

# Comhairle Contae Chorcaí Cork County Council

Chantelle McCarthy, Frank McCarthy &  
Monica McCarthy,  
Woodside Lodge,  
Crossbarry,  
Co. Cork.

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
Fón: (021) 4276891 • Faics: (021) 4276321  
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County Hall,  
Carrigrohane Road, Cork T12 R2NC.  
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21<sup>st</sup> November 2023

REF: D/296/23  
LOCATION: Woodside Lodge, Ballyhandle, Crossbarry, Co. Cork.

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

Dear Sir/Madam,

On the basis of the information submitted by you on 31<sup>st</sup> October 2023 the Planning Authority, having considered the question whether the siting of 3no. static mobile homes, the construction of an agricultural building measuring 35 sq. mtrs and the installation of a septic tank at **Woodside Lodge, Ballyhandle, Crossbarry, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is not exempted development.**

**Reason for Decision**

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

- (a) Sections 2, 3(1) and of the Planning and Development Act 2000 (as amended),
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, (as amended),
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and
- (d) The plans and particulars received on 31st October 2023.

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

- (a) The siting of 3 no. mobile homes on the said land at Woodside Lodge, Ballyhandle, Crossbarry comprise a change of use of the land which is a material change of use of the land and, therefore, constitutes development, and
- (b) The construction of an agricultural building measuring 35 m<sup>2</sup> fails to satisfy the conditions and limitations set out in column 2 opposite Class 6, and in particular, fails to satisfy Condition and Limitation 6 and therefore constitutes development and is not exempted development and
- (c) The proposed installation of a septic tank does not have the benefit of any grant of planning permission and does not come within the scope of the exempted development provisions of the Planning and Development Act 2000 (as amended), or of the regulations made thereunder, and is development and is not exempted development.

**And now therefore the Planning Authority hereby decides that**

The siting of 3 no. static mobile homes, the construction of an agricultural building measuring 35m<sup>2</sup> and the proposed installation of a septic tank at Woodside Lodge, Ballyhandle, Crossbarry, Co Cork **is development and is not exempted development.**

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

Yours faithfully,

  
**KEVIN O' REGAN,  
SENIOR EXECUTIVE OFFICER,  
PLANNING DEPARTMENT.**

*In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>*

**D/296/23**

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

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**Site Location:** Woodside Lodge, Ballyhandle, Crossbarry, Co. Cork.

**Description:**

- i) Whether the sitting of 3 no. static mobile homes,
- ii) whether the construction of an agricultural building measuring 35m<sup>2</sup> and
- iii) whether the installation of a septic tank

is or is not development or is or is not exempted development.

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*Subject site encircled above*

**Proposal:**

The applicant is seeking a determination by the Planning Authority as to whether or not:

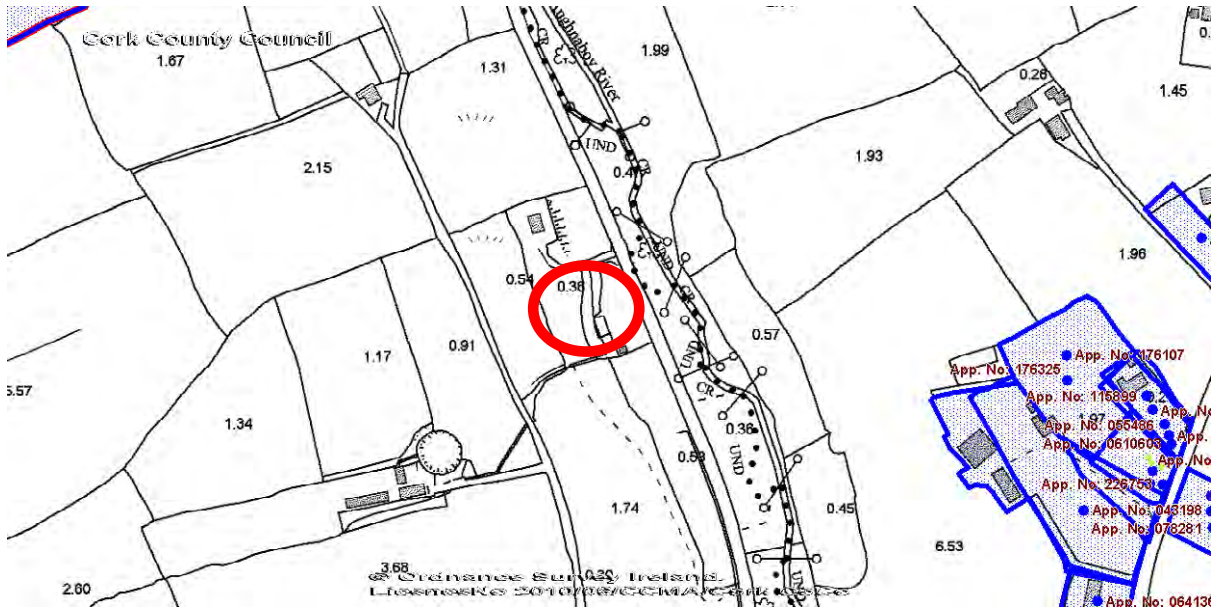
- i) Whether the sitting of 3 no. static mobile homes,
- ii) Whether the construction of an agricultural building measuring 35m<sup>2</sup> and
- iii) Whether the installation of a septic tank

