

Comhairle Contae Chorcaí Cork County Council

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



Noelle Harrington,
C/O Alan Crowley,
Broadlands,
Old Blarney Road,
Clogheen,
Co. Cork.

25th June, 2024

REF: D/234/24
LOCATION: Newcestown National School, Newcestown, Co. Cork.

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

Dear Sir/Madam,

On the basis of the information submitted by you on 31st May, 2024 the Planning Authority, having considered whether the continuous use of 2 No. pre-fabricated detached single storey buildings as a part-time child care service at **Newcestown National School, Newcestown, Co. Cork** 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:

- Section 2(1) and Section 3(1) of the Planning and Development Act 2000 (as amended)
- Article 5(1) of the Planning and Development Regulations 2001 (as amended)
- The plans and particulars received by the Planning Authority on 31st May, 2024.
- The definition of a "school" and "support services" as per Section 2 of the Education Act, 1998

And Whereas the Planning Authority hereby decides that

The provision of part-time child caring service to include Pre School ESSE Scheme within the existing school buildings at **Newcestown National School, Newcestown, Co. Cork** constitutes **development and 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



We are Cork.



Recycled

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>

Comhairle Contae Chorcaí Cork County Council

Dorothy O'Donovan,
Principal,
Newcestown National School,
Newcestown,
Co. Cork.

25th June, 2024

Our Ref.: D/234/24

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

Whether the continuous use of two existing detached single storey pre-fabricated buildings on site for use as part-time childcare services at Newcestown National School, Newcestown, Co. Cork is or is not development or is or is not exempted development

Dear 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,


KEVIN O'REGAN,
SENIOR EXECUTIVE OFFICER
PLANNING DEPARTMENT

Encl.

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Planning & Development,
County Hall,
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Tel (021) 4276891
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000 D/234/24- Continuance of use of two pre-fab buildings in Newcestown NS for (Building 1 and 2) as part-time child caring service to include Pre School ESSE Scheme.

The applicant is querying whether the continuance of use of two single storey pre fab buildings on the site of Newcestown National School (Building 1 and 2 as part-time child caring service to include Pre School ESSE Scheme) is/is not exempted development for the purposes of the Act. There will be no alterations or extensions to the structures. It is noted that the similar section 5 was determined in Cobh under D309/23.

Planning History

19/4905(a) Retention of existing pre-fabricated single storey classroom to the south of the existing facility, (b) Permission for construction of new classroom, new wheelchair w.c. for assisted users and new resource room to the north of the existing facility and (c) Construction of a new staff room and entrance to the east of the existing facility along with all associated site works

12/6391 New classroom extension to the front of the existing school, and a portacabin for storage use to the rear of the existing school, and permission for retention of portacabin classroom to the rear of the existing school along with all associated site works Granted

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.

Planning & Development Regulations 2001 (as amended) Exempted Development Interpretation for this Part

Article 5 (1) In this Part—

‘school’ has the meaning assigned to it by the Education Act 1998.

SCHEDULE 2, PART 4 – EXEMPTED DEVELOPMENT – CLASSES OF USE CLASS 8

Use— (a) ---

(b) As a creche

(c) As a day nursery

(d) As a day centre

Education Act, 1998, Section 2 “school” means an establishment which

— (a) provides primary education to its students and which may also provide early childhood education, or

(b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991.

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

(a) ...

(b) ...

(c) ..

(d) ..

(e) ..

(f) ...

(g) Provision of early childhood, primary, post-primary, adult or continuing education to students with special needs otherwise than in schools or centres for education

Sub-Threshold EIAR

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

Appropriate Assessment

Having regard to its location, the site is outside any Natura 2000 screening zone. Accordingly, it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted

Conclusion/Recommendation

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

Having regard to:

- the particulars received by the Planning Authority on 31/05/2024
- Section 2(1) and 3(1) of the Planning and Development Act 2000 (as amended);
- Article 5(1) of the Planning and Development Regulations, 2001 (as amended);
- the definition of a "school" and "support services" as per Section 2 of the Education Act, 1998; it is considered that, the provision of part-time child caring service to include Pre School ESSE Scheme within the existing school buildings at Bishop Galvin Central School in Newcestown, is not development.

