

Comhairle Contae Chorcaí Cork County Council

John Patrick Walsh,
c/o Jonathan Phillips,
Farren House,
Cork Road,
Midleton,
Co. Cork.

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



3rd August 2023

REF: D/250/23
LOCATION: Fartha, Belgooly, 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 12th June and 18th July 2023 the Planning Authority, having considered the question whether or the construction of a drystore/barn at **Fartha, Belgooly, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development** and **is exempted development**.

Reason for Decision

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

- Article 6, Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001, as amended, and
- The particulars received by the Planning Authority on 12th June and 18th July 2023

And Whereas Cork County Council has concluded that –

The construction of a drystore/barn at **Fartha, Belgooly, Co. Cork** constitutes **development** that 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>

10 July 2023

S.5 DECLARATION UNDER P&DA 2000 – 2010 (as amended).

APPLICANT: JOHN WALSH

LOCATION: FARTHA, BELGOOLY Co. Cork.

Your Ref: D 250 23 (Note: D 228 / 23

I have not inspected the site.

I am familiar with the location. And the PA corresponded with Mr John Walsh re: a similar proposal Declaration under Ref:228/ 23 – no reply received.

The proposal is for an agricultural shed (173 m²). The shed will be a dry store / barn. The applicant has not clearly specified the class or use of the shed.

But my understanding is Mr Walsh is intending to keep between 20 – 70 cattle over wintering on straw bed. This will need to be verified – in order-to issue a decision under the correct Class in Planning Regulations.

I have also considered the report by email from the Councils Environment Department – and noted their bullet points:

- The type of structure proposed appears to fit a Class 9 exempted Development.
- The proposed 19.47m x 9.34m dry store/barn is to be constructed at Fartha, Belgooly. It is not clear from the application what is to be stored in the shed.
- The gross floor area of the proposed shed will be approx. 180m². There do not appear to be any existing buildings on the Applicant's 25Ha landholding.
- The proposed shed is shown at approx. 250m from the public road; this will require the construction of a farm track to access the shed from the road.
- The proposed shed as shown on the map will be at approx. 250m from the nearest dwelling.

The development as detailed appears to meet the requirements for a Class 9 of Exempted Development – Rural.

Further Information.

Please state the year-round use.

If animals are proposed specify estimated number to be housed in shed.

Please supply information of the effluent management and if applicable show the location of the dungstead.

Regards
Steve Baxter

4. No such structure within 100 metres of any public road shall exceed 8 metres in height. **PASS: The shed is c.250m from public road**
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. **PASS: The shed is c.250m from public road**
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **PASS**

Steve Baxter
Executive Planner
3.8.23.

John Wade
Fartha
Bulgooly
Co. Cork

Hi Tracy,

I'm writing back to Ref: D/250/3

- 1/ The Shed will only be used to Store Straw from the Surrounding fields,
- 2/ Question 1 + 2 are not Applicable because 1 only use land to grow grain.
- 3/ So there will not be any animal effluents from this Shed.

Regards John Wade



Comhairle Contae Chorcaí

Cork County Council

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10th July, 2023

Our Ref.: D/250/23

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

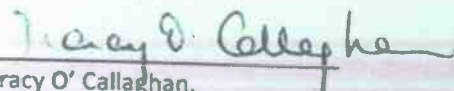
Whether the proposed construction of a drystore/barn structure at Fartha, Belgooly, Co. Cork is or is not development and is or is not exempted development.

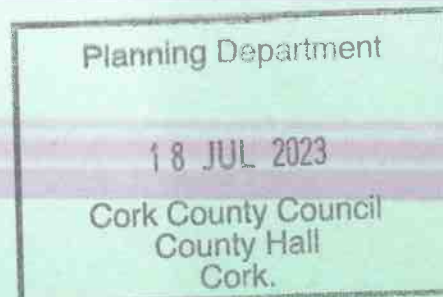
Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. To enable the Planning Authority to issue the declaration on the question, you are requested to submit the following further information:

1. Please confirm the year round use of the structure.
2. If animals are proposed, please specify the estimated number to be housed in the structure.
3. Please supply information of the effluent management and if applicable show the location of the dung stead.

Yours faithfully,


Tracy O' Callaghan,
Staff Officer
Planning Department.



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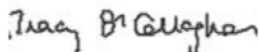
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Planning Department.

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Further Information.

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Regards
Steve Baxter

Executive Planner
BA Hons Dip Town Planning



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



FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	Cheque
Date	12/06/2023
Declaration Ref. No.	D/250/23

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 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.

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):	173 SQ.M
(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 _____ Proposed use _____ _____	N/A
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
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 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

3
Planning Department
12 JUN 2023
Cork County Council
County Hall
Cork.

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

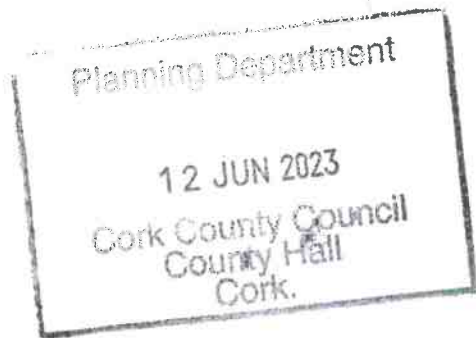
Signed (By Applicant Only)	<i>John Walsh</i>
Date	9/6/2023

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	<i>John Walsh</i>
Date	9/6/2023

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 or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.

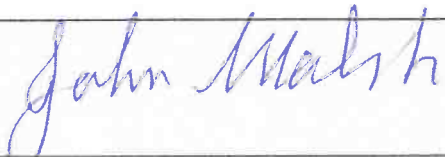
ADVISORY NOTES:

The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
 The application should be sent to the following address:
 The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:

* Signed (Applicant or Agent as appropriate)	
Date	9/06/2023

Planning Department

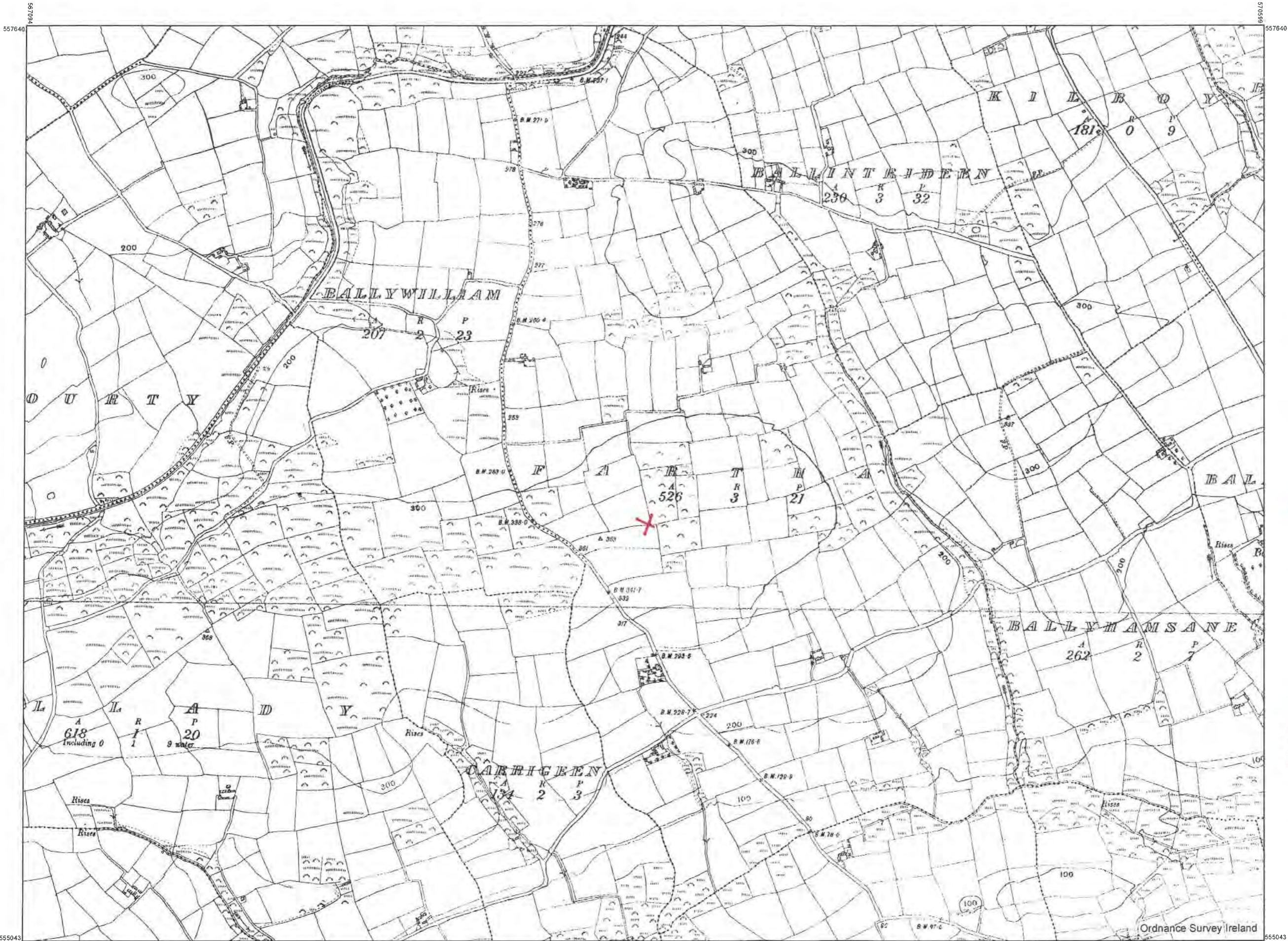
12 JUN 2023

Cork County Council
 County Hall
 Cork.

Site Location Map



Tailte Éireann



CENTRE COORDINATES:
ITM 568847,556342

PUBLISHED: 09/05/2023
ORDER NO.: 50333661_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK098, CK112



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

12 JUN 2023
Cork County Council
County Hall
Cork.

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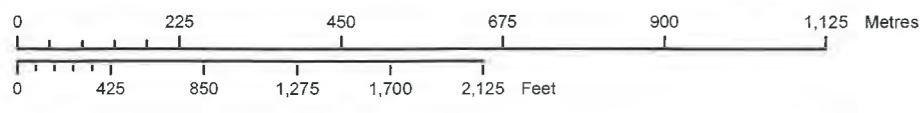
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Ordnance Survey Ireland



OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
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LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'



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Planning Pack Map



Tailte Éireann



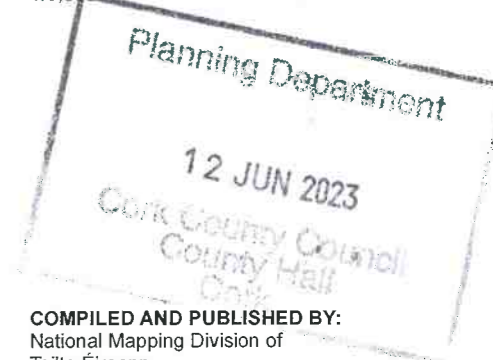
CENTRE COORDINATES:
ITM 568847,556342

PUBLISHED:
09/05/2023

ORDER NO.:
50333661_1

MAP SERIES:
1:5,000

MAP SHEETS:
6582



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

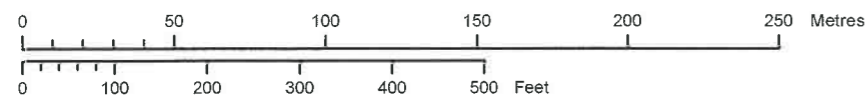
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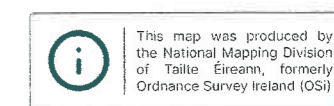
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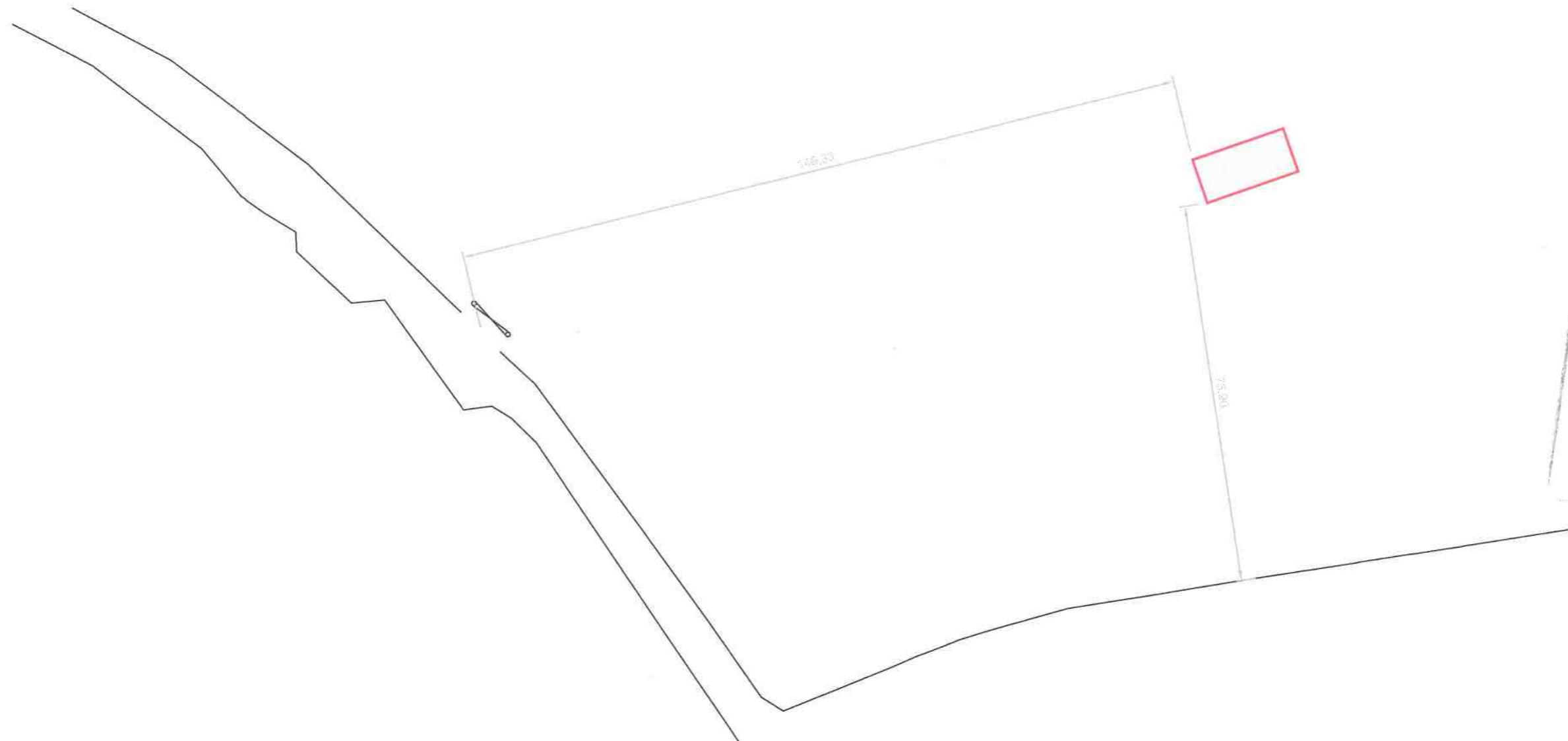


OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
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LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'

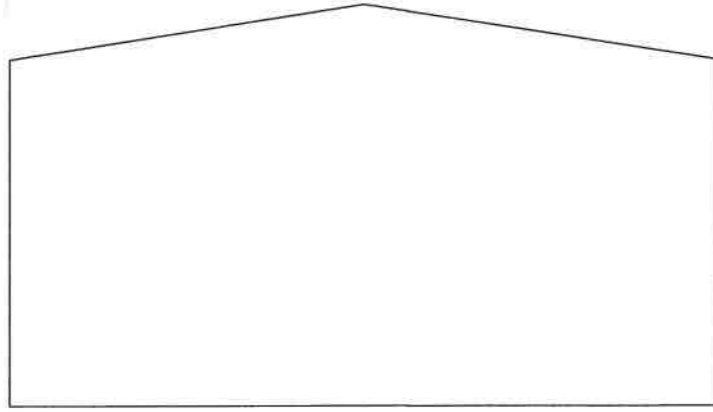




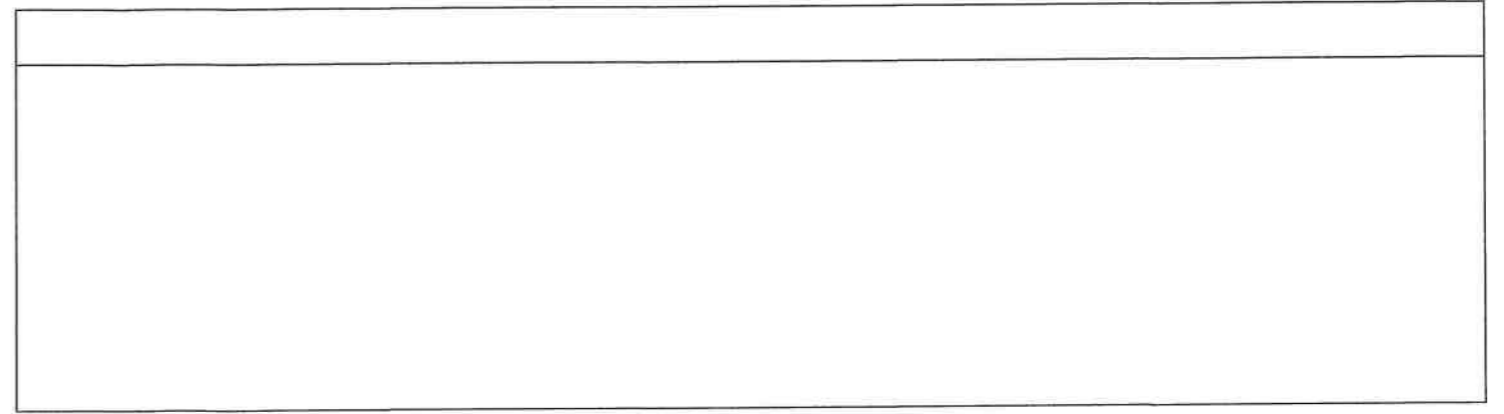
Planning Department
12 JUN 2023
Cork County Council
County Hall
Cork.



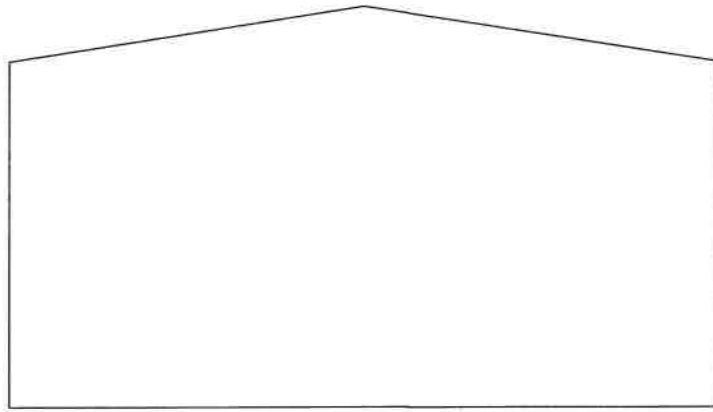
REV	BY	DATE	DESCRIPTION
TITLE: Site Layout			
LOCATION: Fartha, Riverstick, Co. Cork.			
SCALE: 1:1000		DATE:	
SHEET:		DRAWN:	
JOB NO.:		DWG NO.:	



