floor plans (Sheet B) to scale of 1.100
- 3. Elevations and Cross Section to scale of 1.100
- 4. Elevations and Cross Section to scale of 1.100
- 5. Site layout plan to scale of 1.500
- 6. Site location map to scale of 1.1000
- 7. Site location map to scale of 10,560

We further enclose the following;

- Duly completed and signed application form
- Cheque in the amount of €80.00 being the application form

We submit same for your consideration and await your decision in due course.

Yours faithfully Patrick A Cashman

Dip ArchT Dip P.M. CIOB IPMI IAAS Farren House Cork Road, Midleton, Co Cork T 086 2768482 E patrickacashman@gmail.com





CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST	(Please tick \checkmark)
 <u>4 No. Copies of Application Form:</u> <u>1 No. Copy of Contact Details:</u> <u>4 No. Copies 6" O.S. Maps:</u> <u>4 No. Copies 25" O.S. Maps:</u> <u>4 No. Copies of Site Layout Plan:</u> <u>4 No. Copies Scaled Drawings of Development:</u> €80 Application Fee: 	
	Planning Department
FOR OFFICE USE ONLY Receipt No.	2 1 NOV 2023
Cash/Cheque/ Credit Card Cheque	Cork County Council County Hall
Date $21 1 23$	
Declaration Ref. No. D 309 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

<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. The Board of Management

GAELSCOIL UI EIGEARTAIGH

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

GAELSCOIL UI EIGEARTAIGH

Carraig an Fhia (Carrignafoy Td)

An Cobh (Cobh)

Co Corcaigh (Co Cork) Eircode P24AF83

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

The establishment of a Naíonra (Pre-School), Obair Bhaile (Homework Club) within the exis It is envisaged the Naíonra/ Breakfast Club/ H from approximately 2.5 -13 years of age with a 07:30 to 18:00 each day. All classrooms already have two toilets, wash also has an emergency door to the exterior. Within the school there is an enclosed Sensor Classroom and gardening area. There is also a Sensory Room and Library Roo Outside there are suitable hard and soft play-a	ting school campus. Iomework Clubs would cater for children activities running for certain periods from -hand basins and a sink. Each classroom ry Garden, an enclosed Open-Air om within close proximity on site.
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4. APPLICATION DETAILS:

6.

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):	Exist classroom additional use as Nionra (pre-school) 62.50 sa m ~ (672.5 sa ft)
 (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 No 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
Exist classroom additional use as Nionra (pre-school)	Exist classroom additional use as Nionro (pre-school)
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No V 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	Board of Management	
your interest in the land/structure:	Gaelscoll (3 Eigeartaigh	
If you are not the legal owner, please state the	Board of Management	
name of the owner/s (address to be supplied at		
Question C in Contact Details):	Gaelscoil Ui Eigeartaigh	

PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure Structure: Yes No	e or within the curtilage of a Protected
If yes, has a Declaration under Section 57 of the Planning or issued for the property by the Planning Authority:	g & Development Act 2000 been requested Yes No
If yes, please state relevant reference No	
Is this site located within an Architectural Conservation A	Area (ACA), as designated in the County
Development Plan? Yes No	2 t NOV 2023
APPROPRIATE ASSESSMENT:	Cork County Council

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

. 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	2.8 12	10 0 0
(By Applicant Only)	Donal O Duinnshler	to Principal + Doord of
Date	15/11/2023	Management Secretery

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

Planning Department 2 1 NOV 2023 Cork County Council County Hall Cork

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 <u>https://www.corkcoco.ie/privacy-statement-cork-county-council</u> 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	Donat & Duipnpheithe Principal + Board of	-)
Date	15/11/2023 Management Secreta	ary)

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: <u>planninginfo@corkcoco.ie</u> or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: <u>westcorkplanninginfo@corkcoco.ie</u> 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.

