

Comhairle Contae Chorcaí Cork County Council

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Halla an Chontae,
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Corcaigh T12 R2NC.
Fón: (021) 4276891
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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



Ian & Brendan Mullins,
Southwinds,
Ovensbridge,
Ovens,
Co. Cork.
P31 H422

24th July, 2024

Our Ref.: D/244/24

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

Whether the proposed new vehicular entrance and driveway at Ovensbridge, Ovens, Co. Cork P31 CR62 is or is not development or is or is not exempted development.

Dear Sirs,

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,


Tracy O' Callaghan
SO 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>



We are Cork.



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Comhairle Contae Chorcaí Cork County Council

Kevin & Mary Mullins,
c/o Brendan Mullins,
27 College Grove,
Ennis,
Co. Clare,
V95 X0DW.

Pleanáil agus Forbairt,
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Web: www.corkcoco.ie



24th July 2024

REF: D/244/24
LOCATION: Ovensbridge, Ovens, Co. Cork, P31 CR62.

**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 1st July 2024 the Planning Authority, having considered the question whether or not the creation of an entrance on the Curraghbeg Road and an additional gated driveway between the new entrance and the existing property at **Ovensbridge, Ovens, Co. Cork** is development and is or is not exempted development:-

Cork County Council, in considering this referral had regard particularly to:-

- Sections 1, 2, 3, 4 and 6 of the Planning and Development Acts 2000 (as amended),
- Article 9(1)(a)(ii) of the Planning and Development Regulations 2001 (as amended),
- Class 5 and Class 9 Schedule 2, Part 1, Exempted Development – General of the Planning and Development Regulations 2001 (as amended) and
- The plans and particulars received by the Planning Authority on 1st July 2024.

AND WHEREAS Cork County Council has concluded that -

- The formation of a new entrance onto a road less than 4m wide is deemed development and is **exempted development**.
- The creation of a new driveway does not fall under any exemptions as provided for in the Planning and Development Act, 2000 as amended or the Planning and Development Regulations 2001, as amended so is therefore development and is **not exempted development**.
- The proposal of new gates does not meet the requirements of Class 5 or Class 9 of Schedule 2, Part 1 Exempted development of the P& D Regs 2001 as amended, so is therefore deemed development and is **not exempted development**.



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And now therefore the Planning Authority hereby decides that a **SPLIT DECISION** arises in the assessment of the subject Section 5 request.

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

Yours faithfully,


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

D/244/24 – Section 5 Declaration

A Section 5 declaration is sought by Brendan Mullins on behalf of Kevin and Mary Mullins of Ovensbridge, Ovens, Co. Cork for an *additional entrance and driveway to their existing home*.



Figure 1 Subject site location

Question subject of the Section 5

On the basis of the information submitted the question to be addressed under this request is as follows:

“Whether the creation of an additional entrance, gates and driveway is development and is or is not exempted development.

It is detailed in the documentation that the subject lands upon which the entrance and driveway are proposed are owned by Ian Mullins and Brendan Mullins, brothers of Kevin Mullins. They have consented to allow an additional entrance and driveway for the subject property to be formed on their lands to connect the subject property to Curraghbeg road.

The subject area is currently covered in dense vegetation.

Planning History

On site

15/4044 Permission granted to Ian and Annemarie Mullins for the Construction of a single storey extension to side of dwelling ground floor of existing dwelling to Montessori school for sessional hours and new access ramp to entrance to side.

1. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

Section 2(1) states as follows:-

“In this Act, except where the context otherwise requires – ‘development’ has the meaning assigned to it by Section 3 ...”

Section 3 (1) states as follows:-

“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 in the use of any structures or other land.”

Section 4(1) identifies what may be considered as exempted development for the purposes of the Act, and Section 4(2) of the Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations, 2001.

Planning and Development Regulations, 2001 as amended

Article 6(1) of the Planning & Development Regulations, 2001 as amended states as follows:-

“Subject to article 9, development 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) (a) of the Planning & Development Regulations, 2001 as amended, provides a number of scenarios whereby development to which article 6 relates shall not be exempted development for the purposes of the Act.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

CLASS 5 The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Conditions/Limitations

1.The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.