Is or is not development or is or is not exempted development under the under the Planning and Development Regulations (2001, as amended).

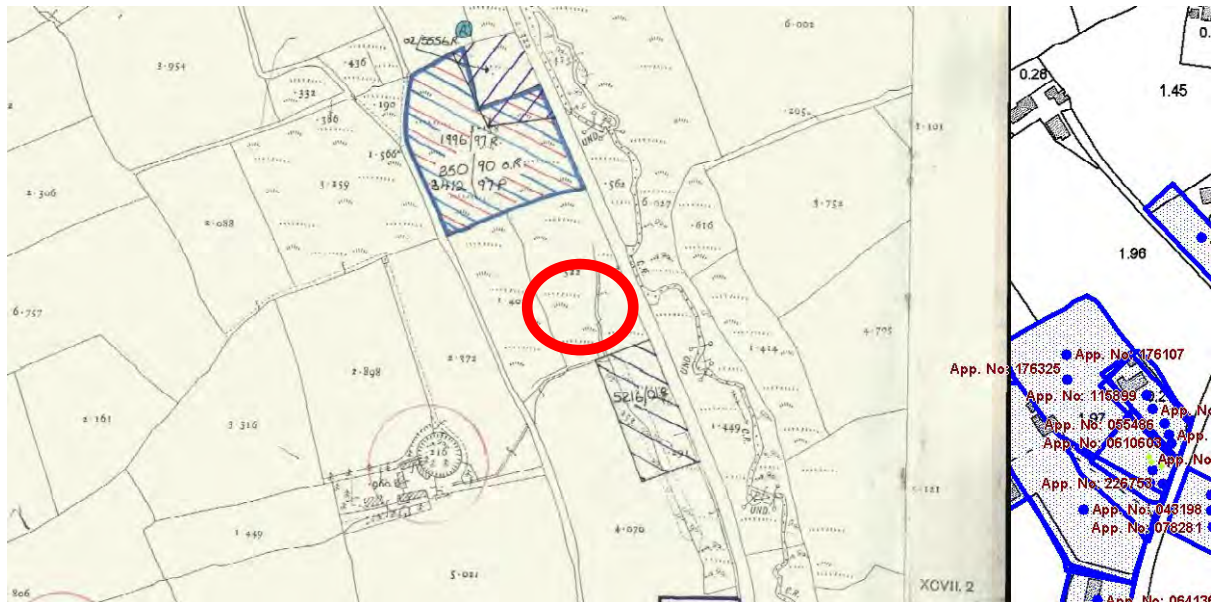
**Planning History:**

Having carried out a planning history search of the site, there is no recent planning history associated with the subject site.