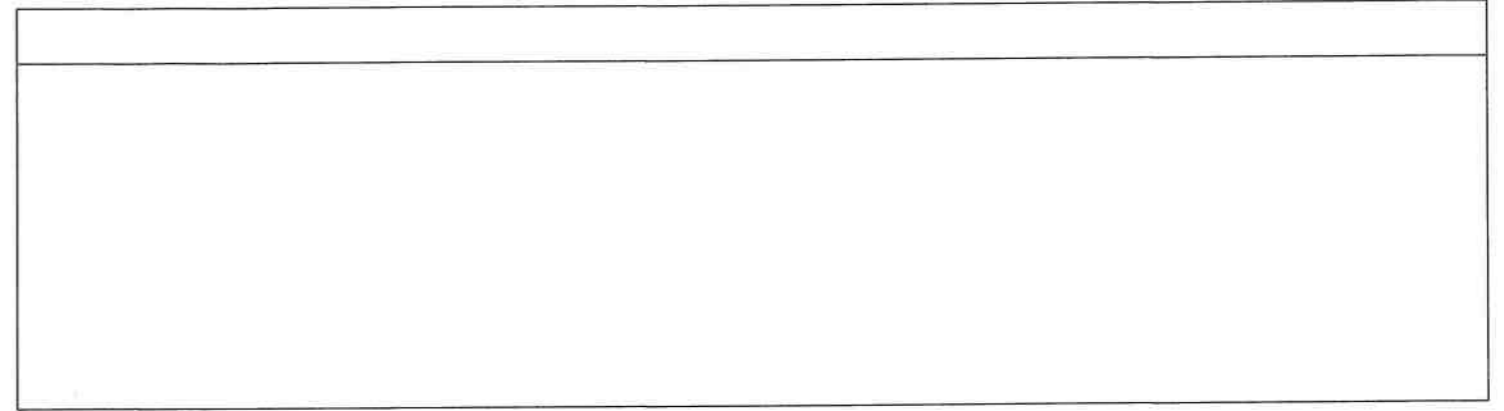
END ELEVATION



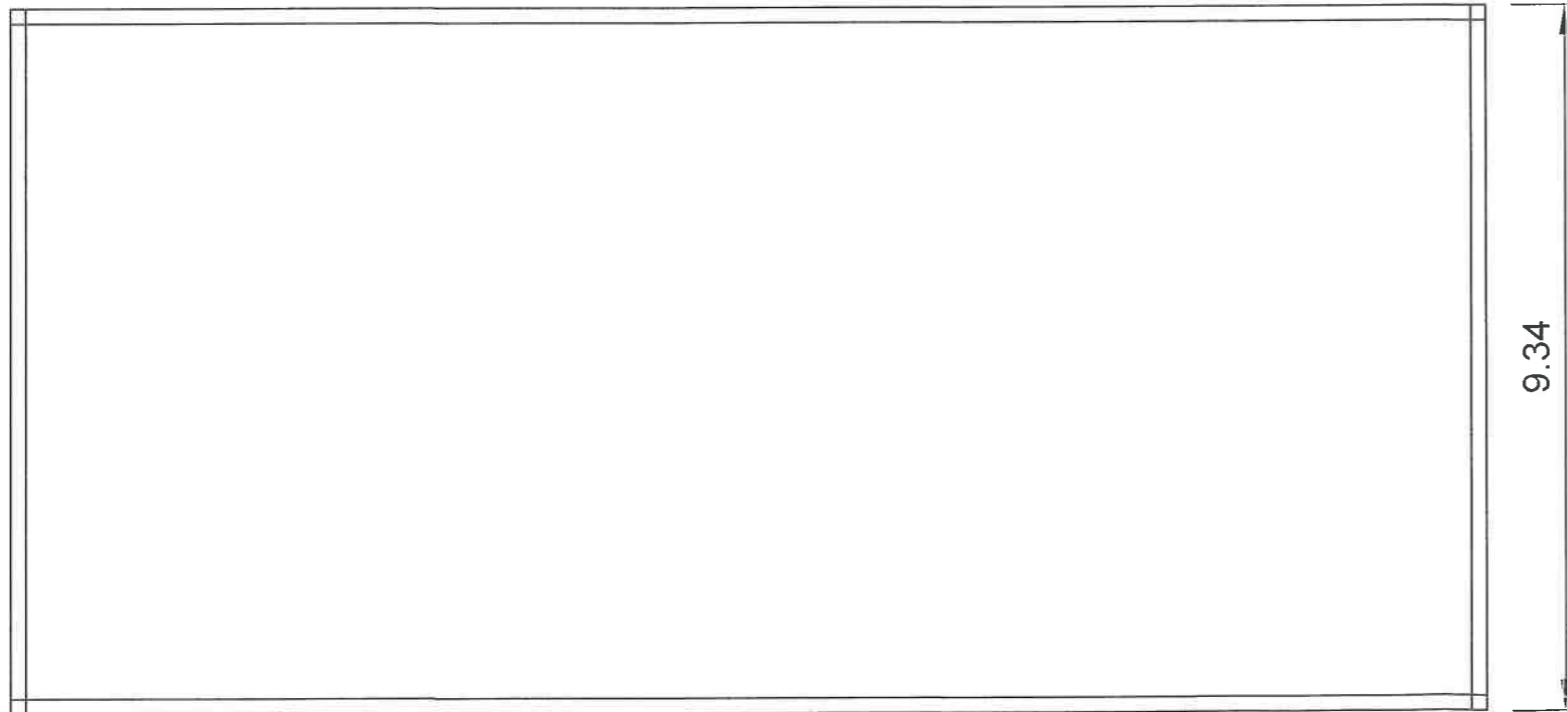
SIDE ELEVATION



END ELEVATION



SIDE ELEVATION

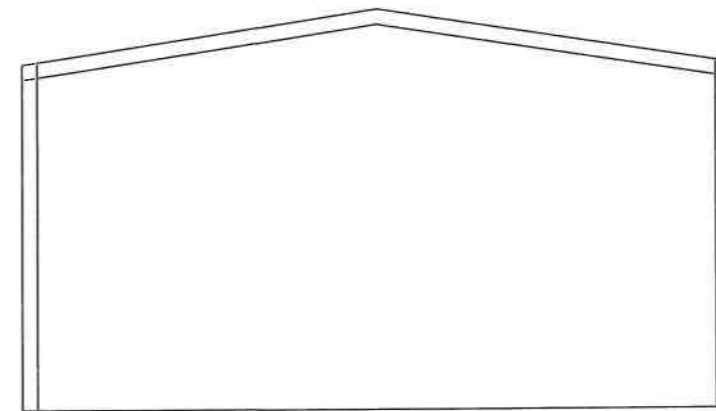


PLAN

19.47



9.34

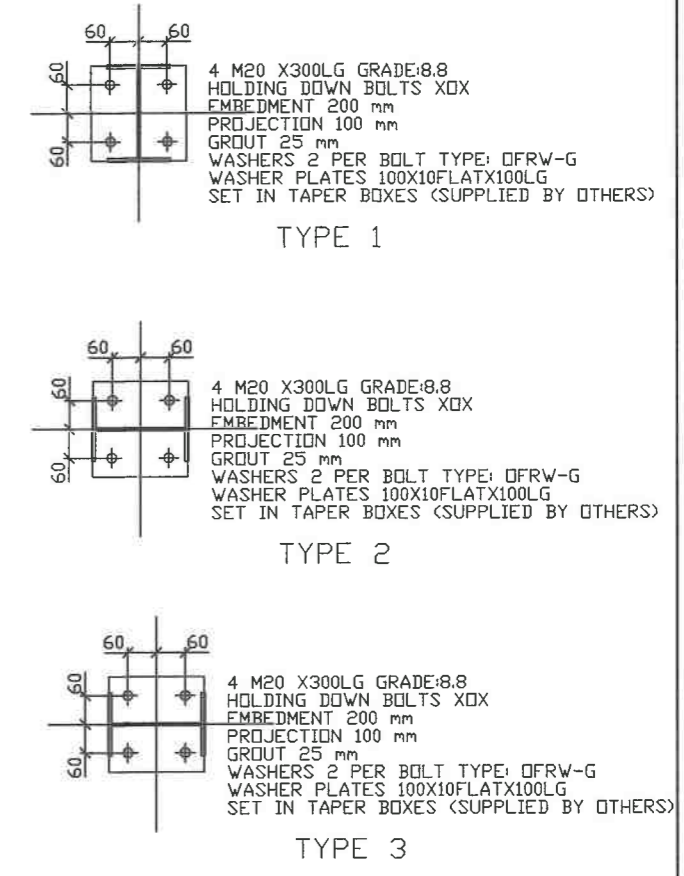
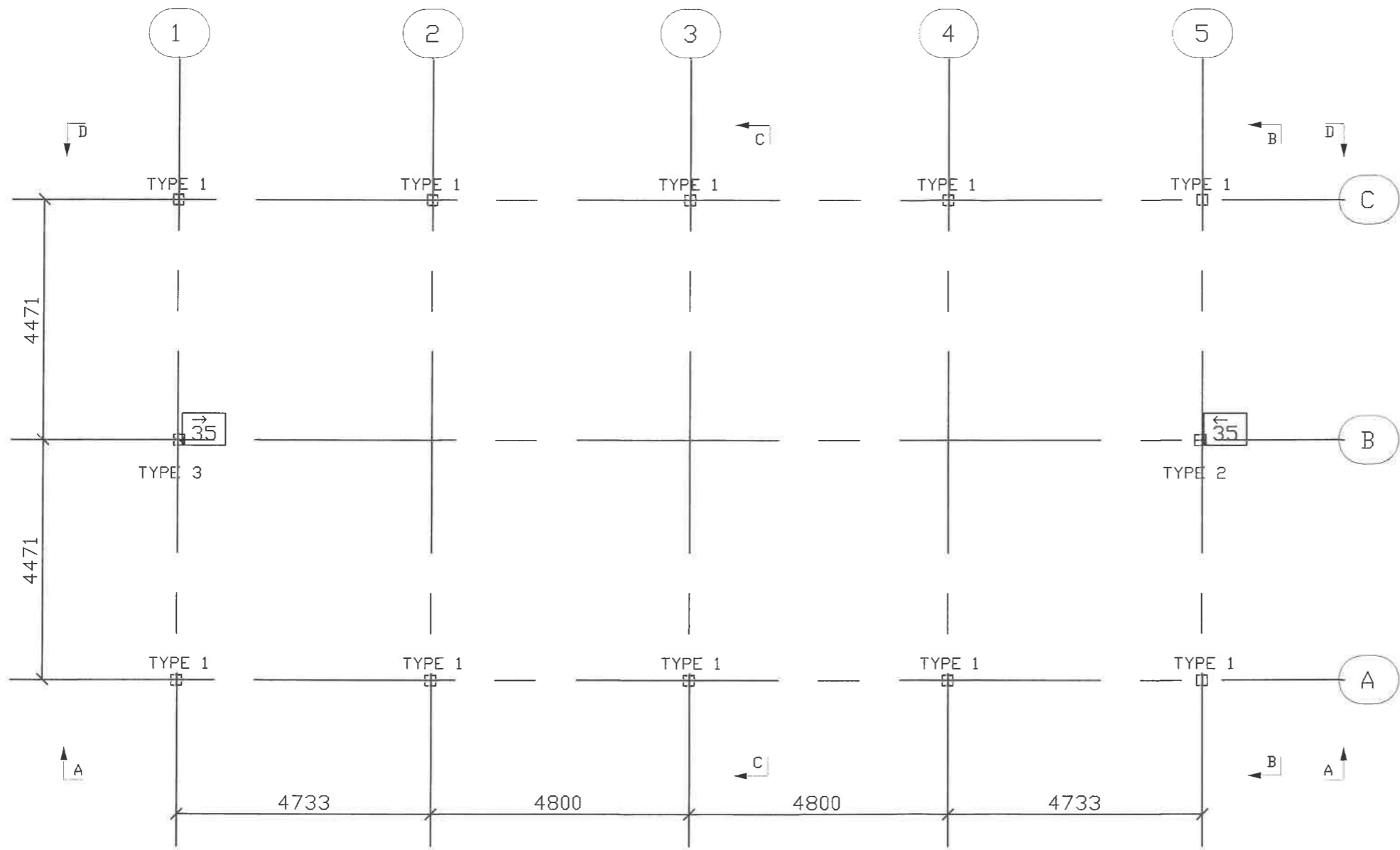


TYPICAL SECTION

Planning Department
12 JUN 2023


REV	BY	DATE	DESCRIPTION
TITLE			
Plans, Elevations & Sections			
LOCATION			
Fartha, Riverstick, Co. Cork.			
SCALE: 1:100		DATE:	
SHEET:		DRAWN:	
JOB NO.:		DWG NO.:	

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B	T150X75
C	80X80X6RSA
D	200X75X23PFC
E	KS1000RW40
F	DUGGANSBOX



FOUNDATION ELEVATION -150 EXCEPT AS NOTED

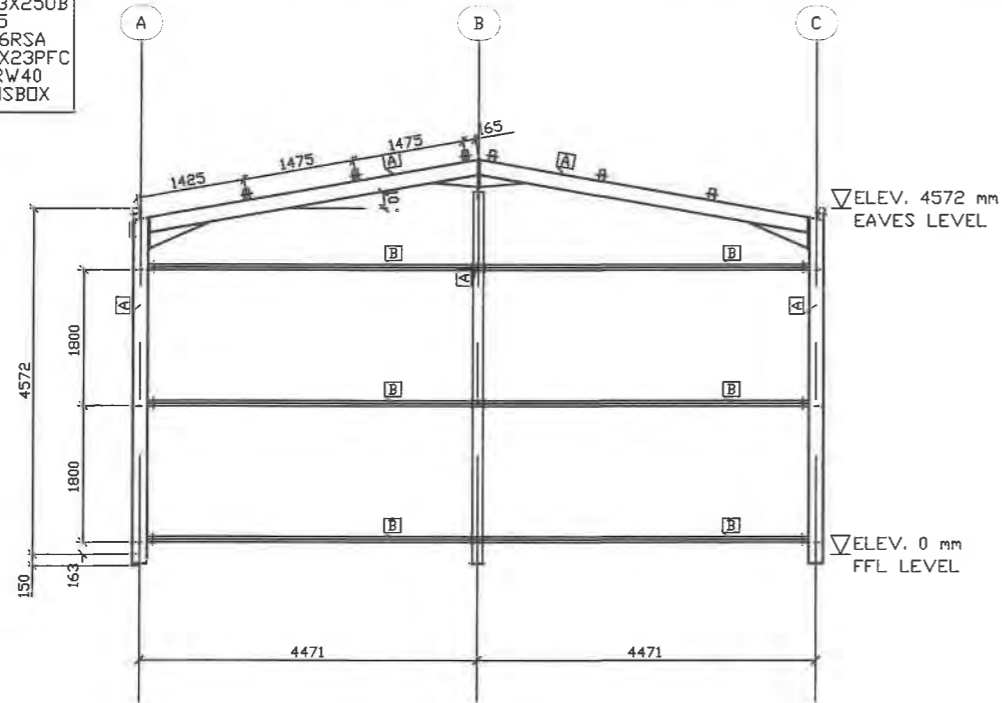
FOUNDATION PLAN
STRUCAD

GENERAL NOTES:				CLIENT Walsh			DRAWN MC 29/05/23		 NORRIS BROS., LTD. ENGLISH TOWN, STRADBALLY CO. WATERFORD TELEPHONE 051-292215 051-291222 TELEFAX: 051-29232/291435 Email: norrisbros@eircom.net Farm Buildings, Industrial Buildings, Agents and Distributors			
				PROJECT 63' X 30' X 15' PORTAL			CHECKED					
				TITLE								
REV	BY	DATE	DETAILS				SCALE	JOB No	DWG No.	REV		
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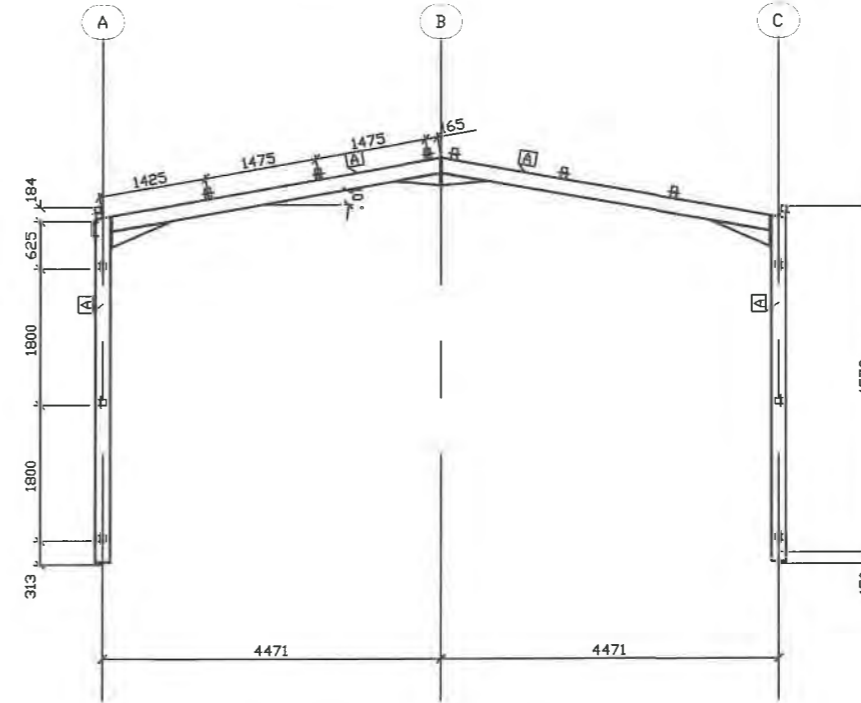
MODELLED ON STRUCAD - THE 3-D STRUCTURAL STEEL DETAILING SOLUTION.

DO NOT SCALE - IF IN DOUBT ASK A1

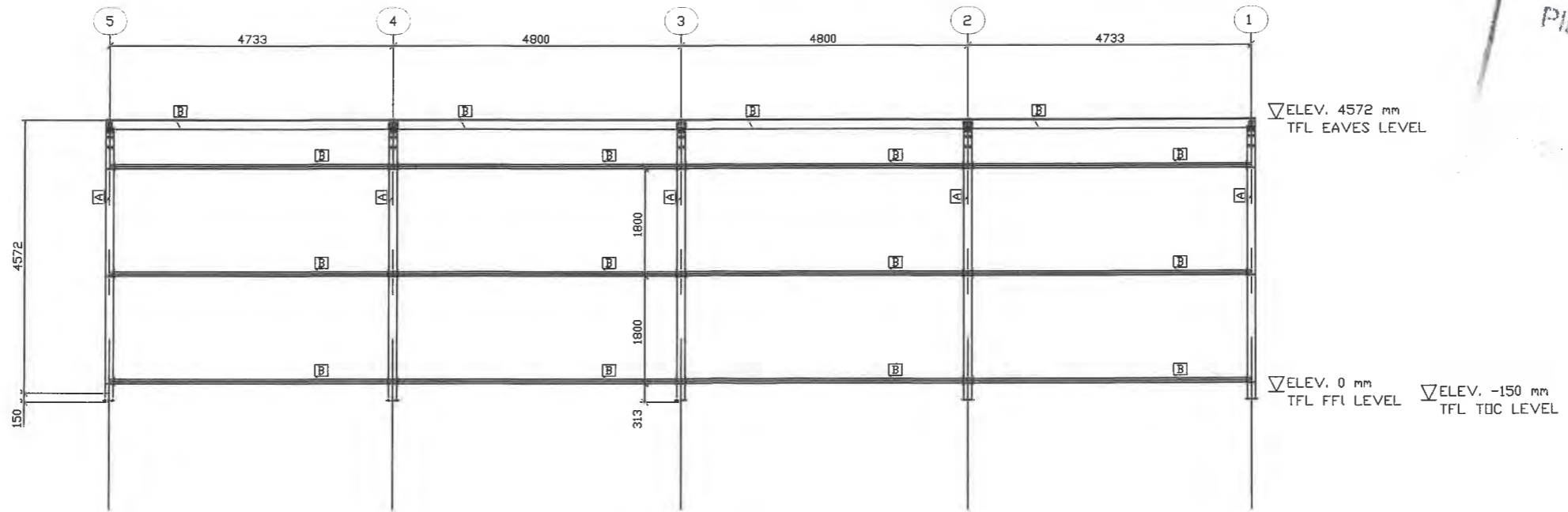
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B	T150X75
C	80X80X6RSA
D	200X75X23PFC
E	KS1000RW40
F	DUGGANSBOX



ELEV GL5 SECTION B-B



ELEV GL3 SECTION C-C



ELEV GLC SECTION D-D

Planning Department
12 JUN 2023

REV	BY	DATE	DETAILS	REV	BY	DATE	DETAILS

GENERAL NOTES:

CLIENT
Walsh

PROJECT
63' X 30' X 15' PORTAL

TITLE
Cork Docks, Cork.

