

Comhairle Contae Chorcaí Cork County Council

Rebecca Cronin,
Innisfree,
Ballylongane,
Ladysbridge,
Co. Cork.
P25 KC98.

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



30th November 2023

REF: D/298/23
LOCATION: Innisfree, Ballylongane, Ladysbridge, Co. Cork, P25 KC98.

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

Dear Madam,

On the basis of the information submitted by you on the 2nd November 2023 the Planning Authority, having considered the question whether or not the construction of a 39.5 sq. metre single storey rear extension at **Innisfree, Ballylongane, Ladysbridge, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**

Reason for Decision

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

- Sections 2(1), 3(1) and 4(4) of the Planning and Development Act 2000 (as amended),
- Articles 3, 6, and 10 and Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) and
- The particulars received by the Planning Authority on 2nd November 2023

And Whereas Cork County Council has concluded that –

The construction of a 39.5 sq. meter single storey rear extension at **Innisfree, Ballylongane, Ladysbridge, Co. Cork** constitutes **development which is exempted development.**

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.



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

Yours faithfully,


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

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>

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

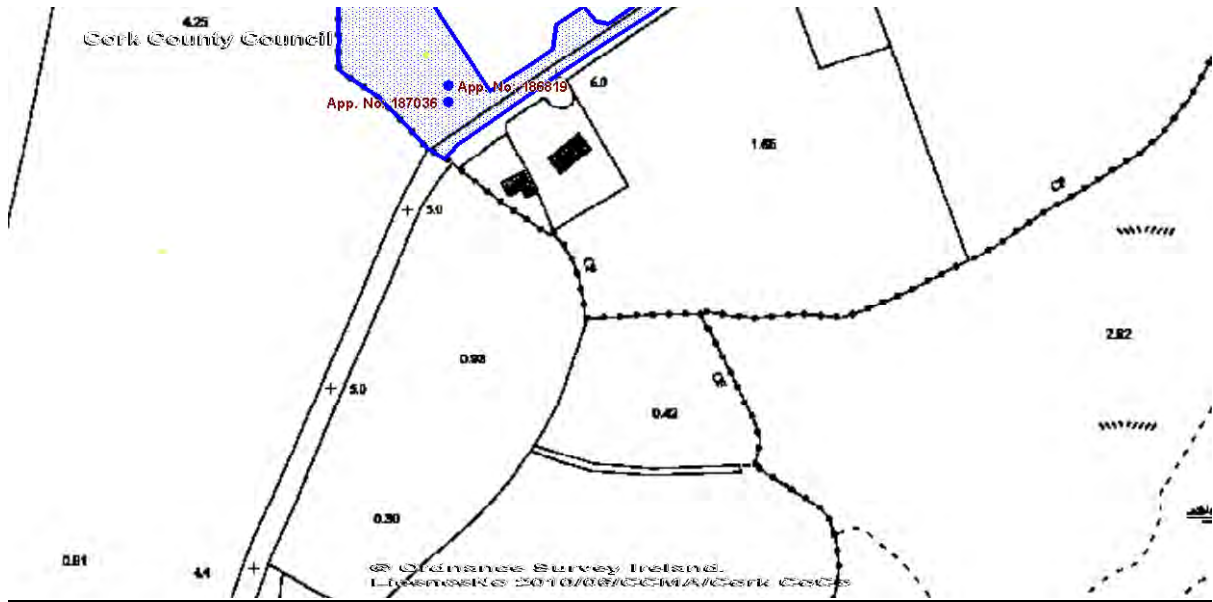
D298-23- Rear extension , Inishfree, Ballylongane, ladysbridge

The Question

The applicant is querying whether the construction of a 39sqm single storey rear extension is/ is not exempted development for the purposes of the Act

Planning History





There is no planning history on the subject site.



Statutory Provisions

I consider the following statutory provisions relevant to this referral case:

Planning and Development Act, 2000

Section 3 (1) states:-

“In this Act, “development” means, except where the context otherwise requires, the carrying out of works on, in over or under land, or the making of any material change of use of any structures or other land.”

Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”.

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations, 2001.

Planning and Development Regulations, 2001

Article 6(1) of the Regulations states as follows:- *“(a) Subject to article 9, development consisting of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1*

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

Assessment

Having regard to the questions posed, the proposal constitutes “development” as set out under S3 of the Planning and Development Act 2000 in that “works” have been carried out on the site. The question therefore is whether or not these “works” constitute “exempted development” for the purposes of the Act

Extension

In relation to the rear extension Class 1, Schedule 2, Part 1, (Exempted Development) Regulations 2001) allows the construction of up to 40sqm new build to be constructed to the rear of an existing dwelling subject to certain caveats. The extension is single storey and <40sqm. Having reviewed the drawings submitted, the proposal complies with the caveats listed under class 1 of the exemption class. While the rear garden hasn't been dimensioned, the rear curtilage to the dwelling is clearly well in excess of 25sqm. The roof of the extension is visible however it does not exceed the roof height of the existing dwelling

Article 9 Restrictions

Restrictions on exemptions are listed under Article 9 of the Regulations. Having reviewed same against the subject development, none would apply

Article 9 Restrictions

Restrictions on exemptions are listed under Article 9 of the Regulations. Having reviewed same none would apply to the subject proposal

AA/ EIA

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act.

Having considered that detail I am satisfied the proposal does not trigger any requirement for mandatory or sub-threshold EIA. Similarly and having regard to the nature of the proposal and the distance to Natura 2000 site, I am satisfied that requirement for AA is not warranted

Conclusion

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

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

(b) Articles 3, 6 and 10 and Class 1 and Class 1 of Schedule 2, part 1 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

(a) the proposal constitutes “development” within the meaning of S3 of the Act

(b) The rear extension is considered to constitute “exempted development” having regard to the provisions of Class 1, Schedule 2, Part 1, (Exempted Development) Regulations 2001

Enda Quinn

Executive Planner

29/11/2023



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

- 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:

(Please tick ✓)

FOR OFFICE USE ONLY

Receipt No.	PLG-0042686
Cash/Cheque/ Credit Card	CARD
Date	02/11/2023
Declaration Ref. No.	D/298/23



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 purposes)
 - 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)

Rebecca Cronin

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

Innisfree
Ballylongane Ladsbridge
Co. Cork
P25KC98

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

This application is to obtain exemption for the in 2016 erected extension (39.5 sqm) at the above referenced site in order to have all necessary paperwork to sell the house. The construction works have been carried out in such a way as to comply with section 5

Planning Department

02 NOV 2023

Cork County Council
County Hall
Cork.

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):	Floor area of extension is 39.5 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:

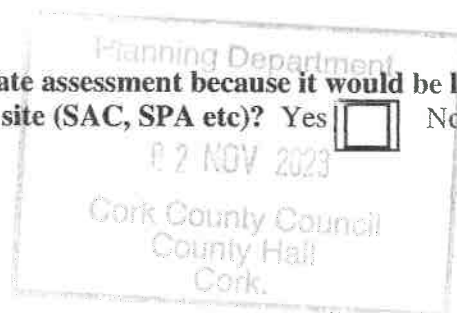
Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is " Other ", please state your interest in the land/structure:		
If you are not the legal owner , please state 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 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

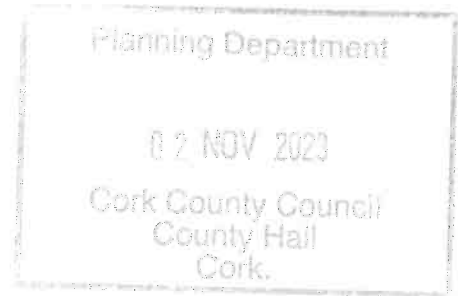
Signed (By Applicant Only)	Rebecca Charvin
Date	25/09/2023

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	Rebecca Charvin
Date	25/09/2023

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.