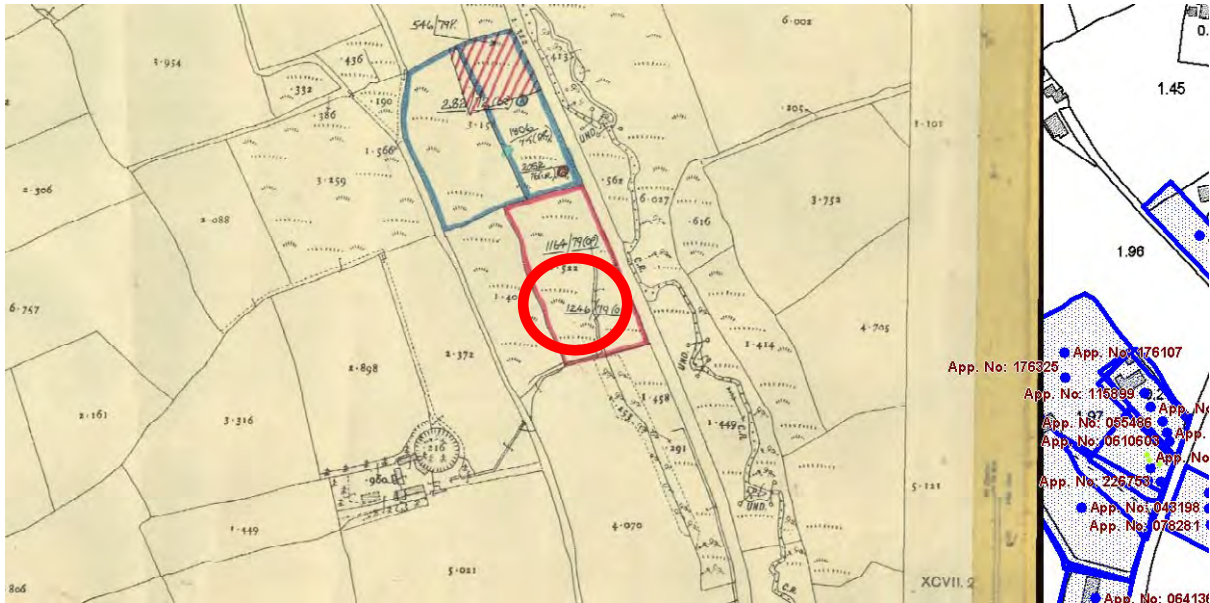
It is noted that most recently outline permission was granted on a larger site, including the subject land, under Planning Reg. No. 79/1246.



Extract from Planning Register – subject site encircled above



Extract from Planning Register – subject site encircled above



Extract from Planning Register – subject site encircled above

### Legislative Context:

As set out in Section 3 (1) of the Planning and Development Act, 2000 (as amended), “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 in the use of any structures or other land.

Section 3 (2) For the purposes of subsection (1) and without prejudice to the generality of that subsection states -

(b) Where land becomes used for any of the following purposes

- (i) the placing or keeping of any vans, tents, or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods
- (ii) the storage of caravans or tents or
- (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris

*the use of the land shall be taken as having materially changed.*

Section 4 of Planning and Development Act 2000 (as amended) lists works that would be considered exempted development. It also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

Of particular relevance to this Section 5 request is Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended) in relation to the animal house / agricultural shed:

Agricultural Structures Class 6 of the said Schedule states:

*“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”.*

Conditions and Limitations:

*“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 stored, within 10 metres of any public road.*

*5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*

*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.*

*7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure”.*

Article 9 of the Planning and Development Regulations 2001 (as amended) lists a series of restrictions on exemptions which includes:

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area 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,

- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (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,
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological 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, save any excavation, pursuant to and in accordance with a licence granted under [section 26](#) of the [National Monuments Act, 1930](#) (No. 2 of 1930),
- (viii) consist of or comprise the extension, alteration, repair or renewal of an

unauthorised structure or a structure the use of which is an unauthorised use,

- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area 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,
  - (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
  - (xi) obstruct any public right of way,
  - (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area 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 and the development would materially affect the character of the area,
- (b) in an area to which a special amenity area order relates, if such development would be development:—
- (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or



- (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
  - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
  - (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.
- (2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.

## Assessment

### **Whether the sitting of 3 no. static mobile homes on the site is or is not development or is or is not exempted development?**

According to Section 3(1) of the Planning and Development Act (2000-2010), “development” means, “*except where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land*”.

