

# Comhairle Contae Chorcaí Cork County Council

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7<sup>th</sup> November 2023

REF: D/289/23  
LOCATION: Ballynaclasha, Midleton, 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 11<sup>th</sup> October 2023 the Planning Authority, having considered the question whether the installation of 12no. static caravans as temporary accommodation to house construction staff for a period of 6 months at **Ballynaclasha, Midleton, 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:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Article 6(1) and 9(1) of the Planning and Development Regulations 2001 (as amended),
- Class 17 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- The Planning History on the site, and
- The particulars received by the Planning Authority on 11<sup>th</sup> October 2023

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

- a) The placing of mobile homes on lands in association with the construction of a permitted development constitutes objects for the purpose of human habitation. The use of the land would, therefore, materially change, and constitute development, in accordance with Section 3(2)(b)(i) of the Planning and Development Act 2000 (as amended).
- b) The mobile homes do not constitute temporary on-site accommodation pursuant to an exempted or permitted development and, therefore, do not come within the exempted development provisions under Class 17 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended).



We are Cork.



Recycled

The proposed installation of 12 no. static caravans as temporary accommodation to house construction staff for a period of 6 months including all associated site works therefore **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>*

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** D/289/2023  
**Description:** INSTALLATION OF 12 STATIC CARAVANS AS TEMPORARY ACCOMMODATION TO HOUSE CONSTRUCTION STAFF FOR A PERIOD OF 6 MONTHS  
**Applicant:** AHMED CHAUSHEV  
**Location:** BALLYNACLASHA, MIDLETOWN, COUNTY CORK.  
**Date:** 03/11/2023

### SUMMARY OF RECOMMENDATION

**IS DEVELOPMENT AND IS NOT 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

Ballynaclasha, Midleton, Co. Cork

#### SUBJECT DEVELOPMENT

Installation of 12 no. static caravans as temporary accommodation to house construction staff for a period of 6 months.

#### PLANNING HISTORY

Planning Ref.	Development Description	Decision
21/4050 ABP-311238-21	A 10 year planning permission for a solar farm consisting of up to 220,100 m <sup>2</sup> of solar panels on ground mounted frames, 13 no. single storey electrical inverter/transformer stations and associated spare equipment container, battery storage container, customer switchgear container, security fencing, satellite communications pole, CCTV, access tracks, upgrades to two existing agricultural field entrances, temporary construction compounds, landscaping and all associated ancillary development works. Construction and operational access will be via the L-7694. The project will connect with and represents an extension to the adjacent solar farm permitted under Planning References 18/6769, 19/5729 and 19/6882. The solar farm will connect to the national grid and will have an operational lifespan of 35 years. (Terra Solar II Limited)	GRANT

23/5893	<p>The proposed development of an underground electricity interconnector cable. The proposed development of the underground electricity interconnector cable will comprise 1 no. 33kV double circuit cable of c.4.3km in length which is to be installed in an excavated trench including underground ducting, joint bays, communication chambers and all associated site development and reinstatement works. The interconnector cable will extend from two newly proposed Ring Main Units at the permitted Ballynaclashy Solar Farm to a substation at the permitted Lysaghtstown Solar Farm. The proposed development provides for a revision to part of the approved layout of the Ballynaclashy Solar Farm previously permitted under Cork County planning reference 21/4050 / An Bord Pleanála reference ABP 311238-21. The revision to the layout comprises the installation of 2 no. Ring Main Units and the laying of the underground electricity interconnector cable. The proposed development also provides for a revision to part of the approved layout of Lysaghtstown solar farm as previously permitted under cork county council planning reference 18/6769 (as amended by references 20/6891 and 21/5089). The revision to this layout comprises the laying of the underground electricity interconnector cable to a substation permitted under an Board Pleanála reference ABP 308979-20. The development will be carried out within a combination of the above referenced permitted solar farm boundaries, on private lands and within the L-7634, L-36172, L-7694 and R626 public roads. A Natura Impact Statement (NIS) has been prepared and will be submitted to the planning Authority with the application. (Lysaghtstown Solar Farm Limited)</p>	DECISION DUE 13/11/23
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#### PLANNING ENFORCEMENT

Planning Ref.	Development Description	Status
EF/23/154	alleged unauthorised siting of 11 no. mobile homes on agricultural lands without the benefit of planning permission at Ballynaclasha, Middleton, Co. Cork.	OPEN

#### LEGISLATIVE CONTEXT

Planning & Development Act 2000 (as amended)

Section 2 (1) of the Act provides the following definitions of relevance:

“**agriculture**” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing

land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

**“unauthorised development”** means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

**“structure”** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate,

**“unauthorised structure”** means a structure other than— (a) a structure which was in existence on 1 October 1964, or (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 or deemed to be such under section 92 of that Act, being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act);

**“unauthorised use”** means, in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than— (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or (b) development which is the subject of a permission granted under Part IV of the Act of 1963, being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

S.2(1) *In this Act, except where the context otherwise requires—*

*“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

S.3 – (1) *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 structure or other land.*

S.3 –(2) *For the purposes of subsection (1) and without prejudice to the generality of that subsection –*  
*(a).....*

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

S.4 –(1) sets out various forms and circumstances in which development is exempted development for the purposes of the Act. It states that the following shall be exempted development for the purposes of this Act.

*“(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;”*

S.4 –(2)(a) enables certain classes of development to be deemed exempted development by way of regulation.

Planning & Development Regulations 2001 (as amended)

Article 6(1) *Subject to article 9, development consisting of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

Article 9 (1) 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—  
 (i) .....  
 (ii) ....  
 (iii) Endanger public safety by reason of traffic hazard or obstruction of road users.

