

Comhairle Contae Chorcaí Cork County Council

Anthony Nyhan,
Treasurer

Parents Association Gaelscoil Dhroichead na Banndan,
7 Castle Oaks,
Bandon,
Co. Cork
P72 EA30

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
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9th April, 2025

REF: D/234/25

LOCATION: Gaelscoil Dhroichead na Banndan, Casement Road, Cloughmacsimon,
Bandon, Co. Cork P72 T922

**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 27th March, 2025 the Planning Authority, having considered whether the proposed erection of a modular/prefabricated building with associated ramp for use as an SEN classroom at **Gaelscoil Dhroichead na Banndan, Casement Road, Cloughmacsimon, Bandon, Co. Cork P72 T922** is or is not development or is or is not exempted development, has declared that it is **exempted development**.

Reason for Decision

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

- the details submitted to the Planning Authority on the 27th March, 2025
- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001, as amended
- School Design Guide SDG-02-04 Primary and Post Primary School Specialist Accommodation for Pupils with Special Educational Needs (April 2021)
- The Planning history of the site

And Whereas the Planning Authority hereby concludes that the erection of a modular/prefabricated building with associated ramp, for use as an SEN classroom, within the curtilage of Gaelscoil Dhroichead na Banndan, Casement Road, Cloughmacsimon, Bandon, Co. Cork P72 T922 **is development and is exempted development** on the grounds that:-

- a) the erection of the modular structure and associated access ramp constitutes "works" that comes within the meaning of "development" as set out in Section 3(1) of the Planning and Development Act, 2000, as amended,
- b) the works fall within a class of exempted development under Article 6, namely Class 20D of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended and,
- c) the works do not come within the scope of restrictions on exemption under Article 9 of the Planning and Development Regulations 2001 or Section 4(4) of the Planning and Development Act 2000, as amended.

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,



**PIO TREACY,
A/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>

Board of Management,
Gaelscoil Dhroichead na Banndan,
Casement Road,
Cloughmacsimon,
Bandon,
Co. Cork
P72 T922

9th April, 2025

Our Ref.: D/234/25

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

Whether the proposed development consisting of a modular building/prefab with ancillary services including an extensive access ramp to be located in the front of the school in the existing school playground and parking set down area at Gaelscoil Dhroichead na Banndan, Casement Road, Cloughmacsimon, Bandon, Co. Cork is or is not development or is or is not exempted development

Dear Sir/Madam,

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,



PIO TREACY,
A/SENIOR EXECUTIVE OFFICER
PLANNING DEPARTMENT

Encl.

Ref D/234/25

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

Re: Request for Declaration under Section 5 of the Planning and Development Act 2000, as amended, in regard to the erection of a modular/prefab building with associated ramp for use as an SEN classroom, at Gaelscoil Dhroichead na Banndan, Bandon, Co. Cork

Site Location and Description

The application site is located to the south-east of Bandon Town Centre, on the northern side of the N-71 Bandon Outer Relief Road.

Proposal

The applicant seeks a Declaration of Exemption under Section 5 of the Planning and Development Act 2000, as amended, on the question of:

“Whether the erection of a modular/pre-fabricated building with associated ramp, for use as an SEN classroom within the curtilage of Gaelscoil Dhroichead na Banndan is, or is not, development and is, or is not, exempted development.”

Policy Context

In terms of planning designations, the subject site is located on lands zoned as ‘Existing Residential/Mixed Residential and Other Uses’ in the Cork County Development Plan (CCDP) 2022.

The site is not located within the indicative Screening Zone for any Natura 2000 site as mapped on the Planning Enquiry System. The potential for significant impacts on any Natura 2000 sites can be ruled out on this basis.

The site is not situated within a flood risk zone as mapped the CCDP 2022 flood risk maps.

Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

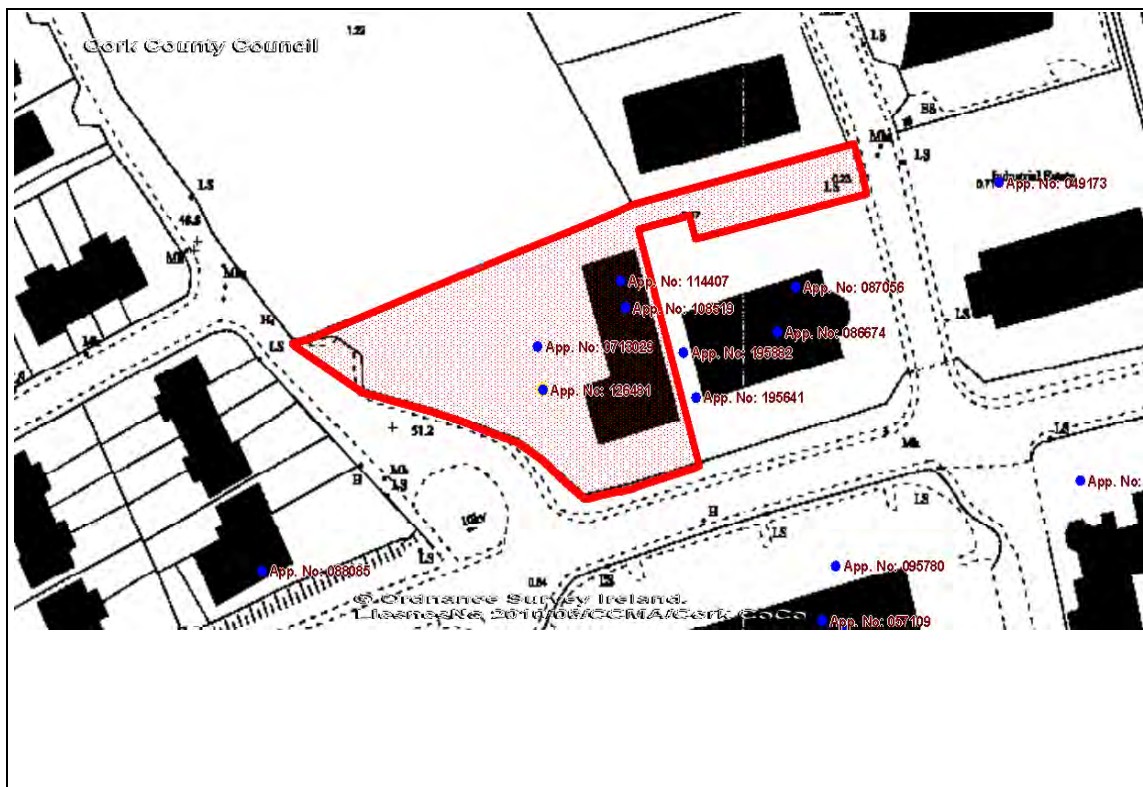


Site outlined in red

Planning History

- | | |
|----------|--|
| 07/13029 | Permission GRANTED for retention of window and door opening as constructed to leisure centre. |
| 10/8519 | Permission REFUSED for the change of use of existing swimming pool complex to school accommodation, modifications and additions to structure including construction of additional first and second floor levels, new pedestrian access, car parking, retaining wall and all associated site works. |
| 11/4407 | Permission GRANTED by An Bord Pleanála (Ref. PL04.239128) for the change of use of existing swimming pool complex to school accommodation, modifications and additions to structure including construction of additional first and second floor levels, additional site entrance, car parking, retaining wall and associated site works. |
| 12/6481 | Permission GRANTED for additions to first and second floors of existing school building to provide additional school accommodation, internal modifications and alterations to existing structure and all associated site works. |
| 19/5882 | Permission GRANTED to construct a temporary portacabin/modular building for classroom use and associated site works. |

See attached sheet with summary of relevant cases and extract from register map(s).



Enforcement History

None.

Relevant Statutory Provisions

The most relevant statutory provisions are as follows:

Planning and Development Act 2000

Section 2(1) of the Planning and Development Act, 2000 provides that:

"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.

"structure" is defined to mean any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined.

Section 3(1) of the Planning and Development Act, 2000 provides that:

"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.

Section 4(1) of the Planning and Development Act 2000 sets out what shall be exempted developments for the purposes of the Act.

Section 4(1)(h) of the Act states:

“The following shall be exempted development for the purposes of this act:

Development consisting of the carrying out of works for the maintenance improvement or other alterations of any structure, being works which effect 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.”

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the Act.

Section 4(4) states that notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001 (as amended)

Article 5 of the Planning and Development Regulations 2001, as amended, states that 'school' has the same meaning assigned to it by the Education Act 1998.

The Education Act 1998 defines 'school' as an establishment which:

- a) Provides primary education to its students and which may also provide early education, or
- b) Provides post primary education to its students and which may also provide courses in adult, continuing or vocational training.

Article 6 sets out development which shall be exempted development for the purposes of the Act.

Article 9 sets on restrictions on exemption for development to which article 6 relates.

Planning and Development Act 2000 (Exempted Development) Regulations 2021

Class 20D is relevant to this matter:

<p>CLASS 20D</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"> 1. No such structure shall be erected for a period exceeding 5 years. 2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school. 3. No such structure shall exceed two storeys. 4. Distance to party boundary - <ol style="list-style-type: none"> (a) any single storey structure shall be a distance of not less than 2 metres from any party boundary, (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 (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"> (i) have no windows overlooking, or (ii) have obscure glass. 5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.
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Internal Reports

None

External Reports

None

Assessment

Details of Proposal

An application seeking a Determination under S.5 of the Planning and Development Act 2000 (as amended) has been submitted by the Treasurer of the Parents Association of Gaelscoil Dhroichead na Bandann.

The proposal relates to the provision of a modular structure and associated ramp for use as an SEN classroom, a soft play area and fencing. The area where it is proposed to locate the structure is currently designated as part of a larger playground to the front of the school.

The submitted documents include a completed application form and a cover letter. A draft schematic drawing indicates the location of the proposed structure at the western side of the part single storey part three storey section of the school building - see below:



Schematic Drawing Submitted

Is or is not Exempted Development

The definition of works under Section 2 of the Act 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 any other material to or from the surfaces of the interior or exterior of the structure”.

On this basis the erection of a modular/pre-fabricated structure and including associated ramp falls within the definition of ‘works’.

The definition of ‘development’ under Section 3 of the Act includes the carrying out of any works on, in, over or under land. The proposed development would involve works within the meaning of Section 3 of the Act. As such the proposed development constitutes development. Therefore, the question in this case is whether or not it is exempted development.

Class 20D of Part 1 of Schedule 2 of the Regulations sets out circumstances whereby the erection of a structure for the continued delivery of education on land which is a school may be exempted development. The conditions and limitations set out under Class 20D are as follows:

1. No such structure shall be erected for a period exceeding 5 years.
2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.
3. No such structure shall exceed two storeys.
4. Distance to party boundary -
 - (a) any single storey structure shall be a distance of not less than 2 metres from any party boundary,
 - (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
 - (c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall -
 - (i) have no windows overlooking, or
 - (ii) have obscure glass.
5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.

The key question arising in the first instance is whether the proposed development meets the conditions and limitations set down in Class 20D.

Condition/Limitation 1: The erection of the structure is exempt for a period not exceeding 5 years. The submitter has not provided details of how long the structure is intended to remain in situ. In the event that the structure is removed after a period of 5 years this I am satisfied that this limitation is met.

Condition/Limitation 2: Having regard to the total floor area of the school it is clear that the proposed structure does not exceed 30% of the gross floor area of the school.

Condition/Limitation 3: The structure is single storey.

Condition/Limitation 4: The proposed development is less than 2m from any party boundary, there is no two storey element and all conditions/limitations under 4a), 4b) and 4c) are met.

Condition/Limitation 5: The relevant DoEd Technical Guidance is the **School Design Guide SDG-02-04 Primary and Post Primary School Specialist Accommodation for Pupils with Special Educational Needs (April 2021)**.

In this instance the proposed accommodation is of a temporary nature and the following extract from Section 5 of the Guidelines is relevant:

n. If no space is available within the existing school, temporary accommodation in the form of prefabricated units may be considered. Temporary SEN Accommodation should not be located in a remote or isolated part of the site where contact and social development opportunities with the main school population would be impossible to promote. Where this cannot be achieved re-designation of an existing area in the school for SEN base should be considered and replacement mainstream accommodation proposed in temporary accommodation until such time as a permanent extension can be delivered. Accommodation for pupils with SEN should not be provided in a stand-alone building and unavoidable should be connected via an enclosed link or a covered external link to the existing school. o. Where temporary SEN accommodation is provided in Prefabricated Buildings please refer to Appendix D for suggested layouts that may be provided with standard Prefabricated modules. Each solution will be site specific and can be evaluated on a case by case basis. 24 Planning and Design Guidelines Primary and Post Primary School Special Educational Needs Accommodation SDG-02-04 April 2021 p. In locating the temporary accommodation consideration must be given to where the long-term permanent SEN base extension will be situated, and the temporary accommodation located where it will not hinder this future development. Location of the temporary accommodation should not impact on current car-parking or play areas within the school site. Where the Design Team identifies that it is not possible to locate the temporary accommodation in an unobstructed location they should revert to the school authority/Does for further guidance.

o. Where temporary SEN accommodation is provided in Prefabricated Buildings please refer to Appendix D for suggested layouts that may be provided with standard Prefabricated modules. Each solution will be site specific and can be evaluated on a case by case basis.

p. In locating the temporary accommodation consideration must be given to where the long-term permanent SEN base extension will be situated, and the temporary accommodation located where it will not hinder this future development. Location of the temporary accommodation should not impact on current car-parking or play areas within the school site. Where the Design Team identifies that it is not possible to locate the temporary accommodation in an unobstructed location they should revert to the school authority/Does for further guidance.

