

Comhairle Contae Chorcaí Cork County Council

Declan Ryan,
Netelek Ireland (Pty) Ltd.,
42 Main Street,
Kinsale,
Co. Cork

18th July, 2024

REF: D/242/24
LOCATION: 50 Main Street, Kinsale, Co. Cork P17 AF30

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

Dear Sir,

On the basis of the information and plans submitted by you on the 19th June, 2024 the Planning Authority having considered whether the proposed renovations to three floors and exterior renovations to the building at **50 Main Street, Kinsale, Co. Cork** is or is not development and is or is not exempted development has declared that it is **not exempted development**.

Reason for Decision

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

- the particulars received by the Planning Authority on 19th June, 2024,
- Section 3(a) of the Planning and Development Act 2000 (as amended)
- Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended)
- Section 12(1) of the National Monuments (Amendment) Act 1994

And Whereas the Planning Authority hereby decides that

The works proposed at 50 Main Street, Kinsale, Co. Cork constitutes works that are defined as development in Section 3a of the Planning Act 2000 (as amended). Any works to the structure at 50 Main Street, Kinsale involving alterations to a monument included in the Record of Monuments & Places (RMP Code: CO112-034/14) are de-exempted in Article 9(1)(a) in the Planning Regulations 2001 (as amended). This is because the alterations consist of or comprise the excavation alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to Section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under Section 14 or a licence granted under Section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891
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Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



The Planning Authority therefore determines that the said works involved do **not represent 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.

NOTE: Please engage in pre planning discussions prior to submitting a planning application.

Yours faithfully,



PIO TREACY,
ADMINISTRATIVE 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>

17 July 2024

S.5 DECLARATION

APPLICANT:

ADDRESS: 50 MAIN STREET, KINSALE, COUNTY CORK

Your Ref: D 242 24

The question a declaration is sought on refers to whether or not the renovations to three floors and exterior renovations are development and if so exempt development or not.

The detailed schedule of works is listed in Annex E is more a general statement of intent: setting out methodology and scope of works.

Annex E has very limited information on the actual development works proposed, other than reproducing earlier work carried out for expired application – set out as proposals 1 to 6.

Annex E has no specific information of materials. The strategy is for a balanced mixture of historic and modern finishes, and mood board images are provided in support.

Although, it is not part of the referrers question, it is my opinion, that insufficient information is provided in respect of the actual overall use of the structure. It would appear to be ground level shop + 4 No. ensuite bedrooms with shared kitchen.

Submissions

CCC Archaeologist: planning permission required alterations are not exempt.

CCC Conservation Officer: insufficient information provided re: alterations and alterations to exterior to ascertain whether or not they are material to the setting and character of the Architectural Conservation Area.

ASSESSMENT

50 Main Street is Scheduled Recorded Monument (Ref: CO112-034/14) and part of zone of Archaeological potential for the Town Defences (CO112-034/002).

I agree with the CCC Archaeologist that 'any' works to this building internal included regardless of the appropriateness and intentions of the referrer will require a planning assessment.

For clarity, my opinion would be that, even if the works by themselves are limited or result in no or indirect impacts. The only way of exploring such matters would be via a planning application.

Accordingly, the works are de-exempted by Article 9(1)(vii)(a):

50 Main Street is also part of the Architectural Conservation Area, and I agree with CCC Conservation Officer, that at best there is insufficient detailed information provided to determine whether the works would or would not affect the character of the ACA.

Based on the information provided I have insufficient information to consider whether the development would 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, and therefore cannot come within the scope of Section 4(1)(h) of Planning Act 2000 (as amended).

Finally, though it is not part of the referral, I would be interested to establish and have much more clarity about the proposed use of the structure, including the nature of the residential / living accommodation and how long the building has lay empty.

This information is needed to explore (a) whether the use has been abandoned and related to this (b) whether-or-not the works and uses altogether are compatible with the way the structure was last used prior to closing down. A change of use application may be required.

Requirement for Appropriate Assessment has been screened out for this proposed development having regard to the scale and nature of the proposal and the lack of any physical or hydrological connection between the development site and any European Site.

Having regard to the nature and scale of the proposed development and 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.

CONCLUSION

The proposal constitutes works that are defined as development in Section 3a of the Planning Act 2000 (as amended).

The works on which a referral declaration is sought are not an exempted development.

Any works to the structure (50 Main Street) involving alterations to a monument included in the Record of Monuments & Places (RMP Code: CO112-034/14) are de-exempted in Article 9(1)(a) in the Planning Regulations 2001 (as amended).

This is because the alterations consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the

Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

Notwithstanding above the information supplied with the referral was insufficient to ascertain:

- **whether or not alterations to the exterior of the structure would affect the character and setting of the Architectural Conservation Area and**
- **whether or not any re-opening or re-use of the structure as proposed is compatible with the last former authorised use, or otherwise exempted development (change of use).**

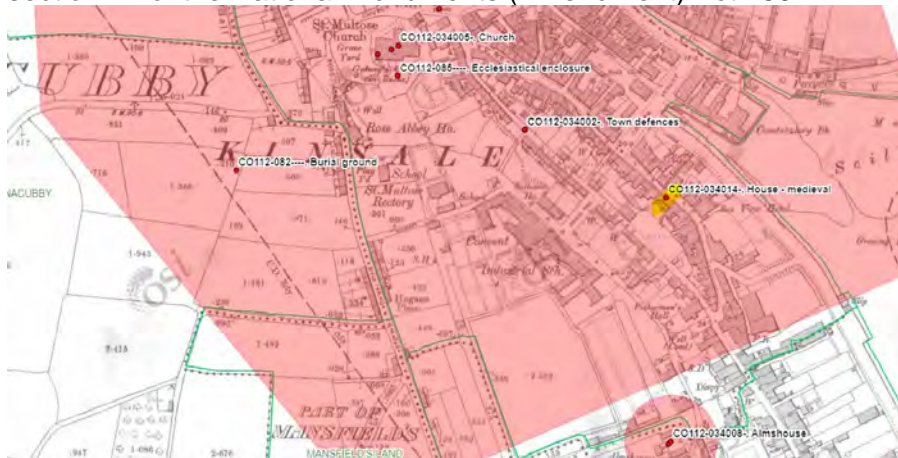
Steve Baxter
Executive Planner
BA Hons Dip Town Planning



Section 5 Application – Declan Ryan – 50 Main Street, Kinsale

Status

It is noted that the proposed development is *within the Zone of Archaeological Potential* for the Town Defences CO112-034/002 and more importantly is itself a Recorded Monument CO112-034/14 and within the statutory notification for same. Recorded Monuments are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994.



County Development Plan - Objectives

County Development Plan 2022 Objectives HE 16-2:

Protection of Archaeological Sites and Monuments

Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and



Annette Quinn | County Archaeologist | Planning & Development Cork County Council | Tel: 021-4285329 M 086-1688826

objects of archaeological and historical interest generally. In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

County Development Plan 2022 Objectives HE 16-3:

Underwater Archaeology

Protect and preserve the archaeological value of underwater archaeological sites and associated underwater and terrestrial features. In assessing proposals for development, the development will take account of the potential underwater archaeology of rivers, lakes, wetlands, intertidal and sub-tidal environments through appropriate archaeological assessment by a suitably qualified archaeologist.

County Development Plan 2022 Objectives HE 16-5:

Zones of Archaeological Potential

Protect the Zones of Archaeological Potential (ZAPs) located within historic towns, urban areas and around archaeological monuments generally. Any development within the ZAPs will need to take cognisance of the upstanding and potential for subsurface archaeology, through appropriate archaeological assessment.

County Development Plan 2022 Objectives HE 16-6:

Industrial and Post Medieval Archaeology

Protect and preserve industrial and post-medieval archaeology and long-term management of heritage features such as mills, limekilns, forges, bridges, piers and harbours, water-related engineering works and buildings, penal chapels, dwellings, walls and boundaries, farm buildings, estate features, military and coastal installations. There is a general presumption for retention of these structures and features. Proposals for appropriate redevelopment including conversion should be subject to an appropriate assessment and record by a suitably qualified specialist/s.

County Development Plan 2022 Objectives HE 16-7:

Battlefield, Ambush and Siege Sites and Defensive Archaeology

Protect and preserve the defensive archaeological record of County Cork including strategic battlefield, ambush and siege sites, and coastal fortifications and their associated landscape due to their historical and cultural value. Any development within or adjoining these areas shall undertake a historic assessment by a suitably qualified specialist to ensure development does not negatively impact on this historic landscape.

County Development Plan Objectives HE 16-8:

Burial Places

Protect all historical burial places and their setting in County Cork and encourage their maintenance and care in accordance with appropriate conservation principles.

County Development Plan Objectives HE 16-9:

Archaeology and Infrastructure Schemes

All large scale planning applications (i.e. development of lands on 0.5 ha or more in area or 1km or more in length) and Infrastructure schemes and proposed roadworks are subjected to an archaeological assessment as part of the planning application process which should comply with the Department of Arts, Heritage and the Gaeltacht's codes of practice. It is recommended that the assessment is carried out following pre planning consultation with the County Archaeologist, by an appropriately experienced archaeologist to guide the design and layout of the proposed scheme/development, safeguarding the archaeological heritage in line with Development Management Guidelines.

County Development Plan Objectives HE 16-10:



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Management of Monuments within Development Sites

Where archaeological sites are accommodated within a development it shall be appropriately conservation/ protection with provision for a suitable buffer zone and long-term management plan put in place all to be agreed in advance with the County Archaeologist.

County Development Plan Objectives HE 16-11: Archaeological Landscapes

To protect archaeological landscapes and their setting where the number and extent of archaeological monuments are significant and as a collective are considered an important archaeological landscape of heritage value.

County Development Plan Objectives HE 16-12: Raising Archaeological Awareness

As part of the Heritage Plan it is an objective to develop a management plan, if resources allow, for the archaeology of County Cork, which could include an evaluation of the Historic Character Assessment of Cork County helping to identify areas for tourism potential, and strategic research while also promoting best practice in archaeology and encouraging the interpretation, publication and dissemination of archaeological findings from the development application process.

County Development Plan Objectives HE 16-13: Undiscovered Archaeological Sites

To protect and preserve previously unrecorded archaeological sites within County Cork as part of any development proposals. The Council will require preservation in situ to protect archaeological monuments discovered. Preservation by record will only be considered in exceptional circumstances.

Impact / Conclusion

Planning Regulations, Exemption and Archaeology

Restrictions on exemption. 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

Comment:

The carrying out of works would consist of the alteration of features of archaeological interest the protection of which is an objective of the County Development plan.

This in my opinion would de-exempt the proposed development.

(vii a) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section



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14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

Comment:

It has been determined that the proposed development is not only within the Zone of Archaeological Potential for the town defences but also within the statutory Zone of Notification to which Section 12 (1) of the National Monuments Acts relates. The house itself is a Recorded Monument and therefore this de-exempts the proposed development.

Recommendation:

Please refer this report to the area planner for consideration and a decision.

Ref No: D242.24

Location: 50, Main Street, Kinsale

Description: Renovations to existing building, including a shop, office and bedroom on ground floor; 2No. units on first floor and 1No. unit on second floor.

Assessment:

No. 50 Main Street is not on the Record of Protected Structures. It is included in an Architectural Conservation Area and the building is listed on the National Inventory of Architectural Heritage (NIAH Ref. 20851108), where it is given a rating of regional significance and is of architectural and artistic interest. I note the content of the Application for Section 5 Declaration of Exemption and Annexures A-G. I note that sections of an Archaeological and Architectural Impact Assessment are included, which date to 2016. The applicant shall note that my assessment relates to the buildings inclusion on the NIAH and within an ACA and I defer to my colleague the County Archaeologist in relation to the archaeological status of the building, as Recorded Monument CO112-034/14.

