

Comhairle Contae Chorcaí Cork County Council

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Andrew Auld,
c/o Liam Slattery,
3 Cois na Gleann,
Glanmire,
Co. Cork.

14th March 2024

REF: D/210/24
LOCATION: Derryvillane, Mitchelstown, 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 20th February 2024 the Planning Authority, having considered the question whether the construction of a cattle shed and slatted tank with a proposed floor area of 171 sqm and construction of a straw storage shed with a proposed floor area of 86 sqm is or is not development or is or is not exempted development **at Derryvillane, Mitchelstown, Co. Cork** has declared that it **is development and is exempted development.**

Reason for Decision

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

- the particulars received by the Planning Authority on 20th of February 2024,
- The history of the site,
- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended and
- Class 6 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended

And Whereas Cork County Council has concluded that –

The construction of the cattle shed, slatted tank and adjoining straw storage shed constitutes 'works' and 'development' as defined in Sections 2 and 3 of the Planning and Development Act. The development comes within the scope of the exemption for farm buildings provided by Section 4(1)(a) of the Planning and Development Act 2000 as it comes within the scope of Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations 2001 (as amended) and complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1)(a) (iii) and (vii B).



We are Cork.



Recycled

The Planning Authority concludes that the proposed development at Derryvillane, Mitchelstown, Co. Cork is **development and is exempted development.**

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>

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: D/210/24

Description: 1. Whether the construction of a cattle shed and slatted tank with a proposed floor area of 171sqm is or is not development or is or is not exempted development.
2. Whether the construction of a straw storage shed with a proposed floor area of 86sqm is or is not development or is or is not exempted development.

Applicant: Andrew Auld

Location: Derryvillane, Mitchelstown, Co.Cork

Date: 29th February 2024

SUMMARY OF RECOMMENDATION

It is concluded that the construction of the cattle shed, slatted tank and adjoining straw storage shed constitutes ‘works’ and ‘development’ as defined in Sections 2 and 3 of the Planning and Development Act. The development comes within the scope of the exemption for farm buildings provided by Section 4(1)(a) of the Planning and Development Act 2000 as it comes within the scope of Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations 2001 (as amended) and complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1)(a) (iii) and (viiB).

On this basis it is considered that the proposed development is **development and is exempted development.**

PURPOSE OF REPORT

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

SITE LOCATION

The subject site is located in the rural townland of Derryvillane, approx. 3.6km NW of Glanworth and 4.3km SE of Kildorrey. The subject site is located just off the R512 within an overall landholding of approx. 22 acres / 8.9ha and in close proximity to the applicant’s dwelling house. There is an existing 228sqm agricultural storage shed and hard standing area within the subject site. The river Funshion is located approx. 120m to the east. The subject site lies outside of Flood Zone A & B as mapped under the current Cork County Development Plan 2024. There are a number of protected structures within close proximity of the site. There are a number of recorded Sites and Monuments within the surrounding area, the closest of which is a Castle (SMR No. C0019-081) approx. 230m to the northeast. The subject site does not lie within any designated Natura sites. The Blackwater River SAC (Site Code 2170) is located approx. 5.6km to the southwest and approx. 18km upstream of the designated area. The subject site lies within the AA screening zone for the Blackwater River SAC (Site Code 2170).

SUBJECT DEVELOPMENT

The applicant Andrew Auld is stated as being a part time suckler farmer who has 10 sucklers with 10 calves and 5 weanlings on landholding of 21 acres. At present the applicant out winters the animals but this is stated as being too labour intensive due to his full-time job as a vet. It is proposed to construct a straw bedded cattle shed with a slatted tank and a straw storage shed which would enable the animals to be housed during the winter months.

The existing farmyard complex consists of a 228sqm storage shed (referred to as shed 4 on the submitted site layout plan). The applicant proposes to construct a straw bedded cattle shed of 171sqm (shed 1 on site layout) with a slatted tank underneath and an adjoining straw store of 86sqm (shed 3 on site layout).

It is stated that the maximum height of the proposed structure will be 5.8m and that it is to be located at a distance of 110.2m from the public road.

PLANNING HISTORY

A review of the Council's Planning Enquiry System shows there have been two recent planning applications made in respect of the overall landholding:

Planning Reg no. 194581

Permission was granted to Andrew Auld (applicant) on 06/12/2019 for the construction of a split-level dwelling house, detached domestic garage, treatment unit and percolation area, vehicular entrance and all ancillary works. (northwest of subject site)

Planning Reg no. 054803

Permission was granted to Brendan & Olive Gallagher on 05/05/2006 for a dwelling and garage. – it appears that this permission was not enacted.

It appears that the existing agricultural storage shed on the subject site does not have the benefit of planning permission.

LEGISLATIVE CONTEXT

Planning and Development Act, 2000

Section 3(1) of the Act states the following in respect of 'development': "In this Act, '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."

Section 2(1) of the Act states the following in respect of 'works': "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 4(1) sets out various forms and circumstances in which development is exempted development for the purposes of the Act. Section 4 (1) (a) states that development consisting of the use of any land for the purposes of agriculture and development consisting of the use for that purpose of any building occupied together with land so used.

Section 4 (2)(a) of the Act enables certain classes of development to be deemed exempted development by way of regulation.

Section 4(4) states that notwithstanding paragraph (a) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment is required.

Planning and Development Regulations, 2001 as amended.

Article 6(3) states: Subject to Article 9, in areas other than a city, a town or an area specified in section 19 (1) (b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No.7 of 1985), development of a class specified in Column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Schedule 2, Part 3 – Exempted Development

Class 6: Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations states that the following are exempted development:

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 200sq.m. (whether or not by extension of an existing structure), and any ancillary provision for effluent storage. Conditions and limitations associated with Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations, 2001 to 2015 state that:

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 structures situated within the same farmyard complex or within 100m of that complex shall not exceed 300sq.m. 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 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 10m of any public road.
5. No such structure shall be situated, and no effluent from such structure shall be stored, within 100m 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 on writing of the owner and, as may be appropriate, the occupier or person in charge.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure

Class 9: Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Restrictions on exemption by virtue of Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended)

Article 9 (1) (a) provides that certain development to which Article 6 relates (i.e. exempted development) shall not be exempted in various circumstances. Article 9(1) states that: Development to which Article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of such development would:

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

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

ASSESSMENT

There are 2 no. questions which arise in this case:

1. Whether the construction of a cattle shed and slatted tank with a proposed floor area of 171sqm is or is not development or is or is not exempted development.
2. Whether the construction of a straw storage shed with a proposed floor area of 86sqm is or is not development or is or is not exempted development.

Is or is not development?

Development is defined, under Section 3(1) of the Planning and Development Act, 2000 (as amended), as “the carrying out of works on, in, over or under land...” Works are defined, under Section 2(1) of this Act, as including “any act or operation of construction, excavation, demolition, extension.

The construction of the proposed cattle shed with slatted tank and adjoining straw storage shed consists of the carrying out of ‘works’ and therefore **constitute ‘development’**, as defined in Section 3 of the Planning and Development Act 2000, as amended.

Is or is not exempted development?

Schedule 2, Part 3 of the Planning and Development Regulations 2001-2020 sets out classes of agricultural development which are deemed to constitute exempted development.

Cattle Shed and slatted tank

Class 6 of Part 3 relates to ‘the provision of a roofed structure for the housing of...cattle...having a gross floor space not exceeding 200 square metres’, however; condition 2 of this Class stipulates that the gross floor space of such a 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.

In considering the relevant conditions and limitations associated with Class 6 of Part 3 Schedule 2 I note the following:

1. No such structure shall be used for any purpose other than the purpose of agriculture. - The intended use is for housing cattle for the purposes of agriculture.
2. The gross floor space of such structure together with any other structures situated within the same farmyard complex or within 100m of that complex shall not exceed 300sq.m. gross floor space in aggregate. - Based on the submitted details the proposed cattle shed and slatted tank has a proposed floor area of 171sqm and so falls below the maximum size threshold for an individual structure. There are no other existing such structures on site, and it also falls within the permissible aggregate amount.
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 Environment and Local Government requirements and shall have regard to the need to avoid water pollution. – The submitted drawings state that ‘All works to comply with Department of Agriculture Specifications’.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10m of any public road. – The structure and effluent storage are in excess of 10m from the public road.
5. No such structure within 100m of any public road shall exceed 8m in height. – The maximum height of the structure is stated as being 5.84m .
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100m 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 on writing of the owner and, as may be appropriate, the occupier or person in charge. – The closest dwelling is located approx. 136m to the southwest of the proposed shed.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. – Proposed external finished include mass concrete on the lower half of the walls and green Agrivent cladding to the upper walls and roof.

Having reviewed the application drawings, I am satisfied that other conditions and limitations associated with the Class would not be breached or exceeded. I am therefore satisfied that the proposed cattle shed accords with the requirements of Class 6.

Straw Storage Shed

Class 9 of Part 3 relates to ‘the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.’

In considering the relevant conditions and limitations associated with Class 9 of Part 3 Schedule 2 I note the following:

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent. – The intended use is for the storage of straw for the purposes of agriculture.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate. - Based on the submitted details the proposed straw storage shed has a proposed floor area of 86sqm and so falls below

the maximum size threshold for an individual structure and falls well below the permissible aggregate amount.

3. No such structure shall be situated within 10 metres of any public road. The structure is in excess of 10m from the public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height. – The maximum height of the structure is stated as being 5.84m.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. - The closest dwelling is located approx. 136m to the southwest of the proposed shed.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. - Proposed external finished include mass concrete on the lower half of the walls and green Agrivent cladding to the upper walls and roof.

Having reviewed the application drawings, I am satisfied that other conditions and limitations associated with the Class would not be breached or exceeded. I am therefore satisfied that the proposed straw storage shed would accord with the requirements of Class 9.

In relation to restrictions on exemptions by virtue of Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended) I note the following:

Article 9 (1) (a) provides that certain development to which Article 6 relates (i.e. exempted development) shall not be exempted in various circumstances. Article 9(1) states that: Development to which Article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of such development would:

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, - The subject site lies within a central position within the overall landholding. The resultant spreading of slurry as a consequence of the proposed cattle shed and slatted tank within the landholding will not require farm machinery to enter / use the public road network. It is considered that the overall nature and scale of the proposed development would not constitute intensification of use. Therefore it is considered that the proposed development would not endanger public safety by reason of traffic hazard or obstruction of road users.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

EIAR and SUB-THRESHOLD EIAR

Projects which are likely to have significant effects on the environment are identified in Annex I and Annex II of the EIA Directive, which have been transposed into Irish legislation by Part I and Part II, Schedule 5 of the Planning and Development Regulations 2001 (as amended). Agricultural sheds are not of a Class of development listed under Part 1 or 2 (Schedule 5) of the Planning and Development Regulations 2001. As such, Environmental Impact Assessment does not apply in this case. Thus, the provisions of Section 4(4) of the Planning and Development Act 2000 (as amended) are not relevant.

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that a sub-threshold EIAR is not required to be submitted.

APPROPRIATE ASSESSMENT

As regards Appropriate Assessment Section 4(4) of the Planning and Development Act restricts exemption where development needs an appropriate assessment. In view of the scale and the nature and extent of the development, together with the separation and hydrological distances from the nearest European sites, it is considered that no appropriate assessment issues arise. It is considered that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. Appropriate Assessment is not therefore required and the provisions of Section 4(4) of the Planning and Development Act 2000 (as amended) are not relevant.

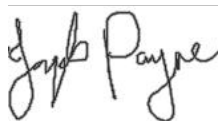
CONCLUSION

Having regard to:

- the particulars received by the Planning Authority on 20th of February 2024
- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- Class 6 of Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended

It is concluded that the construction of the cattle shed, slatted tank and adjoining straw storage shed constitutes 'works' and 'development' as defined in Sections 2 and 3 of the Planning and Development Act. The development comes within the scope of the exemption for farm buildings provided by Section 4(1)(a) of the Planning and Development Act 2000 as it comes within the scope of Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations 2001 (as amended) and complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1)(a) (iii) and (viiB).

On this basis it is considered that the proposed development is **development and is exempted development**.



Janet Payne
Executive Planner
12th March 2024

Application for Planning Exemption

Reference: D/210/24

Applicant: Andrew Auld

Address: Derryvillane, Mitchelstown, Co. Cork

Date: 13th March '24

By: Kevin Murphy

Existing Site

Based on information provided in the application:

- The Applicant is a part time suckler farmer with 10 sucklers with calves plus 5 weanlings overwintered on a 21 acre landholding.
- The existing farmyard consists of a general storage shed with an external floor area of 228m².
- The site is served by a mains water supply.

The River Funshion flows through the landholding with approx. 20 acres to the west and 1 acre of land to the east side of the river.

Details of Application

The application for planning exemption relates to the construction of a straw-bedded cattle shed with slatted tank and a straw storage shed.

The cattle house is to include an 8.6m x 4.8m straw bedded area, a cattle crush and a slatted area over an approx. 14.4m x 4.11m x 2.745m dp tank.

The tank is adequately sized for the proposed livestock numbers. The roof is to overhang the feed rail. The floor area of the proposed cattle house is to be approx. 130m².

The proposed 9.7m x 8.65m straw store is to be attached to the cattle house

The proposed structures, as shown, will be approx. 100m from the River Funshion and more than 100m from the public road and the nearest third party dwelling. Surface water runoff from roofs is to be discharged to the adjoining lands.

Conclusions

1. The proposed cattle shed appears to comply with the Conditions and Limitations for a Class 6 structure. The cattle shed and slatted slurry tanks should be constructed in compliance with Dept. of Agriculture, Food and the Marine specification S.123: Minimum Specification for Bovine Units and Reinforced Tanks.
2. The proposed straw store appears to comply with the Conditions and Limitations for a Class 9 structure.

END

Tracy OCallaghan

From: Maria Daly
Sent: Tuesday 5 March 2024 09:28
To: Tracy OCallaghan
Subject: FW: Andrew Auld - Agri Planning Exemption
Attachments: IMG-20240229-WA0003.jpg

Hi Tracy,

Please see attached as discussed.

