

Comhairle Contae Chorcaí Cork County Council

Paul Harrington,
The Alders,
Upper Kilmoney Road,
Carrigaline,
Co. Cork.
P43 RW71.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
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12th July, 2023

REF: D/253/23
LOCATION: The Alders, Upper Kilmoney Road, Carrigaline, Co. Cork, P43 RW71.

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

Dear Sir,

On the basis of the information submitted by you on 28th June 2023 the Planning Authority, having considered the question whether the importation of topsoil to level garden and field to improve same for grazing of ponies at at **The Alders, Upper Kilmoney Road, Carrigaline, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is not exempted development.**

Reason for Decision

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

- Sections 2,3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 5,6,8 and 9 of the Planning and Development Regulations 2001-2022 (as amended),
- Class 6 of Part 1, Schedule 2 of the Planning and Development Regulations 2001-2022 (as amended), and,
- The particulars received by the Planning Authority on 28th June 2023

And Whereas Cork County Council has concluded that –

- (a) The works proposed represent development,
- (b) The proposed development is on lands outside the residential curtilage of a dwelling and therefore the exemption outlined in Class 6, Part 1, Schedule 2 of the Planning and Development Regulations 2001-2022 is not available,
- (c) The proposed development is partially on lands governed by previous planning permissions such as ref. no's 13/5744 and 17/4176 and contravenes conditions of these permissions,
- (d) The proposed development would not be considered to be on lands within a farm holding and as such the exemption under Article 8C of the Planning and Development Regulations 2001-2022 as amended, would not be available and in any case, the soil used for recontouring is not coming from within the landholding but from a third party and therefore does not meet the requirements of the exemption,



And Now therefore the Planning Authority hereby decides that:

The proposed importation of topsoil to level garden and field to improve same for grazing of ponies at at The Alders, Upper Kilmoney Road, Carrigaline, Co. Cork **is development and is not exempted development.**

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

Yours faithfully,


**KEVIN O' REGAN,
SENIOR EXECUTIVE 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>

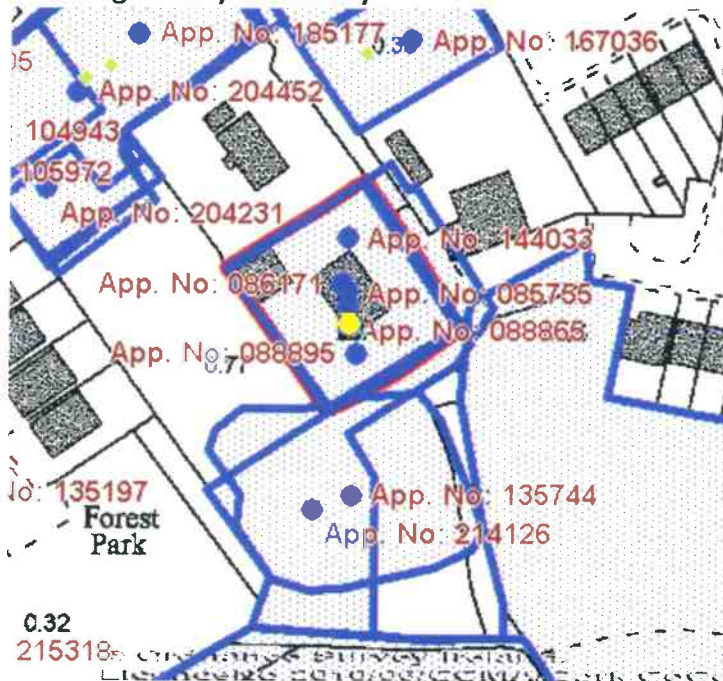
D253/23

Declaration on Exempted Development Under Section 5 of the Planning and Development Act 2000 as amended.

1.0 Introduction

1.1 Paul Harrington has submitted a Section 5 declaration asking whether the importation of topsoil to level garden and field to improve same for grazing of ponies at Upper Kilmoney Road, Carrigaline is or is not development and is or is not exempted development? He states the topsoil is from a building site adjoining his property. He will be levelling the land between 0 and 3 foot in depth with approximately 1500 metres cubed of soil.

2.0 Planning History and Policy



14/4033

Paul Harrington was granted planning permission for construction of a ground floor and first floor extension onto side dwelling (change of design as permitted under 13/4578).

13/4578

Paul Harrington was granted planning permission for construction of a ground and first floor extension to side of dwelling.

08/8895

Paul Harrington was granted planning permission for retention and completion of conversion of outbuilding to one and a half storey (with basement) living accommodation for use as granny flat.

08/8865

Paul Harrington was granted planning permission for retention of minor alterations to existing dwelling, entrance and boundary walls/fencing.

08/6171-withdrawn. **08/5755** incomplete.

South of Family Home Site

21/4126

Clodagh Harrington was granted planning permission to construct a two storey dwelling and domestic garage/store and all associated site works.

13/5744

Paul Harrington was granted permission for retention of alterations to site levels and infill of land with construction and demolition material (including soil/stone/concrete/tarmac) material for agricultural use. (No more material is to be accepted on site).

Further North

21/6709 (ABP-312928-22)

Paul Harrington was granted planning permission for construction of 2 no. single storey dwellinghouses and all associated site works.

20/4452

Paul Harrington refused permission for construction of two no. storey and a half style dwellinghouses.

18/5177- withdrawn. **20/4231** incomplete.

- 2.1 In terms of policy, the site is located within the development boundary of Carrigaline Town as identified in the Cork County Development Plan 2022-2028. It is zoned 'Existing Residential/Mixed Residential and Other Uses'.

3.0 Relevant Legislation

- 3.1 According to Section 2(1) of the Planning and Development Act 2000 (as amended), the definition of "Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.2 According to Section 3(1) of the Planning and Development Act 2000 (as amended), "Development" means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.3 Section 4(1)(h) of the Act is "*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.”

3.4 Article 5(2) of the Planning and Development Regulations 2001-2022 as amended states *“In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.”*

3.5 Article 6(3) and 9 of the Planning and Development Regulations 2001-2022 as amended, are relevant.

3.6 Class 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001-2022 is relevant:

CLASS 6	
<p>(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p> <p>(b) Any works within the curtilage of a house for—</p> <p>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</p> <p>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</p>	<p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side</p>

	<p>building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.</p>
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3.7 Section 4(1) (j) outlines that *development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such* is exempt.

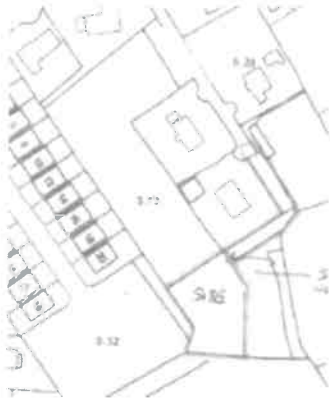
4.0 Assessment

4.1 Firstly, I am not clear based on the information submitted what the extent of the site is. The Eircode of the dwelling has been provided so the location is known it just isn't clear due to different markings on different maps the full extent of the land in question. The information in question 3 outlines that the development is for importation of topsoil to level garden and field. Three maps have been submitted. The first shows the family home with 6 'x' symbols on lands to the east, south and west of the family home and with a site outlined in red labelled 'B':



4.2 Are the 'x' symbols intended to mark the areas for proposed infilling? Or is it site B? What is considered the 'garden' and what is considered 'the field'? The exact areas where infilling is proposed should have been outlined in red on a map.