Under Section 82 of the Planning and Development Act 2000 (as amended) it states that;
“Notwithstanding section 4(1)(a), (h), (i), (j), (k) or (l), and 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.”

The applicant should also be cognisant of the following policy objective from the Cork County Development Plan:

HE 16-18: Architectural Conservation Areas

Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by;

(a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.

(b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.

(c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

(d) Protect structures from demolition and non sympathetic alterations.

(e) Promoting high quality architectural design within ACAs.

(f) Seek the repair and re-use of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.

(g) Ensure all new signage, lighting advertising and utilities to buildings within ACAs are designed, constructed and located in such a manner they do not detract from the character of the ACA.

(h) Protect and enhance the character and quality of the public realm within ACAs. All projects which involve works within the public realm of an ACA shall undertake a character assessment of the said area which will inform a sensitive and appropriate approach to any proposed project in terms of design and material specifications. All projects shall provide for the use of suitably qualified conservation architects/ designers.

(i) Protect and enhance the character of the ACA and the open spaces contained therein. This shall be achieved through the careful and considered strategic management of all signage, lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.

(j) Ensure the protection and reuse of historic street finishes, furniture and features which contribute to the character of the ACA.

The applicant should also make themselves familiar with the Cork County Council publication *Guidelines for the Management and Development of Architectural Conservation Areas*. The applicant should also be aware that the following summary is considered to be a best practice approach, which assists in achieving the policy objectives of HE 16-18:

1. All exterior joinery is to be of timber.
2. No white pvc is permitted.
3. Windows on front elevation, if being replaced, are to be timber sliding sashes.
4. Windows on rear extension are to be timber framed or a dark colour aluminium.
5. Smooth plaster finish is to be applied to extension.
6. Natural roof slates are to be used and applied in diminishing courses.
7. All rainwater goods are to be metallic, circular in profile and black in colour.
8. Conservation style roof lights are to be used.
9. Railings are to be black in colour.
10. No satellite dishes, alarm boxes, lighting fittings, solar panels or similar modern fittings shall be erected to the exterior elevation of the building, in particular where visible from street/road, or within the grounds or curtilage of the structure without reasonable accommodation for their concealment from all publicly accessible viewpoints.

County Development Plan Objectives HE 16-15: Protection of Structures on the NIAH

Protect where possible all structures which are included in the NIAH for County Cork, that are not currently included in the Record of Protected Structures, from adverse impacts as part of the development management functions of the County.

County Development Plan Objectives HE 16-16: Protection of Non- Structural Elements of Built Heritage

Protect non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, shopfronts and street furniture. The Council will promote awareness and best practice in relation to these elements.

Conclusion/ Recommendation:

There is insufficient information provided to determine whether the works would or would not affect the character of the ACA. Specifically, there is no information in relation to the design of the shopfront, which shall require at a minimum elevations, signage and lighting proposals. I would further note that if the applicant progresses to a planning application the information provided with that application

should include detailed method statements to demonstrate how the fabric that has been outlined as being of significance will be protected; and how interactions with it will be managed. The applicant is advised that in addition to the items outlined above, the full Archaeological and Architectural Impact Assessment should accompany an application.



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:

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

FOR OFFICE USE ONLY

Receipt No.	P22-0002393
Cash/Cheque/ Credit Card	CARD
Date	19/06/2024
Declaration Ref. No.	D/242/24

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
- 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)

Declan Ryan Refer to Annexure A Applicant Details
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2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:

50 Main Street Kinsale CO. Cork P17 AF30 Refer to Annexure A Property Details

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

The declaration is sought to exempt the above mentioned property (The Vintage) from obtaining planning permission for proposed renovations to all 3 floors of the building and minor exterior renovations.
The planned renovations will have no effect on the character of the building, or the appearance of the building on a street-scape level.
The renovations will be minor in nature and will comply with the scale of allowed works. No extension will be added to the structure and the footprint of the building will remain unchanged. All archaeologically impotent structures will be avoided in the renovation and the AAIA (Turk, E., & Kiely, J. (2016). Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.) report was used as guideline to avoid these structures. The goal of the proposed renovations is to return the building to a habitable and usable condition as well as to improve the functionality and form of the building. In essence we want to create a usable building, proudly contributing to Kinsale and its inhabitants.
A detailed description of the planned work is included as Annexure E

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):	348 m2
(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 type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Agent	
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):	Netelek Ireland (Pty) Ltd	

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 checked="" type="checkbox"/> No <input 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)	<i>Decl Ryan</i>
Date	12/6/24

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

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	<i>Decl Ryan</i>
Date	12/6/24

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	12/8/2011



NETELEK

Phone: +353(0) 21 477 3862

Email: dryan@netelek.ie

Planning Department Western Division,
Cork County Council,
Norton House,
Skibbereen,
Co. Cork
P81 AT28

CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

List of Annexures:

Annexure A

Background, Applicant Details & Property Details

Annexure B

3 Copies of the site location map

Annexure C

A photographic record of the historic fabric to be affected/impacted upon by the proposed works and a general photo of the building

Annexure D

Justification for and assessment of the impact of the proposed works on the protected structure

Annexure E

Method statement, outlining the proposed works & specification of the materials to be used.

Annexure F

Plans and drawings of development.

Annexure G

Ordnance Survey (O.S.) Maps

Annexure A

Background

APPLICANT DETAILS			
First name(s) & Surname	Declan Ryan		
Company name	Netelek Ireland (Pty) Ltd		
Registered Address of Company:	42 Main Street Kinsale Co. Cork P17 AY20	Email Address:	dryan@netelek.ie
Registered owner(s)	Netelek Ireland (Pty) Ltd	Is the applicant properly authorised to submit the application	Yes

PROPERTY DETAILS			
Property description	Erf 50	Administrative District	Cork County
Building Name	The Vintage		
Physical address	50 Main Street Kinsale CO. Cork P17 AF30		
Extent (m ² /ha)	348m ²	Town:	Kinsale
Existing Development and Current land use	Vacant		
Approved land use rights	Restaurant / Public House		

BACKGROUND

The property: 50 Main Street, was purchased by Netelek Ireland (Pty) Ltd in July 2015. Prior to this purchase, the building was owned and run as the Vintage restaurant by Raoul De Gendre up to 2007 but has been idle since.

Aug 2015 – Planning Ref No. 15/04009 was submitted via Michael Walsh of Walsh Design Group and Richard Rainey Architects for the partial demolition of existing three-storey building and construction of a two-storey building.

Oct 2015 – Planning permission was granted pending certain conditions:

An AAIA (Archaeological and Architecture Impact Assessment) to be carried out on the proposed site. This will involve the testing of the beams on the ground and first floor. Also, test trenches to be excavated to ensure no items of archaeological importance are found. A noteworthy caveat to the required AAIA is that the building is not a protected structure, however the building is within an Architectural Conservation Area (ACA), providing it with additional protection under planning legislation and the Granada Convention.

May 2016 – The AAIA report (*Turk, E., & Kiely, J. (2016). Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.*), prepared by Dr. Elena Turk and Jacinta Kiely for Eachtra Archaeological Projects on behalf of the owner, (Netelek Ireland (Pty) Ltd) delivered the following findings. The beams on the ground floor and first floor (only in the rooms to the left as you face the building from Main Street) were found to be mediaeval. No items of archaeological importance found in test trenches. The AAIA states that "Provided the detailed methods set out in mitigation procedures above are followed, the historic character of this building will not be compromised by this development".

The building was not demolished on feedback provided by the professional team at the time, however the AAIA is of use for the current renovations. The AAIA is used to identify the historical significant structures on the property to be kept as is and where intervention will be avoided.

Objects of Archaeological and Heritage Significance identified by AAIA (*Turk, E., & Kiely, J. (2016). Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.*): The building is deemed of regional to national significance due to its combination of modern construction and 18th-century design ethos. The historically significant structures or elements include the internal timber elements (carrying the most significant historical archaeological importance) and other important elements including the facade layout, window and door fittings, and hand-dressed timbers internally.

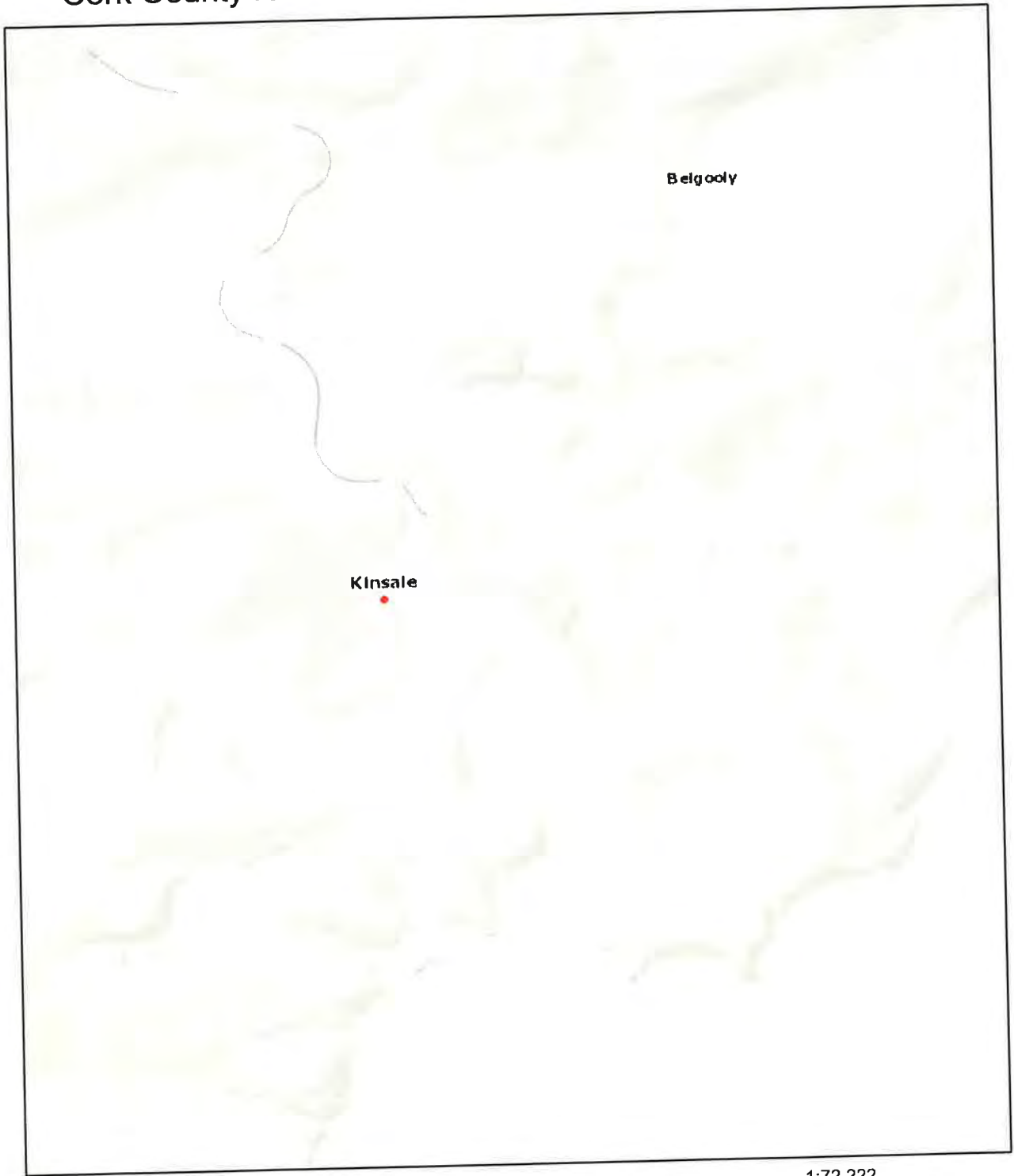
"Number 50 Main Street Kinsale, formerly known as the Vintage, is an interesting building which combines elements of modern construction with an 18th century design ethos, a vernacular feel, and timber elements of archaeological interest internally. Results of dendrochronological dating of these timbers are pending at the end of April, but as hand dressed oak timbers have been identified in one wall frame it is very likely that these elements date to before the 18th century (when oak was no longer used in wall framing in Ireland). This complex building should be considered an asset to the historic town of Kinsale. The structure should be considered of regional to national significance. It is an important and rare representative of the style of architecture used in walled towns in Munster, lending it regional significance. As it retains timber framed elements it fits into a very small group of surviving timber framed buildings in Ireland, including examples such as the newly discovered timber framed house in Bandon, or that identified last year on Aungier St in Dublin (both thought to date to the 1600s). In terms of the historic character of the building, important elements include the facade layout, some facade window and door fittings, and most importantly the hand dressed timbers internally. The building was once a pair of houses, amalgamated into one circa 1900. It has since been significantly modified with the construction of rear extensions and significant changes to the interior rooms, particularly at northwest. It has been empty for some time and will require significant works to bring it back into use. The approved proposals to renovate the property will ensure its structural stability and will open it up for active use once again. Provided the detailed methods set out in mitigation procedures above are followed, the historic character of this building will not be compromised by this development."(*Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork*)

The amended renovation proposals aim to ensure structural stability and preservation of the building's historic character while restoring the building back to a habitable state. Elements of significant historical archaeological importance will be highly regarded in the renovation and care will be taken to protect the elements and structures during the renovation process.