Regards,
Maria

From: Liam Slattery <slatteryliam@yahoo.com>
Sent: Friday 1 March 2024 10:12
To: Maria Daly <Maria.Daly@CorkCoCo.ie>
Subject: Andrew Auld - Agri Planning Exemption

CAUTION FROM CORK COUNTY COUNCIL IT SECURITY: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Maria,

After the phone call yesterday, I've attached a picture of Andrew's existing storage shed. The apex heights vary from 4.4m to 4.15m.

Any questions, give me a ring.

thanks Liam
086 3892939



Liam Slattery
Diploma in Civil Engineering

Mitchelstown,
Co. Cork

086 3892939
slatteryliam@yahoo.com

Cork County Council,
Planning Department,
County Hall,
Cork

19th February 2024

Permission to Construct a Straw Bedded Cattle Shed with Slatted Tank and Straw Storage Shed at Derryvillane, Mitchelstown, Co. Cork for Andrew Auld.

Dear Sir/Madam,

Andrew Auld is a part time suckler farmer. He carries 10 sucklers with 10 calves & 5 weanlings on 21 acres. He currently out winters the animals and this is too labour intensive as he's a full time vet. He's hoping to build a straw bedded cattle with slatted tank and straw storage shed. Once the proposed structures are built, all animals will be housed during the winter months.

The existing farmyard consists of a general storage shed 4 which has an external floor area of 228m². He's proposing to construct a straw bedded cattle shed 1 with slatted tank 2 and straw storage shed 3 adjacent to the existing shed. The animal housing will have an external floor area of 171m² and the straw storage shed will have an external floor area of 86m². The maximum height of the shed will be 5.8m and it'd be 110.2m from the public road boundary.

From the above information, the proposed structures would be exempt under Section 5 of the Planning and Development Act 2000.

Please find enclosed:

- Payment for €80.00
- 4no. Application forms
- 4no. ordnance maps – 1:10560, 1:2500
- 64o. drawings of proposed development (see below)



DRG. No.	DRG. TITLE	SIZE - SCALE	COPIES
528 - 01	Site Layout	A3 - 1:500	6
528 - 02	Elevations	A3 - 1:100	6
528 - 03	Floor Plan	A3 - 1:100	6
528 - 04	Sections	A3 - As Shown	6

Yours sincerely,


Liam Slattery



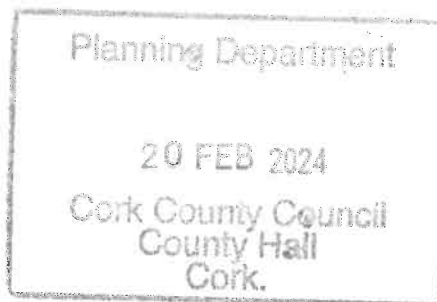
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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"/>
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FOR OFFICE USE ONLY

Receipt No.	PL20002349
Cash/Cheque/ Credit Card	Cheque
Date	20/2/24
Declaration Ref. No.	D/210/24

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)

ANDREW AULD

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

DERRYJILLANE, MITCHELSTOWN, CO. COEK

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

ANDREW AULD IS A PART TIME SOCIAL FARMER AND HE WANTS TO BUILD THE FOLLOWING WHICH SHOULD QUALIFY TO BE EXEMPT FROM PLANNING.

"TO CONSTRUCT A STRAW BEDDED CATTLE SHED WITH SLATED TANK AND STRAW STORAGE 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):	<p>EXISTING Day Shed = 228m² Proposed Day Shed = 86m² + 176m² Proposed</p>
(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):	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please provide floor areas (m²) and previous planning reference(s) where applicable:</p>
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use	<p>Proposed use</p> <p>N/A</p>
(d) Are you aware of any enforcement proceedings connected to this site?	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please state relevant reference number(s):</p>

Planning Department
 21 FEB 2024
 Cork County Council
 County Hall
 Cork.

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

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

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

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

7. APPROPRIATE ASSESSMENT:


Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

8. DATA PROTECTION DECLARATION:

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

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

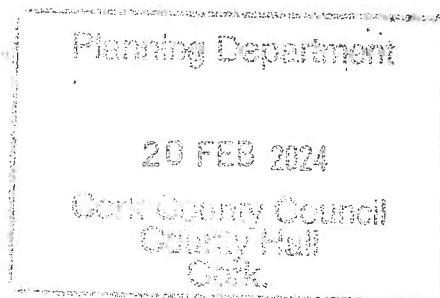
Signed (By Applicant Only)	
Date	14/02/24

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:

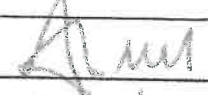
- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation



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	
Date	14/02/24

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)	Liam Scattery (AGENT)
Date	14-2-24



Surveyed 1841-1842
Revised 1931-1932
Levelled 1932-1933

Record PLACE Map



174805
174806

Site Location & Landholding Map
Permission for Agricultural Buildings at
Derryvillane, Mitchelstown, Co. Cork for Andrew
Auld.

Scale: 6 inch = 1 mile from O.S. CK026 CK026

Ordnance Survey Ireland Licence No. AR 0063024
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6 inch
CK018 CK019
CK026 CK027

Liam Slattery
Mitchelstown,
Co. Cork.

