Comhairle Contae Chorcaí Cork County Council

Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,

Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891

Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie

Pleanáil agus Forbairt,



UGP Buttevant Ltd., C/O Clara O'Neill, Bon Total Planning Solutions, Old Thompson Bakery, Thompson House, MacCurtain Street, Cork.

8th November, 2024

REF:

D/258/24

LOCATION:

Former Convent of Mercy, Main Street, Mill Lane, Buttevant, 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 23rd August & 24th October, 2024 the Planning Authority, having considered whether the proposed change of use from vacant convent to accommodation for international protection applicants at **the Former Convent of Mercy, Main Street, Mill Lane, Buttevant, Co. Cork** is or is not development or is or is not exempted development, has declared that it is **exempted development.**

Reason for Decision

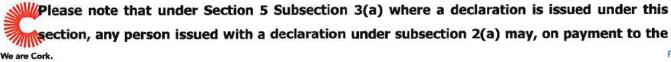
The Planning Authority in considering this referral, had particular regard to:

- Sections 2 & 3 of the Planning and Development Act 2000 (as amended)
- Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)

And Whereas the Planning Authority hereby concludes that

The proposed change of use from vacant convent to accommodation for international protection applicants at The Former Convent of Mercy, Main Street, Mill Lane, Buttevant, Co. Cork constitutes development and is exempted development.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.



Recycled

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,

PIO TREACY,

ADMINISTRATIVE OFFICER, PLANNING DEPARTMENT.

Comhairle Contae Chorcaí Cork County Council

An Rannóg Pleanála,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891 • Faics: (021) 4276321
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Sulomh Gréasáin: www.corkcoco.ie
Planning Department,
County Hall,
Carrigrohane Road, Cork T12 R2NC.



Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891 • Fax (021) 4276321 Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie

7th November 2024

Re: D/258/24 Section 5 Declaration of Exemption, Convent of Mercy, Buttevant

Dear Sir/Madam,

In relation to your response to our letter regarding the above, we wish to invite you to make contact with us at any time during the reoccupation of the Convent of Mercy, Buttevant. As you know, this building is in the Buttevant Architectural Conservation Area and is a Protected Structure (RPS ID 00053).

Protected Structure:

This protection status extends to all buildings within the curtilage and attendant grounds of the protected structure. Please feel free to make contact with this office at any time, especially if any changes, no matter how minor, are being considered for any of these buildings. Development which may normally be considered exempt from planning permission may not be exempt in the case of a protected structure, and a declaration can be sought under Section 57 of the Planning and development Act 2000 (and later amendments). It should be noted however that Section 57 cannot authorize works which would not normally be considered exempt, but would detail works the authority considers would not materially affect the character of this particular protected structure.

Architectural Conservation Area:

The Planning and Development Act states in Section 82 - (1) Notwithstanding section 4 (1)(h), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

Grant Funding:

As a protected structure the building owners are eligible to apply for funding for appropriate works from the Buit Heritage Investment Scheme and the Historic Structures Fund. They should make contact with this office if they wish to be made aware of when these funding schemes open.

Yours sincerely,

Emma Baume

Executive Architectural Conservation Officer

conservation@corkcoco.ie
emma.baume@corkcoco.ie

Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Ref No.	D/258/24	
Applicant	plicant Daniel O'Brien, UGP Buttevant Ltd.	
Description	Change of use from vacant convent to accommodation for international protection applicants.	
Location	Former Convent of Mercy, Main Street, Mill Lane, Buttevant	

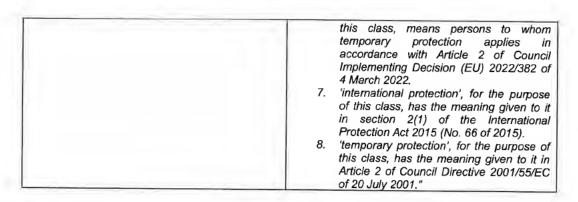
The applicant was requested to submit further information to fully assess the proposal. A response was received on 24/10/24.

1.In the interests of clarity, you are requested to submit a letter of intent from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to confirm that the proposed development is being carried out by or on behalf of a State Authority and complies with the requirements of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

In this regard, you are requested to provide clarification in respect of compliance with the requirements of condition nos. 1 – 8 of Class 20F of the Regulations.

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 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.

- The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
- 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 20221 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 20012.
- The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
- 4. 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.
- The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
- 6. 'displaced persons', for the purpose of



A letter was submitted from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) which states that the Department is interested in utilising the property for the accommodation of International Protection applicants in accordance with Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. The applicant also proposes to comply with the requirements of condition nos. 1 – 8 of Class 20F of the regulations.

2. The plans and particulars accompanying this application are noted. It is also noted that the letter from the Department of Children, Equality, Disability, Integration and Youth dated 12th August 2024 refers to the proposal "subject to all planning, change of use, building control, Certification of Compliance on Completion (CCC), fire and insurance certifications being in place".

You are required to clarify if any alterations, modifications or upgrades are proposed to any element of the existing building, both internally and externally.

If so, full details should be submitted. This shall include detailed scaled drawings, including existing and proposed floor plans and elevational plans. In order to carry out a full assessment, detailed method statements as to how any interactions with the historic fabric will be managed and an Architectural Heritage Impact Assessment would also be required.

The applicant clarified that no alterations, modifications or upgrades are proposed to any element of the building, internally or externally. It is stated that the building has a fire certificate. Plans were submitted stating that no physical changes are proposed. In a meeting with the Conservation Officer on 07/11/24, she advised that she has no objection. She forwarded a cover letter which should be issued to the applicant with respect to the statutory provisions relating to a building listed on the RPS and within the ACA and grant funding. The Conservation Officer encourages the applicant to contact her, if required.

3. With regard to item no. 2 above, you are required to clarify if any internal works are proposed to the building and the full extent and particulars of same should be clarified, as a Preliminary Roost Assessment may be required. You are requested to consult Kieran Murphy, Ecologist, who can advise you of his requirements in this regard. In the event that a Preliminary Roost Assessment is required, this should be done in accordance with recommended best practice guidelines and conducted by an ecologist with expertise in bat surveying. Should it be determined that the building

has the potential to support roosting bats or if evidence of bats is discovered, then additional bat surveys will be required.

In light of the response to item no. 2, a Preliminary Roost Assessment is not required. The Ecologist advised on 08/11/24 that, if changes are not proposed to the structure, there would not ecological problems.

Conclusion

On the basis of the response and the internal reports, it is considered that the proposal complies with the requirements of Class 20F of the Regulations.

Based on the available information and having regard to;

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,

it is considered that the proposed development constitutes development and exempted development.

P Goulding 08/11/24

Note: The cover letter drafted by the Conservation Officer dated 07/11/24 should be issued.

The report of the Area Planner is noted and endorsed.

Please note that this opinion is caveated upon the use ceasing in accordance with the limitations and conditions set out under Class 20F.

Please issue the letter drafted by the Conservation Officer dated 071/11/24 to the applicant.

Louise Ahern

A/Senior Executive Planner

11/11/2024





clara@totalplanningsolutions.ie

www.totalplanningsolutions.ie

+353 863258274

Planning and Development Directorate County Hall Carrigrohane Road Cork City

Date:

23rd October, 2024

Re:

Your Ref: D/258/24

Declaration of Exempted Development under Section 5 of The Planning and

Development Act 2000 - 2010. Whether the proposed change of use from vacant convent to accommodation for international protection applicants at the Former Convent of Mercy, Main Street, Buttevant, Co. Cork is or is not development and is or is

PLANNING DEPARTMENT

2 4 OCT 2024

CORK COUNTY COUNCIL

Couply Hall, Cork

not exempted development

To whom it may concern

BON Total Planning Solutions, Old Thompsons Bakery, Thompson House, MacCurtain Street, Cork are the agents on behalf of UGP Buttevant Limited in respect of the active application for a Declaration of Exemption in relation to the above. It was considered that the information submitted with the Section 5 Declaration application was insufficient to enable Cork County Council to make a determination in this case, as such, further information was sought. This letter and associated documentation constitute the formal response to the further information request.

In the interests of clarity, you are requested to submit a letter of intent from the
Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to confirm that the
proposed development is being carried out by or on behalf of a State Authority and complies with
the requirements of Class 20F of Part I of Schedule 2 of the Planning and Development Regulations
2001, as amended.

In this regard, you are requested to provide clarification in respect of compliance with the requirements of Condition No. s 1-8 of Class 20F of the Regulations.

RESPONSE

Firstly a letter of intent from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) accompanies this response which confirms the requested information.

Secondly in terms of compliance with conditions nos. 1-8 of Class 20F of the Regulations we note the following:

The conditions of Class 20 F are as follows:

- The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
 - Response: The temporary use is only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection The International Protection Accommodation Service (IPAS) provides accommodation for people applying for International Protection and this is the mechanism for which people are people accommodated.
- 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced



2028.

- Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².
 - Response: The applicant confirms that 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.
 - The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
 Response: The applicant can confirm that the use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December
 - 4. 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.
 - Response: The applicant can confirm 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.
 - 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
 Response: The applicant can confirm that it will notify Cork County Council when the change of use is expected/ planned to take place prior the commencement of development/prior to the change of use.
 - 6. '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.
 - Response: The applicant understands the meaning of 'displaced persons', i.e. persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
 - 7. '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).
 - Response: The applicant understands the meaning of 'international protection' i.e. it has the meaning given to it in section 2 (1) of the <u>international Protection Act 2015</u> (No. 66 of 2015).
 - 8. '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."
 - Response: The applicant understands that the meaning of 'temporary protection' has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001."
- 2. The plans and particulars accompanying this application are noted. It is also noted that the letter form the Department of Children, Equality, Disability, Integration and Youth dated 12th August, 2024 refers to the proposal "subject to all planning, change of use, building control, Certification of Compliance on Completion (CCC), fire and insurance certifications being in place". You are required



to clarify if any alterations, modifications of upgrades are proposed to any element of the existing building, both internally and externally. If so, full details should be submitted. This shall include detailed scaled drawings including existing and proposed floor plans and elevational plans. In order to carry out a full assessment, detailed method statements as to how any interactions with the historic fabric will be managed and an Architectural Heritage Impact Assessment would also be required.

Response: It is also noted that the letter from the Department of Children, Equality, Disability, Integration and Youth dated 12th August, 2024 refers to the proposal "subject to all planning, change of use, building control, Certification of Compliance on Completion (CCC), fire and insurance certifications being in place". This, it is understood is standard wording which is included in all letters of intent but the applicant appreciates that confusion may have been caused as a result. The applicant would like to clarify that no alterations, modifications or upgrades are proposed to any element of the existing building, both internally and externally. It is fully fit for purpose and benefits from an active fire cert etc.

In order to further illustrate this detailed scaled drawings including existing and proposed floor plans and elevational plans have been submitted again to the planning authority the proposed plans are clearly labelled 'no changes proposed' for clarity.

3. With regard to Item No. 2 above, you are required to clarify if any internal works are proposed to the building and the full extent and particulars of same should be clarified, as a Preliminary Roost Assessment may be required. You are requested to consult Kieran Murphy, Cork County Council Ecologist, 021 4285745, who can advise you of his requirements in this regard. In the event that a Preliminary Roost Assessment is required, this should be done in accordance with recommended best practice guidelines and conducted by an Ecologist with expertise in bat surveying. Should it be determined that the building has the potential to support roosting bats or if evidence of bats is discovered, then additional bat surveys will be required. You are requested to consult Patricia Goulding, Area Planner 021-4285953 or Louise Ahem A/SEP, 021-4285846 on receipt of this request for further information.

Response

No internal works are proposed to the building and the particulars of same [i.e. no changes] are indicated on the floor plans and elevations submitted. A Preliminary Roost Assessment as such is not required.

We trust that the local authority will have due regard to this response and issue the declaration that the change of use constitutes development but constitutes exempted development in accordance with section 20F as detailed in S.I. No. 376/2023 - Planning and Development (Exempted Development) (No. 4) Regulations 2023.

Please contact the undersigned if you have any further questions.

Yours faithfully,

Director Butler O Neill Total Planning Solutions

An Roinn Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige Department of Children, Equality, Disability, Integration and Youth



Mr. Daniel O' Brien, UGP Buttevant Ltd Monahan Road, Cork, T12 PC82.

22nd Sept 2024

RE: Provision of Accommodation for International Protection Applicants at The Convent Sanctuary, Richmond Street, Buttevant, Co. Cork, P51 P6Y4.

Dear Mr. Daniel O' Brien,

I can confirm that the Department is interested in utilizing the above property for the accommodation of International Protection applicants in accordance with Class 20F of Part I of Schedule 2 of the Planning and Development Regulations 2001, as amended.