SCHEDULE 2, Part 1, *Exempted development – General*

<b>Column 1 Description of Development</b>	<b>Column 2 Conditions and Limitations</b>
<p><i>Temporary Structures and Uses</i></p> <p>CLASS 17</p> <p>The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.</p>	<p>Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.</p>

## **SUB-THRESHOLD EIAR**

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 an EIS is not required to be submitted.

## **APPROPRIATE ASSESSMENT**

The relevant European sites are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

## **ASSESSMENT**

### *SECTION 5 QUESTION*

The question before the Planning Authority can be reasonably construed as

*‘whether the installation of 12 no. static caravans as temporary accommodation to house construction staff for a period of 6 months at Ballynaclasha, Middleton, Co. Cork is or is not development and is or is not exempted development’.*

As outlined in the applicant’s submission, the works include connection to an existing well on site for water supply using a water pump to ensure sufficient pressure and installation of underground concrete septic tank. Skip containers are to be provided on site for waste and electricity supply is via a portable diesel generator located within an existing agricultural shed. It is stated that the caravans will be in place for a temporary period of 6 months to accommodate construction workers working 12 hour days while building a solar farm in the area. There will be a total of 12 no. caravans placed on an area that is not being used for agricultural purposes.

### *PLANNING ENFORCEMENT*

This application has been made on foot of Planning Enforcement proceedings in relation to alleged unauthorised siting of 11 no. mobile homes on agricultural lands without the benefit of planning permission, ref. EF/23/154.

I inspected the site on 28<sup>th</sup> September 2023 on foot of the Planning Enforcement complaint and observed a total of 12 no. mobile home units on site. 10 of these mobile homes are laid out in an ‘L-shape’ to the rear (southwest) of the existing agricultural shed on site which are not visible from the public road. The remaining 2 mobile homes are located to the south and east/northeast of the agricultural shed. The site is located within the red line boundary of planning ref. 21/4050, ABP-311238-21. No works appear to have commenced on this permission.

### *PLANNING HISTORY*

The site is located within the red line boundary of planning ref. 21/4050, ABP-311238-21 in the name of Terra Solar II Limited. Permission was granted by ABP on 24<sup>th</sup> December 2021 for a 10 year permission for a solar farm on an overall site measuring 47.2ha in area.

#### *DEVELOPMENT*

As set out in Section 2(1) of the Act “Works” includes “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.....” As set out in Section 3(1) “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 structure or other land. The proposal therefore constitutes development.

Section 3(2)(b)(i) and (ii) further notes, *For the purposes of subsection (1) and without prejudice to the generality of that subsection –, 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, or (ii) the storage of caravans or tents, .....The use of the land shall be taken as having materially changed.*

The land in question was previously in agricultural use. I consider mobile homes to be objects for the purpose of human habitation, and in this context, the placing of mobile homes on agricultural lands would constitute a material change of use and would, therefore, constitute development under section 3 (2) (b) (i) of the Act.

#### *IS OR IS NOT EXEMPTED DEVELOPMENT*

It is noted that the applicant has not specified under which provisions of the Act or Regulations the exemption is sought. The applicant has clearly stated that the caravans are for human habitation and are not associated with any agricultural use but in association with the construction of a permitted solar farm development.

Class 17 of Part 1, Schedule 2 of the Regulations refers to the “erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.”

I consider a mobile home is a habitable structure. The intent of the legislation is not in my view to permit temporary habitable accommodation for persons engaged in exempted / permitted development on a site. The exemption relates specifically to on-site accommodation directly associated with an exempted / permitted development activity and not a structure utilised for domestic purposes and human habitation. In this regard, the provisions of Class 17 are in my view not applicable to the subject site. I note the Board have previously taken a similar view to Class 17 ([see ABP Ref. RL3566](#)).

#### *ENVIRONMENT*

I note the report from the Environment Officer which states that it is a matter for the Planning Dept to determine whether the development is or is not exempted development. Should the development be deemed



exempted development, the Environment Officer has outlined a number of items to be clarified including details of the location of the well and demonstrating it is fit for human consumption, details of number of people to be accommodated on site, calculations of volumes of wastewater, details of authorized collector who will service the septic tank, noise impact assessment for electricity generator etc.

## RECOMMENDATION

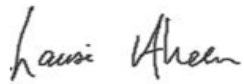
Having regard to:

- the particulars received by the Planning Authority on 11/10/2023
- Sections 2, 3 and 4 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 17 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended)

it is concluded that,

- a) The placing of mobile homes on lands in association with the construction of a permitted development constitutes objects for the purpose of human habitation. The use of the land would, therefore, materially change, and constitute development, in accordance with Section 3(2)(b)(i) of the Planning and Development Act 2000 (as amended).
- b) The mobile homes do not constitute temporary on-site accommodation pursuant to an exempted or permitted development and, therefore, do not come within the exempted development provisions under Class 17 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The proposed installation of 12 no. static caravans as temporary accommodation to house construction staff for a period of 6 months including all associated site works therefore **Is Development and Is Not Exempted Development.**



**Louise Ahern**  
**Executive Planner**  
**03/11/2023**

**D.289.23 - Section 5 Application querying whether temporary placement of 12no. static caravans is exempted development.**

**Site Location; Ballynaclashy, Midleton.**

**Applicant; Ahmed Chaushev, CLS Technology.**

**Site Owner; Michael Fitzgerald, Broomfield House, Midleton.**

The applicant states in the Application for Section 5 Declaration for exemption that;

- Caravans will only be in place for 6 months to facilitate workers constructing the solar farm in the area as it is very difficult to get sufficient suitable accommodation in the locality.
- Water is to be supplied by an existing well.
- A concrete septic tank is provided for sewage & wastewater, this will be regularly pumped out by a septic tank truck.
- Skip containers will be provided for waste & will be cleaned out on a weekly basis.
- Electricity will be supplied by a portable electric generator.

