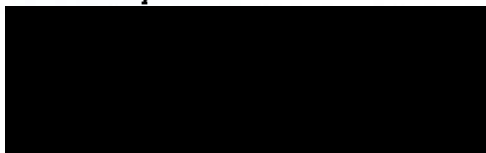


# Comhairle Cathrach Chorcaí Cork City Council

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

AIB Group Plc



10/10/2024

**RE: Section 5 Declaration R871/24 AIB Bank, 105 Douglas Road,  
Douglas, Cork, T12FC96**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 16<sup>th</sup> September 2024, I wish to advise as follows:

The Planning Authority, in view of the above and having regard to —

- *Section 2(1),  
“exempted development” has the meaning specified in section 4.  
“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*
- *Section 3(1),  
In this Act, “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.*
- *Section 4(1)(h),  
4.(1) The following shall be exempted developments for the purposes of this Act—  
...  
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

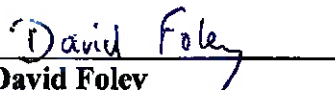


**We are Cork.**

It is considered that the *the specific question for which a declaration is sought* **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT** at AIB Bank, 105 Douglas Road, Douglas, Cork, T12FC96.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 10<sup>th</sup> October 2024.

Is mise le meas,

  
**David Foley**  
**Development Management Section**  
**Community, Culture and Placemaking Directorate**  
**Cork City Council**

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** R 871/24

**Description:** Whether the replacement of the existing drop safe (temporary out of commission) with a new ATM of substantially the same size and in the same location is or isn’t development and is or isn’t exempted development.

**Applicant:** AIB Bank

**Location:** 105 Douglas Road, Cork

### PURPOSE OF REPORT

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

### SITE LOCATION

The site is located on at 105 Douglas Road, Cork. The location of the proposed ATM is on the front elevation of the building, next to an existing ATM.

### Subject Development

Whether the replacement of the existing drop safe (temporary out of commission) with a new ATM of substantially the same size and in the same location is or isn’t development and is or isn’t exempted development.

### RELEVANT LEGISLATION

#### Planning and Development Act 2000 (as amended)

##### Section 2(1),

*“exempted development” has the meaning specified in section 4.*

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

##### Section 3(1),

*In this Act, “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.*

##### Section 4(1)(h),

*4.(1) The following shall be exempted developments for the purposes of this Act—*

*...*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

*Section 5(1),*

*If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.*

**Sub-threshold EIS**

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that an EIS is not required to be submitted.

**Appropriate Assessment**

The relevant European sites are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

**Assessment & Recommendation**

**Development**

The first issue for consideration is whether or not the matter at hand is development, which is defined in the Act as follows.

*Section 3(1),*

*In this Act, "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 applicant has included detailed drawings of the proposed works. The changes involve the replacement of the existing drop safe (temporary out of commission) with a new ATM of substantially the same size and in the same location as the existing ATM on site.

The proposals as outlined appear to constitute works under the definition in the Act as it involves "the act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure."

It is considered that the proposed alterations would come within the definition of 'works' set out in the Act. Therefore, it is most likely that the proposed changes constitute 'development'.

**CONCLUSION — is development**

**Exempted Development**

The next issue for consideration is whether the proposed development is or is not exempted development.

The 'works' (i.e. development) to be carried out include the replacement of the existing drop safe with a new ATM of substantially the same size and in the same location. The applicant has included photographs of the existing ATM and drop safe to be replaced, along with drawings of the proposed replacement ATM.

In this instance, the provisions of Section 4(1)(h) apply. Having examined the drawings and conducted a site visit, the proposed works are not considered to materially affect the external appearance of the structure, so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and as such are considered exempted development.

Having regard to the nature of the works and to Section 2(1), 3(1), and Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as outlined above I consider that the work 'is development' and 'is exempted development'.

A handwritten signature in black ink, reading "Gillian Tyrrell". The signature is written in a cursive style and is positioned to the left of a vertical line.

---

Gillian Tyrrell  
Assistant Planner  
08/10/2024



### 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		Not applicable
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m)  Not applicable
(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) -	
Banking Use	Not applicable	

### 4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):			
Applicants Address			
Person/Agent acting on behalf of the Applicant (if any):	Name:		
	Address:		
	Telephone:		
	Fax:		
	E-mail address:		
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"/>	No <input 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	Leasehold	
If you are not the legal owner, please state the name and address of the owner if available		

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

Signature

Date:

16<sup>th</sup> September 2024.

**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



Our Ref: 24579.20240916.SO.2

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

16<sup>th</sup> September 2024

Dear Sir/Madam

**RE: AIB 105 Douglas Road, Douglas, Cork  
Section 5 Application**



On behalf of AIB Group Plc, we hereby submit a Section 5 application seeking Cork County Council to declare that the replacement of the existing drop safe (temporary out of commission) with a new ATM of substantially the same size and in the same location is "Exempted Development".