2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.

3. No such structure shall be a metal palisade or other security fence.

CLASS 9 The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

Conditions/Limitations

The height of any such structure shall not exceed 2 metres.

CLASS 13 The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

Condition and Limitations

The width of any such private footpath or paving shall not exceed 3 metres.

Assessment

I note the details and drawings submitted as part of the application.

The site which comprises a dwelling house is currently served from the N22 to the south of the dwelling. The proposed entrance is to be located on a local road, L6228 to the east of the dwelling. The road is stated to be 3m wide.

The works proposed are considered 'development' in accordance with Section 3 (1) of the Planning and Development Act, 2000 as the change of use is a material change.

I have reviewed the development proposal in relation to exemptions as provided in the Planning and Development Regulations 2001, as amended and Section 4 of the Planning and Development Act, 2000 as amended and would contend that the entrance would be exempt development as it accords with the restrictions on exemptions by virtue of Article 9 of the Planning and Development Regulations 2001, as amended which refers to *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—*

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

The development of the entrance is onto a road that is measured as 3m. This was confirmed by the Area Engineer. As such the development of the entrance is deemed exempt development.

The driveway proposed comprises a 3m wide tarmac driveway from the proposed entrance to the applicants dwelling house. I have reviewed the exemptions and would not consider any exemptions that would cover same.

In relation to the proposed gates, the gates are proposed within the curtilage of a house but not within the curtilage of the house it is serving so having reviewed **CLASS 5** of Schedule 2, Part 1 Exempted development of the P& D Regs 2001 as amended, which refers to *The*

construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete and Class 9 of Schedule 2, Part 1 Exempted development of the P& D Regs 2001 as amended, which refers to, 'The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway, it is considered it that the proposed gate is not within the curtilage of a house as referred in Class 5 which is considered to be the house being served by the entrance and is not considered to meet the requirements of Class 9 as this refers to a gate not within the curtilage of a house and the proposed gate is bounding the curtilage of a house – referred to as James Brohans house on the site layout plan submitted and included below.