Section 3 (2) For the purposes of subsection (1) and without prejudice to the generality of that subsection -

(b) “*Where land becomes used for any of the following purposes -*

- (i) *the placing or keeping of any vans, tents, or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods*
- (ii) *the storage of caravans or tents or*
- (iii) *the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris.*

*the use of the land shall be taken as having materially changed”.*

Having regard to Section 3(2) of the Planning and Development Act 2000 (as amended), given that the subject lands were previously in agricultural use, the siting of 3 no. static mobile homes on the subject land at “Woodside Lodge”, Ballyhandle, Crossbarry materially changes the use of the land and the siting of 3 no. mobile homes on the subject land is considered to constitute development and is not exempted development.

**Whether a 35m<sup>2</sup> agricultural building for the housing of animals is or is not development or is or is not exempted development?**

Having regard to Schedule 2, Part 3, of the Planning and Development Regulations 2001 (as amended) and in particular to the provisions of Class 6 Agricultural Structures, while the drawing submitted is not to scale, the agricultural building for the housing of animals is sited within 100 m of a third party dwelling. No evidence of consent to the siting of the structure for the housing of animals / structure has been submitted from the owner / occupier or person in charge thereof regarding the subject structure and accordingly the Planning Authority considers that the agricultural building fails to satisfy the requirements of Condition 6 of Class 6 of Schedule 2, Part 3.

Furthermore, given the lack of details in the submitted Section 5 request regarding effluent storage etc the agricultural building for the housing of animals may not meet a number of the other conditions and limitations associated with Class 6 development.

Notwithstanding same, on the basis of the information submitted, the Planning Authority considers that the agricultural building fails to satisfy the conditions and limitations associated with Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended) and accordingly, is development and is not exempted development.

**Whether the installation of a septic tank is development or is or is not exempted development?**

Section 3(1) of the Act states that, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land. required. There is no provision for the installation and maintenance of a domestic wastewater treatment system under the provisions of the Planning and Development Regulations 2001 (as amended).

Having reviewed An Bord Pleanala’s website for relevant cases as per ABP 312803-22 decision the installation of a septic tank would constitute development, as defined under Section 3(1) of the Planning and Development Act, 2000 (as amended).

Having regard to Section 22 of the Regulations which unambiguously and clearly stipulates the information required to be submitted with planning applications. Section 22 (2) (c) sets out that

information regarding the disposal of wastewater and evidence as to the suitability of the site for the system proposed, should be submitted with a planning application requiring wastewater treatment. This section of the Regulations demonstrates that wastewater treatment details are an integral part of the information required to be submitted to Planning Authorities when assessing proposals pertaining to development which require wastewater treatment facilities. It is also noted that there is no specific exemption set out within the Act or the Regulations which exempts the installation of wastewater treatment systems from planning.

Accordingly, it is considered that the installation of a septic tank / wastewater treatment system is development and is not exempted development. The proposed installation of a new septic tank / wastewater treatment system and percolation area, would constitute excavation works underground and is therefore, development, that is not exempted development as set out under Sections 2 (1) and 3 (1) of the Planning Development Act 2000, (as amended) and under the provisions of Article 6 (4) of the Planning and Development Regulations, 2001 (as amended)

## **Conclusion**

Accordingly, it is considered that whereas the Planning Authority has been requested to adjudicate on whether:

- i) The siting of 3 no. static mobile homes,
- ii) The construction of an agricultural building measuring 35m<sup>2</sup> and
- iii) The proposed installation of a septic tank

is or is not development or is or is not exempted development, and whereas Cork County Council in considering this Section 5 request has regard particularly to –

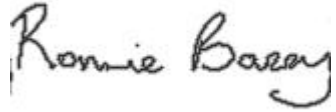
- (a) Sections 2, 3(1) and of the Planning and Development Act 2000 (as amended),
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, (as amended),
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),  
and
- (d) the submission received 31/10/23,

