

# Comhairle Contae Chorcaí Cork County Council

Kyraview,  
C/O Mark Tubridy,  
Atlantic Building Consultants,  
Main Street,  
Cooraclare,  
Co. Clare.

10<sup>th</sup> September, 2024

REF: D/255/24  
LOCATION: 108 Thomas Davis Street, Mallow, Co. Cork.

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

Dear Sir/Madam,

On the basis of the information submitted by you on 13<sup>th</sup> August, 2024 the Planning Authority, having considered whether the continuous use of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor of the premises to accommodate displaced persons and persons seeking international protection until December 2028 at **108 Thomas Davis Street, Mallow, Co. Cork** is or is not development or 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

- Sections 2 and 3 of the Planning and Development Act 2000 (as amended)
- Article 10 of the Planning and Development Regulations 2001, (as amended)
- Schedule 2, Part 1, Class 20F of the Planning and Development Regulations 2001 (as amended)

## **And it is now concluded by the Planning Authority that**

The continuous use of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor of the premises to accommodate displaced persons and persons seeking international protection until December 2028 at 108 Thomas Davis Street, Mallow, Co. Cork does **not constitute exempted development**. Planning application history and eircode records confirm 8 no. of apartments at this location each with individual eircodes. Class 20F permits the change of use of certain specified structures for the purpose of accommodating displaced persons or the purposes of accommodating persons seeking international protection. The exemption provided under Class 20F lists the structure types/uses which can avail of the exemption. By intention or not, Class 20F (under S.I 605 of 2022 or S.I. 376 of 2023) fails to list 'residential apartment' or 'dwelling' as a type of structure which can avail of the exemption. Therefore, the continued use is not exempted development under Class 20F.

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
Fón: (021) 4276891 • Faics: (021) 4276321  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning & Development,  
County Hall,  
Carrigrohane Road, Cork T12 R2NC.  
Tel (021) 4276891 • Fax (021) 4276321  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



**NOW THEREFORE, Cork County Council**, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the said development is **not exempted development**.

**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.**

*In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>*

**Comhairle Contae Chorcaí**  
**Cork County Council**



Planning and Development Directorate  
Section 5 – Application for Declaration of Exemption Certificate

**Ref:** D/255/24 – Section 5 Declaration

**Name:** Kryaview Ltd

**Development:** Is the continued use of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor at 108 Thomas Davis Street, Mallow to accommodate displaced persons and persons seeking international protection until December 2028 exempted development?

**Site Location/Address:** 108 Thomas Davis Street, Mallow, Co. Cork.

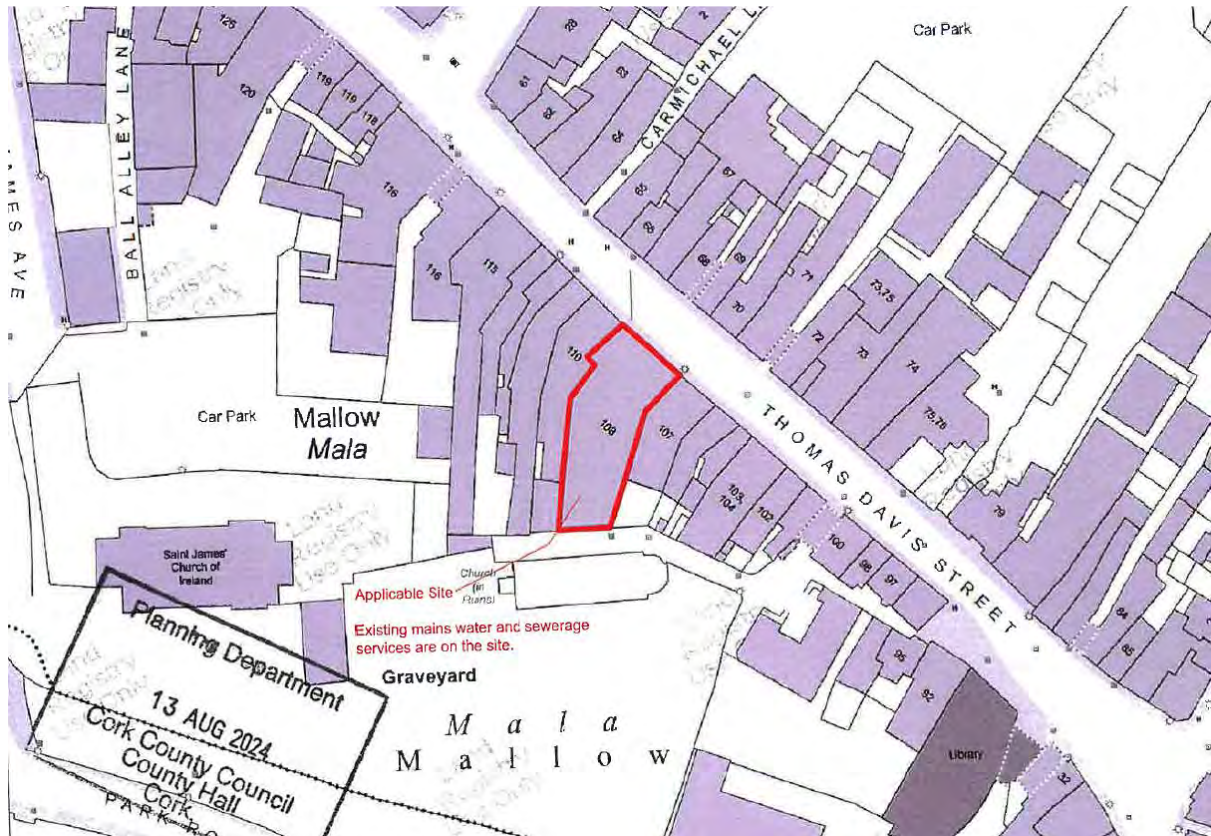
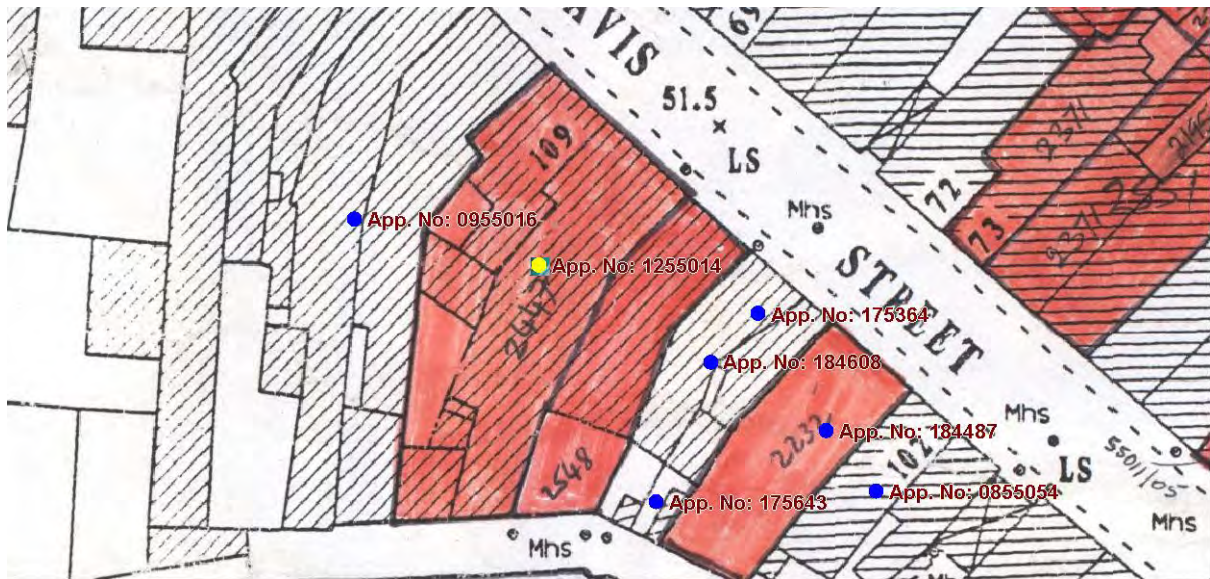


Fig.1: Subject Site Location



Fig. 2: Subject Building

Planning History:



Ref	Year	File	Applicant	Development Description	Address	Received	Decision	Decision Date	Final Grant
2447	2002	552447	Barry, Thomas & Catherine	Demolition of existing buildings and construct four storey building comprising of retail outlet, staff and storage area on the ground floor with a total of 9 no. apartments on three upper floors	Main Street (Thomas Davis Street), 108 & 109	28/05/02	Granted	24/10/02	27/11/02

Question subject of the Section 5:

### 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 existing premises comprises nine (9) self contained apartment units. The units are located on the 1st, 2nd and 3rd floor of 108 Main St, Mallow, Co Cork.

