

# Comhairle Contae Chorcaí Cork County Council

Andrew England,  
c/o Declan O' Callaghan,  
O' Callaghan Engineering & Design Ltd.,  
Ballynona North,  
Dungourney,  
Co. Cork.

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
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8<sup>th</sup> September 2023

REF: D/260/23  
LOCATION: Slieveadoctor, Ballynoe, Mallow, Co. Cork

**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 14<sup>th</sup> July and 21<sup>st</sup> August 2023 the Planning Authority, having considered the question whether or not the construction of an animal house and seepage tank at **Slieveadoctor, Ballynoe, Mallow, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**

## **Reason for Decision**

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

- Sections 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, (as amended),
- Articles 3, 6 and 9 and Class 6, Part 3, Schedule 2 of the Planning and Development Regulations, 2001, (as amended), and
- The particulars received by the Planning Authority on 14<sup>th</sup> July and 21<sup>st</sup> August 2023

## **And Whereas Cork County Council has concluded that –**

The construction of an animal house and seepage tank at **Slieveadoctor, Ballynoe, Mallow, Co. Cork** constitutes **development which is exempted development.**

However, please note the Dept. of Agriculture specifications prohibit the housing of cattle and sheep in the same shed due to the possible transfer of common diseases. An exception to the rule applies where "a wall to full height of the building exists, separating both herd accommodation areas such that they have separate inlet and outlet ventilation facilities as well as separate access points".

You are advised to comply with Dept. of Agriculture specifications requirements of S123: Minimum Specification for bovine Units and Reinforced Tanks & S146: Minimum Specification for Wintering Facilities for Sheep, including the details noted above.



*This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.*

**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>*

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

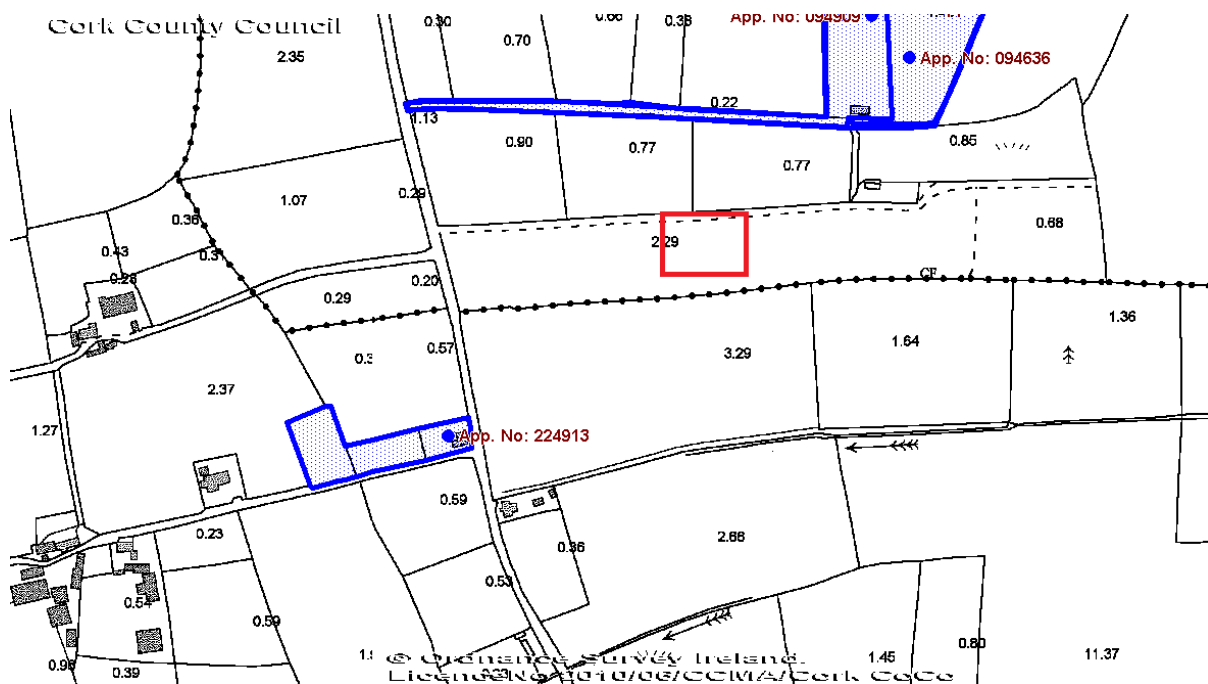
Ref D260-23 – Proposed animal house and seepage tank, Andrew England, Ballynoe

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Proposal/Context

Applicant has queried whether or not the construction of an animal house is/is not exempted development

Planning History



*Site outlined in red*

There is no planning history in respect of the subject development.

Statutory Provisions

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

**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.”

*Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”.*

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.

**Class 6 of Schedule 3,Part 1, P&D Regulations, 2001 is relevant**

*Agricultural Structures*

CLASS 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be



	<p>stored, within 10 metres of any public road.</p> <ol style="list-style-type: none"><li>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li><li>6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.</li><li>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li></ol>
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## Assessment

In the first instance, consideration needs to be given as to whether or not the works proposed constitute "development" for the purposes of the Act. Section 3 defines "development" as the carrying out of "works" on in over or under land or the "making of any material change of use in the structure or other land"

*"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal".* The construction of an agricultural building meets the definition of "development" as set out under the Act.

Class 6 allows the construction of up to 200sqm agricultural shed type structure of the type proposed provided same is used for the purpose of agriculture. A 130sqm building is being proposed. The use of the structure has not been specified. Presumably it is for the housing of "cattle, sheep, goats, donkeys, horses, rabbits or deer" (as per class 6) however class 7 makes reference to housing of "mink, pigs or poultry" (with a max size of 75sqm). Applicant will need to clarify this issue and to clarify if there is an associated farm. Applicant would also need to clarify the detail around the "effluent facility" required to cater for the animals and doing so will require detail around the number of animals etc

Otherwise the structure would appear to meet the main tenets of class 9 (i.e it is >10m from a public road and >100m from any dwelling).

### **Article 9 - Restriction on Exemptions.**

Article 9(1) states that development to which Article 6 relates shall not be exempted for the purposes of the Act. Having reviewed this section, none of the caveats would appear to apply to the subject proposal

The conclusions in relation to AA and EIA above refer in the context of Article 9(1)(a) (viiB) and 9(1)(c) are dealt with separately below

### **AA/ EIA**

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, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act.

Having considered that detail I am satisfied the proposal does not trigger any requirement for mandatory or sub-threshold EIA

As regards Appropriate Assessment, I am satisfied that significant impacts on Natura 2000 sites can be ruled out. The site is approx. 3km from Natura 2000 site (Blackwater river SAC ) and no hydrogeological connection is evident

## **Conclusion**

In considering this referral, and having had regard particularly to –

- (a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,
- (b) Articles 3, 6 and 9 and Class 6 and 7, Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

*Additional detail is required to confirm the purpose of the proposed structure (i.e the type of animals to be housed therein) and to confirm that is related to agriculture*

*It is not possible to assess whether the proposed soiled water tank is adequate for the purpose of storing effluents generated in the proposed shed. Please also provide the following information:*

- a. Details of the type, number and age of animals to be housed in the shed.*
- b. Details of bedding, if any, which is to be used and how the storage of soiled bedding is to be managed.*
- c. Details of where animals are to be fed.*

*The shed is to be sited approx. 250m from the public road. Regular access will be required to feed and tend to animals. Please clarify access detail*

---

Enda Quinn  
Executive Planner  
9/8/2023

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

Ref D211-23 - Proposed animal house and seepage tank, Andrew England, Ballynoe

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Additional Report dated 8/9/2023

Applicant has responded to the requested information and clarified that cows and sheep are intended to be housed in the proposed structure. Details of numbers and feeding sources have also been submitted

An existing hardcore track will serve as the access to the unit

Environment officer has reviewed the submitted detail (see copy below) and is satisfied with same however has requested that an additional advisory note be issued to ensure a separating wall is built within the unit to ensure separation between the livestock separate. This is in order to comply with Dept requirements

This response now allows conclusion on the question originally posed

### **Conclusion**

In considering this referral, and having had regard particularly to -

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



The Planning Authority has concluded that:

Proposed animal house and seepage tank is deemed to constitute “development” for the purposes of the Act but to constitute “exempted development” as per Class 6, Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended

---

Enda Quinn  
Executive Planner  
8/9/2023

*Please issue the following advisory note alongside the determination*

*Please note the Dept. of Agriculture specifications prohibit the housing of cattle and sheep in the same shed due to the possible transfer of common diseases. An exception to the rule applies where “a wall to full height of the building exists, separating both herd accommodation areas such that they have separate inlet and outlet ventilation facilities as well as separate access points”.*

*Applicant is advised to comply with Dept. of Agriculture specifications requirements of S123: Minimum Specification for bovine Units and Reinforced Tanks & S146: Minimum Specification for Wintering Facilities for Sheep, including the details noted above.*

## RE: D/260/23 FI Response



Kevin Murphy (Inniscarra)

To: Enda Quinn

Cc: Tracy OCallaghan

Reply

Reply All

Forward

Thu 07/09/2023 16:53

You replied to this message on 08/09/2023 10:25.

Hi Enda,

Apologies, Tracy's email passed me by.

Regarding the response, generally Dept of Agriculture specifications prohibit the housing of cattle and sheep in the same shed due to the possible transfer of common diseases. An exception to the rule applies where *"a wall to full height of the building exists, separating both herd accommodation areas such that they have separate inlet and outlet ventilation facilities as well as separate access points"*.

I have no objection to the proposed development subject to compliance with the requirements of S123: Minimum Specification for bovine Units and Reinforced Tanks & S146: Minimum Specification for Wintering Facilities for Sheep, including the details noted above. The particular requirements to fully separate the cattle/sheep accommodation should be brought to the attention of the Applicant.

Regards,

Kevin

**Kevin Murphy** | Executive Engineer | Environment Department  
Cork County Council | Inniscarra Waterworks | Cork | P31 W738 | Ireland.  
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[kevinp.murphy@corkcoco.ie](mailto:kevinp.murphy@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)  
Customer Portal: [www.yourcouncil.ie](http://www.yourcouncil.ie)



Planning Department,  
Cork County Council,  
County Hall,  
Cork.

14 / 08 / 2023

**Re: Ref.: D/260/23 – Application of Mr. Andrew England at Slieveadoctor,  
Ballynoe, Mallow, Co. Cork.**  
**Declaration of Exempted Development under Section 5 of The Planning and  
Development Act 2000 - 2010**

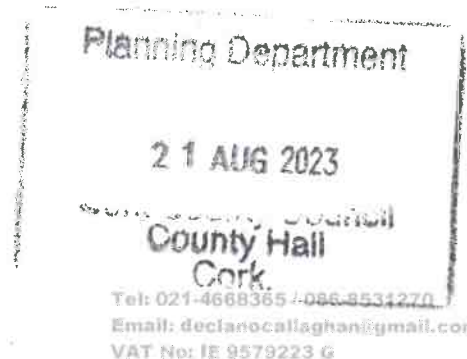
Dear Sir / Madam,

Further to your letter of the 10<sup>th</sup> of August 2023 in relation to the above application, I would like to clarify some items: -

1. The number of animals to be house in the shed is 2 no. purebred cows and 15 no. ewes. Andrew has inherited approximately 5 acres from his parents in Slieveadoctor, Ballynoe, Mallow, Co. Cork.  
This is purely a part time / hobby activity whereby he wants to keep and winter some animals on his holding. Andrew intends in time to possibly build a dwelling on his holding but has no intention of increasing the agricultural activity or number of animals on the holding. Andrew still has the availability of stores on the family farm at Ballinsurloge, Ballynoe for the storage of hay and straw if required and can be transported to Slieveadoctor, Ballynoe when required.
2. The animals will be straw bedded but the bedding will be allowed to build up in the shed until a time that it will be cleaned in mid March time, stored on the adjoining lands and then landspread.

**Ballynona North, Dungourney, Co.Cork**

Directors: D.O'Callaghan, A.Hynes  
O'Callaghan Engineering & Design Ltd. T/A O'Callaghan Engineering & Design  
Company Registration Number: 426965

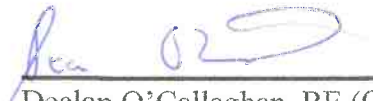


3. The animals will be fed in feeders within the shed. The number of animals that will be housed in the shed will be small and feed (mainly hay) will be brought into the shed by means of a tractor and loader or manually placed in feeders within the shed.

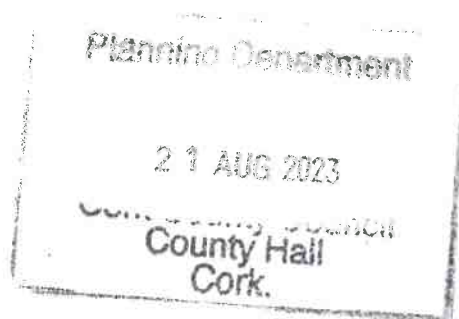
There is an existing farm path way running from the public road and up past the proposed shed, directly to the north of it. Access to feed and tend to the animals will be by means of this existing hardcore pathway.

I trust that this is to your satisfaction but should you have any questions or queries, please contact the undersigned.

Yours sincerely,



Declan O'Callaghan, BE (Civil), MIEI



**Ballynona North, Dungourney, Co.Cork**

Directors: D.O'Callaghan, A.Hynes  
O'Callaghan Engineering & Design Ltd. T/A O'Callaghan Engineering & Design  
Company Registration Number: 426966

Tel: 021-4668365 / 086-8531270  
Email: declanocallaghan@gmail.com  
VAT No: IE 9579323 G

# Comhairle Contae Chorcaí Cork County Council

Andrew England,  
c/o Declan O' Callaghan,  
O' Callaghan Engineering & Design Ltd.,  
Ballynona North,  
Dungourney,  
Co. Cork.

10<sup>th</sup> August 2023

Our Ref.: D/260/23

**RE: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.**

***Whether the construction of an animal house and seepage tank at Slieveadoctor, Ballynoe, Mallow, Co. Cork is development and is or is not exempt development.***

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. You are advised that the information submitted does not demonstrate that the proposal is exempt under Section 5 of the Planning and Development Act 2000 as amended. Additional detail is required to confirm the purpose of the proposed structure (i.e. the type of animals to be housed therein) and to confirm that is related to agriculture.

It is not possible to assess whether the proposed soiled water tank is adequate for the purpose of storing effluents generated in the proposed shed. Please also provide the following information:

- a. Details of the type, number and age of animals to be housed in the shed.
- b. Details of bedding, if any, which is to be used and how the storage of soiled bedding is to be managed.
- c. Details of where animals are to be fed.

The shed is to be sited approx. 250m from the public road. Regular access will be required to feed and tend to animals. You are request to please clarify the access detail.

Yours faithfully,

  
Tracy O' Callaghan,  
SO 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>*

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

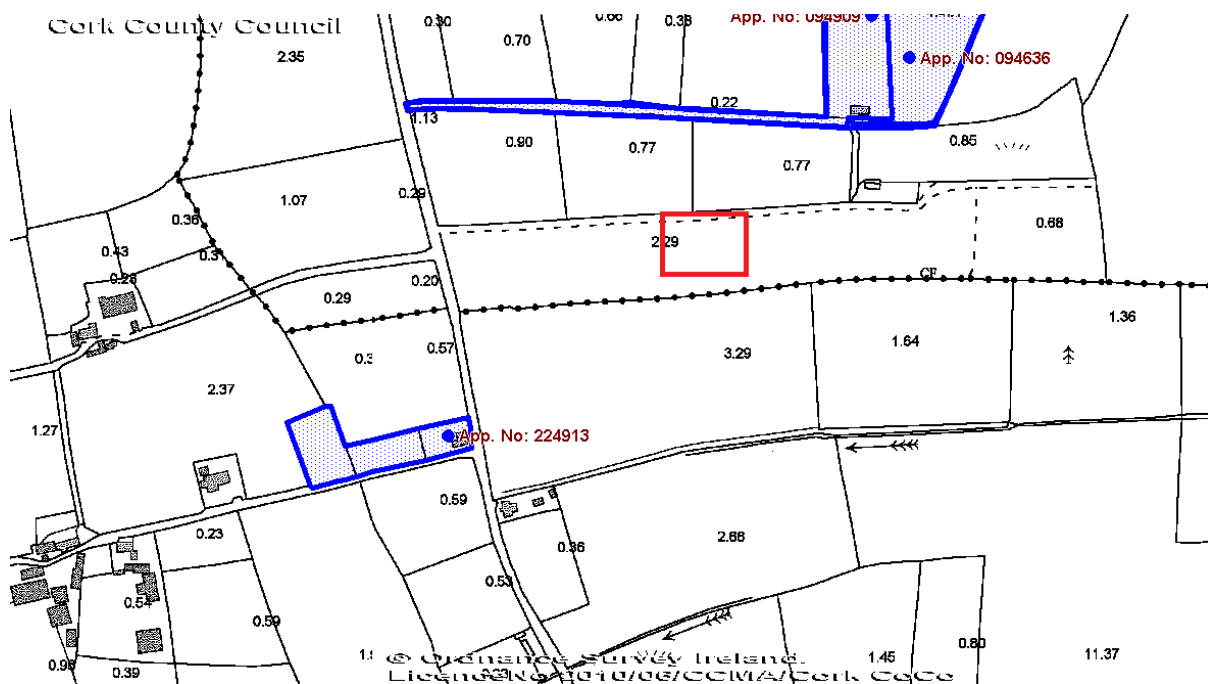
Ref D260-23 – Proposed animal house and seepage tank, Andrew England, Ballynoe

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Proposal/Context

Applicant has queried whether or not the construction of an animal house is/is not exempted development

Planning History



Site outlined in red

There is no planning history in respect of the subject development.

Statutory Provisions

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

**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.”

*Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”.*

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.

**Class 6 of Schedule 3,Part 1, P&D Regulations, 2001 is relevant**

*Agricultural Structures*

CLASS 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be



	<p>stored, within 10 metres of any public road.</p> <ol style="list-style-type: none"><li>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li><li>6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.</li><li>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li></ol>
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## Assessment

In the first instance, consideration needs to be given as to whether or not the works proposed constitute "development" for the purposes of the Act. Section 3 defines "development" as the carrying out of "works" on in over or under land or the "making of any material change of use in the structure or other land"

*"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal".* The construction of an agricultural building meets the definition of "development" as set out under the Act.

Class 6 allows the construction of up to 200sqm agricultural shed type structure of the type proposed provided same is used for the purpose of agriculture. A 130sqm building is being proposed. The use of the structure has not been specified. Presumably it is for the housing of "cattle, sheep, goats, donkeys, horses, rabbits or deer" (as per class 6) however class 7 makes reference to housing of "mink, pigs or poultry" (with a max size of 75sqm). Applicant will need to clarify this issue and to clarify if there is an associated farm. Applicant would also need to clarify the detail around the "effluent facility" required to cater for the animals and doing so will require detail around the number of animals etc

Otherwise the structure would appear to meet the main tenets of class 9 (i.e it is >10m from a public road and >100m from any dwelling).

### **Article 9 - Restriction on Exemptions.**

Article 9(1) states that development to which Article 6 relates shall not be exempted for the purposes of the Act. Having reviewed this section, none of the caveats would appear to apply to the subject proposal

The conclusions in relation to AA and EIA above refer in the context of Article 9(1)(a) (viiB) and 9(1)(c) are dealt with separately below

### **AA/ EIA**

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, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act.

Having considered that detail I am satisfied the proposal does not trigger any requirement for mandatory or sub-threshold EIA

As regards Appropriate Assessment, I am satisfied that significant impacts on Natura 2000 sites can be ruled out. The site is approx. 3km from Natura 2000 site (Blackwater river SAC ) and no hydrogeological connection is evident

## **Conclusion**

In considering this referral, and having had regard particularly to –

- (a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,
- (b) Articles 3, 6 and 9 and Class 6 and 7, Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

*Additional detail is required to confirm the purpose of the proposed structure (i.e the type of animals to be housed therein) and to confirm that is related to agriculture*

*It is not possible to assess whether the proposed soiled water tank is adequate for the purpose of storing effluents generated in the proposed shed. Please also provide the following information:*

- a. Details of the type, number and age of animals to be housed in the shed.*
- b. Details of bedding, if any, which is to be used and how the storage of soiled bedding is to be managed.*
- c. Details of where animals are to be fed.*

*The shed is to be sited approx. 250m from the public road. Regular access will be required to feed and tend to animals. Please clarify access detail*

---

Enda Quinn  
Executive Planner  
9/8/2023

# Application for Planning Exemption

**Reference:** D/260/23

**Applicant:** Andrew England

**Address:** Slieveadoctor, Ballynoe, Mallow, Co. Cork

**Date:** 9<sup>th</sup> August '23

**By:** Kevin Murphy

## Existing Site

Based on ortho maps, there are no existing sheds within the site outlined in red on the site layout map.

Land Registry details for Folio CK22731 shows a 41.2Ha landholding incl. the 3.2Ha field outlined in red on the site location map. The Applicant's name is not currently on the folio.

## Details of Application

The application for planning exemption relates to:

- Construction of an animal house and seepage tank.

It is proposed to construct a 9.55m x 9.7m shed with an approx. 12.8m<sup>3</sup> effluent tank.

The application for exemption appears to be for a Class 6 agricultural structure for the housing of livestock. Information has not been provided regarding the type and number of animals to be housed, the type of bedding, if any, to be used or where the animals are to be fed. Therefore, it is not possible to assess the adequacy of the effluent storage facilities and compliance with Condition 3 for a Class 6 Exemption.

The proposed shed is to be located at the north east corner of the field, at approx. 250m from the public roadway. The nearest dwelling or other structure is at approx. 160m north of the proposed shed.

## Conclusions

1. It is not possible to assess whether the proposed soiled water tank is adequate for the purpose of storing effluents generated in the proposed shed Class 6, Condition 3). The Applicant should be asked to provide the following information:
  - a. Details of the type, number and age of animals to be housed in the shed.
  - b. Details of bedding, if any, which is to be used and how the storage of soiled bedding is to be managed.
  - c. Details of where animals are to be fed.

2. The shed is to be sited approx. 250m from the public road. Regular access will be required to feed and tend to animals which is likely to require the construction of a farm roadway.
3. The animal house and farm roadway, if constructed, should be constructed to Dept of Agriculture, Food and the Marine specifications to minimise the risk of water pollution.

**END**



Planning Department,  
Cork County Council,  
County Hall,  
Cork.

20 / 06 / 2023

**Re: Planning Application for Andrew England,  
at Slieveadoctor, Ballynoe, Mallow, Co. Cork.**

Dear Sir / Madam,

Please find enclosed the following: -

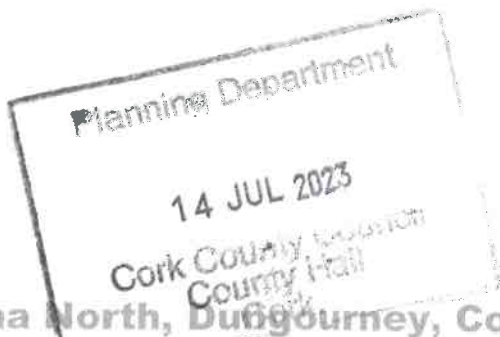
1. 4 no. copies of Section 5 Declaration of Exemption Application Form.
2. 4 no. copies of 6" O.S. Map.
3. 4 no. copies of 25" O.S. Map.
4. 4 no. copies of Site Layout Plan.
5. 4 no. copies of Scaled Drawings of Development.
6. €80 Application fee.

I trust that this is to your satisfaction but should you have any questions or queries, please contact the undersigned.