I have reviewed SDG-02-04, with particular attention paid to the section dealing with accommodation of a temporary nature as applies in this case.

Section 5n) allows consideration of pre-fabricated units if no space is available within the existing school and recommends that accommodation should not be located in a remote or isolated part of the school.

Permission was granted under 11/4407 for change of use of existing swimming pool complex to school accommodation with the addition of first and second floor levels to part of the structure for use as school accommodation. Permission was subsequently granted under 12/6481 for first and second floor extensions to the existing school and permission was granted under 19/5882 for a 33sqm modular temporary structure for use as 2no. resource classrooms to the rear (east) of the school.

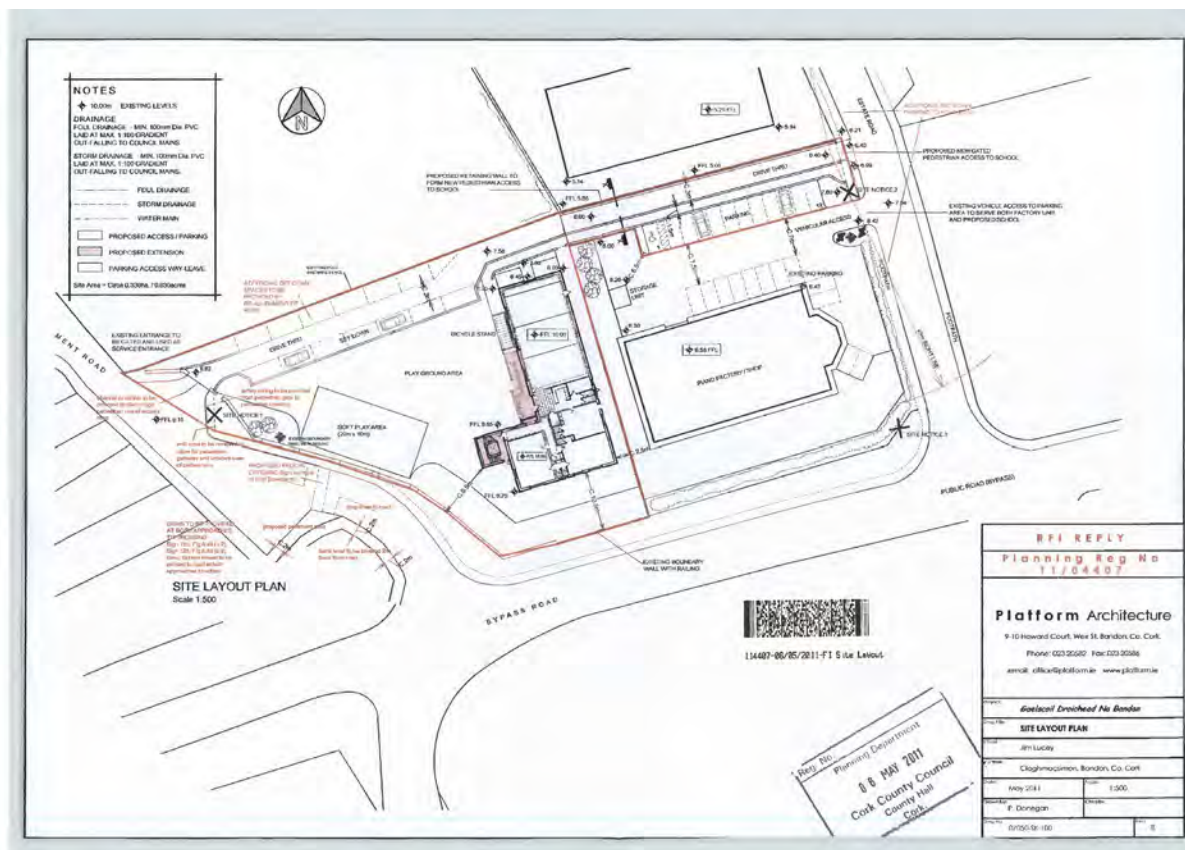
It is noted that the Gaelscoil has submitted 2no. pre-planning consultations (PPB 23/215 and PPB 24/706) to re-locate to the existing secondary school campus located a short distance to the south-west of the site and the erect a purpose-built new school as an extension to the existing educational campus. It is reasonable to conclude that if space was available within the school the applications to extend the school accommodation would not have arisen and the school would not be seeking to undertake a new build project on an alternative site.

The proposed modular structure is located close to the school entrance and is not isolated from the main school. I am satisfied that the proposed development has due regard to Section 5n).

Section 5o) suggests layouts that may be provided with standard pre-fabricated modules and acknowledges that each solution will be site specific and can be evaluated on a case by case basis. As this item deals with the internal layout of the classroom it is not relevant to my assessment.

Section 5p) seeks to ensure that temporary accommodation is located where it will not hinder future development and notes that it should not impact on current car-parking or play areas within the school site.

Below is a copy of the Site Layout Plan permitted under 11/4407, the governing Permission on the site.



The submitter contends that the development does not comply with section 5p) as the structure and associated ramp will be located on an area that is currently part of the playground area and will impact on car parking.

In terms of car parking it is noted that the approved Site Layout Plan does not include any parking within the playground area, with a one-way system, with set down/pick up car parking spaces, provided for along the northern site boundary. Therefore, the assertion that the proposed development will impact on current car parking is not supported.

In addition, the proposed development does not hinder the permitted access or safe set down/pick up of children shown on the approved Site Layout Plan for the governing permission granted under 11/4407.

In terms of impact on current play areas it is noted that the structure and associated access ramp will be sited on a part of the hardstanding playground area located close to the school. Picnic tables were observed at the location of the proposed modular structure.

