

Comhairle Contae Chorcaí Cork County Council

Julie O' Brien,
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Mallow,
Co. Cork.
P51 NT22.

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21st November 2023

REF: D/292/23
LOCATION: Tinnascart, Buttevant, Co. Cork

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

Dear Madam,

On the basis of the information submitted by you on 25th October 2023 the Planning Authority, having considered the question whether the construction of an agricultural straw and machinery shed, widening of an entrance, and the provision of a permeable stone access passageway on a site in **Tinnascart, Buttevant, 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 and 3 of the Planning and Development Act, 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations, 2001 (as amended)
- Class 9 of Part 3 of Schedule 2 of said Regulations, and
- The particulars received by the Planning Authority on 25th October 2023

And Whereas Cork County Council has concluded that –

The construction of an agricultural straw and machinery shed, widening of an entrance, and the provision of a permeable stone access passageway on a site in **Tinnascart, Buttevant, Co. Cork** constitutes **development that 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.



We are Cork.



Recycled

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>

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

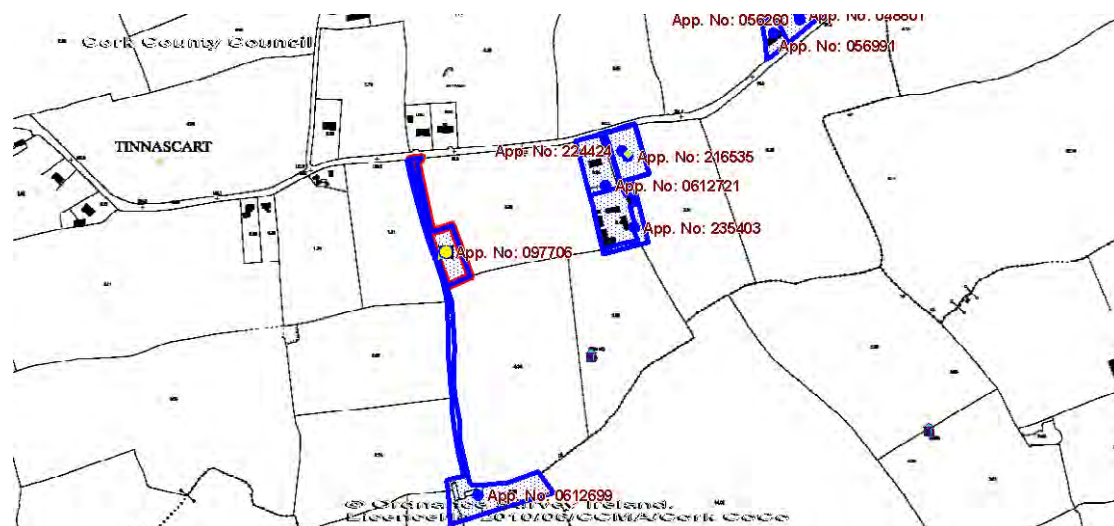
<i>Ref No.</i>	D/292//23
<i>Applicant</i>	Julie O'Brien
<i>Description</i>	Agricultural straw and machinery shed, widen entrance and provision of stone access passageway
<i>Location</i>	Tinnascart, Buttevant

Section 5 Query

The subject of the section 5 query is whether the construction of an agricultural straw and machinery shed, widening of an entrance and the provision of a permeable stone access passageway on a site in Tinnascart, Buttevant, constitutes exempted development.

Site Location and Description

The site is located in the townland of Tinnascart, to the south west of Buttevant town. The site is located within the defined greenbelt of the town. The site lies to the south of the regional road, R580. The site is located outside of areas identified as High Value Landscape in the CDP. There are no scenic routes in the vicinity. The site is located within the screening zone for Blackwater River Special Area of Conservation. The site is located outside of the mapped flood risk zones A and B, as set out in the Cork County Development Plan 2022. Therefore, the site is located within flood zone C.



Planning History

Subject site;

09/7706: Julie O'Brien. Bungalow, garage, entrance and septic tank Granted.

Site to south;

06/12699: John and Maria O'Brien. 2 no. dwellinghouses for short term/holiday letting.