Yours sincerely,

---

Declan O'Callaghan, BE (Civil), MIEI



**Ballynona North, Duffgourney, Co. Cork**

Directors: D. O'Callaghan, A. Hynds  
O'Callaghan Engineering & Design Ltd. T/A O'Callaghan Engineering & Design  
Company Registration Number: 426966

Tel: 021-4658365 / 086-8531270  
Email: declanocallaghan@gmail.com  
VAT No: IE 9570223 G



## **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:**

✓
✓
✓
✓
✓
✓
✓
✓

Planning Department

14 JUL 2023

Cork County Council  
County Hall  
Cork.

### **FOR OFFICE USE ONLY**

Receipt No.	P12-000277
Cash/Cheque/ Credit Card	Postal Order
Date	14/07/2023
Declaration Ref. No.	D/260/23

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 3<sup>rd</sup> 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 purposes)
- 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](mailto: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)**

Andrew England

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

Slieveadoctor, Ballynoe, Mallow, Co. Cork.

Planning Department

14 JUL 2023

Cork County Council  
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Cork

**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

Construction of an animal house and seepage tank.



**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 (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	Animal House - 130 m <sup>2</sup>
(b) If a domestic extension is proposed, 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 type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) 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:	Planning Department	
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):	14 JUL 2023 Cork County Council County Hall	

**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

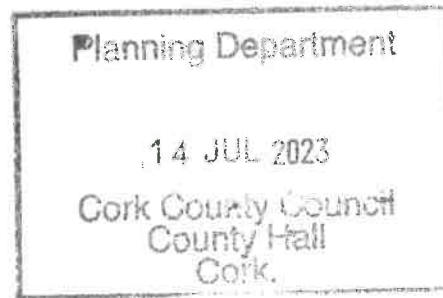
Signed (By Applicant Only)	Ainefaul
Date	28/6/23

**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



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:

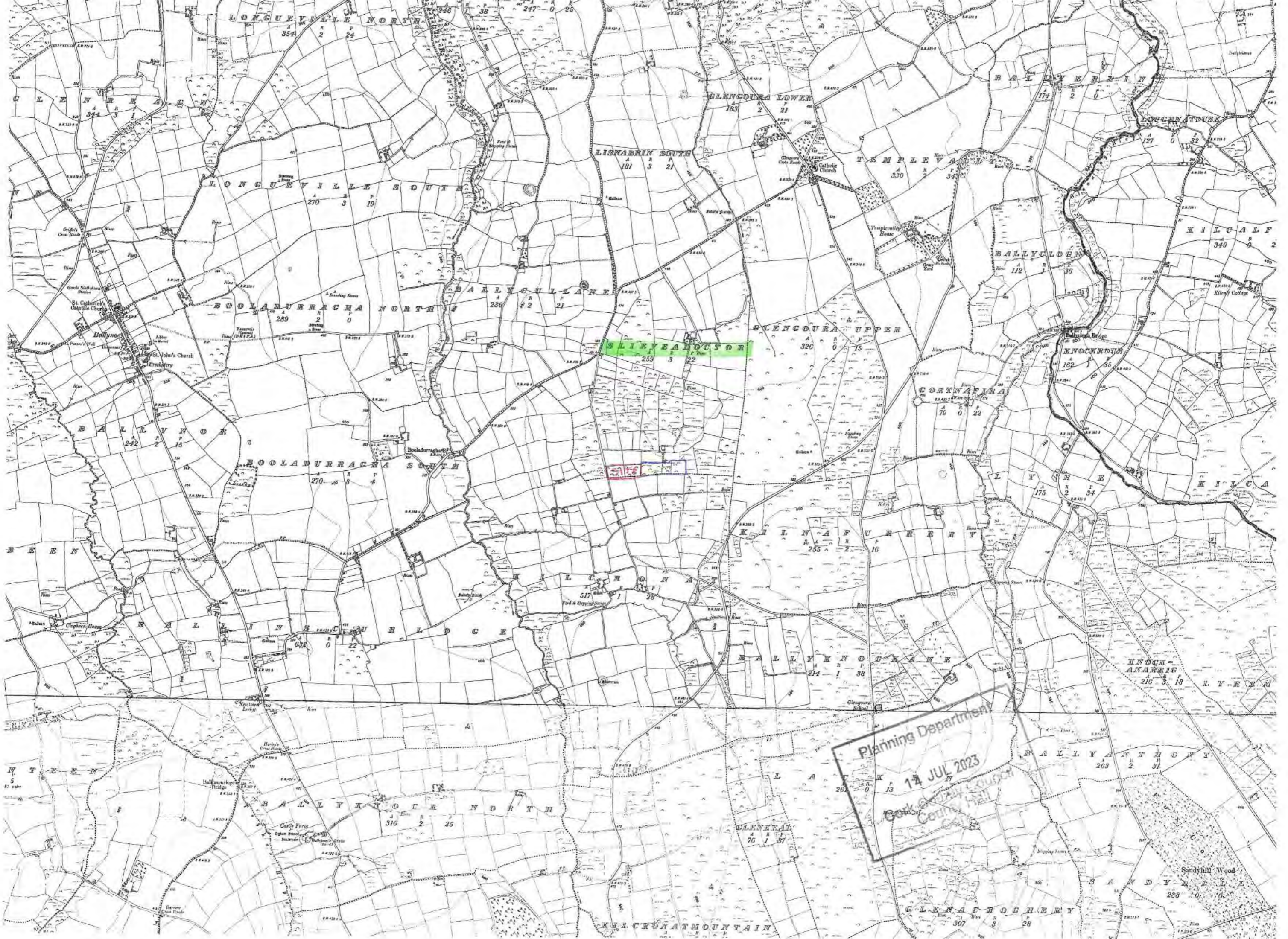
**Sensitive personal data being submitted in support of Declaration of Exemption Application**

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

Signed	Ainefaul
Date	28/6/23

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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto: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.**