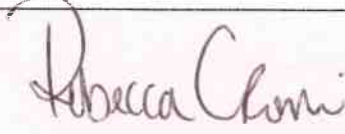
ADVISORY NOTES:

- ✓ 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	25/09/23

Planning Department
02 NOV 2023
Cork County Council
County Hall
Cork.

Surveyed 1842
 Revised 1930
 Levelled 1930

Record PLACE Map



68030
 68030
 68030
 68030

ITM CENTRE PT. COORD

598845,567185

DESCRIPTION

MAP SHEETS

6 inch
 CK089+08



Produced by National Map Services,
 Unit 7, South Ring Business Park,
 Kinsale Road.

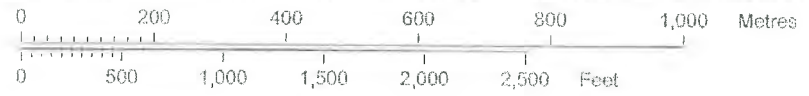
+ ALL DIMENSIONS TO BE CHECKED ON SITE
 + DO NOT SCALE DRAWING

CLIENT	Rebecca Cronin
ADDRESS	Inishree, Ballylongane, Ludlowbridge Co. Cork
TITLE	Site Location Map No. 1
DATE	March 2016
SCALE	1:10,560
DRAWN	M. Carroll
DRG. NO.	16/rc/19

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 © Ordnance Survey Ireland, 2015



