

Comhairle Contae Chorcaí Cork County Council

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891 • Faics: (021) 4276321
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891 • Fax (021) 4276321
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



**Mr. Christy Crowley,
Planning Consultant,
Reenrou West,
Bantry,
Co. Cork.**

8th March, 2023.

Our Ref: D/6/23.

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

Dear Sir,

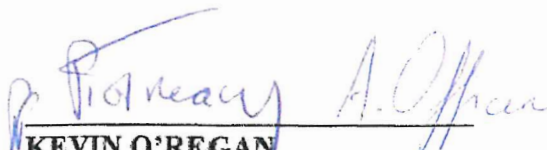
On the basis of the information and plans submitted by you on 9th February, 2023 on behalf of Mr. Jimmy Downey, the Planning Authority declares that the storage shed at Dromduff East, Bantry, Co. Cork constitutes “*exempt development*” under Article 6, Schedule 2, Part 1, Class 9 of the Planning & Development Regulations 2001-2022 subject to compliance with the six conditions attached to Class 9.

Please note that any material departure from the proposals as submitted may remove the development from the Exempted category and require the submission of an application for Permission under the Act.

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

Receipt No. WCP11274, in respect of €80.00, is issued herewith.

Yours faithfully,


KEVIN O'REGAN
SENIOR EXECUTIVE OFFICER.



Anne Lordan

From: Tim Twomey
Sent: Wednesday 8 March 2023 16:08
To: Anne Lordan
Subject: Re: D/6/23 - Section 5 Request Machinery Shed at Dromduff East Bantry

Hi Anne

I agree with the Area Planners recommendation.

Regards
Tim

Sent from [Outlook for iOS](#)

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Sent: Wednesday, March 8, 2023 10:43 a.m.
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Subject: FW: D/6/23 - Section 5 Request Machinery Shed at Dromduff East Bantry

Hi Tim,

Attached report from Mr. P. O'Sullivan, Area Planner for your recommendation and sign-off.

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: Phillip O'Sullivan <Phillip.OSullivan@CorkCoCo.ie>
Sent: Thursday 2 March 2023 14:57
To: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Subject: FW: D/6/23 - Section 5 Request Machinery Shed at Dromduff East Bantry

Anne,

Please find enclosed my report dated 2nd March 2023.

Phillip O'Sullivan BA(Hons) TP.M.R.T.PI. | Teideal | Stiúthóireacht

Ref : D/6/23

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

Erection of a Class 9 Agricultural Storage shed at Dromduff East, Bantry for Jimmy Downey

Background

A second application has been submitted as to whether the above “*development*” constitutes “*exempt development*.” The submitted plans received on the 9th February 2023 indicates a proposed storage shed on lands at Dromduff East around 2.5 km to the north east of Ballylickey in a remote rural area.

The site was previously inspected on the 24th November 2022 under the first Section 5 application (D/32/22) and inspected again on the 28th February 2023 (D/6/23). There is relatively modest farm complex with a coffee coloured traditional two storey farm dwelling on the site, a disused piggery, a disused tractor and calf shed but with an existing and large slatted shed attached to a hay shed. The buildings lie in close proximity to the L-8451-0 public road which at this juncture is very straight in alignment the site being open to view, see enclosed photographs in appendix. There are two entrances to the site, see enclosed photographs.

The submitted plans indicates a proposed storage shed with a rectangular building footprint being some 198 square metres in size with a height of 6.80 metres with a shallow pitched roof and would be sited at the rear of the farm dwelling and close to other buildings. The full extent of the sizeable landholding is shown (edged blue on plans) at both the rear of the site and on the opposite side of the road.

The agents covering letter dated 9th February 2022 also indicates:

“This application is the re submission as the same that was refused on the 14th December 2022 due to inadequate sightlines. The sightlines are now improved....”

Planning History

A recent Section 5 application for the same development of the same storage shed of the same dimensions was submitted on the 24th November 2022 under planning reference D/32/22. Following a report dated 12th December 2022 and the views of the Area Engineer dated 12th December 2022 that application was refused an exemption certificate on the 14th December 2023 given the road safety concerns and the poor emerging sightlines as follows:

*The storage shed as detailed in the plans and particulars received on the 18th November 2022 does **NOT** constitutes “*exempt development*” under Article 6, Schedule 2, Part 1, Class 9 of the Planning and Development Regulations 2001-2022 since it is de-exempted by Article 9 (1) (iii) Planning and Development Regulations 2001 – 2022 since it would endanger public safety by reason of traffic hazard or obstruction of road users.*

The historic maps indicate that a bungalow was granted on this site circa 30 years ago on the 22nd March 1993 to the stated applicant Jimmy Downey under planning reference 92/ 3726. There is no bungalow on the site. Further along the same road to the north east around 300 metres away permission for a dormer dwelling and garage was granted to the applicant Mary Downey in 2002 (Ref 02/723) which has been built.

Planning and Development Regulations 2001-2022

Under Article 6, Part 3 “*Exempted Development **Rural**” Class 9 “agricultural structures”* this allows the erection of certain agricultural structures subject to certain criteria and conditions including:

Class 9

- *It is used for agricultural purposes.*
- *Does not exceed 300 square metres.*
- *The gross floor area does not exceed 900 square metres if within 100 metres of other such structures.*
- *Shall not be situated within 10 metres of the road or effluent stored.*
- *Does not exceed 8 metres in height if within 100 metres of the road*
- *Is not within 100 metres of another dwelling, school etc unless otherwise agreed in writing.*
- *Shall be shall not be unpainted metal sheeting.*

Assessment

In terms of the size of the proposed shed at 198 metres this falls just below the 300 square metres maximum allowance that can be erected under Class 9 subject to conditions. Those conditions include the proximity to the road which would be well exceeded being distance over **30 metres** away. Under Condition 2 includes a limitation on the size of buildings that can be erected in the same Class at 9 at 900 square metres and in this regard there are no other Class 9 buildings in situ,

Article 9 (1) (vi)- Planning and Development Regulations 2001 – 2022

Views and prospects should not be interfered with having regard to the Planning and Development Regulations 2001 – 2020 Article 9 (1) (vi). The shed lies within an area designated High Value Landscape but is remote from any Scenic Route. It is not considered that the proposed machinery shed which is set behind the existing farm buildings would affect views in any manner.