John Redmond

Executive Planner

24/06/2024

Comhairle Contae Chorcaí Cork County Council

Dorothy O'Donovan,
Principal,
Newcestown National School,
Newcestown,
Co. Cork.

5th June, 2024

Our Ref.: D/234/24

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

Whether the continuous use of two existing detached single storey pre-fabricated buildings on site for use as part-time childcare services at Newcestown National School, Newcestown, Co. Cork is or is not development or is or is not exempted development

Dear 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 Noelle Harrington with respect to whether the above description at Newcestown National School, Newcestown, 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,

A, Carrigy

Angela Carrigy
ASO PLANNING DEPARTMENT

An Rannóg Pleanála,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC
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Suíomh Gréasáin: www.corkcoco.ie
Planning Department,
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e-mail: - planninginfo@corkcoco.ie



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Agent
RING FOR
payment
please!

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 ✓)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>



FOR OFFICE USE ONLY

Receipt No.	PL20002383
Cash/Cheque/ Credit Card	CR. CARD
Date	5/6/24
Declaration Ref. No.	D/234/24

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)

Noelle Harrington

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

Newcestown National School, Newcestown, 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

Applicant is seeking a Declaration of Exemption from Planning for two existing detached single-storey pre-fab buildings on the site of Newcestown National School (Buildings 1 and 2).

Applicants wishes to continue the use of these buildings as part-time childcare service to include the Pre-School ECCE Scheme

Please Note: The existing buildings will be retained as is with no alterations or extensions whatsoever.

Planning Department
31 MAY 2024
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):	Building No. 1: 73.4sqm Building No. 2: 83.4sqm
(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 Pre-School	Proposed use Part-time childcare service.
(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:	Applicants will be leasing the Pre-School buildings.
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):	Dorothy O' Donovan (on behalf of Newcestown NS)

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 checked="" 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 type="checkbox"/>

Planning Department
 31 MAY 2024
 Cork County Council
 County Hall
 Cork

7. APPROPRIATE ASSESSMENT:

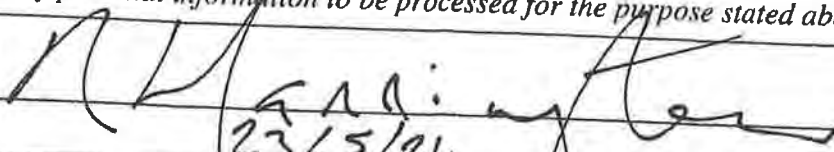
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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	23/5/24

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

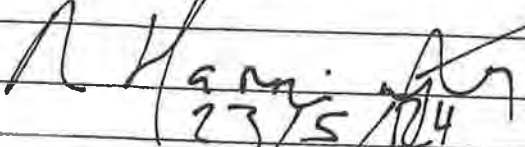
Planning Department

31 MAY 2024
Cork County Council
County Hall
Cork.

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <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	23/5/24

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.

