

Comhairle Contae Chorcaí Cork County Council

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.

Fón: (021) 4276891
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie



East Cork Cumann na mBan Commemoration Group,
C/O Tricia Curtin,
34 Rosary Place,
Midleton,
Co. Cork
P25 NX64

County Hall,
Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie

19th February, 2025

REF: D/204/25
LOCATION: Main Street, Midleton, Co. Cork.

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

Dear Madam,

On the basis of the information submitted by you on 21st January, 2025 the Planning Authority, having considered whether the erection of a small commemorative plaque "Cumman an nBan" at **Main Street, Midleton, 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:

- Section 2(1), 3(1) and 4(4) of the Planning and Development Act 2000 (as amended)
- Articles 3, 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 33 of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended)

And Whereas the Planning Authority hereby decides that

The proposed commemorative plaque meets the provisions of Class 33 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended and is considered to constitute "exempted development" for the purposes of the Act.

And Therefore the Planning Authority concludes that

The erection of a small commemorative plaque "Cumman an nBan" at **Main Street, Midleton, 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.



We are Cork.



Recycled

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

Yours faithfully,



**PIO TREACY,
ADMINISTRATIVE OFFICER,
PLANNING DEPARTMENT.**

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

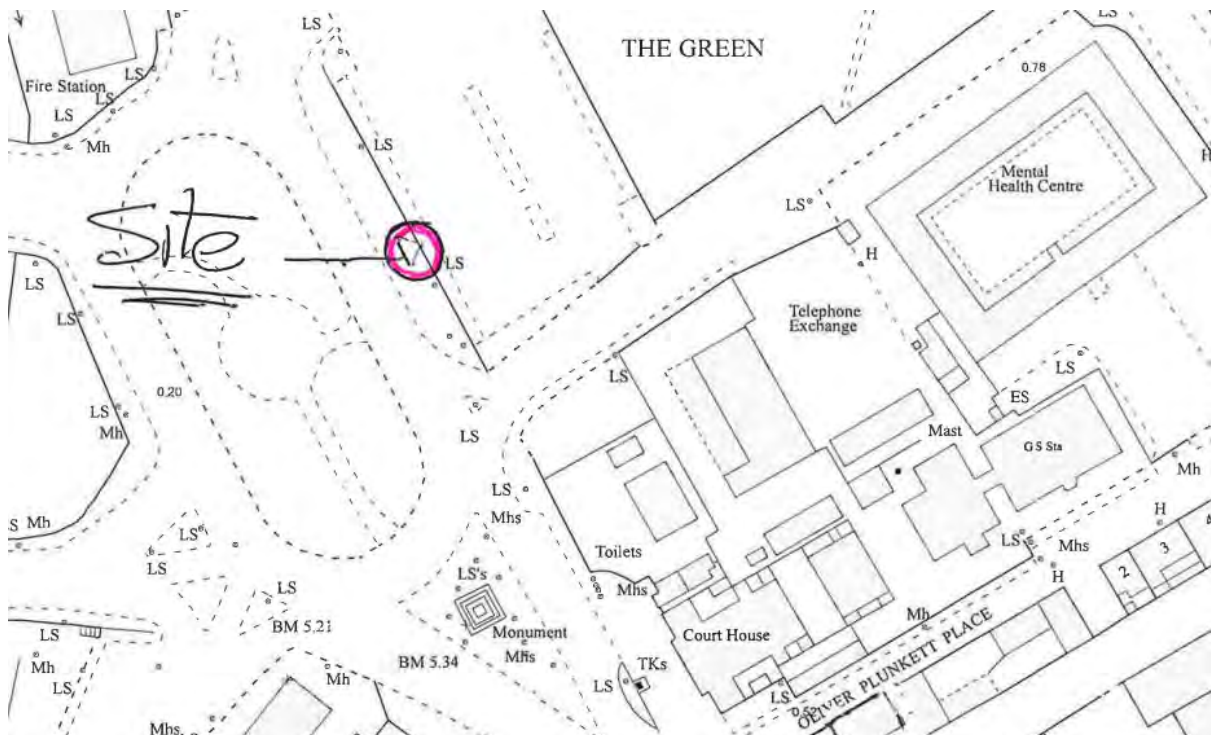
Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

D204-25- Commemorative Plaque “Cumman an nBan” Midleton

The Question

The applicant has queried whether or not the erection of a small commemorative plaque is/is not development and or/ exempted development

Planning History



No relevant planning history

Statutory Provisions

I consider the following statutory provisions relevant to this referral case:
Planning and Development Act, 2000

Section 2 (1) states: -

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under land, or any part of a structure so defined.”

“‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.....”

Section 3 (1) states:-

“In this Act, “development” means, except where the context otherwise requires, the carrying out of works on, in over or under land, or the making of any material change of use of any structures or other land.”

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

Planning and Development Regulations, 2001

Article 6(1) of the Regulations states as follows:- *“(a) Subject to article 9, development consisting of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1*

Article 9 (1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

Assessment

Having regard to the legislative provisions outlined above, the structure can be classed as “development” for the purposes of the Act. The question therefore is whether or not the proposal can be deemed “exempted development”

Exemptions do exist in relation to “amenity” - see Class 33, Schedule, 2, Part 1 P&D Regulations 2001

CLASS 33

Development consisting of the laying out and use of land—

(a) as a park, private open space or ornamental garden,

(b) as a roadside shrine, or

The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

The question therefore is whether or not the proposed development could be viewed as a roadside “shrine”. The Cambridge dictionary definition of Shrine is set out as follows-

a place for worship that is holy because of a connection with a holy person or object:

a special place in which you remember and praise someone who has died, especially someone famous:

Having regard to the nature of the subject proposal, it would seem to fall within the definition as outlined above as it is a memorial to those who died serving in the Cumman na mBan organisation. Furthermore there is also relevant precedent insofar as Cork County Council has deemed similar such secular monuments to fall within the definition of “shrine” - see D278-15 and D264-19 On that basis, it would seem that the exemption class is available for this type of proposal

The exemption class however does include a caveat that *“The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated”*. Details submitted with the proposal state that the plaque adheres to these dimensions and will not be illuminated.

Restrictions on Exemption

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, the proposed development is not something that would trigger requirement for EIAR. Similarly, the proposal does not give rise to any increased/ negative impacts on Natura 2000 sites thus no AA issues arise

Article 9 restrictions

Having reviewed the restrictions on exemption listed under this section, S9(1)(iii) and S9(1)(a)(xii) would be the key caveats to be considered

S9(1)(a) (iii) reads “*endanger public safety by reason of a traffic hazard*”.

The proposal will not generate any traffic hazard as it is proposed to be located adjacent a pedestrian entrance to a public park.

S9(1)(a)(xii) , 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,

In respect of the above, I understand that the plaque has been chosen following discussions with the Heritage section, CCC (see detail under appendix A below). I have also discussed the finish with the CO (Elena Turk) who indicated no further concerns.

Accordingly the proposal does not conflict with the caveat above

On the basis of the foregoing, the proposal meets the requirements of class 33 and A9

Conclusion

Therefore and having had regard to –

(a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,

(b) Articles 3, 6, 9 and Class 33 of Schedule 2, part 1 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

(a) the proposal constitutes “development” within the meaning of S3 of the Act

(b) The proposed commemorative plaque meets the provisions of Class 33 of Schedule 2, part 1 of the Planning and Development Regulations, 2001, as amended and is considered to constitute “exempted development” for the purposes of the Act

Enda Quinn
Executive Planner
19/2/2025

Hi Enda,

Apologies for the delay in coming back to you, it's been fairly hectic for us in heritage, 3 different national deadlines today would you believe!

The Commemorations Committee is most supportive of the Cumann na mBan commemorative plaque and from a Heritage Officer perspective I would also be supportive in this regard.

Elena and I had intended to discuss, but with aforementioned deadlines we simply didn't get the chance.

Elena, I recall you asking for a bit of information regarding the fixing of the plaque. Having looked through the details I have I can confirm that the stone plaque is made of Irish Blue Limestone and will be "fixed into the wall by 1½" depth" – this specification provided by Sculptor Edward Sheedy who undertook the plaque.