Article 9 (1) (iii) Planning and Development Regulations 2001 – 2022

The L-8787-0 road that passes the site and has two existing entrance(s) to the lands. There is sufficient parking area within the site but the emerging visibility from the main entrance was previously quite dreadful and from the other entrance this is located at an angle with poor visibility in a north eastly direction, see enclosed photographs in appendix.

However as indicated above it has been stated that the sightlines have been improved and the submitted site layout plan now indicate the existing main entrance having minimum sightlines of 90 metres in both directions although the setback distance is not stated. The Area Engineer was requested to revisit the site and this was undertaken and in a further e-mail dated 2nd March 2023 has advised as follows:

“ I have liaised with the agent and applicant and reinspected the entrance in relation to sightlines. Sightline to the north (RHS) is fine and always was once the initial cleaning back was done. After a second attempt the sightline to the south (LHS) is now ok in my opinion. Visibility has been provided to the slight bend and the slight crest curve. The distance provided is 80 metres Taking back the hedge further will not overcome the existence of the slight bend and the slight crest curve.”

Thus it is clear that the original road safety issue has been addressed under this second application (D/6/23) and the photographs in the appendix vividly demonstrates the most significant improvements to the sightlines that have been made.

SAC and SPA Screening Zone

The site lies outside the screening zones of Natura 2000 site and furthermore this development relates to a machinery shed alone with no effluent storage tanks and no obvious or apparent pathways between this SAC or SPA and the subject building. Thus “*significant impacts*” can be screened out.

Archaeology

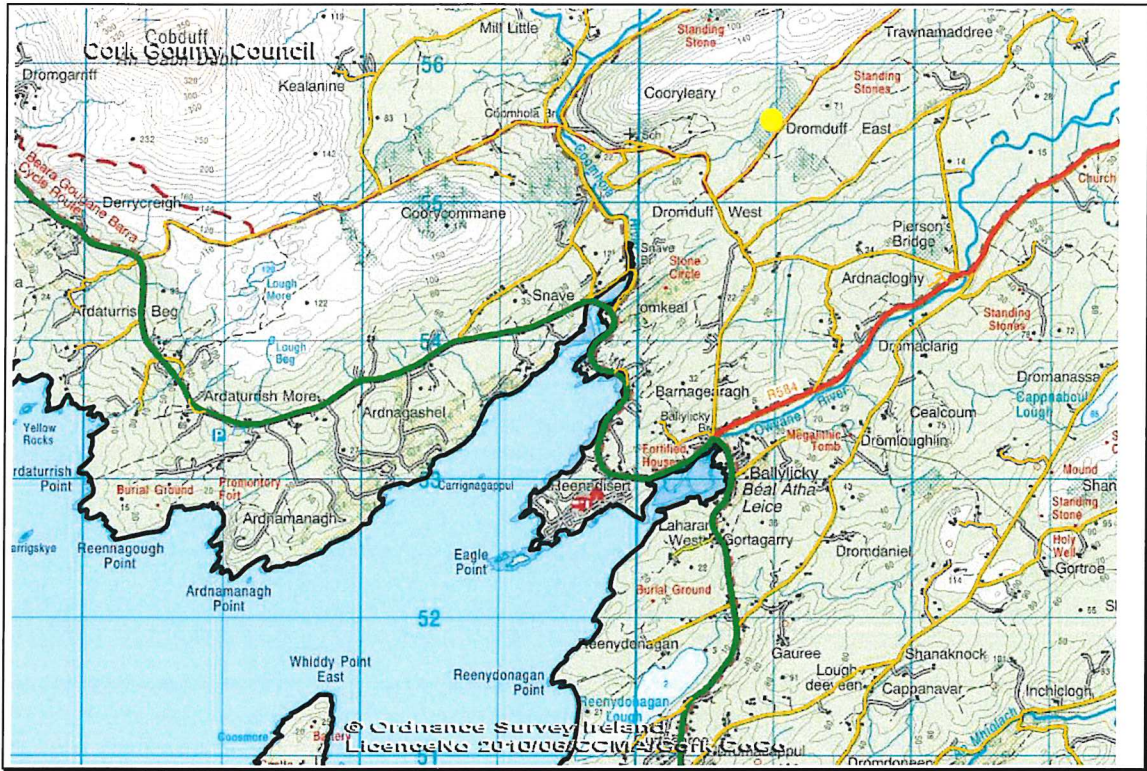
The site is remote from any archaeological treasure the nearest being a boulder burial well over 950 metres to the south west.

Recommendation

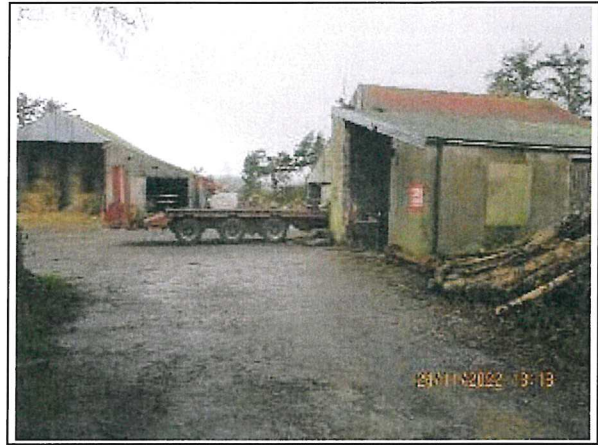
The storage shed as detailed in the plans and particulars received on the 9th February 2023 constitutes “*exempt development*” under Article 6, Schedule 2, Part 1, Class 9 of the Planning and Development Regulations 2001-2022 subject to compliance with the six conditions attached to Class 9.