Internal Reports

Environmental Officer (report dated 17/11/23): The Environmental Officer states that the proposed agricultural storage shed is consistent with condition/limitation 1 of Class 9 of the Regulations. He notes that the proposed shed will be used for the storage of straw and farm machinery owned by the applicant. He states that, while the shed may be considered large, it is not excessively so for the area of land available to the applicant. He notes that it is not proposed to house farm animals or provide facilities for the storage of farm effluents in the shed. The Environmental Officer states that the proposed shed appears to be compliant with other conditions/limitations attached to a Class 9. He concludes that he has no objection and he states that the applicant should be made aware that the housing of animals or storage of farm effluents in the proposed shed is not permitted.

Legislative Context

Planning and Development Act 2000, as amended

Section 2 (1)

Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

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 structures or other land.

The Planning and Development Regulations 2001 as amended.

Article 6(1) states that subject to Article 9, development 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended refers to '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 sq m'.

This class is limited by the following conditions;

Condition 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’.

Condition 2 – ‘The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100m of that complex shall not exceed 900 sq m gross floor space in aggregate.’

Condition 3 – ‘No such structures shall be situated within 10m of any public road’.

Condition 4 – ‘No such structure within 100m of any public road shall exceed 8m in height’.

Condition 5 – ‘No such structure shall be situated 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 in writing of the owner and, as may be appropriate, the occupier or person in charge thereof’.

Condition 6 – ‘No unpainted metal sheeting shall be used for roofing or on the external finish of the structure’.

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) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main, or electricity supply line or cable, or any works to which class 25, 26 or 31(a) specified in column 1 of Part 1 of Schedule 2 applies.
- (vi) interfere with the character of a landscape or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area

plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

(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.

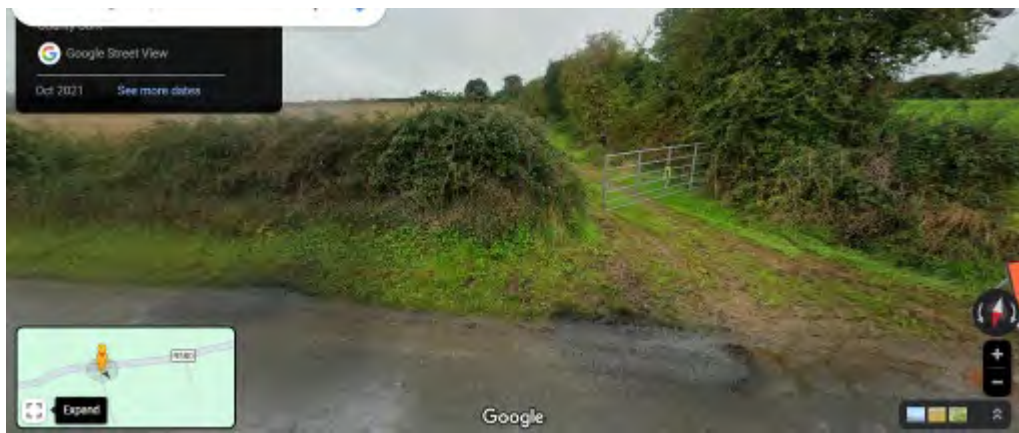
(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
 - (ix) Consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of any existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
 - (x) Consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.
 - (xi) obstruct any public right of way.
 - (xii) Further to provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.
- (b) in an area to which a special amenity area order relates, if such development would fall under (i), (ii), (iii) or (iv)
 - (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive

- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Assessment

The query relates to the construction of an agricultural straw and machinery shed on a site in Tinnascart, Buttevant. The floor area of the proposed shed is 142.14 sq m. It is noted that the dwelling permitted under 09/7706 was not constructed. The proposed shed would be positioned to the south of the elevated site. The site levels rise from the public road to the south. The google streetview image below, captured in October 2021, shows that there was an agricultural entrance adjoining the regional road, R580 at that time.



The query in the current application also includes a proposal to widen the entrance and provide a permeable stone access passageway extending to approximately 150m to serve the greenfield site. On the date of inspection on 17/11/23, it was apparent that works have already been carried to widen the entrance on to the regional road and the access lane has been formed with a compacted stone surface. Site clearing works have been carried out.