If any further information is needed from me on this please do let me know and many kind thanks,

Le meas,
Conor

Conchúr Ó Niallagáin | Oifigeach Oidhreachta agus Comhordaitheoir Cuimhneacháin | Pleanáil agus Comhshaol

Comhairle Contae Chorcaí, Urlár 3, Halla an Chontae, Corcaigh, T12 R2NC Éire

T +353-(0)21 – 428 5905 | r conor.nelligan@corkcoco.ie | www.corkcoco.ie

Tairseach na geustaiméirí : www.yourcouncil.ie

Conor Nelligan | Heritage Officer and Commemorations Coordinator | Planning and Environment

Cork County Council | Floor 3 | County Hall | Cork, T12R2NC Ireland

T +353-(0)21 – 428 5905 | e conor.nelligan@corkcoco.ie | www.corkcoco.ie

Customer Portal: www.yourcouncil.ie



Funding Approved
c. Helyja

CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

✓
✓
✓
✓
✗
✗
✓

FOR OFFICE USE ONLY

Receipt No.	P12-099 2466
Cash/Cheque/ Credit Card	Cheque
Date	21/01/25
Declaration Ref. No.	D/204/25

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

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

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A – CONTACT DETAILS)

East Cork Cumann na mBan Commemoration Group

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

Main Street, Middleton

3. QUESTION/DECLARATION DETAILS:

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

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

The Commemorative Plaque does not exceed 2sqm., The height does not exceed 2metres above the centre of the road opposite the structure. It will not be illuminated.

It is proposed to be mounted on a stone wall as per file supplied to local Cork County Council official Senior Staff Officer in Middleton and Cork County Council Heritage officer in County Hall

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	N/A
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use	Proposed use
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Local group seeking to mount commemorative plaque on structure	
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	Milestone Municipal District Council Milestone Lodge, Youghal Road, Milestone	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

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

7. APPROPRIATE ASSESSMENT:

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

8. DATA PROTECTION DECLARATION:

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

Processing of your Declaration of Exemption application by the Planning Authority

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

Signed (By Applicant Only)	EAST CORK Cumann Na mBan CommemORATIOn Group CHAIRPERSON Patricia CUAIRIN
Date	14-1-2025

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

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

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

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

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

Signed	Patricia Cuairin
Date	14-1-2025

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.

ADVISORY NOTES:

The application must be accompanied by the required fee of €80
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
The application should be sent to the following address:
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	<i>Patricia Costin</i>
Date	<i>14-1-2025</i>

Surveyed 1841-1842
 Revised 1930-1931
 Levelled 1931

Record PLACE Map



189837
 75051



ITM CENTRE PT. COORDS.

588037,573814

DESCRIPTION

MAP SHEETS

6 inch
 CK065 CK076



Produced by National Map Services,
 Unit 7, South Ring Business Park,
 Kinsale Road,
 Co. Cork
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8.

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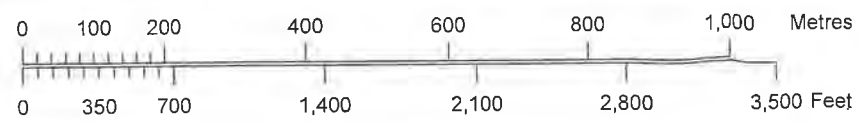
Gach cead cosnamh. Ní ceadmhach aon chuid
 den fhoilseachán seo a chóipeáil, a atáirgeadh nó
 a tharchur in aon fhoirm ná ar aon bhealach gan
 cead i scríbhinn roimh ré ó úinéir an chóipchirt.
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72453
 189831

