

Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,
Bóthar Chorcaí, An Sciobairín,
Co. Chorcaí P81 AT28.
Fón: (028) 40340 • Faics (028) 21660
Suíomh Greasáin: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



Mr. Vincent O'Mahony,
10, Market Street,
Skibbereen,
Co. Cork.

5th April, 2023.

Our Ref: D/9/23.

**RE/ Declaration request on exempted development under Section 5
of the Planning & Development Act, 2000 (as amended).**

Dear Sir,

On the basis of the information and plans submitted by you on 7th March, 2023 on behalf of Ms. Sharon Wolfe, the Planning Authority declares that the replacement of existing hay shed with new shed at Meenvane, Schull, Co. Cork constitutes development and *is not exempted development* under the Planning & Development Regulations, 2001, as amended.

Having regard to the proximity of this site to a local school which is situated less than 100 metres away from where the new shed is to be erected, it is considered that the new shed constitutes development as it does not satisfy limitation No. 5 under Schedule 2, Class 9 (agricultural structures) of the Planning & Development Regulations 2001, as amended.

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.

Receipt No. WCP11404 in respect of €80.00 fee, is issued herewith.

Yours faithfully,


KEVIN O'REGAN
SENIOR EXECUTIVE OFFICER

REG. No. _____
PLANNING (WEST) DEPT
11 APR 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, CO. CORK P81 AT28

Anne Lordan

From: Tim Twomey
Sent: Friday 31 March 2023 11:55
To: Anne Lordan
Subject: RE: D/9/23 - Section 5 Request

Follow Up Flag: Follow up
Flag Status: Flagged

*not exempt
as per
planners
report.
Tim Twomey
5/4/2023*

Hi Anne,

I agree with the Area Planner's recommendation that the proposal is development which is not exempted development.

Regards,
Tim

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Sent: Friday 31 March 2023 09:11
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Subject: FW: D/9/23 - Section 5 Request

Hi Tim,

Attached report from Ms. Olivia Field, Area Planner for your recommendation and signoff.

Regards

Anne.

Anne Lordan Oifigeach Foirne Cúnta **Pleanáil agus Foirbairt**
Comhairle Contae Chorcaí Teach Norton Bóthar Chorcaí An Sciobairín Co. Chorcaí
P81 AT28 Éire
T +353-(0)28 - 40340 Ext. 7121
Anne.Lordan@corkcoco.ie www.corkcoco.ie
Tairseach na gcustaiméirí: www.yourcouncil.ie

Anne Lordan Assistant Staff Officer **Planning and Development**
Cork County Council Norton House Cork Road Skibbereen Co. Cork P81 AT28 Ireland
T +353-(0)28 - 40340 Ext. 7121
Anne.Lordan@corkcoco.ie www.corkcoco.ie
Customer Portal: www.yourcouncil.ie

From: Olivia Field <Olivia.Field@CorkCoCo.ie>
Sent: Thursday 30 March 2023 16:51
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Cc: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Subject: FW: D/9/23 - Section 5 Request

Hi Tim,



View towards site from public road to the north. New shed to be built here.

Development Description

This Section 5 application asks the question whether the proposed demolition of an existing shed with a new shed on the same footprint for the storage of machinery and hay bales is exempt development or development.

The proposed shed has a gross floor area of 136 sqm.

The dimensions of the new shed are 10.9 m x 12.5 m x 6.9 metres high.

The shed will be finished in dark green metal cladding.

Relevant Zonings

The subject site is located inside the defined development boundary of Schull town as designated under the Cork County Development Plan 2022.

The subject site is located in a High Value Landscape area.

The site adjoins a Scenic Route.

The Landscape Character of the area is described as 'Rugged Ridge Peninsula' under the Draft Landscape Character Assessment Study.

There are no known Recorded Monuments on site.

The site is not prone to flooding.

This application does not require a mandatory EIAR.

AA

The site is located within the screening zone of the Roaringwater Bay and Islands SAC.

Having regard to the scale and nature of this proposal and as no ecological or hydrological connection exists between the proposed site and SAC, the Planning Authority is satisfied that no AA screening report is required in this case.

Assessment

The applicant is seeking a Declaration of Exemption to construct a replacement agricultural building on the same footprint of a former shed. The new shed will be used to store machinery and hay bales.

There is an existing dwellinghouse and 2 no. outbuildings on site. The shed to be replaced is not substantially intact with just the vertical metal beams remaining.