**Site Inspection 27/10/2023**

A site inspection of the above site was carried out by Frank O'Flynn, Senior Exec. Scientist, on 27/10/2023.

There was nobody present on site during the site inspection which was unannounced. The site area inspected is outlined on the maps below.

A total of 12 mobile homes were observed on site.

10 of these mobile homes were arranged in an L shape to the rear, (south), of the existing agricultural shed on site. The other 2 mobile homes were located to the east & north of this shed.

The 10 mobile homes which were arranged in an L shape are shown on Photo 1. Each of these mobile homes was connected to what appeared to be an overground sewer pipe which ran to a circular underground concrete tank located near the north west corner of the shed, (Photos 2 & 3). The cover on this tank was labelled Kiely Biokast, (photo 4).

These 10 mobile homes appeared to be connected to a water supply pipe, (photo 5).

The 10 mobile homes appeared to be connected to an electricity generator & associated fuel tank which is located in the shed, (photo 6 & 7). The generator was not running at the time of the inspection.

The other 2 mobile homes were not connected to water, wastewater, or electricity supply, (photo 8).

I did not meet anybody on site during the site inspection. It appeared that 2 of the mobile homes may be in use as curtains were drawn & there appeared to be bags of waste outside one of them, (photo 9). There was no indication that there was anybody living in the other 10 mobile homes on site at the time of inspection.

It was not possible to determine if there was a discharge to the sewer system or the circular underground concrete tank at the time of the inspection. Neither was it possible to determine if

there was wastewater in the tank. There was no evidence of discharge of polluting matter from the wastewater collection system or the tank at the time of the inspection, (photo 10).

The applicant has provided no details as to the number of people to be accommodated on site. Nor has he provided details of car parking, etc.

**Recommendation;**

It is a matter for the planning department to determine if this is exempted development or not. If this type of development may be classed as exempted then I would ask that the following is clarified prior to any declaration of exemption being made;

1. The applicant shall show where the 2 remaining caravans are to be located.
2. The applicant shall identify the location of the well serving this development & demonstrate that the water supply is fit for human consumption.
3. The applicant shall provide details of the number of people to be accommodated on site.
4. The applicant shall provide calculations of the volumes of wastewater which will be generated by the proposed number of people on site.
5. The applicant shall provide details of the capacity of the “septic tank” on site, & the number of days storage capacity which this provides for the numbers of persons to be accommodated on site.
6. The applicant shall provide details of measures to be taken to ensure this “septic tank” does not overflow due to taps being left running, etc.
7. The applicant shall provide details of the authorised collector who will service the “septic tank”, & frequency of such service.
8. The applicant shall provide details of the noise generated by the portable electric generator, & shall provide an assessment of the impact of this noise at the nearest sensitive receptors, (e.g. dwelling houses).

Frank O’Flynn,

Senior Executive Scientist,  
Environment Directorate  
[frank.oflynn@corkcoco.ie](mailto:frank.oflynn@corkcoco.ie)  
1/11/2023

Location Map



Location Map



Site Map



Photo 1. 10 Mobile Homes in L Shape at rear of Agricultural Shed.



Photo 2. Sewer pipes from Mobile Homes to Underground Concrete Tank.



Photo 3. Underground Concrete Tank.



Photo 5. Kiely Biokast Label on Cover of Underground Concrete Tank.



Photo 5. Water Supply Pipe on Ground to left of photo.



Photo 6. Generator & Fuel Tank in Shed.



Photo 7. Electricity Supply Cables from Generator to Mobile Homes.





Photo 8. 2 no. caravans not connected to water, wastewater, electricity.



Photo 9. Bags of waste outside of caravan.



Photo 10. No evidence of discharge from “septic tank”.





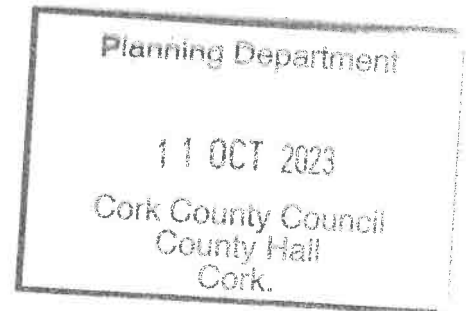
## **CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION**

### 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:

✓
✓
✓
✓
✓



### FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	EFT
Date	11/10/2023
Declaration Ref. No.	D/289/23

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.*



**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):	600m <sup>2</sup>
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input 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 storidge	Proposed use Temporary accomodation
(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 type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	We are the construction company	
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

**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)	Ahmed Chaushev	
Date	04-Oct-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	Ahmed Chaushev	
Date	04-Oct-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)	Ahmed Chaushev 
Date	04-Oct-2023

**ADDITIONAL CONTACT INFORMATION TO BE SUBMITTED WITH APPLICATION**

- The applicant(s) address **must** be submitted on this page.
- **Only one copy of this section of the application form needs to be submitted**

**(A) Applicant: (From Question 1 of Application Form)**

<b>Address (Required):</b>	8 Belmont Place, Cobh, Cork P24 K095
<b>Telephone No./Mobile No. (if any):</b>	+359 877734325
<b>Email Address (if any):</b>	a.chaushev@cls-technology.net