The premises is currently used to accommodate displaced persons and persons seeking international protection. Refer to attached letter from Minister Niall Collins.

This declaration of exemption is sought to continue the current use of the premises to accommodate displaced persons and persons seeking international protection until December 2028.

Planning Department

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

Is the continued use of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor at 108 Thomas Davis Street, Mallow to accommodate displaced persons and persons seeking international protection until December 2028 exempted development?

#### Legislative Context:

Planning and Development Act 2000 (as amended)

**Section 3(1)** of the Act states 'development' means:

*"In this Act, except where the context otherwise requires, "development" means— (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021)"*

**Section 2** of the Act defines 'works' as:

*"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure*

**Section 4** of the Act sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4(1)(h) of the Planning and Development Act 2000 (as amended) provides an exempted development provision for:

*“development consisting of the carrying out of works for the maintenance, improvement or other alterations of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”*

Planning and Development Regulations 2001 (as amended)

Article 6 states:- (1) Subject to Article 9, development of a class specified in column 1 part 1 of schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said part 1 opposite the mention of that class in the said column 1.

Article 9(1) of the 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.

Article 10 (1) Changes of Use of the Planning and Development Regulations 2001 (as amended) outlines that the classes of use specified in Schedule 2, shall be exempted development for the purposes of the Act, if the works carried out are exempted development.

S.I. No. 376 of 2023 – Planning and Development (Exempted Development) (No.4) Regulations 2023

<p style="text-align: center;"><i>Column 1</i> <i>Description of Development</i></p>	<p style="text-align: center;"><i>Column 2</i> <i>Conditions and Limitations</i></p>
<p><i>CLASS 20F Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</i></p>	<ol style="list-style-type: none"> <li><i>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</i></li> <li><i>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001.</i></li> <li><i>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</i></li> <li><i>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this</i></li> </ol>

	<p><i>class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</i></p> <p>5. <i>The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</i></p> <p>6. <i>‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.</i></p> <p>7. <i>‘international protection’, for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).</i></p> <p>8. <i>‘temporary protection’, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.”</i></p>
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### Assessment

I note the plans and particulars submitted as part of the application.

The key question therefore is whether the development is or is not exempted development.

- *“Is or is not exempted development?”*

The submitted application form states that the existing use is *“Accommodation supporting displaced persons and persons seeking international protection”*, and that the previous use was *“Residential Apartments”*. The proposed use is to continue *“Accommodation supporting displaced persons and persons seeking international protection”* until December 2028.



4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) 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/ <del>previous use</del> <u>Previous - Residential Apartments</u>  <u>Existing - Accommodation supporting displaced persons and persons seeking international protection</u>	Proposed use <u>Accommodation supporting displaced persons and persons seeking international protection</u>
(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):

Condition 3 under Class 20F stipulates “The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028”. Condition 4 stipulates that “Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class”.

Having regard to Class 20F (and S.I 376 of 2023 - Planning and Development (Exempted Development) (No.4) Regulations 2023 and Circular Letter PL 09/2023) the Planning Authority notes the previous use of the property (residential apartments) prior to use for accommodation supporting displaced persons and persons seeking international protection.

Planning application history (see above in report) and eircode records also confirm 8 no. of apartments at this location each with individual eircodes.

We have found the address. Please select an option below.

108 THOMAS DAVIS STREET, MALLOW, Co. CORK

View By:  Address  Business

APARTMENT 1, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

APARTMENT 2, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

APARTMENT 3, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

APARTMENT 4, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

APARTMENT 5, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

APARTMENT 6, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

APARTMENT 7, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

APARTMENT 8, 108 THOMAS DAVIS STREET, MALLOW, CO. CORK

[View on map](#)

Class 20F permits the change of use of certain specified structures for the purpose of accommodating displaced persons or the purposes of accommodating persons seeking international protection.

The exemption provided under Class 20F lists the structure types/uses which can avail of the exemption. By intention or not, Class 20F (under S.I. 605 of 2022 or S.I. 376 of 2023) fails to list 'residential apartment' or 'dwelling' as a type of structure which can avail of the exemption.

Therefore, the continued use is not exempted development under Class 20F.

The Class 20F exemption also stipulates that the temporary use is by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection. Whilst, it may be the case no documentary evidence has been submitted from the DCEDIY.

Furthermore, the exemption (under both S.I. 605 of 2022 and S.I. 376 of 2023) also states the notification requirement that a planning authority must be notified in writing of the details of the development prior to the commencement of the proposed change of use. The Planning Authority is not in receipt of a notification under Class 20F for this property.

The provisions of S.I. 306 of 2022 are also noted however this instrument was "to provide immediate protection in EU countries for persons displaced by the Russian invasion of Ukraine, including the need to provide emergency accommodation and support to these displaced persons". This section 5 declaration application documentation submitted by the applicant confirms that the building (8 no. of apartments) is being used by both displaced persons and persons seeking international protection, therefore the exemption under S.I. 306 of 2022 would not be applicable given the use by persons seeking international protection.

#### Environmental Impact Assessment (EIA) and Appropriate Assessment (AA)

Notwithstanding any exemptions within the regulations, Section 4(4) of the Act states that:

*"development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required"*.

The development is not EIA development.

In terms of AA Screening, the site is located within the screening zone for the Blackwater River SAC (Site Code 2170).

The site is located c.240m from the SAC and c.270m from the Blackwater River. Having regard to the nature and scale of the development within an existing building in the town centre and the distance from the SAC, it is considered that the development alone or in-combination is not likely to have significant effects on European sites in view of its conservation objectives.

On this basis it is considered that the development does not fall within the scope of Section 4(4) of the Act.

### Conclusion

Is Not Exempted Development

### Recommendation

**WHEREAS** a question has arisen as to:

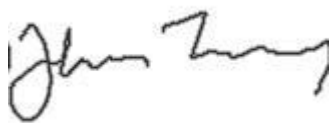
Whether the continued use of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor at 108 Thomas Davis Street, Mallow to accommodate displaced persons and persons seeking international protection until December 2028 exempted development?

**AND WHEREAS** Cork County Council, in considering this referral, had regard particularly to –

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended
- (b) Article 10 of the Planning and Development Regulations 2001 (as amended)
- (c) Schedule 2, Part 1, Class 20F of the Planning and Development Regulations 2001 (as amended)

**AND WHEREAS** Cork County Council has concluded that the continued use of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor at 108 Thomas Davis Street, Mallow to accommodate displaced persons and persons seeking international protection until December 2028 is not exempted development.

**NOW THEREFORE, Cork County Council**, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the said development is not exempted development.