It is stated that the applicant is obtaining the land from her mother. A landholding map was submitted. The agent states that a large portion of the original farm holding, including the existing farmyard complex, is for sale as part of a resolution of a parental legal will. The bulk of the large farm holding and farm complex is sited on the northern side of the regional road. It is stated that the applicant will inherit a plot of land on the southern side of the regional road, marked 'E' on the folio map (CK31212) submitted. This area of land comprises 3.448ha. There are no agricultural buildings at this location. It is stated that the applicant is seeking permission for the building to store her own farm machinery as she will be using the land as a hobby farm. Further particulars were not provided.

The proposal comprises development as defined in Section 3 (1) of the Planning and Development Act, 2000 where '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'.

Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended refers to '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 sq m'.

The stated floor area of the proposed shed is 142.14 sq m which would fall within the stated limit.

This class is limited by the following conditions;

Condition 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 proposal relates to the construction of an agricultural straw and machinery shed. The general floor plan refers to a proposed machinery shed. The circumstances put forward relating to the family farm holding are noted. However, a strong case was not made by the applicant for the current proposal, having regard to the requirements of the exempted development provisions. There is a lack of a clear justification for the proposal, particularly given the small land parcel of 3.448ha. There are some concerns and a degree of uncertainty in relation to the particulars of the proposal, the nature of the use and the size of the shed in this context. Full details could be provided. The proposed building would only constitute exempted development if it is to be used for the purpose of agriculture or forestry. Further information could be submitted to fully assess the proposal.

It is noted that the Environmental Officer is satisfied with the proposal which he considers to be consistent with condition no. 1 of Class 9. He states that, while the shed may be considered large, it is not excessively so for the area of land available to the applicant.

Condition 2 – *‘The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100m of that complex shall not exceed 900 sq m gross floor space in aggregate.’* There are no other farm buildings at this location. The stated floor area of the proposed shed is 142.14 sq m which would fall within the stated limit.

Condition 3 – *‘No such structures shall be situated within 10m of any public road’.* The set back distance significantly exceeds this figure.

Condition 4 – *‘No such structure within 100m of any public road shall exceed 8m in height’.* This condition is complied with. The height of the building measures c 4.93m. Also, the distance from the public road exceeds this limit.

Condition 5 – *‘No such structure shall be situated 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 in writing of the owner and, as may be appropriate, the occupier or person in charge thereof’.* This condition is complied with.

Condition 6 – *‘No unpainted metal sheeting shall be used for roofing or on the external finish of the structure’.* This condition is complied with.

Article 9 (1) (a) states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would

(i) contravene condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. A search of the planning history does not indicate that this is the case.

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

As outlined above, the google streetview image below, captured in October 2021, shows that there was an agricultural entrance adjoining the regional road, R580 at that time. Drawings of this entrance were not submitted. On the date of inspection on 17/11/23, it was apparent that works have already been carried to widen the entrance on to the regional road and the access lane has been formed with a compacted stone surface. The width of the opening at the road edge is approximately 7m and the width of the gate opening is approximately 4.7m.

The site layout plan indicates an opening of 17.86m at the roadside which would taper to a gate width of 6.861m over 17m set back from the road. The plan also shows a permeable stone access passageway extending to approximately 150m to serve the shed. The width of the regional road exceeds 4m, at over 5m.

Based on the available information and a site inspection, it is considered that the proposal would not be exempt by virtue of article 9(1)(a)(ii).

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

The site adjoins a regional road, R580, with required sightlines of 120m at a set back point of 4.5m as advised by the Area Engineer. The required sightlines have not been demonstrated. A report is due from the Area Engineer.

(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.

The site is located within the screening zone of the Blackwater River Special Area of Conservation. A screening assessment report is attached. The site is located approximately 530m from a watercourse and c.2.8km from the SAC. The Environmental Officer has no objection.

Conclusion

There are concerns about the proposal and a lack of a clear justification, particularly having regard to the size of the holding. Further information could be sought to fully assess the proposal having regard to the requirements of condition no. 1 of class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended. The report of the Environmental Officer is noted, who is satisfied with the proposal.