4.3 The next map shows what appears to be the location map relating to application 21/4126:



4.4 Again, I can see faint 'x' symbols in the same location as the first map. There are three 'x' symbols in the field to the west of the family home with the area '0.72' marked on same. I am not clear how much of this L shaped field it is intended to fill? The third map shows lands to the east of the site but no markings have been identified on same:

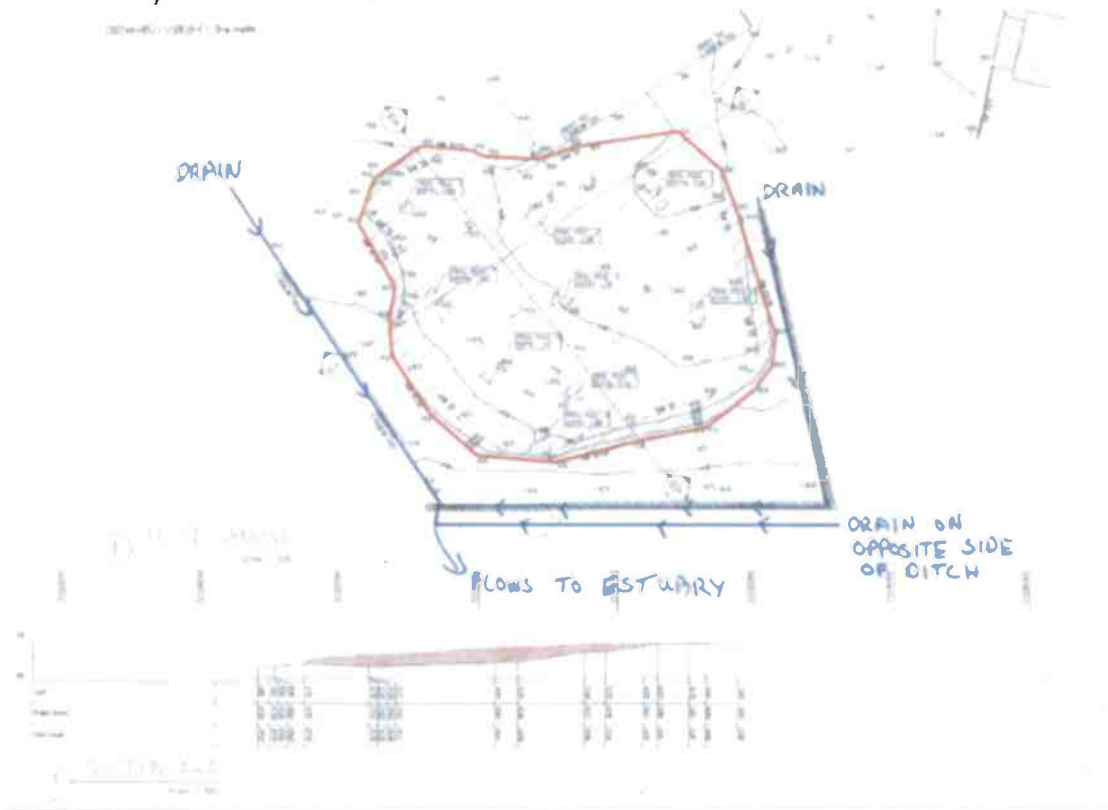


4.5 For the purposes of assessment, I will assume the general area of infilling is where the 'x' symbols are indicated. It is noted that it is proposed to infill 1500 cubic metres of soil and increase the height of lands from 0m to 0.914m (0ft to 3ft). The applicant has not stated under which article or section he considers the development exempt. However, it possible he may consider it exempt under Class 6(a) as it relates to the increasing of land by less than 1m. It is important to note that this Class relates to works within the curtilage of a dwelling.

4.6 In terms of planning history, it appears that planning permission has been granted under 13/5744 for infilling of lands on part of the subject area (specifically, the lands immediately east of site 21/4126. The site area of 13/5744 was as follows:



The Site Layout Plan was follows:



4.7 It is noted that in the course of the assessment of 13/5744, further information was sought and an agricultural report submitted. Here is an extract:

Mr. Paul Harrington of The Alders, Upper Kilmoney Road, Carrigrohane, Co. Cork advised a parcel of land in December 2014. The parcel of land in question is shown on the attached map and is enclosed in the area outlined in red.