And whereas Cork County Council has concluded that –

- (a) the siting of 3 no. mobile homes on the said land at Woodside Lodge, Ballyhandle, Crossbarry comprise a change of use of the land which is a material change of use of the land and, therefore, constitutes development, and
- (b) the construction of an agricultural building measuring 35 m<sup>2</sup> fails to satisfy the conditions and limitations set out in column 2 opposite Class 6, and in particular, fails to satisfy Condition and Limitation 6 and therefore constitutes development and is not exempted development and
- (c) the proposed installation of a septic tank does not have the benefit of any grant of planning permission and does not come within the scope of the exempted development provisions of the Planning and Development Act 2000 (as amended), or of the regulations made thereunder, and is development and is not exempted development, and .

now therefore the Planning Authority hereby decides that the siting of 3 no. static mobile homes, the construction of an agricultural building measuring 35m<sup>2</sup> and the proposed installation of a septic

tank at Woodside Lodge, Ballyhandle, Crossbarry, Co Cork is development and is not exempted development.

A handwritten signature in black ink that reads "Ronnie Barry". The signature is written in a cursive style with a large initial 'R' and a long, sweeping underline.

Ronnie Barry,

Senior Executive Planner.

21/11/23.



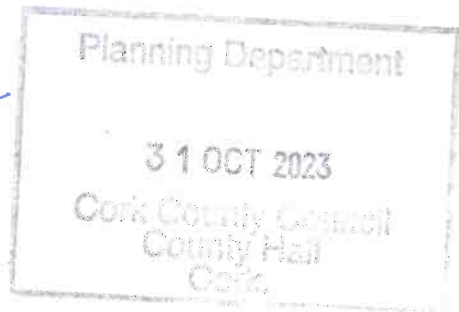
# **CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION**

## **APPLICANT CHECKLIST**

- 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:**

(Please tick ✓)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
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## **FOR OFFICE USE ONLY**

Receipt No.	PJ-0042638
Cash/Cheque/ Credit Card	Cash
Date	31/10/2023
Declaration Ref. No.	D/298/23

**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:

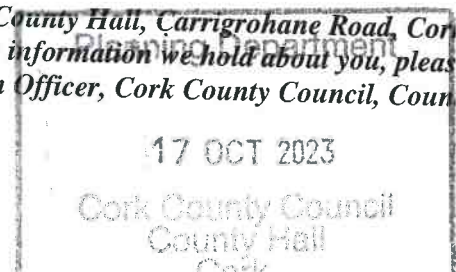
- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill 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)

CHANTELLE MCCARTHY (OWNER)  
FRANK MCCARTHY  
MONICA MCCARTHY

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

WOODSIDE Lodge BALLYMANDLE  
CROSSBARRY  
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

3 number of MOBILE DWELLING HOMES, THE SITE IS SERVICED WITH ELECTRICITY FROM THE ESB AND WATER FROM A WELL IT HAS A DRY COMPOST TOILET AGRICULTURAL SHED / BARN FOR HOUSING ANIMALS HORSES / GOATS THE SITE WAS SERVICED WITH WATER, COMPOST TOILET, GENERATOR BY PREVIOUS OWNER MR TOM MCENTYRE WHEN I RENTED THE LAND AT FIRST ON 20<sup>TH</sup> MAY 2016, SEE SITE MAP, FOLIO CK11831F FROM PATRICK MCENTYRE

Planning Department  
17 OCT 2023  
Cork County Council  
County Hall  
Cork.

**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):	3 UNITS 25-5 m <sup>2</sup> EACH
(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 checked="" type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) 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 AGRICULTURAL SHED/BARN TRUCK REPAIR GARAGE DWELLING MOBILE HOMES	Proposed use AGRICULTURAL SHED 3x STATIC MOBILE HOMES
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please state relevant reference number(s): No 2023/0086

**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):		

Planning Department  
31 OCT 2023  
Cork County Council  
County Hall  
Cork

**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. _____
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"/>

Planning Department  
17 OCT 2023  
Cork County Council  
Cork

**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)	Charbelle McCarthy FRANK MCCARTHY      monica MCCARTHY
Date	25/9/2023

**GDPR Special Categories of data / Sensitive Personal data - Explicit Consent**

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

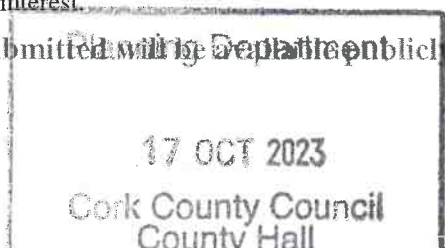
**Sensitive personal data being submitted in support of Declaration of Exemption Application**

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

Signed	Charbelle McCarthy FRANK MCCARTHY      monica MCCARTHY
Date	25/9/2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: [planninginfo@corkcoco.ie](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.