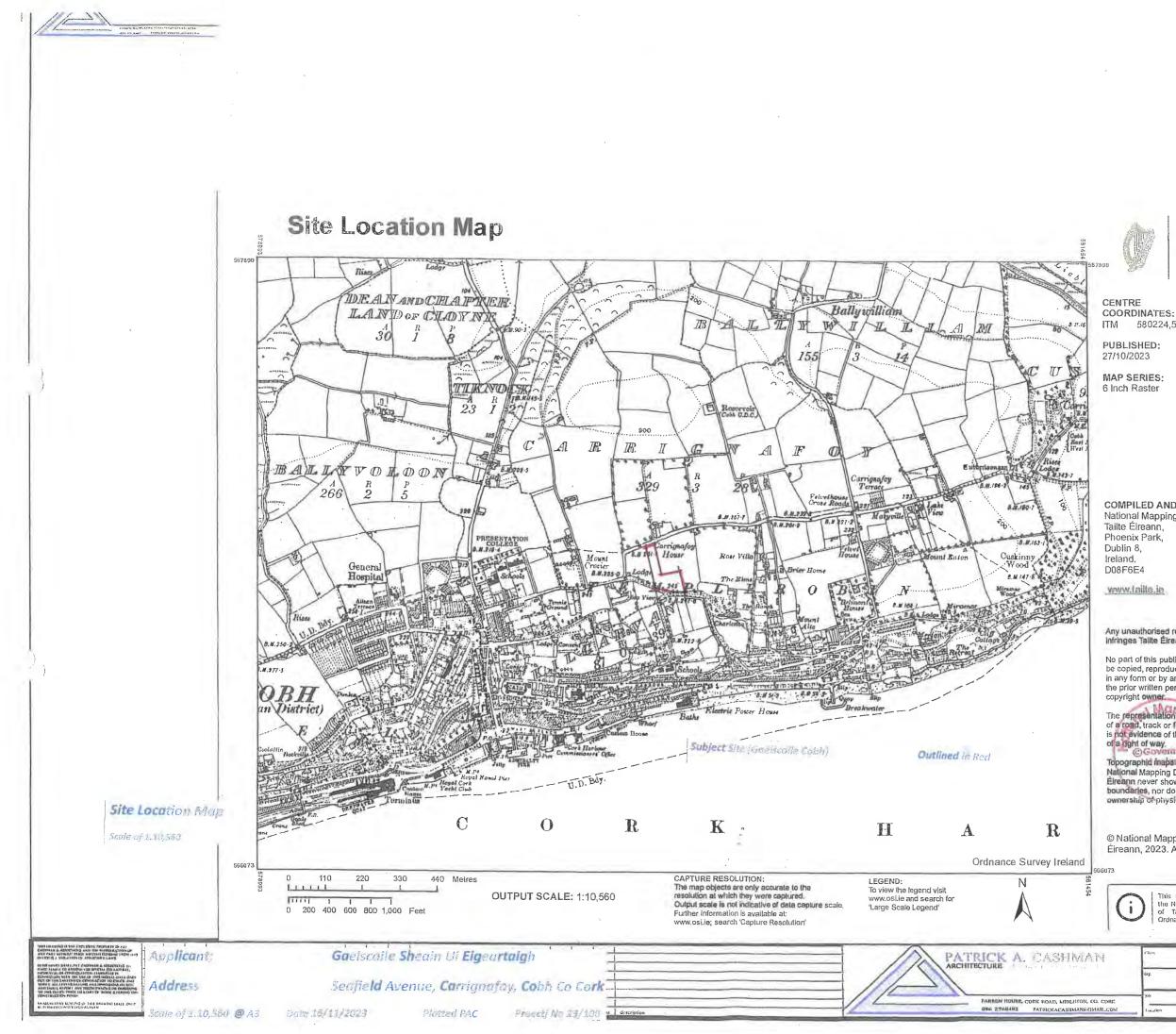
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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 <u>Planning and Development Acts 2000</u>, <u>as amended</u> and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	April		
Date	20/11/2028		

Planning Department
2 1 NOV 2023
Cork County Council County Hall



Application Drawing No 007 Site Location Map SCALE OF 1.10,560 @A3 Pla:



ITM 580224,566982

ORDER NO .: 50365131_2

MAP SHEETS: CK087

COMPILED AND PUBLISHED BY: National Mapping Division of

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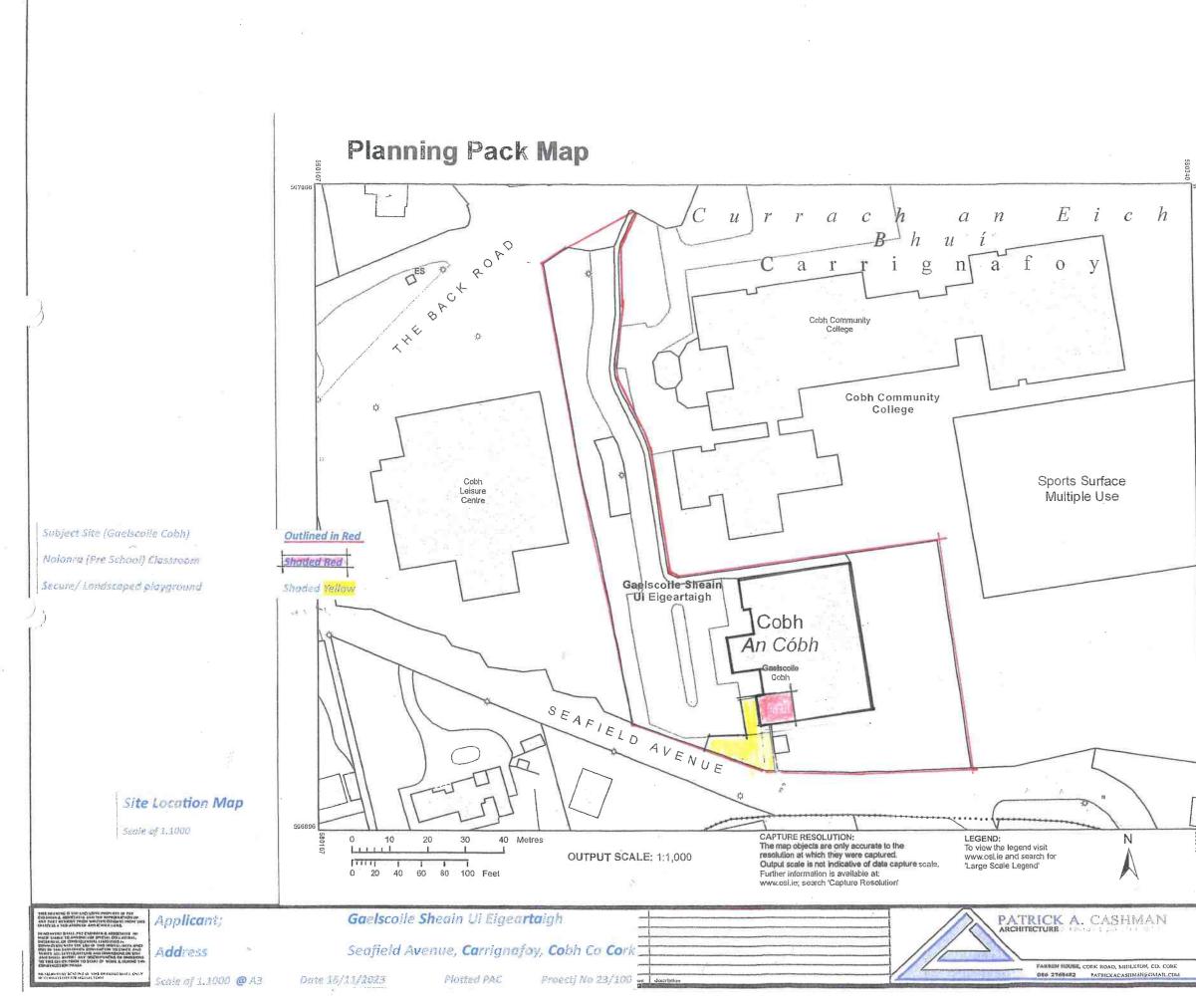
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Site Location Map SCALE OF 1.1000 @A3 Plot