Under Schedule 2, Class 9, (Agricultural Structures), of the Planning and Development Regulations 2001 as amended, any agricultural store/shed not exceeding 300 sqm in size, is considered to be exempt, if it satisfies the following 6 no. limitations:

<p>CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.</p>	<ol style="list-style-type: none">1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.3. No such structure shall be situated within 10 metres of any public road.4. No such structure within 100 metres of any public road shall exceed 8 metres in height.5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
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There is a National School located approximately 93 metres away to the south west of the proposed shed. Refer to Fig.1 above which shows the separation distance between the shed and nearest third party building (school).

It is therefore considered that this structure is not exempt as it would be situated less than 100 metres away of a School and therefore does not satisfy limitation no. 5, under Class 9.

Restrictions on Exempt Development

Under Article 9 (1) (a) (vi) Development to which Article 6 relates shall not be exempt development for the purposes of the Act, (a) if the carrying out of such development would –

(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,

The site is located within a High Value Landscape and adjoins a scenic route to the west.

Having regard to the scale and design of the new shed and having regard to the existing buildings insitu on site, it is considered that the structure can fit appropriately into the landscape and would be visually linked with the existing buildings on site and therefore would not interfere with the character of the area nor would it detract from the important views obtained from the adjoining scenic route.

Recommendation

Having regard to the proximity of this site to a local School which is situated less than 100 metres away from where the new shed is to be erected, it is considered that the new shed constitutes development as it does not satisfy limitation no. 5 under Schedule 2, Class 9, (Agricultural Structures), of the Planning and Development Regulations 2001, as amended.

Olivia Field

.....
Olivia Field
Assistant Planner
30/03/2023



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:**

REG. No. _____
PLANNING (WEST) DEPT
07 MAR 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

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)

SHARON WOLFE

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

MEENVANE,
SCHUKK,
CO. CORK.
P81 EV91

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

EXISTING HAY SHED ON FARM IS IN DIALPIDATED AND DANGEROUS CONDITION . I AM PROPOSING TO TAKE IT DOWN AND

REPLACE IT WITH NEW SHED ON SAME FOTPRINT FOR STORAGE OF MACHINERY ADN HAY BALES-

REG. No. _____
PLANNING (WEST) DEPT

07 MAR 2023

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

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):	EXISTING 354- PROPOSED 136
(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 _____ _____ <i>REG. No. PLANNING (WEST) DEPT 07 MAR 2023 CORK COUNTY COUNCIL NORTON HOUSE, SKIBBEREEN, CO. CORK P81 AT25</i>
(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 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)	Sharon Wolfe
Date	3/3/23

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

REG. No. _____
 PLANNING (WEST) DEPT
 07 MAR 2023
 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

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	Sharon Wolfe
Date	3/3/23

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.

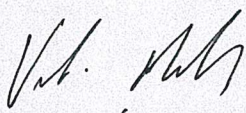
ADVISORY NOTES:

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)	
Date	6/3/2023

REG. No. _____
PLANNING (WEST) DEPT
07 MAR 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

Class 6 ANIMAL HOUSING						Class 8 DAIRY(etc); SILOS; SOILED YARDS						Class 9 STORAGE BUILDINGS; CLEAN YARDS						
ID. No.	Description of structure	Animal Type	Animal No.s	Discharge to: (ID No.)	Length (metres)	Width (metres)	Area (m ²)	ID. No.	Description of structure	Discharge to: (ID No.)	Length (metres)	Width (metres)	Area (m ²)	ID. No.	Description of structure	Length (metres)	Width (metres)	Area (m ²)
A. EXISTING STRUCTURES IN FARMYARD						A. EXISTING STRUCTURES IN FARMYARD						A. EXISTING STRUCTURES IN FARMYARD						
														2	conc yard	15	5	75
														3	shed	12	5.2	62
														4	domestic gara	5	3.5	17.5
														1	stone outhous	14	4.6	64
B. PROPOSED NEW STRUCTURES						B. PROPOSED NEW STRUCTURES						B. PROPOSED NEW STRUCTURES						
Total Area (m ²)						Total Area (m ²)						Total Area (m ²)						
												354						