All the land area surrounding the school, save for the one-way system, set down parking and steep embankment along the southern site boundary which adjoins the by-pass (N71), is indicated as playground area on the Site Layout Plan approved under 11/4407.

It is noted that the proposal includes a new soft play area, slightly smaller in footprint than the proposed SEN classroom, to off-set the loss of the hard standing play area. The net loss, therefore, is not considered to be such that it would impact the use of the playground by pupils and the provision of a soft play area will add to the variety of play opportunities

available to pupils. In addition, there will continue to be a designated playground area available to the children.

Having regard to the foregoing I am satisfied that the proposed development complies with SDG-02-04 and accordingly with Condition/Limitation 5 of Class 20D.

It is considered, therefore, that the proposed pre-fabricated structure and associated access ramp, is development and is exempted development under Class 20D of the Planning and Development Regulations 2001 (as amended by the Planning and Development Act 2000 (Exempted Development) Regulations 2021).

Restrictions on Exempted Development

Article 9(1) stipulates that:

Development to which Article 6 relates shall not be exempted development for the purposes of the Act in certain circumstances.

The submitter contends that the proposed developer is not exempt by virtue of Article 9(1)(a)(iii) which states that development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of the development would endanger public safety by reason of traffic hazard or obstruction of road users.

The cover letter submitted with the S.5 Declaration Application states that the proposed development would lead to a potential loss of c.20 set down parking spaces. The location of the proposed development indicated in this application does not impact the approved set down/pick up arrangements permitted under 11/4407. Furthermore, it is noted that no car parking is permitted within the school playground under any Permission pertaining to this site.

I do not concur that the proposed siting of a modular structure and associated development would endanger public safety by reason of traffic hazard or obstruction of road users and as such Article 9(1)(a)(iii) is not invoked. No other restrictions under Article 9 are considered to apply.

Recommendation

In considering this referral, the Planning Authority had regard particularly to –

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, and 9 and of the Planning and Development Regulations, 2001, as amended,
- (c) School Design Guide SDG-02-04 Primary and Post Primary School Specialist Accommodation for Pupils with Special Educational Needs (April 2021)

(d) The planning history of the site,

I recommend that the erection of a modular/pre-fabricated building with associated ramp, for use as an SEN classroom, within the curtilage of Gaelscoil Dhroichead na Banndan, is development and is exempted development on the grounds that:

(a) the erection of the modular structure and associated access ramp constitutes “works” that comes within the meaning of “development” as set out in Section 3(1) of the Planning and Development Act, 2000, as amended,

(b) the works fall within a class of exempted development under Article 6, namely Class 20D of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended and,

(c) the works do not come within the scope of restrictions on exemption under Article 9 of the Planning and Development Regulations 2001 or Section 4(4) of the Planning and Development Act 2000, as amended.

A. O'Keeffe

Annie O'Keeffe

09/04/2025

APPENDIX 1 – Photos





Comhairle Contae Chorcaí Cork County Council

Board of Management,
Gaelscoil Dhroichead na Banndan,
Casement Road,
Cloughmacsimon,
Bandon,
Co. Cork
P72 T922

Pleanáil agus Forbairt,
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27th March, 2025

Our Ref.: D/234/25

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

Whether the proposed development consisting of a modular building/prefab with ancillary services including an extensive access ramp to be located in the front of the school in the existing school playground and parking set down area at Gaelscoil Dhroichead na Banndan, Casement Road, Cloughmacsimon, Bandon, 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 Anthony Nyhan, Treasurer Parents Association, Gaelscoil Dhroichead na Banndan with respect to whether the above description at Gaelscoil Dhroichead na Banndan, Casement Road, Cloughmacsimon, Bandon, 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

7 Castle Oaks,
Bandon,
Co. Cork
P72 EA30

Planning Department,
Cork County Council, County Hall,
Carrigrohane Road,
Cork.



26/3/2025

RE: Proposed Development at Gàelscoil Dhroichead na Banndan P72 T922

Dear sir/madam,

I am writing to you on behalf of the Parents Association of Gaelscoil Dhroichead na Banndan (eircode P72 T922). We were informed on 14/3/2025 that a proposed development is to begin during the Easter holidays, week beginning 14/4/2025. The development consists of a modular building/prefab with ancillary services including an extensive access ramp to be located in the front of the school in the existing school playground and parking set down area.

Based on the limited particulars provided to the Parents Association on the 20th March 2025 it would appear that the proposed development and ancillary infrastructure may impact on approximately 270m² of the existing outdoor school play area of which 187m² will be occupied by SEN accommodation, soft play area, access ramps and fencing.

A draft schematic of the proposed development based on the information provided to the Parents Association is provided below.



As is evident, the location of the proposed development will significantly impact on the existing dedicated play area of the school which is a major concern for parents and the ability of their children to experience play activities. In addition to reducing the overall size of the play area, it will alter the layout of the school façade and play area removing one existing hard court ball play area, contribute to creating dead zones that children cannot play in, or areas of obstructed observation with low or no visibility, thereby hindering proper supervision and potentially resulting in areas unsafe for external play.

In our communications with the school, we have been informed that the development is Exempt from Planning Permission, but we have not, at the time of writing, been provided with documentation confirming this exemption or indeed that the Board of Management have actually previously submitted a Section 5 declaration to the County Council.

While we fully support an inclusive school environment where every child, including those with additional educational needs, has access to the necessary facilities and resources; we are troubled by the way this major infrastructure change is to be implemented. The current approach not only impacts the children's outdoor play but also exacerbates the challenges we already face with drop-offs and collections, given the limitations of the existing school infrastructure.

Moreover, given that construction work will be ongoing while the school is operational and we are now informed that approximately half of the existing school outdoor play area will be fenced off and removed from operation during construction, it would appear that little if any consideration has been given to the impact of construction work on school life, teaching, the educational experience of students and welfare and physical activities of children due to construction noise, visual distraction and severe reduction in school playground areas

In regard to whether the development is exempt from planning we note that current Planning Regulations S.I.No. 114/2021 Planning and Development Act 2000 (Exempted Development) Regulations 2021, require that any such structure must comply with the Department of Education's Primary and Post Primary Technical Guidance Documents. In this respect, we would like to draw attention to the current Department of Education School Design Guide SDG-02-04 dated April 2021 and Section 5 (h) which states that consideration should be given to the safe set down and pick up of pupils close to the main entrance and more importantly Section 5 (p), which state that the provision of temporary SEN accommodation to an existing school **should not impact on current car-parking or play areas within the school site**. The principles contained in these Guidelines are applicable.