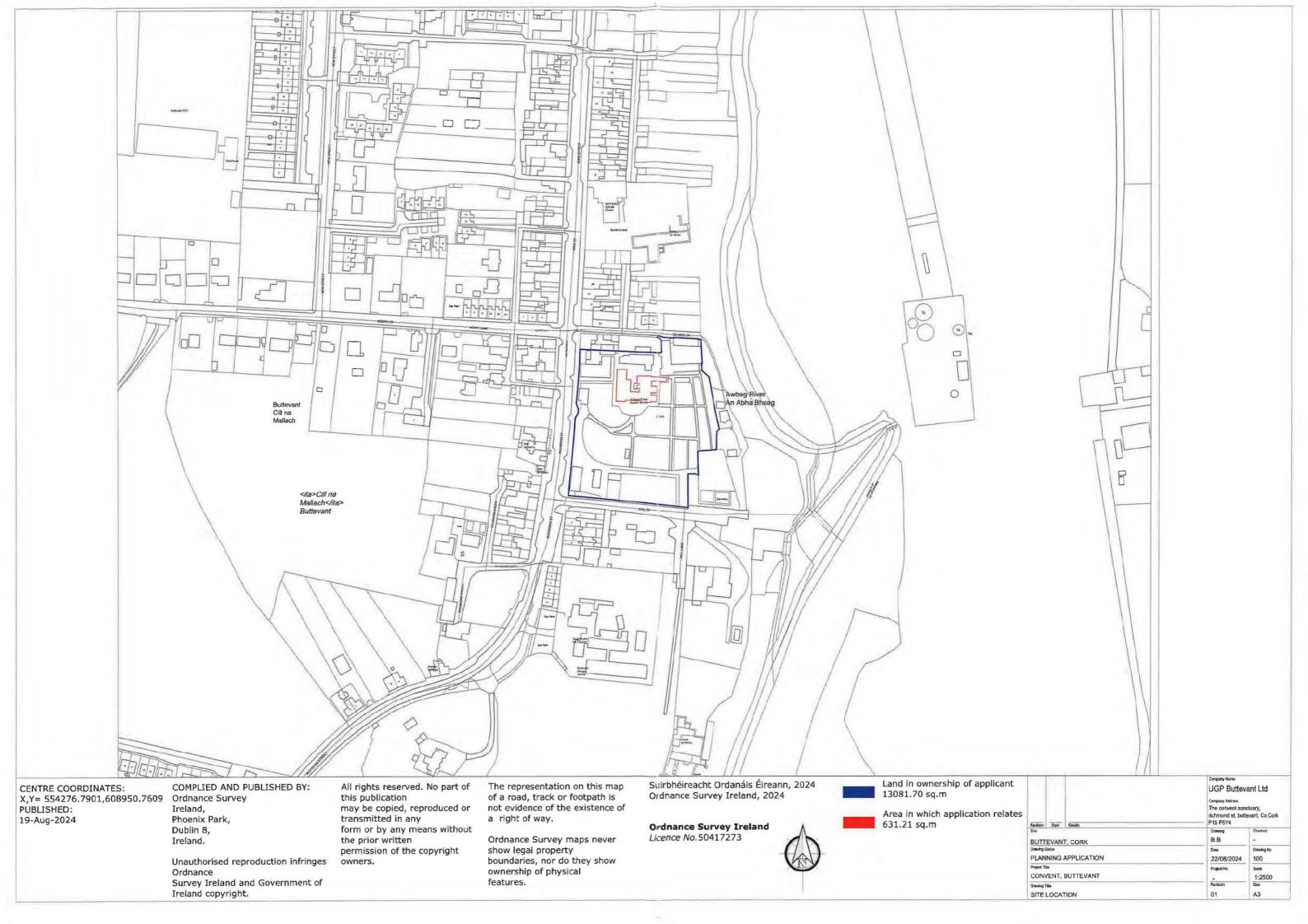
If you have any queries regarding the above, please contact me at

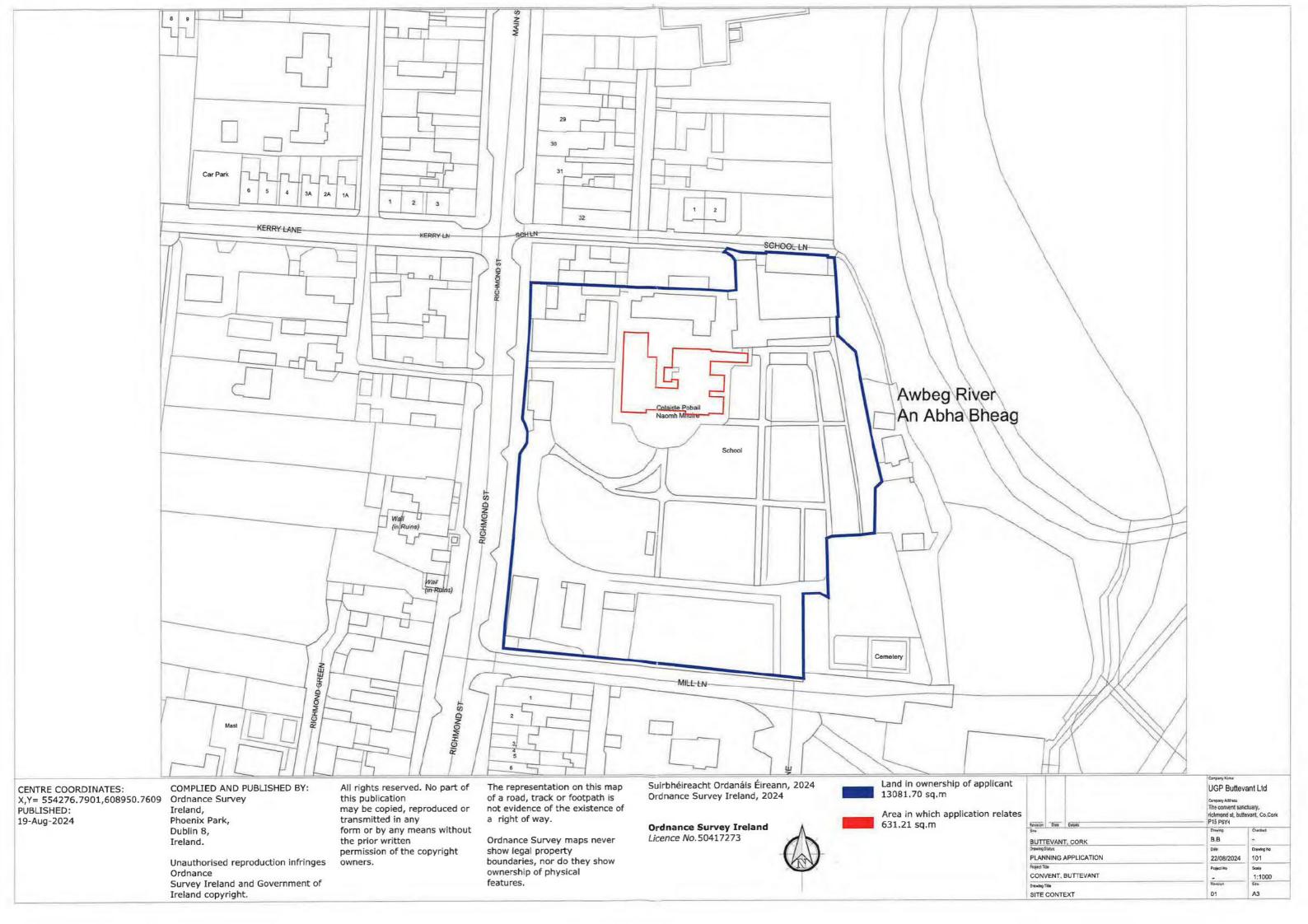
Yours sincerely,

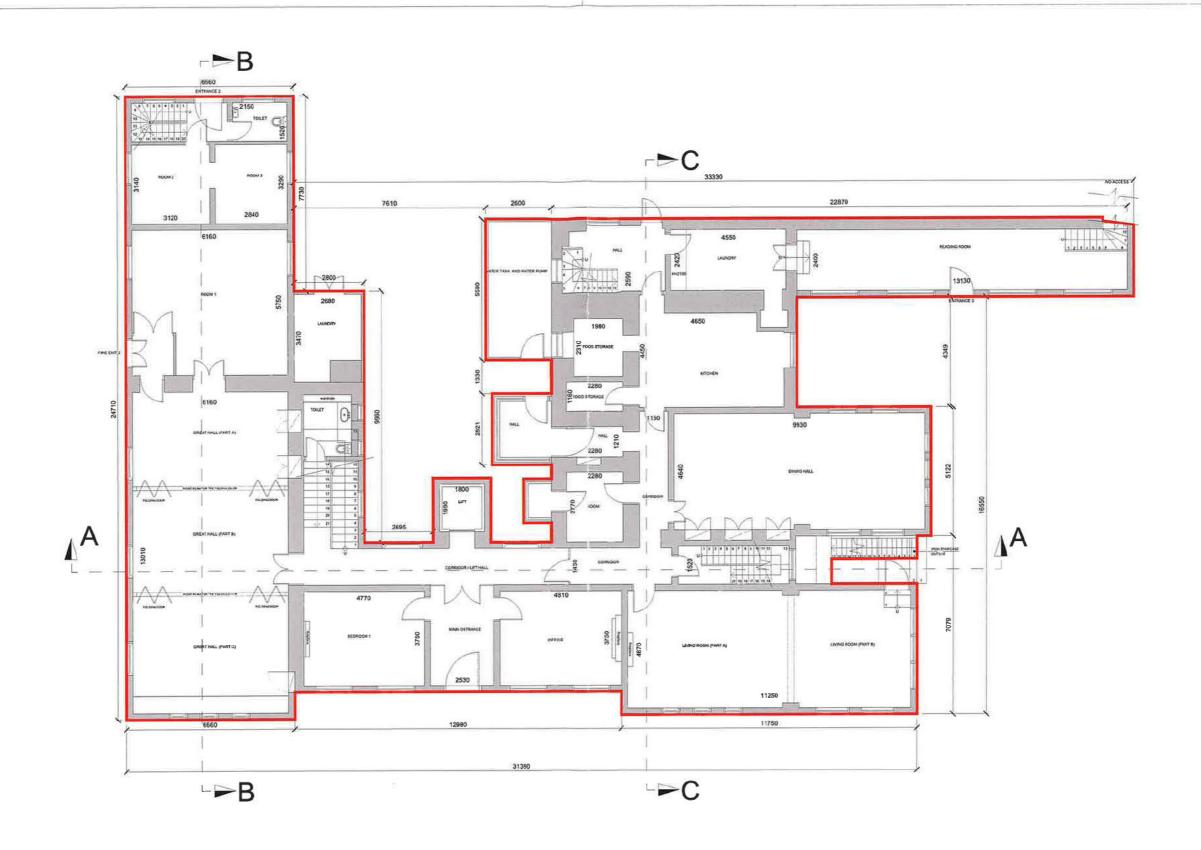


Higher Executive Officer

International Protection Procurement Services



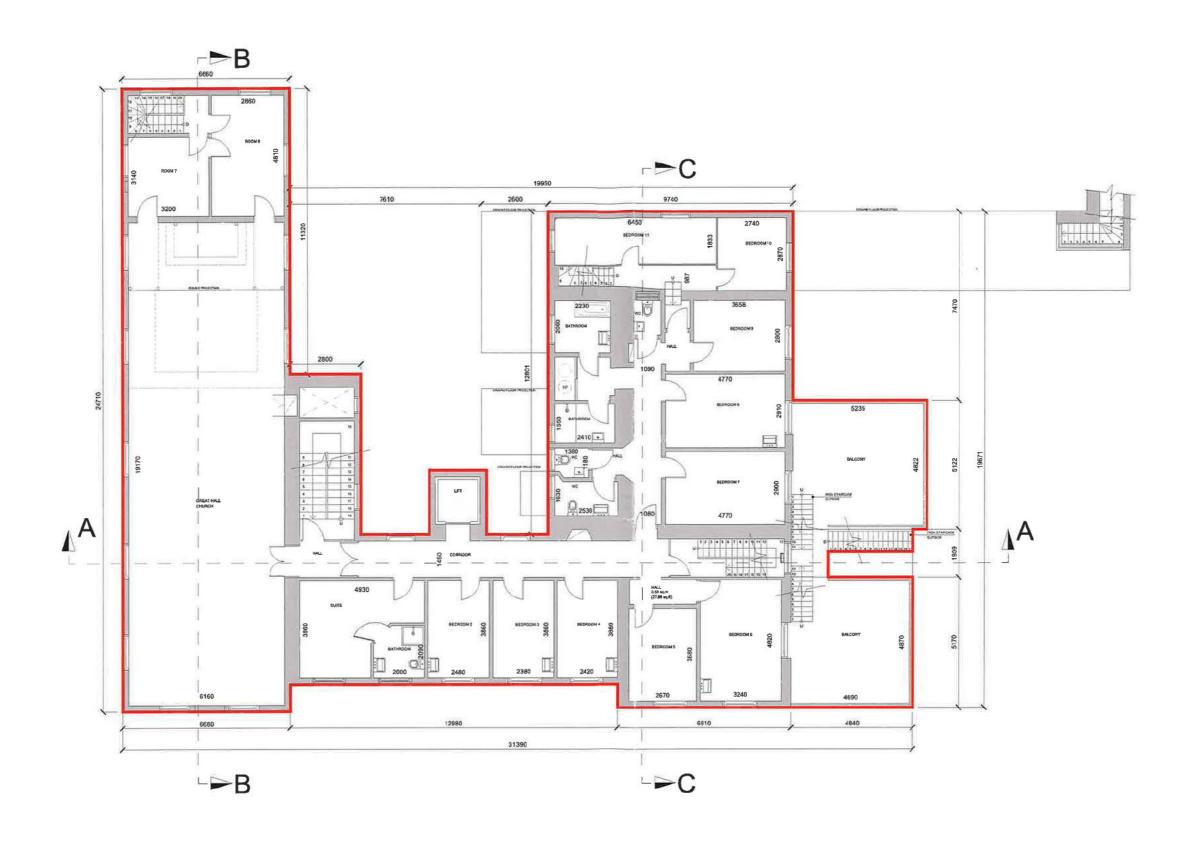




EXISTING GROUND FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



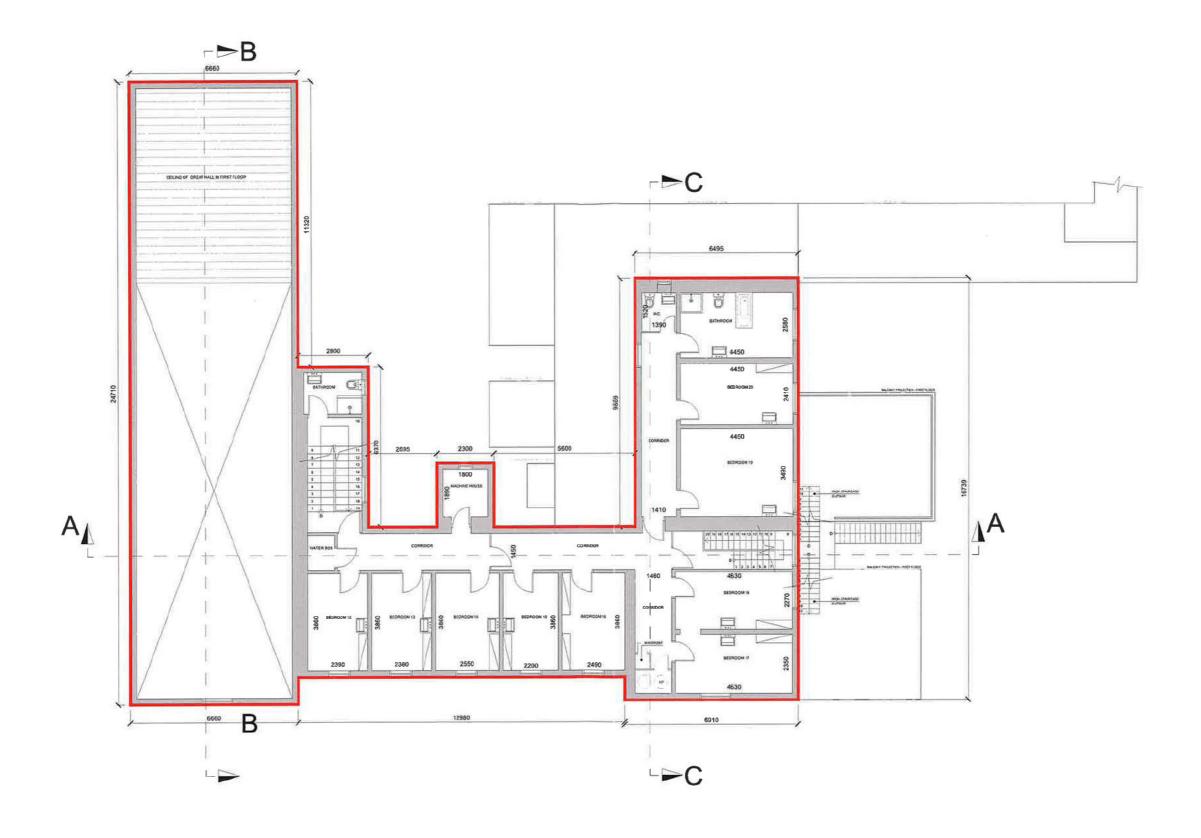
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EXISTING FIRST FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