In support of our application, we submit:

- a) Application form duly completed.
- b) OS Map (1:1000) and site plan ((1:500).
- c) Ground floor plan (existing and proposed) and first floor plan (for information only).
- d) External elevations – existing and proposed.
- e) Statutory fee of €80.

Below is an image of the current ATM and drop safe location. The drop safe is temporarily out of commission. The proposed new ATM will be substantially identical to the existing ATM shown.



If you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely

[Redacted signature area]

Stephen Oppermann  
**OPPERMANN ASSOCIATES**

**ARCHITECTS &  
INTERIOR DESIGNERS**  
D1 THE STEELWORKS  
FOLEY STREET  
DUBLIN D01 R8P3  
T: +353 1 8899800  
Email: [architecture@oppermann.ie](mailto:architecture@oppermann.ie)  
[www.oppermann.ie](http://www.oppermann.ie)

Directors

**STEPHEN OPPERMANN**

Dip.Arch.B.Arch.Sc.F.R.I.A.I.

**COLM HORAN**

Dip.Proj.Man.M.I.D.I.

**MICHELE SWEENEY**

B.A. B.Arch.Sc(Hons), Dip.Arch  
(M.R.I.A.I.)

Company Reg No: 241564

Members of the Royal Institution  
of Architects of Ireland

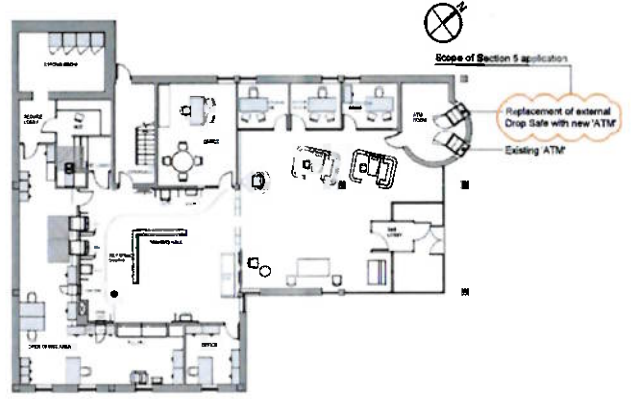




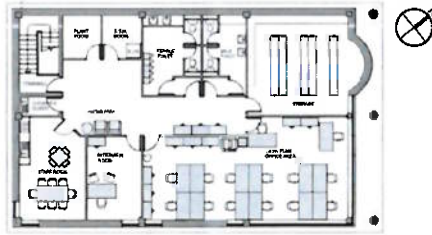
15485 Douglas RD21-577 AIB Knales Douglas Rd- Section 5 Plans 21-577-55-1200\_Floor Plans.dwg - internal.dwg 22/08/24 - 11:17 P



1 EXISTING GROUND FLOOR PLAN  
SCALE: 1:200 @A3



2 PROPOSED GROUND FLOOR PLAN  
SCALE: 1:200 @A3



3 EXISTING FIRST FLOOR PLAN - NO CHANGES PROPOSED  
SCALE: 1:200 @A3

16 SEP 2024

## SECTION 5

REVISION	DATE	REVISED BY	DESCRIPTION	oppermann ARCHITECTS & DESIGN SERVICES ASSOCIATES Unit D1, The Millhouse, The Steelworks, Foley Street, Dublin 1. Tel: (01) 8519289 Fax: (01) 8519299 E-Mail: architecture@oppermann.ie
				CLIENT: ALLIED IRISH BANK PLC
				PROJECT: AIB 105 DOUGLAS ROAD, CORK
				DRAWING: EXISTING & PROPOSED FLOOR PLANS
				PHASE: 1
				DRAWING NO: 21-577-S5-1200
				REVISION: 1
				SCALE: 1:200 @A3
				DATE: 22 AUG 2024
				STATUS: SECTION 5
				CAD REF: 21-577-S5-1200
				PLAT DATE: 22.08.24
				Copyright © 2022 Oppermann Associates All Rights Reserved. Figures dimensions only to be taken from this drawing. All dimensions to be checked on site. Architects to be consulted immediately if any discrepancies before work proceeds.

Existing \*ATM \_\_\_\_\_

Existing Drop / Night Safe \_\_\_\_\_

### Expanding 'ATM'

Replacement of external Drop Safe with new ATM

### Scope of Section 5 application

3 EXISTING ELEVATION 2 - NO CHANGES PROPOSED  
12-2002 SCALE: 1/4" = 1'-0"

## SECTION 5

[illegible]