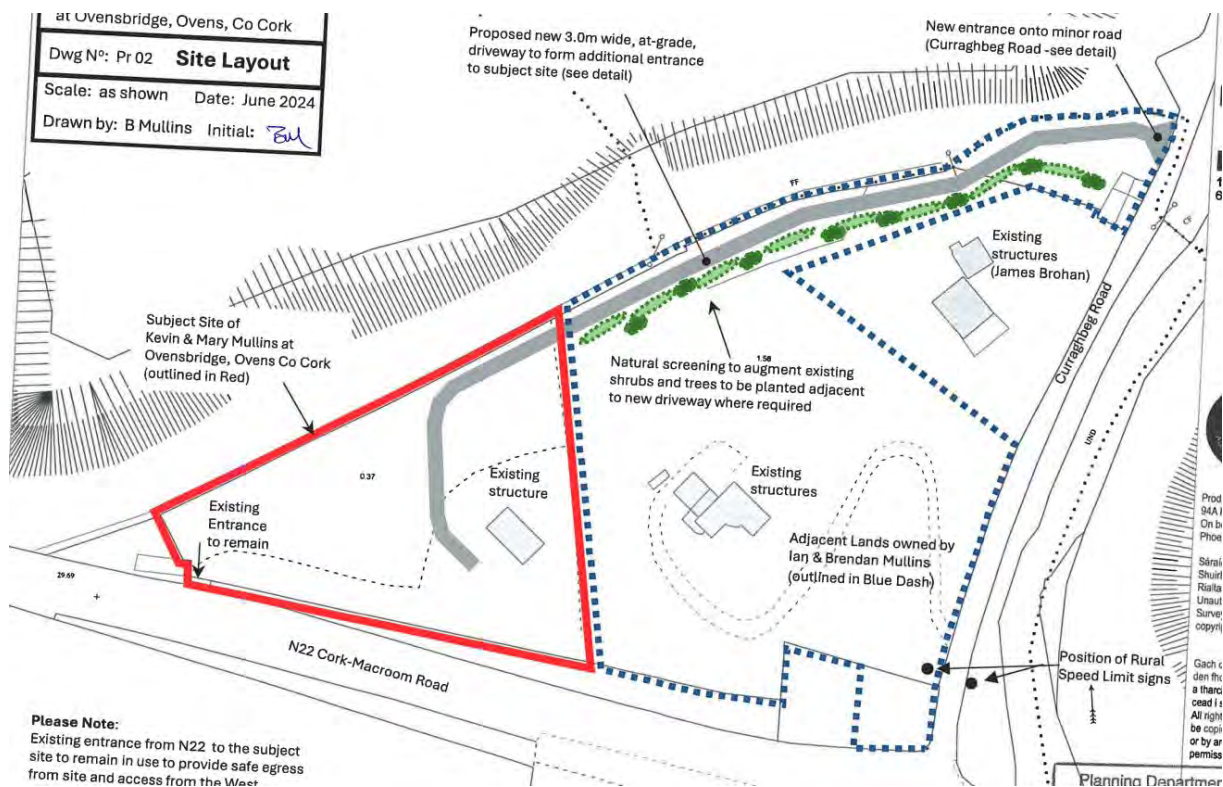


Figure 2 Site layout plan submitted.

Conclusion

WHEREAS a question has arisen as to *Whether the creation of an additional entrance, gates and driveway is development and is or is not exempted development.* **AND WHEREAS** Cork County Council, in considering this referral, had regard particularly to –

- Sections 1,2, 3, 4 and 6 of the Planning and Development Act, 2000, as amended
- Article 9 1 (a) (ii) of the Planning and Development Regulations, 2001 as amended.
- Class 5 and Class 9 Schedule 2, Part 1, Exempted Development – General of the Planning and Development Regulations 2001, as amended

The Planning Authority has concluded that:

- The formation of a new entrance onto a road less than 4m wide is deemed development and exempt development.
- The creation of a new driveway does not fall under any exemptions as provided for in the Planning and Development Act, 2000 as amended or the Planning and Development Regulations 2001, as amended so is therefore development and not exempt development.
- The proposal of new gates does not meet the requirements of Class 5 or Class 9 of Schedule 2, Part 1 Exempted development of the P& D Regs 2001 as amended, so is therefore deemed development and not exempt development.



Carol Dunne
Executive Planner

18.07.2024

Ian & Brendan Mullins,
Southwinds,
Ovensbridge,
Ovens,
Co. Cork.
P31 H422

3rd July, 2024

Our Ref.: D/244/24

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

Whether the proposed new vehicular entrance and driveway at Ovensbridge, Ovens, Co. Cork P31 CR62 is or is not development or is or is not exempted development.

Dear Sirs,

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 Kevin & Mary Mullins with respect to whether the above description at Ovensbridge, Ovens, Co. Cork constitutes development.

You are being notified as the applicant has indicated that you are the legal owners of the land in question.

Yours faithfully,

Angela Carrigy
ASO 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>

**Cork County Council,
Planning Department,
County Hall,
Carrigrohane Road,
Cork,
T12 R2NC**

27 College Grove,
Ennis,
Co Clare,
V95 X0DW

Mobile: (087) 242 3375
Email: bmmullins@gmail.com

Date: 28th June 2024

Subject: Section 5 Declaration of Exemption for an Additional Entrance and Driveway for Kevin & Mary Mullins at Ovensbridge, Ovens, Co Cork, P31CR 62 in the townland of Knockanemore, Co Cork

Dear Sir/Madam,

On behalf of Kevin and Mary Mullins may I apply for a Section 5 Declaration of Exemption for an additional entrance and driveway to their existing home at Ovensbridge, Ovens, Co Cork in the townland of Knockanemore, immediately west of Ballincollig, Co Cork.

Included in this application with this cover letter are:

- Fully completed and signed Section 5 Application Form (4No copies)
- Fully completed Contact Details Form (1No copy)
- Section 5 Declaration of Exemption Submission (4No copies)
- Site Location plan on OSI 6" map (4No copies)
- Site Layout plan on OSI map at a scale of 1:1000 (4No copies)
- Site Details as dimensioned (4No copies)

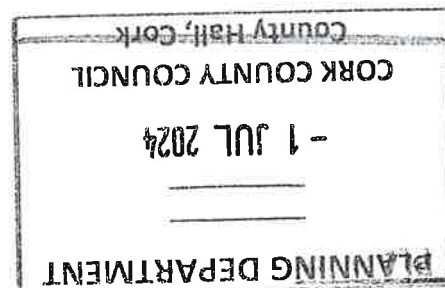
I also confirm that the Application Fee of €80 has been paid.

I trust the above is to your satisfaction but should you require any further information or clarification, please do not hesitate to contact me.

Yours Sincerely,



Brendan Mullins
BE, MEngSc, Chartered Engineer





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"/>
<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.	PLG0044757
Cash/Cheque/ Credit Card	CARD
Date	1/7/24
Declaration Ref. No.	D/244/24

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.

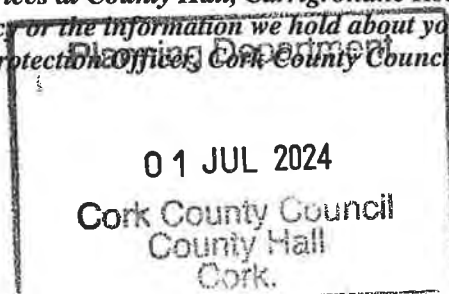
In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- 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.



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):	Not applicable
(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 type="checkbox"/> Not applicable If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable: Not applicable
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use Open lands covered with overgrown shrubs	Proposed use Entrance and driveway
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	K & M Mullins own the subject property. The adjacent lands are owned by family members (Ian & Brendan Mullins)	
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):	Ian Mullins, Brendan Mullins are owners of the adjacent lands	

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 checked="" type="checkbox"/>

Planning Department
01 JUL 2024
Cork Co.

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>Kevin Mullins</i>	<i>Mary Mullins</i>
Date	<i>28/6/24</i>	<i>28/6/24</i>

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:

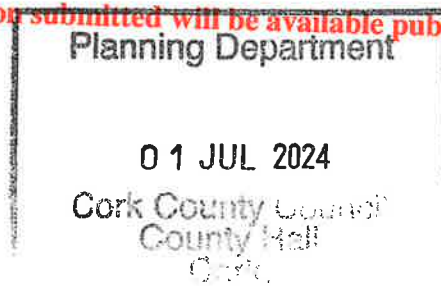
Sensitive personal data being submitted in support of Declaration of Exemption Application

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

Signed	<i>Kevin Mullins</i>	<i>Mary Mullins</i>
Date	<i>28/6/24</i>	<i>28/6/24</i>

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.



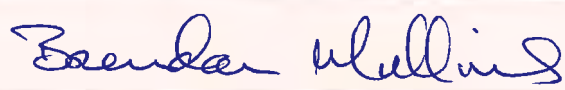
ADVISORY NOTES:

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	28/06/2024.

Planning Department

01 JUL 2024
Cork County Council
County Hall
Cork.

Section 5 Declaration of Exemption Request

**Proposed Additional Entrance for
Kevin & Mary Mullins
at Ovensbridge, Ovens, Co Cork**



Applicants: Kevin & Mary Mullins

Property Address: Ovensbridge, Ovens, Co Cork, P31 CR62

Submission by: Brendan Mullins BE, MEngSc, Chartered Engineer

June 2024

Planning Department
01 JUL 2024
Cork County Council
County Hall
Cork

Introduction

This submission seeks a Section 5 Declaration of Planning Exemption for an additional entrance to an existing property owned by Kevin & Mary Mullins at Ovensbridge, Ovens, Co Cork, P31 CR62. The property is located in the townland of Knockanemore, immediately west of Ballincollig, Co Cork.

The submission consists of:

- Completed Section 5 Application Form with Contact Details
- This Development Proposal Submission
- Drawing No Pr 01 – Site Location (6")
- Drawing No Pr 02 – Site Layout (1:1000)
- Drawing No Pr 03 – Details (As dimensioned)

Kevin and Mary Mullins (the Applicants) have owned and lived at their home at Ovensbridge Ovens, Co Cork since its construction in 1994. Access to their property is by private entrance directly from the N22 Cork-Macroom National Primary Route.

The Applicants wish to establish an additional entrance and driveway to their property from the minor roadway to the East of their lands known as Curraghbeg Road, which will provide a safer route into their property during times of heavy traffic by means of a protected right turn lane from the N22 to the Curraghbeg Road at Ovensbridge. See details below.

On behalf of the Applicants we have set out their proposal under the following headings:

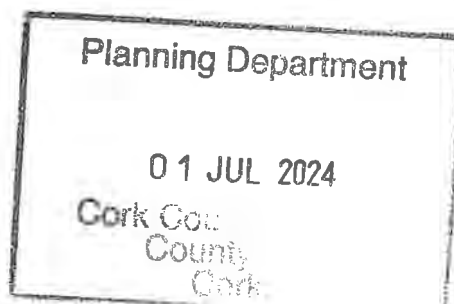
- Background
- Proposed Access & Egress Strategy
- The Proposed Entrance
- The Proposed Driveway
- Summary

Background

The subject property was constructed at Ovensbridge, Ovens, Co Cork by Kevin and Mary Mullins in 1994 following their marriage. Since then they have raised a family of three children who are all now at driving age. The number of cars entering the family property has increased fourfold.

In this period also a number of improvements have been made to the N22 in the immediate vicinity of their property. These include the completion of the Ballincollig Bypass and the introduction of a protected right turn lane from the N22 onto the Curraghbeg Road at Ovensbridge. Notably, the Ballincollig Bypass has led to a significant increase in general traffic on the N22 in recent years during morning and evening commuter rush hours.

Following a recent agreement with the members of the wider Mullins family including Ian Mullins, Brendan Mullins & James Brohan who are adjacent property owners, the Applicants are seeking to construct an additional entrance to their property from the minor Curraghbeg Road. The lands immediately to the East of the subject property are owned by Ian Mullins and Brendan Mullins, brothers of Kevin Mullins. They have agreed to allow an additional entrance and driveway for the subject property to be formed on their lands to connect the subject property to the Curraghbeg Road. James Brohan, the neighbouring property owner (brother-in-law to Kevin Mullins) also supports the proposal.



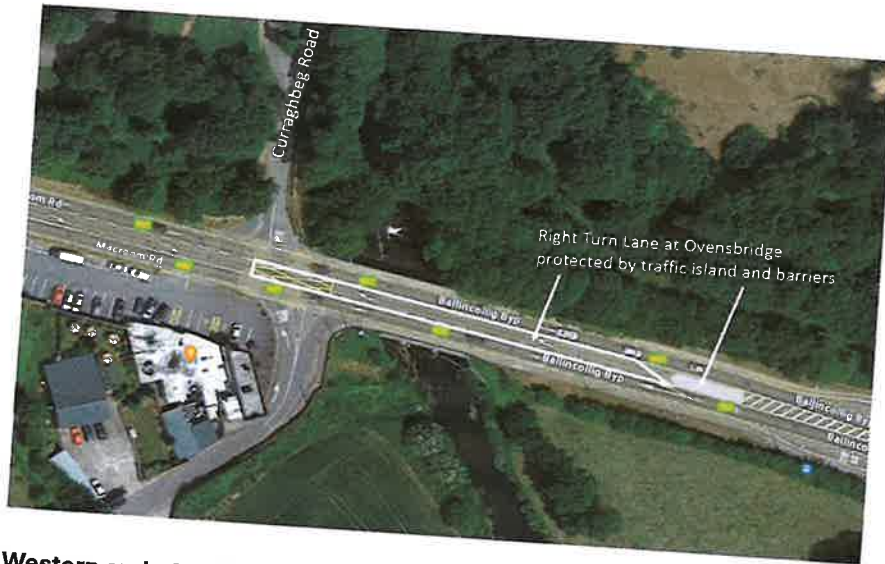


Figure 1 – Western end of Ballincollig Bypass with protected right turn lane to Curraghbeg Road

Proposed Access & Egress Strategy

The traffic patterns on the N22 have changed over the last 20 years and the N22 has become a very busy highway. It has become increasingly difficult for the Applicants and their family to make a safe right turn into their property from the N22 when approaching the entrance from the East. This is a concern to the Applicants.

In contrast the turn into the property from the West continues to be a very safe and efficient manoeuvre. Equally, the egress from the property onto the N22 through the existing entrance (exit) is very safe as the existing driveway is semi-elevated with a downward slope, offers excellent visibility of approaching traffic on the N22 in both directions and is uncomplicated with additional traffic lanes and traffic manoeuvring.

It is therefore proposed to introduce an additional entrance to the subject property from the Curraghbeg Road, which will allow the Applicants to adopt the following safe access/egress strategy:

- a. Access from the West – Continue to use the existing entrance as at present,
- b. Access from the East, particularly during high-volume traffic times – Use the protected right turn lane at Ovensbridge and the proposed additional entrance from the Curraghbeg Road,
- c. Egress from the property – Use the existing entrance (exit) as at present.

Please see Figures 2 & 3 below for a graphical representation of this strategy.

Planning Department

01 JUL 2024

Cork Co.
County
Cork



Figure 2 – Proposed right turn at Ovensbridge



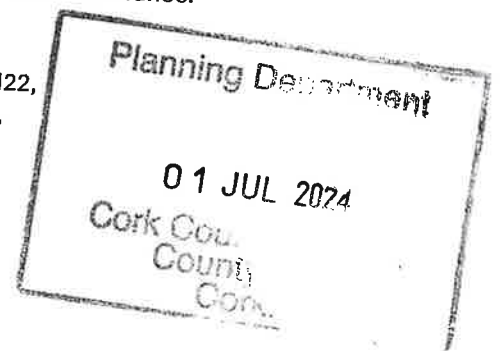
Figure 3 – Proposed access/egress strategy for the Applicants

The Proposed Entrance

The location of the proposed entrance has been chosen to be at a safe distance from the junction of the busy N22 and within the restricted speed limits imposed by the Rural Speed Limit signage adjacent to the N22 junction. The entrance is designed to offer a simple and efficient access to the Applicant's property from the very minor, narrow and low-speed Curraghbeg Road. The width of the Curraghbeg Road varies over its length from 3.0m & 3.5m wide. It is 3.0m wide at the location of the proposed entrance.

The proposed entrance will have the following features:

- Positioned 170m from the junction of the Curraghbeg Road with the N22,
- 150m within the Rural Speed Limit signs adjacent to the N22 junction,



- Positive drainage systems will prevent water running onto the Curraghbeg Road,
- The entrance (exit) will have unobstructed sight distance of 80m+ in both directions,
- Adjacent embankments and vegetation will be shaped and trimmed to optimise sight distance,
- The entrance will have splayed sides (nominally 45°) to increase visibility,
- The entrance gate will be set back a minimum of 5.0m from the edge of the Curraghbeg Road to allow a car to wait off of the road if the gates are closed,
- The entrance gates will be restricted to only open inwards, away from the Curraghbeg Road,
- All arisings from the construction of the proposed entrance will be retained on site.

The location and details of the proposed additional entrance on the Curraghbeg Road was recently discussed with the local Senior Executive Engineer from Cork County Council, James Dwyer. He considered the proposal to be technically acceptable, subject to approval. See Drawing No's Pr 02 & 03.

The Proposed Driveway

The proposed driveway will connect the proposed entrance above to the Applicants property in a simple and efficient manner as follows:

- The driveway will be positioned to take advantage of a natural valley at the northern edge of the family-owned lands. It will be hidden and inobtrusive,
- It will be constructed "at-grade" and follow the natural contours of the ground as much as possible to minimise the disruption to the lands,
- The lands are well drained with sandstone gravel substrata that is not at risk of flooding,
- The driveway will be 3.0m wide with a macadam or similar surface on graded stone sub-base and will have natural drainage within the site.
- All arisings from the construction of the proposed driveway will be retained on site.