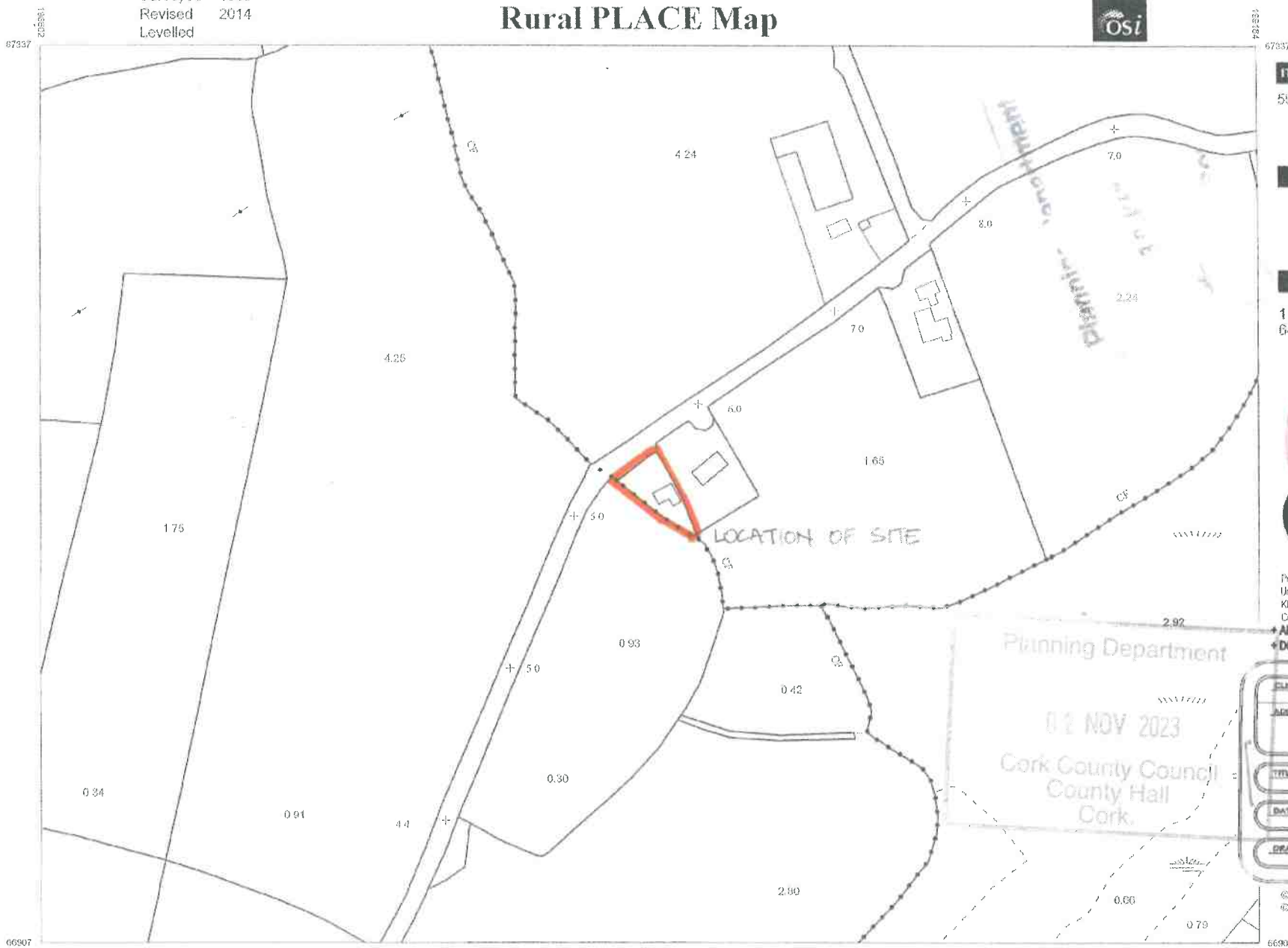
Scale:- 1:10,560
 Scale:- 1:10,560



Plot Ref. No. 25258557_1
 Plot Date 24-MAR-2016

Surveyed 1998
Revised 2014
Levelled

Rural PLACE Map



ITM CENTRE PT COORDS

598844,567185

DESCRIPTION

MAP SHEETS

1:2500
6435-D 6477-B



Produced by National Map Services,
Unit 7, South Ring Business Park,
Kinsale Road,
Co. Cork

ALL DIMENSIONS TO BE CHECKED ON SITE
DO NOT SCALE DRAWING

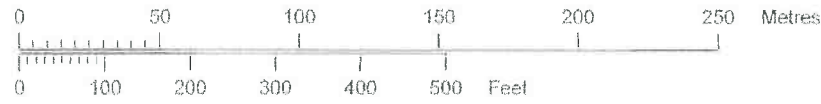
Planning Department
02 NOV 2023
Cork County Council
County Hall
Cork.

SUBMIT :	Rebecca Cronin
ADDRESS :	Innisfree, Ballylongane, Lisycabryne Co. Cork
TITLE :	Site Location Map No. 2
DATE :	March 2016
SCALE :	1:2,500
DRAWN :	M. Carroll
DRG. NO. :	16/14