However, notwithstanding the above, the proposal would not be exempt by virtue of Article 9(1) (a) (ii) of the Regulations, namely the proposal consists of or comprises the formation, laying out or material widening of a means of access to a public road, the surfaced carriageway of which exceeds 4m in width. There are also concerns in respect of Article 9(1) (a) (iii) in relation to traffic hazard. A report from the Area Engineer is due in this regard.

Having regard to;

- (a) sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and

it is considered that the proposal constitutes development and not exempted development.

P Goulding
21/11/23

BLACKWATER RIVER SPECIAL AREA OF CONSERVATION

Development location: Tinnascart, Buttevant
File Ref: D292/23

Section 1: Project Information	
Brief description of the key components of the proposed development.	Agricultural straw and machinery shed, widen entrance and provision of stone access passageway
Distance of proposed development site from the SAC.	c.2.8km
Distance of proposed development from watercourses.	c.530m
List any ecological reports which have been provided in support of this application.	None
Section 2: Natura 2000 Site Data	
Site Name	Blackwater River SAC Site Code 2170
Qualifying features of Natura 2000 sites	<p>Habitats: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); <i>Taxus baccata</i> woods of the British Isles.</p> <p>Species: Freshwater pearl mussel; White-clawed crayfish; Sea lamprey; Brook lamprey; River lamprey; Allis shad; Twaite shad; Salmon; Otter; Killarney fern.</p>

Conservation Objectives	<p>Detailed conservation objectives for the Blackwater River SAC have been published by NPWS (July 2012 ver 1). These objectives set specific targets for each of the qualifying features for which the SAC is designated. The overall objective is to ensure that the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected is maintained. Specific objectives relating to individual habitats and species, identify particular stretches of the river to which water quality targets apply.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks <i>Salicornia</i> and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); <i>Trichomanes speciosum</i>; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> Vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); *<i>Taxus baccata</i> woods of the British Isles; Freshwater Pearl Mussel; White-clawed Crayfish; Sea Lamprey; Brook Lamprey; River Lamprey; Twaite Shad; Salmon and Otter.</p> <p>Please see expanded information relating to the conservation objectives at : http://www.npws.ie/protectedsites/specialareasofconservationsac/blackwatercorkwaterfordsac/</p>
Other Notable Features	<p>This is an extremely large riverine site which includes the entire length of the river and many of its tributaries from its headwaters in north west Cork and east Kerry to the estuary at Youghal. This site overlaps with the Blackwater Callows Special Protection Area which extends from Fermoy to Tallow along the river and its banks, and with the Blackwater Estuary Special Protection Area which extends through the estuarine portion of the site. It is an important site for a number of freshwater fish and invertebrate species. Associated habitats along the banks of the river including wetland habitats and woodlands are also included within the SAC.</p>
Section 3: General Assessment Consult with or refer file to ecology if the answer to any of the following is yes.	
Is the proposed project within the SAC?	N
Is the proposed project within 100m of the SAC (landbased projects)?	N
Does the proposed project involve development in the intertidal or coastal zone within the potential impact zone of the SAC eg extensions or improvements to marine infrastructure (piers, slips, pontoons, marinas), or coastal protection works?	N
Does the proposed project involve dredging of marine sediments within the potential impact zone of the SAC?	N

Is there a surface water linkage between the development site and the SAC?	N
Is the proposed project located within an area identified to be at risk of flooding within the potential impact zone of the SAC?	Y (zone C)
Does the proposed project involve the development of flood protection measures within the potential impact zone of the SAC?	N
Does the proposed project involve works within 30m of any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve development of water crossings or any instream or banks works along any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve surface water abstraction from any watercourse within the SAC?	N
Does the proposed project involve a discharge of surface water or wastewater to any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve groundwater abstraction within 1km of the SAC?	N
Does the proposed project involve the development or extension of buildings or other structures to be used for agricultural purposes within the potential impact zone of the SAC?	Y
Does the proposed project involve the erection of a wind farm (>3 turbines), or an extension to an existing windfarm within the potential impact zone of the SAC?	N
Does the proposed project involve the development, extension or upgrade of a cycleway or walkway within 100m of the SAC?	N
Could the proposed project give rise to a change in land management practises within the SAC?	N
Section 4: Assessment of Proposals for Treatment of Wastewater <i>In order to ensure that there will be no impact on water quality, the following must be certified (mark the relevant box with X).</i>	
For developments proposing connection to individual waste water treatment systems the waste water treatment system must comply with EPA guidelines.	
For developments connecting to public waste water treatment systems which discharge to surface water within the catchment of this SAC, the public system must have the capacity to treat the proposed additional loading?	
Section 5: Screening Conclusion – Please tick either A or B	
A) Potential for significant impacts on the SAC have been ruled out. (In order to make this conclusion, you must certify the following, having regard to the information provided in sections 1, 2, 3, and 4).	
Answers to all questions in section 3 is No.	N
Where applicable, waste water treatment facilities comply with EPA Guidelines or receiving WWTP has capacity to take increased load without causing a breach to	