**(B) Person/Agent acting on behalf of the Applicant (if any):**

<b>Name:</b>	
<b>Address:</b>	
<b>Telephone No./Mobile No. (if any):</b>	
<b>Email Address (if any):</b>	
<b>Should all correspondence be sent to the above address? Please tick <input checked="" type="checkbox"/> appropriate box.</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	

**(C) Owner/s (required where applicant is not the owner):**

<b>Name:</b>	Michael Fitzgerald
<b>Address:</b>	Michael Fitzgerald, Broomfield House, Midleton Co Cork
<b>Telephone No./Mobile No. (if any)</b>	0867715222
<b>Email Address (if any)</b>	

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application. These details will not be made available to any third party with the exception of An Bord Pleanala for the purpose of administering the appeal.

**Fully completed application forms should be submitted to the relevant planning office.**

**CORK COUNTY COUNCIL**

*County Hall Office*

Planning Dept.      TEL: (021) 4276891  
 County Hall,        FAX: (021) 4867007  
 Carrigrohane Road,  
 Cork, T12 R2NC

*West Cork Planning Office*

Norton House,        TEL: (028) 40340  
 Cork Road,            FAX: (028) 21660  
 Skibbereen,  
 Co.Cork, P81 AT28

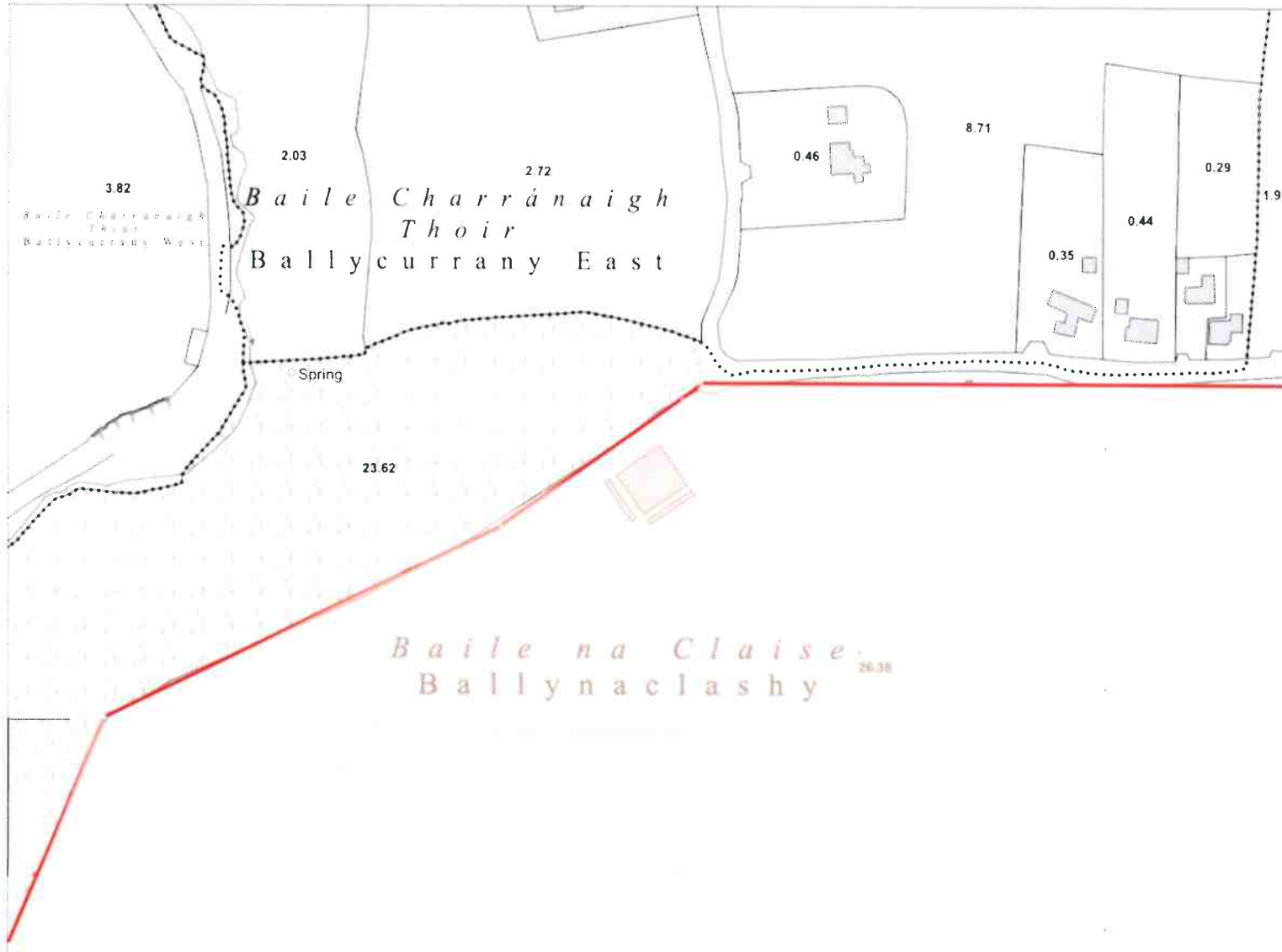
WEB ADDRESS: [www.corkcoco.ie](http://www.corkcoco.ie)



# Planning Pack Map



Tailte  
Éireann



CENTRE  
COORDINATES:  
ITM 584529,577472

PUBLISHED: 05/10/2023 ORDER NO.: 50361189\_1

MAP SERIES: 1:2,500 MAP SHEETS: 6295-A  
1:2,500 6295-C

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

[www.tailte.ie](http://www.tailte.ie)