Planning Department  
14 JUL 2023  
Cork County Council  
Cork City

LONGUEVILLE NORTH  
354 2 24

GLENGOUERA LOWER  
183 2 21

LISNABRIN SOUTH  
181 3 21

LONGUEVILLE SOUTH  
270 3 19

BOLLADURRACHA NORTH  
289 2 0

BALLYCULLANE  
236 2 21

GLENGOUERA UPPER  
326 0 15

BALLYCLODGH  
112 1 36

KILCALF  
349 0 2

BALLYLYNODK  
242 2 16

BOLLADURRACHA SOUTH  
270 3 4

216

CORTNAFINA  
79 0 22

KNOCKRUIA  
162 1 35

KILICA  
175 2 34

LORONAT  
517 1 28

KILINAFURREHY  
255 2 16

KNOCK-ANARRIG  
216 3 18

NTEN  
5 1 5

BALLYLYNODK NORTH  
316 2 25

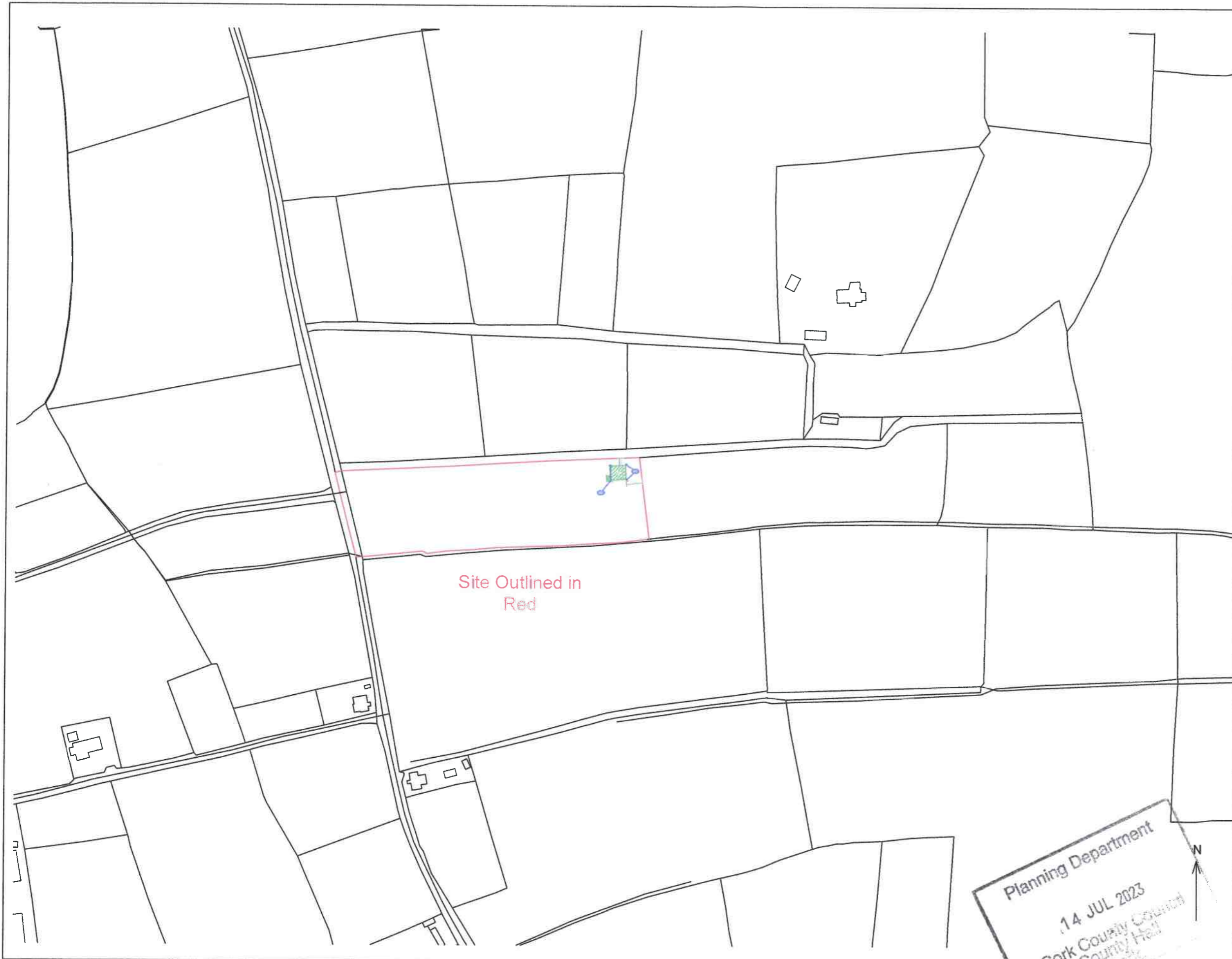
GLENNAT  
76 1 37

BALLYANTDONY  
263 2 31

Sandyhill Wood  
288 0 0

GLENAFHOGHERY  
307 3 28

KILCORNMOUNTAIN



Site Outlined in Red


NOTES:  
 All dimensions in millimetres.  
 Do not scale.  
 Drawing to be used for planning application only.

OSI Licence No. 50345713  
 WD028, WD033, CK046, CK055  
 ITM Centre Point Coordinates  
 X, Y 596199, 588994

LEGEND:  
 The following are Proposed: -  
 A - Animal House  
 B - Seepage Tank

— Covered Storm Water Ch.

For planning	DOC	20/6/23	0
revisions	int.	date	rev



O'Callaghan Engineering  
 s Design Ltd  
 Ballynora North,  
 Dungourney,  
 Co. Cork.  
 Tel: 021 - 4668365 Mob: 086 - 8531270

Client  
 Andrew England,  
 Slieveadoctor, Ballynoe, Mallow,  
 Co. Cork.

Title  
 Site Location Map

Drawn By D.O'Callaghan	Date 20 - 06 - 2023
Scale 1 / 2500	Drg. No. AE - 01

Planning Department  
 14 JUL 2023  
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Site Outlined in Red

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 WD028, WD033, CK046, CK055  
 ITM Centre Point Coordinates  
 X, Y 596199, 588994

LEGEND:  
 The following are Proposed: -  
 A - Animal House  
 B - Seepage Tank

— Covered Storm Water Ch.

For planning	DOC	30/3/23	0
revisions	int.	date	rev

O'Callaghan Engineering  
 & Design Ltd  
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 Co. Cork.  
 Tel: 021 - 4668365 Mob.: 086 - 8531270

Client  
 Andrew England,  
 Slieveadoctor, Ballynoe, Mallow,  
 Co. Cork.