CENTRE COORDINATES: ITM 580224,566982

PUBLISHED: 27/10/2023

ORDER NO .: 50365131_2

MAP SERIES: 1:2.500 1:1,000

MAP SHEETS: 6431-C 6473-01

COMPILED AND PUBLISHED BY: National Mapping Division of Tailte Éireann, Phoenix Park, Dublin 8, ireland. D08F6E4

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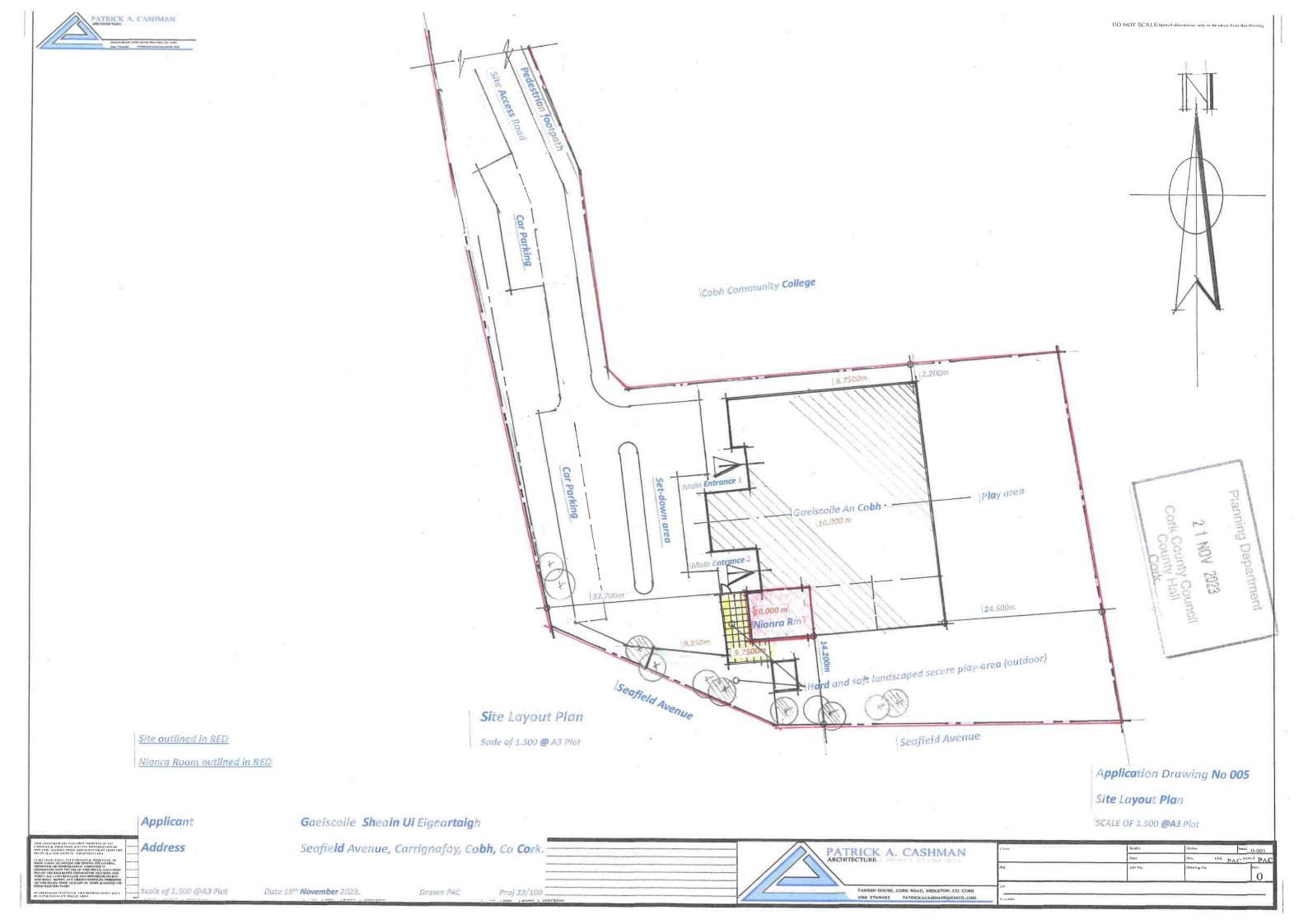
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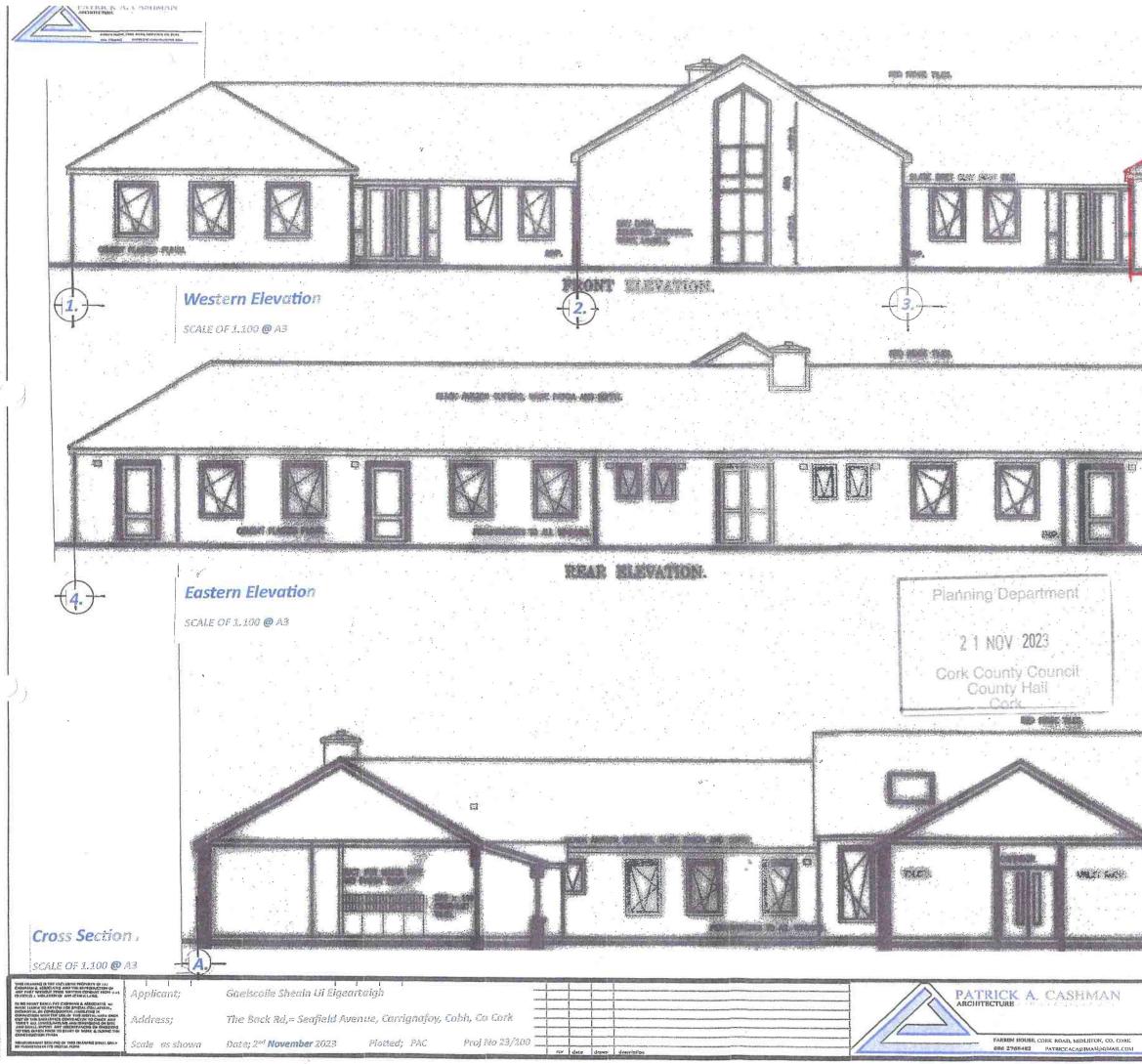
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