<i>license conditions (see section 4).</i>	
<i>B) Potential for negative impacts have been identified or impacts are uncertain.</i>	Y
Any Notes or Comments	
The Environmental Officer has no objection. Having regard to the separation distance from a watercourse and the SAC, it is considered that the proposal would not give rise to a significant effect on the integrity of the Blackwater River Special Area of Conservation.	
Section 6: Screening Completed By	Date
Patricia Goulding	21/11/23

Application for Planning Exemption

Reference: D/292/23

Applicant: Julie O'Brien

Address of Site: Tinnascart, Buttevant, Co. Cork

Date: 17th Nov '23

By: Kevin Murphy

Background

It is stated in the cover letter from Corroon Architectural Consultants that:

- The existing farm holding consisting of folios CK 31212 (18.33Ha) & CK26095 (30.15Ha) and including the existing farmyard complex, is for sale.
- Ms O'Brien is inheriting a 3.468Ha segment of the farm holding at Tinnascart, Buttevant, Co. Cork. There are no existing farm buildings on this agricultural land.

Details of Application

The application for planning exemption relates to:

- Construction of an approx. 19m x 18m x 5.6m high agricultural shed which is to be used for the storage of the Applicant's own farm machinery and straw.
- Construction of an approx. 150m long farm track from the public road to the shed and of a hard-standing area around the proposed shed. It is not clear whether this area is to be paved or unpaved.

Uncontaminated rainwater from the roof, etc is to be discharged to soakaways. Based on the information provided, no wastewater or agricultural effluents are to be generated in the proposed shed.

Assessment of the Application

It is stated in the application that the proposed shed is to be an agricultural storage shed. This is consistent with Condition/limitation 1 of a Class 9 Exempted development.

The proposed shed is to be used for the storage of straw and farm machinery belonging to the Applicant. Whilst the shed may be considered large, it is not excessively so for the area of land available to the Applicant.

It is not proposed to house farm animals or provide facilities for the storage of farm effluents in the shed.

The proposed shed appears to be compliant with other Conditions/limitations attached to a Class 9 exempted structure.

Conclusions

I have no objection to the construction of the proposed agricultural shed.

The Applicant should be made aware that the housing of animals or storage of farm effluents in the proposed shed is not permitted.

END



CORROON ARCHITECTURAL CONSULTANTS

The Secretary,
Planning Department,
Cork County Council,
County Hall,
Carrigrohane Road,
Cork.

4th October 2023

Dear Sir / Madam,

RE: SECTION 5 DECLARATION OF EXEMPTION

permission for construction of a 142.14 sq.mtr. agricultural straw and machinery storage shed, to widen the existing entrance gate, new permeable stone access passageway and all associated site and ancillary works at Tinnascart, Buttevant, Co.Cork, for Julie O'Brien.

In connection with the above application we enclose the following documentation:

4 copies of completed Application Forms

4 copies of drawings comprising:

Site Location Maps
Site Layout Maps
Plans, elevations and sections.

Attached is cheque for value of €80 for planning fees.

Yours sincerely, _____

Thomas Corroon
Corroon Architectural Consultants



7 Chapel Lane, Mallow, Co. Cork. Eircode: P51 NT22
Tel: 022 23146. Email: corroonbuildingsurvey@outlook.ie



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.	PL2 0002308
Cash/Cheque/ Credit Card	Cheque
Date	25/10/23
Declaration Ref. No.	D/292/23

Planning Department
25 OCT 2023
Cork County Council County Hall Cork

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)

Julie O'Brien

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

Tinnascart, Buttevant, Co.Cork.