P. O'Sullivan:
Executive Planner
2nd March 2023



Site photographs dated 24th November 2022





24th November 2022



24th November 2022



Improved emerging Sightlines dated 28th February 2023



From: Kevin Lynch (Eng) <Kevin.Lynch@Corkcoco.ie>
Sent: Thursday 2 March 2023 13:09
To: Phillip O'Sullivan <Phillip.OSullivan@CorkCoCo.ie>
Subject: RE: D/6/23 - Section 5 Request Machinery Shed at Dromduff East Bantry

Hi Phil,

I have liaised with the agent and applicant and reinspected the entrance in relation to sight lines. Sightline to the north (RHS) is fine and always was once the initial cleaning back was done. After a second attempt the sightline to the south (LHS) is now ok in my opinion. Visibility has been provided to the slight bend and the slight crest curve. The distance provided is 80m. Taking back the hedge further will not overcome the existence of the slight bend and the slight crest curve. Hope this is in order.

Regards,

Kevin.



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:

<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	
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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)

JIMMY DOWNEY

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

DROUDUFF EAST, BANTRY, Co. 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

PROPOSED APPLICATION FOR EXEMPTION FOR
AGRICULTURAL BUILDING FOR USE AS AGRICULTURAL
STORE/MACHINERY SHED.

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):	198m ²
(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:
(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): N/A.

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:	N/A.	
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):	N/A.	

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 checked="" type="checkbox"/>
If yes, please state relevant reference No. N/A.
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)	J Downey
Date	16.11.2022

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	J Downey
Date	16.11.2022

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.

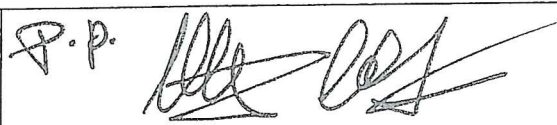
ADVISORY NOTES:

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)	P.P. 
Date	18 - November - 2022

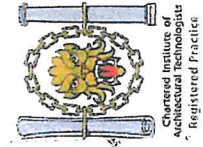
Site Location Map

TITLE : PROPOSED AGRICULTURAL STORE/MACHINERY SHED & ALL ASSOCIATED SITE WORKS.

LOCATION : DROMDUFF EAST, BANTRY, CO. CORK

FOR : JIMMY DOWNEY.

