

Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,
Bóthar Chorcaí, An Sciobairín,
Co. Chorcaí P81 AT28.
Fón: (028) 40340 • Faisc (028) 21660
Suíomh Greasáin: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



Mr. Paul Deane,
Kilgarriff Cottage,
Kilgarriff,
Clonakilty,
Co. Cork P85 XT59.

10th June, 2024.

Our Ref: D/17/24

RE/ **Declaration request on exempted development under Section 5
of the Planning & Development Act, 2000 (as amended).**

Dear Sir,

On the basis of the information and plans submitted on 14th May, 2024, the Planning Authority declares that the provision of 2 No. additional windows at Kilgarriff Cottage, Kilgarriff, Clonakilty, Co. Cork constitutes development and is **exempted development** and would come within the scope of Section 4(1) of the Planning and Development Act, 2000 (as amended).

Please note that any material departure from the proposals as submitted may remove the development from the Exempted category and require the submission of an application for Permission under the Act.

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

Receipt No. WCP12641, in respect of €80.00, is issued herewith.

Yours faithfully,


KEVIN O'REGAN.
SENIOR EXECUTIVE OFFICER.

Anne Lordan

From: Ronnie Barry
Sent: Thursday 6 June 2024 17:25
To: Anne Lordan
Subject: FW: D17-24 Deane
Attachments: D17-24 deane new windows.docx

Anne,

I have read the report of the Area Planner and concur with the recommendation attached.

It is considered that the provision of 2 no. additional windows at the subject property would come within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended), would constitute development and is exempted development.

The proposed development would consist of the carrying out of works for the improvement or other alteration of the existing dwelling, 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.

Regards,

Ronnie.

Ronnie Barry | Pleanálaí Feidhmiúcháin Sinsearach | **Pleanáil agus Forbairt**

Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co.Chorcaí P81 AT28, Éire
T+353 (0)28-40340 | ronnie.barry@corkcoco.ie | www.corkcoco.ie

Tairseach na gcustaiméirí: www.yourcouncil.ie

Ronnie Barry | Senior Executive Planner | **Planning and Development**

Cork County Council | Norton House | Cork Road | Skibbereen | Co.Cork P81 AT28, Ireland
T+353 (0)28-40340 | ronnie.barry@corkcoco.ie | www.corkcoco.ie

Customer Portal: www.yourcouncil.ie

From: Kate Killian <Kate.Killian@CorkCoCo.ie>

Sent: Thursday, June 6, 2024 5:16 PM

To: Ronnie Barry <Ronnie.Barry@CorkCoCo.ie>; Anne Lordan <Anne.Lordan@CorkCoCo.ie>

Subject: D17-24 Deane

NAME OF APPLICANT

Paul Deane

ADDRESS OF DEVELOPMENT:

Kilgariff, Clonakilty Co Cork

DEVELOPMENT:

Section 5 declaration for the addition of 2 number windows into an existing dwelling

APPLICATION TYPE:-

Exempted Development

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001.

Is the proposal development?

The proposal comes within the definition of development in S.3 of the Planning and Development Act 2000 for the following reason: -

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

Policy Context

In terms of planning designations, the subject site lies outside any known development boundary and is located within the rural area

Planning History

None

Assessment

Applicants are applying for Section 5 certificate of exempted development and asking the question whether or not the inclusion of 2 new additional including new windows requires planning permission or not.

It is considered that there is no specific classification of exempted development which allows for the inclusion of additional windows. The planning authority therefore assessed this proposal under section 4(1) (H) of the planning and development 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."

It is considered by the planning authority that the level of works proposed by the applicant to be minor in nature.. The works are considered to be within of the definition of maintenance improvement or other alterations which would only affect the interior of the structure, and which do not materially affect the external appearance of the structure as to render the appearance inconsistent with the character of the structure or of neighboring structures.

Conclusion:

Given the proposed works do not fall under any specific classification of exempted development and the applicants has not indicated what classification they are applying for the exemption certificate under the PA has assessed the proposal section 4(1)(H)of the Planning and Development Act 2000 as amended. It is considered that the proposed works would not materially affect the appearance of the structure as to render the appearance inconsistent with the character of the structure or of neighboring structures and would be exempt development and therefore and a section 5 exempted development certificate can be issued for the works.

Kate Killian
Executive Planner
06/06/2024





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:

REG. No. D/17/24
PLANNING (WEST) DEPT

14 MAY 2024

FOR OFFICE USE ONLY

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

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.