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J. Tierney  
Executive Planner  
05/09/2024



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L. Ahern  
A/Senior Executive Planner  
06/09/2024

I have no issues from a conservation perspective with the extension, there do not appear to be any physical impacts that might affect the ACA  
Elena

**Dr Elena Turk** | Architectural Conservation Officer | Planning & Development  
Cork County Council | County Hall | Cork | T12 R2NC | Ireland



**From:** Angela Carrigy <[Angela.Carrigy@CorkCoCo.ie](mailto:Angela.Carrigy@CorkCoCo.ie)>  
**Sent:** Thursday, August 15, 2024 12:15 PM  
**To:** John Tierney <[John.Tierney@CorkCoCo.ie](mailto:John.Tierney@CorkCoCo.ie)>  
**Cc:** Louise Ahern <[Louise.Ahern@CorkCoCo.ie](mailto:Louise.Ahern@CorkCoCo.ie)>; Aidan Creagh <[Aidan.Creagh@CorkCoCo.ie](mailto:Aidan.Creagh@CorkCoCo.ie)>; Elena Turk <[Elena.Turk@CorkCoCo.ie](mailto:Elena.Turk@CorkCoCo.ie)>; Denis Beecher <[Denis.Beecher@CorkCoCo.ie](mailto:Denis.Beecher@CorkCoCo.ie)>  
**Subject:** Declaration of Exemption

Hi John,

Please find attached a Section 5 Declaration of Exemption from applicant KyraView Ltd querying whether the continuous use of premises at 108 Thomas Davis Street, Mallow to accommodate displaced persons seeking international protection for a period up to December 2028 is exempt. Our reference number is D/255/24 and is due for decision on 9<sup>th</sup> September. This premises is in the Mallow Architectural Conservation Area. Please send your reports to John Tierney for consideration.

# Atlantic Building Consultants

Incorporating PND Building Consultancy & Tubridy Engineering  
Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush,  
Co. Clare, Ireland V15 FN53 & Main St Cooraclare Co Clare

e: padraig.neylon@atlanticbc.ie  
mark.tubridy@atlanticbc.ie

p: 087 9765226  
083 4167097

Planning Department,  
Cork County Hall,  
Floor 2, Co. Hall  
Carrigrohane Road,  
Cork.  
T12 R2NC

12<sup>th</sup> August 2024

**Re:** Section 5 Declaration of Exemption for existing premises located at 108 Thomas Davis St (Main Street) Mallow, Co Cork.

A Chara,

Please find enclosed all relevant documentation to support Section 5 Declaration of Exemption for existing accommodation centre located at 108 Thomas Davis St (Main Street) Mallow, Co Cork.

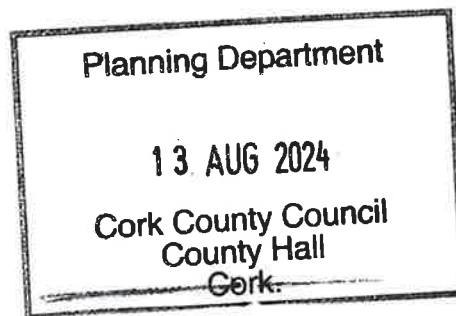
Documents	Copies
Section 5 Application Form	4
Support Letter	4
Land Registry Complaint Map	4
25" O.S. Map	4
4" O.S. Map	4
Site layout	4
Ground, first, second and third floor plans	4
Elevations	4
Section	4

For all queries or clarifications required in relation to the information provided in this letter, please contact the undersigned.

Yours sincerely



Mark Tubridy C.Eng MIEI, B.Eng.  
Atlantic Building Consultants Ltd





# 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"/>

Planning Department  
13 AUG 2024  
Cork County Council  
County Hall  
Cork.

## FOR OFFICE USE ONLY

Receipt No.	PL20002404
Cash/Cheque/ Credit Card	POSTAL ORDER
Date	15/8/24
Declaration Ref. No.	D/255/24

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 3<sup>rd</sup> 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](mailto: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)

KYRAVIEW LTD

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

108 THOMAS DAVIS ST (MAIN ST)  
MALLOW  
CO CORK

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

The existing premises comprises nine (9) self contained apartment units. The units are located on the 1st, 2nd and 3rd floor of 108 Main St, Mallow, Co Cork.

The premises is currently used to accommodate displaced persons and persons seeking international protection. Refer to attached letter from Minister Niall Collins.

This declaration of exemption is sought to continue the current use of the premises to accommodate displaced persons and persons seeking international protection until December 2028.

Planning Department

13 AUG 2024  
Cork County Council  
County Hall  
Cork.

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) 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/ <del>previous use</del> <u>Previous - Residential Apartments</u>  <u>Existing - Accommodation supporting displaced persons and persons seeking international protection</u>	Proposed use <u>Accommodation supporting displaced persons and persons seeking international protection</u>
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	<u>KYRAVIEW LTD</u>	
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):		

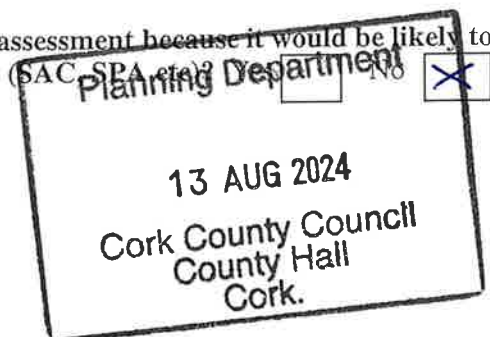
6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input 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)?

Planning Department  No



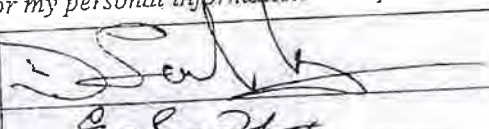


8. **DATA PROTECTION DECLARATION:**

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

*Processing of your Declaration of Exemption application by the Planning Authority*

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	
Date	9-8-24

**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	
Date	9-8-24

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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto: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.

Planning Department  
13 AUG 2024  
Cork County Council  
County Hall  
Cork.


## 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)	 MARK TUBRIDY - ATLANTIC BUILDING CONSULTANTS
Date	12/8/2024

**Planning Department**  
**13 AUG 2024**  
**Cork County Council**  
**County Hall**  
**Cork.**

# 1st Edition 25 Inch Historic Map



Tailte Éireann

CENTRE  
COORDINATES:  
ITM 556019,598421

PUBLISHED: 12/08/2024  
ORDER NO.: 50415905\_2

MAP SERIES: 25 Inch Raster  
25 Inch Raster  
MAP SHEETS: CK033-05  
CK033-06

COMPILED AND PUBLISHED BY:  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

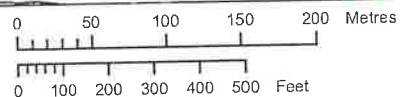
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OUTPUT SCALE: 1:5,000

CAPTURE RESOLUTION:  
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Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

LEGEND:  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'



