## Comhairle Contae Chorcaí Cork County Council

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



Glengarriff Community Hall Committee, c/o Gerard Galvin, Kenmare Road, Glengarriff, Co. Cork.

18th September, 2023.

Our Ref: D/31/23.

## 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 29th August, 2023 on behalf of Glengarriff Community Hall Committee, the Planning Authority declares that the proposed removal and replacement of roof covering at Glengarriff Community Hall, Cappyaughna, Glengarriff, Co. Cork is development and *is exempted development* having regard to the provisions of Section 4(1)(h) of the Planning & 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. WCP12057, in respect of  $\in 80.00$ , is issued herewith.

Yours faithfully,

**KEVIN O'REGAN** 







TO: Anne Lordan Planning Department Ref D/31/23

## Planning and Development Act 2000 and Planning and Development Regulations 2001-2023 "Exempted development"

## Glengarriff Community Hall at Cappyaughna, Glengarriff - Replacement Roof

### **Background**

The site comprises of the Glengarriff Community Hall at Cappyaughna which is located close to the road junction of the N71 and the R-572Road being an old gable fronted building set above the graveyard with a small parking garage in front of it. The gabled fronted double-height is a former Roman Catholic church, built around 1845, now in use as the community centre. The building has an asbestos roof which has been patched with steel sheeting in recent years, see photographs in appendix. Close by is a modest freestanding building with a slate roof.

## **Details of application**

This application which was received on the 22<sup>nd</sup> August 2023 and essentially seeks confirmation that the replacement with a slate type roof finish from the existing asbestos sheeting will constitute "*exempt development*" Full details have been submitted with the application including a letter dated 9<sup>th</sup> February 2017 under planning reference D/4/17.

### Assessment

This application has essentially been resubmitted from the exact same application was submitted in 2017 (D/4/17) as to whether the slate type finish to the roof replacing the old decaying asbestos roof would constitute "*exempt development*." Attached is a previous report on the matter as well as the decision letter dated 9<sup>th</sup> February 2017 and which had previously confirmed that the works whilst constituting "*development*" were "*exempt development*" under Section 4 and subsections 1(h) and Section 82 (1) of the Planning and Development Act 2000 as amended.

It is presumed that this current application (D/31/23) has been resubmitted due to the passage of time, ie over 5 and a half years, and the requirement to seek grant funding. To arrive at any different decision would mean the original decision (D/4/17) was either fatally flawed or that since the 9<sup>th</sup> February 2017 legislation has changed. Neither is applicable and to prevent repetition it is simply confirmed that the works to a building which is **not** protected but is included on the National Inventory of Architectural Heritage (20910404) and which records *"the building holds a prominent position on the outskirts of the village"* but the most agreeable works constitutes *"exempt development"* and there is no sound reason to *"de-exempt"* the proposed works under Article 9(1) of the Planning and Development Regulations 2001-2023.

It is however noted that the previous decision in 2017 (D/4/17) this made specific reference to Section 82 of the Planning and Development Act 2000 which states as follows:

### Development in architectural conservation areas.

**82.**—(1) F483[Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

(2) In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area.

As a mater of fact there is no Conservation Area in Glengarriff therefore Section 82 the Planning and Development Act 2000 <u>is not relevant</u>.

#### Recommendation

On the basis of the information and plan received on the 22<sup>nd</sup> August 2023 on behalf of Glengarriff Hall Committee the Planning Authority declares that the proposed removal and replacement of roof covering at Glengarriff Community Hall, Cappyaughna, Glengarriff, County Cork, is "*development*" and constitutes "*exempt development*" under the provisions of Section 4 (1) (h) of the Planning and Development Act 2000 as amended.

Hilly 5 D

P. O'Sullivan: Executive Planner 11<sup>th</sup> September 2023

ENC Report on D/4/17 and decision letter dated 9th February 2017





NAME OF APPLICANT:		Glengarriff Community Hall.
ADDRESS DEVELOPMENT:	OF	Cappyaughna, Glengarriff, Co Cork
<b>DEVELOPMENT:</b>		Proposed replacement roof
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:-

"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.

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 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 82(1) states "[Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4 (2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

## Planning and Development Regulations, 2001-2013

**Article 6** of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) makes provision for certain classes of development to be exempt from the requirement to obtain planning permission. This does not apply in this case.

**Article 9** of the Planning and Development Regulations, 2001 (S.I. No. 600 of 2001) makes provisions for the removal of the above exemptions in particular circumstances. This does not apply in this case.

## Assessment

The proposal involves removal and replacement of roof covering As such the proposed development constitutes development. Therefore the question in this case is whether or not it is exempted development.