See details on Drawing No's Pr 02 & 03.

Summary:

The Applicants, Kevin & Mary Mullins would like to introduce an additional entrance to the property which would allow safer access to their home. The opportunity to introduce this entrance on family owned lands has only recently presented itself through an agreement with the wider Mullins Family members.

The Applicants are seeking a Section 5 Declaration of Planning Exemption for this development. Every effort has been made to ensure that the proposal is safe and efficient. The proposal has been discussed with the local Senior Executive Engineer from Cork County Council, who considers it to be acceptable, subject to approval.

On behalf of the Applicants, may we seek this Section 5 Declaration of Exemption for the proposed entrance and driveway.

I can be contacted at any time in relation to the above with my contact details that I have provided separately.

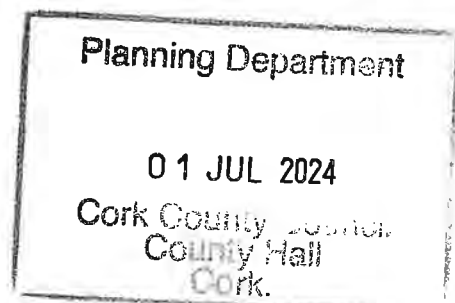
Signed:

Brendan Mullins

Brendan Mullins, BE, MEngSc, Chartered Engineer

Date:

28/06/2024.



Record PLACE Map





Proposed Additional Entrance for
Kevin & Mary Mullins
at Ovensbridge, Ovens, Co Cork

Dwg N^o: Pr 01 **Site Location**

Scale: as shown Date: June 2024

Drawn by: B Mullins Initial: *Bu*

Key:
Subject Site shown thus: 
Overall Site shown thus: 

ITM CENTRE PT COORDS

554768,570126

DESCRIPTION

MAP SHEETS

6 inch
CK072 CK073
CK084 CK085



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Planning Department

01 JUL 2024

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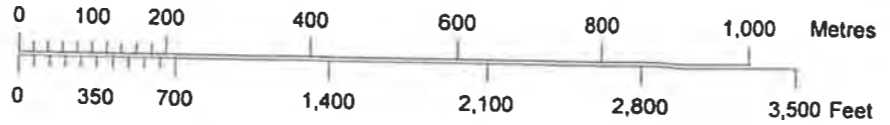
71362