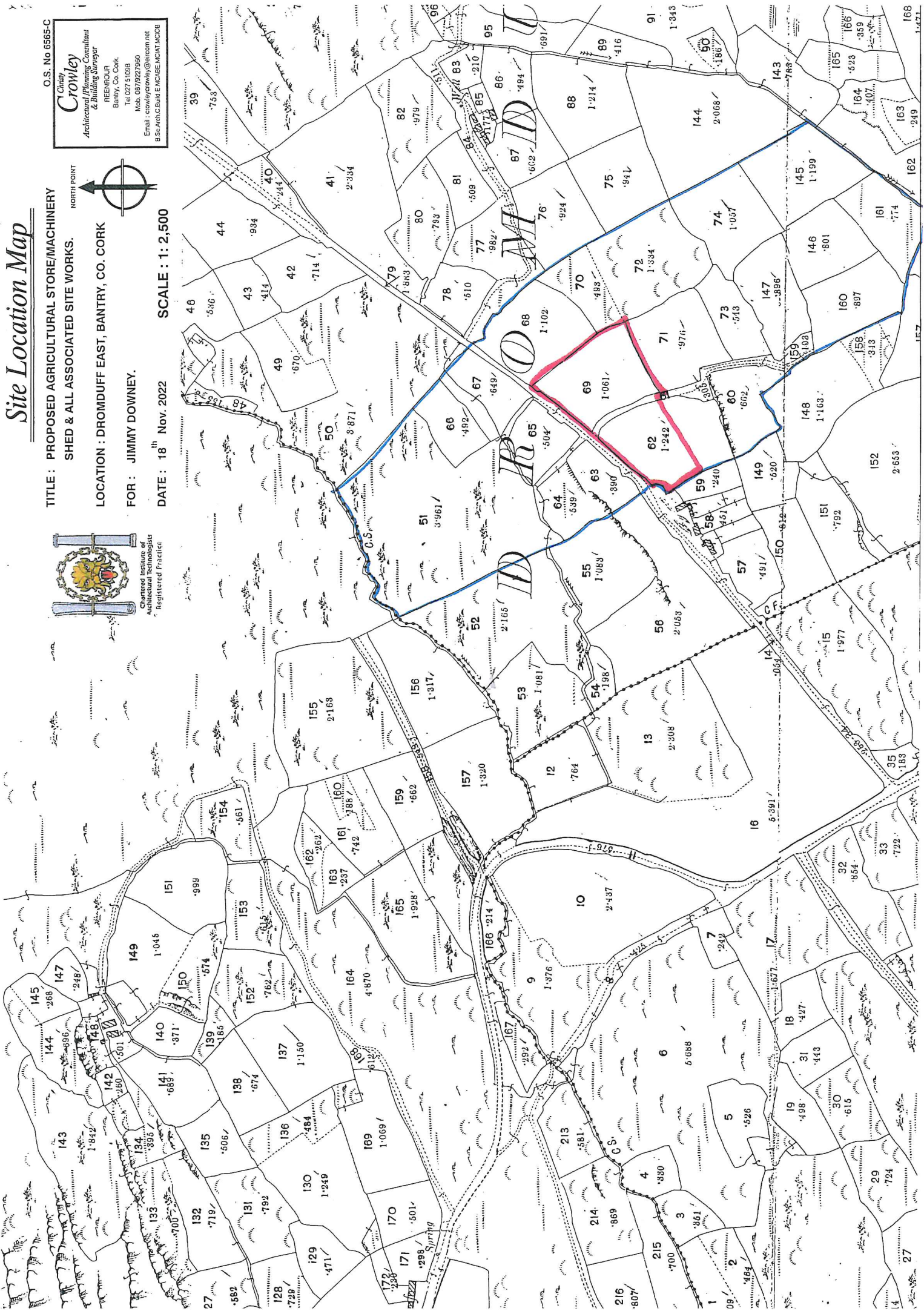
DATE : 18th Nov. 2022 SCALE : 1 : 2,500

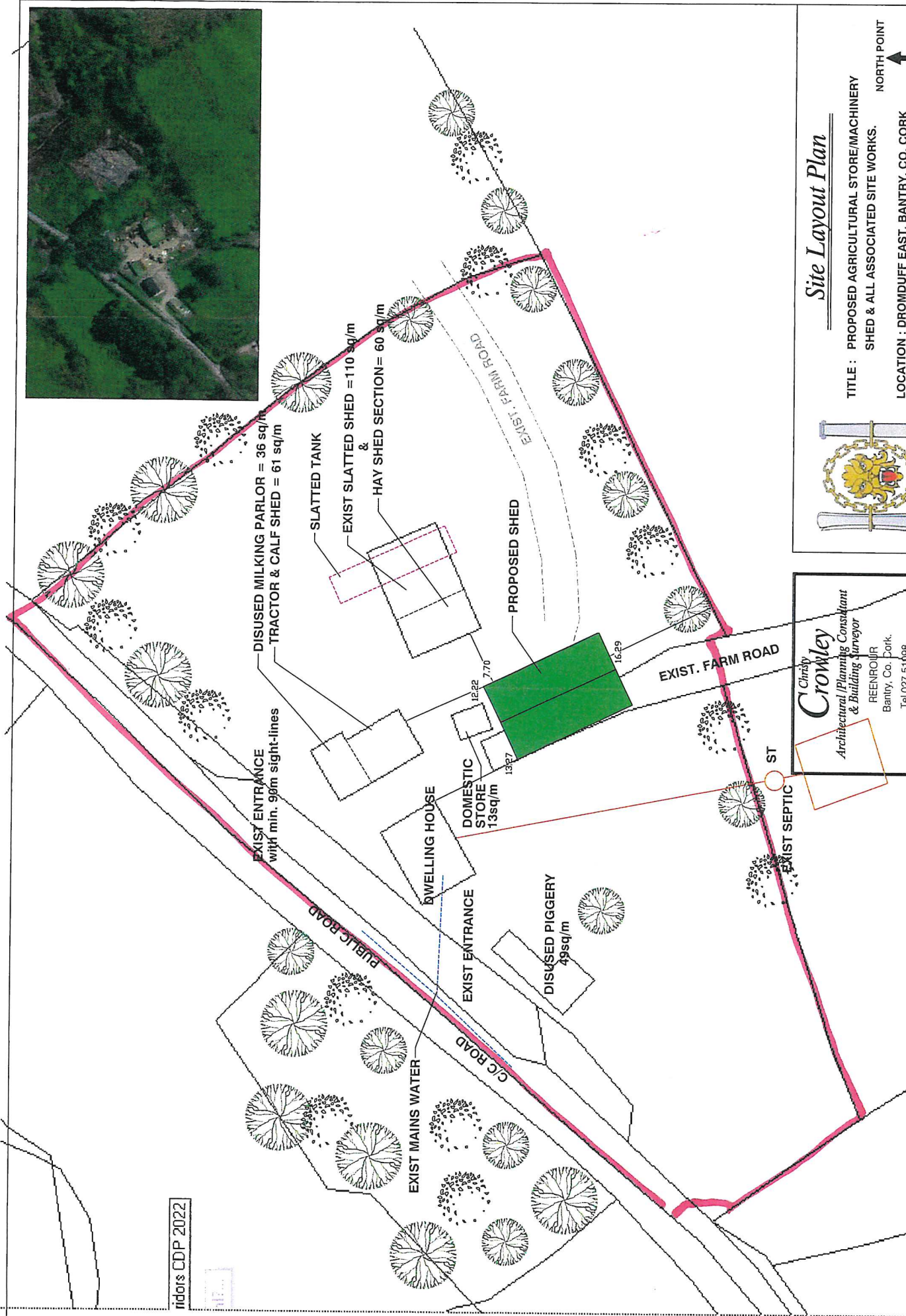


O.S. No 6565-C

Crowley
Architectural/Planning Consultants
& Building Surveyors

REEMOUR
BANTRY, CO. CORK.
Tel: 027 51038
Mobs: 087 922 7690
Email: crowleydowney@eircom.net
B.Sc. ARCH. BUILD. ENGRG. (MCI) MCIQB