The land in question was very heavy and was unsuitable for the grazing of horses that Mr. Harrington keeps due to its wet nature. This made the land very liable to poaching and the grazing horses would have been very susceptible to road fever or possible injury. As a result Mr. Harrington began importing filling material in the summer of 2012 to raise the height of the land and improve the drainage. He was advised that a licence was required to complete this activity. As soon as he was informed that a licence was required he ceased the importing of any further material immediately.

The land is naturally sloping south (Picture 1). The filling material has increased the ground level and there is a drain along the south west and eastern boundary of the plot (Pictures 2 and 3) to take away excess water. The filling material used consists of broken concrete and builders rubble and drainage stone (Picture 4). The original topsoil was removed and is ready to be placed over the fill material (Picture 5). It may be necessary to import a small amount of topsoil to allow sown grass establishment to complete the job.

The addition of this filling material greatly reduces the agricultural productivity of this land making it safe for the horses to graze and would allow the grass grown to be harvested for hay or baling for feeding over the winter months.

- 4.8 It essentially confirms that increasing the levels of this land by up to 1.8m has resulted in greatly improved agricultural productivity of the land making it safer for horses to graze. Condition 1 of 13/5744 requires the development to be retained to be in accordance with the details submitted on 09/09/13 and 05/11/13.
- 4.9 Article 9(1)(a) outlines 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 a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.* I consider that increasing the ground levels of lands within the site boundary of 13/5744 contravenes condition 1 of 13/5744 and is therefore not exempt. I also consider that the agricultural report suggested that the lands were suitable for grazing as retained therefore, it is not clear why further increases in level are required. Finally, it is considered that this field is not within the residential curtilage of the family home and as such the Class 6 would not be available. This is discussed further in the report.
- 4.10 The next area of the site I will discuss is east of the family and south of site to which reference 16/7036 refers. This planning permission was for construction of a two storey dwellinghouse and domestic garage for John and Elizabeth Harrington. Part of the permitted layout plan was as follows:



- 4.11 Again, the exact extent of lands to be filled in this specific area is not clear. The southern part of the site seems to overlap with the most recently permitted Castlelands housing estate development to the south under 17/4176. See image from PES below showing site boundary of 17/4176:

4.12 The applicant may clarify that works are proposed north of the red line boundary of 17/4176, however, if not then it is suggested that infilling of lands is contrary to the permitted development of 17/4176 (specifically condition 1 and condition 9-landscaping plan) and thus not exempt. If infilling works are proposed outside of the boundary of 17/4176, it is still considered as not meeting the Class 6 exemption because these lands are not within the curtilage of a dwelling.

4.13 It is noted that as part of permission 17/4176, a Construction and Environmental Management Plan has been submitted by way of compliance. This report on page 8 outlines:

Topsoil will be stripped and stored on site to be reused in the landscaping works.

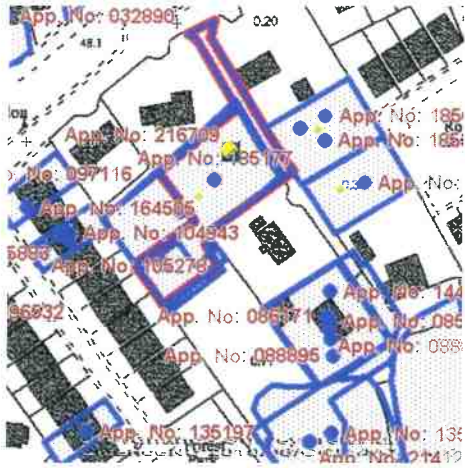
Excavation work will be completed by heavy track machinery with suitable material moved by dumper trucks to designated storage areas on-site.