# Last Edition 6 Inch Map



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 556019,598421

PUBLISHED: 12/08/2024 ORDER NO.: 50415905\_1

MAP SERIES: 6 Inch Raster MAP SHEETS: CK033

COMPILED AND PUBLISHED BY:  
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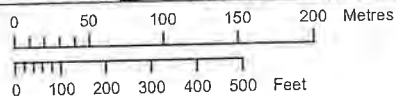
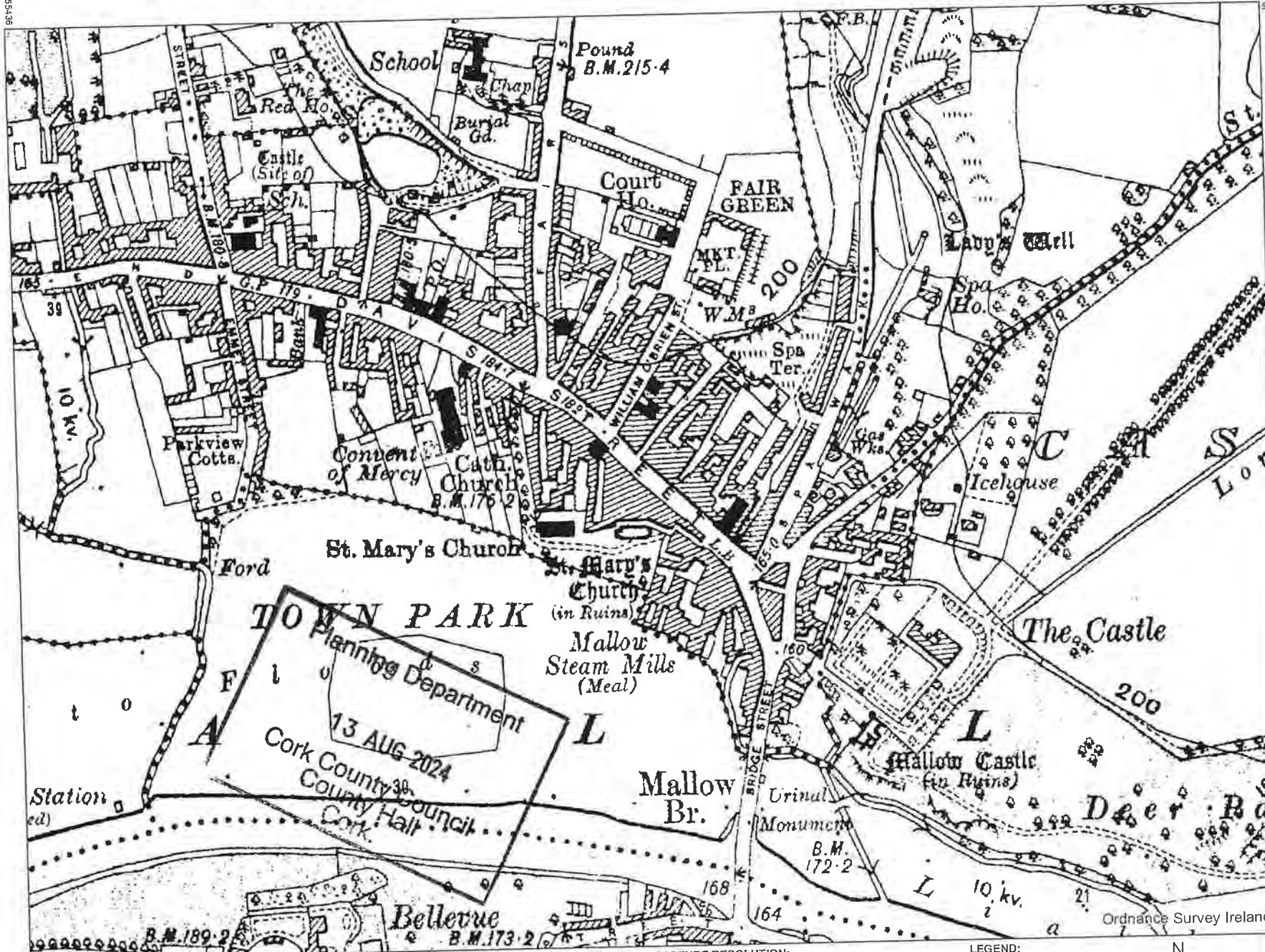
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OUTPUT SCALE: 1:5,000

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[www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'

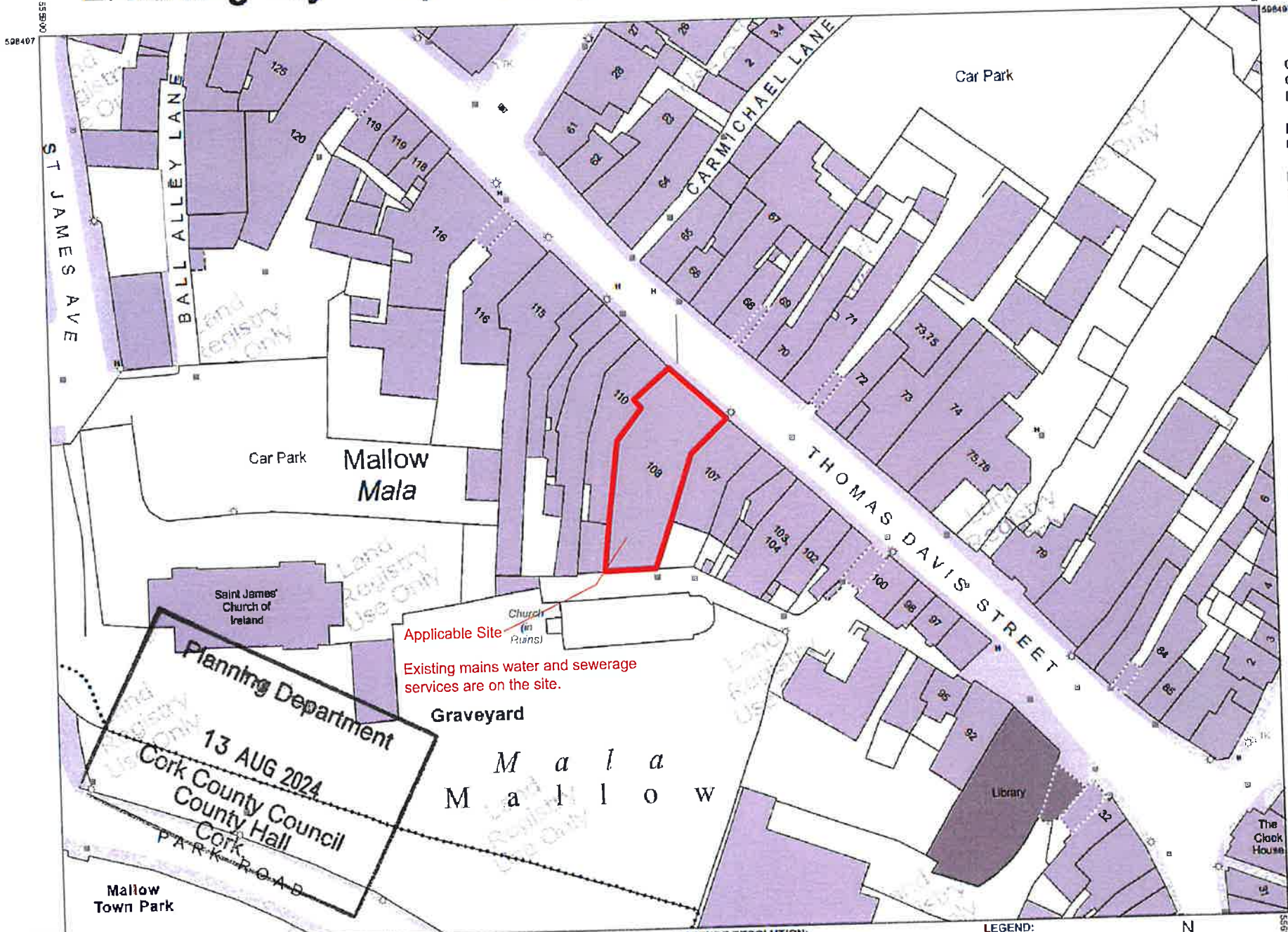


Ordnance Survey Ireland

# Land Registry Compliant Map



Tailte Éireann



**CENTRE COORDINATES:**  
ITM 556017,598411

**PUBLISHED:** 01/08/2024  
**ORDER NO.:** 50414401\_2

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 5952-15  
1:1,000 5953-11

**COMPILED AND PUBLISHED BY:**  
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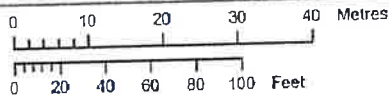
**Applicable Site**  
Existing mains water and sewerage services are on the site.