DRAWN MC 29/05/23

CHECKED

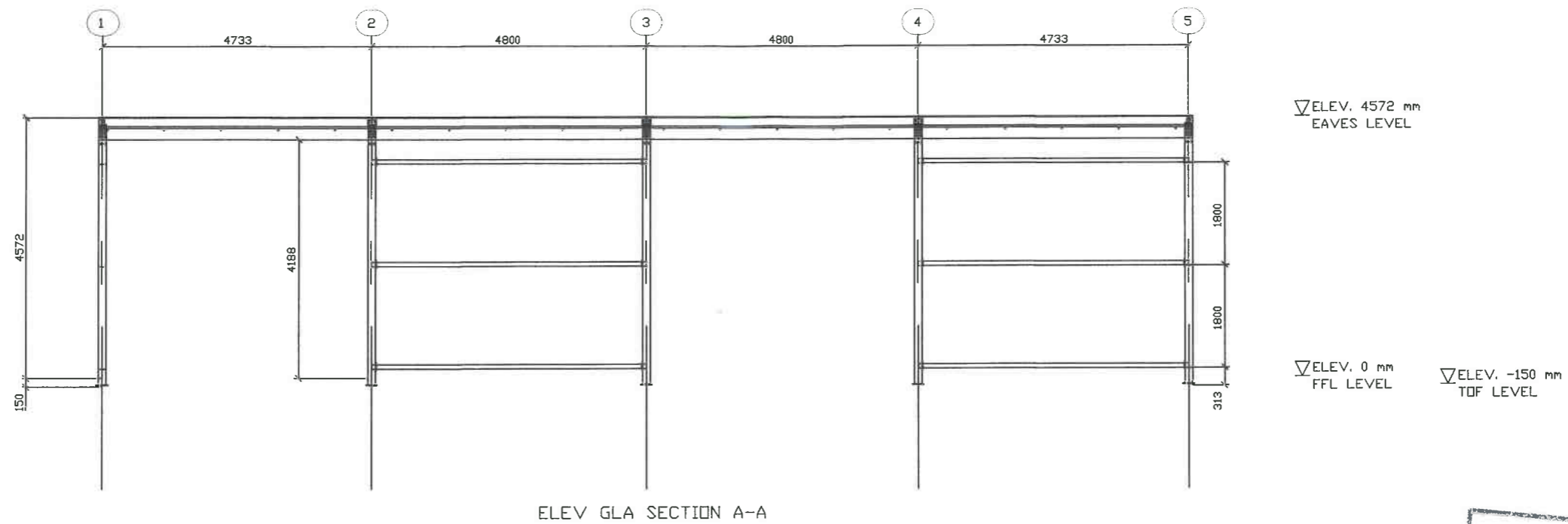
STRUCAD

NORRIS BROS., LTD.
ENGINEERS & ARCHITECTS CO. WATERFORD

TELEPHONE 085 252235
085 242223
FAX 085 2422299133
Email: norrisbros@eircom.net
Home Buildings, Industrial Buildings, Offices and Distributors

