

# Comhairle Contae Chorcaí Cork County Council

Pat O' Callaghan,  
c/o Lucy Walsh,  
Foundation & Design Ltd.,  
Consulting Engineers,  
45 New Cork Road,  
Midleton,  
Co. Cork.

7<sup>th</sup> October 2024

REF: D/260/24  
LOCATION: Ard Na Laoi, Old Cork Road, Gooldshill, Mallow, Co. Cork.

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

Dear Sir,

On the basis of the information submitted by you on 10<sup>th</sup> September 2024 the Planning Authority, having considered the question of whether or not the proposed change of external wall finishes to the front elevation of a dwelling at **Ard Na Laoi, Old Cork Road, Gooldshill, Mallow, Co. Cork** is development and is or is not exempted development has declared that it **is development and is not exempted development**.

## Reason for Decision

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- The nature, extent and scope of the development outlined in the documentation submitted.

**And Whereas Cork County Council has concluded that –**

The proposed change of external wall finishes to the front elevation of a dwelling at **Ard Na Laoi, Old Cork Road, Gooldshill, Mallow, Co. Cork** constitutes development which 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.**

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
Fón: (021) 4276891  
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  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



**Comhairle Contae Chorcaí**  
**Cork County Council**  
Yours faithfully,

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

**Pleanáil agus Forbairt,**  
**Halla an Chontae,**  
**Bóthar Charraig Ruacháin,**  
**Corcaigh T12 R2NC.**  
Fón: (021) 4276891  
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  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



*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.**



Recycled

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



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

**Ref:** D/260/24 – Section 5 Declaration

**Name:** Pat O’Callaghan

**Development:** Proposed change of external wall finishes to front elevation of dwelling. The existing external wall finishes to the front elevation are brick at ground level and smooth plaster at first floor level. The proposed external wall finishes will be smooth plaster and standing seam cladding to bay window area.