We further note Article 9 of the Planning Regulations (2001, as amended) which specify **that exemptions to planning are not permitted if the carrying out of such development poses a danger to public safety by reason of traffic hazard or obstruction of road users**.

If this development goes ahead as intended in addition to significantly reducing the school play area the development will lead to a potential loss of approximately 20 set down parking spaces. In this regard, we wish to emphasize that traffic congestion on Casement Rd during morning drop off is already a safety concern for many residents and parents. Such a significant reduction in drop off areas or temporary parking will not only affect traffic flow, but



lead to site congestion, resulting in dangerous manoeuvres, blocking of access routes, creating hazards for drivers and pedestrians that may lead to increased risk of accidents.

This letter serves as a formal request by the Parents Association as a matter of some urgency, as we have been informed that ground works are to begin on the Site over the Easter holidays, under Section 5 of the Planning and Development Act to seek formal clarification on whether the development is exempt from the requirement of planning permission.

Planning History of the School.

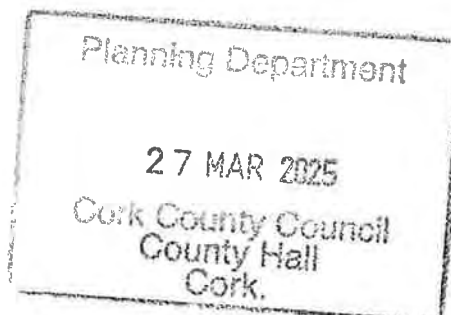
The following planning history pertains to existing school site:

- | | |
|----------|--|
| 07/13029 | Permission GRANTED for retention of window and door opening as constructed to leisure centre. |
| 10/8519 | Permission REFUSED for the change of use of existing swimming pool complex to school accommodation, modifications and additions to structure including construction of additional first and second floor levels, new pedestrian access, car parking, retaining wall and all associated site works. |
| 11/4407 | Permission GRANTED by An Bord Pleanála (Ref. PL04.239128) for the change of use of existing swimming pool complex to school accommodation, modifications and additions to structure including construction of additional first and second floor levels, additional site entrance, car parking, retaining wall and associated site works. |
| 12/6481 | Permission GRANTED for additions to first and second floors of existing school building to provide additional school accommodation, internal modifications and alterations to existing structure and all associated site works. |
| 19/05882 | Permission GRANTED to construct a temporary, 33 square metre, raised single Storey portacabin modular building containing 2 no. resource classrooms and all other related ancillary site works. Planning Permission Granted on the 25/11/2019. |

Copies of Site Layout Plan and Scaled Drawings of Development

We have only been provided with redacted scaled drawings of the proposed development.

Five such drawings were presented to the Parents Association on the 20th March, copies of which are provided as an attachment to this email.



I would like to thank you for taking the time to consider this matter.

Kind regards,
Anthony Nyhan,
Treasurer,
Parents' Association,
Gaelscoil Dhroichead na Banndan





CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

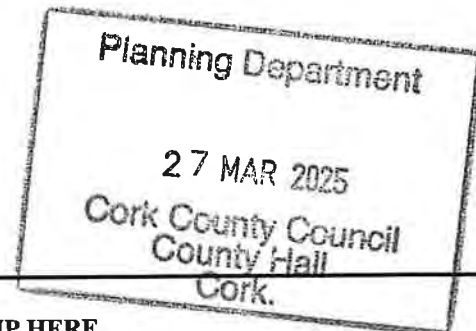
- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

✓
✓
✓
✓
✓
✓
✓

FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	CARD
Date	27/3/25
Declaration Ref. No.	D/234/25

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)

ANTHONY NYHAN

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

Gaelscoil Dhroiceah na Bannan,
Casement Road,
Cloughmacsimon,
Bandon,
Co. Cork
P72 T922

Planning Department

27 MAR 2025

Cork County Council
County Hall
Cork

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Based on the limited particulars provided to the Parents Association on the 20th March 2025 it would appear that the proposed development and ancillary infrastructure may impact on approximately 270m² of the existing outdoor school play area of which 187m² will be occupied by ~~SEN accommodation, soft play area, access ramps and fencing.~~

The location of the proposed development will significantly impact on the existing dedicated play area of the school which is a major concern ~~for parents and the ability of their children to experience play activities. In addition to reducing the overall size of the play area, it will alter the layout of the school façade and play area removing one existing hard court ball play area, contribute to creating dead zones that children cannot play in, or areas of obstructed observation with low or no visibility, thereby hindering proper supervision and potentially resulting in areas unsafe for external play.~~

In our communications with the school, we have been informed that the development is exempt from planning permission, but we have not, ~~at the time of writing, been provided with documentation confirming this exemption. Can Cork County Council confirm that the Board of Management or other party have sought a Section 5 Declaration to establish if the proposed development is exempt from planning?~~

We note that current planning regulations S.I.No. 114/2021 Planning and Development Act 2000 (Exempted Development) Regulations 2021 (Ref D), which require that any such structure must comply with the Department of Education's Primary and Post Primary Technical Guidance Documents. ~~In this respect, we would like to draw to your attention to the current Department of Education School Design Guide SDG-02-04 dated April 2021(Ref C) and section 5 (h) which states that consideration should be given to the safe set down and pick up of pupils close to the main entrance and more importantly Section 5 (p) which state that the provision of temporary SEN accommodation to an existing school should not impact on current car-parking or play areas within the school site. The principles contained in these Guidelines are applicable.~~

~~We further note that Article 9 of the Planning Regulations (2001, as amended) specify that exemptions to planning are not permitted if the carrying out of such development poses a danger to public safety by reason of traffic hazard or obstruction of road users.~~

~~If this development has been considered for an exemption, has the implications of the potential loss of approximately 20 set down parking spaces on the school grounds been considered? In this regard, we wish to emphasize that traffic congestion on Casement Rd during morning drop off is already a safety concern for many residents and parents. The significant reduction in drop off areas or temporary parking will not only affect traffic flow but lead to site congestion, resulting in dangerous manoeuvres, blocking of access routes, creating hazards for drivers and pedestrians that may lead to increased risk of accidents.~~

~~This serves as a formal request to clarify if the School Authorities or other interested parties have sought a Section 5 declaration. If none has been sought, the Parents Association will seek such a declaration immediately as a matter of some urgency, as we have been informed that ground works are to begin on the Site over the Easter holidays, which will result in significant disruption to the school over the remaining academic year impacting both learning and physical activities, as well as traffic management, road and pedestrian safety.~~

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):	Information was not provided to the Parents' Association
(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 type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable: n/a
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use Playground & Car parking areas	Proposed use Location of additional classroom
(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 type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Treasurer, Parents' Association, Gaelscoil Dr. na Banndan	
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):	Board of Management, Gaelscoil Dr. na Banndan	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes ☐ No ☒

8. DATA PROTECTION DECLARATION:

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

Processing of your Declaration of Exemption application by the Planning Authority

☒ I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Anthony Nyhan
Date	26-Mar-2025

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	Anthony Nyhan
Date	26-Mar-2025

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.