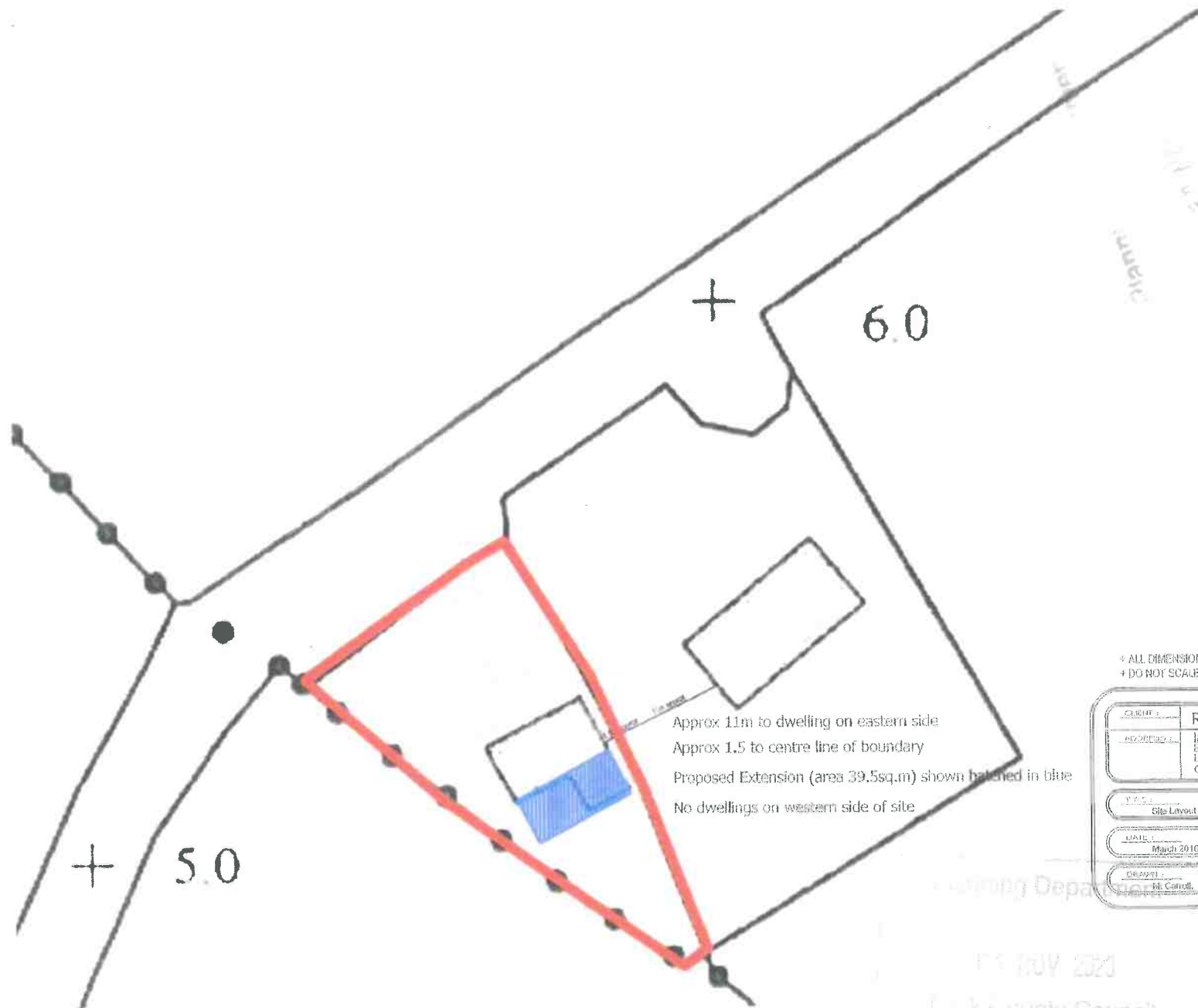
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© Ordnance Survey Ireland, 2016