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

permission for construction of a 142.14 sq.mtr. agricultural straw and machinery storage shed, to widen the existing entrance gate, new permeable stone access passageway and all associated site and ancillary works

Planning Department

25 OCT 2023

Cork County Council
County Hall
Cork.

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	proposed shed: 142.14
(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 _____ _____	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Planning Department 25 OCT 2023 Cork County Council County Hall Cork </div> Proposed use _____ _____
(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:	gift from parent	
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):	Claire O'Brien	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

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

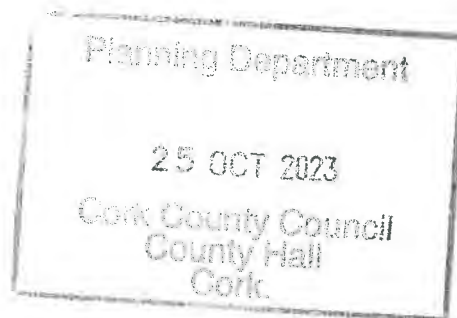
Signed (By Applicant Only)	<i>Julie O'Brien</i>
Date	<i>20/10/2023</i>

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>Julie O'Brien</i>
Date	<i>20/10/2023</i>

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.

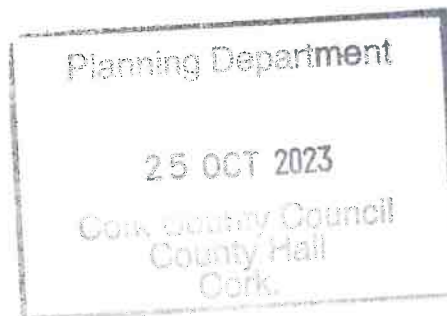
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

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





CORROON ARCHITECTURAL CONSULTANTS

The Secretary,
Planning Department,
Cork County Council,
County Hall,
Carrigrohane Road
Cork.

10th October 2023

RE: SECTION 5 DECLARATION OF EXEMPTION

permission for construction of a 142.14 sq.mtr. agricultural straw and machinery storage shed, to widen the existing entrance gate, new permeable stone access passageway and all associated site and ancillary works at Tinnascart, Buttevant, Co.Cork, for Julie O'Brien.

Dear Sir/Madam,

We, Corroon Architectural Consultants, are the agents acting on behalf of Julie O'Brien.

We have been charged by Ms. O'Brien to submit the above application on her behalf.

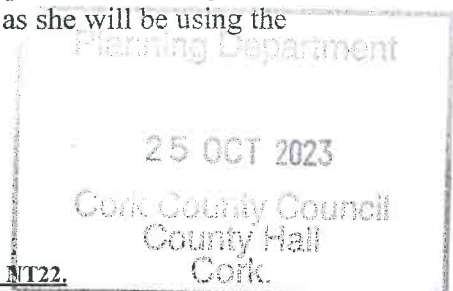
We enclose a letter of consent from the owner of the land, her mother, to grant Julie permission to apply for the application. We also enclose copies of the folio maps of the existing family farm landholding.

The development entails the widening of the existing entrance gate, a new access passageway with permeable stone to allow for natural soakage, and a new single storey agricultural building for storage use for straw and farm machinery.

At present, there is a large portion of the original farm holding for sale, as part of a resolution in a parental legal will, including the existing farm yard complex.

With this in mind, Julie will be inheriting Plot "E" outlined on the attached copies of the folio maps, as part of the settlement.

As can be seen, there are no buildings on the plot and the applicant is seeking permission for a building to store her own farm machinery, as she will be using the land as a hobby farm for herself.



7 Chapel Lane, Mallow, Co. Cork. Eircode: P51 NT22.

Tel: 022 23146. Email: corroonbuildingsurvey@outlook.ie



CORROON ARCHITECTURAL CONSULTANTS

We kindly request the Local Planning Authority to consider the proposed application and we would be most grateful to discuss same proposal with the Executive Area Planner/Area Engineer.