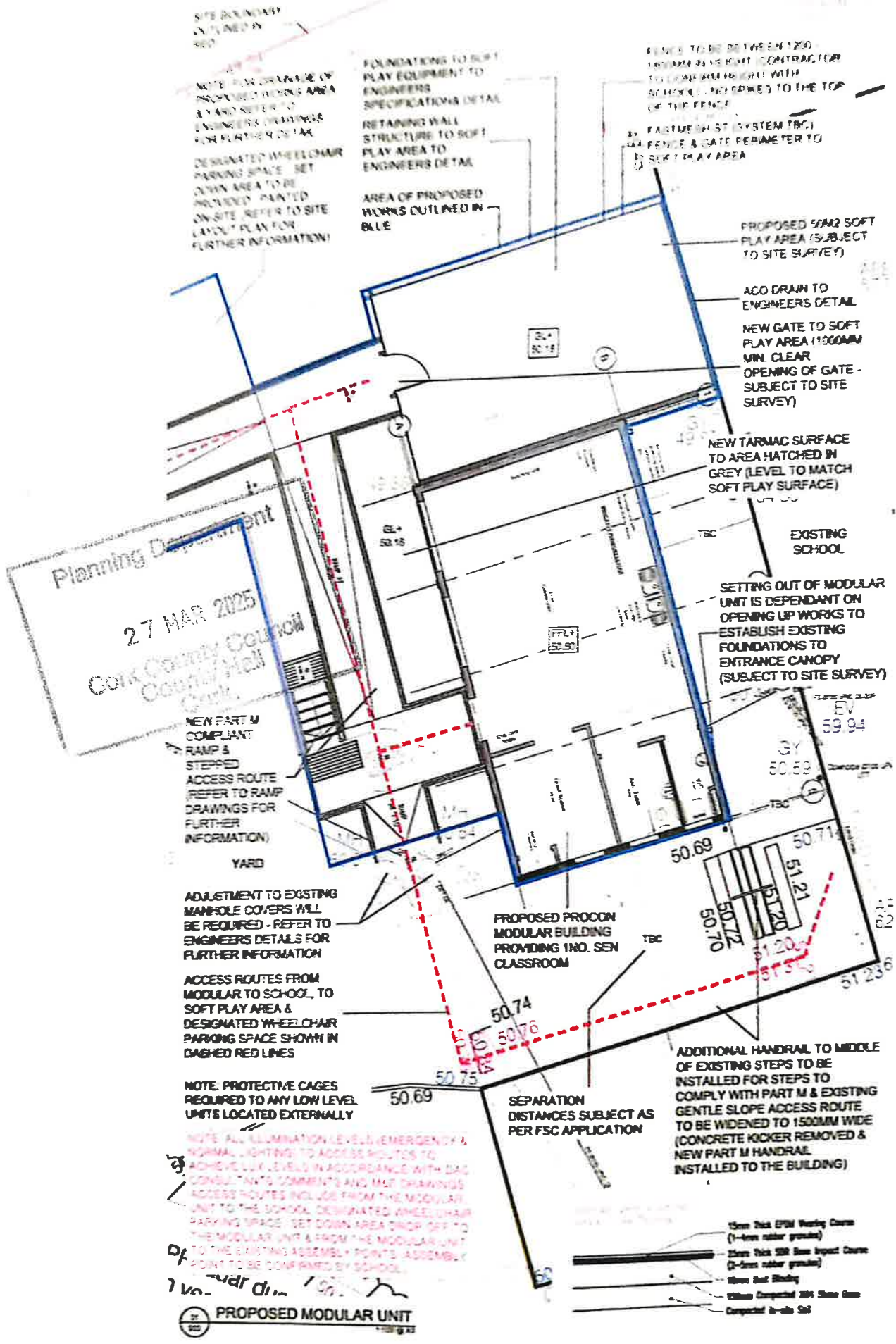
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and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

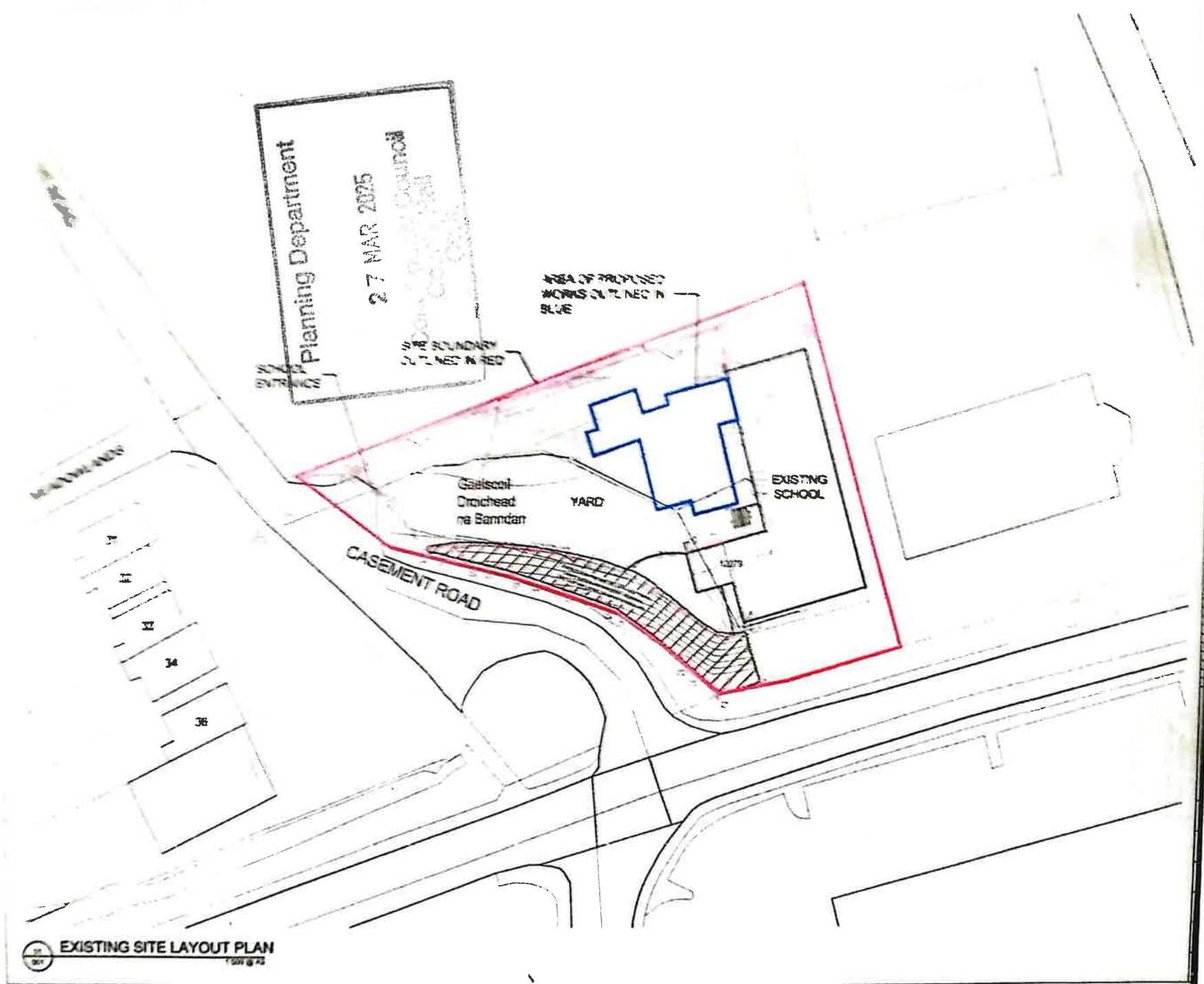
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be 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:**