**Graveyard**  
M a l l o w

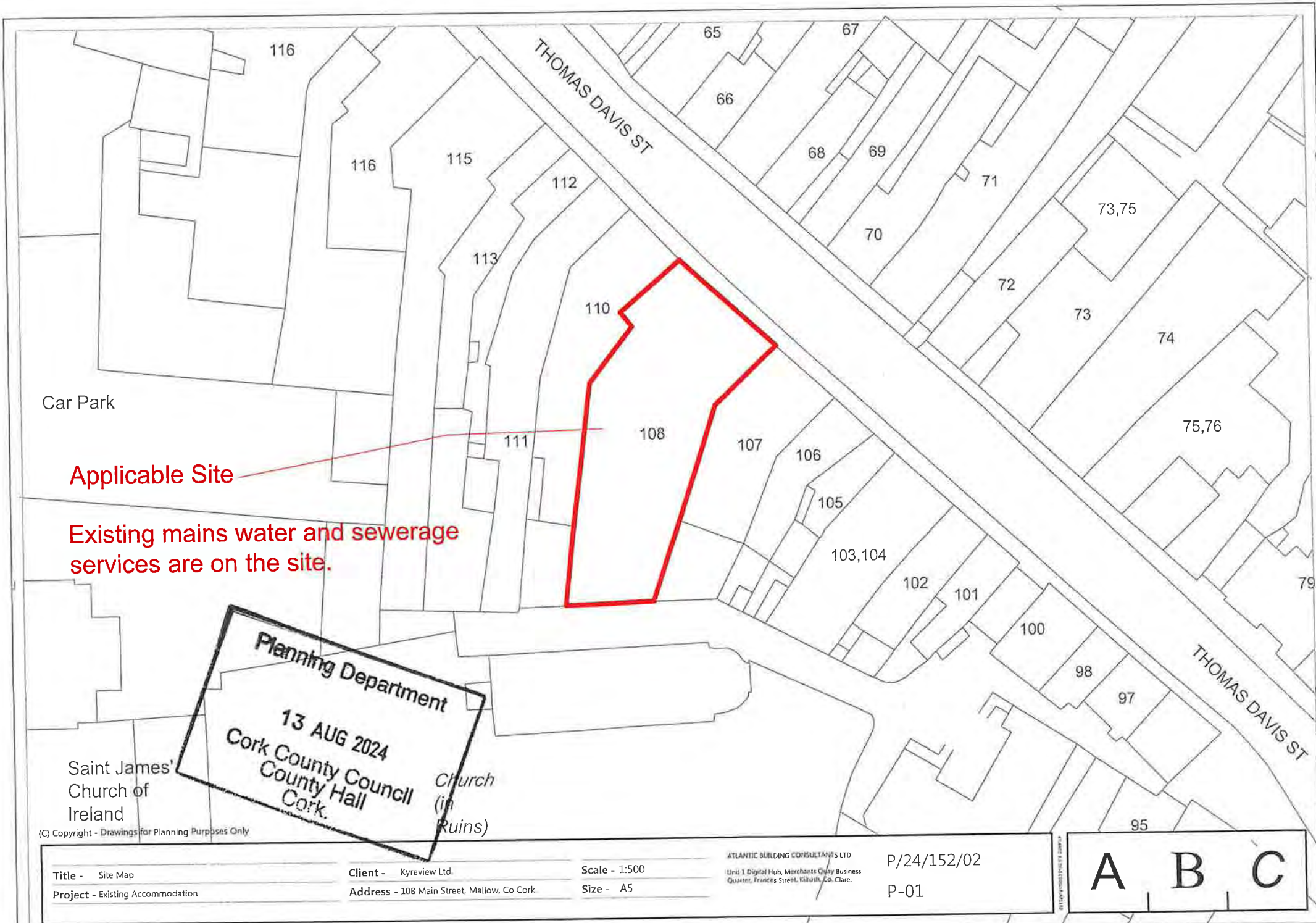
Planning Department  
13 AUG 2024  
Cork County Council  
Cork County Hall  
Cork  
PARK ROAD

**CAPTURE RESOLUTION:**  
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**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



**OUTPUT SCALE: 1:1,000**



**Applicable Site**

**Existing mains water and sewerage services are on the site.**

**Planning Department**  
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**County Hall**  
**Cork.**

Saint James' Church of Ireland

Church (in Ruins)

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Title - Site Map  
 Project - Existing Accommodation

Client - Kyraview Ltd.  
 Address - 108 Main Street, Mallow, Co Cork

Scale - 1:500  
 Size - A5

ATLANTIC BUILDING CONSULTANTS LTD  
 Unit 1 Digital Hub, Merchants Quay Business Quarter, Francis Street, Kilrush, Co. Clare.

P/24/152/02  
 P-01

**A B C**



Minister of State  
**Niall Collins TD**



To Whom it may concern,

Kyraview Ltd, who currently operate a number of emergency Accommodation Centres, are currently in contract to provide emergency accommodation for displaced international protection applicants for the Department of Children, Equality, Disability, Integration and Youth at the Mallow Accommodation Centre, 108 Thomas Davis Street, Mallow, Cork.

I am aware that Kyraview Ltd provide this accommodation on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection.

I can confirm in the capacity of Minister for State for Skills and Further Education, that I believe the property at 108 Thomas Davis Street, Mallow, Cork by Kyraview Ltd is suitable for the purpose it is currently being used for, I see it as being suitable for continued contracted by the Minister for Children, Equality, Disability, Integration and Youth for the purpose of accommodating or supporting persons seeking international protection.

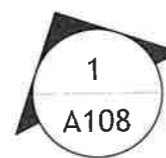
If you require any further information, please do not hesitate to contact me.

Yours sincerely,

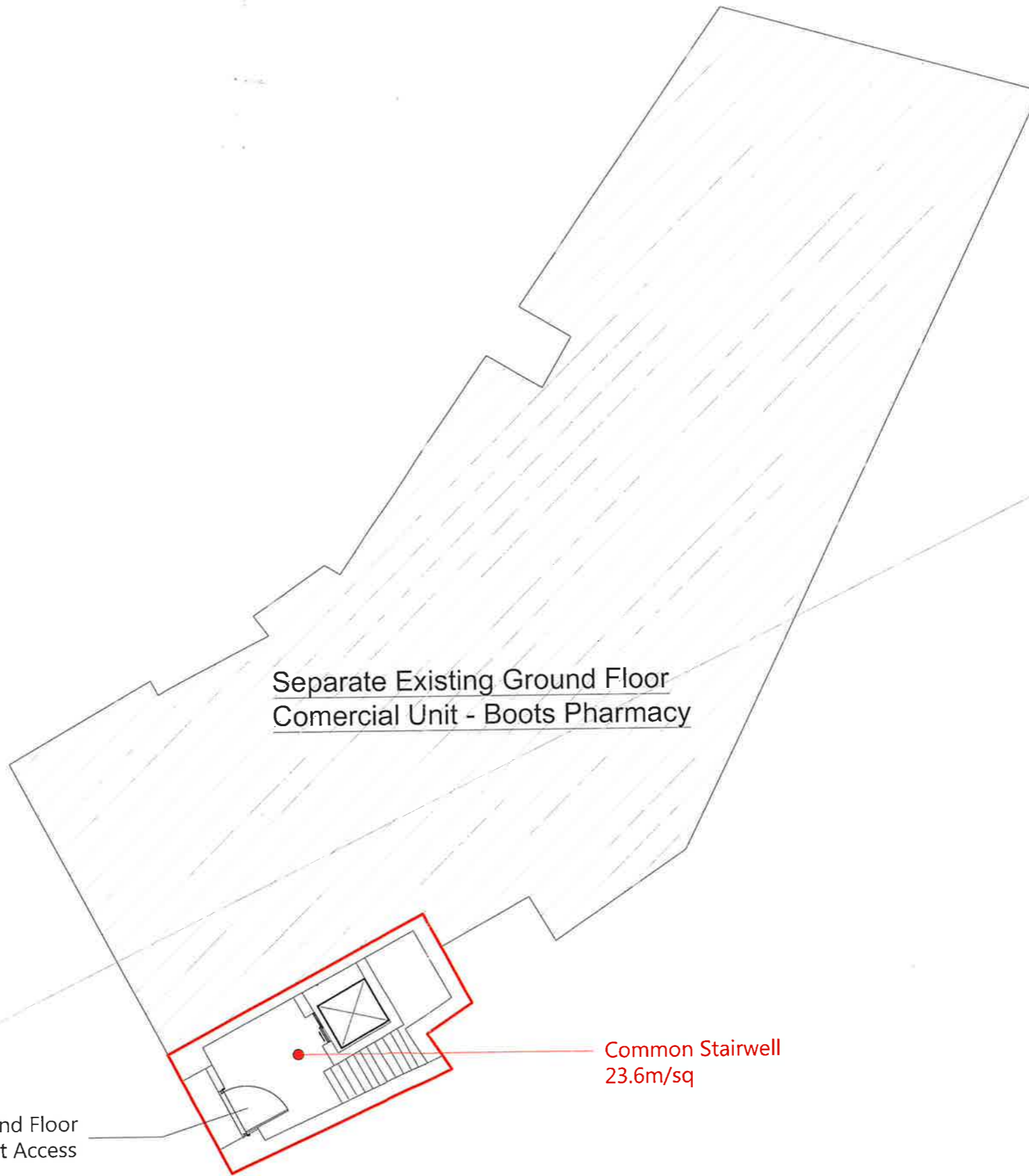
Niall Collins TD



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 13 AUG 2024  
 Cork County Council  
 County Hall  
 Cork.