Scale:- 1:2,500
Scála:- 1:2,500



Plot Ref. No. 25258557_1_2
Plot Date 24-MAR-2016

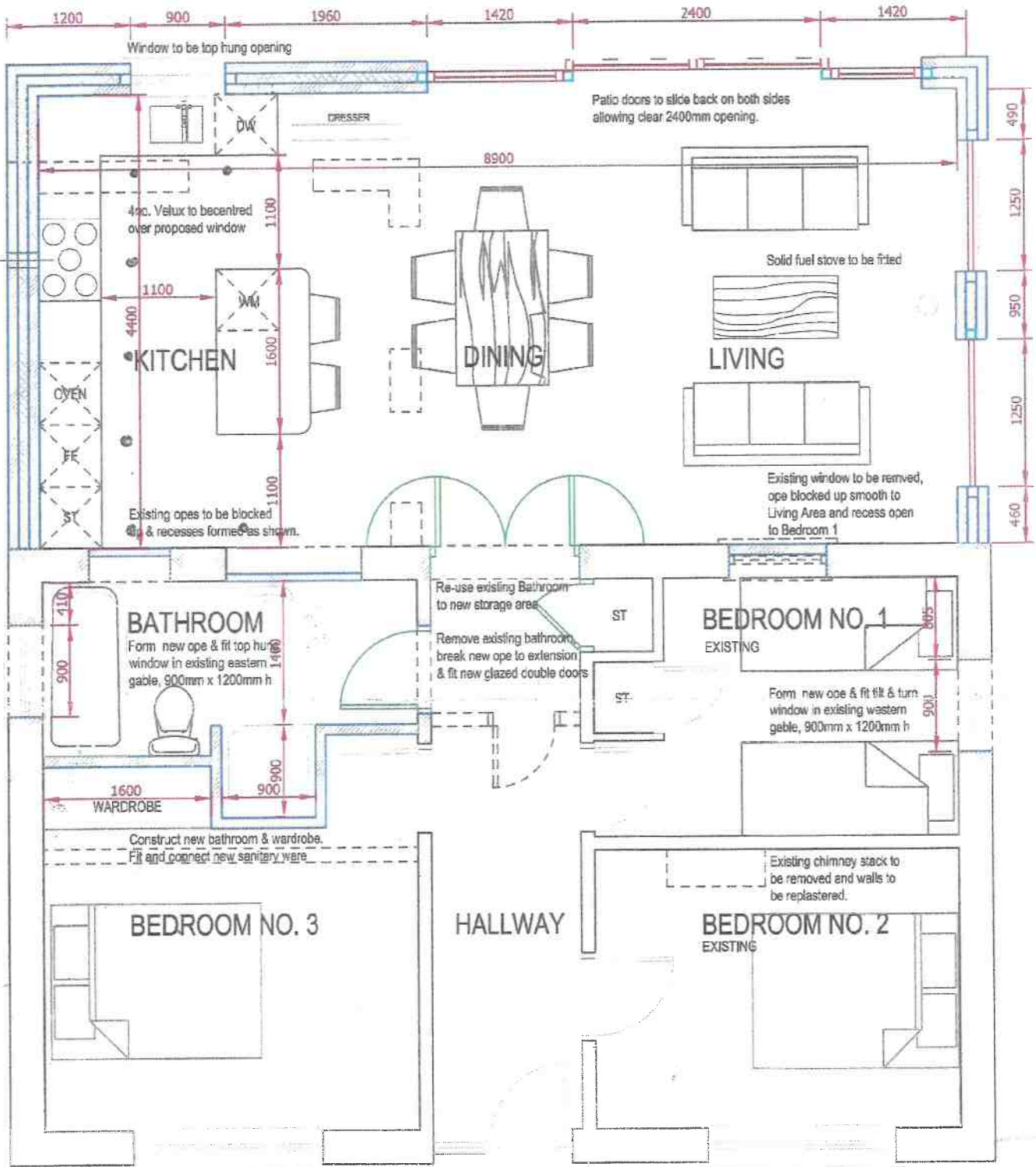


Approx 11m to dwelling on eastern side
 Approx 1.5 to centre line of boundary
 Proposed Extension (area 39.5sq.m) shown hatched in blue
 No dwellings on western side of site

* ALL DIMENSIONS TO BE CHECKED ON SITE
 * DO NOT SCALE DRAWING

CLIENT	Rebecca Cronin
ADDRESS	Innifery, Ballydonane, Lisycroft Co. Cork
TITLE	Site Layout
DATE	14th Jul 2010
SCALE	1:500
DRAWN BY	M. Carroll
DATE	14th Jul 2010

Planning Department
 15 JULY 2010
 Cork County Council
 County Hall
 Cork.