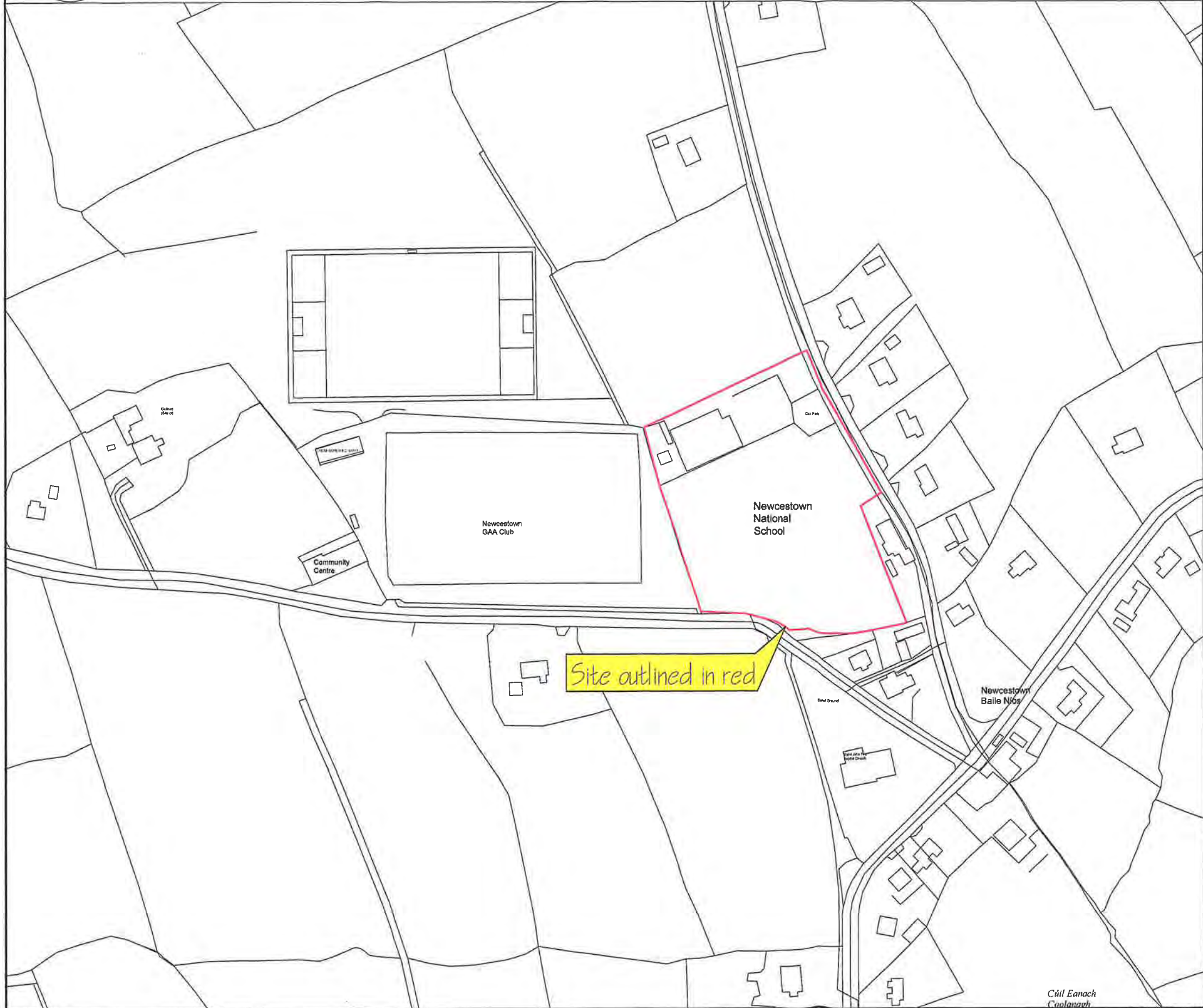
9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	 Fun Applicant 1
Date	29/5/2024

Planning Department

31 MAY 2024
 Cork County Council
 County Hall
 Cork.

North



Description:
 Digital Landscape Model (DLM)

Publisher / Source:
 Ordnance Survey Ireland (OSI)

Data Source / Reference:
 PRIME2

File Format:
 Autodesk AutoCAD (DWG_R2013)

File Name:
 v_50261908_1.dwg

Clip Extent / Area of Interest (AOI):
 LLX,LLY= 539451.0292,558923.6353
 LRX,LRX= 540281.0292,558923.6353
 ULX,ULY= 539451.0292,559538.6353
 URX,URY= 540281.0292,559538.6353

Projection / Spatial Reference:
 Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y= 539866.0292,559231.1353

Reference Index:
 Map Series | Map Sheets
 1:5,000 | 6539
 1:5,000 | 6540

Data Extraction Date:
 Date= 12-Apr-2022

Source Data Release:
 DCMLS Release V1.150.113

Product Version:
 Version= 1.4

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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

Planning Department
 31 MAY 2024
 Cork County Council
 County Hall
 Cork.