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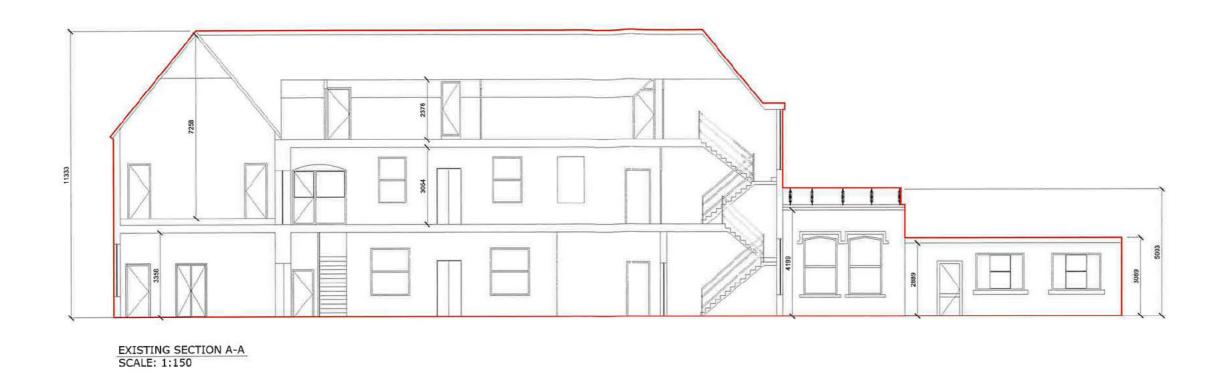


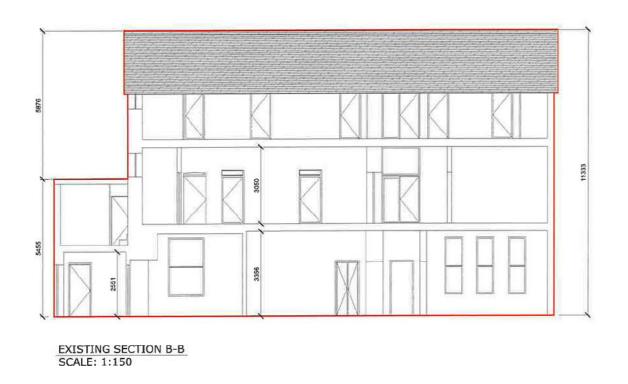
EXISTING SECOND FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150

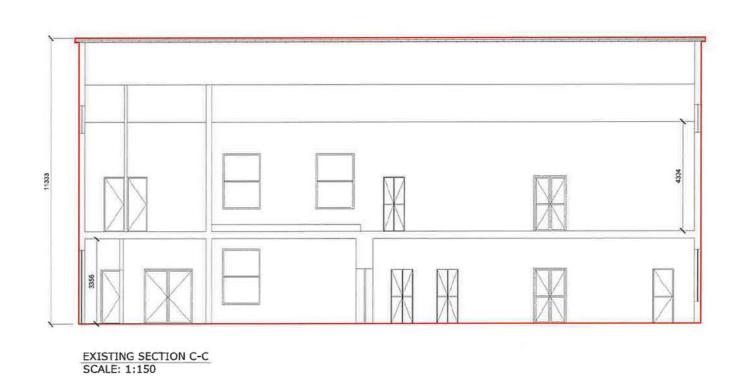


Gross floor area - Second floor 377.07 sq.m

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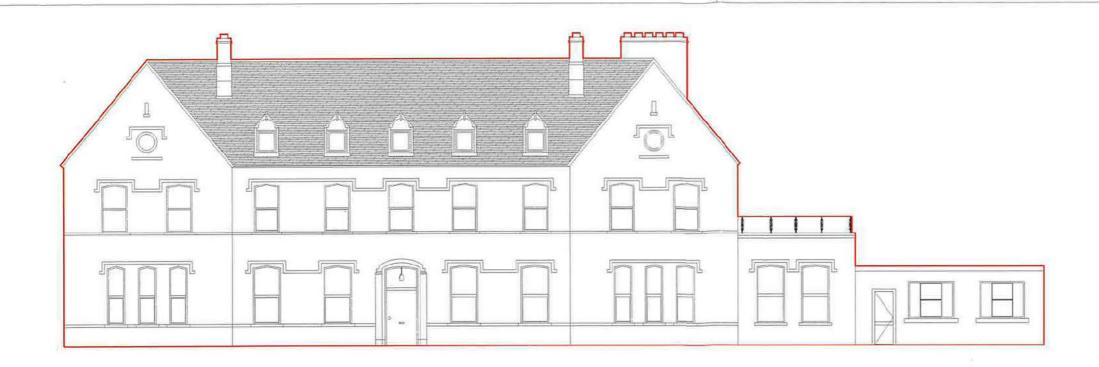






EXISTING SECTIONS | BUTTEVANT CONVENT SCALE: 1:150

Area in which application relates



EXISTING SOUTH ELEVATION SCALE: 1:150





EXISTING SOUTH / EAST ELEVATION | BUTTEVANT CONVENT SCALE: 1:150





Area in which application relates

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EXISTING WEST ELEVATION SCALE: 1:150