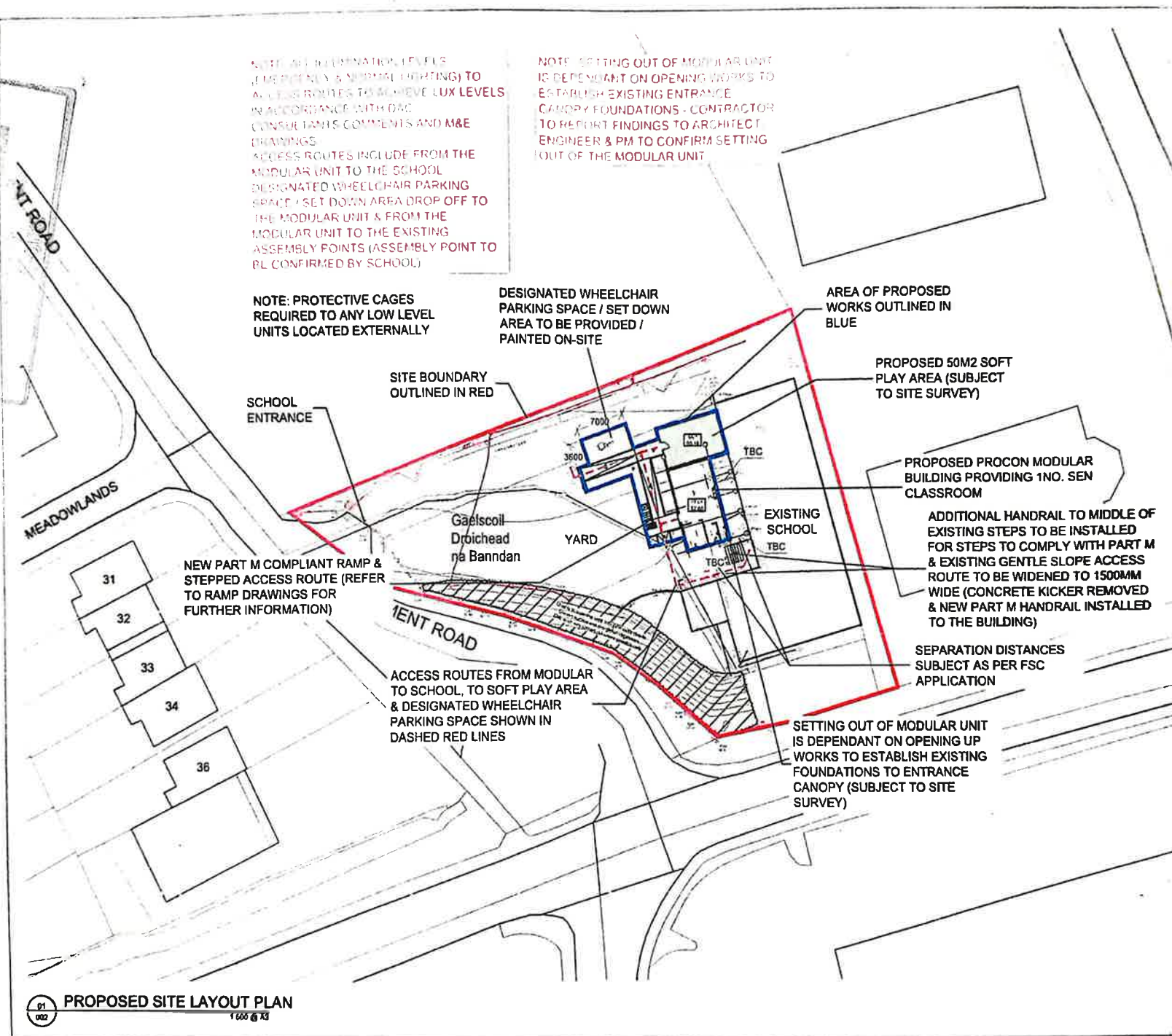
<i>Signed (Applicant or Agent as appropriate)</i>	Anthony Nyhan
Date	26-Mar-2025