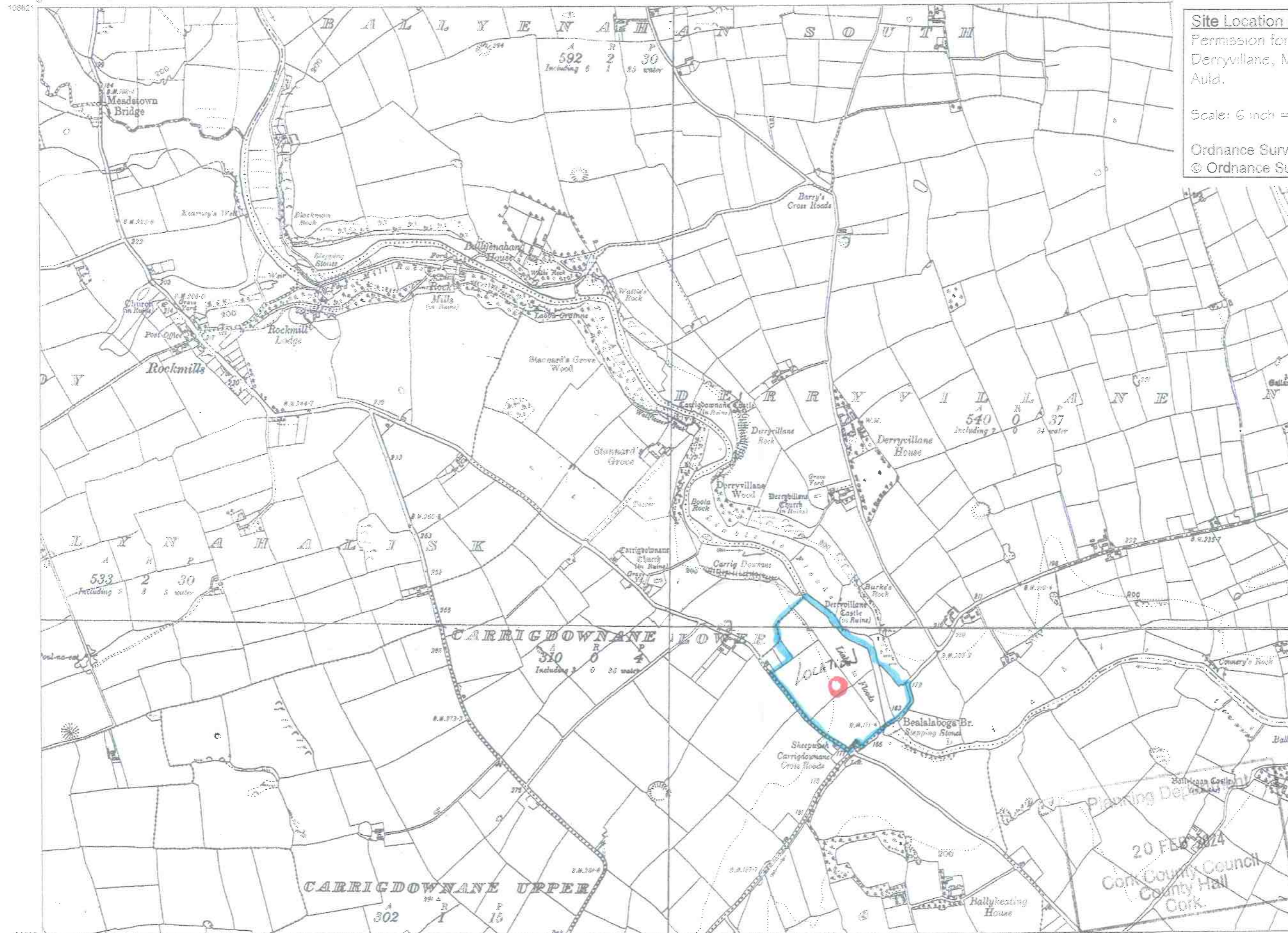


Produced by National Map Services,
Unit 7, South Ring Business Park,
Kinsale Road,
Co. Cork
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

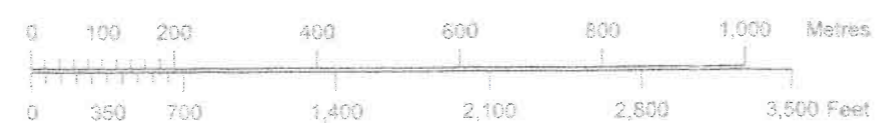
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Shuirbhéireacht Ordanáis Éireann agus
Rialtas na hÉireann.
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a tharchur in aon thoirn ná ar aon bhealach gan
cead i scríbhinn roimh ré ó úinéirí an chóipeáil.
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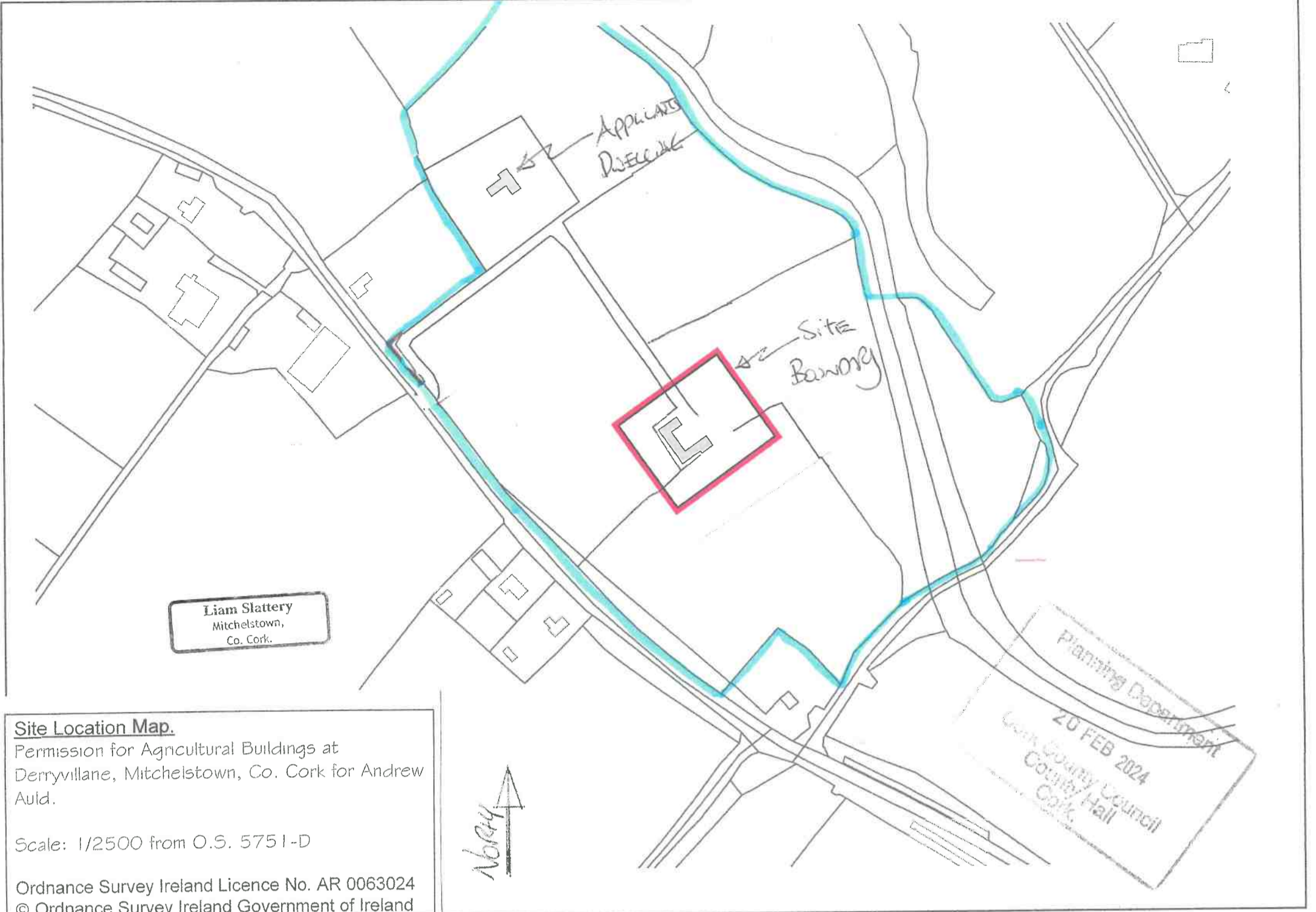


Scale: - 1:10,560
Scála: - 1:10,560



Plot Ref. No. 1141950_6
Plot Date 31-AUG-2006





Site Location Map.

Permission for Agricultural Buildings at Derryvillane, Mitchelstown, Co. Cork for Andrew Auld.