**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)	Charabell McCarthy FRANK MCCARTHY MONICA MCCARTHY
Date	25/9/2023

Planning Department  
 31 OCT 2023  
 Cork County Council  
 County Hall  
 Cork.

Planning Department  
 17 OCT 2023  
 Cork County Council  
 County Hall  
 Cork.

# AFFIDAVIT OF FRANK McCarthy

I FRANK McCarthy of Woodside Lodge  
Ballyhardhe Crossberry in the  
County of Cork AGED 18 yrs and over  
MAKE OATH AND SAY AS FOLLOWS

ISAY that I FRANK McCarthy have  
been living at Woodside Lodge Crossberry  
Since 23<sup>rd</sup> MAY 2016 on my own  
UNTIL MY WIFE AND FAMILY joined  
ME ON 9<sup>th</sup> MAY 2017

ISAY I MAKE this Solemn AFFIDAVIT  
Conscientious believing the  
same to be true and from facts  
within my own knowledge and for  
the benefit of myself and  
Cork County

McCARTHY & McCARTHY  
SOLICITORS

Premier House, Main Street,  
Ballincollig, County Cork.

Tel: 021-4870550

e-mail: ballincollig@mcmc.ie

16/10/2023 Cork

**McCARTHY & McCARTHY  
SOLICITORS**

Premier House, Main Street,  
Ballincollig, County Cork.

Tel: 021-4870550

e-mail: ballincollig@mcmc.ie

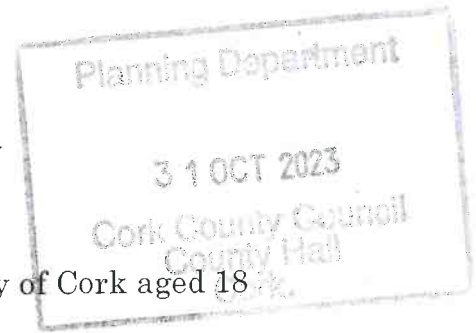
Planning Department

31 OCT 2023

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County Hall  
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Planning Department  
17 OCT 2023  
Cork County Council  
County Hall  
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**AFFIDAVIT OF DECLAN MACCARTHY**



I, Declan MacCarthy of Lissagroom, Crossbarry in the County of Cork aged 18 years and upwards make OATH and say as follows:

1. I say that I reside with my own family in my own home at Lissagroom, Crossbarry, Co. Cork and have done so since 1995.
2. I say that a neighbour of mine, Frank McCarthy Snr, approached me on Friday 20<sup>th</sup> May 2016 asking me to assist him, with my tractor, in moving a mobile home of his on his site nearby (a couple of hundred yards adjacent to my own home) at Ballyhandle, Crossbarry, Co. Cork.
3. I was aware that Frank McCarthy's site had previously been owned by a deceased neighbour of ours, Tom McIntyre, and Frank McCarthy Snr told me that he was then renting this site from Tom McIntyre's son, Pat McIntyre.
4. I confirm that on Friday 20<sup>th</sup> May 2016 I used my tractor to move a mobile home for Frank McCarthy on his site. At that time there was another older mobile home already on the site but it was dilapidated and needed replacement. At the request of Frank McCarthy Snr, I removed the older mobile home (which was being demolished by Frank McCarthy's two sons) and put the replacement mobile home in situ in its place.
5. I confirm the then replacement mobile home remains in situ to this day.
6. I say that Frank McCarthy has recently told me and shown me papers that confirm that the site in question is now owned by Frank McCarthy's daughter, Chantelle McCarthy.
7. I say that I am aware that Frank McCarthy Snr continues to reside (with his wife Monica and another adult son) in the same mobile home that I moved in to position for him in May 2016. I am also aware that Chantelle McCarthy resides in another (second) mobile home on this site and that Frank McCarthy's son, Frank McCarthy Jnr, resides with his wife in another (third) mobile home on the site.
8. I make this solemn Affidavit conscientiously believing the same to be true and from facts within my own knowledge and for the benefit of Frank McCarthy Snr and his family and also Cork County Council.