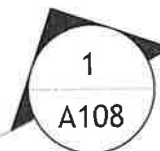
Ground Floor  
 Street Access



Separate Existing Ground Floor  
 Commercial Unit - Boots Pharmacy

Common Stairwell  
 23.6m/sq

Ground Floor Plan



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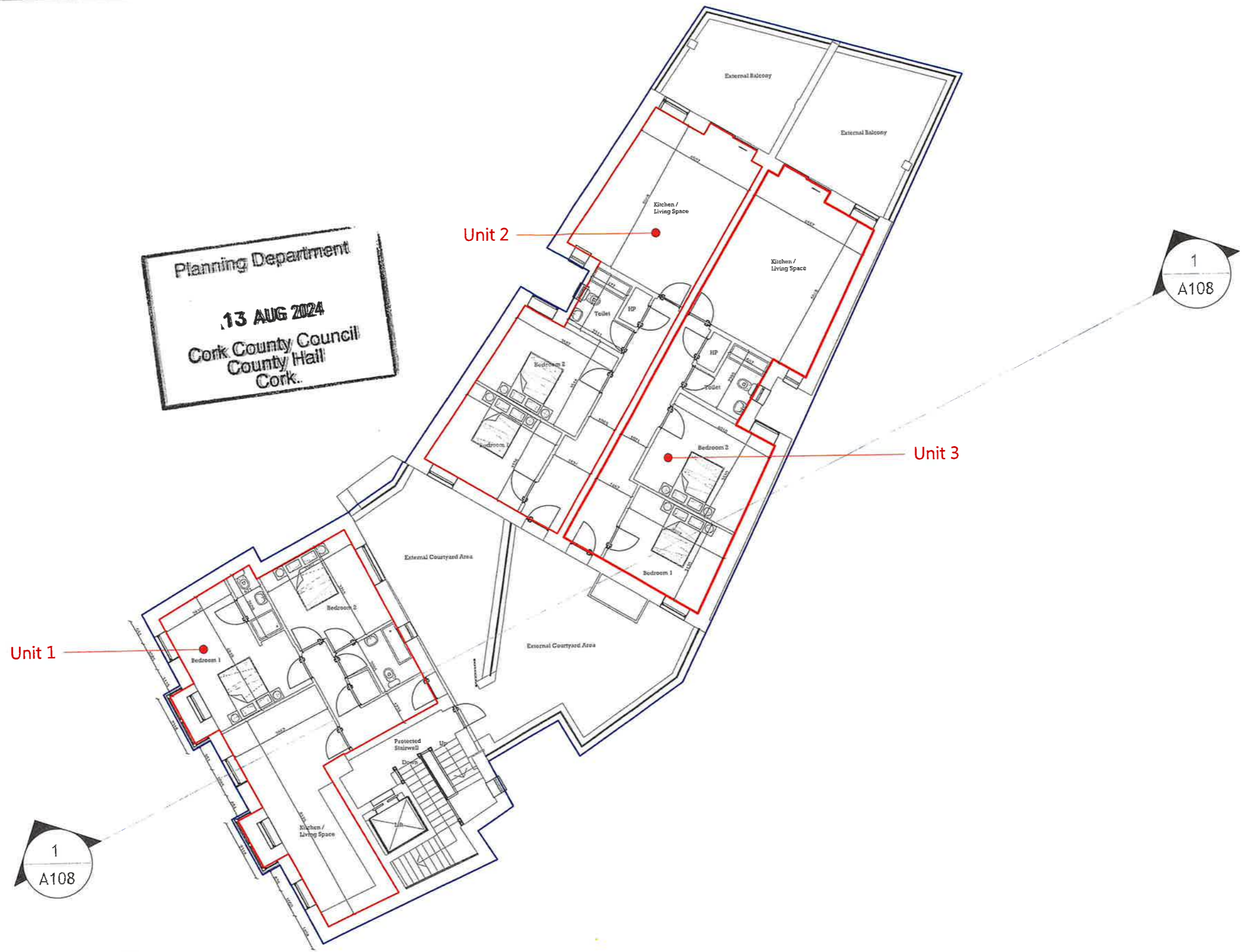
<b>Title</b> - Existing Ground Floor Plan	<b>Client</b> - Kyreview Ltd.	<b>Scale</b> - 1:150	ATLANTIC BUILDING CONSULTANTS LTD	P/24/152/03
<b>Project</b> - Existing Accommodation Centre	<b>Address</b> - Main Street, Mallow, Co Cork.	<b>Size</b> -	Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush, Co. Clare.	P-01 01.08.24



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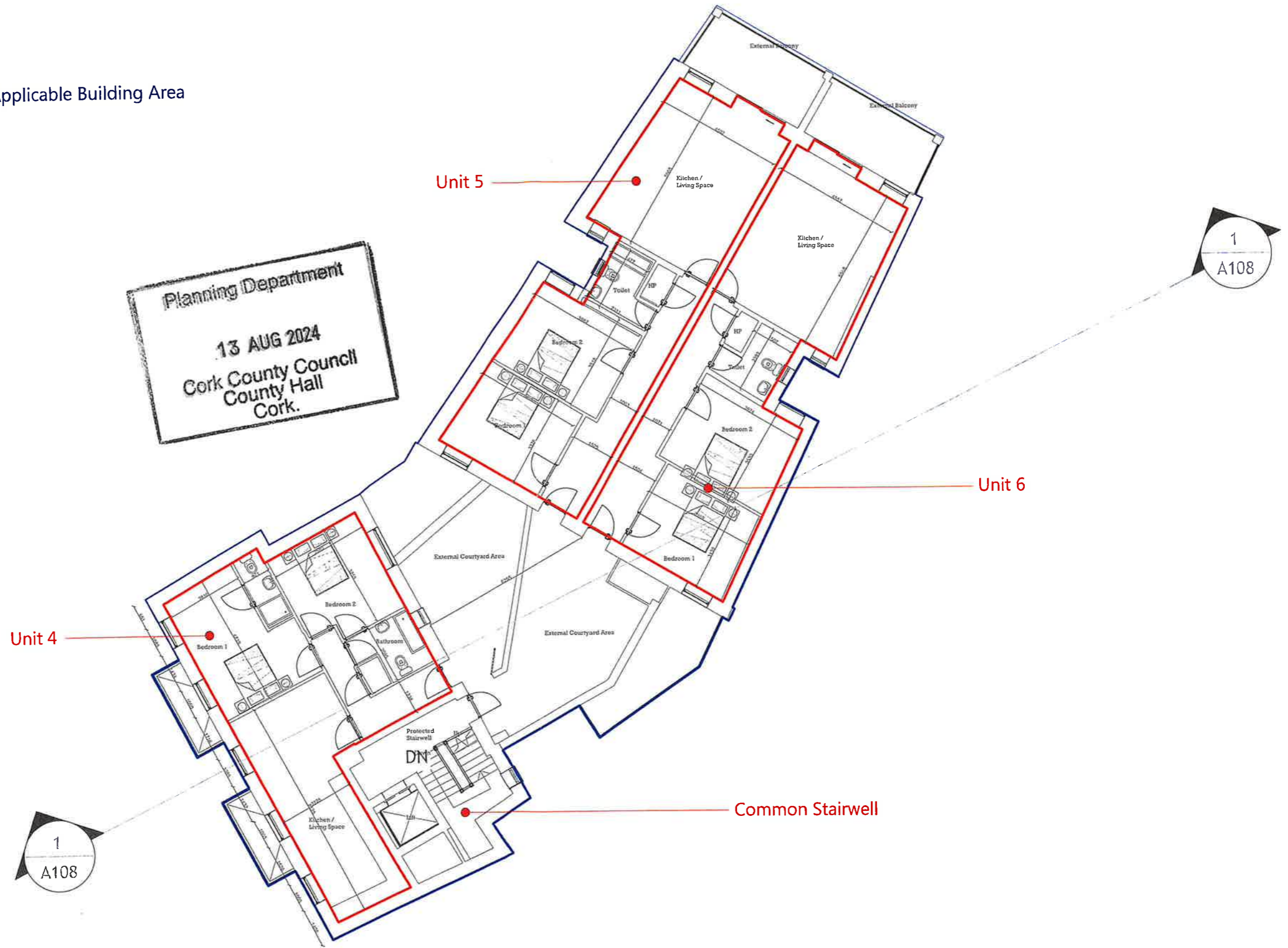
First Floor Plan