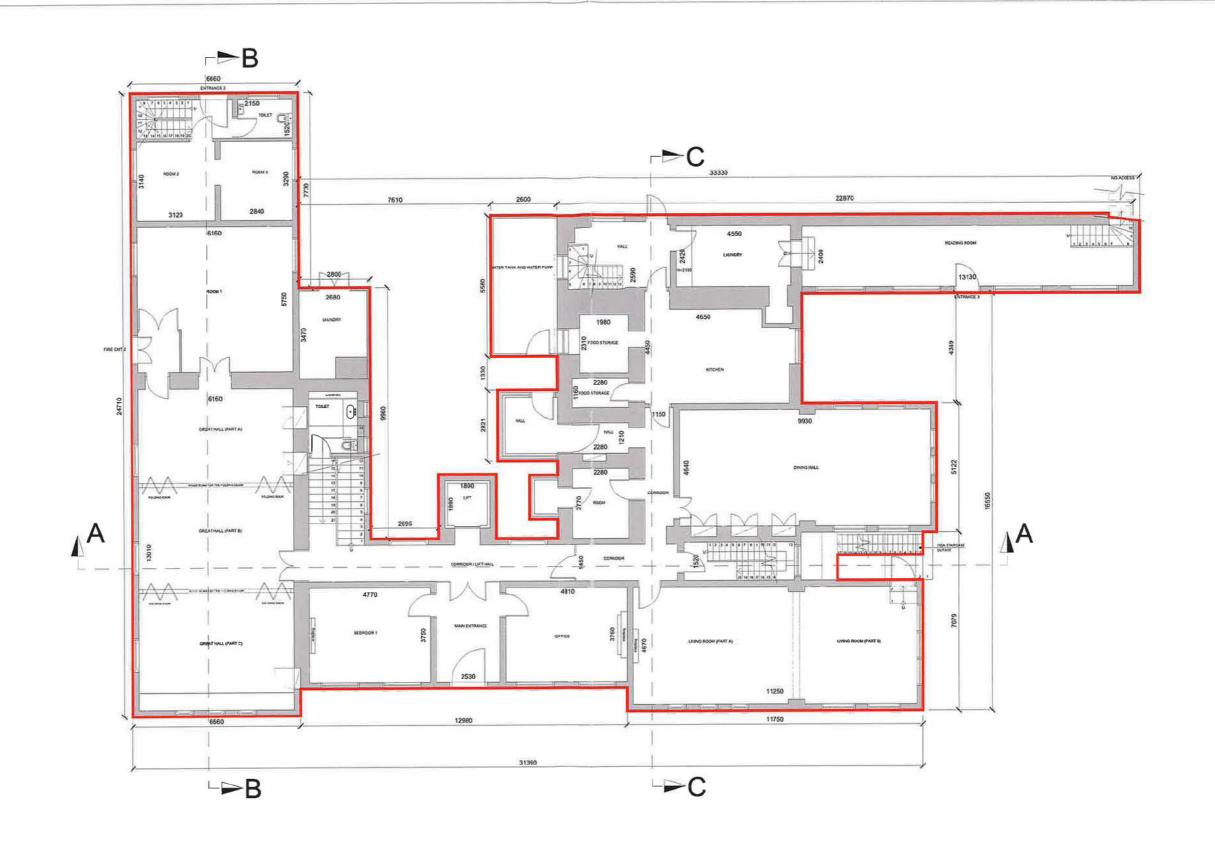


EXISTING NORTH / WEST ELEVATION | BUTTEVANT CONVENT SCALE: 1:150





Area in which application relates



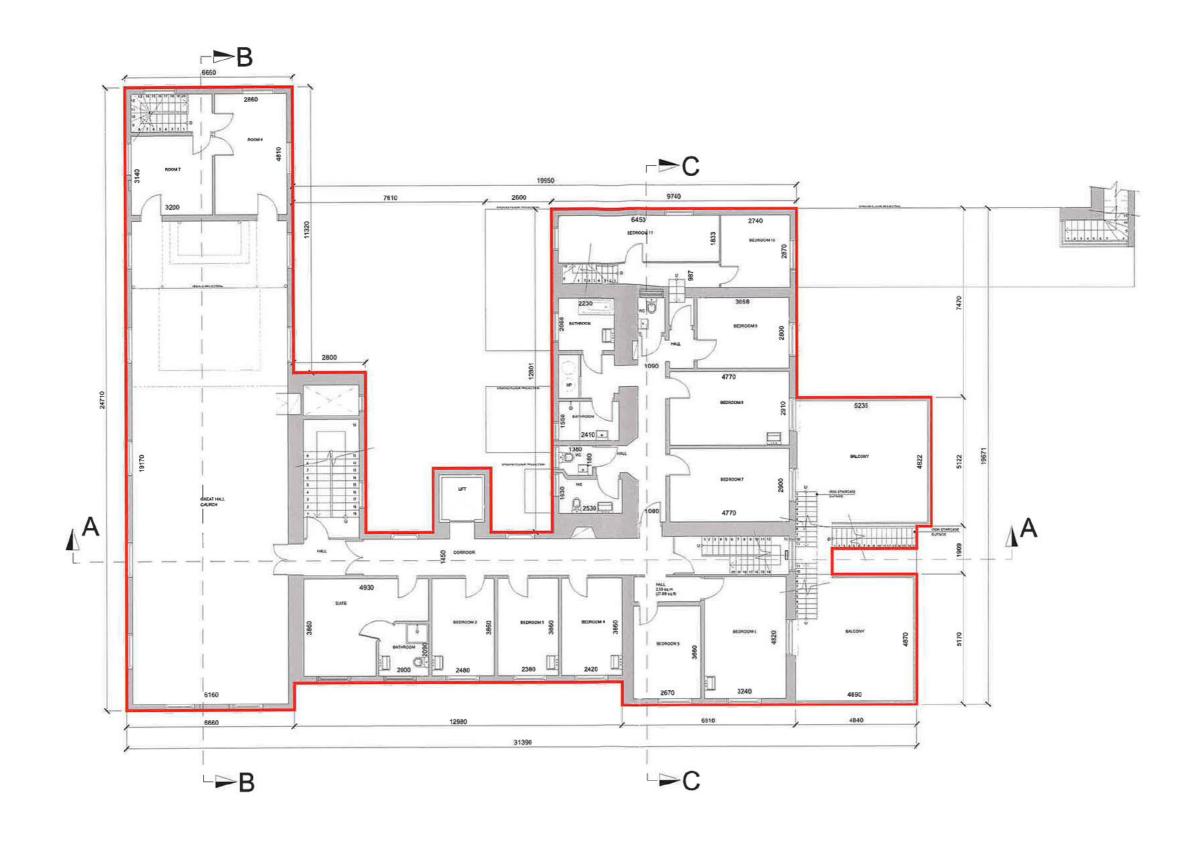
NO CHANGES PROPOSED

01

PROPOSED GROUND FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150

Gross floor area - Ground floor 570.04 sq.m

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PROPOSED GROUND FLOOR PLAN

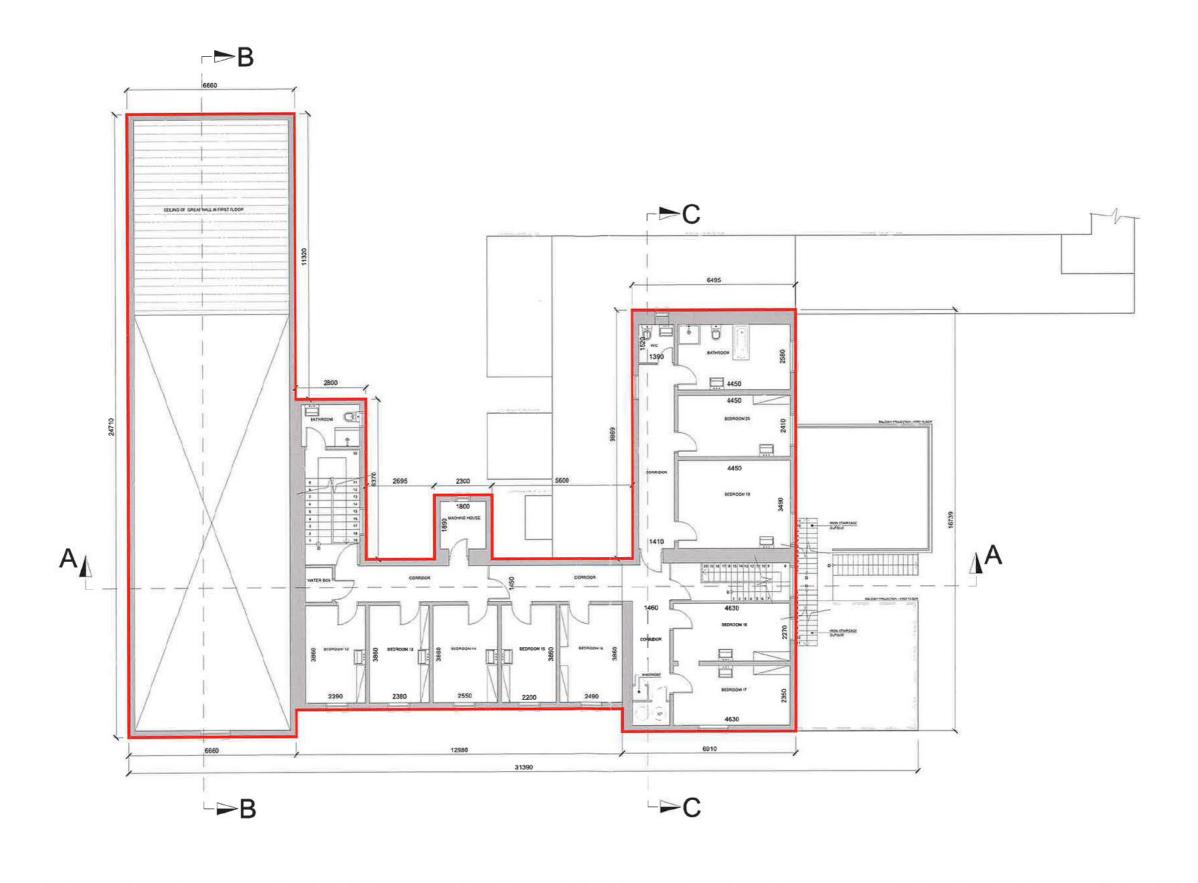


NO CHANGES **PROPOSED**

PROPOSED FIRST FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



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NO CHANGES **PROPOSED**

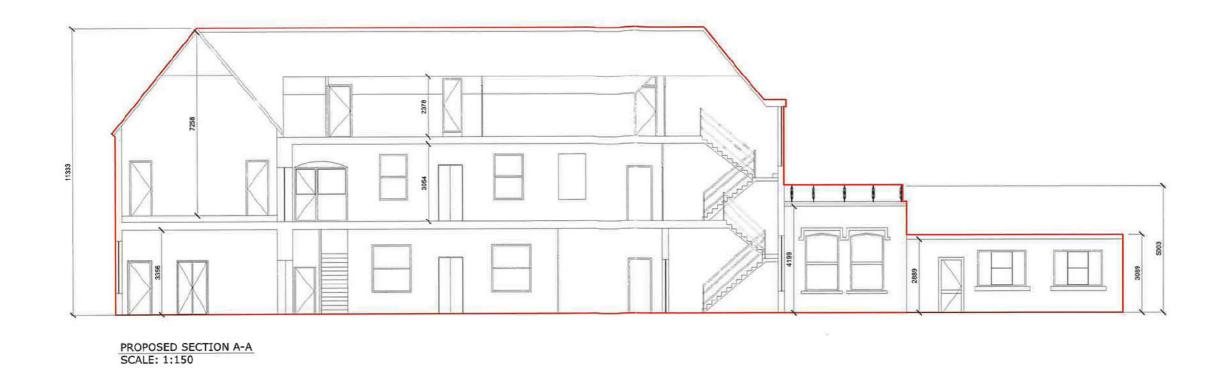
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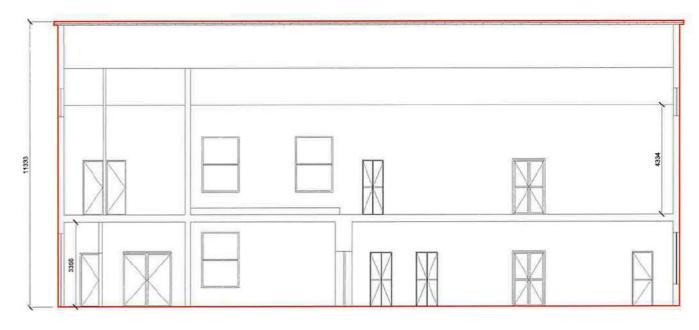


Gross floor area – Second floor 377.07 sq.m

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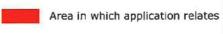


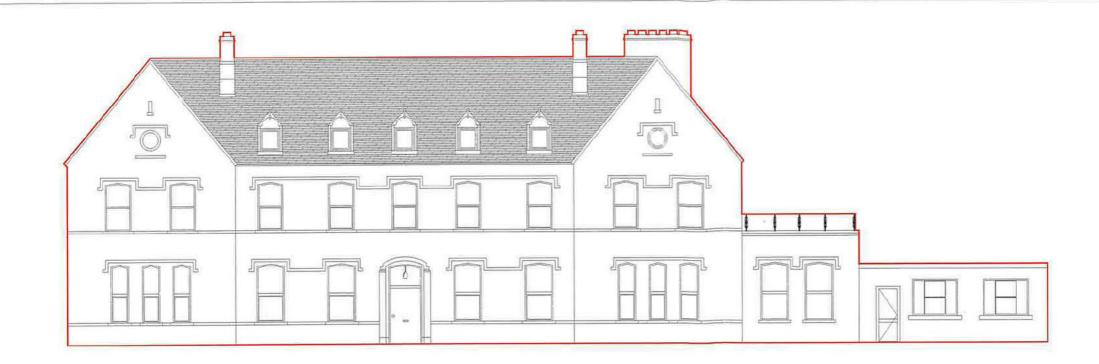
PROPOSED SECTION C-C SCALE: 1:150

> NO CHANGES PROPOSED

PROPOSED SECTIONS | BUTTEVANT CONVENT SCALE: 1:150







PROPOSED SOUTH ELEVATION SCALE: 1:150

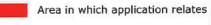




NO CHANGES PROPOSED

PROPOSED SOUTH / EAST ELEVATION | BUTTEVANT CONVENT SCALE: 1:150





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PROPOSED WEST ELEVATION SCALE: 1:150



NO CHANGES PROPOSED

01

PROPOSED NORTH / WEST ELEVATION | BUTTEVANT CONVENT SCALE: 1:150





Area in which application relates

UGP Buttevant Ltd Congany Address
The convent sanctuary, richmond st, buttevant, Co.Cork
P15 P6Y4 Revision Date Details Drewing B.B BUTTEVANT, CORK PLANNING APPLICATION 23/10/2024 113 Scale 1:150 Sca

CONVENT, BUTTEVANT

Drawing Title
PROPOSED NORTH / WEST ELEVATION

UGP Buttevant Ltd., C/O Ciara O'Neill, Bon Total Planning Solutions, Old Thompsons Bakery, Thompson House, MacCurtain Street, Cork.

20th September, 2024

Our Ref.: D/258/24

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

Whether the proposed change of use from vacant convent to accommodation for international protection applicants at the Former Convent of Mercy, Main Street, Buttevant, Co. Cork is or is not development and is or is not exempted development.

Dear Madam,

I refer to your application for a Declaration of Exemption in relation to the above.

It is considered that the information submitted with the Section 5 Declaration application is insufficient to enable the Planning Authority to make a determination in this case. You are therefore requested to submit the following further information:

1. In the interests of clarity, you are requested to submit a letter of intent from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to confirm that the proposed development is being carried out by or on behalf of a State Authority and complies with the requirements of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

In this regard, you are requested to provide clarification in respect of compliance with the requirements of Condition No.'s 1-8 of Class 20F of the Regulations.

CLASS 20F

Temporary use by or on behalf of the Minister Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons seeking international protection. 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.

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating

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 20221 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July

3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

4. 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.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. '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.

7. '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).

8. '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.

2. The plans and particulars accompanying this application are noted. It is also noted that the letter from the Department of Children, Equality, Disability, Integration and Youth dated 12th August, 2024 refers to the proposal "subject to all planning, change of use, building control, Certification of Compliance on Completion (CCC), fire and insurance certifications being in place".

You are required to clarify if any alterations, modifications or upgrades are proposed to any element of the existing building, both internally and externally. If so, full details should be submitted. This shall include detailed scaled drawings, including existing and proposed floor plans and elevational plans. In order to carry out a full assessment, detailed method statements as to how any interactions with the historic fabric will be managed and an Architectural Heritage Impact Assessment would also be required.

3. With regard to Item No. 2 above, you are required to clarify if any internal works are proposed to the building and the full extent and particulars of same should be clarified, as a Preliminary Roost Assessment may be required. You are requested to consult Kieran Murphy, Cork County Council Ecologist, 021 4285745, who can advise you of his requirements in this regard. In the event that a Preliminary Roost Assessment is required, this should be done in accordance with recommended best practice guidelines and conducted by an Ecologist with expertise in bat surveying. Should it be determined that the building has the potential to support roosting bats or if evidence of bats is discovered, then additional bat surveys will be required.

You are requested to consult Patricia Goulding, Area Planner 021-4285953 or Louise Ahern A/SEP, 021-4285846 on receipt of this request for further information.

Yours faithfully,

ANGELA CARRIGY,

Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Ref No.	D/258/24		
Applicant	Daniel O'Brien, UGP Buttevant Ltd.		
Description	Change of use from vacant convent to accommodation for international protection applicants.		
Location	Former Convent of Mercy, Main Street, Mill Lane, Buttevant		

Section 5 Query

The subject of the section 5 query is whether a proposal for a change of use of the vacant former Convent of Mercy, Main Street, Mill Lane, Buttevant, to accommodation for international protection applicants constitutes exempted development.

Site Location and Description

The former Convent of Mercy is located in Buttevant town. The property is zoned as existing Residential/Mixed Residential and Other Uses, as set out in the Cork County Development Plan 2022. The building is located within the Architectural Conservation Area of Buttevant town. The building is included in the NIAH, ref no. 20803006, with a regional status. The NIAH listed the original use and the use at the time of the survey in 2006 as a convent/nunnery. This reference includes a smaller building to the south west.



The NIAH also lists the buildings in the complex;

- Ref no. 20803004 (north west) (Richmond House House)
- Ref no. 20803005 (north west) (Colaiste Mhuire school)
- Ref no. 20803008 (north east) (Convent of Mercy School stated former use as a hospital/infirmary)
- Ref no. 20803012 (south) (Gazebo)

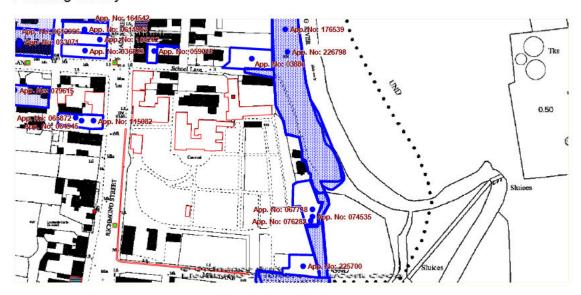
The PES indicates that the 'fever hospital/Convent of Mercy School' to the north east is also listed on the Record of Protected Structure (RPS ID: 53). There is also a record to the south east - RPS ID 59 (Old R.C. Chapel).

The property is located within an area identified as High Value Landscape in the CDP.

The site is located outside of flood risk zones A and B, as shown in the County Development Plan 2022. The site lies within flood risk zone C.

The site is located within a screening assessment zone for the Blackwater River SAC (site code: 001720). The Awbeg River lies to the east of the convent site and the SAC is located approximately 55m to the east of the building.

Planning History



22/5700: The Sisters of Mercy. Permission to carry out development within the curtilage of a Protected Structure Ref No. 00059. Permission is sought to erect a pedestrian entrance to serve the Convent Burial Ground from Mill Lane, Buttevant and to erect a boundary fence comprising of powder coated railing on base wall and footpath linking the Burial Ground to the proposed entrance at Mill Lane, Buttevant. Withdrawn.

17/6539: Buttevant Muintir Community Council Limited and Buttevant Heritage Group. Amenity works within the curtilage of Buttevant Town Defences, a recorded monument and listed in the National Sites and Monuments Record (SMR) CO017-053012. (Ministerial consent has been granted in this regard – currently awaiting an extension). The site is within an Architectural Conservation Area (ACA) and is adjacent to two protected structures, The Franciscan Friary (RPS No. 0050) and the Fever Hospital, (RPS no. 0053). Works will include alterations to existing site levels to create a wetland, construction of a raised walkway and associated seating, signage, access paths and boundary fence. The site is adjacent to the Awbeg River and carries a Special Area of Conservation (SAC) designation. Granted.

Internal Reports

Conservation Officer (report received on 09/09/24): The Conservation Officer notes that the property is located in the Buttevant ACA and the 'fever hospital/Convent of Mercy School is listed on the RPS (ID: 53) and that the fever hospital is protected under the National Monuments Acts, CO017-053011. She states that the specific building that is the subject of the Section 5 declaration is unclear but the protected structure status of the former fever hospital/ convent of Mercy extends to the

curtilage and attendant grounds of the listed structure, forming a landscape of historic and social significance. The Conservation Officer also states that it is unclear whether the change of use application will involve works to the buildings within the curtilage of the protected structure.

- 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act-
 - (a) if the carrying out of such development would-
 - (vii) consist of or comprise the excavation, <u>alteration</u> or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological, geological, <u>historical</u>, scientific or ecological interest, <u>the preservation</u>, <u>conservation or protection of which is an objective of a development plan</u> or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan;
 - (xii) Further to provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

The Conservation Officer states there is insufficient information to determine whether or not the proposed change of use is or is not exempted development. She states that if any internal or external alterations are proposed to any of the buildings within the context this would de-exempt the proposed change of use. The Conservation Officer recommends that further information should be submitted as follows:

- Existing and proposed plans and elevations;
- Detailed method statements on how any interactions with historic fabric will be managed;
- Architectural Heritage Impact Assessment.