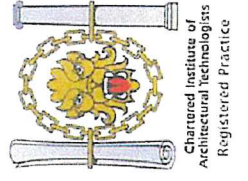




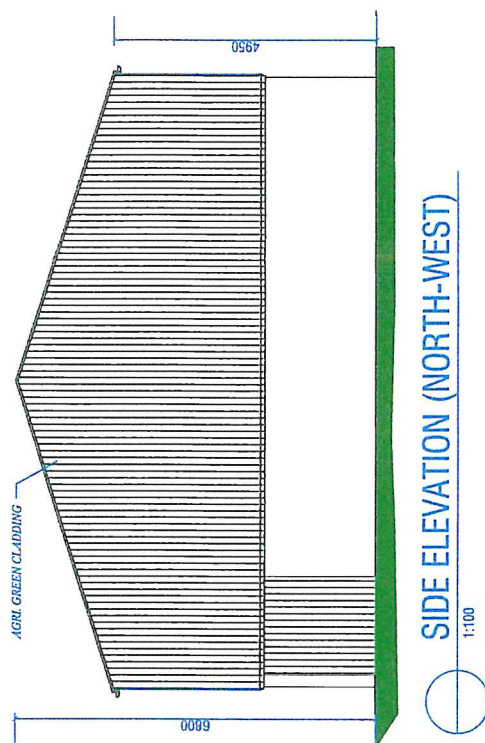
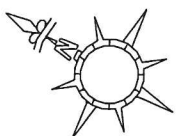
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Site Layout Plan

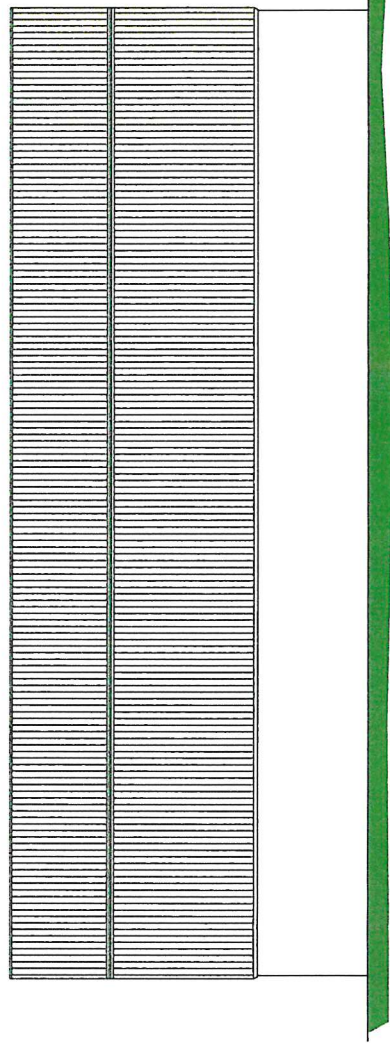
TITLE : PROPOSED AGRICULTURAL STORE/MACHINERY SHED & ALL ASSOCIATED SITE WORKS.
 LOCATION : DROMDUFF EAST, BANTRY, CO. CORK
 FOR : JIMMY DOWNNEY.
 DATE : 18th Nov. 2022 Amm Feb. 23 SCALE : 1: 500



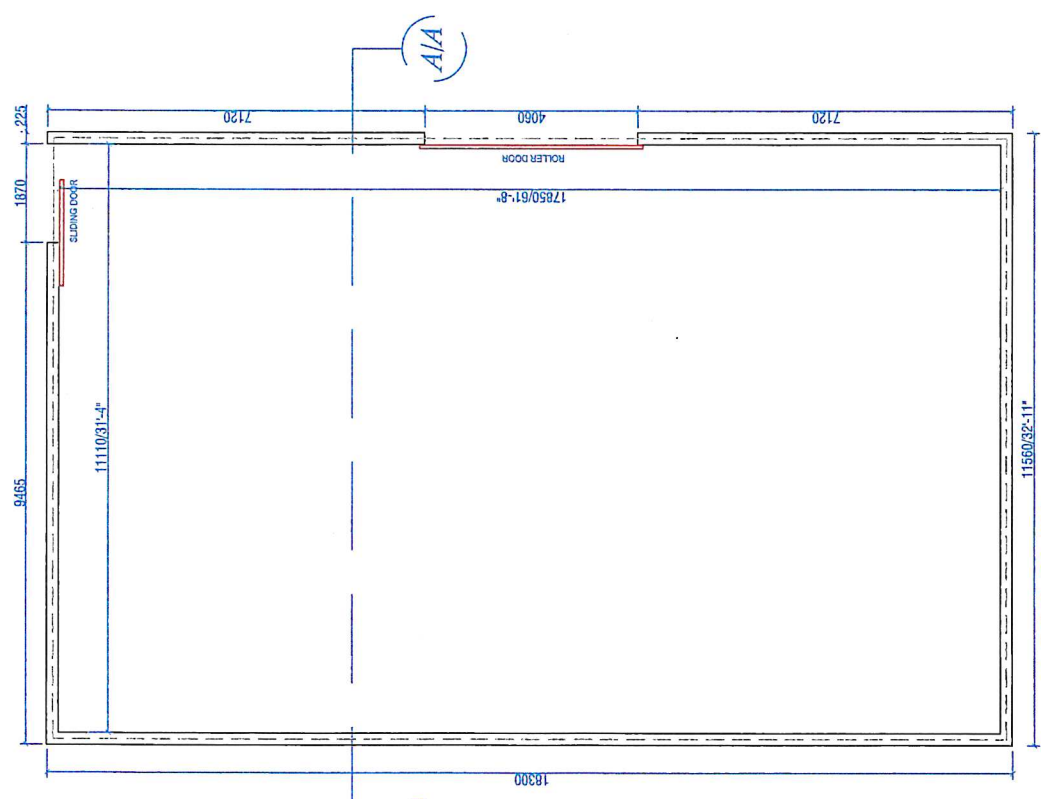
Christy Crowley
 Architectural / Planning Consultant
 & Building Surveyor
 REENROOIR
 Bantry, Co. Cork.
 Tel 027 51998
 Mob. 087/9227960
 Email : crowleycrowley@eircom.net
 B.Sc. Arch. C. Build. E. MCABE. MCAT. MCOIB