Annexure B

2 Copies of the site location map

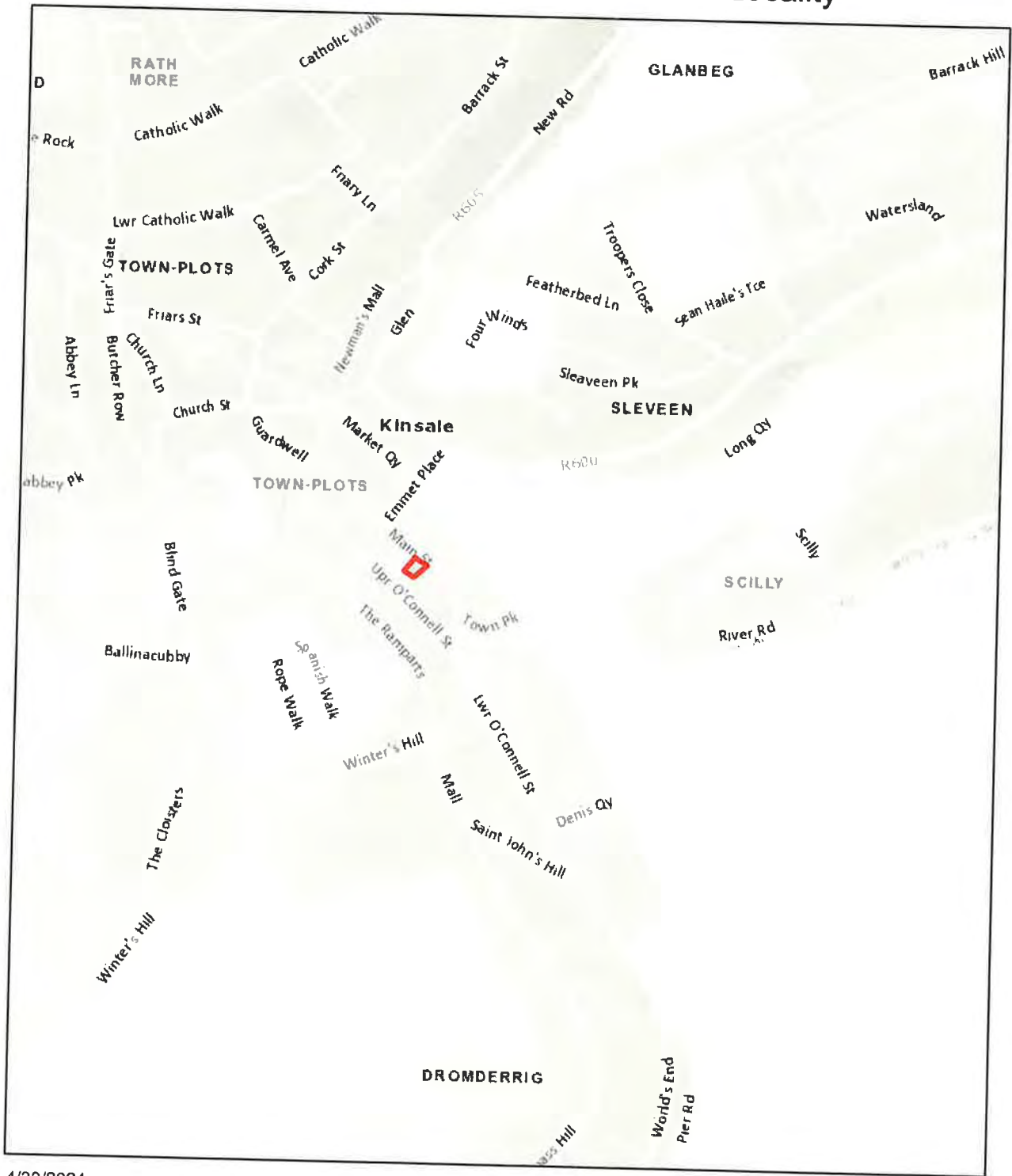
Cork County Kinsale Erf 50 Main St Locality Regional Scale



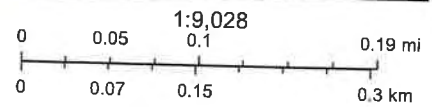
4/30/2024



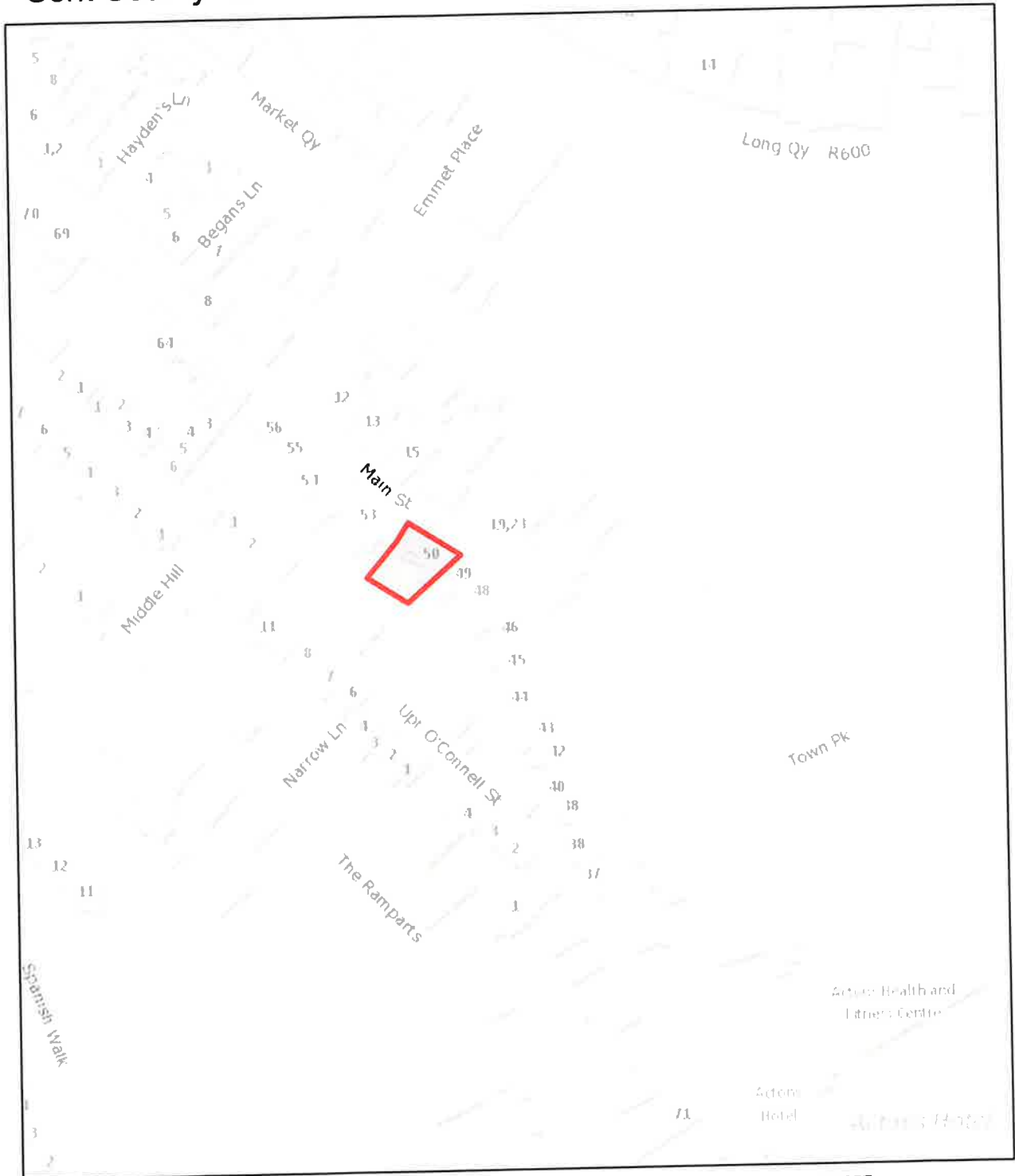
Cork County Kinsale Erf 50 Main St Locality



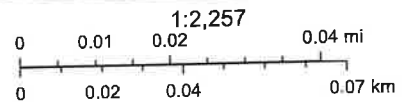
4/30/2024



Cork County Kinsale Erf 50 Main St Locality Neighborhood Scale



4/30/2024



Annexure C

A photographic record of the historic fabric to be affected/impacted upon by the proposed works and a general photo of the building

CURRENT BUILDING ELEMENTS AS PER AAIA

The following plans and information is obtained from the AAIA (*Turk, E., & Kiely, J. (2016). Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.*) document.

Ground Floor:

Room 1: Former Dining Room

Formerly a dining room, Room 1 is currently utilised as a storeroom. Its layout is roughly square, with a noticeable angle at the eastern end widening toward the Main Street elevation. The walls vary in material and finish, with the southeast wall plastered and papered, while the northeast and northwest walls are clad in modern timber cladding. The southwest wall reveals coursed sandstone and limestone rubble construction. A modern fireplace, likely set in an older chimney/hearth dating to the 18th-19th century, is situated in the southwest wall. The ceiling features exposed timber beams, some of which are recent additions artificially aged to match older timbers. The front wall has undergone significant alterations, including the enlargement of windows and the installation of a steel support bar as a lintel.

Room 2: Storage Area

Room 2, situated west of the front door, functions as a storage area. It is illuminated by a timber sliding sash window and features a mix of modern and older elements, including lightweight stud partitions and timber cladding.

Room 3: Renovated Kitchen Area

Located northwest of Room 2, Room 3 was previously a kitchen area but has undergone complete renovation with modern fittings and a tiled floor. It contains a circular plan steel column supporting the floor above and a window facing the street.