**SWORN** by Declan MacCarthy

this 10<sup>th</sup> day of October 2023

Before me a Practising Solicitor at

30/31, Washington Street in the City of



Cork, the Deponent being identified to me by production of photo identification Irish Driving Licence No. 000157F2PR

*Deponer seen Cork*

*Patrick Casey*

Practising Solicitor

**PATRICK CASEY & CO.  
SOLICITORS**

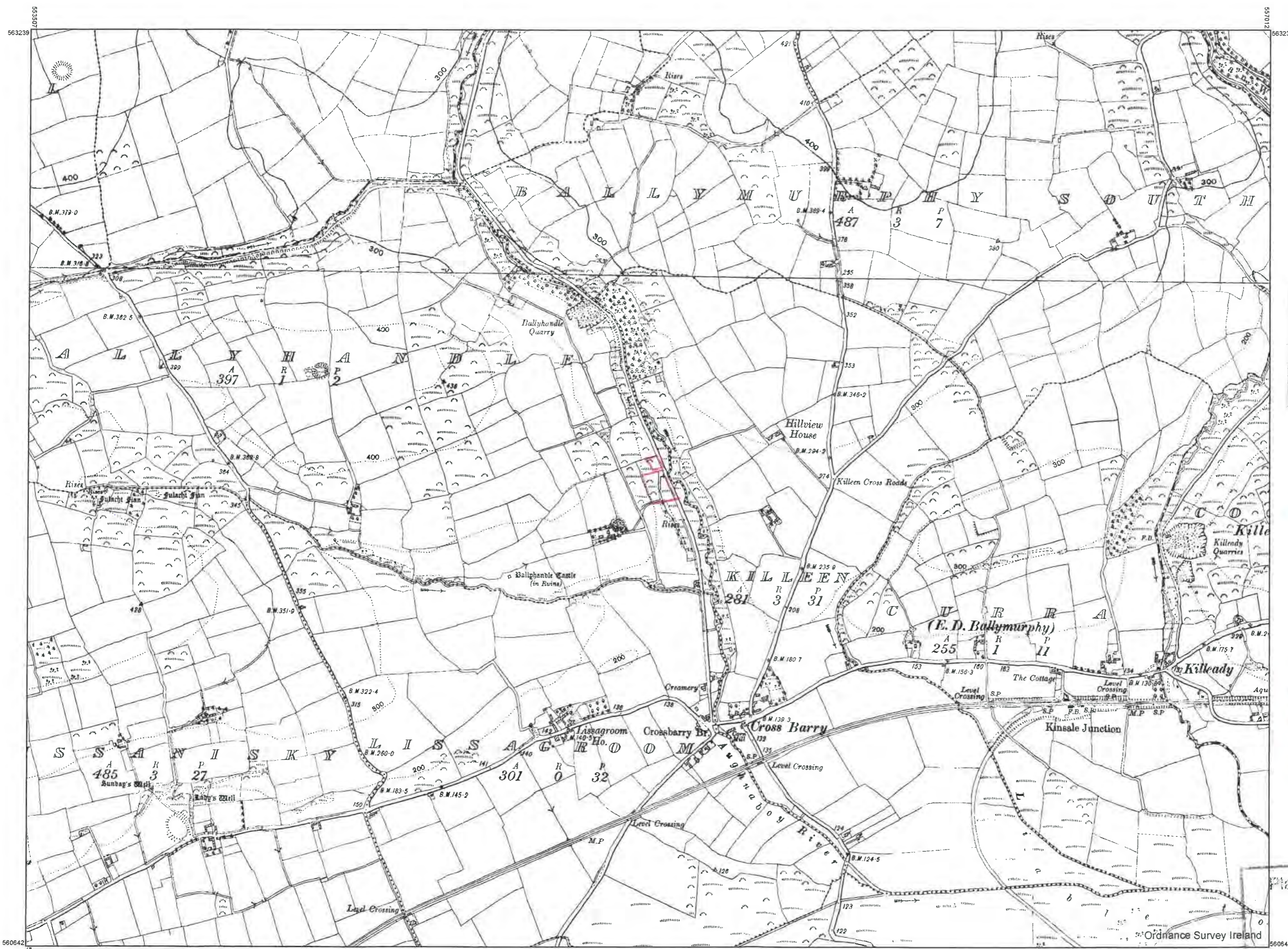
Planning Department  
31 OCT 2023  
Cork County Council  
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17 OCT 2023  
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# Site Location Map