Title  
 Site Layout Plan (Sheet 1 of 2)

Drawn By D.O'Callaghan	Date 30 - 03 - 2023
Scale 1 / 500	Drg. No. AE - 02

Planning Department  
 14 JUL 2023  
 Cork County Council  
 County Hall  
 Cork





NOTES:  
 All dimensions in millimetres.  
 Do not scale.  
 Drawing to be used for planning application only.

OSI Licence No. 50345713  
 WD028, WD033, CK046, CK055  
 ITM Centre Point Coordinates  
 X, Y 596199, 588994

LEGEND:  
 The following are Proposed: -  
 A - Animal House  
 B - Seepage Tank

— Covered Storm Water Ch.

For planning	DOC	30/3/23	0
revisions	int.	date	rev

O'Callaghan Engineering  
 & Design Ltd  
 Ballynora North,  
 Dungourney,  
 Co. Cork.  
 Tel: 021 - 4668365 Mob: 086 - 8531270

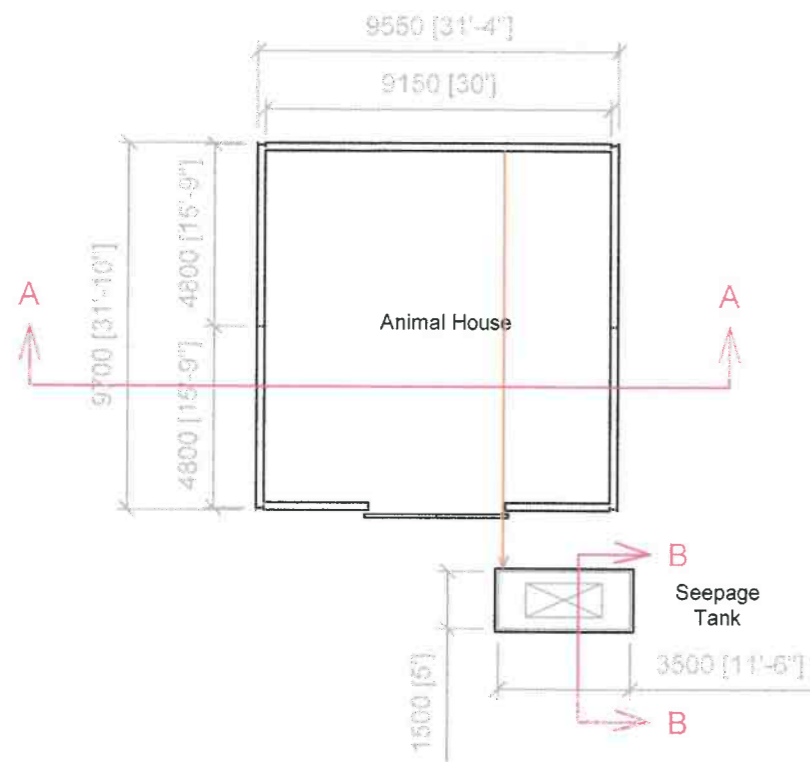
Client  
 Andrew England,  
 Slieveadoctor, Ballynoe, Mallow,  
 Co. Cork.

Title  
 Site Layout Plan (Sheet 2 of 2)

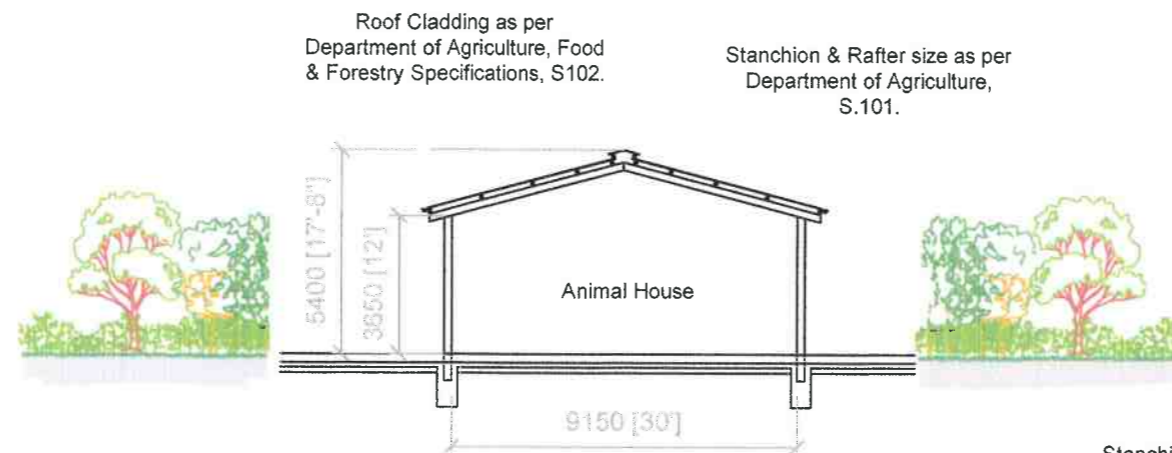
Drawn By D.O'Callaghan	Date 30 - 03 - 2023
Scale 1 / 500	Drg. No. AE - 03

Site Outlined in  
 Red

Planning Department  
 14 JUL 2023  
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 Cork.

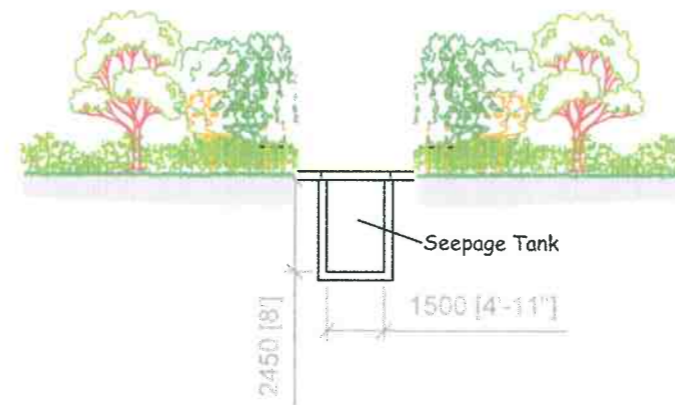


**PLAN OF PROPOSED ANIMAL HOUSE**



**SECTION A - A THROUGH PROPOSED ANIMAL HOUSE**

Stanchion to be built into a concrete pier 600mm x 600mm. Stanchion to be inserted into the pier a minimum of 600mm.