Cl to be demitised

Class 10 EXISTING SLURRY AND SOILED WATER STORAGE FACILITIES						Class 11 PROPOSED SLURRY AND SOILED WATER STORAGE FACILITIES							
ID. No.	Description (open, slatted, precast, etc)	Effluent type stored	Length (metres)	Width (metres)	Depth (metres)	Volume (m ³)	ID. No.	Description (open, slatted, precast, etc)	Effluent type stored	Length (metres)	Width (metres)	Depth (metres)	Volume (m ³)
C. EXISTING SLURRY AND SOILED WATER STORAGE FACILITIES						D. PROPOSED SLURRY AND SOILED WATER STORAGE FACILITIES							
Total Volume (m ³)						Total Volume (m ³)							

REG. No. PLANNING (WEST) DEPT
07 MAR 2023
CORK COUNTY COUNCIL
MORTON HOUSE, SKIBBEREN, CO. CORK P81 AT28

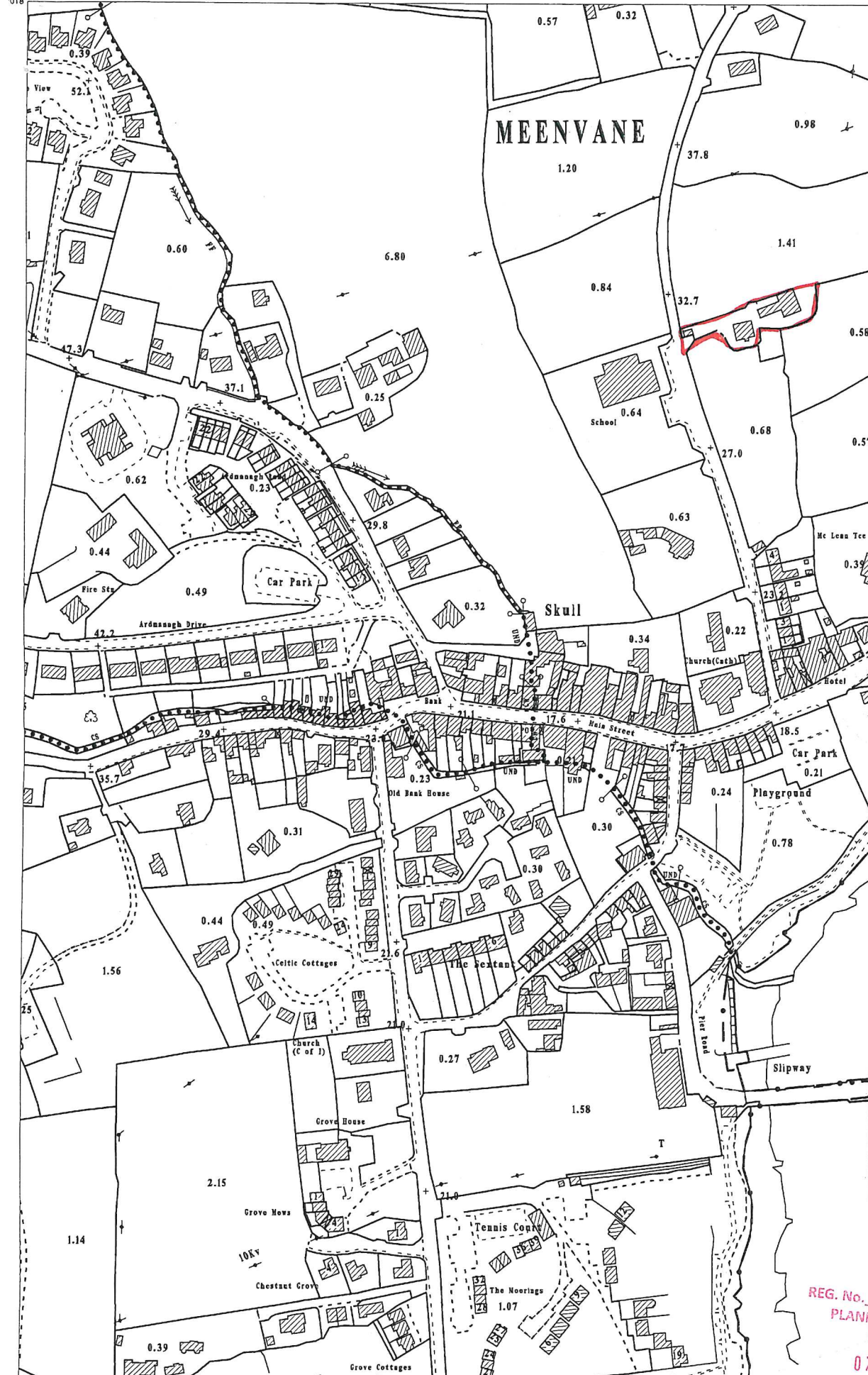
WE HEREBY DECLARE THAT THE ABOVE INFORMATION AND THE ACCOMPANYING LAYOUT PLAN ARE A TRUE RECORD OF EXISTING AND PROPOSED STRUCTURES FOR THIS FARM. Prepared by: *[Signature]*