Room 4: Renovated Space

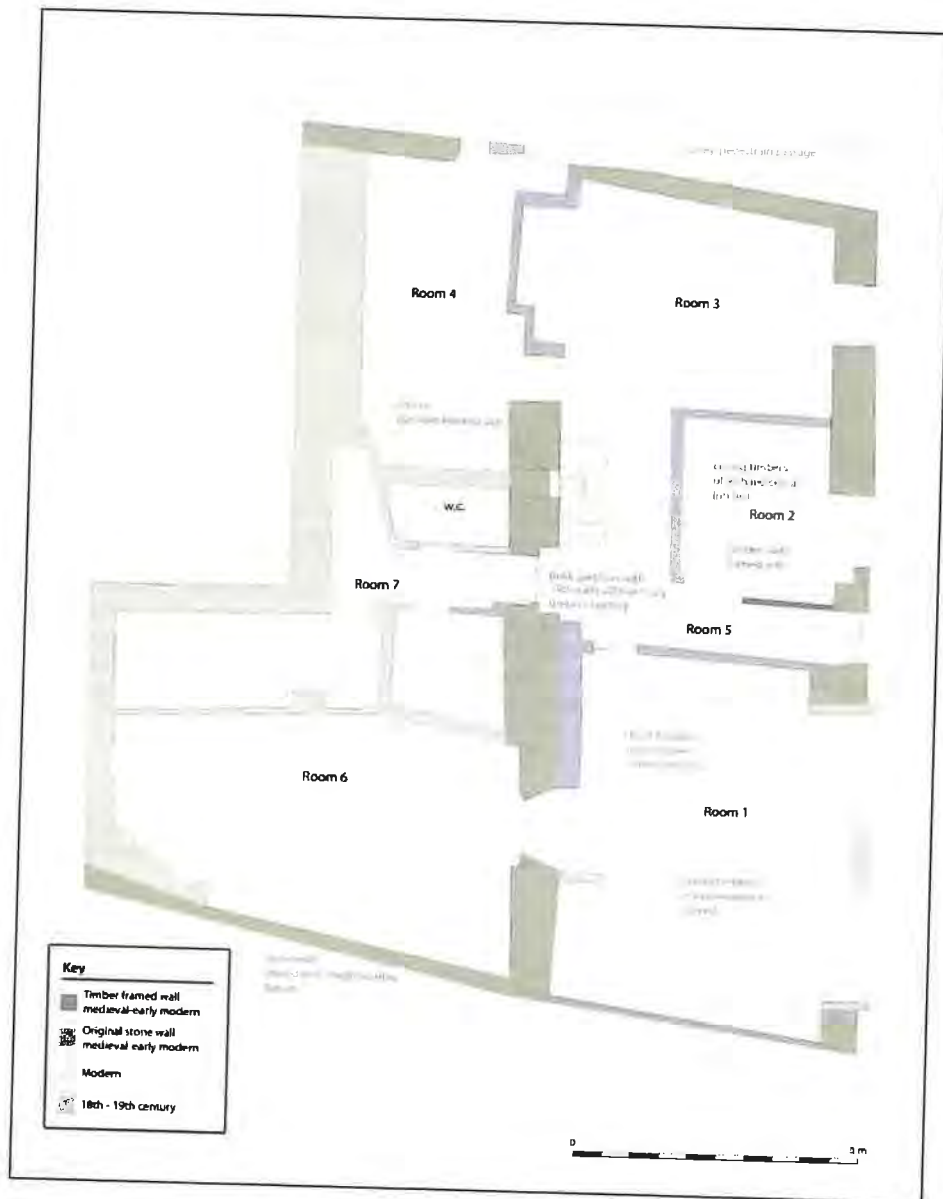
Similar to Room 3, Room 4 has been fully renovated and lacks original features. It features tiled walls and floor, with a door providing access to the passage leading to the street.

Room 5: Entrance Hall and Stairwell

Room 5 serves as an entrance hall and stairwell, featuring a stucco plastered ceiling with significant ceiling timbers. Painted wood panelling adorns the walls, reminiscent of 19th-early 20th-century style. The stairwell contains straight timber stairs with turned spindles and a bannister, showing signs of wear but generally in good condition.

Rooms 6 & 7: Modern Dining Rooms

Located in the rear extension, Rooms 6 and 7 are entirely modern and were previously used as dining rooms for 'The Vintage', with a small WC between them. They feature painted plaster walls and papered ceilings, with replica timber ceiling beams added for aesthetic purposes, though none are of archaeological interest.



Ground Floor Layout (AAIA Extract)

First Floor:

Room 1: Large Sub-Rectangular Room

Room 1 boasts a spacious sub-rectangular layout with a modern plywood panel floor over grey sand for soundproofing, covering lengthwise running modern pine floorboards. The ceiling is stucco plastered between exposed timber beams, with eight beams in total. The walls are plastered, with the southwest, northwest, and northeast walls revealing coursed limestone and sandstone rubble construction upon plaster removal. Lit by two windows in the northeast wall, each set in full-height embrasures with boxed window seats, the room also features a fireplace in the southwest wall, complete with a diagonally dressed limestone hearth stone, suggesting a reused windowsill.

Room 2: Accessible via Timber Panelled Doors

Room 2 is situated northeast of Room 1 and accessed through timber panelled doors. The ceiling is stucco plastered between timber beams, while the walls are plastered and the floor is covered in lino over pine boards. Lit by two windows in the north wall, the room features timber framed two-over-two pane weighted sliding sash windows.

Room 3: Quadrangular Shape with a Conservatory Area

Room 3, accessed via a timber panelled door in the west wall, boasts a roughly quadrangular shape with a pronounced angle to the northeast wall. The floor is plywood over pine boards, and the ceiling is stucco plastered between modern beams. Lit by a window in the front wall and a glass sliding double door to the rear wall, the room opens onto the roof of the extension below, forming a conservatory area.

Room 4: Conservatory Area

The conservatory area adjacent to Room 3 features a tiled floor, corrugated plastic ceiling/roof, and plastered walls. It is accessed via a patio door and contains normal size uPVC windows.

Room 5: L-Shaped Hallway

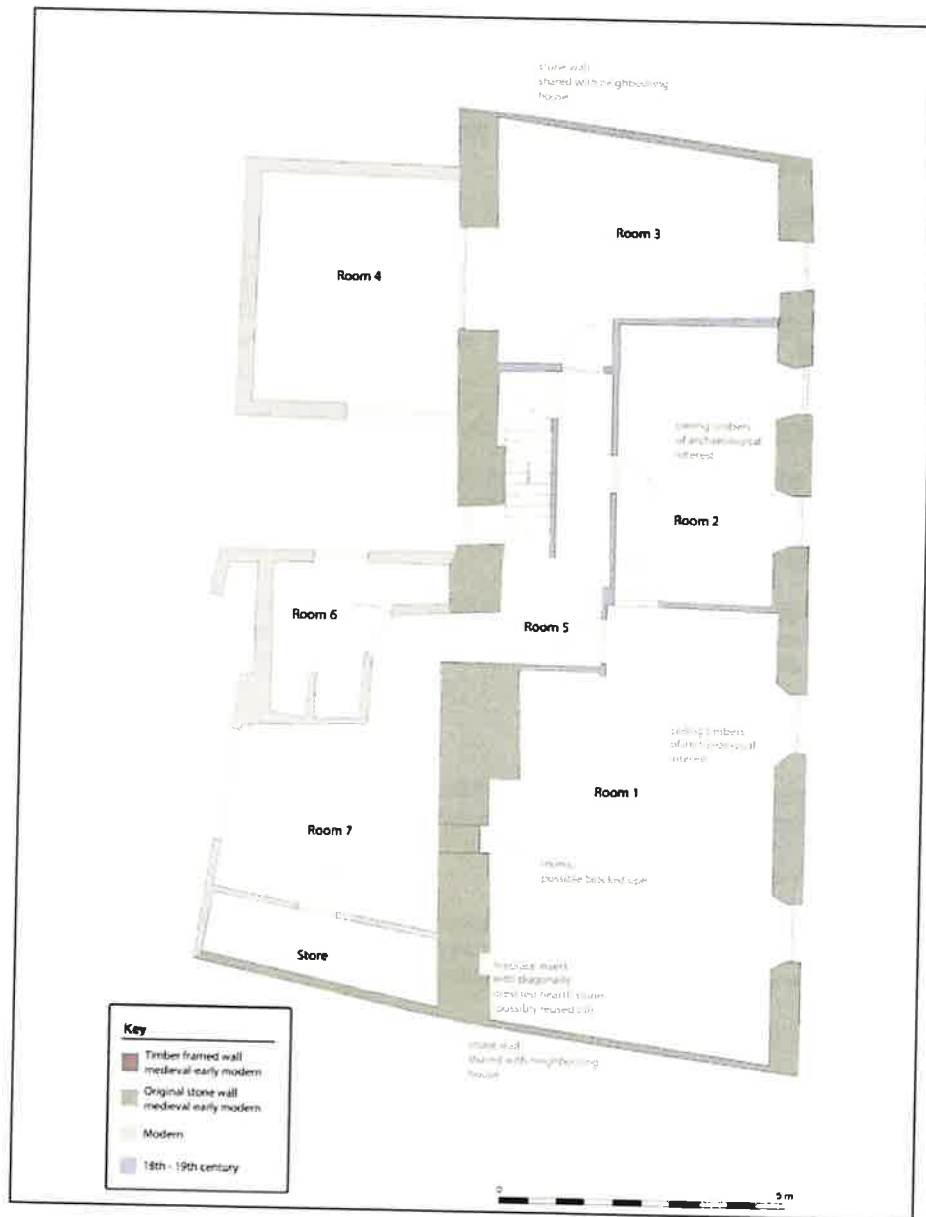
Room 5, an L-shaped hallway, has the main leg running lengthwise along the core of the building, with an offshoot accessing rooms in the extension. The floor is pine floorboards, and the walls are plastered with a simple dado. It is lit by a modern window and features an arch detail at the eastern end.

Room 6: Toilet/Shower Room

Room 6, located in the extension, comprises a toilet/shower room with a plastered ceiling, lino-covered floor, and tiled walls. It is lit by a uPVC awning style window.

Room 7: Elevated Room with Store Room/Cupboard

Room 7, accessed via four steps, features chipboard-covered walls, a plasterboard ceiling, and a lino floor. It contains a steel support column and a store room/cupboard along the southeast wall, which shares an exposed stone wall with the neighbouring building.



First Floor Layout (AAIA Extract)

Second Floor:

Room 1: Southeast End Room

Room 1, positioned at the southeast end of the main block, lacks a door and opens into the hallway. The walls and ceiling are plastered, with the ceiling featuring a pronounced slope to match the roof shape. The floor is pine boarded, and there are uPVC roof lights on the front and rear walls. Built-in cupboards adorn the side walls, and all fittings are modern.

Room 2: Bathroom

Adjacent to Room 1, Room 2 serves as a bathroom. Accessible via a timber louvred door, the room features a tiled floor, half-tiled half-plastered walls, and a plastered ceiling with a modern roof light. There's a ledge on the northwest side wall, possibly part of the original roof arrangement before this storey was added.