SIDE ELEVATION (NORTH-WEST)
1:100



FRONT ELEVATION (SOUTH-WEST)
1:100



FLOOR PLAN
1:100 EXISTING SHED AREA: 198 sq/m

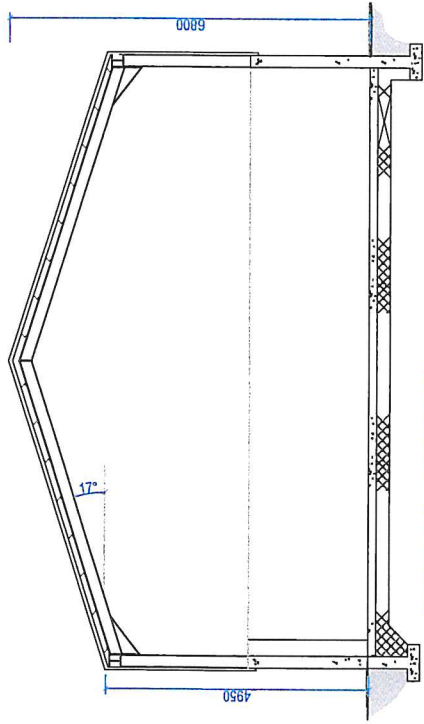
FLOOR PLAN & ELEVATIONS

Issue Date: 19th NOVEMBER 2022		Existing Gross Floor Area = 198sq/m = 2133sq/ft
Revisions		Drawn & Designed by: C. Crowley.
No.	Date	Description
		Sheet Title: Proposed Agri. storage shed & all associated site works.
		At: Dromduff East, Bantry, Co. Cork.
		For: Jimmy Downey.
		Sheet Number: 1 of 3
		SCALE: 1/100

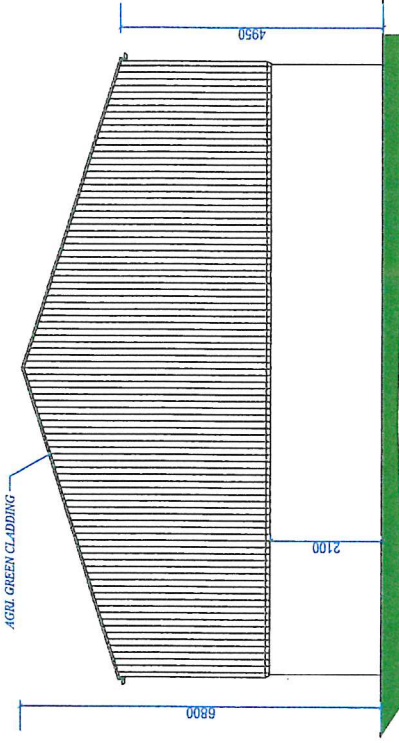
CHRISTY CROWLEY
Bantry, Co. Cork.
Tel: 027 51098
Mob: 0870227800
Email: crowleycrowley@eircom.net
B.Sc. Arch. C. Build. E. MCABE. MCAT.



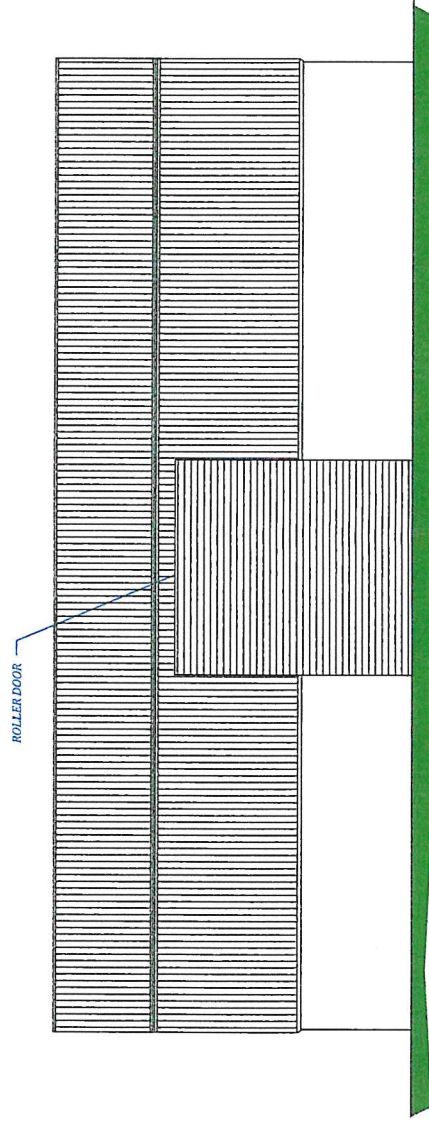
Christy Crowley
Architectural & Planning Consultant
Registered Building Surveyor



TYPICAL SECTION
1:100



SIDE ELEVATION (SOUTH-EAST)
1:100



REAR ELEVATION (NORTH-EAST)
1:100

ELEVATIONS & SECTION

Issue Date: 18th NOVEMBER 2022	
No.	Date

Existing Gross Floor Area = 198sq/m = 2133sq/ft

Drawn & Designed by: C. Crowley.

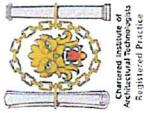
Sheet Title: Proposed Agri. storage shed & all associated site works.

At: Dronduff East, Bantry, Co. Cork.

For: Jimmy Downey.

Sheet Number: 1 of 3 SCALE: 1/100

CHRISTY CROWLEY
 Rearrour West,
 Bantry, Co. Cork.
 Tel 027 51038
 Mob. 087 6927960
 Email: crowleycrowley@eircom.net
 B.Sc. Arch. C. Build. E. MCABE, MCAT.