FARM STRUCTURES RECORD

Rural PLACE Map



92377
 92378



DESCRIPTION

MAP SCALES

1:2500
 6768-C



Produced by Central Bureau Services, Cork
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8.
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 Stáisiún Seirbhíocháil Ordánáil Éireann agus
 Páirc na hÉireann.
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 den fhógraíocht seo a chóipeáil, a eilíphléascáil nó
 a thraicéil in aon fhóirm ná ar aon bhealach gan
 cead / a scríobhán naimh ré & úinéir an chóipeáil.
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REG. No.
 PLANNING (WEST)

07 MAR 2013

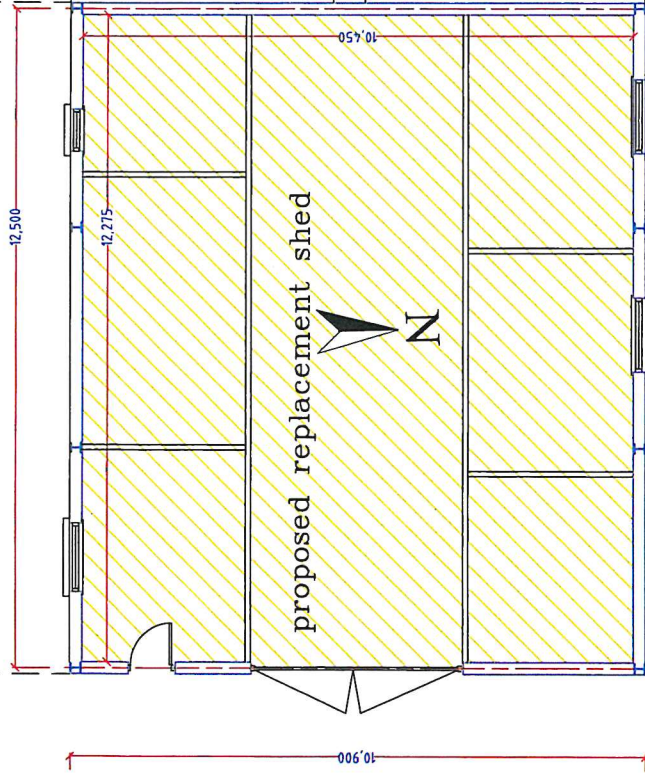
CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, Co. CORK, P.O. 22

Scale: - 1:2500
 Scála: - 1:2500

100 50 0 100 Metres
 200 100 0 200 Feet

92377

outline of outhouse to be demolished



Lofted Stone Outhouse

concrete yard

P L A N

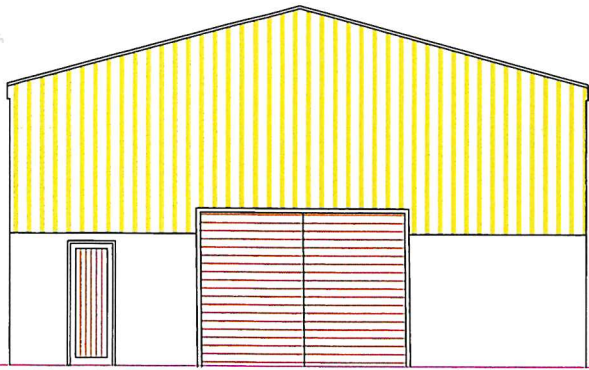
REG. No. PLANNING (WEST) DEPT
07 MAR 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, CO. CORK P81 AT28