Site outlined in red

PROPOSED DEVELOPMENT AT NEWCESTOWN NS,
 NEWCESTOWN, Co. CORK.

C. INT: Nosta Formulation REV. NO. 2

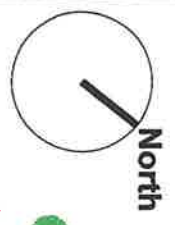
SCALE: 1:2500

DRAWING: Site Location Map

DESIGNER: Ann Cronin
 Broadways
 6/o Plomes, Road,
 Clonsilla, Co. Cork.
 031 669 556

DATE: May 2024

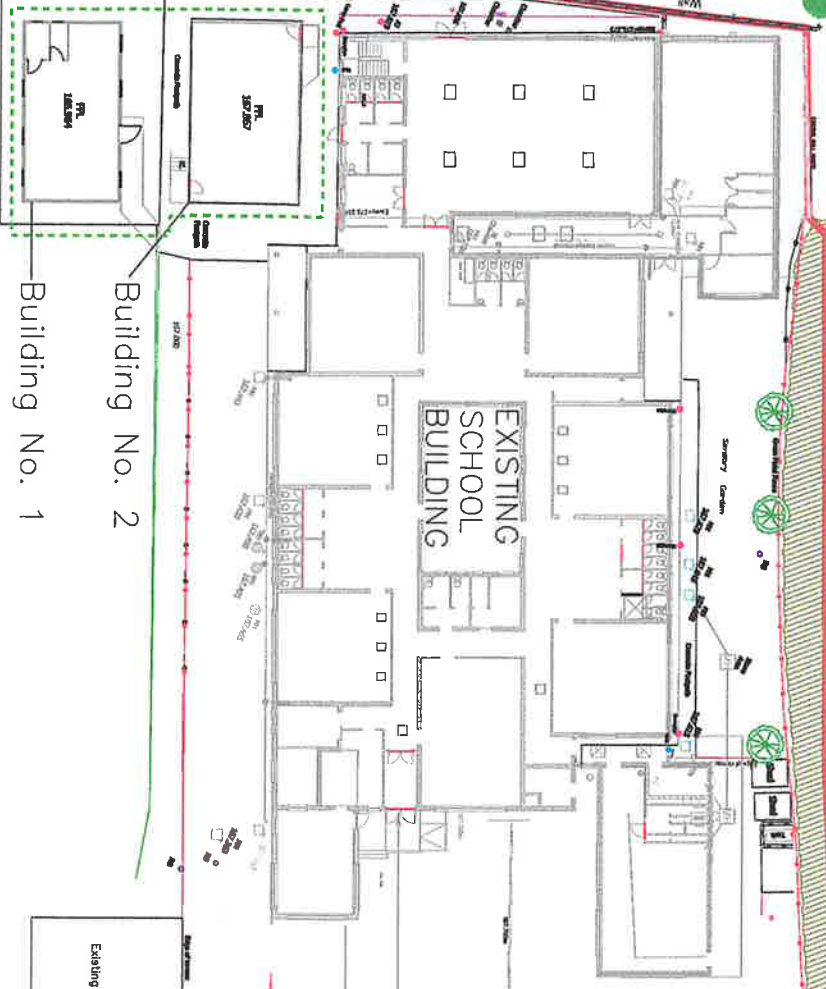
Cúil Eanách
 Cúilnagh



North

PROPOSED DEVELOPMENT AT NEWCESTOWN NS, NEWCESTOWN, Co. CORK.

CLIENT: Nellie Harrington
SCALE: 1:5000
DRAWING: Site Layout Plan
DRAWN BY: Alan Crowley,
'Broadlands',
Old Blarney Road,
Doonheen, Co. Cork,
087 6691536
DRG. NO. 3
DATE: May 2024



Building No. 1
Building No. 2

EXISTING
SCHOOL
BUILDING

--- Outline of buildings to be retained.
— Outline of site.