**SECTION B - B THRU' PROPOSED SEEPAGE TANK**

**NOTES:**

All dimensions in millimetres.  
Do not scale.  
Drawing to be used for planning application only.

For planning	DOC	20/6/23	0
revisions	int.	date	rev

  
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 Ballynora North,  
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 Co. Cork.  
 Tel: 021 - 4668365 Mob: 086 - 8531270

Client  
Andrew England,  
Slieveadoctor, Ballynoe, Mallow,  
Co. Cork.

Title  
Plan & Section of Proposed  
Animal House.

Drawn By  
D.O'Callaghan

Date  
20 - 06 - 2023

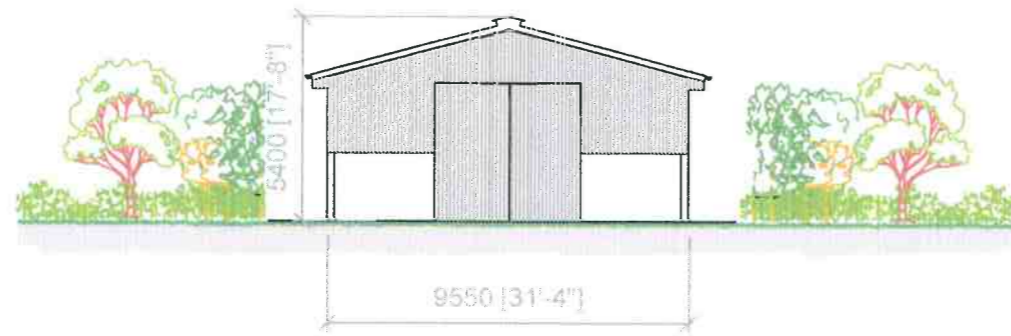
Scale  
1 / 200

Drg. No.  
AE - 04

Planning Department  
 14 JUL 2023  
 Cork County Council  
 County Hall  
 Cork.

**NOTES:**

All dimensions in millimetres.  
Do not scale.  
Drawing to be used for planning  
application only.



**FRONT ELEVATION OF PROPOSED ANIMAL HOUSE**



**REAR ELEVATION OF PROPOSED ANIMAL HOUSE**

For planning	DOC	20/6/23	0
revisions	int.	date	rev

  
**O'Callaghan Engineering**  
 S Design Ltd  
 Ballynora North,  
 Dungourney,  
 Co. Cork.  
 Tel: 021 - 4668365 Mob.: 086 - 8531270

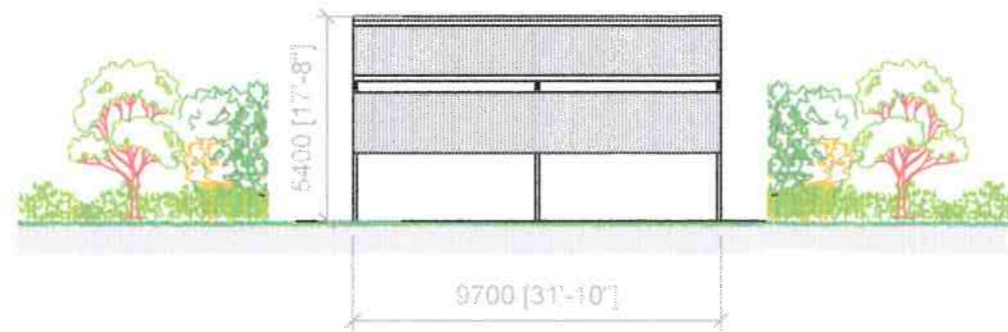
Client  
Andrew England,  
Slieveadoctor, Ballynoe, Mallow,  
Co. Cork.

Title  
Front & Rear Elevations of  
Proposed Animal House.

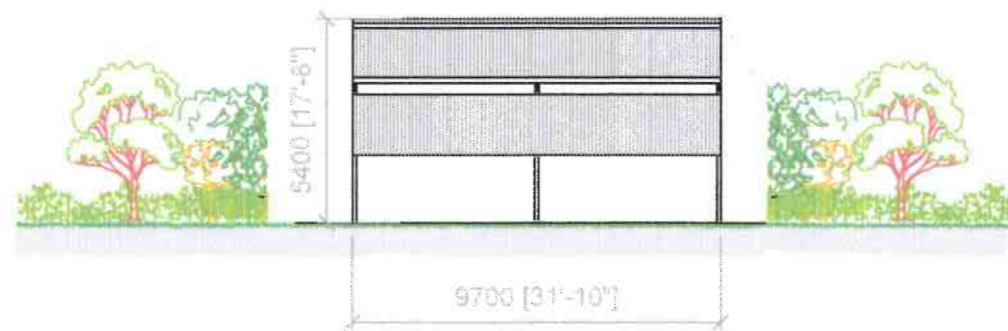
Drawn By D.O'Callaghan	Date 20 - 06 - 2023
Scale 1 / 200	Drg. No. AE - 05

Planning Department  
 14 JUL 2023  
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 Cork.





**SIDE ELEVATION OF PROPOSED ANIMAL HOUSE**



**SIDE ELEVATION OF PROPOSED ANIMAL HOUSE**

**NOTES:**

All dimensions in millimetres.  
Do not scale.  
Drawing to be used for planning application only.

For planning	DOC	20/6/23	0
revisions	int.	date	rev

  
**O'Callaghan Engineering**  
 & Design Ltd  
 Ballynora North,  
 Dungourney,  
 Co. Cork  
 Tel: 021 - 4668365 Mob.: 086 - 8531270

Client  
 Andrew England,  
 Slieveadoctor, Ballynoe, Mallow,  
 Co. Cork.

Title  
 Side Elevations of Proposed  
 Animal House.

Drawn By D. O'Callaghan	Date 20 - 06 - 2023
Scale 1 / 200	Drg. No. AE - 06

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