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):	68m ²
(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:	REG. NO. _____ PLANNING (WEST) DEPT	
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):	14 MAY 2024	

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:

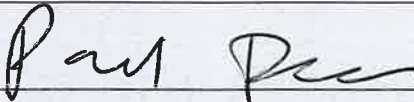
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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)	
Date	14/5/24

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

REC. No. _____
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 14 MAY 2024
 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, Co. 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 <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

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

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

Signed	
Date	14/5/24

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.

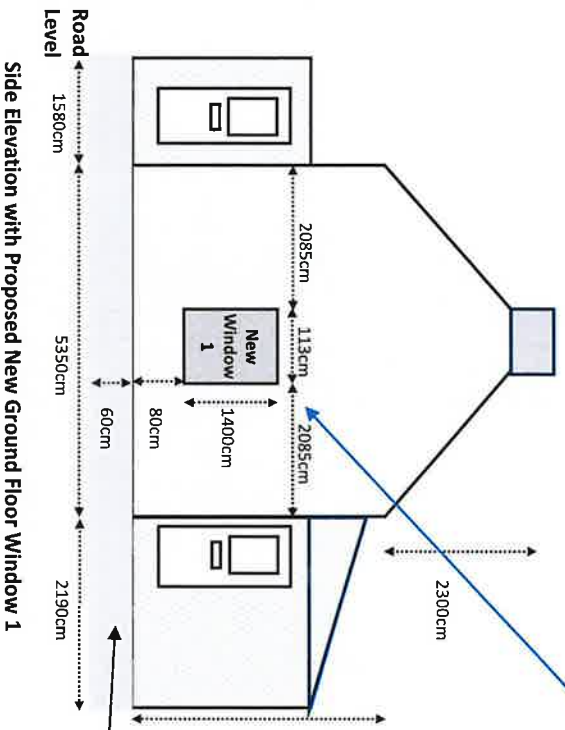
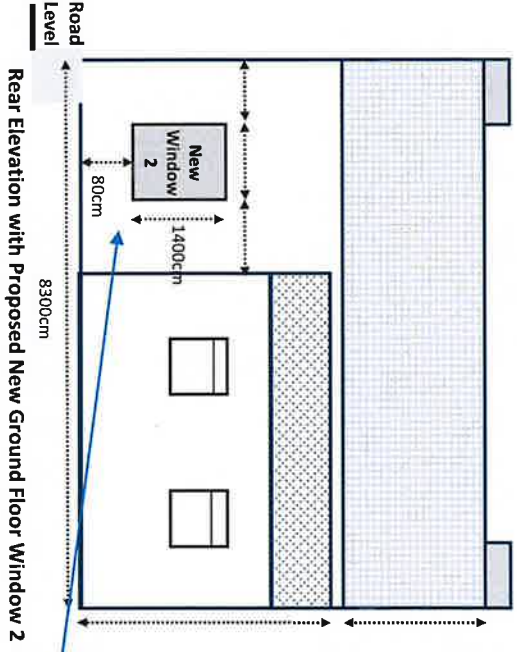
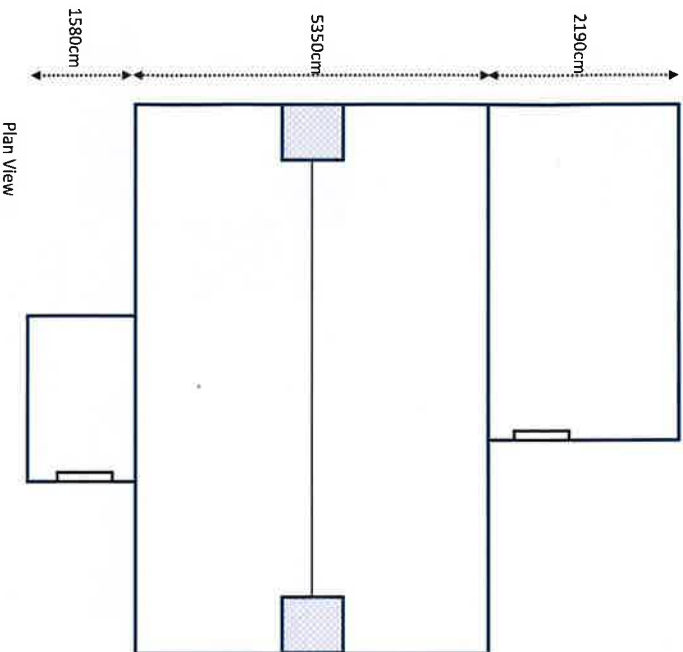
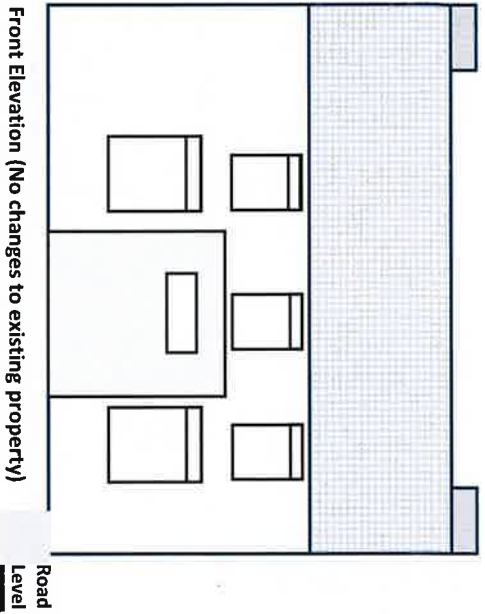
9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	
Date	14/5/24.