Archaeologist (email received on 03/09/24): The Archaeologist states that there is not enough detail to ascertain what, if any, impacts to the building may occur with the proposed change of use. She states that the building is not listed as a Recorded Archaeological Monument but is located within the Historic Town Defences / Historic Town which is a Recorded Monument defined in the Record of Monuments and Places RMP CO017-053/012. Whilst the building itself is not subject to statutory protection, it is listed on the NIAH and a post-medieval building and there are objectives in the County Development plan for the protection of same which requires an assessment. The County Development Plan to which Article 6 (a) vii of the Regulations relates, is such that in accordance with CDP HE16-6 proposals for appropriate redevelopment including conversion should be subject to an appropriate assessment and record by a suitably qualified specialist/s. The Archaeologist states that this would de-exempt the proposed development but the extent of works may be such that no impacts will occur to the building. There is a risk that the building may

contain earlier medieval fabric and it is not clear if works are proposed to the masonry structures. Further information is required.

<u>Area Engineer</u> (email received on 18/09/24): Having regard to Articles 9(a)(ii) and (iii), the Area Engineer stated that the proposal would be deemed to be exempt. He noted that there is an existing gate for vehicles, although quite narrow, and that there is also a separate pedestrian access point to the site. The Area Engineer stated that the entrance as it exists would not endanger public safety by reason of traffic hazard or cause an obstruction for road users.

Ecologist (telephone conversation and email received on 17/09/24): The Ecologist stated that significant impacts can be screened out in respect of Appropriate Assessment. However, he stated that if significant internal works are required, a Preliminary Roost Assessment will be required. This should be done in accordance with recommended best practice guidelines and conducted by an ecologist with expertise in bat surveying. Should it be determined that the building has the potential to support roosting bats or if evidence of bats is discovered, then additional bat surveys will be required. The likely impacts of the development (both during construction and ongoing) on bats identified to be using this building and significance of such impacts should be assessed. Should it be found that bats may be impacted by the development, Article 9 (1)(a)(vii) of Planning and Development Regulations 2001 (as amended) would apply.

Legislative Context

Planning and Development Act 2000, as amended

Section 2 (1)

Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3 (1)

Development means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

The Planning and Development Regulations 2001 as amended.

Article 6(1) states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;

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.

This class is subject to the following conditions;

- 1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
- 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 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².
- 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
- 4. 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.
- 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
- 6. '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.
- 7. '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).
- 8. '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.

Class 20F is inserted by article 2 of S.I. No. 605 Planning and Development (Amendment)(No. 4) Regulations 2022 Class 20F is substituted by article 2 of S.I. No. 376/2023 Planning and Development (Exempted Development) (No. 4) Regulations 2023

Article 9(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act-

(a) if the carrying out of such development would-

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users.
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main, or electricity supply line or cable, or any works to which class 25, 26 or 31(a) specified in column 1 of Part 1 of Schedule 2 applies.
- (vi) interfere with the character of a landscape or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

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

(viiB) comprise development in relation to which a planning authority or An Bord Pleanala is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised
- (ix) Consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of any existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of

- a new development plan, in the draft variation of the development plan or the draft development plan.
- (x) Consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.
- (xi) obstruct any public right of way.
- (xii) Further to provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.
- (b) in an area to which a special amenity area order relates, if such development would fall under (i),(ii), (iii) or (iv)
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Assessment

The query relates to whether a proposal for a change of use of the vacant former Convent of Mercy, Main Street, Mill Lane, Buttevant, to accommodation for international protection applicants constitutes exempted development.

Section 2 (1) of the Planning and Development Act 2000, as amended states that works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and Section 3(1) states that development means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land. The NIAH listed the original use and the use at the time of the survey in 2006 as a convent/nunnery under ref no. 20803006.

Having regard to the nature of the proposal and the legislative context above, it is considered that the proposal constitutes a material change of use of the structure. The proposal constitutes development in the context of Section 3(1).

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

The application form states that the existing/previous use was a vacant convent and the proposed use is accommodation for international protection applicants.

Class 20F relates to "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.... normally used for public worship or religious instruction".

Part 4, Article 10, Exempted Development – Classes of Use, sets out the various use classes;

CLASS 7 Use— (a) for public worship or religious instruction, (b) for the social or recreational activities of a religious body, (c) as a monastery or convent.

It is considered that the convent falls within the classification of a structure used for religious instruction for the purposes of this Section 5 application.

Class 20F is subject to the following conditions;

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 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.

- The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
- 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 1 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001 2.
- The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
- 4. 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.
- The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
- '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.
- 7. '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).
- 8. '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."

A letter was submitted from the Higher Executive Officer of the Department of Children, Equality, Disability, Integration and Youth which states that "the Department is interested in utilising this property for the accommodation of international protection applicants, subject to all planning, change of use, building control, Certification of Compliance on Completion (CCC), fire and insurance certifications being in place and subject to contract/contract denied".

It should be confirmed if the use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection and the temporary nature of the use should be clarified. Clarification should be provided in respect of the conditions set out under Class 20F.

As discussed with the A/SEP and having regard to precedent cases and the content of the accompanying letter, the applicant should be requested to submit a letter of intent from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to confirm that the proposed development is being carried out by or on behalf of a State Authority and complies with the requirements of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

It is noted that the applicant states that no internal or external changes are proposed. The plans submitted do not indicate any alterations. Having regard to the wording of the attached letter from the Department and the reports from the Conservation Officer and the Archaeologist, it should be clarified if any works are proposed to any element of the building. In a discussion with the Conservation Officer on 16/09/24, she advised that the details requested are required to fully evaluate the degree of significance of any potential alteration.

Article 9

Article 9 (1) (a) of the Planning and Development Regulations, 2001 as amended, states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would

- (i) contravene condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. A search of the planning history does not indicate that this is the case.
- (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 4m in width. This is not the case.
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users.

In an email received from the Area Engineer on 18/09/24, he stated that, having regard to Articles 9(a)(ii) and (iii), the proposal would be deemed to be exempt. He noted that there is an existing gate for vehicles, although quite narrow, and that there is also a separate pedestrian access point to the site. The Area Engineer stated that the entrance as it exists would not endanger public safety by reason of traffic hazard or cause an obstruction for road users.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological,

geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanala is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

The site is located within the screening zone of the Blackwater River Special Area of Conservation. A screening assessment report was not attached. The building is located approximately 55m from a watercourse and over 30m from the SAC. The Ecologist stated that significant impacts can be screened out in respect of Appropriate Assessment. The screening assessment report is attached in appendix A. However, the Ecologist stated that if significant internal works are required, a Preliminary Roost Assessment will be required. This should be done in accordance with recommended best practice guidelines and conducted by an ecologist with expertise in bat surveying. Should it be determined that the building has the potential to support roosting bats or if evidence of bats is discovered, then additional bat surveys will be required. The likely impacts of the development (both during construction and ongoing) on bats identified to be using this building and significance of such impacts should be assessed. Should it be found that bats may be impacted by the development, Article 9 (1)(a)(vii) of Planning and Development Regulations 2001 (as amended) would apply.

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 would not fall within the scope of EIA. As outlined above, the proposal can be screened out in respect of AA. On this basis, it is considered that the development does not fall within the scope of Section 4(4) of the Act.

As set out above, further information would be required in relation to any physical alterations to fully assess the proposal in the context of Article 9, as set out by the Conservation Officer, the Archaeologist and the Ecologist.

Conclusion

It is considered that the proposal constitutes development in accordance with section 3 of the Planning and Development Act 2000, as amended. In order to assess if the proposal falls within the remit of class 20F, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, further information is required. Furthermore, clarification is required in relation to any physical works to the building.

It is recommended that the following further information should be requested;

1. In the interests of clarity, you are requested to submit a letter of intent from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to confirm that the proposed development is being carried out by or on behalf of a State Authority and complies with the requirements of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

In this regard, you are requested to provide clarification in respect of compliance with the requirements of condition nos. 1-8 of Class 20F of the Regulations.

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 seekina 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, authority local 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.

- The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
- 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 20221 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 20012.
- The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
- 4. 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.
- The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
- '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.
- 7. '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).
- '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."

2. The plans and particulars accompanying this application are noted. It is also noted that the letter from the Department of Children, Equality, Disability, Integration and Youth dated 12th August 2024 refers to the proposal "subject to all planning, change of use, building control, Certification of Compliance on Completion (CCC), fire and insurance certifications being in place".

You are required to clarify if any alterations, modifications or upgrades are proposed to any element of the existing building, both internally and externally.

If so, full details should be submitted. This shall include detailed scaled drawings, including existing and proposed floor plans and elevational plans. In order to carry out a full assessment, detailed method statements as to how any interactions with the historic fabric will be managed and an Architectural Heritage Impact Assessment would also be required.

3. With regard to item no. 2 above, you are required to clarify if any internal works are proposed to the building and the full extent and particulars of same should be clarified, as a Preliminary Roost Assessment may be required. You are requested to consult Kieran Murphy, Ecologist, who can advise you of his requirements in this regard. In the event that a Preliminary Roost Assessment is required, this should be done in accordance with recommended best practice guidelines and conducted by an ecologist with expertise in bat surveying. Should it be determined that the building has the potential to support roosting bats or if evidence of bats is discovered, then additional bat surveys will be required.

You are requested to consult Patricia Goulding, Area Planner, or Louise Ahern, A/SEP, on receipt of this request for further information.

P Goulding 18/09/24

Louise Ahern

A/Senior Executive Planner

19/09/2024

Appendix A

BLACKWATER RIVER SPECIAL AREA OF CONSERVATION

Development location: Buttevant

File Ref: D258/24

Castley 1. Darlast lafe	24	
Section 1: Project Informa	tion	
Brief description of the key components of the proposed development.		Change of use from vacant convent to accommodation for international protection applicants.
Distance of proposed devel from the SAC.	opment site	c.30m
Distance of proposed devel watercourses.	opment from	c.55m
List any ecological reports of been provided in support of application.		None
Section 2: Natura 2000 Sit	e Data	
Site Name	Blackwater Ri Site Code 217	
Qualifying features of Natura 2000 sites	Habitats: Estuaries; Mudflats and sandflats not covered by seawater a low tide; Perennial vegetation of stony banks; Salicornia and othe annuals colonising mud and sand; Atlantic salt meadows (Glauco Puccinellietalia maritimae); Mediterranean salt meadows (Juncetalia maritimi); Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation; Old sessilio oak woods with Ilex and Blechnum in British Isles; Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae Salicion albae); Taxus baccata woods of the British Isles. Species: Freshwater pearl mussel; White-clawed crayfish; Sea lamprey Brook lamprey; River lamprey; Allis shad; Twaite shad; Salmon; Otter Killarney fern. Detailed conservation objectives for the Blackwater River SAC have been published by NPWS (July 2012 ver 1). These objectives set specifit targets for each of the qualifying features for which the SAC idesignated. The overall objective is to ensure that the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected is maintained. Specific objective relating to individual habitats and species, identify particular stretche of the river to which water quality targets apply. To maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected: Estuaries; Mudflats and sandflats not covered by seawater a low tide; Perennial vegetation of stony banks Salicornia and othe annuals colonising mud and sand; Atlantic salt meadow (Glauco-Puccinellietalia maritimae); Mediterranean salt meadow (Juncetalia maritimi); Trichomanes speciosum; Water courses of plain to	
Conservation Objectives		

	montane levels with the Ranunculion fluitantis and Callitricho-Batrachion Vegetation; Old sessile oak woods with Ilex and Blechnum in the British Isles; *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae); *Taxus baccata woods of the British Isles; Freshwater Pearl Mussel; White clawed Crayfish; Sea Lamprey; Brook Lamprey; River Lamprey; Twaite Shad; Salmon and Otter. Please see expanded information relating to the conservation objectives at: http://www.npws.ie/protectedsites/specialareasofconservationsac/blackwaterrivercorkwaterfordsac/			
Other Notable Features	Other Notable Features This is an extremely large riverine site which includes the entire length of the river and many of its tributaries from its headwaters in north west Cork and east Kerry to the estuary at Youghal. This site overlap with the Blackwater Callows Special Protection Area which extends from Fermoy to Tallow along the river and its banks, and with the Blackwater Estuary Special Protection Area which extends through the estuarin portion of the site. It is an important site for a number of freshwater fish and invertebrate species. Associated habitats along the banks of the river including wetland habitats and woodlands are also included within the SAC.			
Section 3: General Assessm				
	ecology if the answer to any of the following is yes.	Les		
Is the proposed project within the SAC?				
Is the proposed project with	Is the proposed project within 100m of the SAC (landbased projects)?			
Does the proposed project involve development in the intertidal or coastal zone within the potential impact zone of the SAC eg extensions or improvements to marine infrastructure (piers, slips, pontoons, marinas), or coastal protection works?				
Does the proposed project involve dredging of marine sediments within the potential impact zone of the SAC?				
Is there a surface water link	tage between the development site and the SAC?	N		
67	Is the proposed project located within an area identified to be at risk of flooding within the potential impact zone of the SAC? Y (zone C			
Does the proposed project involve the development of flood protection measures within the potential impact zone of the SAC?				
Does the proposed project involve works within 30m of any watercourse within the potential impact zone of the SAC?				
	Does the proposed project involve development of water crossings or any instream or banks works along any watercourse within the potential impact zone of the SAC?			
Does the proposed project involve surface water abstraction from any watercourse within the SAC?				

Does the proposed project involve a discharge of surface water or wastewater to any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve groundwater abstraction within 1km of the SAC?	N
Does the proposed project involve the development or extension of buildings or other structures to be used for agricultural purposes within the potential impact zone of the SAC?	Υ
Does the proposed project involve the erection of a wind farm (>3 turbines), or an extension to an existing windfarm within the potential impact zone of the SAC?	N
Does the proposed project involve the development, extension or upgrade of a cycleway or walkway within 100m of the SAC?	N
Could the proposed project give rise to a change in land management practises within the SAC?	N
Section 4: Assessment of Proposals for Treatment of Wastewater In order to ensure that there will be no impact on water quality, the following must be the relevant box with X).	certified (mark
For developments proposing connection to individual waste water treatment systems the waste water treatment system must comply with EPA guidelines.	
For developments connecting to public waste water treatment systems which discharge to surface water within the catchment of this SAC, the public system must have the capacity to treat the proposed additional loading?	
Section 5: Screening Conclusion – Please tick either A or B	
A) Potential for significant impacts on the SAC have been ruled out. (In order to make this conclusion, you must certify the following, having regard to the information provided in sections 1, 2, 3, and 4).	
Answers to all questions in section 3 is No.	N
Where applicable, waste water treatment facilities comply with EPA Guidelines or receiving WWTP has capacity to take increased load without causing a breach to license conditions (see section 4).	
B) Potential for negative impacts have been identified or impacts are uncertain.	
Any Notes or Comments	
The Ecologist considers that the proposal would not give rise to a significant effect on t the Blackwater River Special Area of Conservation.	he integrity of
Section 6: Screening Completed By	Date
Patricia Goulding	17/09/24

Reference Number: D/258/24

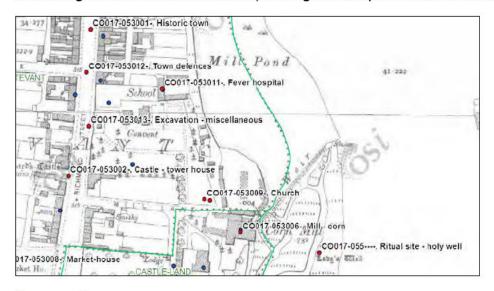
Location: The former Convent of Mercy Buttevant

Description: Change of use from vacant convent to accommodate applicants for international protection.