**Site Location/Address:** Ard na Laoi, Old Cork Road, Gooldshill, Mallow, Co. Cork, P51 EA4V.

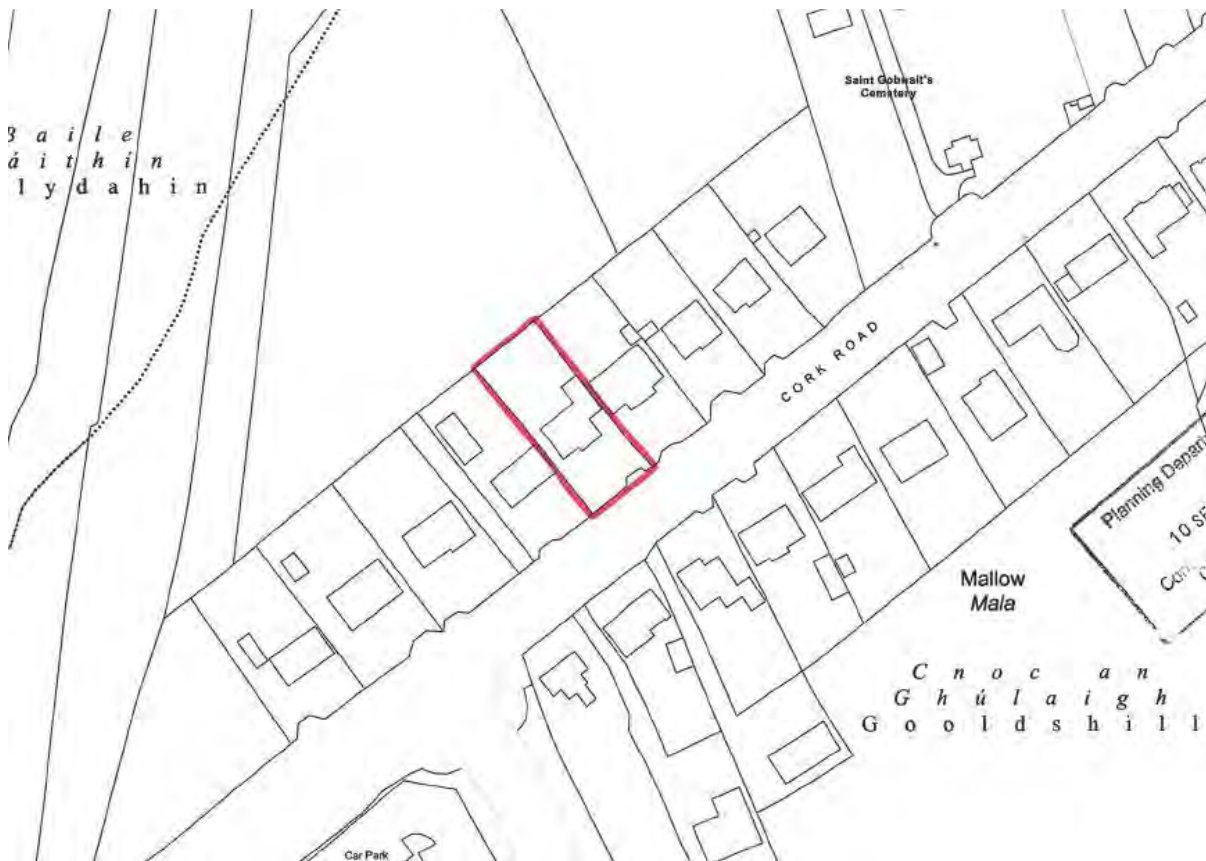


Fig.1: Subject Site Location



Fig. 2: Subject Property



Fig. 3: Neighbouring Property



Fig.4: Neighbouring Property

**Planning History:**

Year	File	Applicant	Development Description	Address	Received	Decision	Decision Date	Final Grant
2004	04/4771	Pat O'Callaghan	Garage	Gooldshill Mallow	29/06/04	Granted	23/08/04	28/09/04

**Question subject of the Section 5:**

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

Is the proposed change of external wall finishes to front elevation of dwelling 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** 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. In this regard it is noted that there is no exemption listed under Article 6, Schedule 2 of the Planning and Development Regulations 2001 (as amended) for the development subject of this declaration.

The proposal consists of external alterations to the building. Therefore, Section 4 of the Planning and Development Act 2000 (as amended) is relevant to the assessment of this Section 5 Declaration.

**Assessment**

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

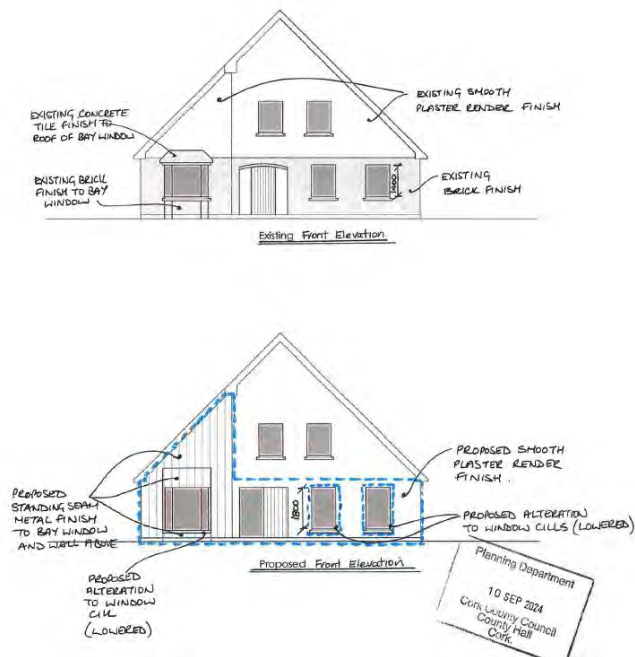


Fig. 5: Submitted Drawings

The proposed works constitute 'development'.

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

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

The character and external appearance of the dwelling is noted along with the character and external appearance of neighbouring dwellings. Whilst, it appears that the dwellings have been subject to minor alterations over the years, in my professional opinion, having regard to the nature of the works/changes and in particular the introduction of standing seam metal finish, the said works would materially affect the external appearance of the dwelling which would render the appearance inconsistent with the character of the structure and of neighbouring structures.