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<p><b>Title</b> - Existing First Floor Plan</p> <p><b>Project</b> - Proposed Material Change of Use</p>	<p><b>Client</b> - Kyraview Ltd.</p> <p><b>Address</b> - Main Street, Mallow, Co Cork.</p>	<p><b>Scale</b> - 1:150</p> <p><b>Size</b> - A3</p>	<p>ATLANTIC BUILDING CONSULTANTS LTD</p> <p>Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush, Co. Clare.</p> <p>P/24/152/04</p> <p>P-01 01.08.24</p>	<p>ATLANTIC BUILDING CONSULTANTS LTD</p> <p>A B C</p>
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Outline of Applicable Building Area

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Existing Second Floor Plan

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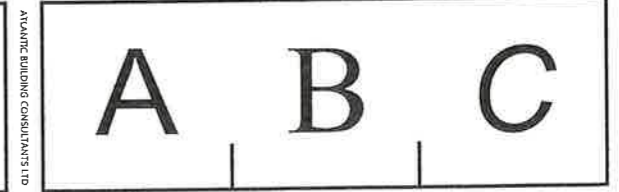
**Title** - Existing Third Floor Plan  
**Project** - Proposed Material Change of Use

**Client** - Kyraview Ltd.  
**Address** - Main Street, Mallow, Co Cork.

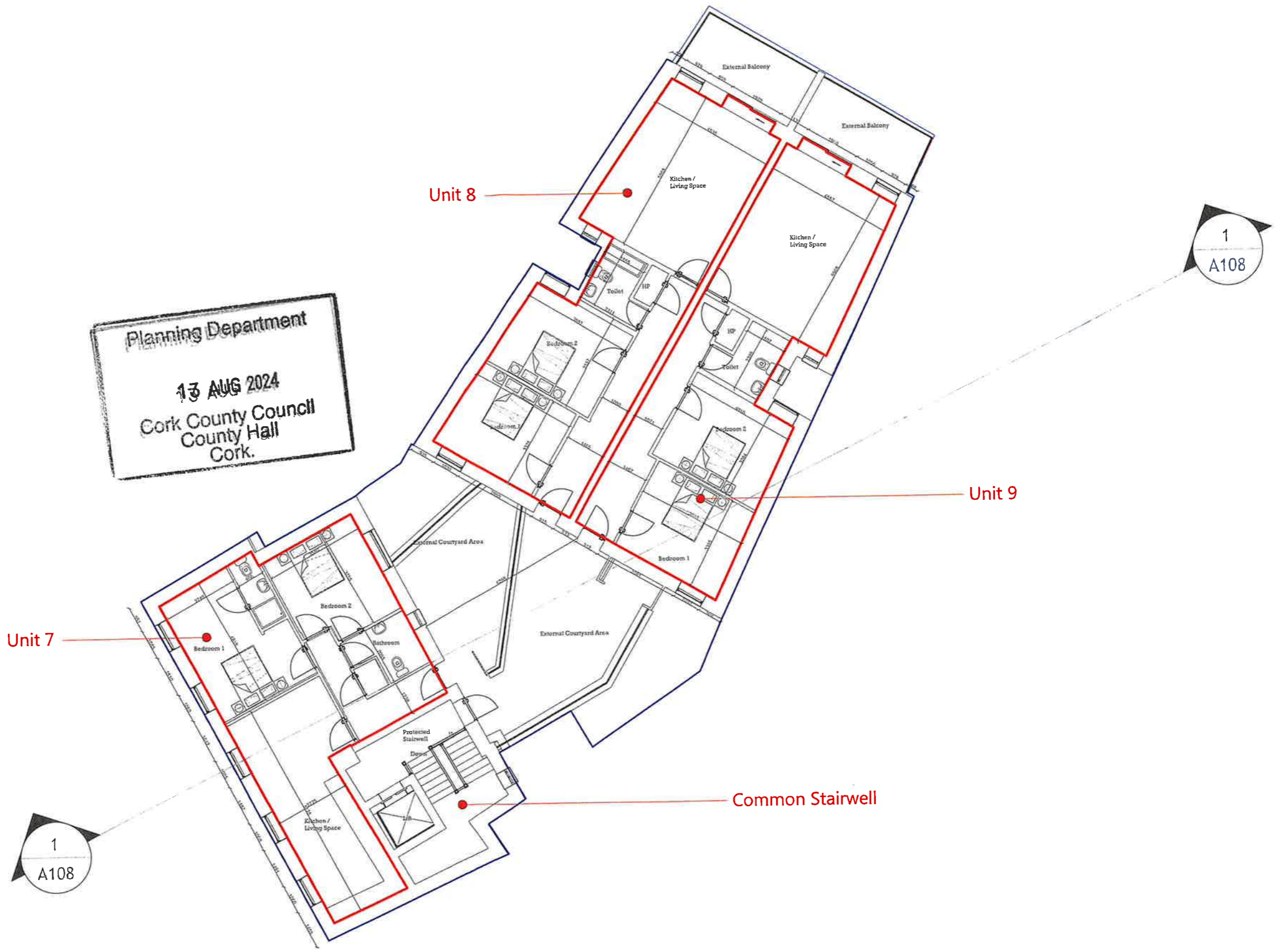
**Scale** - 1:150  
**Size** - A3

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Quarter, Frances Street, Kilrush, Co. Clare.

P/24/152/05  
P-01 01.08.24



Planning Department  
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Existing Third Floor Plan

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<b>Title</b> - Existing Third Floor Plan	<b>Client</b> - Kyraview Ltd.	<b>Scale</b> - 1:150	ATLANTIC BUILDING CONSULTANTS LTD	P/24/152/06
<b>Project</b> - Proposed Material Change of Use	<b>Address</b> - Main Street, Mallow, Co Cork.	<b>Size</b> - A3	Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush, Co. Clare.	P-01 01.08.24

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A	B	C
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Outline of Applicable Building Area



Existing Front Elevation

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<p><b>Title</b> - Existing Front Elevation</p> <p><b>Project</b> - Existing Accommodation Centre</p>	<p><b>Client</b> - KyraView Ltd.</p> <p><b>Address</b> - Main Street, Mallow, Co Cork.</p>	<p><b>Scale</b> - 1:150</p> <p><b>Size</b> - A3</p>	<p>ATLANTIC BUILDING CONSULTANTS LTD                  Unit 1 Digital Hub, Merchants Quay Business                  Quarter, Frances Street, Kilrush, Co. Clare</p>	<p>P/24/152/08</p> <p>P-01      01.08.24</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">ATLANTIC BUILDING CONSULTANTS LTD</p> <div style="display: flex; justify-content: space-around; align-items: center; font-size: 2em; font-weight: bold;"> <span>A</span> <span>B</span> <span>C</span> </div>
--	--	---	--	--	--

Outline of Applicable Building Area



Existing Rear Elevation

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13 AUG 2024  
Cork County Council  
County Hall  
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**Title -** Existing Rear Elevation  
**Project -** Existing Accommodation Centre

**Client -** Kyraview Ltd.  
**Address -** Main Street, Mallow, Co Cork.

**Scale -** 1:150  
**Size -** A3

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Quarter, Frances Street, Kilrush, Co. Clare.