PLAYING FIELD

Approx. Percolation Area

PLAY GROUND

ENTRANCE
PARKING AREA

Existing Yard

31 MAY 2024
Cork County Council
County Hall
Cork.
Planning Department



Concrete post & rail fence

Concrete post & rail fence

Green Metal Fence

Railings

Bus Stop

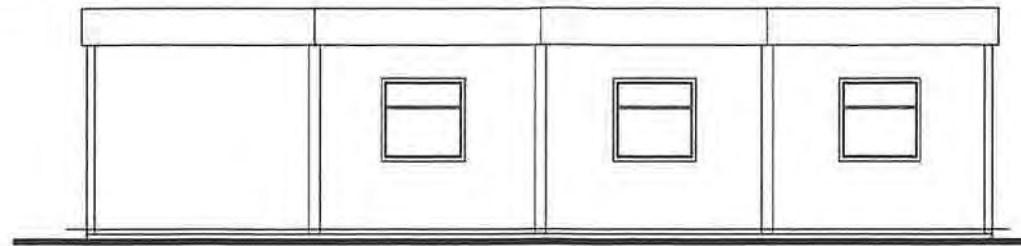
Bus Stop

Bus Stop

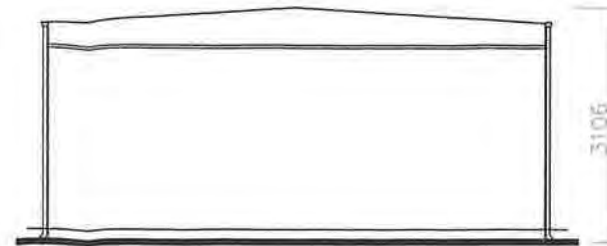
North



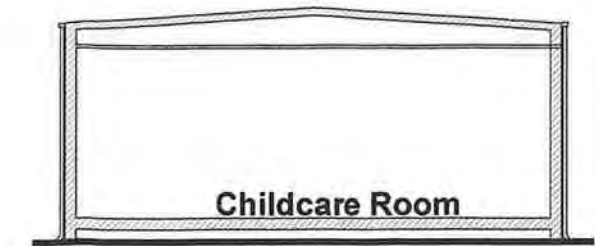
Building No. 1



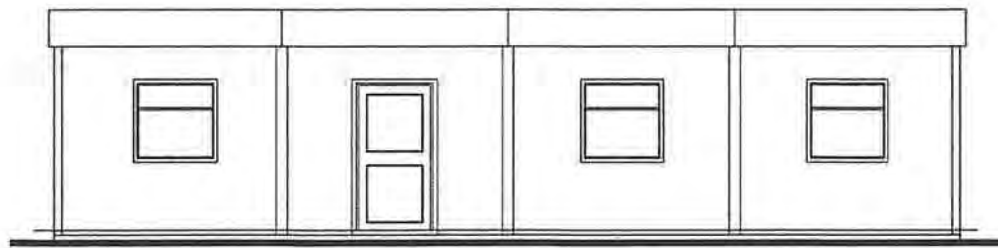
SOUTH ELEVATION