#### 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”.*

In terms of EIA and Appropriate Assessment, the nature and scale of works are unlikely to have had a significant effect on the environment or on designated sites. 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:

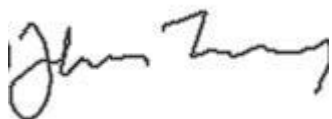
Whether the proposed change of external wall finishes to front elevation of the dwelling at Ard na Laoi, Old Cork Road, Gooldshill, Mallow, Co. Cork, P51 EA4V, is exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- (c) The nature, extent and scope of the development outlined in the documentation submitted,

**AND WHEREAS** Cork County Council has concluded that the proposed change of external wall finishes to front elevation of the dwelling 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.



---

J. Tierney  
Executive Planner  
07/10/2024

*Lauri Ahern*

---

L Ahern  
A/Senior Executive Planner  
07/10/2024





Our Ref: 24/040

Your Ref.:

Date: 9<sup>th</sup> September 2024

Cork County Council  
Planning Department  
County Hall  
Cork

**Re: Application for Section 5 Declaration of Exemption  
Ard na Laoi, Old Cork Road, Gooldshill, Mallow, Co. Cork**

Dear Sir/Madam,

Please find enclosed Application and supporting documentation. Also attached cheque for application fee of €80 relating to same.

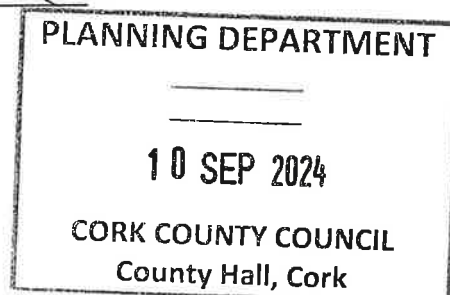
The supporting documentation is listed as follows:

1. 4 no. copies of Site Location Map at a scale of 1:10560
2. 4 no. copies of Site Location Maps at a scale of 1:2500
3. 4 no. copies of Site Layout Map
4. 4 no. copies of elevation
5. 4 no. copies of application form
6. 1 no. copy of contact details

Should you have any further queries please do not hesitate to contact this office.

Yours faithfully,

  
Lucy H Walsh BEng.  
Encls.



45 New Cork Road, Middleton,  
Co. Cork, P25 XW68  
telephone (021) 4634833  
email foundationanddesign@gmail.com

Foundation & Design Limited

Directors:  
Eoin O Loingsigh, BEng MIEI  
Lucy H. Walsh, BEng MIEI



## 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.	P/20002408
Cash/Cheque/ Credit Card	CHEQUE
Date	11/9/24
Declaration Ref. No.	D/260124

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.*



**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):	N/A
(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: N/A
(c) If a change of use of land and/or building(s) is proposed, please state the following:  Existing/previous use _____ _____ _____  Proposed use _____ _____ _____	N/A
(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:		
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 checked="" type="checkbox"/>

**Planning Department**  
 10 SEP 2024  
 Cork County Council  
 County Hall  
 Cork


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

**8. DATA PROTECTION DECLARATION:**

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

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

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

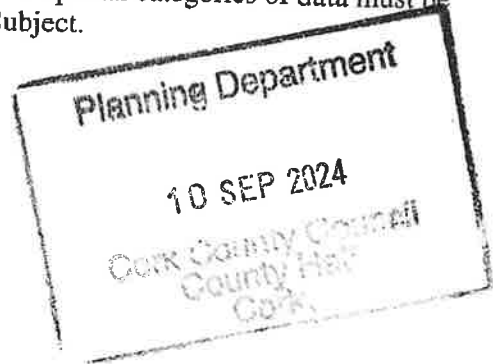
Signed (By Applicant Only)	
Date	19th Aug 2024

**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:

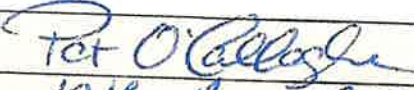
- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation



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	19th Aug 2024

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.**

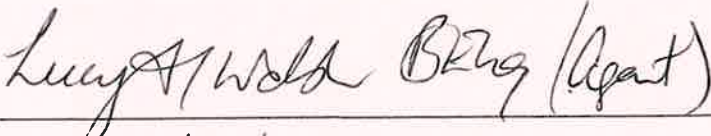
**ADVISORY NOTES:**

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:**

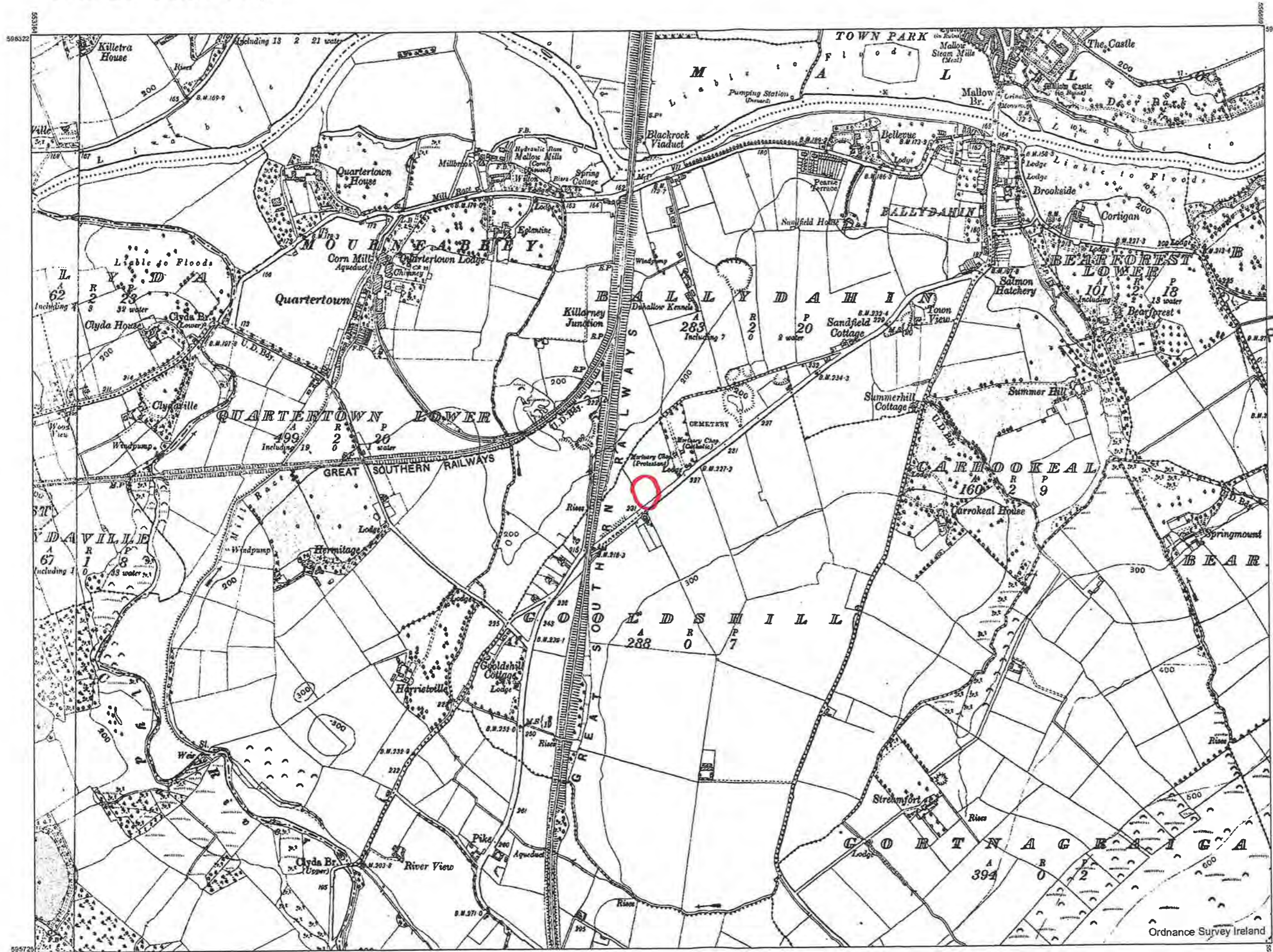
Signed (Applicant or Agent as appropriate)	
Date	09/09/24



# Site Location Map



Tailte Éireann



**CENTRE COORDINATES:**  
ITM 555117,597024

**PUBLISHED:**  
12/08/2024

**ORDER NO.:**  
50415899\_1

**MAP SERIES:**  
6 Inch Raster  
6 Inch Raster

**MAP SHEETS:**  
CK032  
CK033

Planning Department  
10 SEP 2024  
COMPILED AND PUBLISHED BY:  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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

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Ordance Survey Ireland



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



# Planning Pack Map



Tailte  
Éireann



**CENTRE COORDINATES:**  
ITM 555117,597024

**PUBLISHED:**  
12/08/2024

**ORDER NO.:**  
50415899\_1

**MAP SERIES:**  
1:1,000  
1:2,500  
1:2,500

**MAP SHEETS:**  
5952-25  
5952-D  
6008-B

**COMPILED AND PUBLISHED BY:**

Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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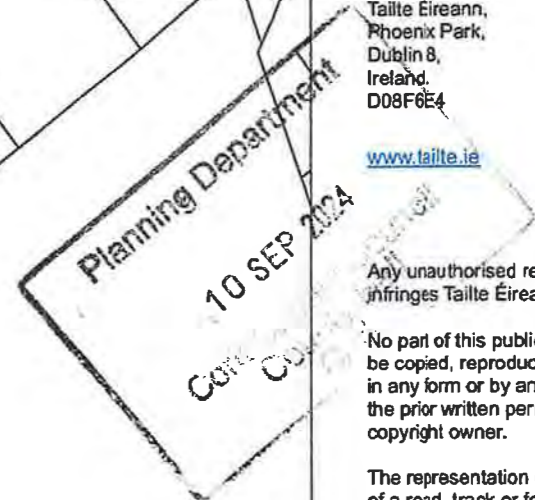
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**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'





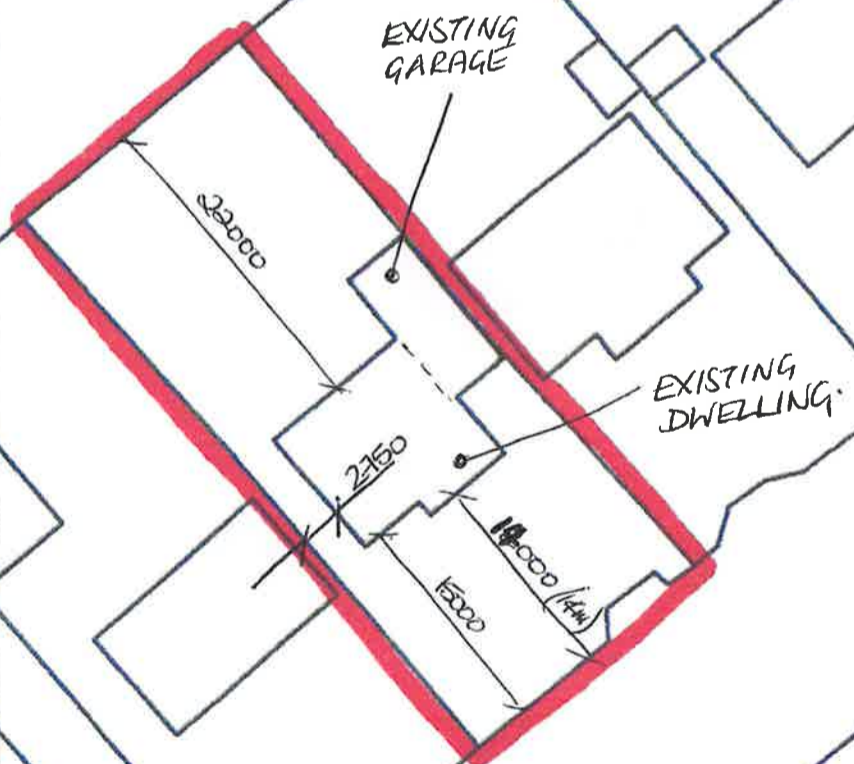
SITE LAYOUT 1:500  
BOUNDARIES OUTLINED  
IN RED - ARD NA LAOI,  
OLD CORK ROAD, GOOLDSHILL  
MALLOW, CO. CORK