Unsuitable material will be stored separately and if necessary will be carted off site to designated dumping areas, with all required licenses applied for. This will be done in accordance with the 'Waste Management Acts 1996-2008'

The permission therefore requires topsoil to be reused on site and any other material to be transferred to designated dumping areas under licence and in accordance with the Waste Management Acts 1996-2008. I would therefore question if the removal of soil from the Castelands site to the proposed site complies with the permitted plans and particulars of 17/4126 as Mr Harringtons land is not a registered waste facility. I acknowledge that the soil may be considered a 'by-product' rather than a waste but regardless there are standards to be met when disposing of same (usually governed by Article 27 of the EC (Waste Directive) Regulations 2011). The applicant of 17/4126 must notify the EPA in that regard.

4.14 Lastly, in relation to these lands (south of 16/7036), I note in the past there seemed to have been shed which I believe has been demolished and a stables unit in the northwest corner. I would not consider these to form part of the curtilage of the family home across the road to the west. These have a history of equine/agricultural use. Therefore, if not forming part of the curtilage of the house then Class 6 cannot be applied. The increasing of ground levels is not exempt under any other Class.

4.15 The final area to discuss relates to the lands to the west of the family home. As with previous parcels of land, the exact extent of proposed fill is unclear. Is it just directly behind the family home site or does it extend further north along the entire field? I note that permission 21/6709 does form part of this L shaped field- see outline below:



4.16 In terms of the area to be filled, given the reference to the garden and field does it mean the immediate garden to the rear of the house and within the red line boundary of 14/4033-see permitted layout plan below:



Or, is he referring to the field to the west of the house, i.e. where the three 'x' symbols are marked? Given the size of the rear garden it would be unlikely to be of sufficient scale to cater for the grazing of ponies. Therefore, I am assuming it refers to the lands west of the site outlined under 14/4033. The following is an aerial photograph of the area:



4.17 Having reviewed various aerial photographs over the years, I have formed the opinion that the lands in question did not form part of the residential curtilage of the family home. They may have been in the applicants ownership, but they were/are not used directly in association with the residential use of the family home site as identified under 14/4033. The original permission for the dwelling being ref. 01/2688 (Paul Harrington granted planning permission for a dwelling and double garage) and shown on PES as follows:



4.18 This clearly shows the extent of the permitted residential property and does not include the field to the west. Similarly, aerial photographs show the residential use confined to the permitted site area:



2014



2013



2007



2003

- 4.19 I therefore conclude the field to the west of the house is not within the defined or permitted residential curtilage of the home. On that basis, the Class 6 exemption cannot be utilised as it relates to landscaping works within the curtilage of a house and the field in question is not considered within the curtilage of a house.
- 4.20 Finally, I would mention that the grazing of ponies on residential property does not come within the scope of section 4(1) (j) i.e. development consisting of the use of the land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such. The grazing of ponies is more closely related to the definition of 'agriculture' in the Act (*the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and "agricultural" shall be construed accordingly*). However, I do note that these are small parcels of land, within the development boundary and surrounded by urban development. Article 6(3) indicates that classes of exemption for agricultural development as listed under Column 1 of Part 3, Schedule 2 are only available in areas outside of the cities and towns. There is an exemption under article 8C for land reclamation works (other than reclamation of wetlands) consisting of recontouring of land including infilling of soil (but not waste material) within a farm holding. However, again, I do not consider this to be a farm holding given the urban location, lack of agricultural buildings and facilities and scale of landholding. Also, the material is being sourced from outside the landholding which again is not covered in this exemption. I therefore do not consider that this exemption can be utilised in this context (for all of the aforementioned parcels where infilling is proposed).

Appropriate Assessment

- 4.21 The subject site is within the screening zone of the Cork Harbour Special Protection Area (SPA). I note in a previous application for infilling under 13/5744, the drawing submitted indicates the ditches along the eastern and western boundaries of that site flow down to the estuary. This suggests a hydrological connection between the site and the SPA. No specific drawings have been submitted showing proposed infilling in relation to existing drains. No ecological assessments have been

submitted. Based on the information submitted I cannot rule out the potential for significant impact on the Natura 2000 site.

- 4.22 Article 9(1)(a) (vii) states 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 *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, hisotrical, 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.* I therefore consider that even if the works had been deemed exempted development under Class 6, that they would not be exempt as they represent alteration to a place of ecological interest etc.