SCALE	JOB No	DWG No.	REV
1:100	1357	002	

MODELLED ON STRUCAD - THE 3-D STRUCTURAL STEEL DETAILING SOLUTION. DO NOT SCALE - IF IN DOUBT ASK A2



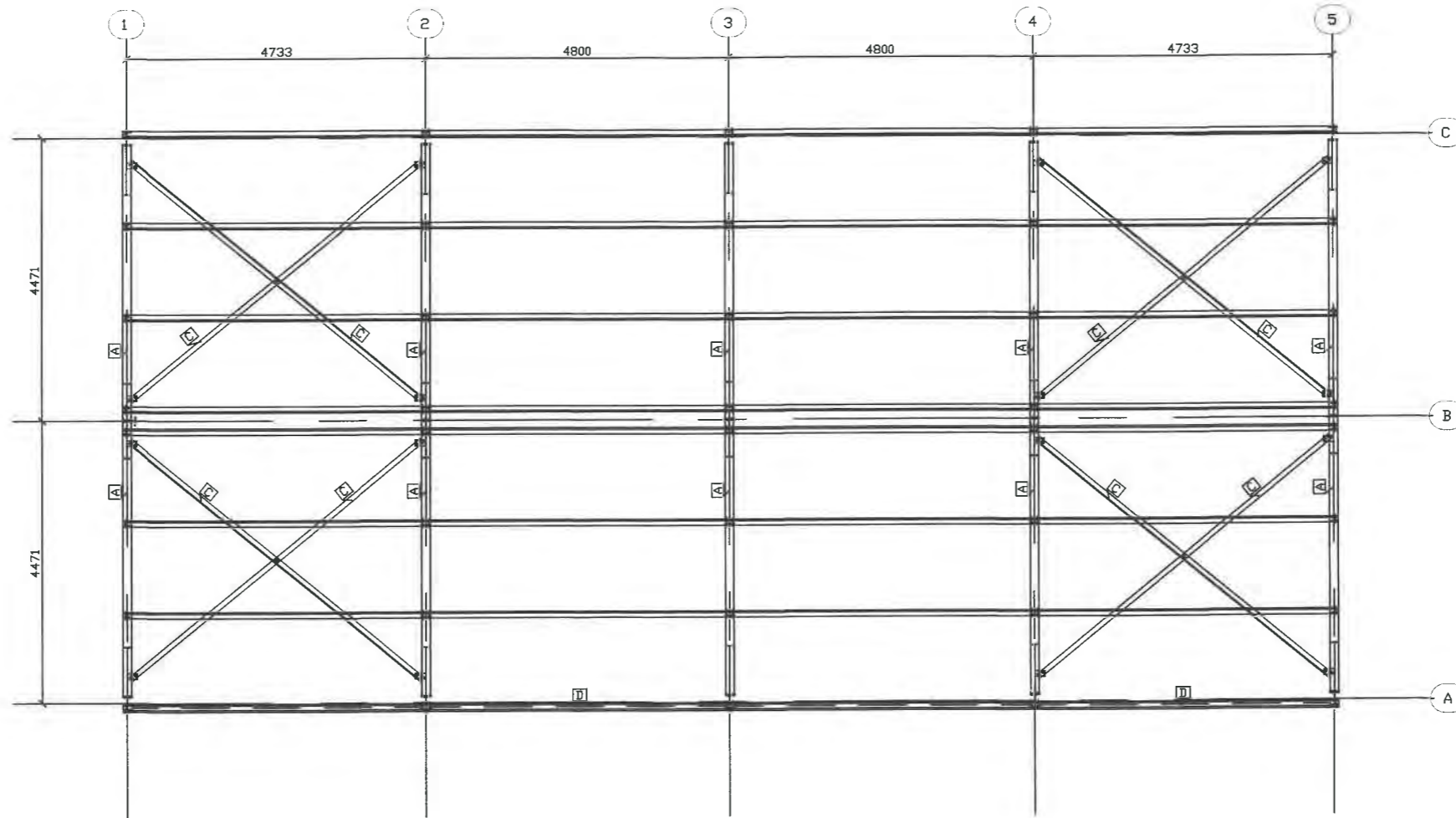
Planning Department
12 JUL 2021

STRUCAD

				GENERAL NOTES:	CLIENT Walsh	DRAWN MC	29/05/23	NORRIS BROS., LTD. ENGLISH TOWN, STRADBALLY CO. WATERFORD TELEPHONE: 051-291215 051-291221 TELEFAX: 051-291212/291433 Email: norrisbros@eircom.net Farm Buildings, Industrial Buildings, Agents and Distributors			
					PROJECT 63' X 30' X 15' PORTAL	CHECKED		SCALE	JOB No	DWG No.	REV
REV	BY	DATE	DETAILS		TITLE			1:100	1357	003	

MODELLED ON STRUCAD - THE 3-D STRUCTURAL STEEL DETAILING SOLUTION. DO NOT SCALE - IF IN DOUBT ASK A2

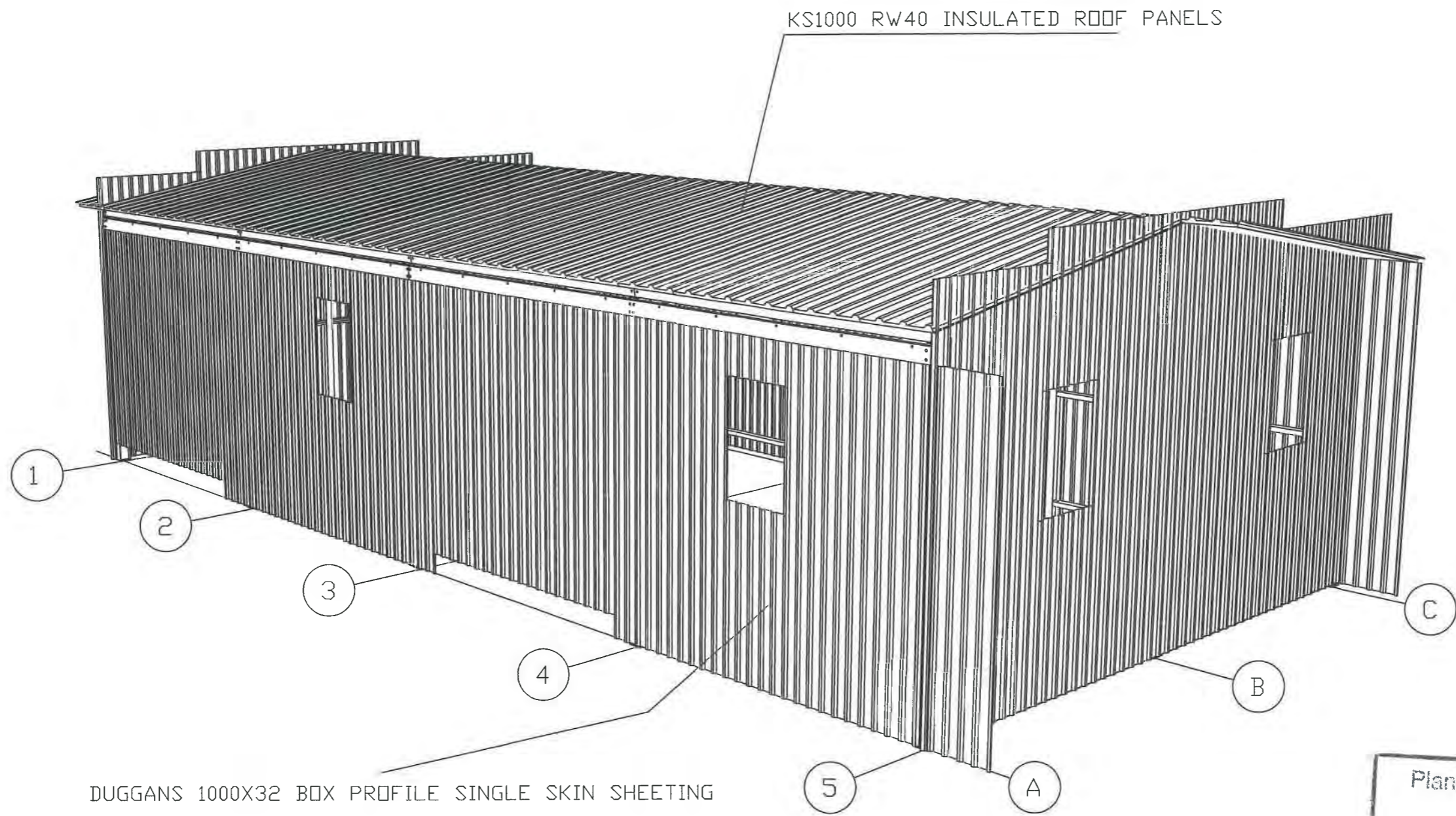
A	203X133X25UB
B	T150X75
C	80X80X6RSA
D	200X75X23PFC
E	KSI000W40
F	DUGGANSBDX



Planning Department
12 JUL 2023
Duffin, J. J.
Clerk

ROOF PLAN
STRUCAD

				GENERAL NOTES:	CLIENT Walsh	DRAWN MC	29/05/23	NORRIS BROS., LTD. ENGLISHTOWN, STRADALLY, CO. WATERFORD TELEPHONE 051-292215 051-291222 TELEFAX 051-29222/29433 Email: norrisbros@eircom.net Farm Buildings, Industrial Buildings, Agents and Distributors			
					PROJECT 63' X 30' X 15' PORTAL	CHECKED		SCALE	JOB No	DWG No.	REV
REV	BY	DATE	DETAILS		TITLE			1:100	1357	004	



DUGGANS 1000X32 BOX PROFILE SINGLE SKIN SHEETING

SCALE 1:100

3-D VIEW

Planning Department
12 JUN 2023
Cork County Council
Cork, Ireland