Scale: 1/2500 from O.S. 5751-D

Ordnance Survey Ireland Licence No. AR 0063024
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ANDREW AULD IS A PART TIME SUCKLER FARMER. HE CARRIES 10 SUCKLERS WITH 10 CALVES & 5 WEANLINGS ON 21 ACRES. HE CURRENTLY OUT WINTERS THE ANIMALS AND THIS IS TOO LABOUR INTENSIVE AS HE'S A FULL TIME VET. HE'S HOPING TO BUILD A STRAW BEDDED CATTLE WITH SLATTED TANK AND STRAW STORAGE SHED. ONCE THE PROPOSED STRUCTURES ARE BUILT, ALL ANIMALS WILL BE HOUSED DURING THE WINTER MONTHS.

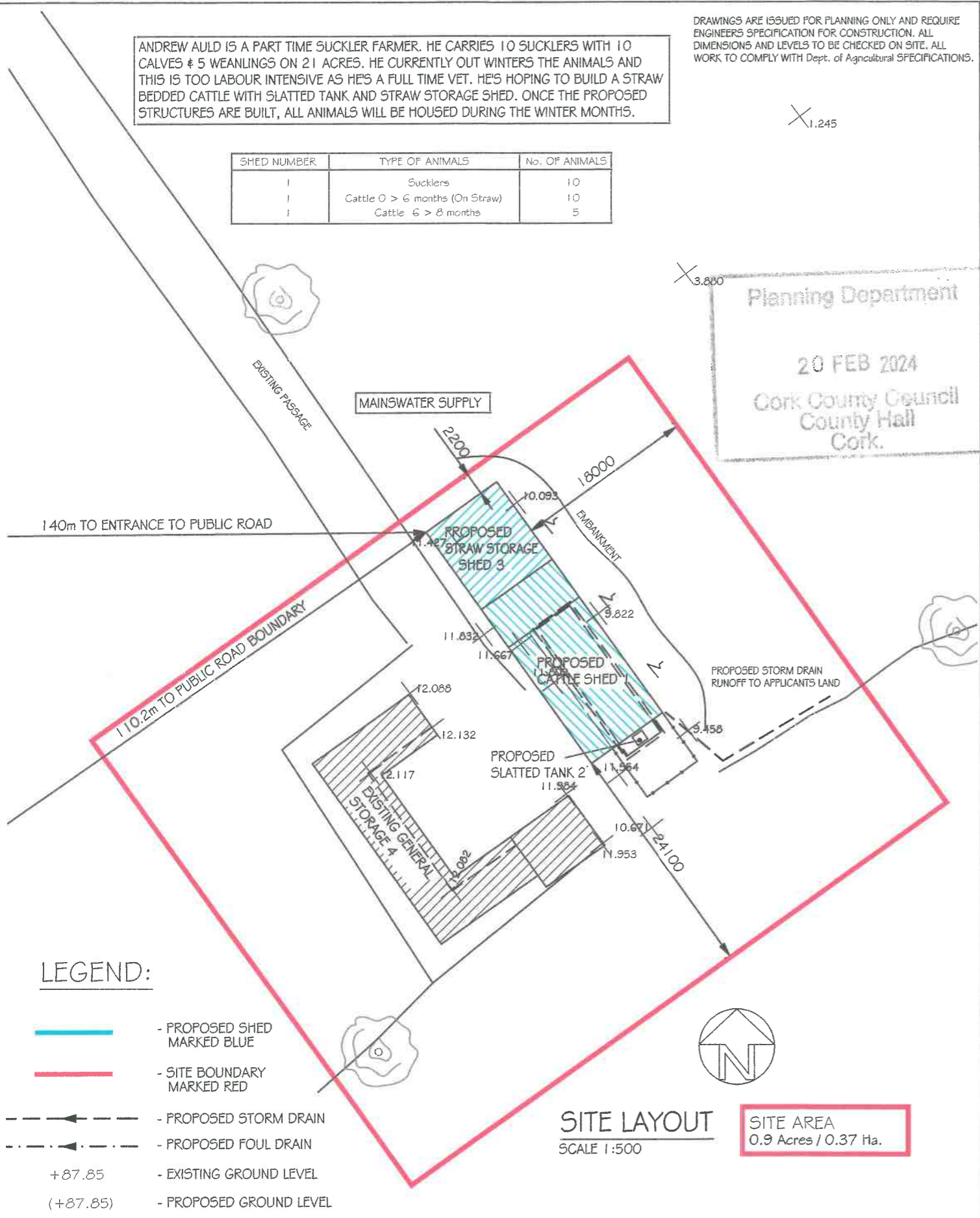
DRAWINGS ARE ISSUED FOR PLANNING ONLY AND REQUIRE ENGINEERS SPECIFICATION FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE. ALL WORK TO COMPLY WITH Dept. of Agricultural SPECIFICATIONS.

SHED NUMBER	TYPE OF ANIMALS	No. OF ANIMALS
1	Sucklers	10
1	Cattle 0 > 6 months (On Straw)	10
1	Cattle 6 > 8 months	5

X 1.245

X 3.800

Planning Department
20 FEB 2024
Cork County Council
County Hall
Cork.



- LEGEND:**
- PROPOSED SHED MARKED BLUE
 - SITE BOUNDARY MARKED RED
 - PROPOSED STORM DRAIN
 - PROPOSED FOUL DRAIN
 - +87.85 - EXISTING GROUND LEVEL
 - (+87.85) - PROPOSED GROUND LEVEL

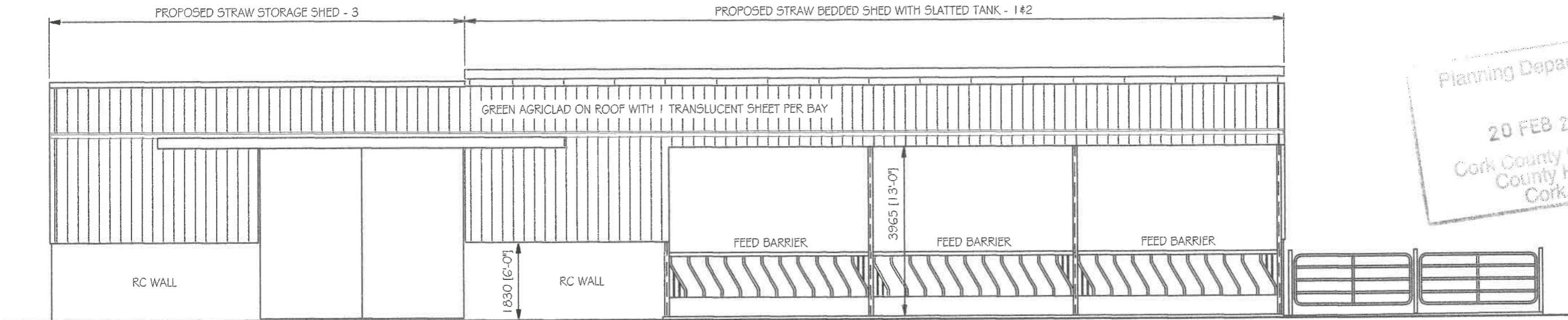
SITE LAYOUT
SCALE 1:500
SITE AREA 0.9 Acres / 0.37 Ha.