Recommendation

Whereas a question has arisen as to whether the importation of topsoil to level garden and field for the purposes of improving land for grazing of ponies, is or is not development and is or is not exempted development?

And whereas the Planning Authority has had regard to

- (a) Sections 2,3 and 4 of the Planning and Development Act 2000 as amended,
- (b) Articles 5,6,8 and 9 of the Planning and Development Regulations 2001-2022 as amended,
- (c) Class 6 of Part 1, Schedule 2 of the Planning and Development Regulations 2001-2022 as amended,

And whereas the Planning Authority has concluded that:

- (a) The works proposed represent development,
- (b) The proposed development is on lands outside the residential curtilage of a dwelling and therefore the exemption outlined in Class 6, Part 1, Schedule 2 of the Planning and Development Regulations 2001-2022 is not available,
- (c) The proposed development is partially on lands governed by previous planning permissions such as ref. no.s 13/5744 and 17/4176 and contravenes conditions of these permissions,
- (d) The proposed development would not be considered to be on lands within a farm holding and as such the exemption under Article 8C of the Planning and Development Regulations 2001-2022 as amended, would not be available and in any case, the soil used for recontouring is not coming from within the landholding but from a third party and therefore does not meet the requirements of the exemption,

The Planning Authority concludes that the importation of topsoil to level garden and field for the purposes of improving land for grazing of ponies is development and is not exempted development.



Susan Hurley
Executive Planner
12/07/2023



SENIOR EXECUTIVE PLANNER

12/7/23



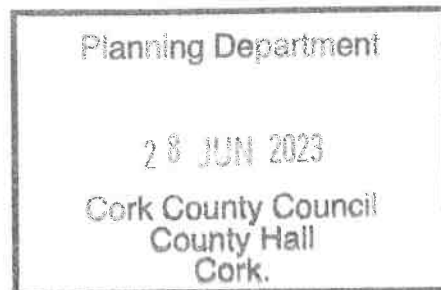
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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.	CAC0163156
Cash/Cheque/ Credit Card	VISA
Date	28/06/2023
Declaration Ref. No.	D/253/23

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)

Paul Harrington
The Alders
Upper Kilmoney Road
Carrigaline
Co Cork
P43RW71

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

Paul Harrington
The Alders
Upper Kilmoney Road
Carrigaline
Co Cork
P43RW71

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

Importation of topsoil to level , garden and field. I have two little ponies on the land and I need to improve the land for grazing for them. This topsoil is coming from Castlelands Building Site which was originaly part of my land / Farm. The topsoil is literally just over the ditch. I will be leveling the land between 0 and 3 foot in depth . I assess approximately 1500 cubic meters of soil to be used.

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 checked="" type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable: N/A
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use N/A	Proposed use N/A
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

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

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)	Paul Harrington
Date	22-Jun-2023

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	Paul Harrington
Date	22-Jun-2023

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.