Room 3: Pine-Floored Room

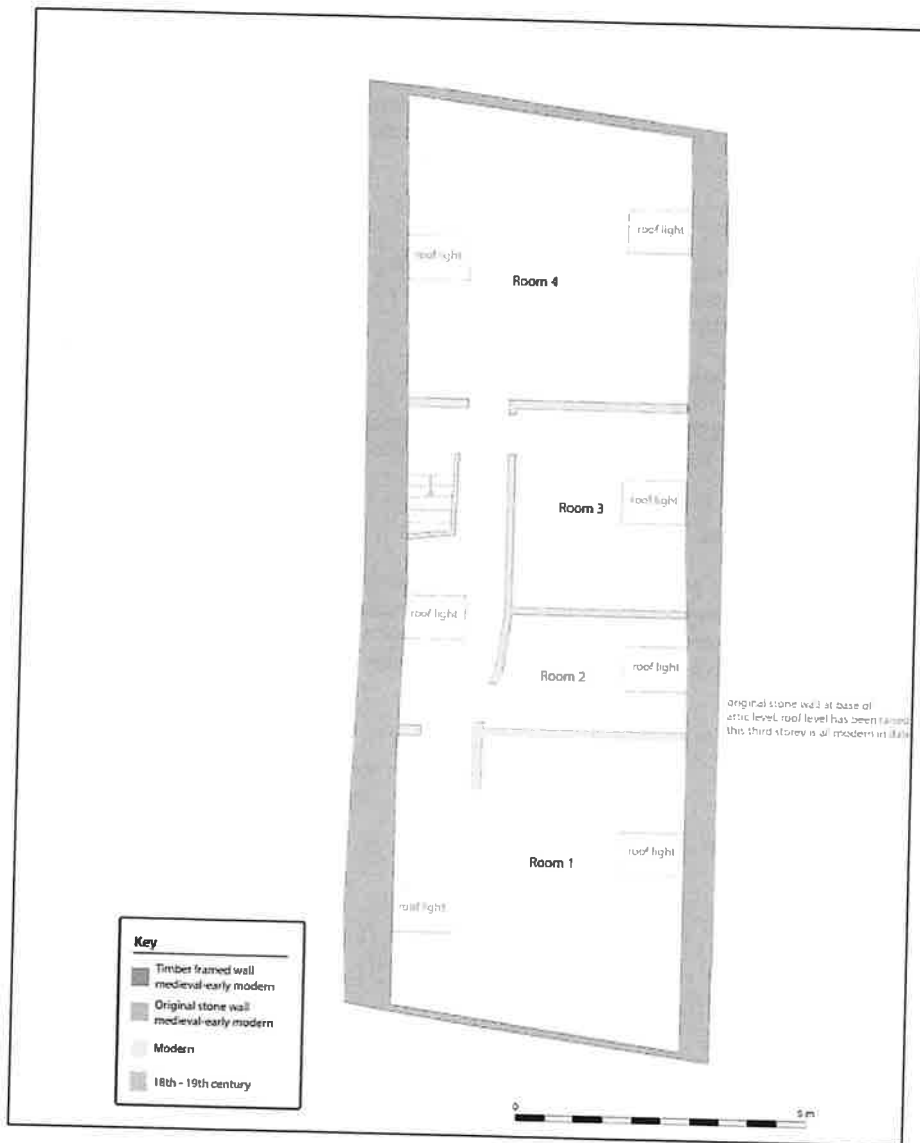
Room 3, northwest of Room 2, boasts a pine floor, plastered ceiling, and plastered and papered walls. Lit by a window to the front, it's accessed through a 20th-century timber door in the southwest corner. Modern built-in shelving units adorn the room.

Room 4: Northwest Room with Two Windows

Forming the northwestern end of the floor, Room 4 features a pine boarded floor, plastered walls, and ceiling. Lit by two windows, one each to the front and rear, it's accessed via a 2-panel timber door. All features and fittings are modern.

Room 5 (Hallway): Southwest Hall

The hallway, running along the southwest of this floor, has plastered walls and ceilings, and pine board floors. Lit by a window in the southwest wall, it features modern fittings. A small square hatch in the ceiling at the northwestern end provides access to the roof space, which contains modern roof trusses and timbers covered with a membrane and a mix of natural and false slates over.



Second Floor Layout (AAIA Extract)

HISTORIC IMAGERY AS PER AAIA

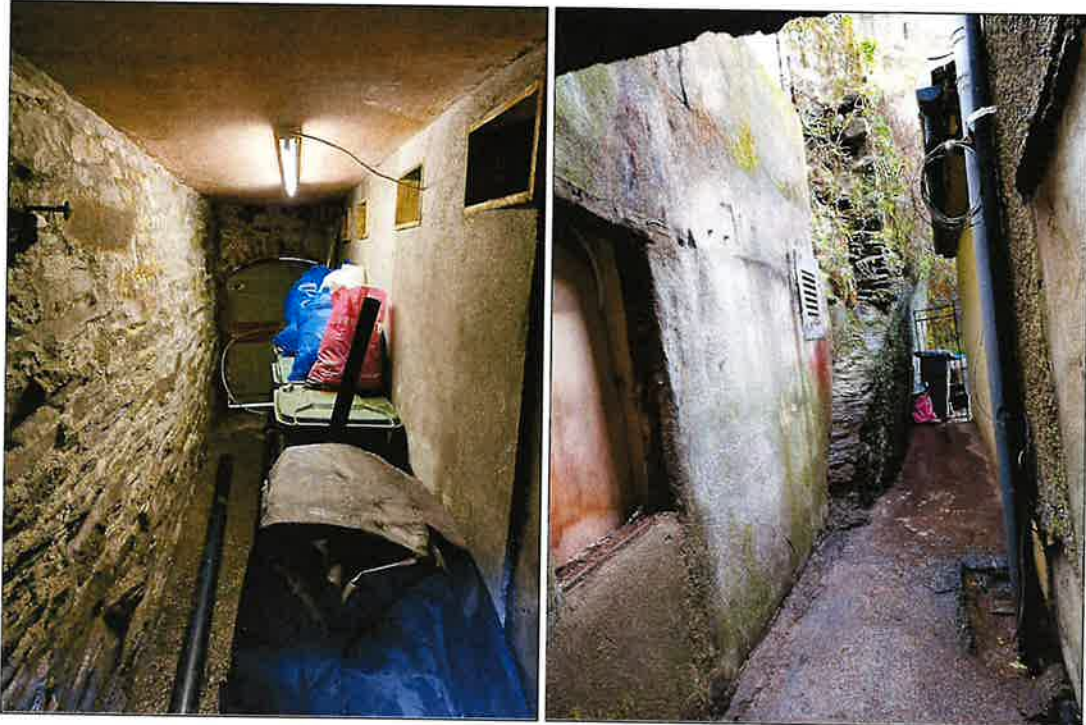
The following images are obtained from the AAIA (Turk, E., & Kiely, J. (2016). *Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.*) document.

Street View

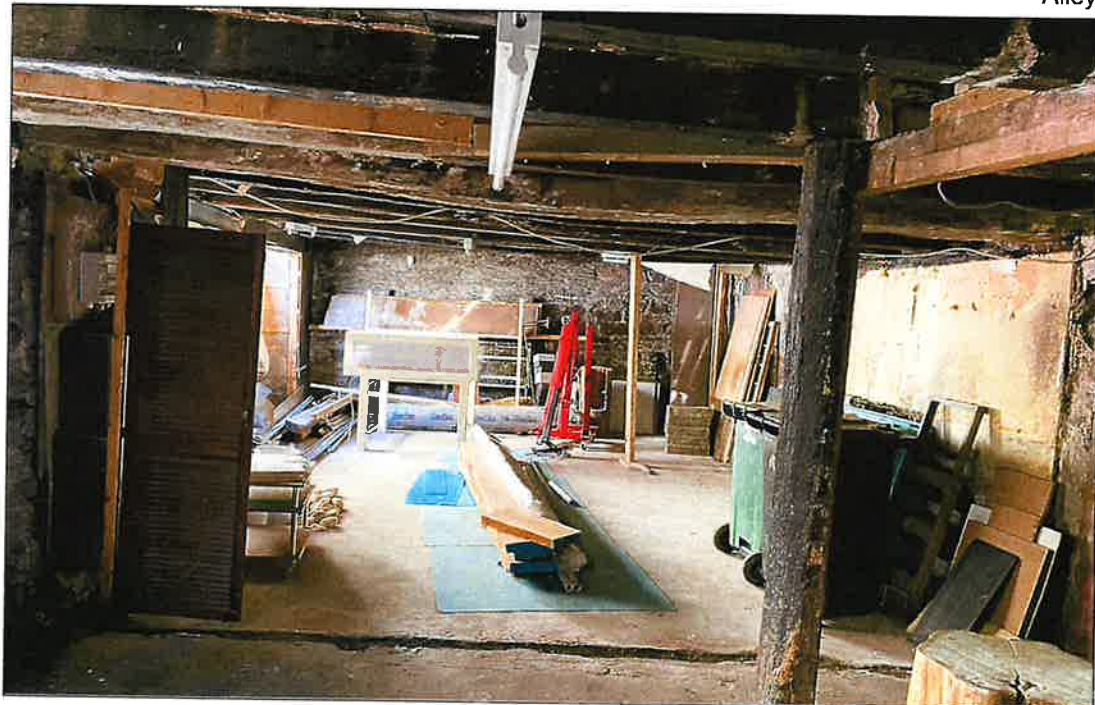


Street view

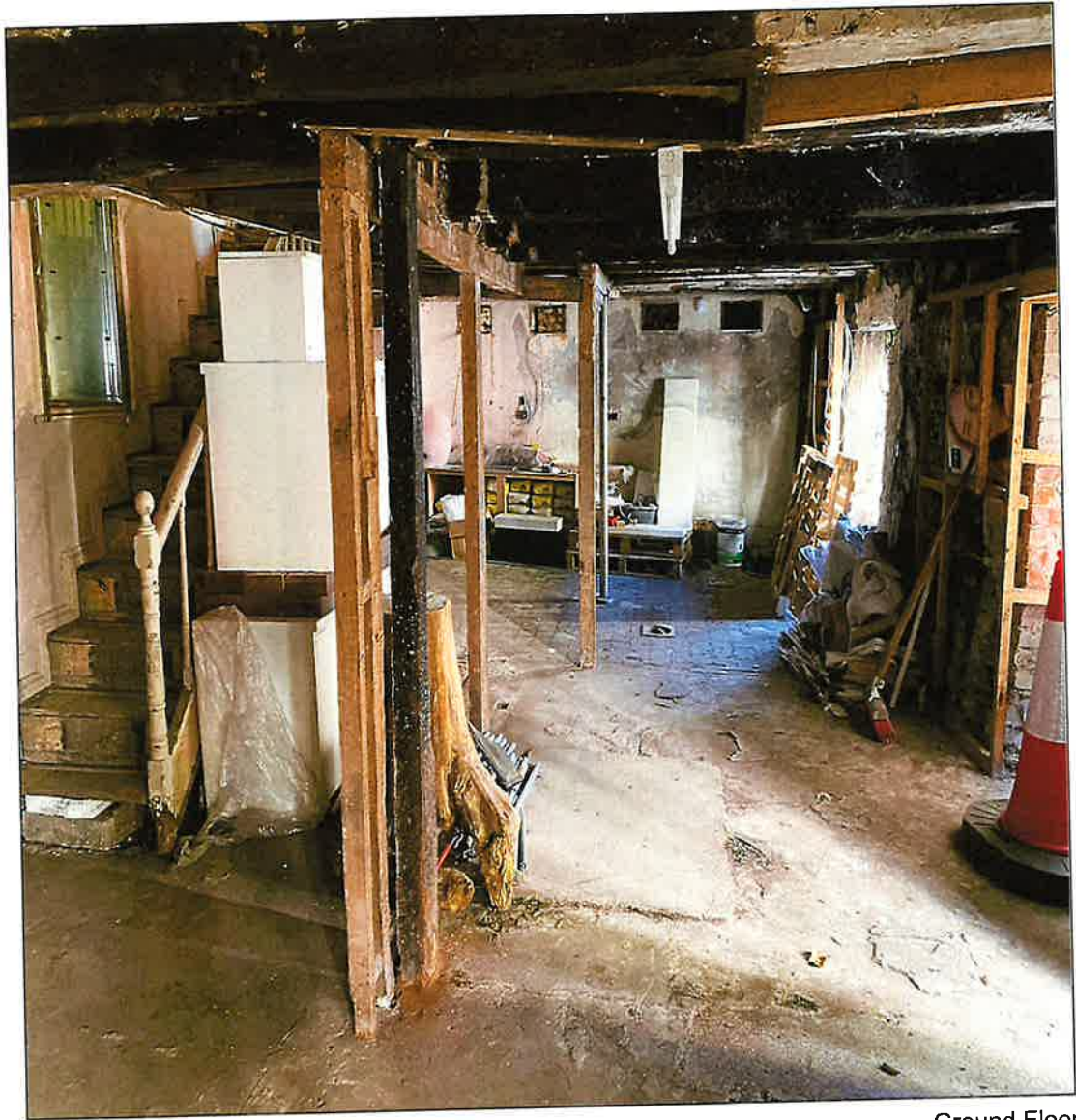
Ground Floor



Alley



Ground Floor



Ground Floor



First Floor

Stairs



Stairs

First Floor



First Floor



First Floor



First Floor



First Floor (Glass area)

Second Floor



Second Floor



Second Floor

Annexure D

Justification for and assessment of the impact of the proposed works on the protected structure

JUSTIFICATION

As the AAIA (*Turk, E., & Kiely, J. (2016). Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.*) report has been conducted in May 2016, the archaeologically significant structures and elements of the building are known. When renovating the building it will thus be easily identifiable and planning beforehand has focused specifically on the avoidance of the identified structures and elements. Great care will be taken to protect these important aspects of the heritage of the area and the town. All changes are within the scope of the previously approved application and have a lesser effect and archeological impact than the previously approved application.