PROPOSED CATTLE SHED 1 - 171m²
PROPOSED STRAW STORAGE 3 - 86m²
EXISTING GENERAL STORAGE 4 - 228m²

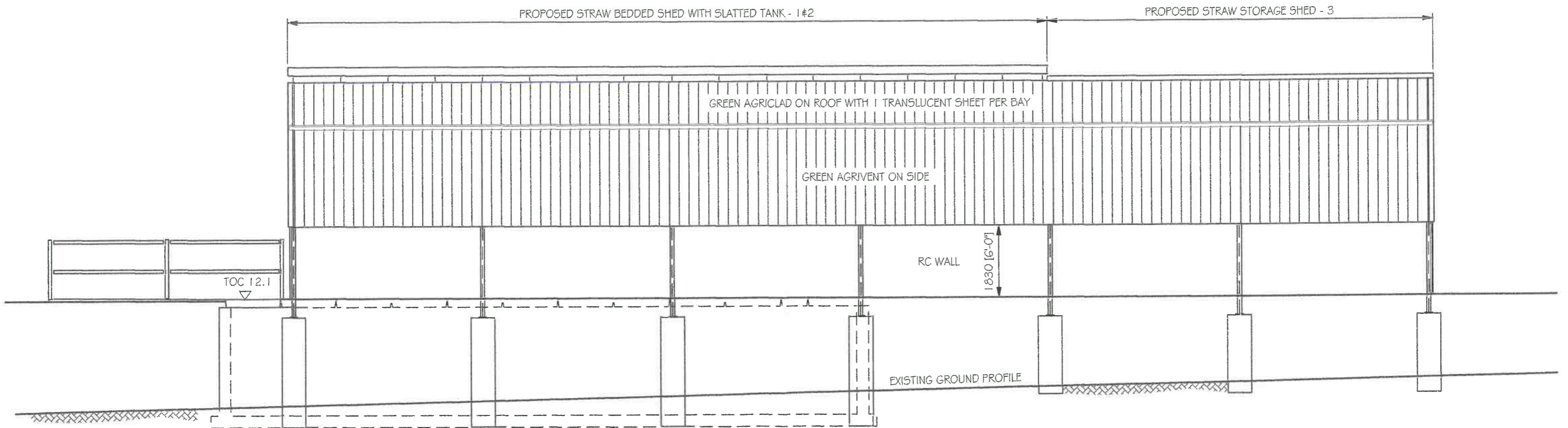
A	ISSUED FOR PLANNING	10.23
REV.	DESCRIPTION	DATE
LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN, Co. Cork Ph: 086 3892939 email: slatteryliam@yahoo.com		PROJECT: AGRICULTURAL BUILDING AT DERRYVILLANE, MITCHELSTOWN, Co.CORK For ANDREW AULD
Date: October 2023	Scale: A4 - 1:500	DRG. TITLE: SITE LAYOUT
	Drg. No.: 528 - 01	

DRAWINGS ARE ISSUED FOR PLANNING ONLY AND REQUIRE ENGINEERS SPECIFICATION FOR CONSTRUCTION, ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE. ALL WORK TO COMPLY WITH Dept. of Agricultural SPECIFICATIONS.

Planning Department
 20 FEB 2024
 Cork County Council
 County Hall
 Cork.