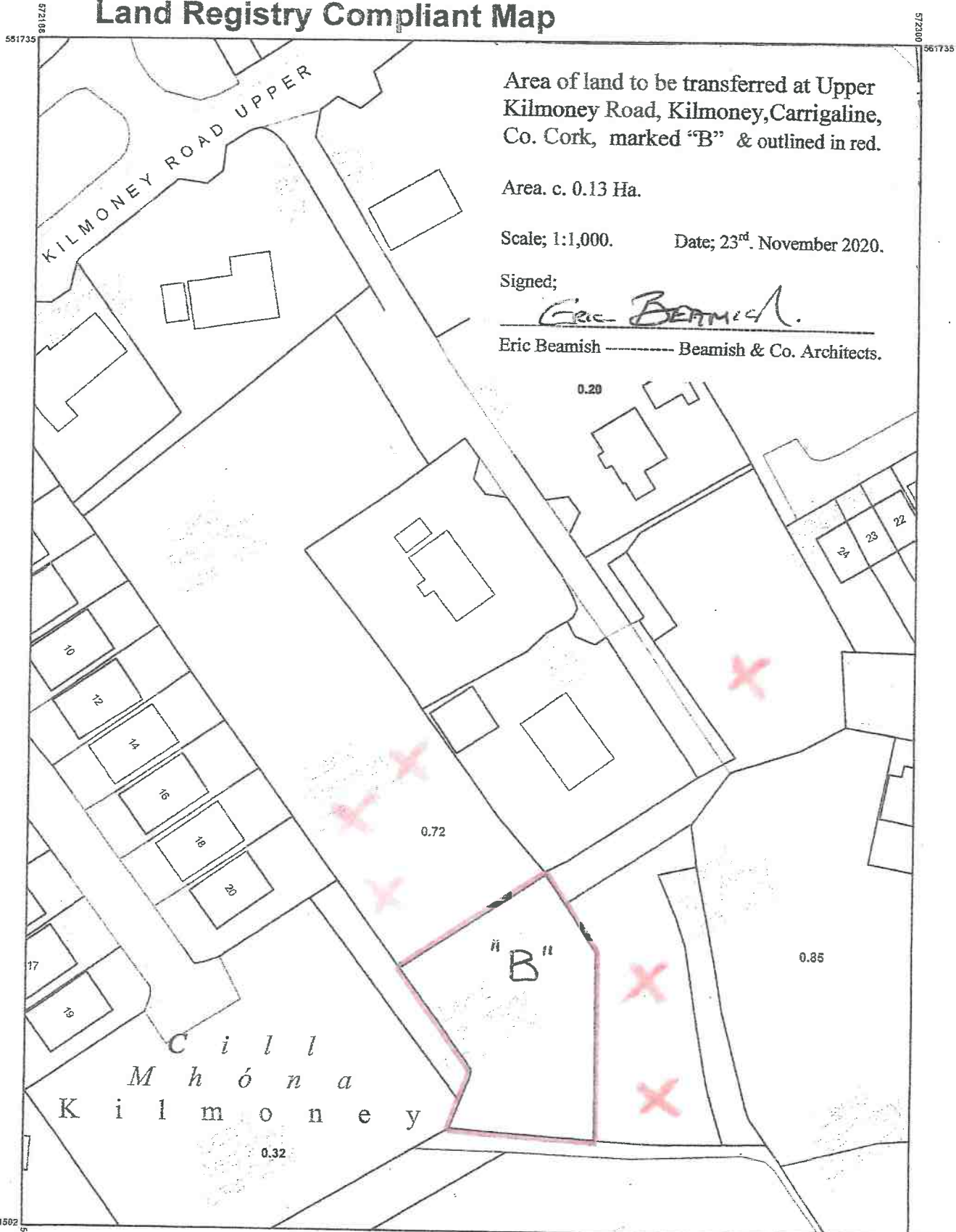
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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:**

<i>Signed (Applicant or Agent as appropriate)</i>	Paul Harrington
Date	26-Jun-2023

Land Registry Compliant Map



Area of land to be transferred at Upper Kilmoney Road, Kilmoney, Carrigaline, Co. Cork, marked "B" & outlined in red.

Area. c. 0.13 Ha.

Scale; 1:1,000.

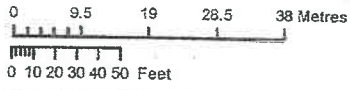
Date; 23rd. November 2020.

Signed;

Eric Beamish

Eric Beamish ——— Beamish & Co. Architects.