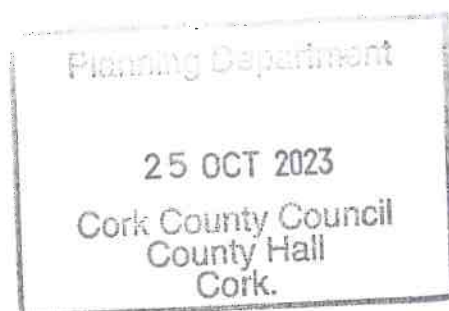
Our client hopes that this proposal would be acceptable to the Local Planning Authority and within the parameters of the County Development Plan.

We look forward to hearing from you at your earliest convenience.

Thank you again for your consideration.

Yours sincerely, _____

Thomas Corroon
Corroon Architectural Consultants



The Secretary,
Planning Department North,
Cork County Council,
County Hall,
Carrigrohane Road,
Cork.

11th October 2023

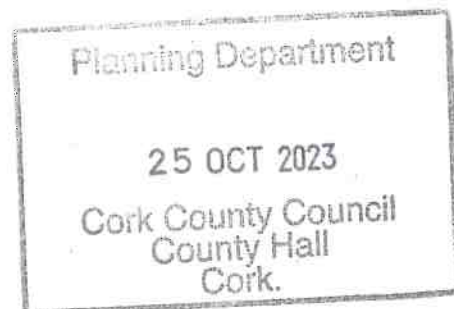
RE: SECTION 5 DECLARATION OF EXEMPTION

permission for construction of a 142.14 sq.mtr. agricultural straw and machinery storage shed, to widen the existing entrance gate, new permeable stone access passageway and all associated site and ancillary works at Tinnascart, Buttevant, Co.Cork, for Julie O'Brien.

Dear Sir/Madam,

I, Claire O'Brien, am hereby giving written consent to my daughter, Julie O'Brien, to apply for permission of a SECTION 5 DECLARATION OF EXEMPTION for construction of a 142.14 sq.mtr. agricultural straw and machinery storage shed, to widen the existing entrance gate, new permeable stone access passageway and all associated site and ancillary works, on my lands located at Tinnascart, Buttevant, Co.Cork.

Yours sincerely,
Claire O'Brien





CORROON ARCHITECTURAL CONSULTANTS

The Secretary,
Planning Department,
Cork County Council,
County Hall,
Carrigrohane Road
Cork.

10th October 2023

RE: SECTION 5 DECLARATION OF EXEMPTION

permission for construction of a 142.14 sq.mtr. agricultural straw and machinery storage shed, to widen the existing entrance gate, new permeable stone access passageway and all associated site and ancillary works at Tinnascart, Buttevant, Co.Cork, for Julie O'Brien.

Dear Sir/Madam,

We, Corroon Architectural Consultants, are the agents acting on behalf of Julie O'Brien.

We have been charged by Ms. O'Brien to submit the above application on her behalf.

Attached please find the current family landholding folios CK31212 and CK26095.

Our client hopes that this proposal would be acceptable to the Local Planning Authority and within the parameters of the County Development Plan.

We look forward to hearing from you at your earliest convenience.

Thank you again for your consideration.

Yours sincerely,

Thomas Corroon
Corroon Architectural Consultants

Planning Department

25 OCT 2023

Cork County Council
County Hall
Cork.