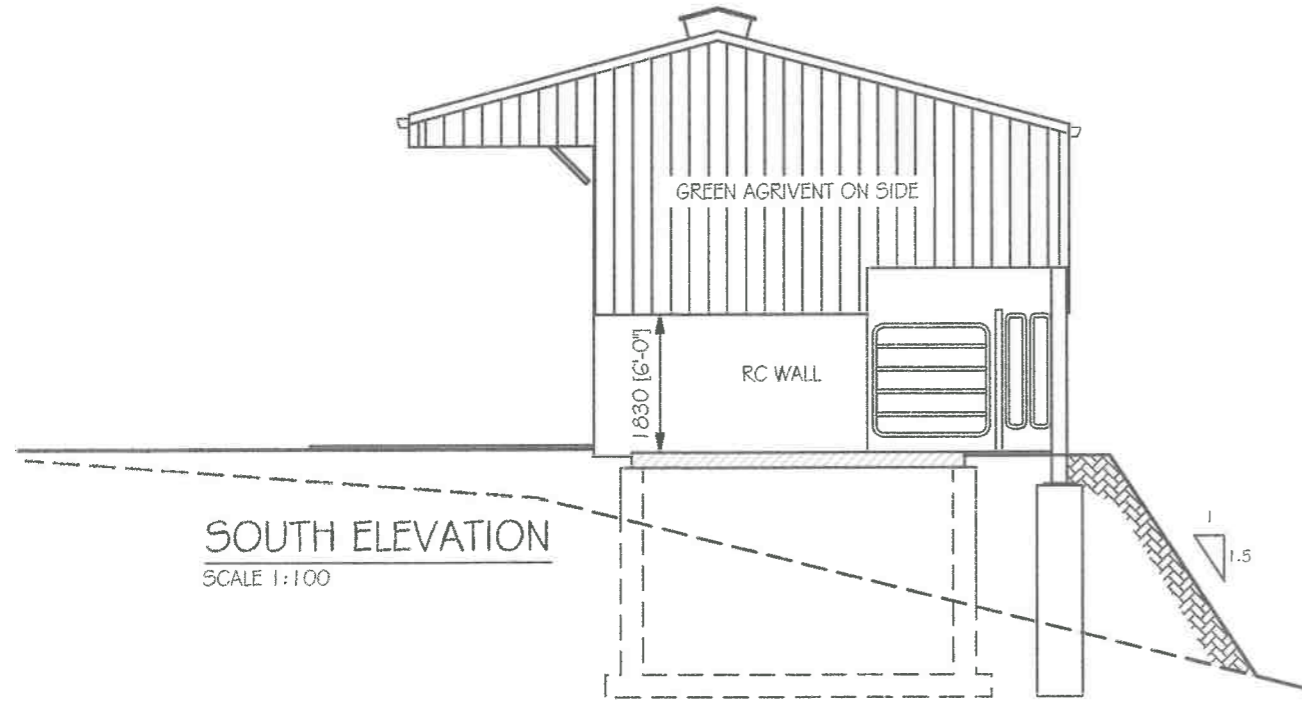
WEST ELEVATION
 SCALE 1:100



EAST ELEVATION
 SCALE 1:100

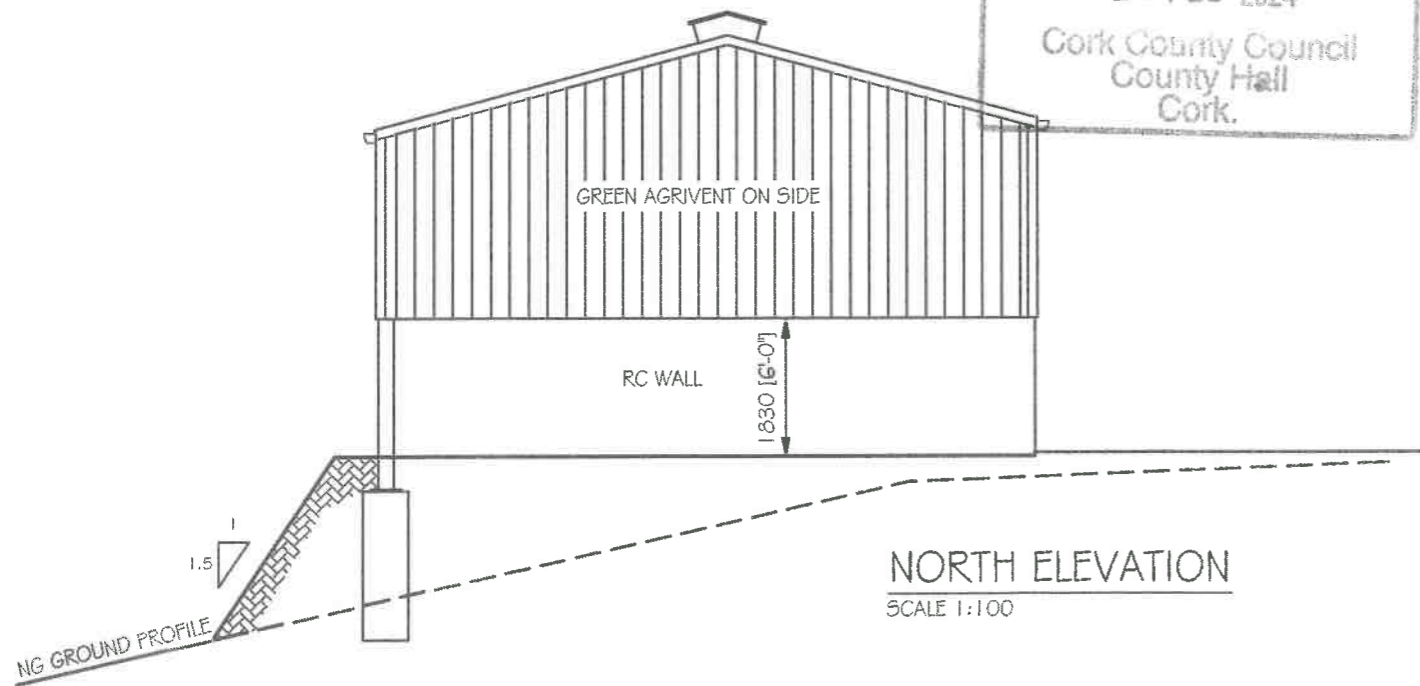
A	ISSUED FOR PLANNING	02.24
REV.	DESCRIPTION	DATE
LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN, Co. Cork Ph: 086 3892939 email: slatteryliam@yahoo.com		PROJECT: AGRICULTURAL BUILDING AT DERRYVILLANE, MITCHELSTOWN, Co.CORK For ANDREW AULD
Date: Feb., 2024	Scale: A3 - 1:100	DRG. TITLE: ELEVATIONS Drg. No.: 528 - 03

DRAWINGS ARE ISSUED FOR PLANNING ONLY AND REQUIRE ENGINEERS SPECIFICATION FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE. ALL WORK TO COMPLY WITH Dept. of Agricultural SPECIFICATIONS.



SOUTH ELEVATION
SCALE 1:100

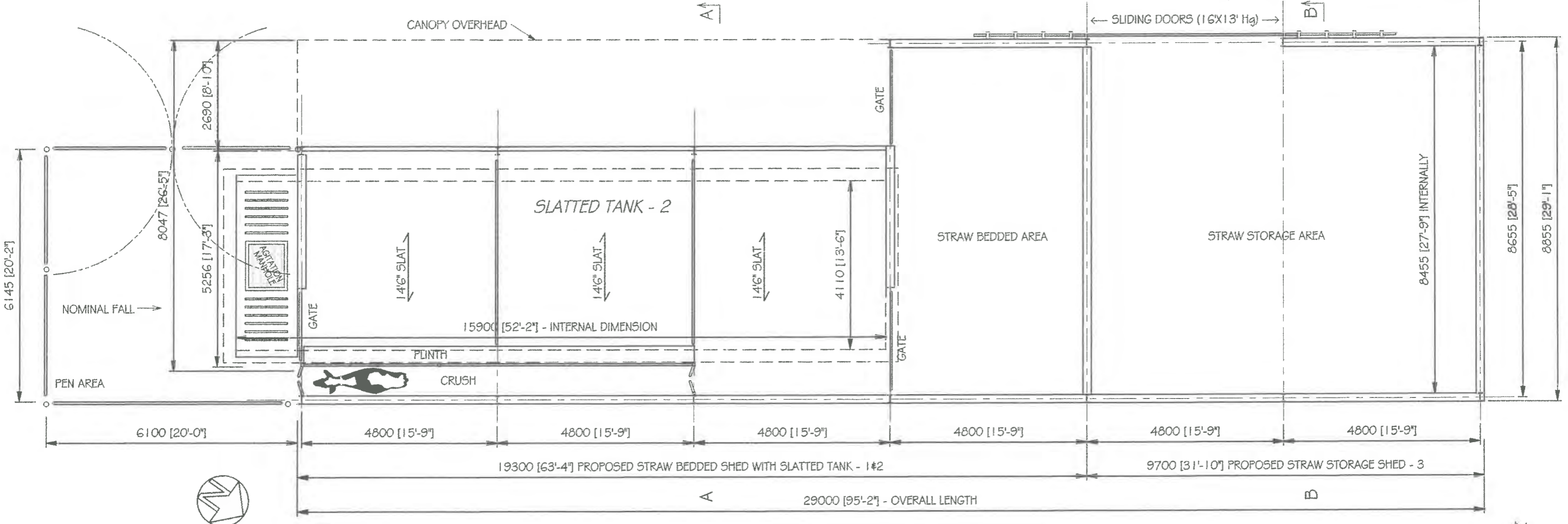
Planning Department
20 FEB 2024
Cork County Council
County Hall
Cork.