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The Southern Gable is up on a slope with 2 steps up from the road

I am seeking declaration of exemption for the 2 new proposed windows on rear and side of the house

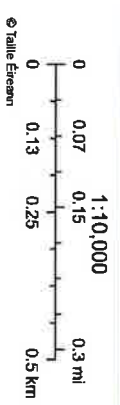
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 14 MAY 2024
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 NORTON HOUSE, SIBBLERDEN, Co. Cork

Kilgarriff Cottage, Clonakilty P85XT59



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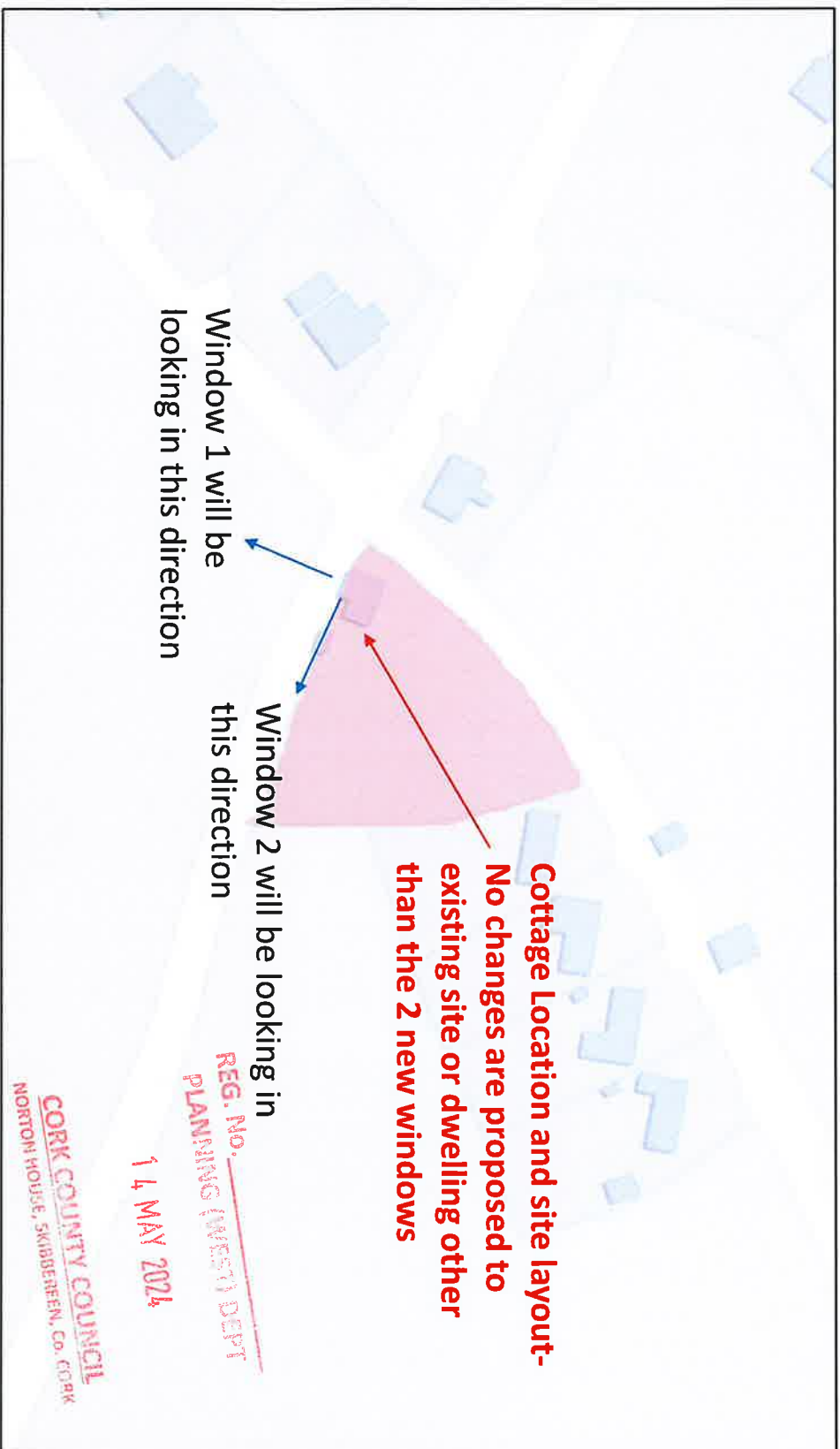
REG. NO. **PLANNING (WEST) DEPT**
14 MAY 2024