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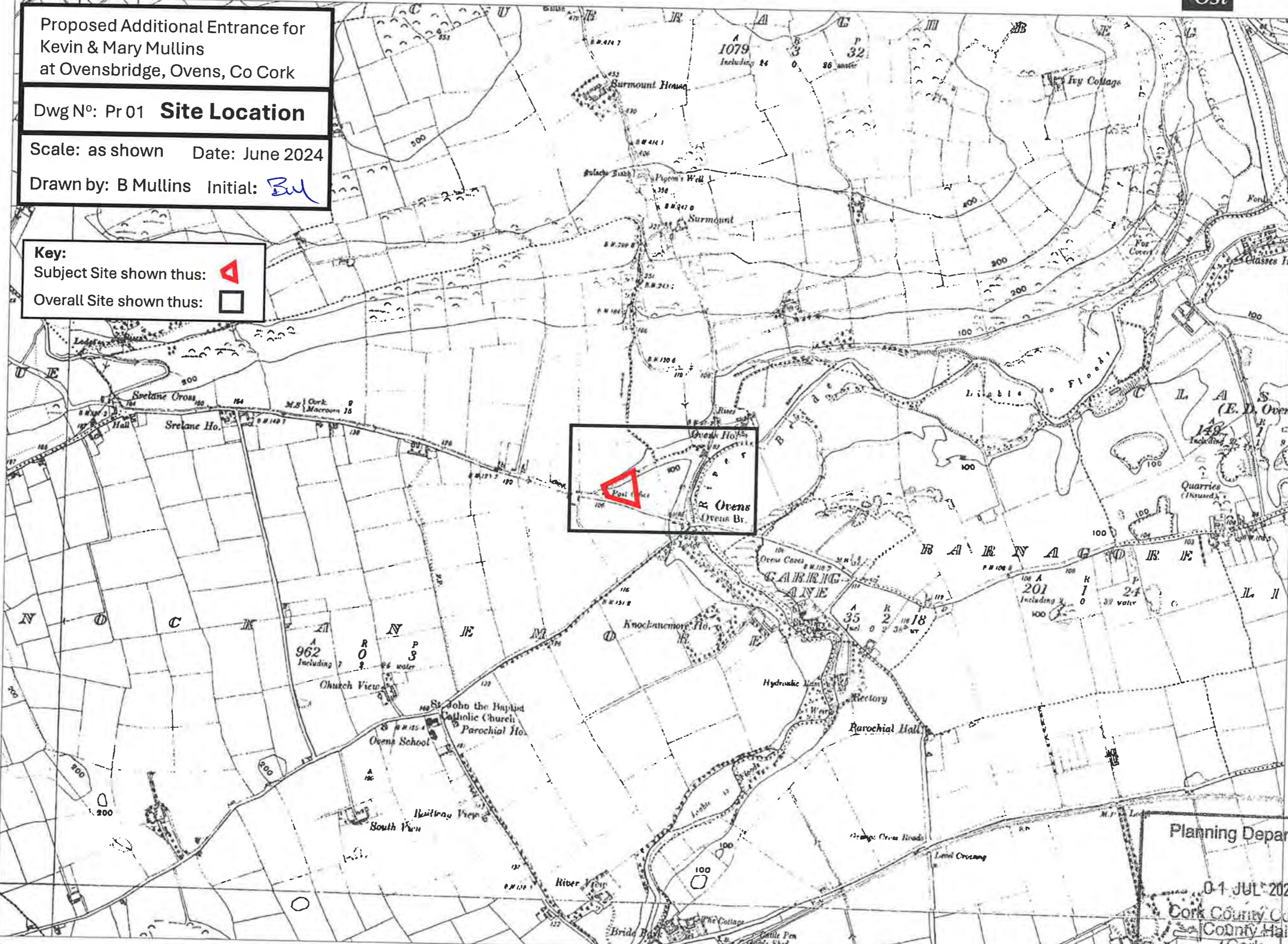
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Scale:- 1:10,560
Scála:- 1:10,560



Plot Ref. No. 1287291_3
Plot Date 21-FEB-2008



Rural PLACE Map



Revised 2007
Levelled

Proposed Additional Entrance for Kevin & Mary Mullins at Ovensbridge, Ovens, Co Cork

Dwg N^o: Pr 02 **Site Layout**

Scale: as shown Date: June 2024

Drawn by: B Mullins Initial: *Bm*

ITM CENTRE PT COORDS
554768,570126

DESCRIPTION

MAP SHEETS

1:2500
6379-D 6424-B



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Proposed new 3.0m wide, at-grade, driveway to form additional entrance to subject site (see detail)

New entrance onto minor road (Curraghbeg Road - see detail)

Subject Site of Kevin & Mary Mullins at Ovensbridge, Ovens Co Cork (outlined in Red)

Natural screening to augment existing shrubs and trees to be planted adjacent to new driveway where required

Existing structures (James Brohan)

Existing structure

Existing structures

Adjacent Lands owned by Ian & Brendan Mullins (outlined in Blue Dash)

Existing Entrance to remain

Position of Rural Speed Limit signs

N22 Cork-Macroom Road

Please Note:
Existing entrance from N22 to the subject site to remain in use to provide safe egress from site and access from the West

Planning Department
Ovens Bridge

0-1 JUL 2024

Cork County Council
County Hall
Cork

Plot Ref. No. 1287291_3_3
Plot Date 21-FEB-2008

Scale:- 1:1,000
Scála:- 1:1,000