**Tailte  
Éireann**



**CENTRE  
COORDINATES:**  
ITM 555260,561941

**PUBLISHED:**  
05/10/2023

**ORDER NO.:**  
50361199\_1

**MAP SERIES:**  
6 Inch Raster  
6 Inch Raster

**MAP SHEETS:**  
CK085  
CK097

Planning Department  
31 OCT 2023  
Carroll County Council  
County Hall  
Cork

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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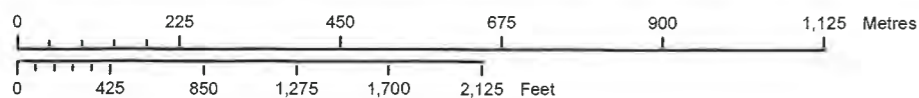
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17 OCT 2023  
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**OUTPUT SCALE:** 1:10,560

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
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Output scale is not indicative of data capture scale  
Further information is available at:  
[www.osi.ie](http://www.osi.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit  
[www.osi.ie](http://www.osi.ie) and search for  
'Large Scale Legend'



# Planning Pack Map



Tailte Éireann



**CENTRE COORDINATES:**  
ITM 555260,561941

**PUBLISHED:** 05/10/2023  
**ORDER NO.:** 50361199\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 6505

Planning Department

31 OCT 2023

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of Tailte Éireann,  
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Dublin 8,  
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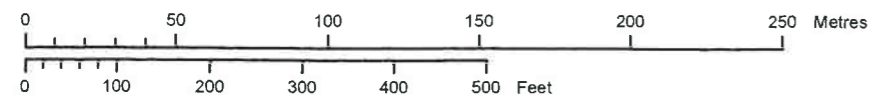
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**OUTPUT SCALE:** 1:2,500

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**LEGEND:**  
To view the legend visit [www.osi.ie](http://www.osi.ie) and search for 'Large Scale Legend'



This map was produced by the National Mapping Division of Tailte Éireann, formerly Ordnance Survey Ireland (OSI)

LEGEND:

- 1. MOBILE HOME  
30 x 12 FT
- 2. MOBILE HOME  
30 x 12 FT
- 3. MOBILE HOME  
30 x 12 FT
- 4. TOILET/WASHING  
FACILITIES  
2 x 1.5 MT

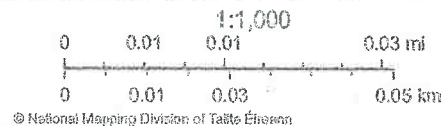
PROPOSED DEVELOPMENT

- 5. SEPTIC TANK  
2 x 1.5 MT
- 6. AGRICULTURAL  
BUILDING - HOUSE  
OF ANIMALS  
7 x 5 MT.



31/10/2023, 08:55:54

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GeoHive Map SCALED DRAWINGS OF DEVELOPMENT - RETENTION

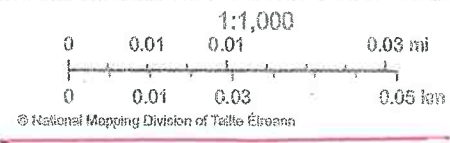


- 1. MOBILE HOME  
30x12 FT
- 2. MOBILE HOME  
30x12 FT
- 3. MOBILE HOME  
30x12 FT
- 4. TOILET/WASHING FACILITIES  
2x1.5 MT

PROPOSED DEVELOPMENT

- 5. SEPTIC TANK  
2x1.5 MT
- 6. AGRICULTURAL BUILDING - HOUSING OF ANIMALS.  
7x5 MT

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