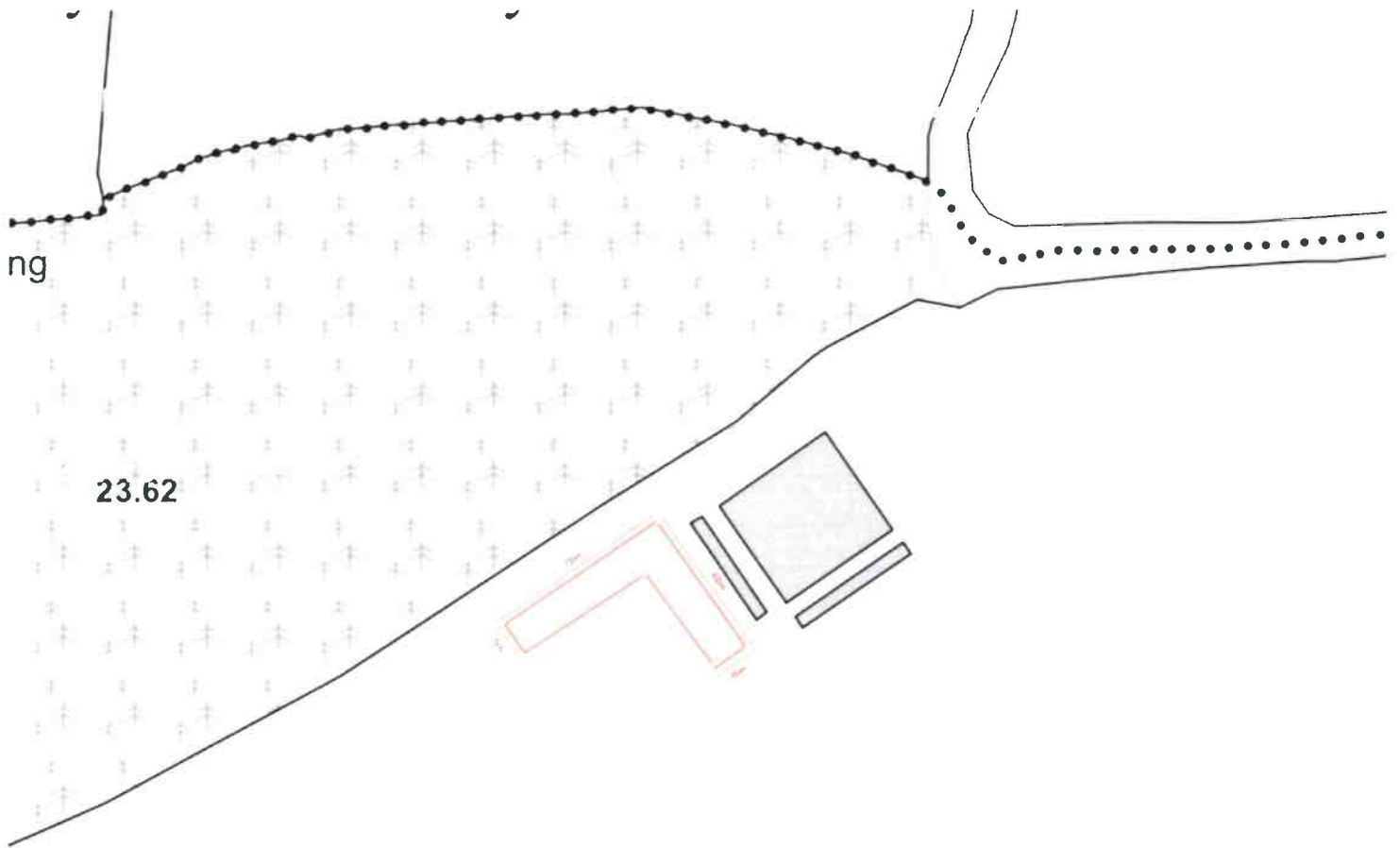
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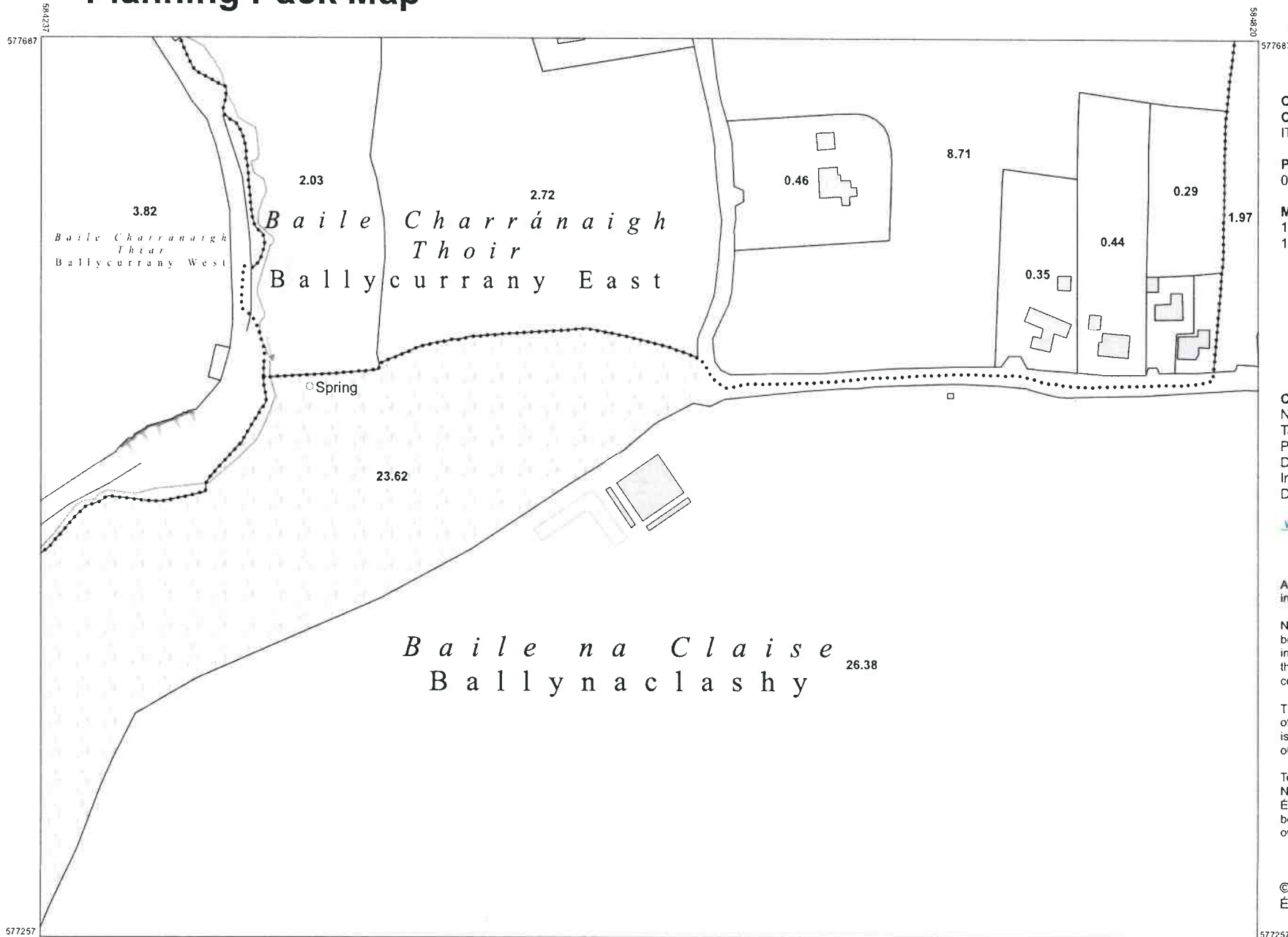
ng

23.62

# Planning Pack Map



Tailte  
Éireann



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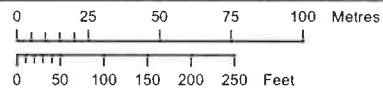
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**LEGEND:**  
To view the legend visit [www.osi.ie](http://www.osi.ie) and search for 'Large Scale Legend'

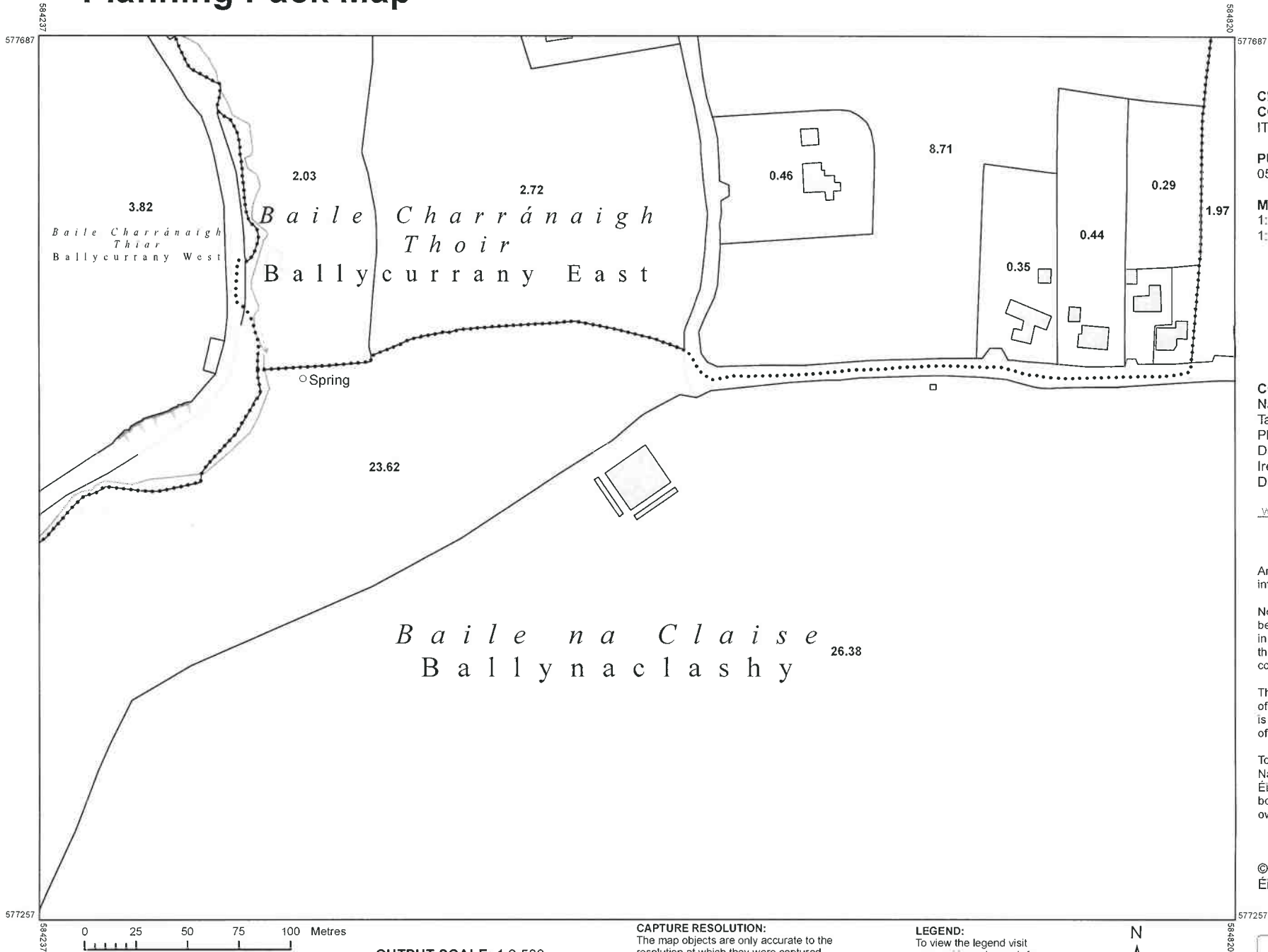


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# Planning Pack Map



Tailte  
Éireann