GOOLDSHILL

Saint Gobnait's  
Cemetery

CORK ROAD - PUBLIC ROAD



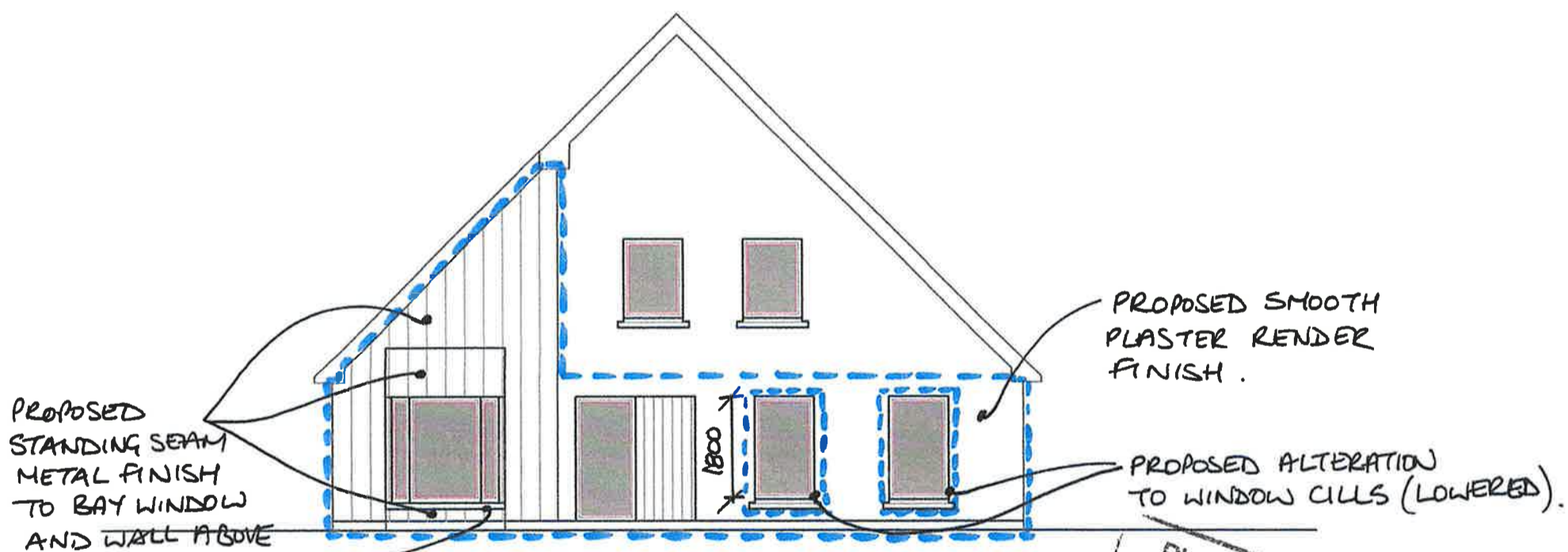
Planning Department  
10 SEP 2024  
Cork County Council  
County Hall  
Cork.

Mallow  
Mala

C n o  
G h ú l



Existing Front Elevation



Proposed Front Elevation

Planning Department  
 10 SEP 2024  
 Cork County Council  
 County Hall  
 Cork.

CLIENT: PAT O' CALLAGHAN  
 ARD NA LAOI  
 OLD CORK ROAD  
 MALLOW,  
 CO. CORK

PROPOSED ALTERATIONS TO  
 FRONT ELEVATION  
 OUTLINED IN BLUE

**FOUNDATIONS DESIGN & CONSULTING ENGINEERS**  
 Consulting Engineers  
 45 New Cork Road, Midleton, Co. Cork  
 e-mail [foundationsdesign@eircom.net](mailto:foundationsdesign@eircom.net)  
 Telephone: 021 4634833  
 Eoin O Loingsigh BEng 086 8040787  
 Lucy Walsh BEng 086 3824201