



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Charles Colthurst, Blarney Castle Estate,
c/o Mairí Henderson,
McCutcheon Halley,
6 Joyce House,
Barrack Square,
Ballincollig,
Co. Cork

09/03/2020

**RE: Section 5 Declaration R561/20 Construction of a wall
at the Old School House, The Square, Blarney, Cork**

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

The works (construction of a wall) are considered to be development, and exempted development, under Class 11 of the Planning and development Regulations

Is misa le meas,

Kerry Bergin
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

Section 5 Declaration R561/20

Construction of a wall at the old School house, the square, Blarney

I discussed this S5. (*exempted development*) application, with the Senior planner.

It was advised that the previous decision taken by the Enforcement section, that the wall is exempt, be endorsed.

The constructed section of wall has been built to the fore of existing wall which bounds the old school house, and land which is part of Blarney Woollen Mills complex.

I note class 11 of Schedule 2, of the Planning and Development Regulations. This refers to the allowing of works such as: construction, repair, erection, lowering, repair or replacement, other than within or bounding, the curtilage of a house.

The limitation is The height of any new structure shall not exceed 1.2m or the height of the structure being replaced, whichever is the great, and in any event shall not exceed 2 metres.

Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks, which will be visible from any roads, path, or public area, including a public open space, shall be rendered or plastered.

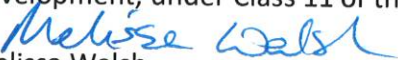
With regard to referencing that the site is in an ACA, it is not considered the works materially affect the character of the area.

Reference is made to a right of way.

Article 9 does de-exempt, development, **if it obstructs any public right of way**- this has not been proved to be a public right of way.

Conclusion

The works (construction of wall) are considered to be development, and exempted development, under Class 11 of the Planning and Development Regulations.


Melissa Walsh

Senior Executive Planner -6/03/2020

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

The Old School House, The Square, Blarney, Cork

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Is the construction of a wall, blocking a historic side gate to the Old School House, Blarney, development and, if so, is it exempted development having regard to its location within an Architectural Conservation Area and the provisions of Article 9 (1) (xiii) of the Planning & Development Regulations 2001 (as amended), which state:

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

(xii) further to the 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”.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Please see attached letter and accompanying Architectural Heritage Impact Assessment Report, prepared by Southgate Associates, Heritage Conservation Specialists.

3. 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 meters (sq. M)

(a) Floor area of existing/proposed structure/s	Stone wall of approximately 2 m in length and 1.8 m in height
(b) If a domestic extension, 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. (sq m) n/a _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) ----- ----- -----	Proposed/existing use (please circle) ----- ----- -----

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	Charles Colthurst, Blarney Castle Estate	
Applicants Address	Blarney Castle Estate, Cork	
Person/Agent acting on behalf of the Applicant (if any):	Name:	Meiri Henderson
	Address:	McCuscheon Halley & Joyce House Rearack Square
	Telephone:	021 4208710
	Fax:	n/a
	E-mail address:	mhenderson@mhplanning.ie
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input checked="" type="checkbox"/>	

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	Ownership of land in dispute. Wall abuts land owned by the applicant and blocks side gate of property owned by applicant	
If you are not the legal owner, please state the name and address of the owner if available	Blarney Woollen Mills, Blarney, Cork claim ownership of land on which the wall is built.	

6. I / We confirm that the information contained in the application is true and accurate:

Signature: Mairi Henderson

Date: 3 February 2020

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ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should 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 Development Management Section, Strategic Planning & Economic Development
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- 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 is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration 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 was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration 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.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution