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ITM 584529,577472

**PUBLISHED:** 05/10/2023

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**MAP SERIES:** 1:2,500  
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**MAP SHEETS:** 6295-A  
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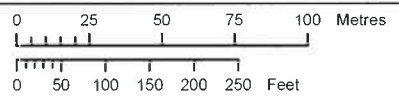
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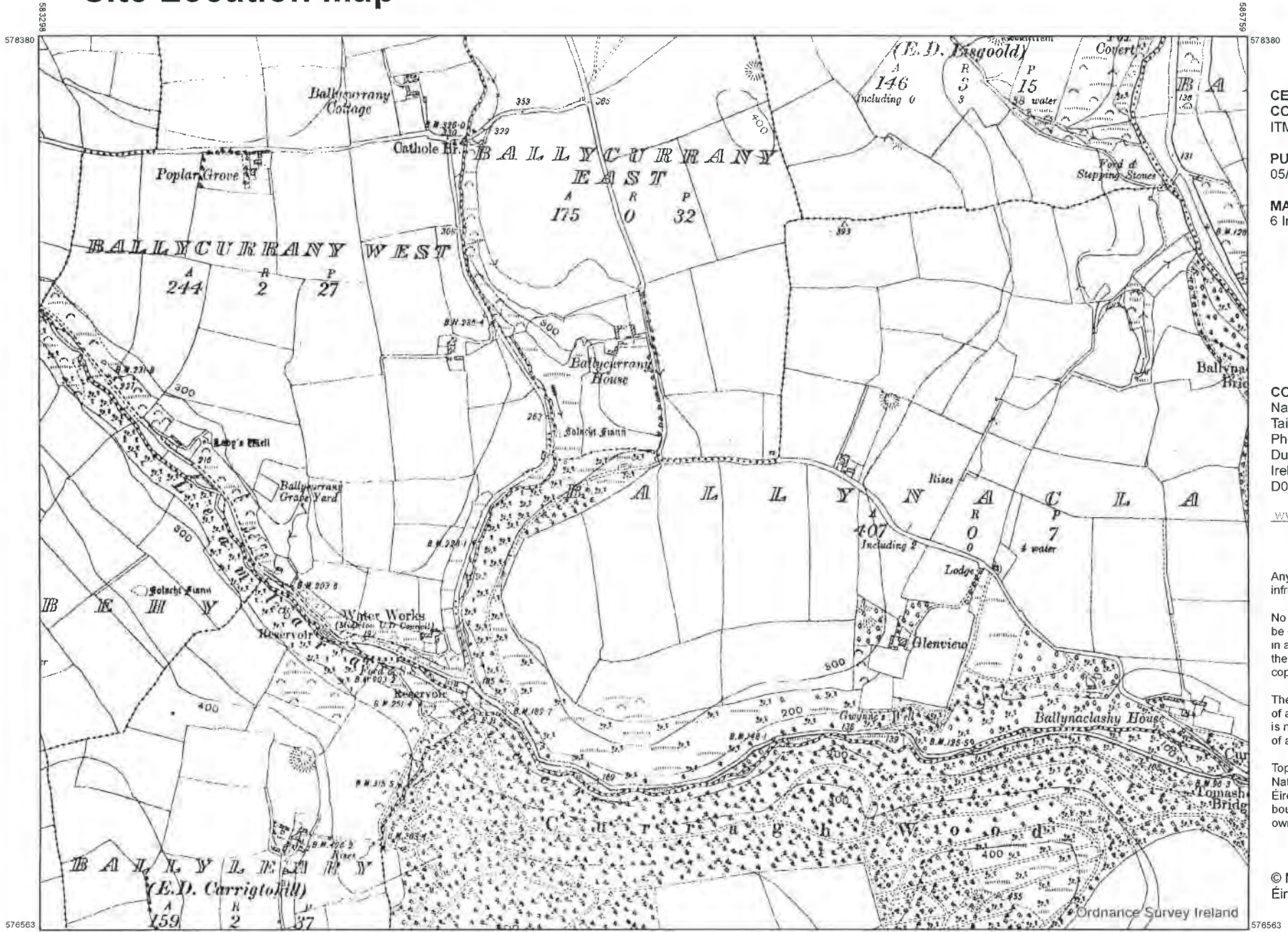