The proposed renovations prioritise the preservation of the area's archaeological heritage and the enhancement of the streetscape and local character. Additionally, the renovations aim to restore the building to a habitable and functional state, to positively assist in making residential units available at a time when citizens are in dire need of residential accommodation.

This project can in a very short time deliver four additional residential housing units while having a mitigated and negligible effect on high importance archeological structures.

Annexure E

Method statement, outlining the proposed works & specification of the materials to be used.

METHOD STATEMENT: DEVELOPMENT PROPOSAL

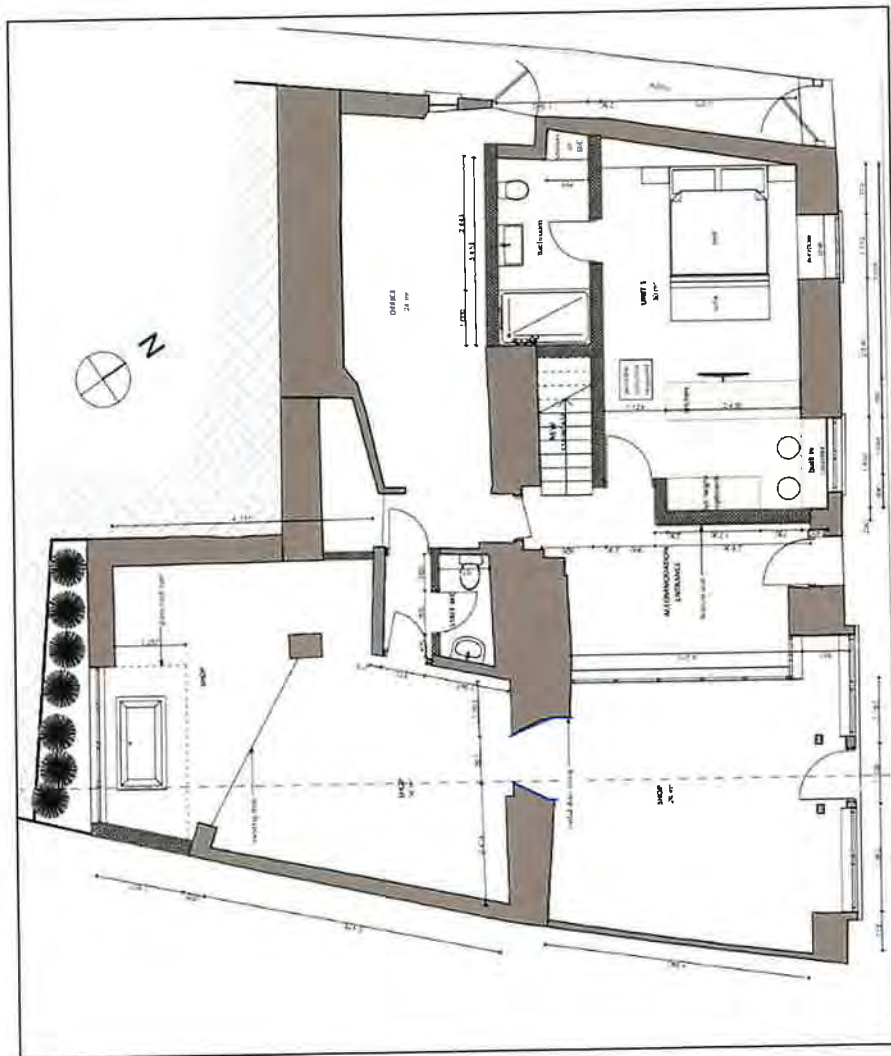
The proposed development entails the renovation of the Second, First and Ground floor of the Building. The renovations will focus on the structural integrity, aesthetics, finish and minor internal alteration and will have no material effect on the archeological significant structures nor on structural elements of heritage and archeological significance of the building. The renovations will keep with the character of the building and surrounding street. The renovations will be to the interior and a portion of the exterior of the building.

The goal of the proposed renovations is to return the building to a habitable and usable condition as well as to improve the functionality and form of the building. In essence we want to create a usable building, proudly contributing to Kinsale and its inhabitants.

All renovations regard the AAIA(Turk, E., & Kiely, J. (2016). *Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.*) for the identification of structures that can and can not be changed.

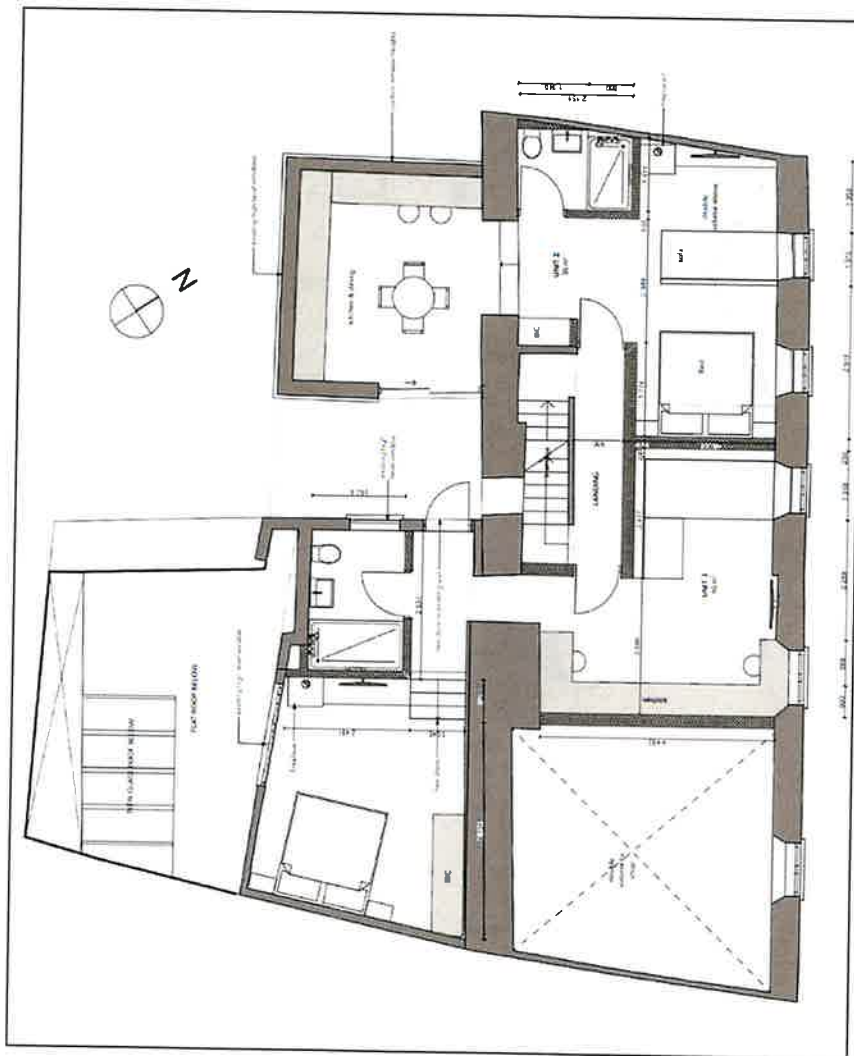
Ground floor works will include renovations to accommodate a shop in the area where The Vintage Restaurant was situated (Rooms 1, 6 and a portion of room 7)(AAIA) The interior walls that will be removed in this renovation are all classed as modern as per the AAIA and thus bear no archaeological significance.

Through minor alterations the ground floor will also consist of an office (Rooms 4 and 7) and bedroom (Rooms 2 and 3).



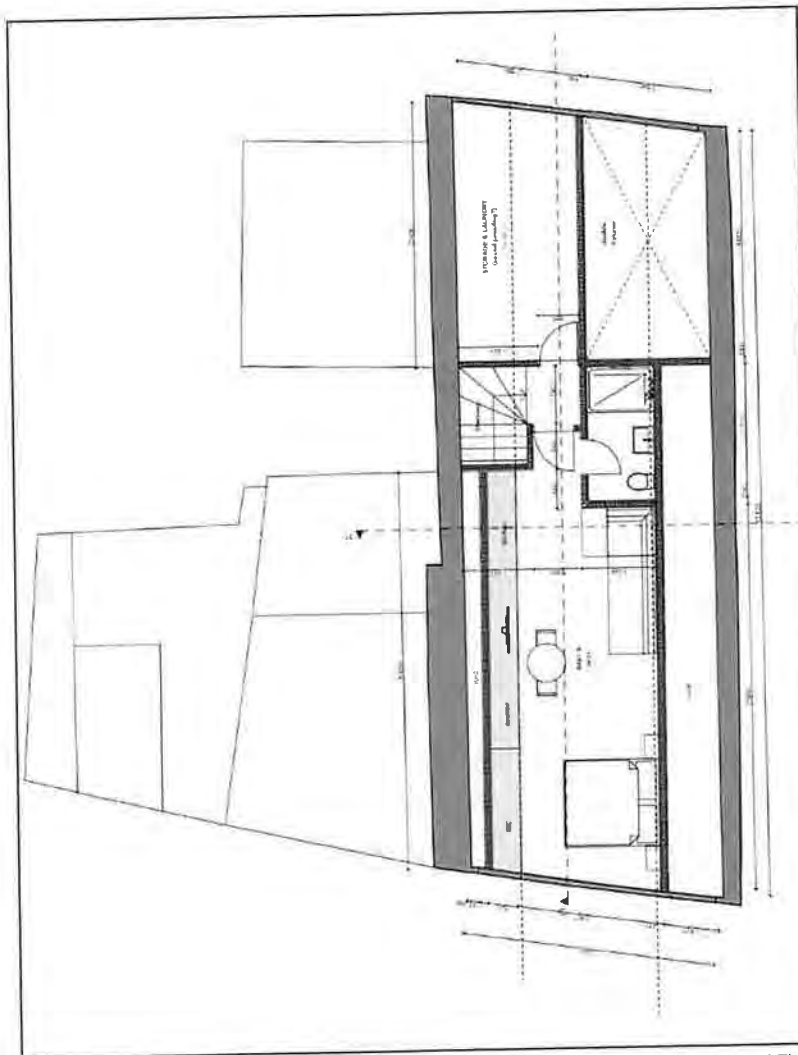
Proposed Ground Floor Layout

The first floor will consist of 2 units and a double volume area (the double volume area is specifically proposed to maintain the mediaeval beams without the beams needing to support anything other than its own weight) for the proposed shop on the ground floor. The 2 units are unit 2 and 3 respectively and will consist of a kitchen, bathroom and bedroom area. Unit 2 will consist of rooms 2, 3, 4 and a portion of the staircase entrance 5, and unit 3 will consist of rooms 1, 7, 6 and the other portion of room 5 according to the AAIA report first floor room names. It is noteworthy to indicate that no original or mediaeval walls will be affected in these renovations.



First Floor Layout

The second floor will consist of 1 unit and a double volume area for the proposed second unit bedroom on the first floor. The unit will consist of a laundry room, bathroom and a bedroom with a kitchen area. The unit will consist of the entirety of the second floor bar the double volume area.