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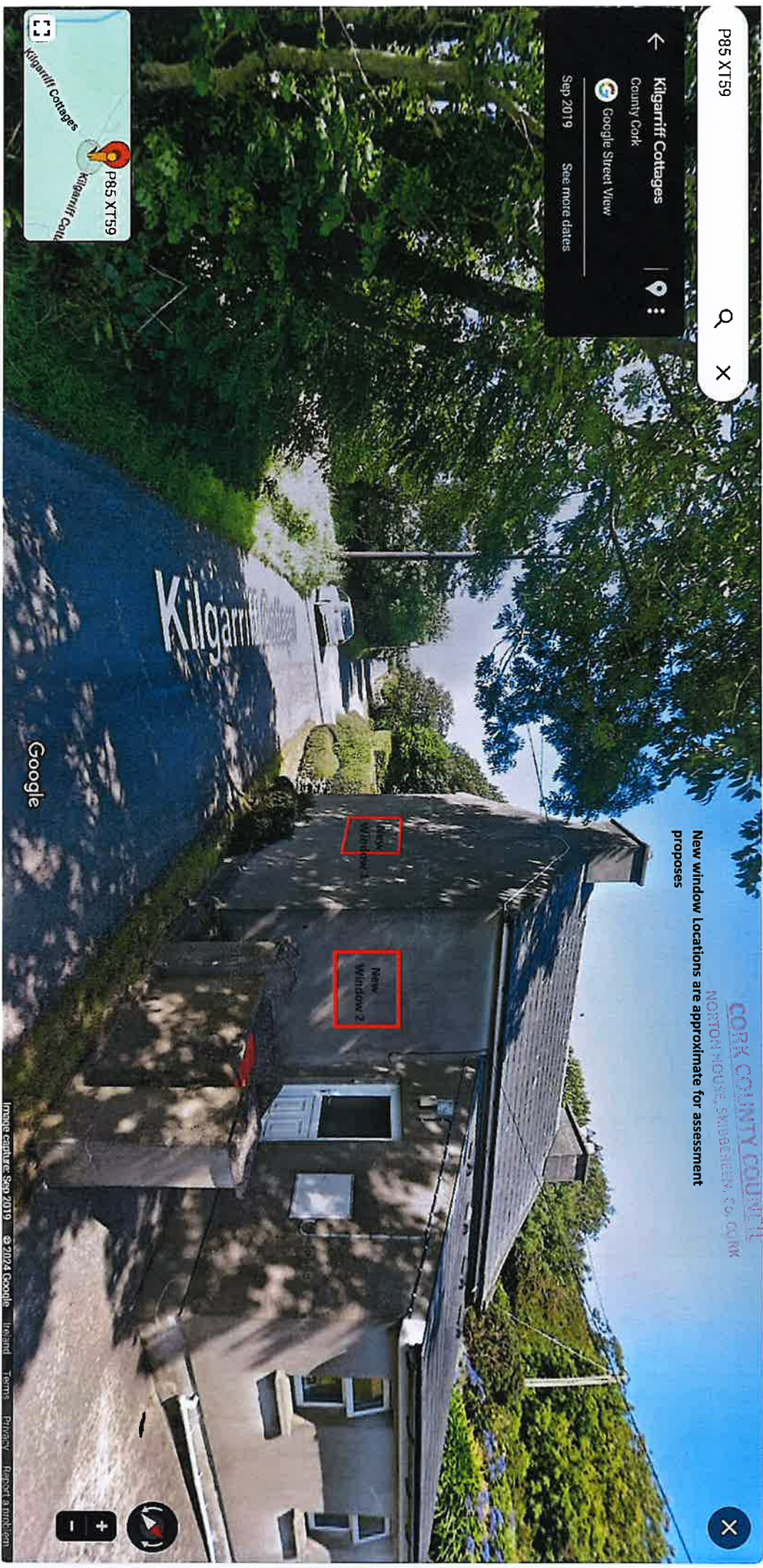
Geohive

Kilgarriff Cottage, Clonakilty P85XT59



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New window locations are approximate for assessment purposes

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