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# Site Location Map



**Tailte Éireann**



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**PUBLISHED:** 05/10/2023

**ORDER NO.:** 50361189\_1

**MAP SERIES:** 6 Inch Raster

**MAP SHEETS:** CK065

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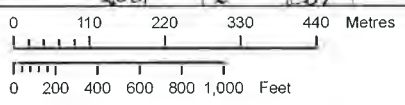
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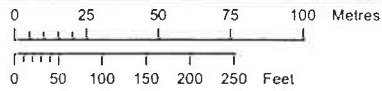
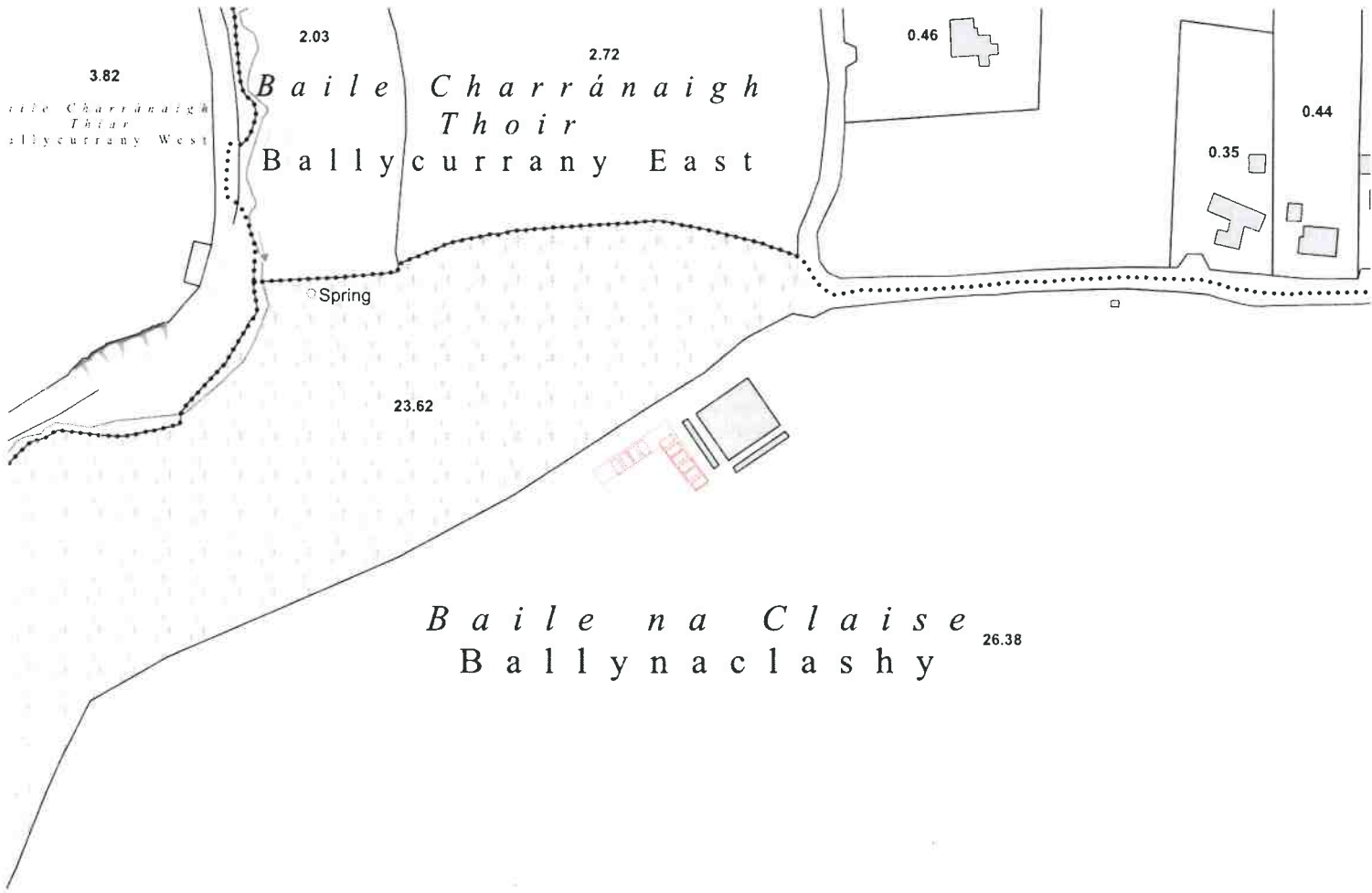
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**LEGEND:**  
To view the legend visit [www.osi.ie](http://www.osi.ie) and search for 'Large Scale Legend'



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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'



Site layout



Caravan layout – 36x12f feet

room and a large living room with kitchen and kitchen facilities.

#### Description:

- Pantile roof
- Vaulted ceilings
- Double glazed
- Central heated
- Galvanized chassis
- Integrated under counter fridge/freezer
- Domestic guttering
- Internal panel doors
- Separate toilet and shower
- Free standing table and chairs

#### Water supply

- water is supplied by an already existing well using a water pump to ensure sufficient water pressure. All connection are done by local company to meet the standards required.

#### Sewage and waste water:

Concrete septic tank is located underground for the use of waste water/sewage. It will be regularly pumped out by a septic tank truck.



#### Waste management:

Skip containers are to be provided on site for the waste and cleaned out on a weekly basis.



#### Electricity supply:

Electricity supply is arranged by a portable diesel generator located under an existing shed. All connections and cable pulling is done and tested by a local company to avoid any risk.



Waste collection and septic tank soaking out, diesel supply will be undertaken by HSS Hire company as we are already in contact with them for machinery rentals.