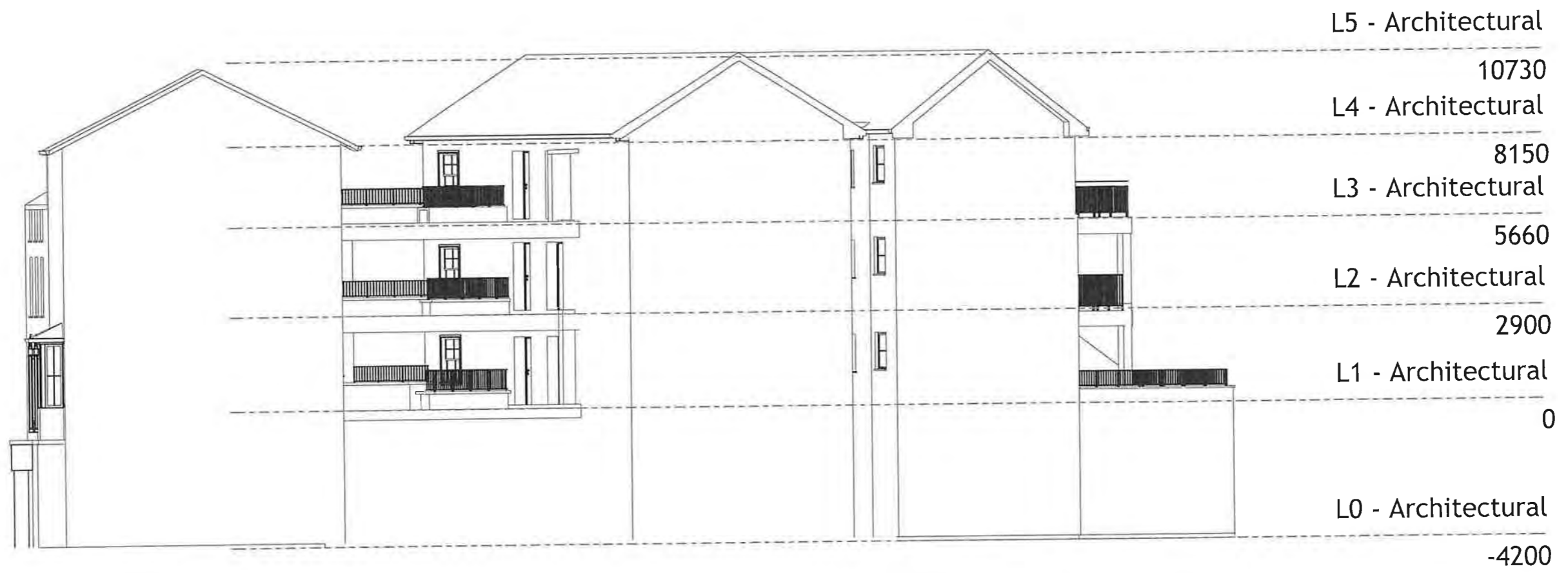
P/24/152/09

P-01

01.08.24

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A B C



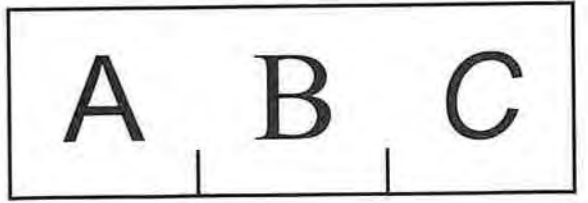
Existing Section

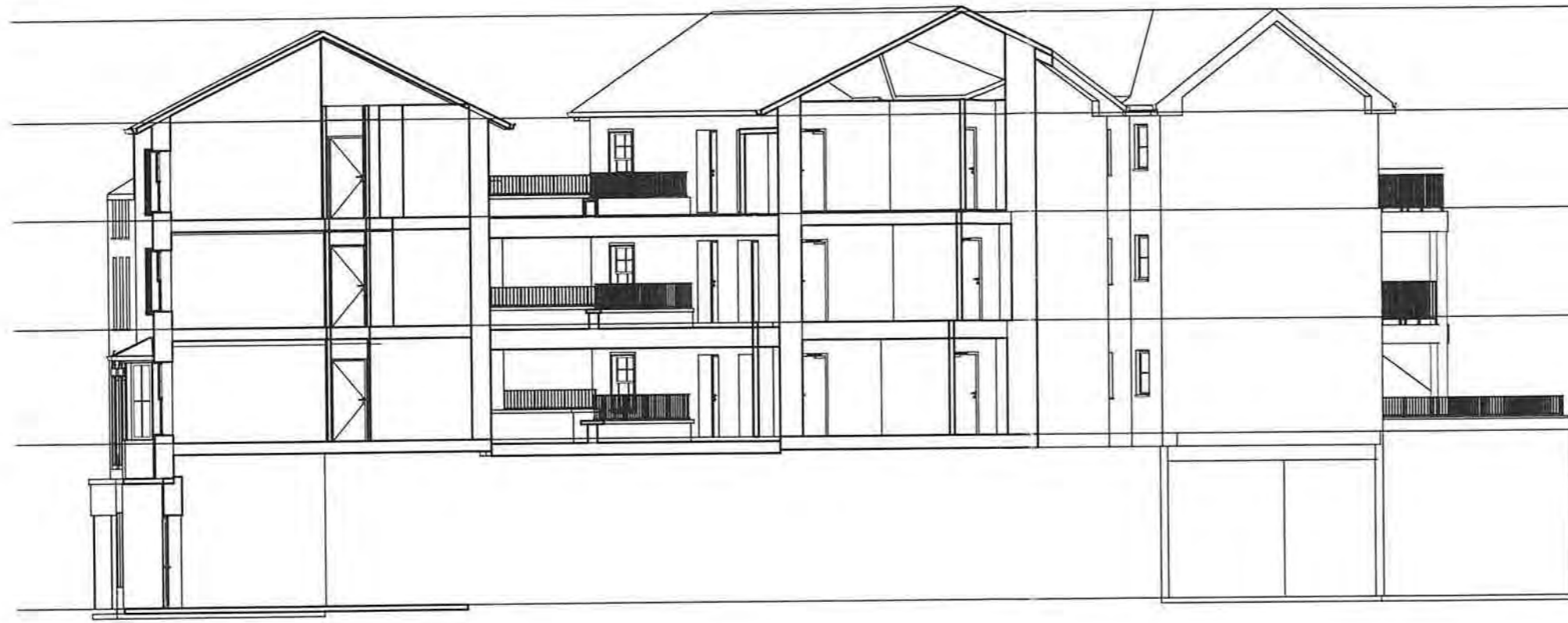
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<b>Title</b> - Gable Elevation 1	<b>Client</b> - KyraView Ltd.	<b>Scale</b> - 1:150	ATLANTIC BUILDING CONSULTANTS LTD	P/24/152/10
<b>Project</b> - Existing Accommodation Centre	<b>Address</b> - Main Street, Mallow, Co Cork.	<b>Size</b> - A3	Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush, Co. Clare	P-01 01.08.24

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L5 - Architectural

10730

L4 - Architectural

8150

L3 - Architectural

5660

L2 - Architectural

2900

L1 - Architectural

0

L0 - Architectural

-4200

Existing Section

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**Title -** Existing Section

**Client -** KyraView Ltd.

**Scale -** 1:150

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P/24/152/11

**Project -** Existing Accommodation Centre

**Address -** Main Street, Mallow, Co Cork.

**Size -** A3

Unit 1 Digital Hub, Merchants Quay Business  
 Quarter, Frances Street, Kilrush, Co. Clare.

P-01

01.08.24

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A B C