Protection status: Located in the Buttevant ACA; Included on the Record of Protected Structures RPS ID: 53, described as 'fever hospital/ Convent of Mercy School'. The fever hospital is protected under the National Monuments Acts, CO017-053011



The specific building that is the subject of the Section 5 declaration is unclear; however the protected structure status of the former fever hospital/ convent of Mercy extends to the curtilage and attendant grounds of the listed structure, forming a landscape of historic and social significance.



Assessment:

It is unclear whether the change of use application will involve works to the buildings within the curtilage of the protected structure.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act-

- (a) if the carrying out of such development would-
- (vii) consist of or comprise the excavation, <u>alteration</u> or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological, geological, <u>historical</u>, scientific or ecological interest, <u>the preservation</u>, <u>conservation or protection of which is an objective of a development plan</u> or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan;
- (xii) Further to provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

The applicant should also be cognisant of the following policy in the Cork County Development Plan, 2022-2028:

County Development Plan Objectives HE 16-14: Record of Protected Structures

- a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow.
- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.
- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
- h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure.

HE 16-18: Architectural Conservation Areas

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

- (a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.
- (b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.
- (c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- (d) Protect structures from demolition and non sympathetic alterations.
- (e) Promoting high quality architectural design within ACAs.
- (f) Seek the repair and re-use of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.
- (g) Ensure all new signage, lighting advertising and utilities to buildings within ACAs are designed, constructed and located in such a manner they do not detract from the character of the ACA.
- (h) Protect and enhance the character and quality of the public realm within ACAs. All projects which involve works within the public realm of an ACA shall undertake a character assessment of the said area which will inform a sensitive and appropriate approach to any proposed project in terms of design and material specifications. All projects shall provide for the use of suitably qualified conservation architects/ designers.
- (i) Protect and enhance the character of the ACA and the open spaces contained therein. This shall be achieved through the careful and considered strategic management of all signage, lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.
- (j) Ensure the protection and reuse of historic street finishes, furniture and features which contribute to the character of the ACA.

Conclusion:

There is insufficient information provided to determine whether or not the proposed change of use is or is not exempted development. If any internal or external alterations are proposed to any

of the buildings within the context this would, in my opinion de-exempt the proposed change of use. Further information is required, as follows:

- Existing and proposed plans and elevations;
- Detailed method statements on how any interactions with historic fabric will be managed;
- Architectural Heritage Impact Assessment.



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

4 No. Copies of Application Form:

I No. Copy of Contact Details:

4 No. Copies 6" O.S. Maps:

4 No. Copies 25" O.S. Maps:

4 No. Copies of Site Layout Plan:

4 No. Copies Scaled Drawings of Development:

€80 Application Fee:

(Please tick √)



PLANNING DEPARTMENT

23 AUG 2024

CORK COUNTY COUNCIL

County Hall, Cork-

FOR OFFICE USE ONLY

Receipt No.	PL20002406
Cash/Cheque/ Credit Card	CHEONE
Date	28/8/24
Declaration Ref. No.	D1258/24

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.

(a) Floor area of existing/proposed structure(s):	631.21m2 (existing and proposed)
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October,	Yes No V If yes, please provide floor areas (m²) and previous planning reference(s) where applicable:
permission has been obtained).	
is proposed, please state the following: Existing/previous use	Proposed use
	accommodation for International Protection Applicants
cant convent	
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No V If yes, please state relevant reference number(s)
Please tick appropriate box to show applicant's	A. Owner B. Other
	Planning Devaring
Where legal interest is "Other", prease state	
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):	S / ARCHITECTURAL CONSERVATIVE GORK.
6. PROTECTED STRUCTURE DETAILS	S/ARCHITECTON GORK.
Is this a Protected Structure/Proposed Protected Structure: Yes No	d Structure or within the curtilage of a Protected
If yes, has a Declaration under Section 57 of the or issued for the property by the Planning Aut	ne Planning & Development Act 2000 been requeste hority: Yes No
If yes, please state relevant reference No	nservation Area (ACA), as designated in the County
Is this site located within an Architectural Col Development Plan? Yes	No I

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 <u>Planning and Development Acts 2000</u>, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	0221	
Date	23-Aug-2024	

Planning Department

23 AUG 2024

Cork County Council
County Hall
Cork.

An Roinn Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige Department of Children, Equality, Disability, Integration and Youth



Mr. Daniel O' Brien, UGP Buttevant Ltd Monahan Road, Cork, T12 PC82.

12th Aug 2024

RE: Provision of Accommodation for International Protection Applicants at The Convent Sanctuary, Richmond Street, Buttevant, Co. Cork, P51 P6Y4.

Dear Mr. Daniel O' Brien,

I can confirm that the Department is interested in utilising the above property for the accommodation of International Protection applicants subject to all planning, change of use, building control, Certificate of Compliance on Completion (CCC), fire and insurance certifications being in place and subject to contract/contract denied.

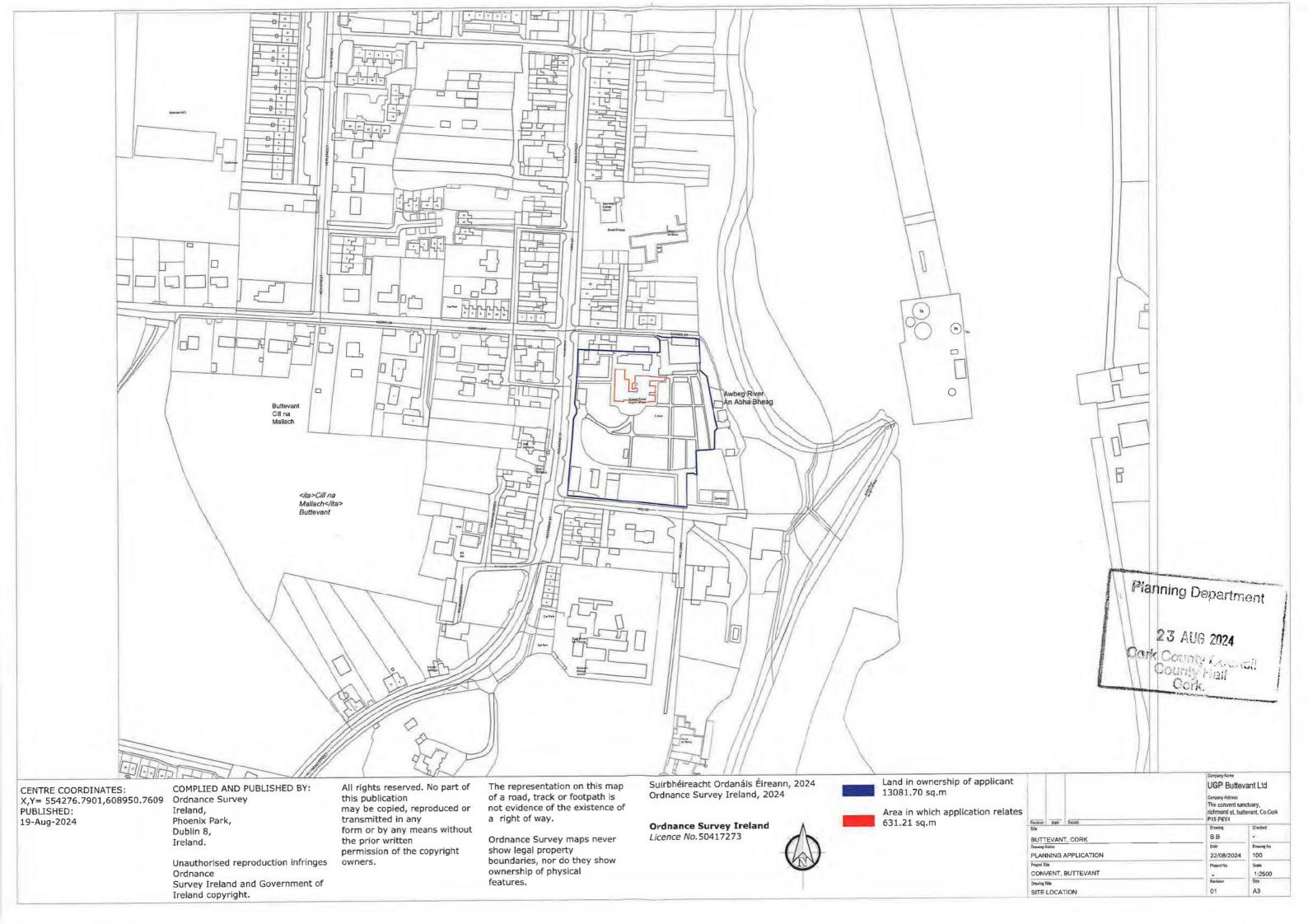
If you have any gueries regarding the above, please contact me at