The proposed development comprises of maintained and upgrade works to the structure. The proposed works would not materially alter or change the character or the use of the building. The building is not listed as a protected structure in the RPS

On the basis of the information submitted to the Planning Authority and following a site inspection of the property it is considered that the proposed works are exempt under Section 4(1)(h) and Section 82(1) of the Planning and Development Act 2000, as amended.

## **Conclusion and Recommendation**

<u>Conclusion</u>: Having regard to the above assessment please advise the applicant that the proposed development is development and is exempted development under Section 4(1)(h) and Section 82(1) of the Planning and Development Act 2000, as amended.

Note \*Any hazardous or contaminated wastes arising on the site including any asbestos waste, etc. shall be recycled as far as possible or disposed. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved licensed waste facility.

Signed:

Kate Killian Executive Planne



## <u>CORK COUNTY COUNCIL APPLICATION</u> FOR SECTION 5 DECLARATION OF EXEMPTION

## APPLICANT CHECKLIST

<u>4 No. Copies of Application Form:</u> <u>1 No. Copy of Contact Details:</u> <u>4 No. Copies 6" O.S. Maps:</u> <u>4 No. Copies 25" O.S. Maps:</u> <u>4 No. Copies of Site Layout Plan:</u> <u>4 No. Copies Scaled Drawings of Development:</u> <u>680 Application Fee:</u>



## FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	in the set of the set of the set
Date	21/08/2023
Declaration Ref. No.	

REG. No PLANNING (WEST) DEPT
29 AUG 2023
CORK COUNTY COUNCIL NORTON HOUSE, SKIBBEREEN, CO. CORK

## 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  $3^{rd}$  parties to view.

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

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

## DATA PROTECTION

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

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at

<u>http://www.corkcoco.ie/Privacy-Policy</u> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to <u>dpo@corkcoco.ie</u> or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland. 1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)

GLENGARAIFF COMMUNITY HALL,

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

CAPPYAOGHNA,	CLENG ANDIFT	Co 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

GRANT	APPLICATION	
		NO. WESTIDER
		REG. ANNIMO NIG 2023
	and the second se	REG. NO. WESTIDERT PLANNING WESTIDERT 29 AUG 2023 29 AUG 2023 CORK COLUMNY COMMENSION CO. CC CORK COLUMNY COMMENSION CO. CC
		CORK CONTROLSE, SKIDDE
		HORI

## 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  $(m^2)$ 

(a) Floor area of existing/proposed structure(s):	226 sem
(b) If a domestic extension is proposed, have any previous extensions/structures been	Yes No
erected at this location after 1 <sup>st</sup> October,	If yes, please provide floor areas (m <sup>2</sup> ) and
1964 (including those for which planning	previous planning reference(s) where applicable:
permission has been obtained):	REG. No
(c) If a change of use of land and/or building(s)	WNING
is proposed, please state the following:	GIWE
Existing/previous use	Proposed use Nomon House Start
Community HALL	S.A.M. E S.A.M. COUNCIL
(d) Are you aware of any enforcement	Yes No
proceedings connected to this site?	
	If yes, please state relevant reference number(s):
REG MOTOR STATE	e v Blumerskinski Sukana. • Coude grave mendenskins

## 5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner B. Other
Where legal interest is " <b>Other</b> ", please state your interest in the land/structure:	TREASURER
<b>If you are not the legal owner</b> , please state the name of the owner/s (address to be supplied at Question C in Contact Details):	"ST BRENDAN TRUST"

## 6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes No		
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 No		
If yes, please state relevant reference No. <u><i>N/</i></u>		
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes No		

## 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)	PP Sered Slun
Date	25-05-2023

## 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.

PLANNING (WEST) DEST

29 AUG 2023

CUNCIL

REG. No.

Special Categories of data / Sensitive Personal data include:

- . Race
- Ethnic origin 0
- Political opinions ۲
- Religion
- Philosophical beliefs ٠
- Trade union membership .
- . Genetic data
- Biometric data .
- Health data
- Concerning a natural person's sex life •
- Sexual orientation •

NORTON HOUSE, SKIUSEREEN, CO. CON 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	Soud S.l.
Date	25-08-2027

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.je 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.

4

## **ADVISORY NOTES:**

The application must be accompanied by the required fee of €80

The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question. The application should be sent to the following address:

The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

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

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

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

Signed (Applicant or Agent as appropriate)	P.P Serd Solui
Date	25-08-2023

REG. No. PLANNING (WEST) DEPT 29 AUG 2023 CORK COUNTY COUNCIL ORTON HOUSE, SKIBBEREEN, Co. CORK