OMB & Associates

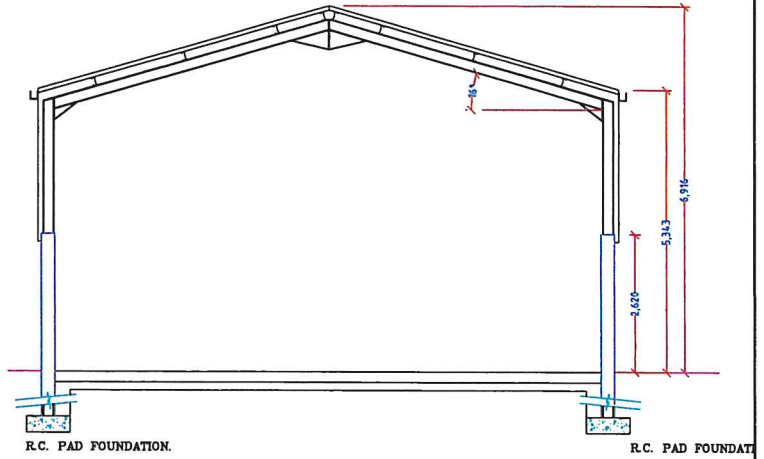
Tel: 028 21552 Mobile 086/8545916 - 086/8589108
10 Market Street, Skibbereen Co. Cork

Client	Shaon Wolfe	Date	Mar 2023
Project	Storage Shed	Scale	1/100
Drawing Title	Floor Plan	Drawn By.	VOM
Dwg No.		Checked	
Rev.			

This drawing is for planning application purposes only.
Not to be used as a working drawing for building.

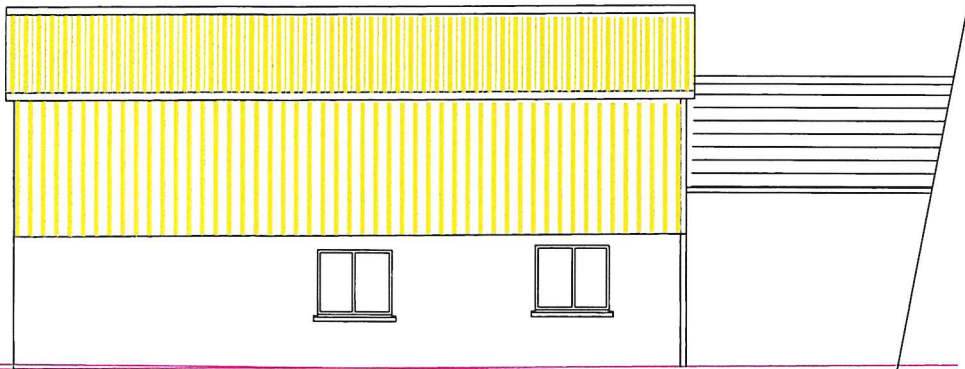


EAST ELEVATION

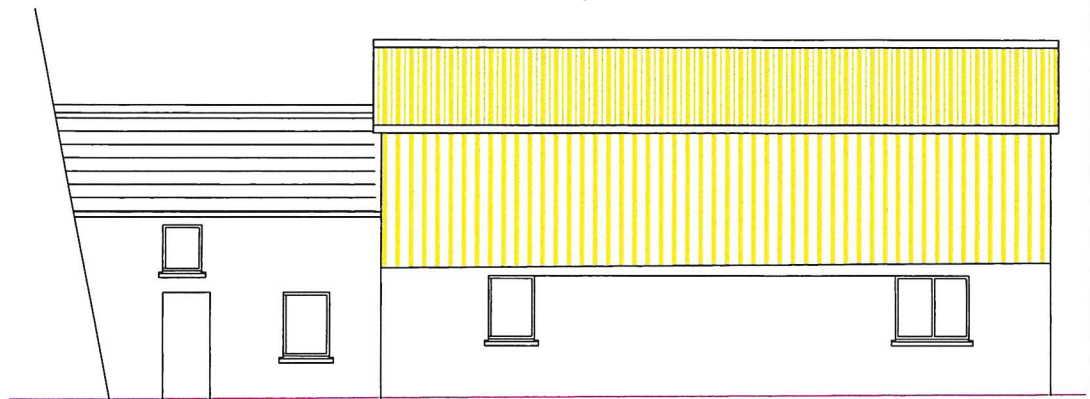


TYPICAL SECTION

DARK GREEN CORRUGATED CLADDING ON STEEL PURLINS ON STRUCTURAL STEEL BEAMS AND COLUMNS TO ENGINEERS DETAIL



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

REG. No. _____
 PLANNING (WEST) DEPT
 07 MAR 2023
 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, CO. CORK PB. AT28

VOM Associates
 Tel: 028 21552 Mobile 086/8545916
 10 Market Street, Skibbereen Co. Cork

Client	SHARON WOLFE	Date	MAR 2023
Project	AG. STORAGE SHED	Scale	1/100
Drawing Title	ELEVS & SECTION	Drawn By.	VOM
		Checked	
		Dwg No.	
		Rev.	