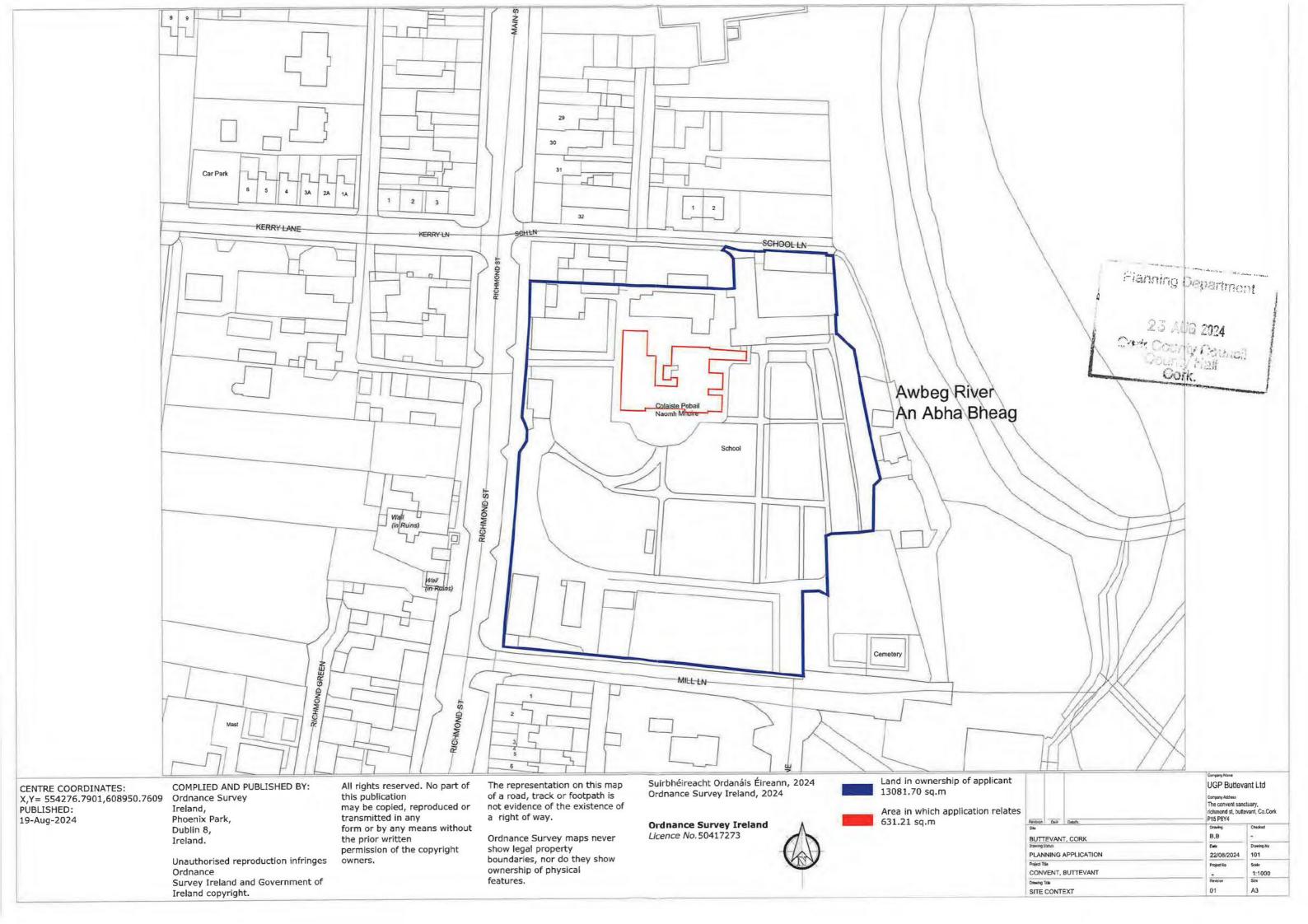
Yours sincerely,

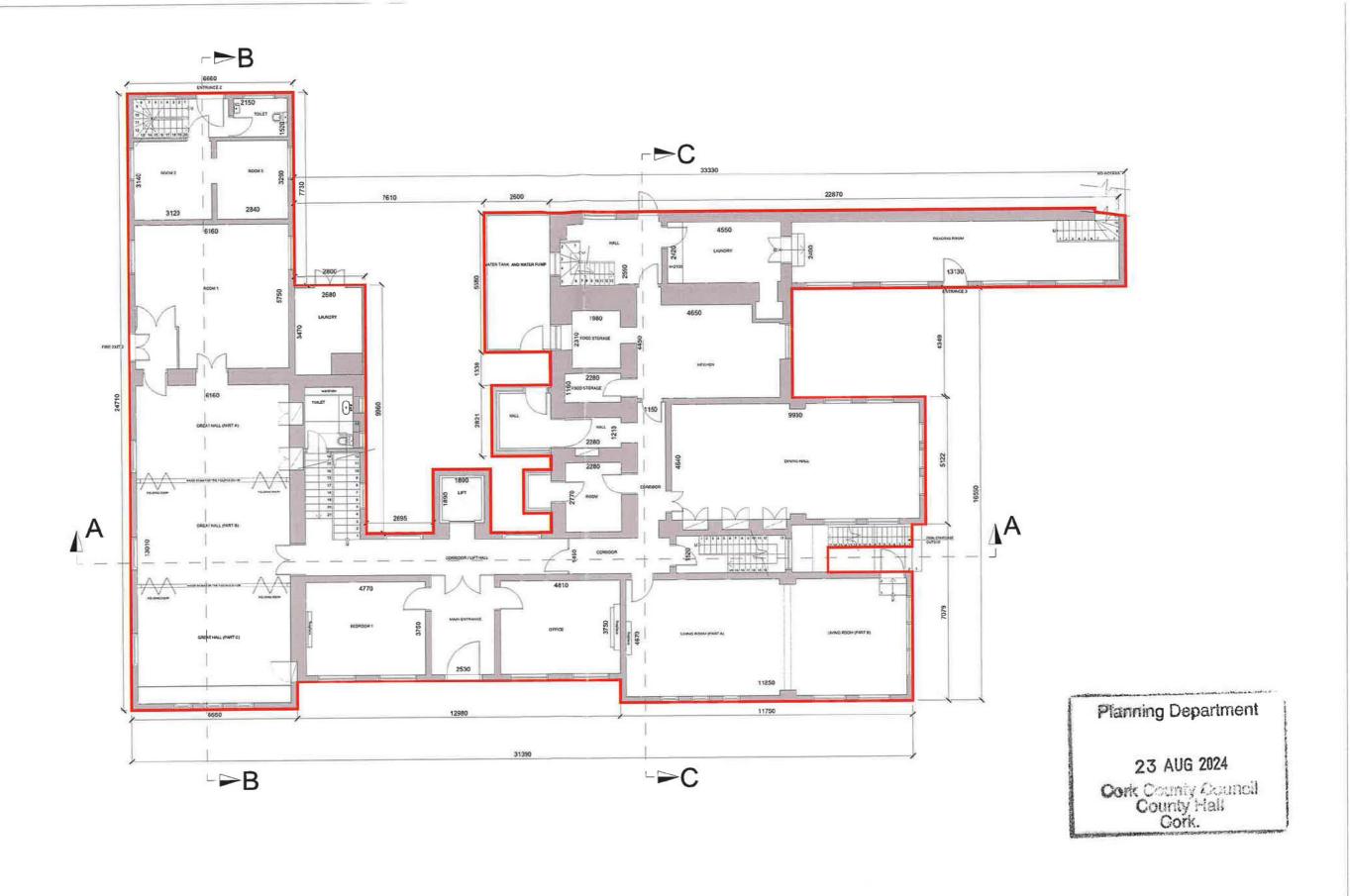
Higher Executive Officer International Protection Procurement Services

23 AUG 2024 County Hail

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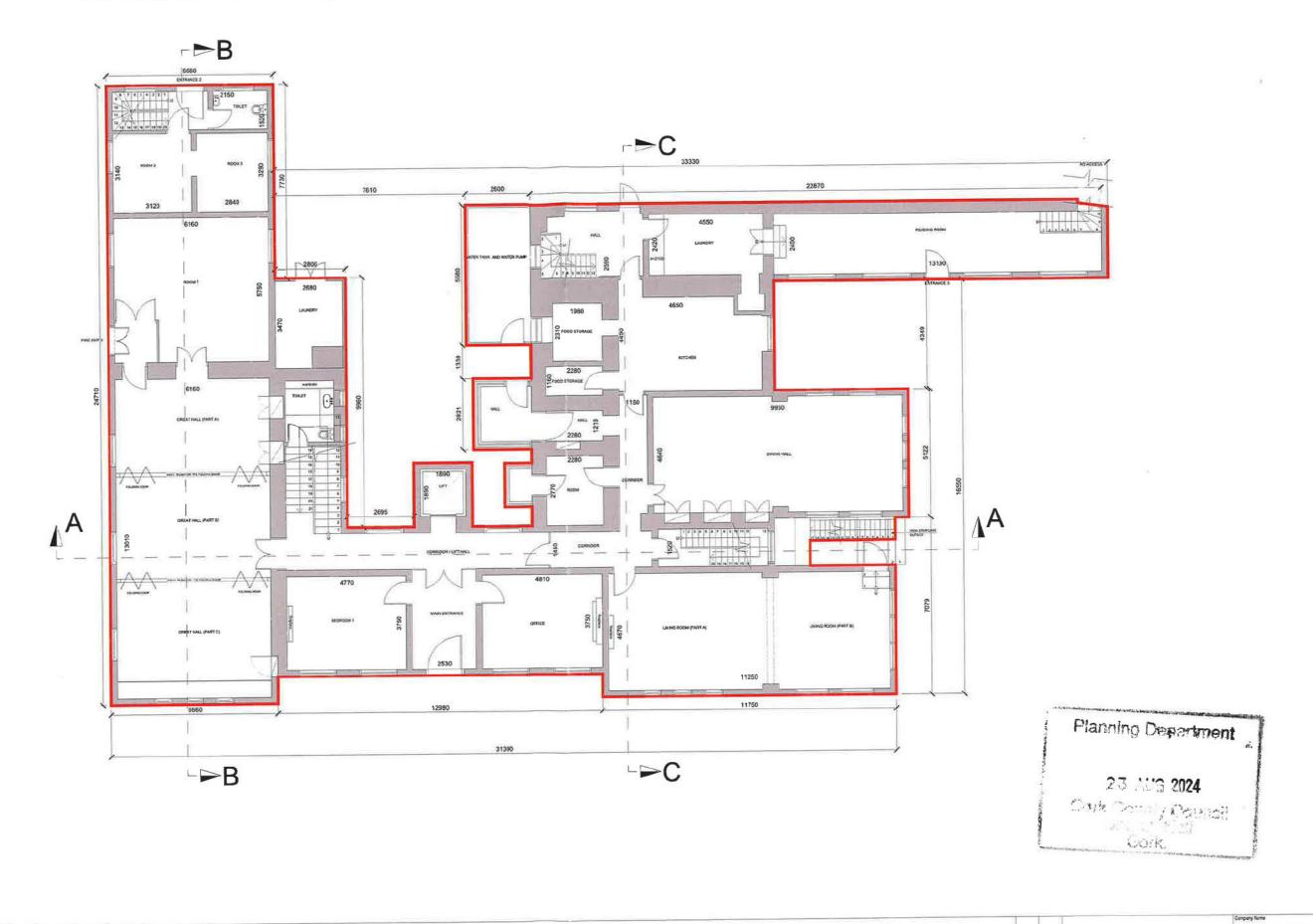




PROPOSED GROUND FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



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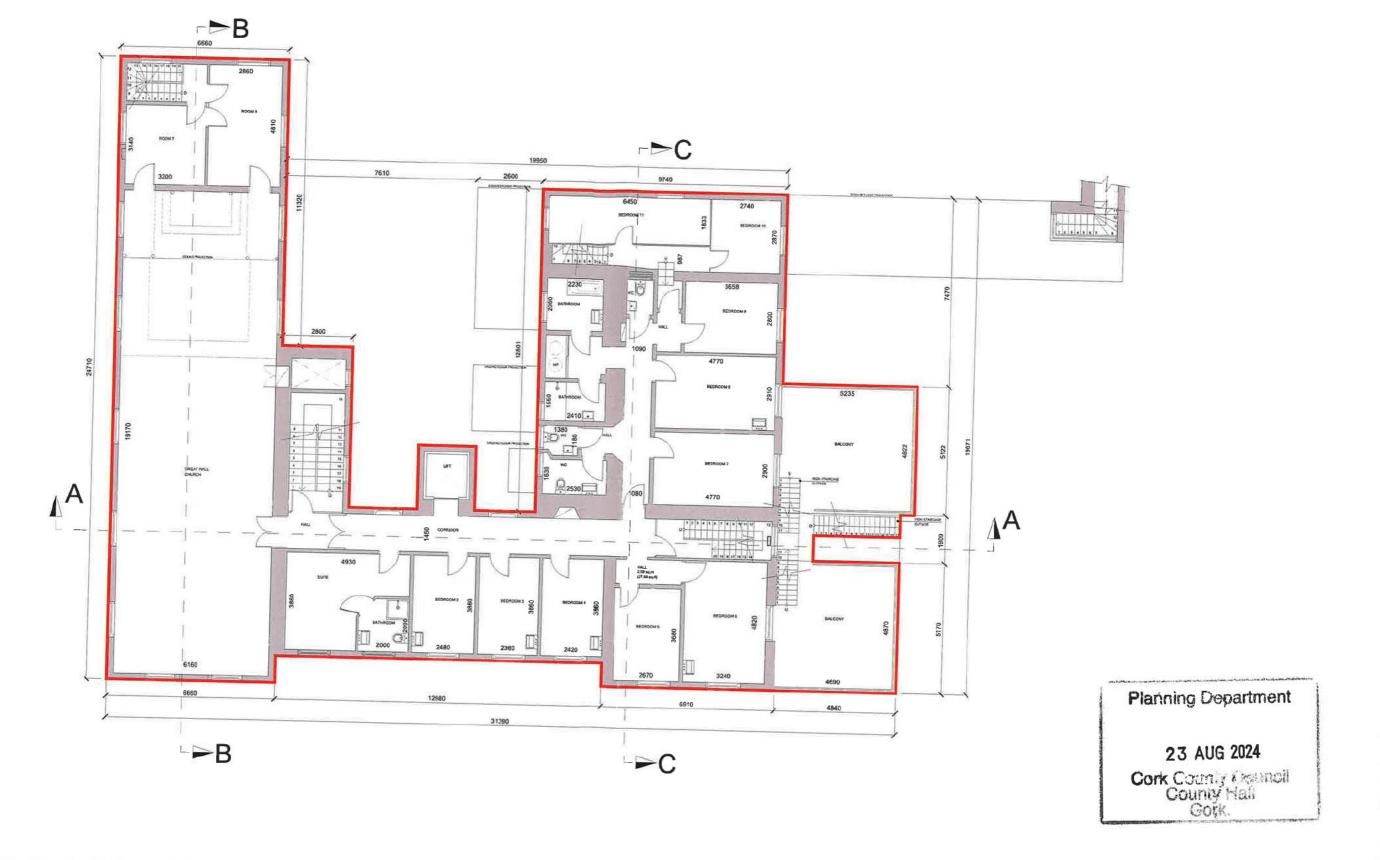


EXISTING GROUND FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



Gross floor area - Ground floor 570.04 sq.m

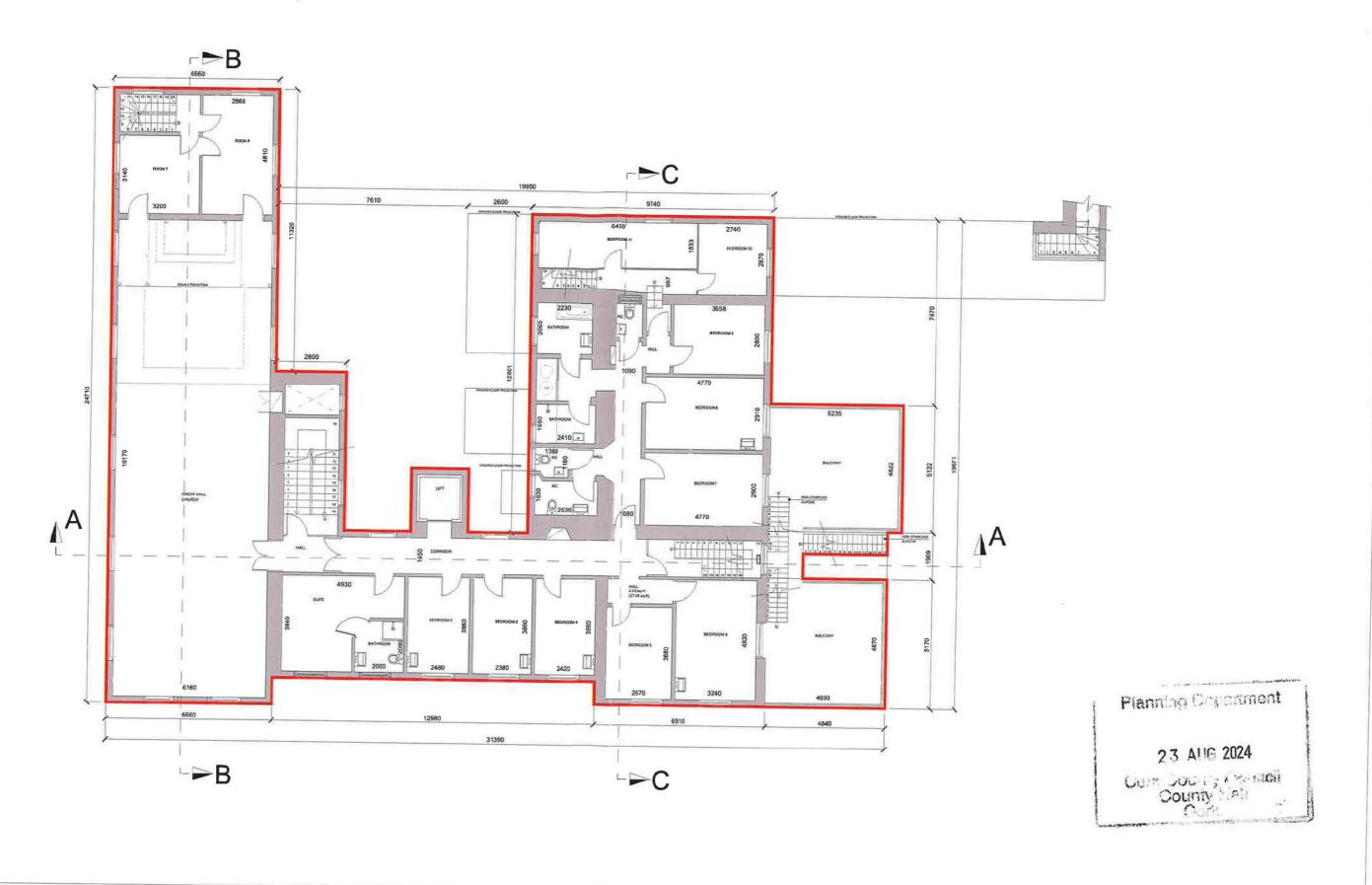
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PROPOSED FIRST FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