Cill Mhóna
Kilmoney



OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:
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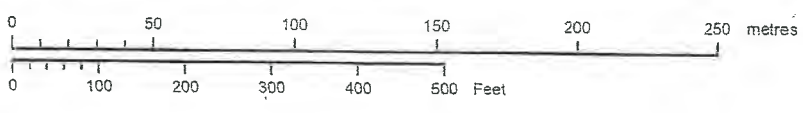
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Planning Pack Map



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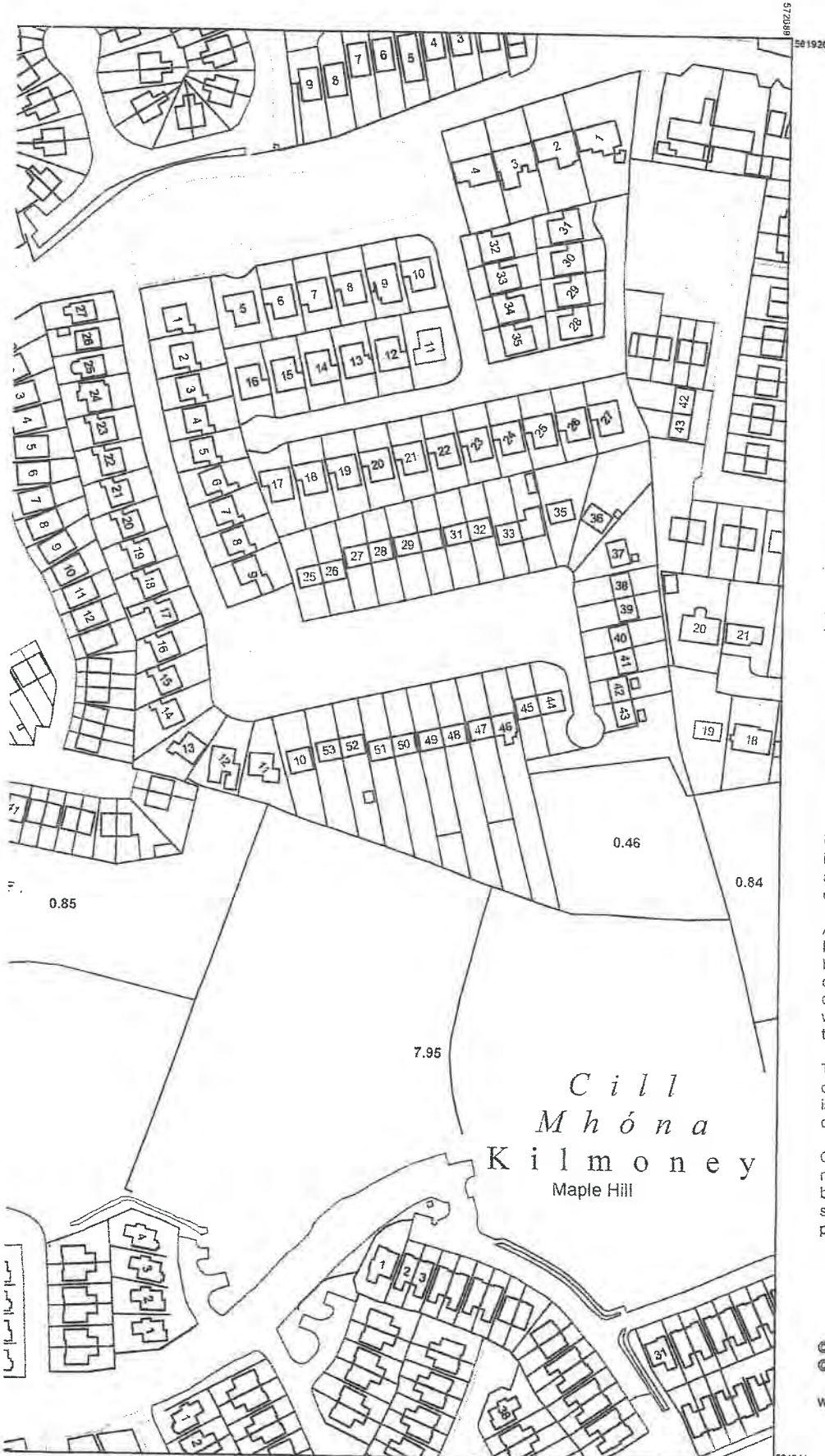
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