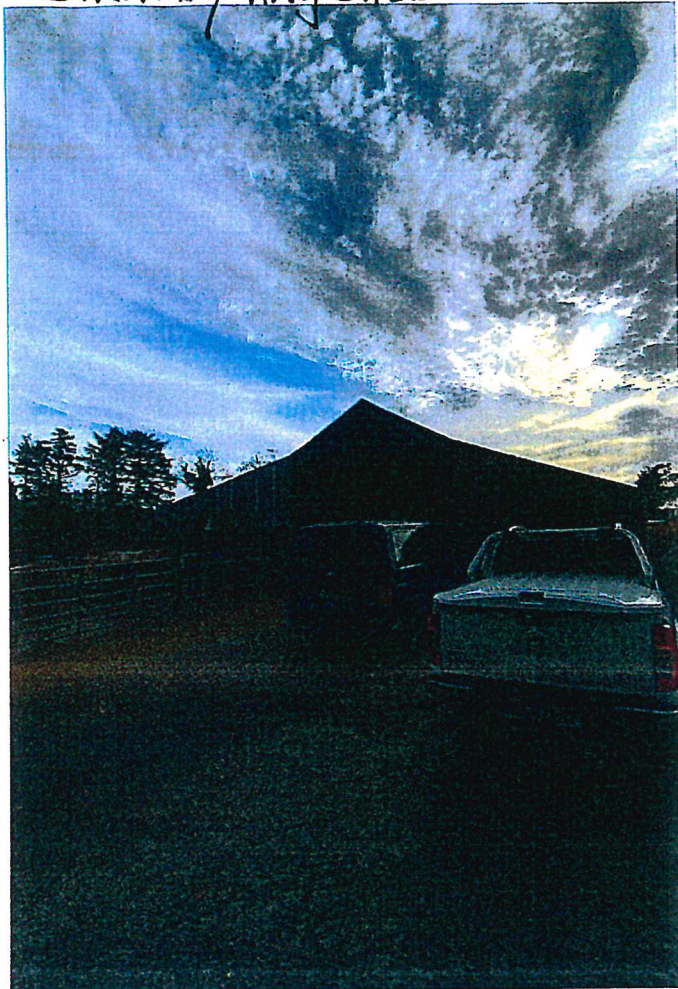


Christy Crowley
Architectural & Planning Consultant
 Registered Building Surveyor

Jimmy Downey.

10/11/2022

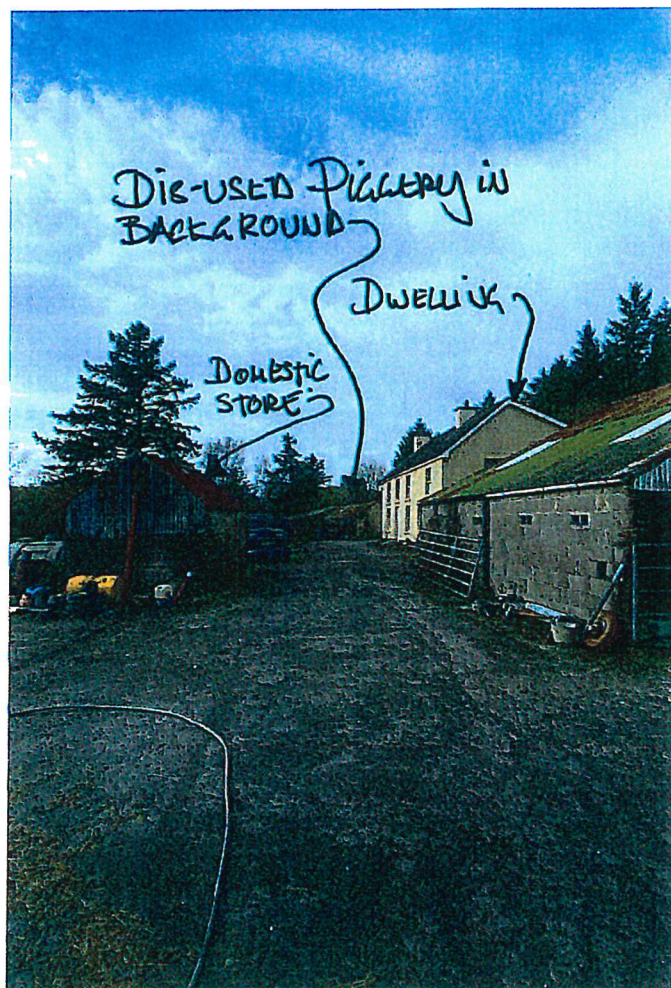
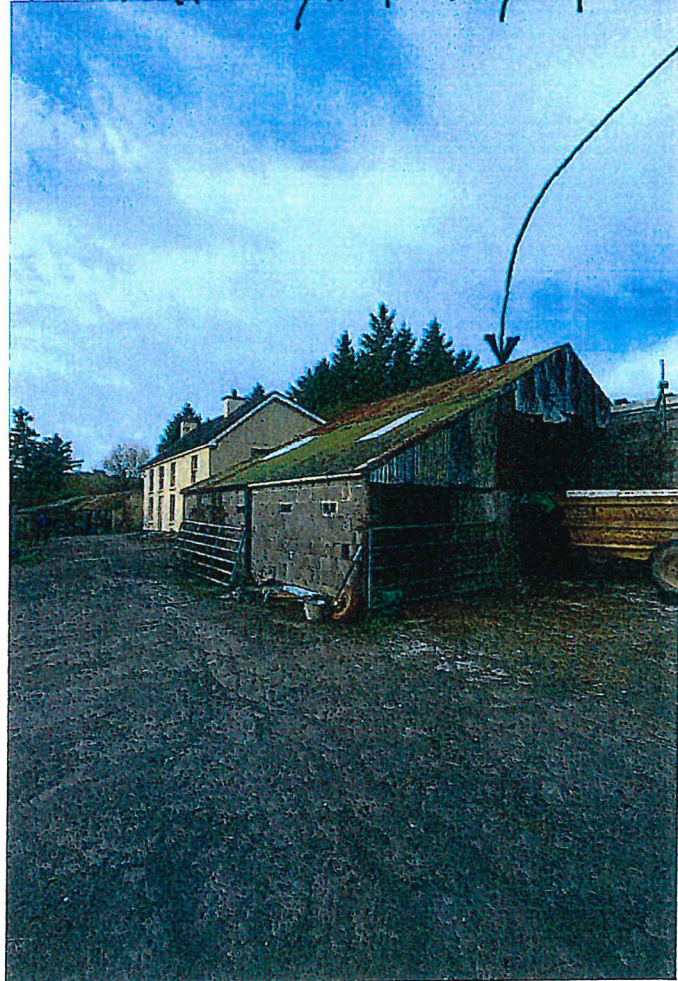
SHATTERED & HAY SHED