Gross floor area - First floor 495.80 sq.m



EXISTING FIRST FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150

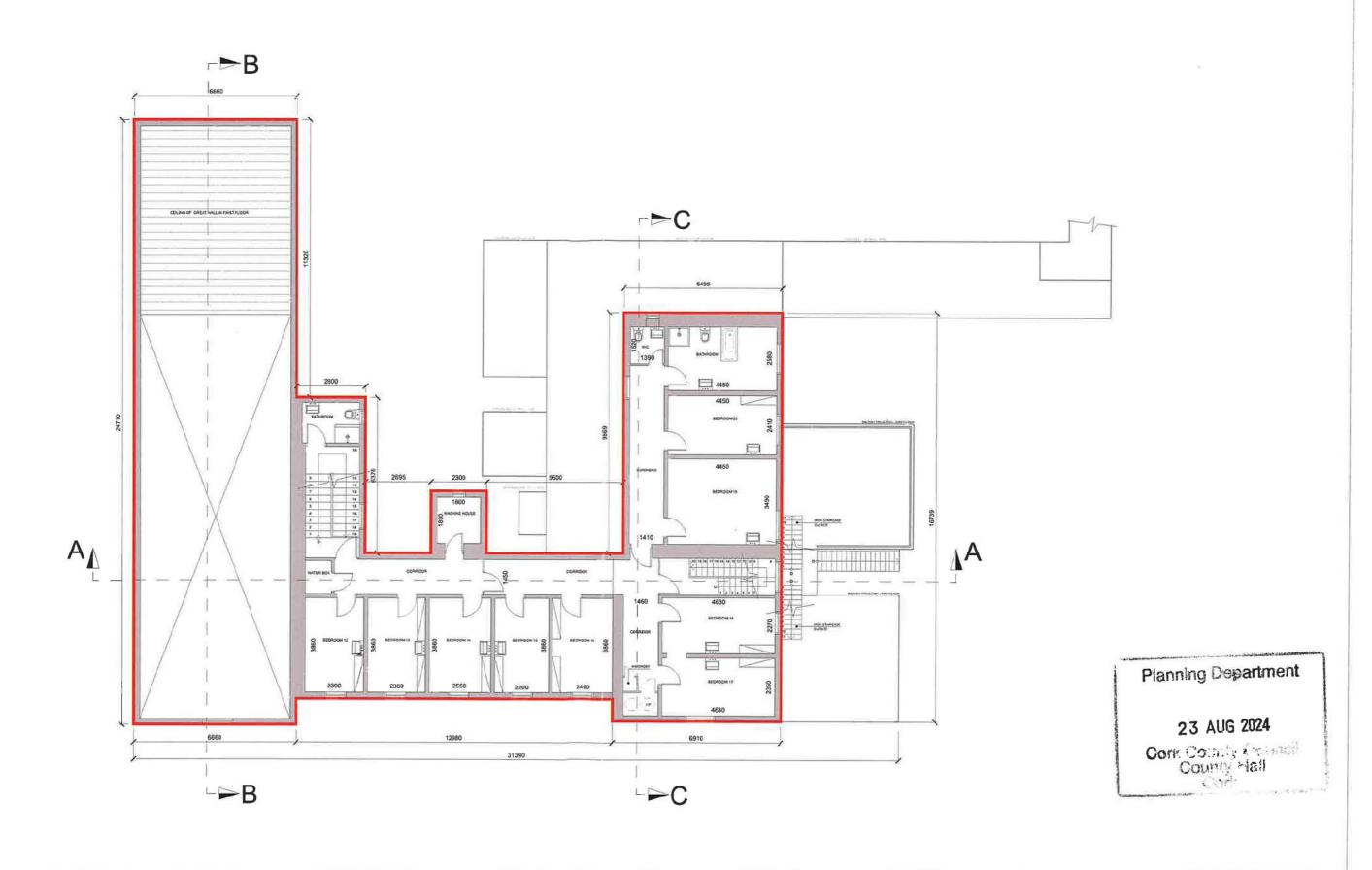


Gross floor area - First floor 495.80 sq.m

UGP Buttevant Ltd Company Address
The convent sanctuary,
richmond sl, buttevant, Co, Cork
P15 P6Y4 Drowing B. B BUTTEVANT, CORK PLANNING APPLICATION 22/08/2024 103 Project Title
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EXISTING FIRST FLOOR PLAN

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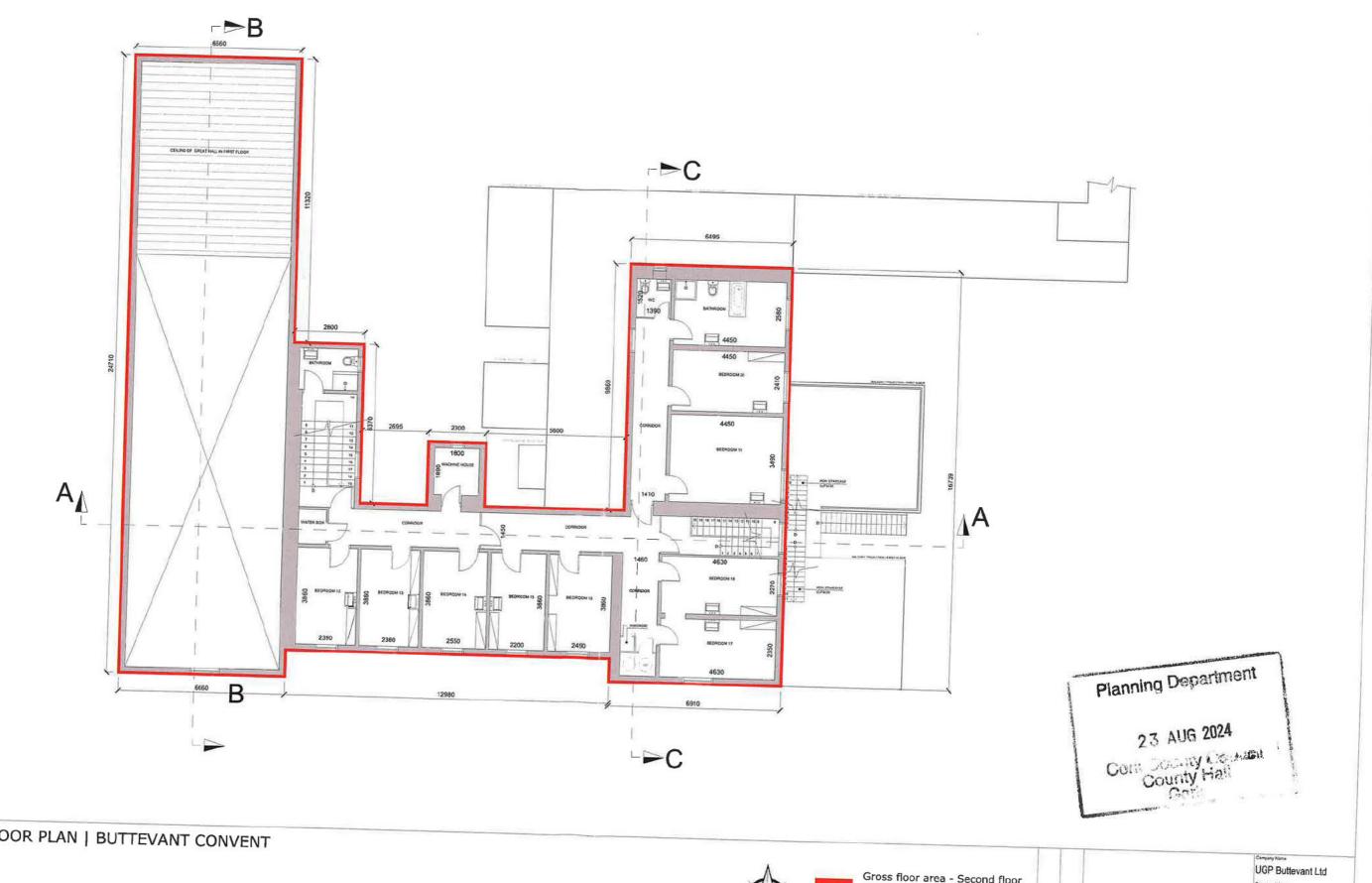
PROPOSED SECOND FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



Gross floor area - Second floor 377.07 sq.m

Company Name
UGP Buttevant Ltd The convent sanctuary, richmond st, buttervant, Co,Cork P15 P6Y4 Drawing B.B BUTTEVANT, CORK
Drawing Stebus
PLANNING APPLICATION 22/08/2024 CONVENT, BUTTEVANT 1:150 See PROPOSED SECOND FLOOR PLAN

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EXISTING SECOND FLOOR PLAN | BUTTEVANT CONVENT SCALE: 1:150



Gross floor area - Second floor 377.07 sq.m

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EXISTING SECTION C-C SCALE: 1:150

PROPOSED SECTIONS | BUTTEVANT CONVENT

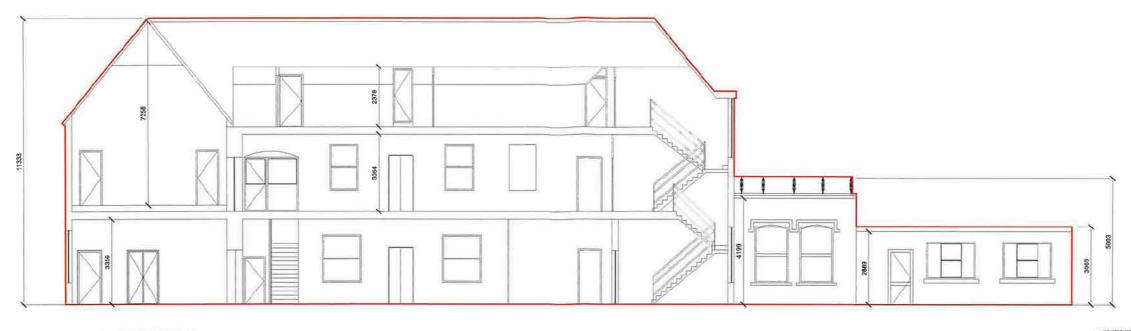
SCALE: 1:150





Area in which application relates

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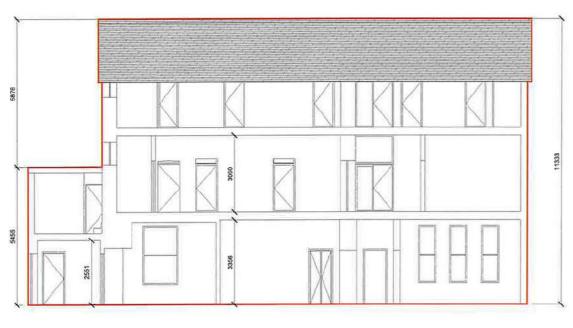


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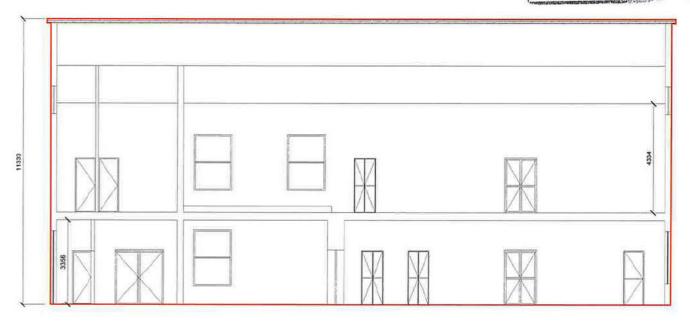
Planning Department

23 AUG 2024

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EXISTING SECTION B-B SCALE: 1:150



EXISTING SECTION C-C SCALE: 1:150

EXISTING SECTIONS | BUTTEVANT CONVENT

SCALE: 1:150





Area in which application relates



PROPOSED SOUTH ELEVATION SCALE: 1:150





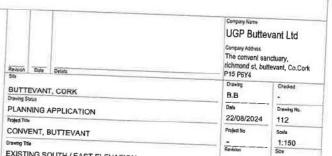
Planning Department

23 AUG 2024

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PROPOSED SOUTH / EAST ELEVATION | BUTTEVANT CONVENT SCALE: 1:150





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Drawing Title

EXISTING SOUTH / EAST ELEVATION



EXISTING SOUTH ELEVATION SCALE: 1:150





Planning Department

23 AUG 2024

Cork County Mali County Hali Core

EXISTING SOUTH / EAST ELEVATION | BUTTEVANT CONVENT SCALE: 1:150





Area in which application relates

UGP Buttevant Ltd

Concasy Address
The convent sanctuary, richmend st, buttevant, Co. Cork
P15 P674

Drawing
B.B

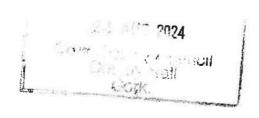
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PROPOSED WEST ELEVATION SCALE: 1:150





PROPOSED NORTH / WEST ELEVATION | BUTTEVANT CONVENT





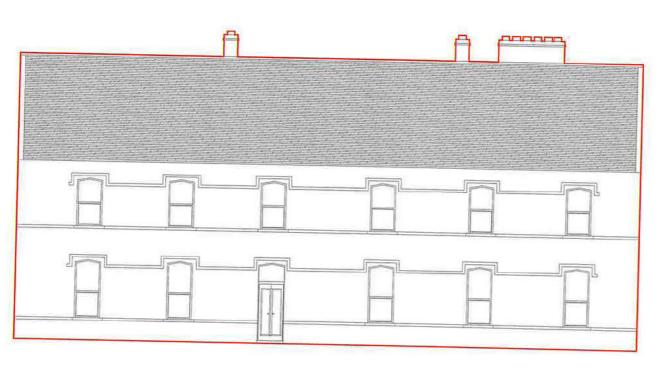
Area in which application relates

Company Name
UGP Buttevant Ltd
Company Address
The convent sanctuary,
richmond st, buttevani, Co-Conk
P15 P6Y4

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PLONING TO PERMONENT Project No.
CONVENT, BUTTEVANT
Desking 1756
PROPOSED NORTH / WEST ELEVATION

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EXISTING WEST ELEVATION SCALE: 1:150



Planning Department

23 AUG 2024

Cork County Mall Cork.

EXISTING NORTH / WEST ELEVATION

EXISTING NORTH / WEST ELEVATION | BUTTEVANT CONVENT SCALE: 1:150





Area in which application relates

	Rentson Date Details		Driets	Company Name UGP Buttev Company Access The convent san richmond st, but P15 P6Y4	ictuary,
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