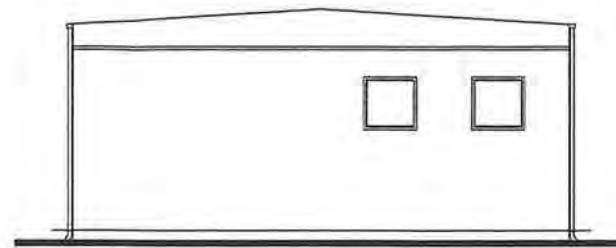
EAST ELEVATION



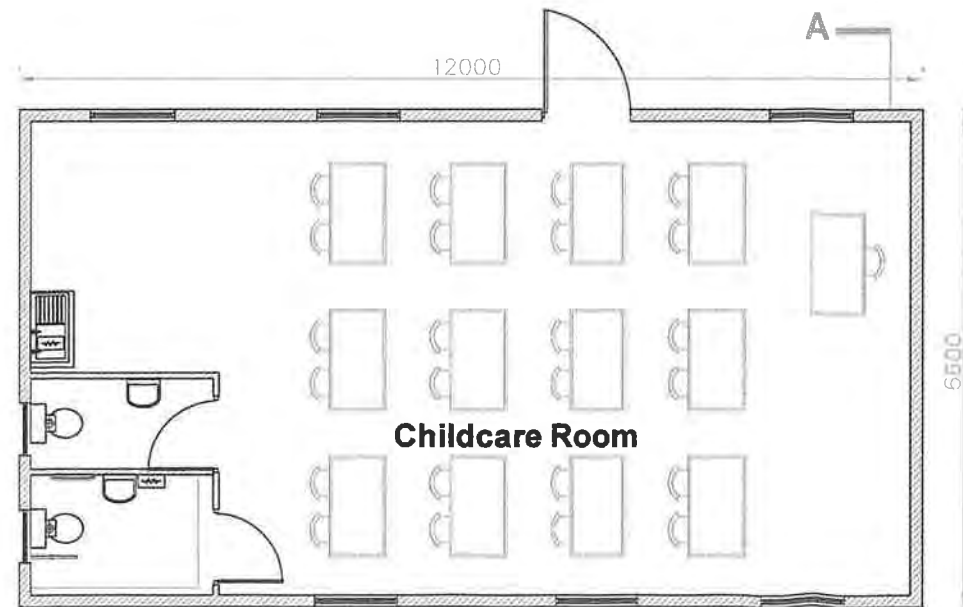
CROSS SECTION AA



NORTH ELEVATION



WEST ELEVATION



FLOOR PLAN OF BUILDING

Planning Department
31 MAY 2024
Cork County Council
County Hall
Cork.

PROPOSED DEVELOPMENT AT NEWCESTOWN NS,
NEWCESTOWN, Co. CORK.

CLIENT: Noelle Harrington

DRG. NO. 4

SCALE: 1:100

DRAWING: Building No. 1

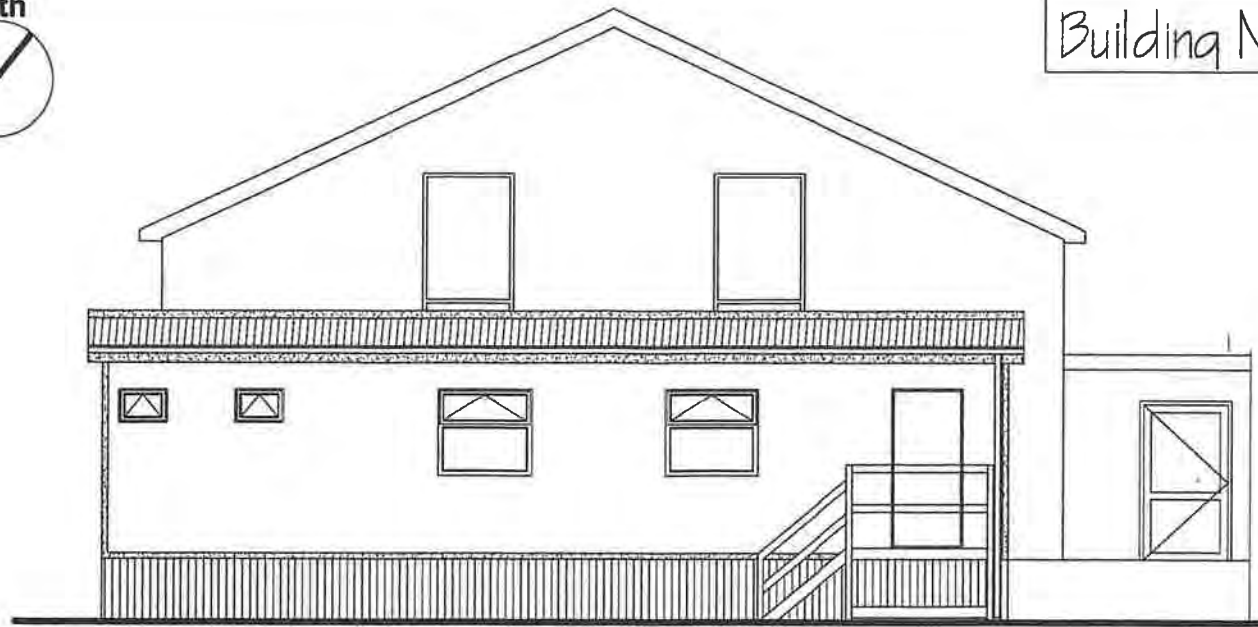
DRAWN BY: Alan Crowley,
'Broadlands',
Old Blarney Road,
Clochteen, Co. Cork.
087 6691536