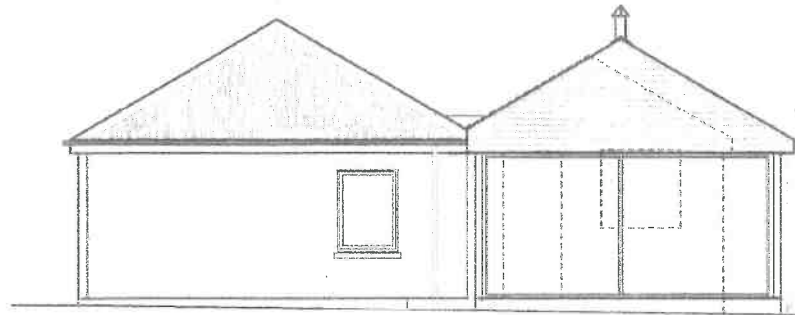


- ALL DIMENSIONS TO BE CHECKED ON SITE
 - DO NOT SCALE DRAWING

PROPOSED PLAN Option 4

Planning Department
 4 2 NOV 2025
 Cork County Council
 County Hall
 Cork

CLIENT	Rebecca Cronin
ADDRESS	Innistrae, Lodgebridge Co. Cork
TITLE	Proposed Floor Plan
DATE	Feb 2010
SCALE	1 : 50
DESIGNED BY	M. Carroll
CHECKED BY	Rebecca



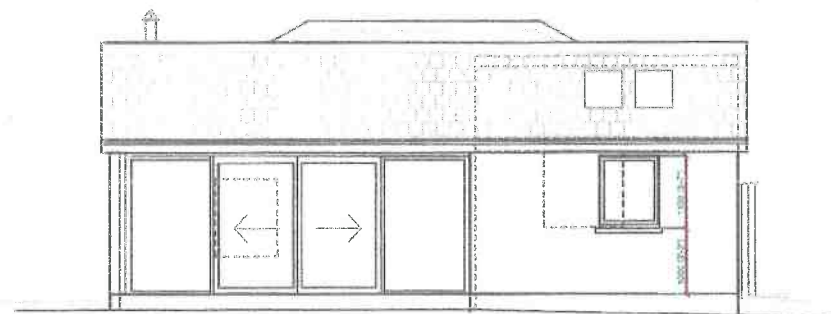
SIDE ELEVATION - WEST



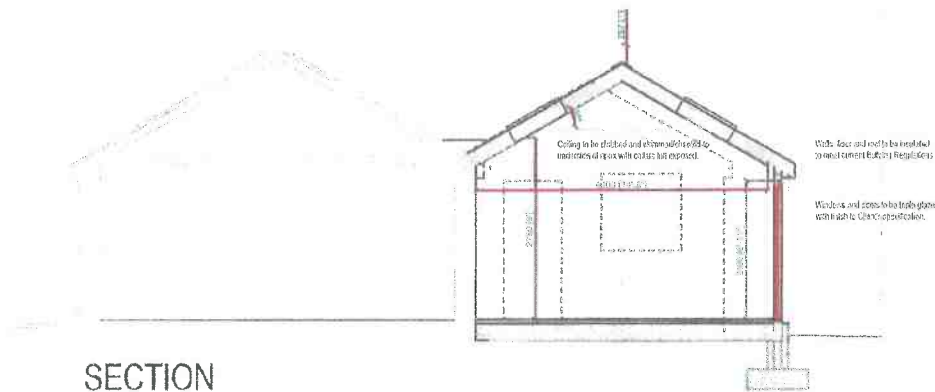
SIDE ELEVATION - EAST



FRONT ELEVATION - NORTH



REAR ELEVATION - SOUTH



SECTION

Option 5.

- + WORKS TO BE DEMOLISHED SHOWN HATCHED
- + ALL DIMENSIONS TO BE CHECKED ON SITE
- + DO NOT SCALE DRAWING

PROPOSED

Planning Department
 07 NOV 2023
 Cork County Council
 County Hall
 Cork.

CLIENT	Rebecca Cronin
ADDRESS	Inaltrina, Ledyshbrige Co. Cork
TITLE	Proposed Section & Elevations
DATE	Feb 2016
SCALE	1:100
DRAWN BY	M. Correll
CHECKED BY	10/07/11

Application for Exemption under Section 5 Rebecca Cronin, Innisfree, Ballylongane, Ladysbridge, Co. Cork, P25KC98



View from South-West. Pre-existing Gable on the left, Extension on the right



View from North-West (Road) on pre-existing Gable

Planning Department

11/2 NOV 2023

Cork County Council
County Hall
Cork.