DOMESTIC STORE



OLD MILKING PARLOR / TRACTOR SHED / CALF SHED;



DIS-USED PIGEONRY IN BACKGROUND

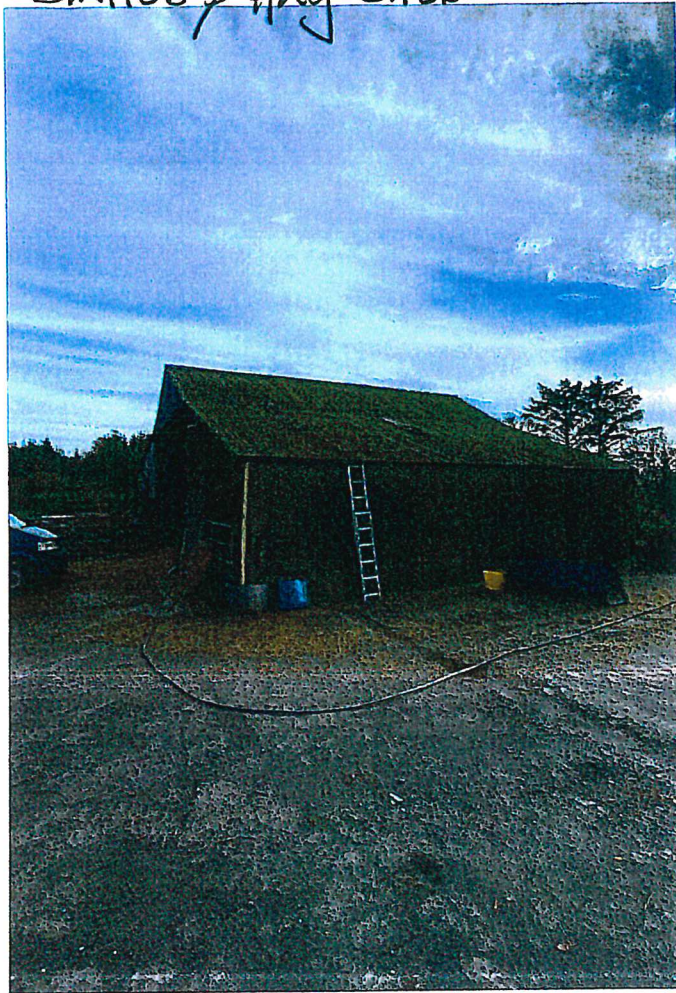
DWELLING

DOMESTIC STORE

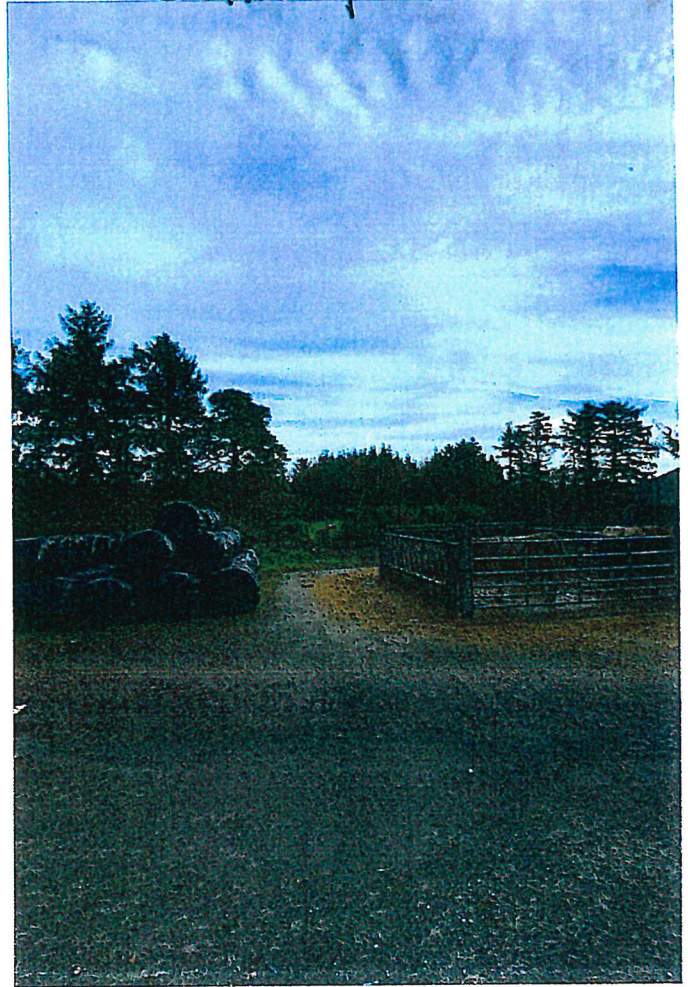
JIMMY DOWNEY.

10/11/2022

SHATTED ~~3~~ HAY SEED



SHATTED TANK.



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