Scale:- 1:10,560
 Scála:- 1:10,560

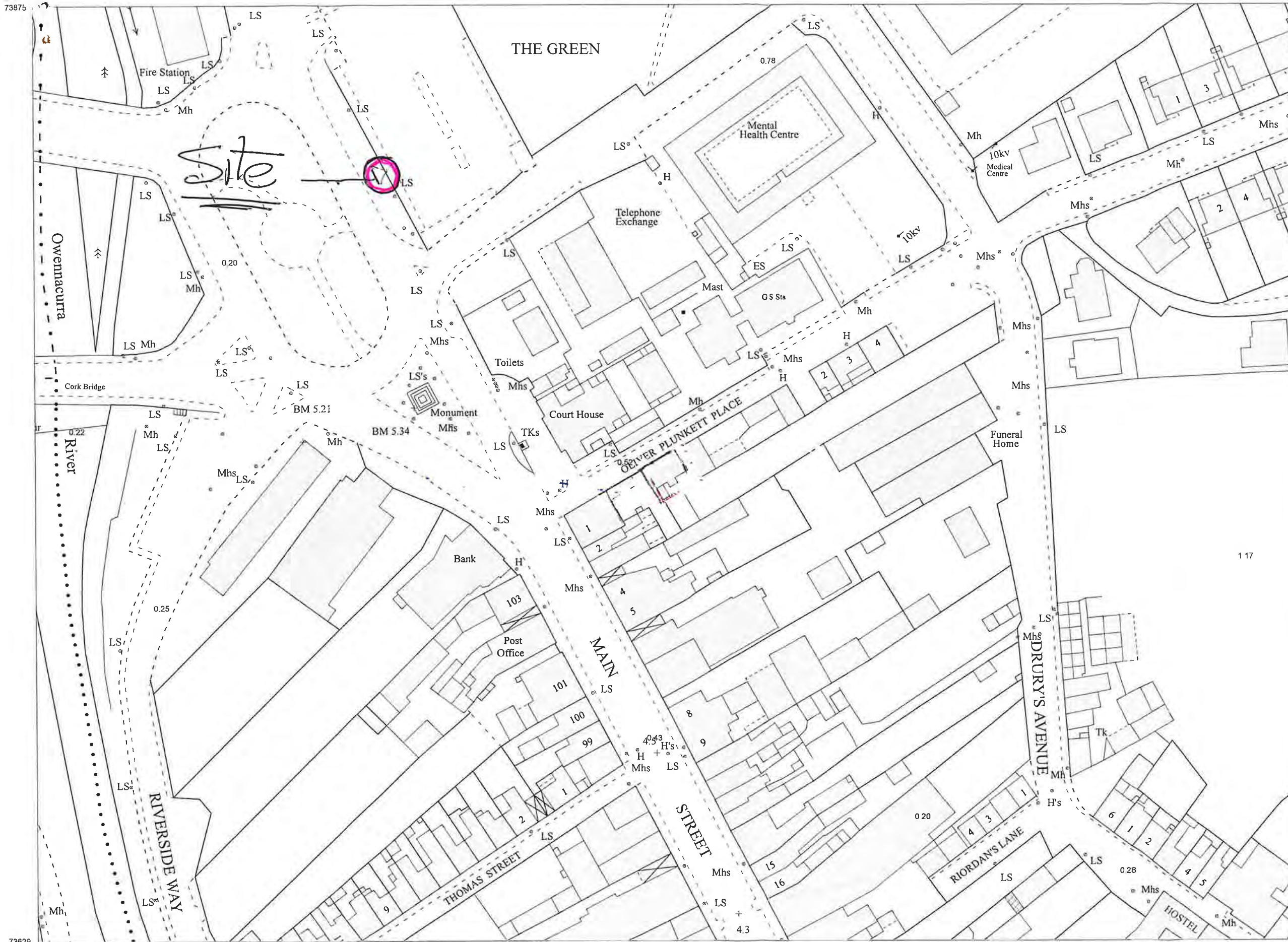


Plot Ref. No. 25283068_1
 Plot Date 22-DEC-2016

72453
 189837

Surveyed 1975
Revised 2015-2016
Levelled 1984-1985

Urban PLACE Map



ITM CENTRE PT. COORDS.
588037,573814

DESCRIPTION

MAP SHEETS
1:1000
6343-16 6342-20



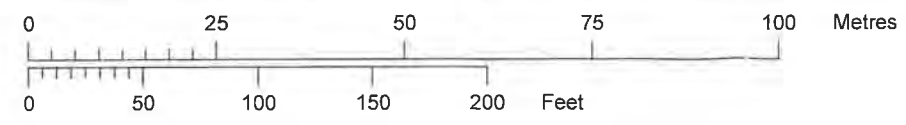
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Scale:- 1:1,000
Scála:- 1:1,000



Plot Ref. No. 25283068_1_5
Plot Date 22-DEC-2016





Stone
Plaque.

LOCATION

TEMPLE of PERSIAN Refused



Location Br Wall.