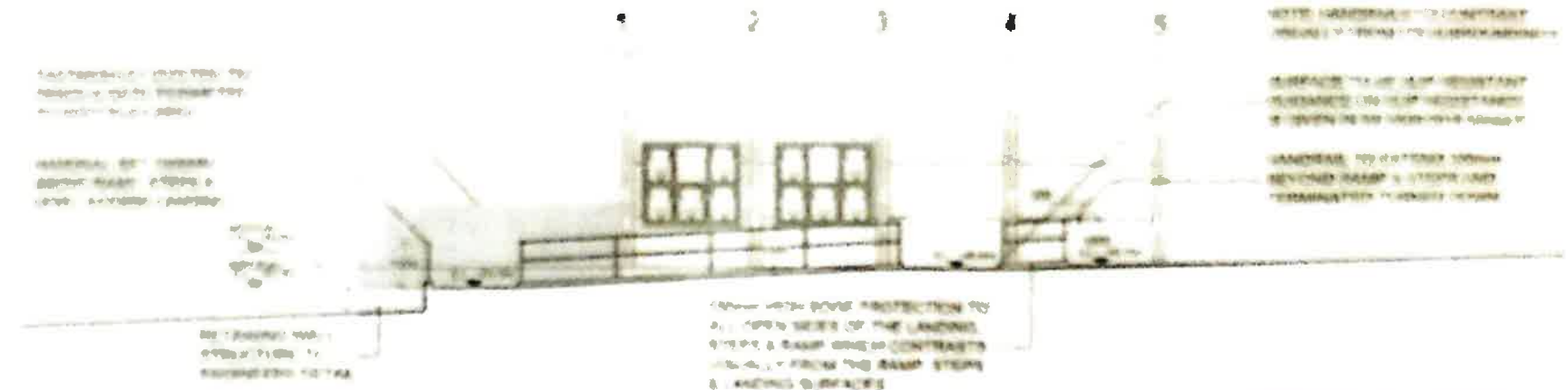






EXISTING SITE LAYOUT PLAN
1:500 @ 1:50





PROPOSED RAMP ELEVATION 3

Planning Department
 27 MAR 2025
 Carrigrohilly Council
 County Hall
 Carrigrohilly
 Cork.



FROM:
LS NOTED
SURVEY &
ARE TO BE
ARCHITECT
2011
FROM: 4
8 TO
WITH 120
DRAWING
NOT 11/12
EACH 4K
2011/12

Planned Department
27 MAR 2025
Cook County Jail
Cook County, Calif.

 INDICATES PARKING & ACCESS
WAY-LEAVE

[illegible]

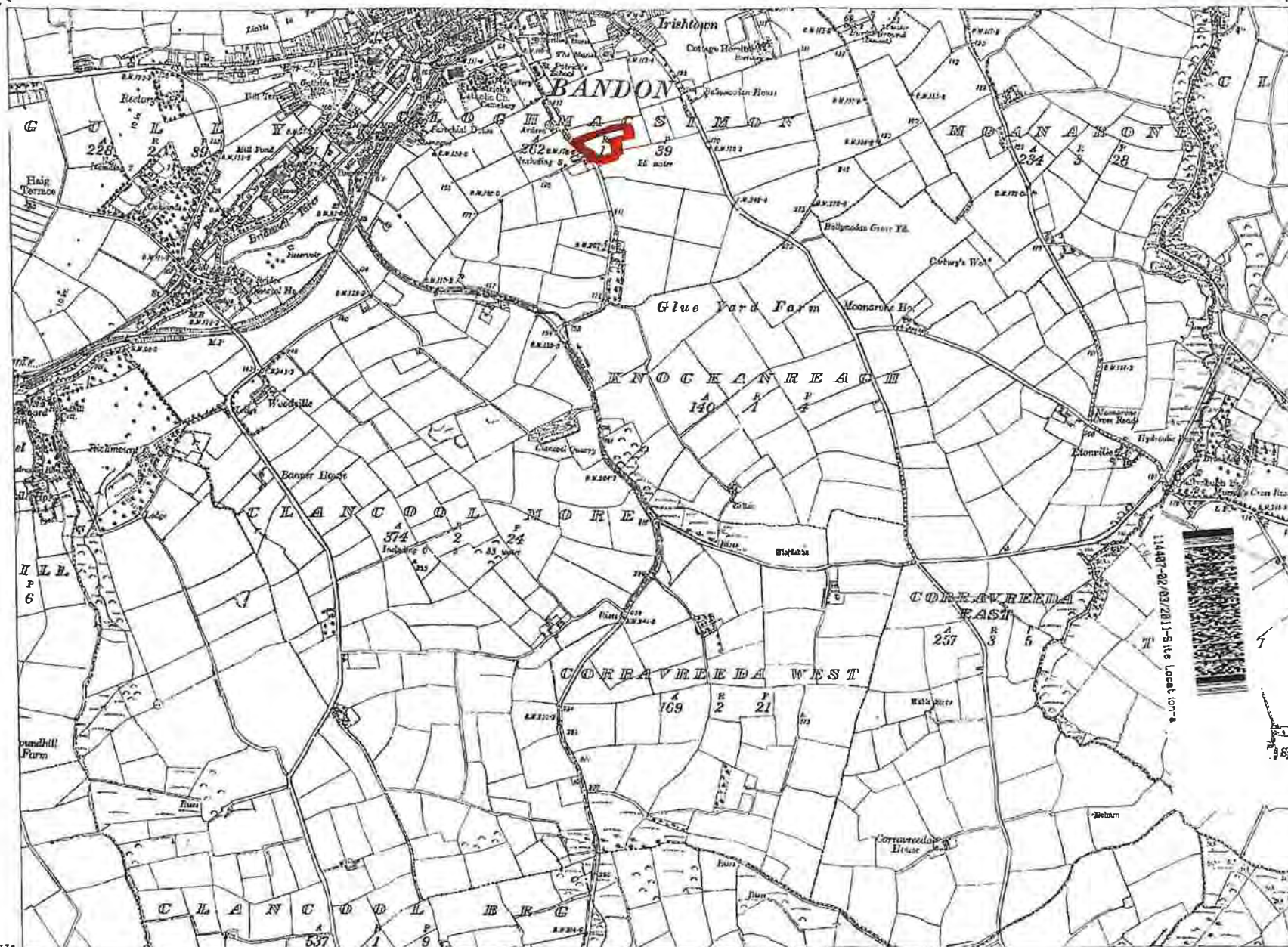
Surveyed 1842
Revised 1935
Levelled 1935

Record PLACE Map



151432
54907

54907



DESCRIPTION

MAP SCALES

6 inch
CK110



Produced by Central Bureau Services, Cork
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8
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OSI
Red
Ordnance Survey Ireland, 2003
Planning Department
02 MAR 2011

52331

Scale:— 1:10560
Scála:— 1:10560

500 400 300 200 100 0 500 Metres
1000 500 0 1000 Feet

Plot Ref. No. 35811_1_8
Plot Date 13-AUG-2004

52331