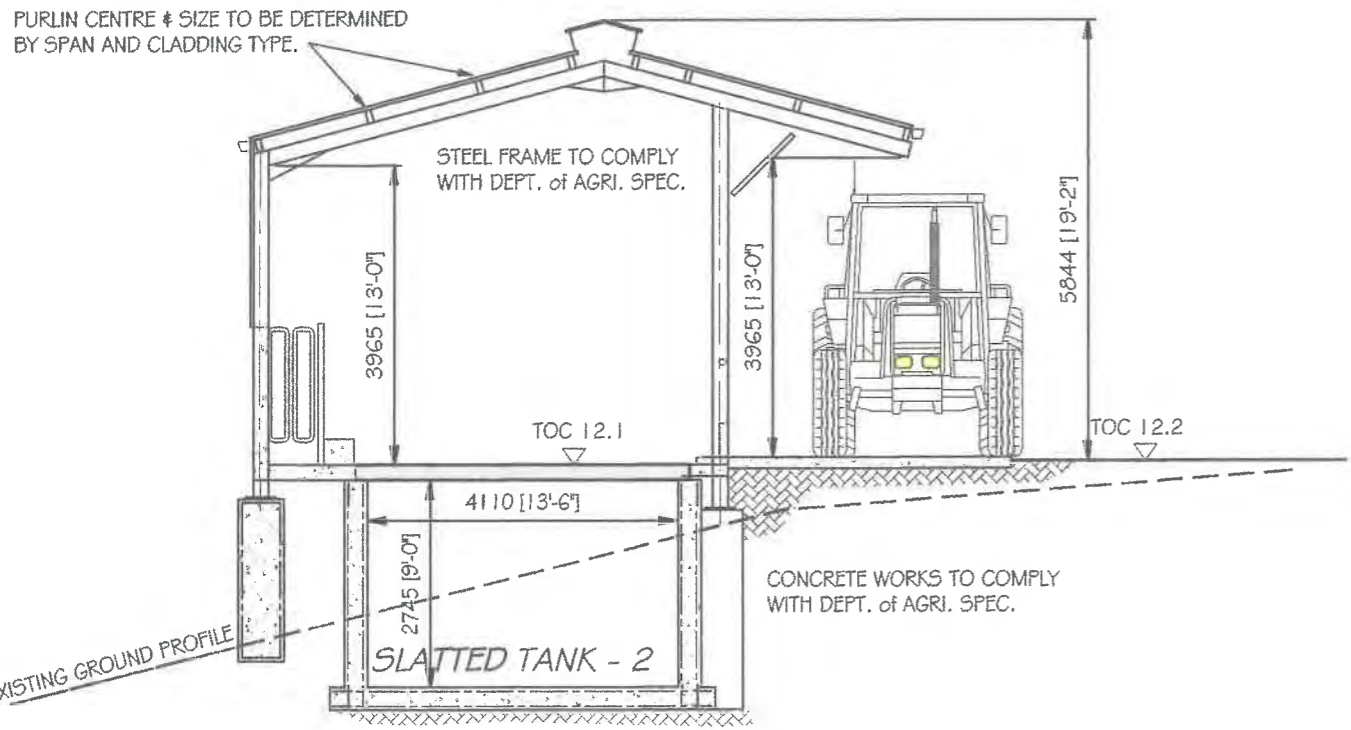
NORTH ELEVATION
SCALE 1:100

REV.	DESCRIPTION	DATE
A	ISSUED FOR PLANNING	02.24
LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN, Co. Cork Tel: 086 3892939 email: slatteryliam@yahoo.com		PROJECT: AGRICULTURAL BUILDING AT DERRYVILLANE, MITCHELSTOWN, Co.CORK For ANDREW AULD
Date: Feb., 2024	Scale: A4 - 1:100	DRG. TITLE: SIDE ELEVATIONS Drg. No.: 528 - 04

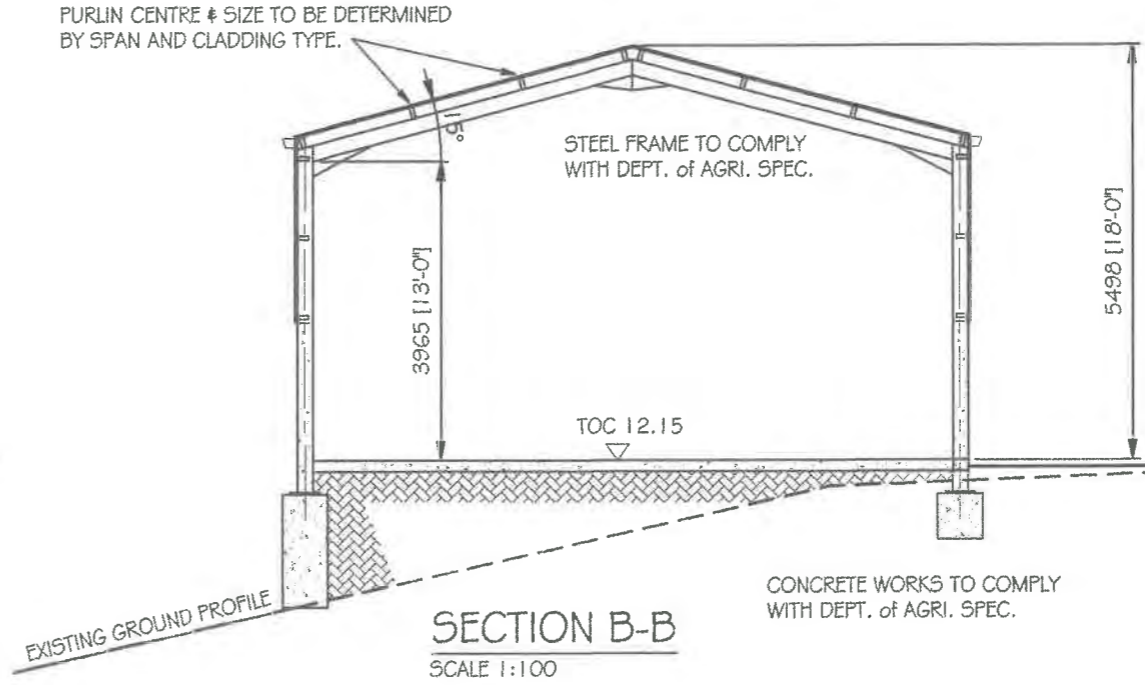
DRAWINGS ARE ISSUED FOR PLANNING ONLY AND REQUIRE ENGINEERS SPECIFICATION FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE. ALL WORK TO COMPLY WITH Dept. of Agricultural SPECIFICATIONS.



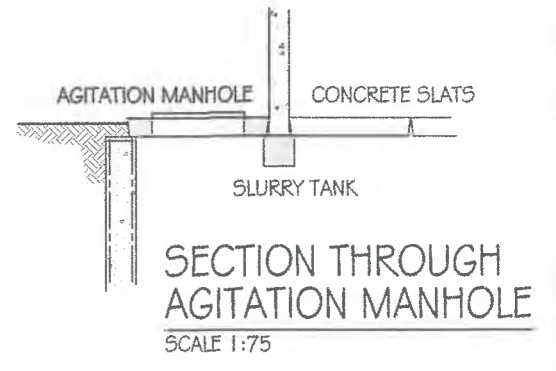
FLOOR PLAN
SCALE 1:100



SECTION A-A
SCALE 1:100



SECTION B-B
SCALE 1:100



SECTION THROUGH AGITATION MANHOLE
SCALE 1:75

Planning Department
20 FEB 2024
Cork County Council
County Hall
Cork.

A	ISSUED FOR PLANNING	10.23
REV.	DESCRIPTION	DATE
LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN, Co. Cork Ph.: 086 3892939 email: slatteryliam@yahoo.com		PROJECT: AGRICULTURAL BUILDING AT DERRYVILLANE, MITCHELSTOWN, Co. CORK For ANDREW AULD
Date: October 2023	Scale: A3 - 1:100	DRG. TITLE: FLOOR PLAN & SECTION
		DRG. No.: 528 - 02