Second Floor Layout

As expressed there will be no removal or amendments to any mediaeval walls or structures, and all renovations to floors and roofs will be vigilant of the mediaeval timbers and avoid changes to those structures.

According to the AAIA (Turk, E., & Kiely, J. (2016). *Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.*) the following proposals were identified for the previously approved renovations, for the purposes of the current proposed renovations all the potential impacts and mitigation methods will be regarded and employed where applicable.

Proposal 1: Amendments to Facade/Creation of New Shopfronts

- *Impact: Visual impact on building and streetscape, physical impact on existing window openings.*
- *Mitigation: Design and finish of shopfronts to blend into existing streetscape, replacement of windows to follow existing format.*

Proposal 2: Remodelling of Internal Layouts/Removal of Internal Walls and Partitions

- *Impact: Physical impact on internal walls, particularly on original fabric.*
- *Mitigation: Retention of significant original walls, recording of removed elements, and treatment for preservation.*

Proposal 3: Erection of Timber Studs with Infill Insulation

- *Impact: Possible physical impact, potential sealing of building leading to dampness.*
- *Mitigation: Use of traditional lime mortars, construction of stud walls with ventilated cavities to avoid interference with original walls.*

Proposal 4: Excavation of Existing Ground Floor/Subfloor Levels

- *Impact: Excavation to accommodate lowering of floor level.*
- *Mitigation: Radon proofing, preservation of external walls, and careful handling of internal partitions.*

Proposal 5: Creation of Steel Frame Structure

- *Impact: Visual impact on interior, potential disruption to stone walls.*
- *Mitigation: Concealment of steel frame, minimal disruption to stone walls, use of lime-based plasters or mortars.*

Proposal 6: Removal of Rear Annex and Construction of New Extension

- *Impact: Physical impact on rear annex, potential damage to older building elements.*
- *Mitigation: Management of interfaces between original core and new extension, use of natural lime-based mortars.*

(Turk, E., & Kiely, J. (2016). Archaeological and Architectural Impact Assessment 50 Main Street Kinsale, Co. Cork, May 2016.)

The proposals aim to renovate and modernise the building while preserving its historical and archaeological significance. Each proposal addresses specific impacts on the structure and outlines mitigation methods to minimise adverse effects.

MATERIALS

The focus will be to use natural materials (wood, glass, steel, exposed brick and plaster) as far as possible to create a balanced mixture between historic and modern finishes in keeping with the character of the property and the precinct the property finds itself in.

Refer to the mood board images below.

Entrance feature wall



The Vintage

staircase - solid colour staircase (metal?)



The Vintage

Colour palette options



The Vintage

Lining of stone doorway
in a modern way



The Vintage

Bathroom courtyard



The Vintage

Conservatory extension



The Vintage



Unit palette
 Existing stone
 white internal walls
 exposed timber rafters
 black / white / wood fittings

The Vintage



small colourful tiles in
 bathroom



The Vintage

Unit features
Fireplaces
Built in seats
Loft - joinery along edge



The Vintage

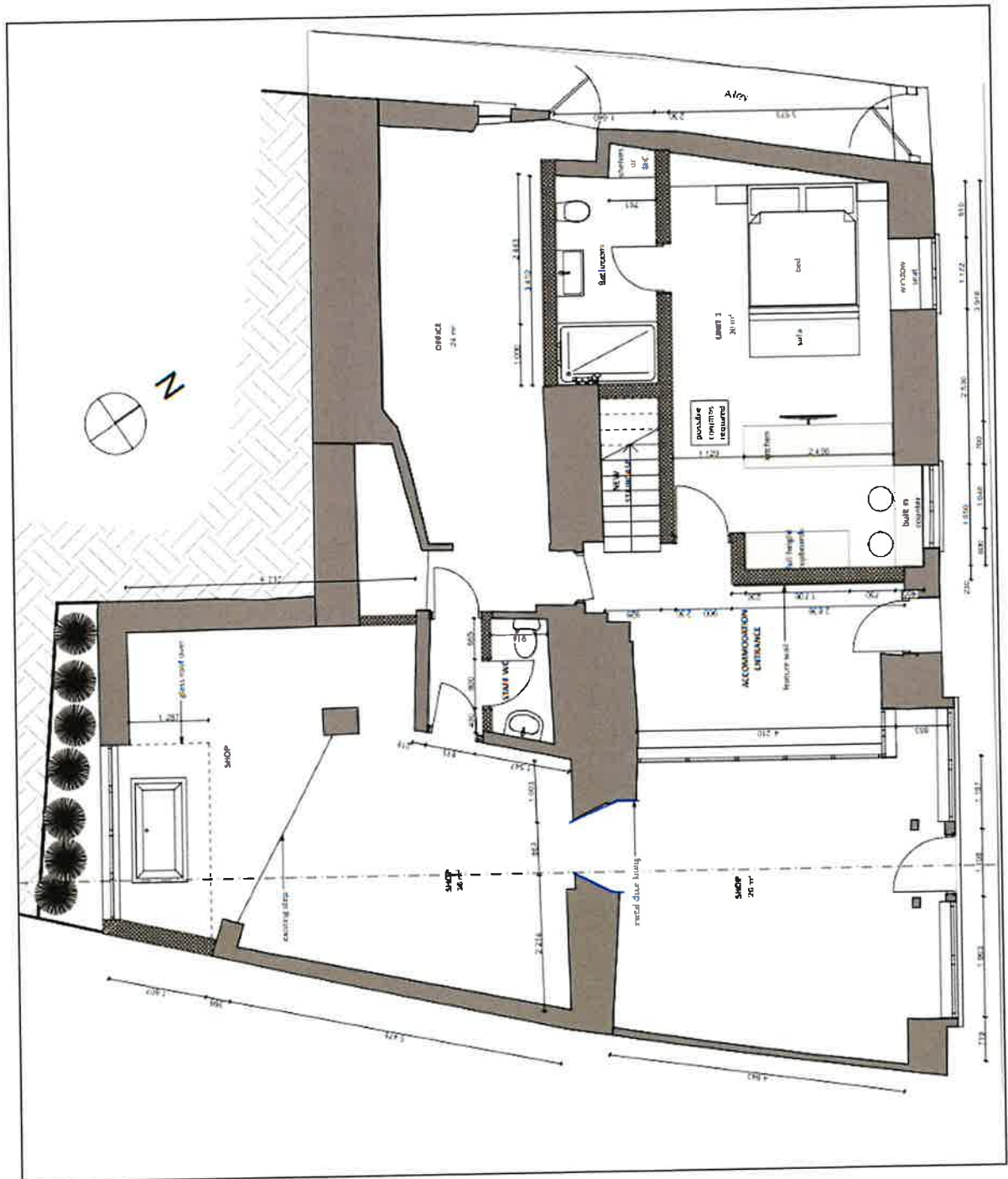
As can be seen from the Mood Board images the materials that will be used are various wood steel ceramic and glass elements. The use of contrasting and bright colours will be implemented in the inside of the building to create a modern feel to the interior, while also keeping some of the structural elements in their natural state in order to preserve the historic character. Various stone walls and timber beams will be kept as is to preserve heritage structures, while also creating a contrast between the modern and historic. It is important to note that the mood board is a conceptual document and that this will be adopted in the planning process along with the location of various archaeological important aspects.

TIMEFRAME

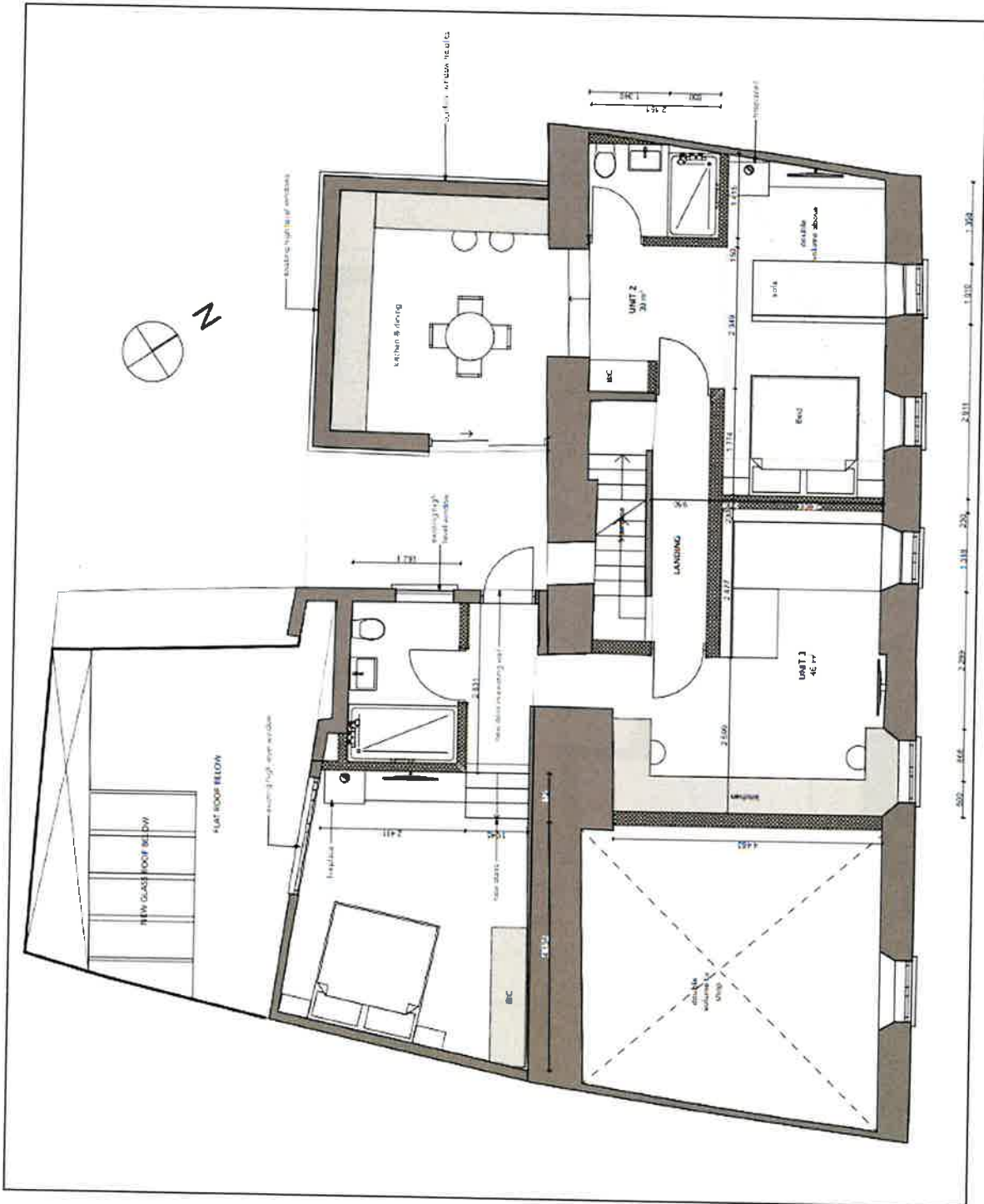
The timeframe for the proposed renovations will be determined by this application and can be advised by council. All timeframes will be subject to the relevant legislation and County documentation guidelines.