DATE: May 2024

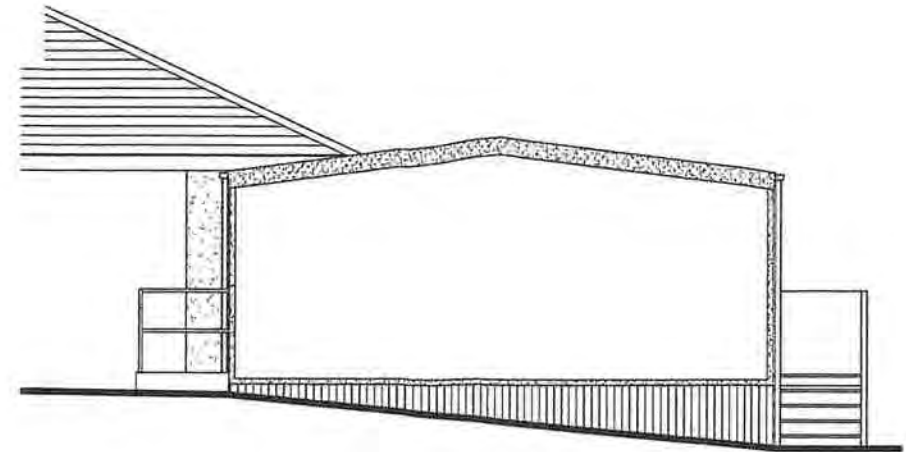
North



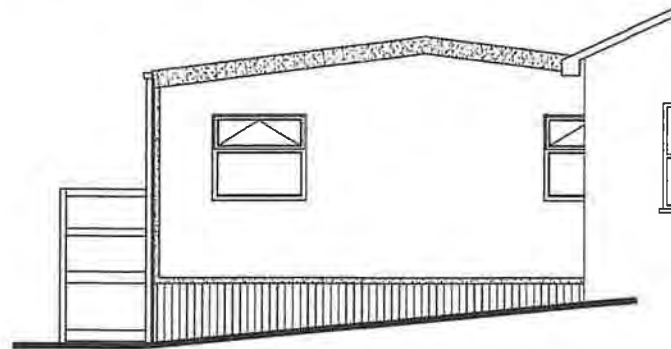
Building No. 2



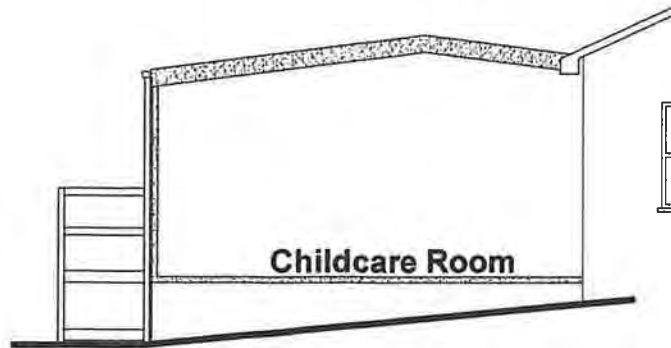
SOUTH ELEVATION



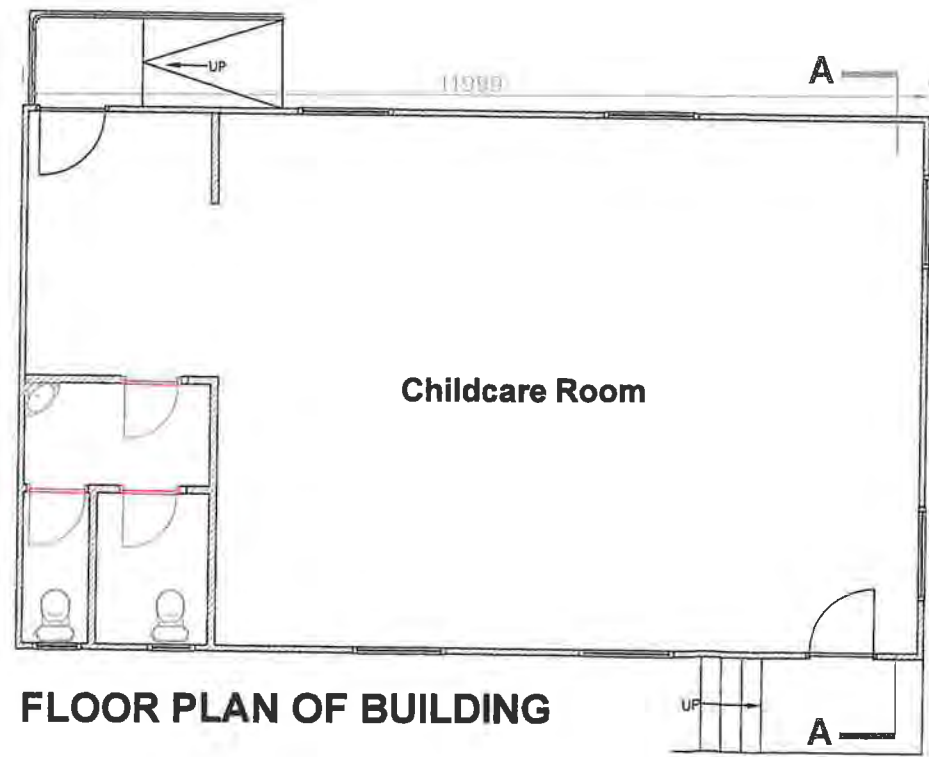
WEST ELEVATION



EAST ELEVATION

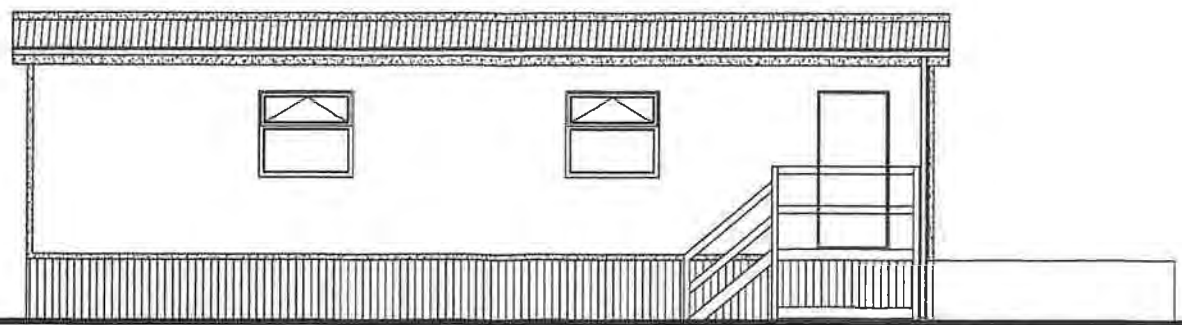


CROSS SECTION AA



FLOOR PLAN OF BUILDING

Planning Department
31 MAY 2024
Cork County Council
County Hall
Cork.



NORTH ELEVATION

PROPOSED DEVELOPMENT AT NEWCESTOWN NS,
NEWCESTOWN, Co. CORK.

CLIENT: Noelle Harrington

DRG. NO. 5

SCALE: 1: 100

DRAWING: Building No. 2

DRAWN BY: Alan Crowley,
'Broadlands',
Old Plarney Road,
Cloheen, Co. Cork.
087 6691536

DATE: May 2024