Annexure F

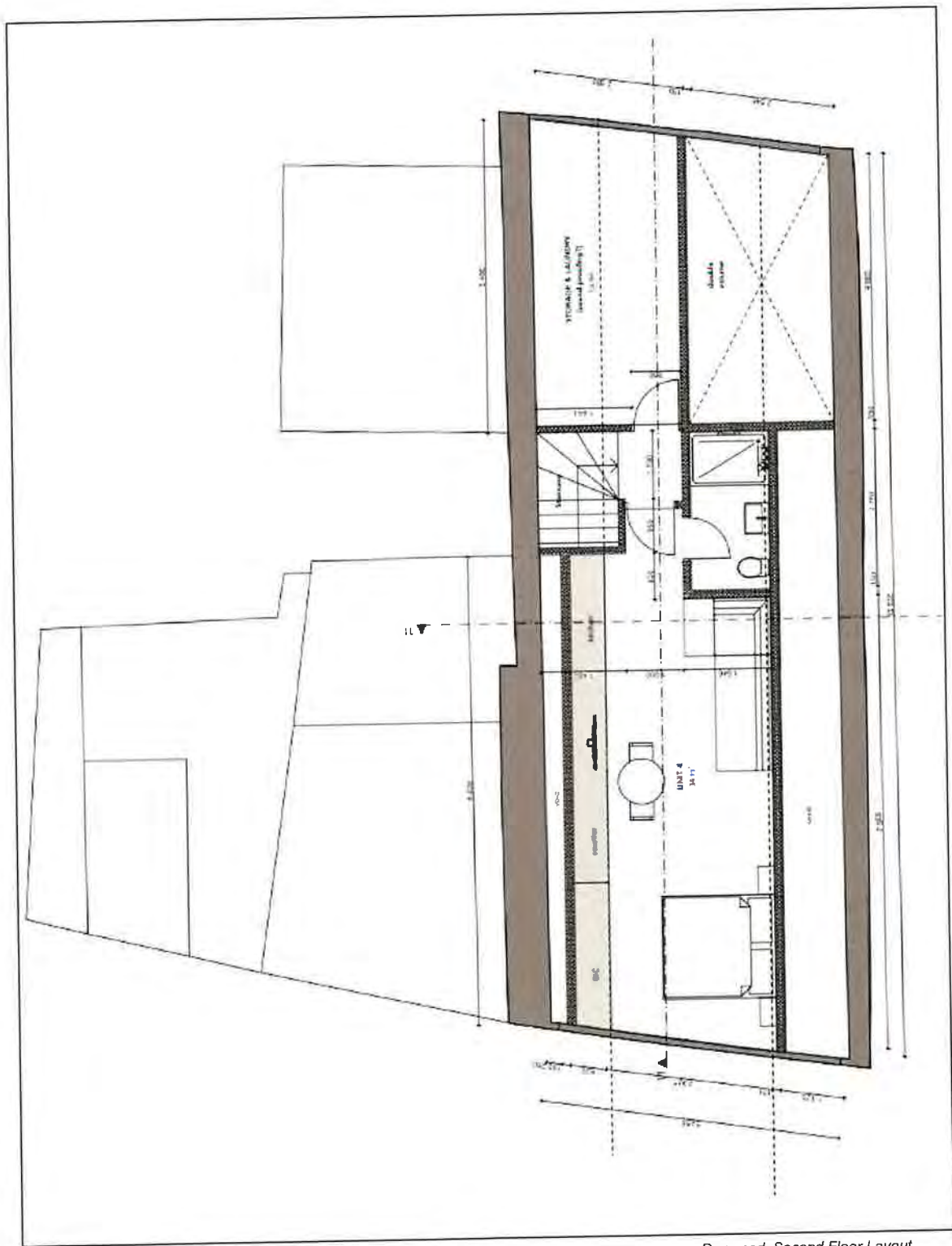
Plans and detailed drawings



Proposed Ground Floor Layout



Proposed First Floor Layout



Proposed Second Floor Layout

Annexure G

Ordnance Survey (O.S.) Maps

ORDNANCE SURVEY

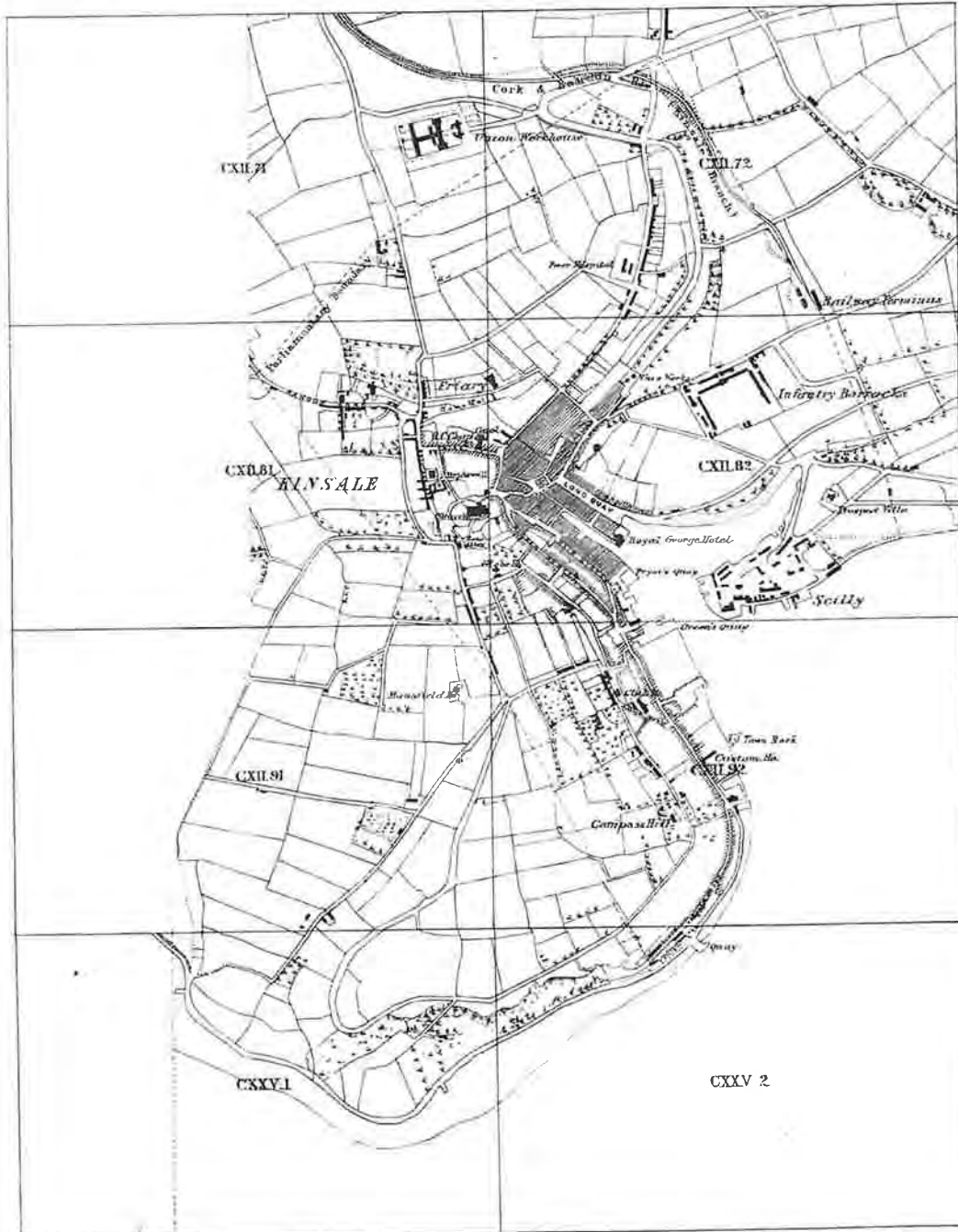
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to the Map of the Town of

KINSALE

Published on the Scale of Five Feet to One Statute Mile

Scale of this Index Six Inches to One Statute Mile



2401
1052
13

Published in 8 Sheets at 2/- each

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Annexure G

Ordnance Survey (O.S.) Maps

Town of Kinsale

PARISH OF BINGUERIN

C^o CORK Sheet CXII 82



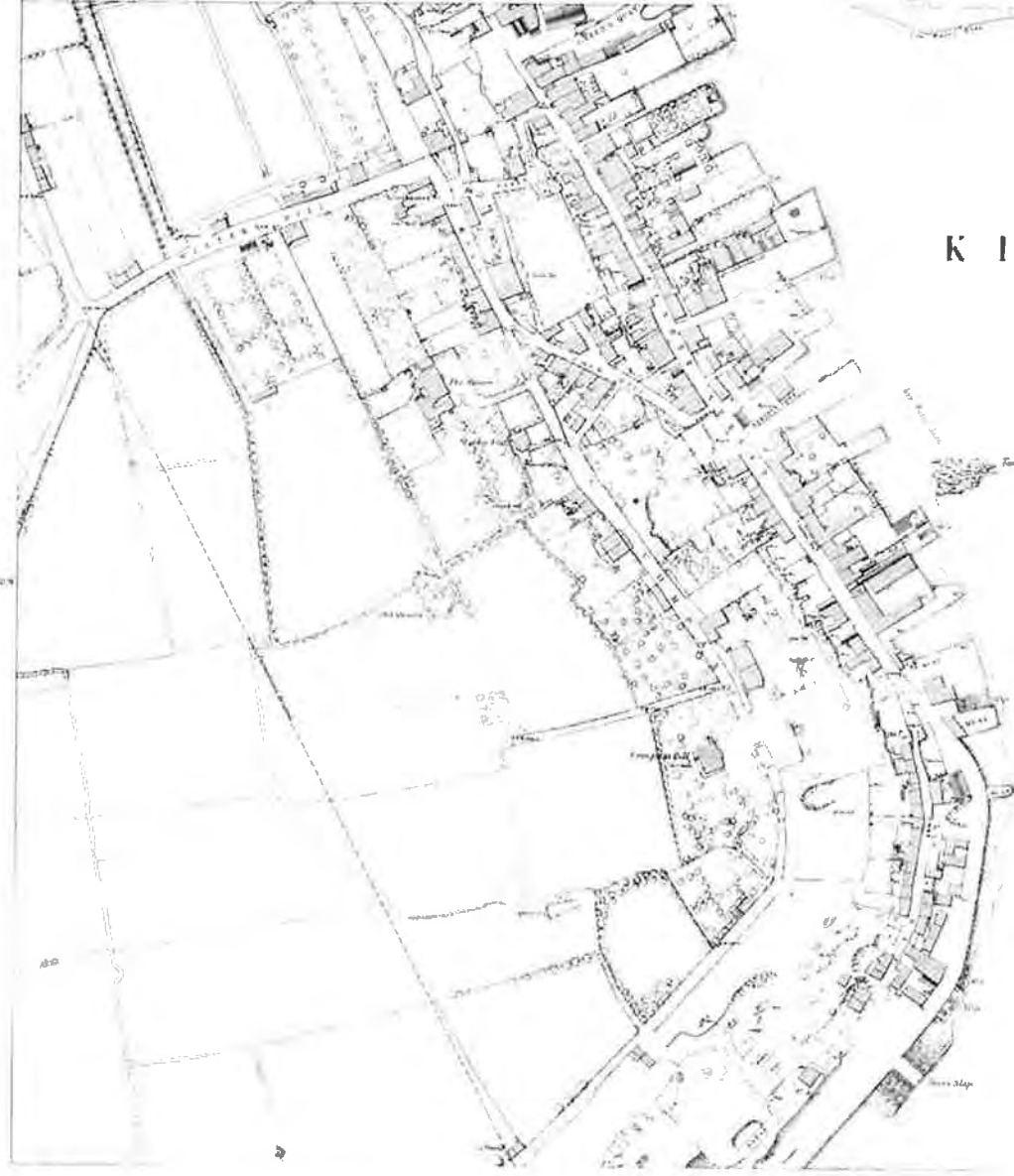
Town of Kinsale

PARISH of KINSALE

CORK Sheet CXII.52

KINSALE HARBOUR

R
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1857

Scale of Feet 0 100 200 300 400 500 600 700 800 900 1000
Scale of Miles 0 1 2 3 4 5 6 7 8 9 10
Scale of Nautical Miles 0 1 2 3 4 5 6 7 8 9 10
Scale of Fathoms 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000