Site Location Map



Tailte Éireann

CENTRE
COORDINATES:
ITM 576760,569018

PUBLISHED:
23/10/2023

ORDER NO.:
50364185_1

MAP SERIES:
6 Inch Raster
6 Inch Raster

MAP SHEETS:
CK075
CK087

Planning Department

31 OCT 2023

Cork County Council
County Hall

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

www.tallte.ie

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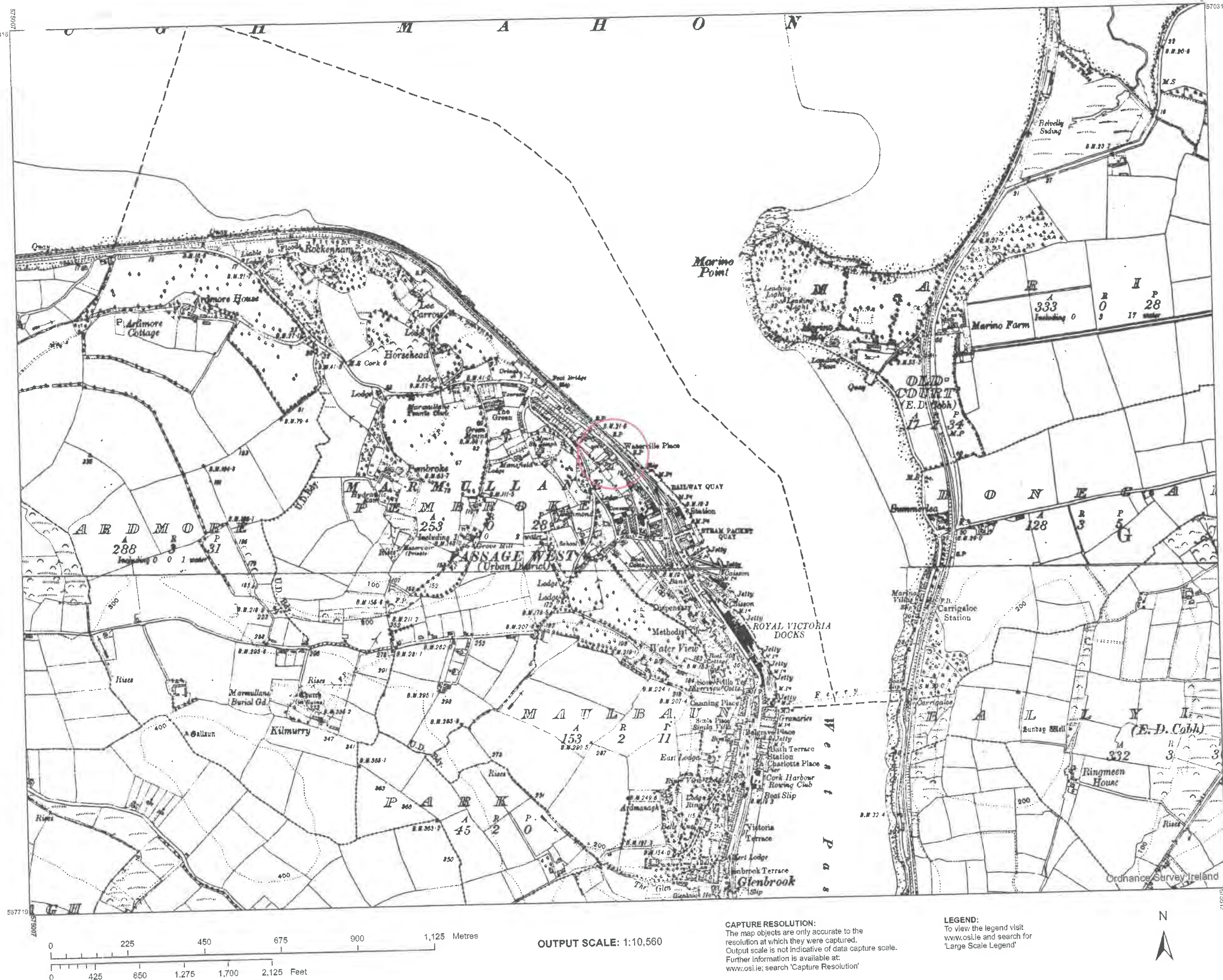
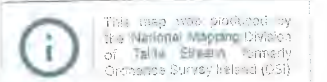
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LEGEND:
To view the legend visit
www.osi.le and search for
'Large Scale Legend'



Planning Pack Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 576760,569018

PUBLISHED:
23/10/2023

ORDER NO.:
50364185_1

MAP SERIES:
1:1,000
1:1,000

MAP SHEETS:
6430-06
6430-07

Planning Department

31 OCT 2023

Cork County Council
County Hall

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

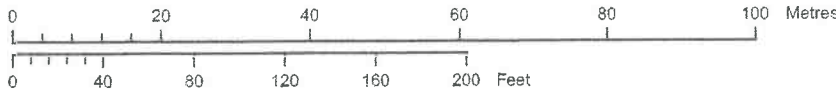
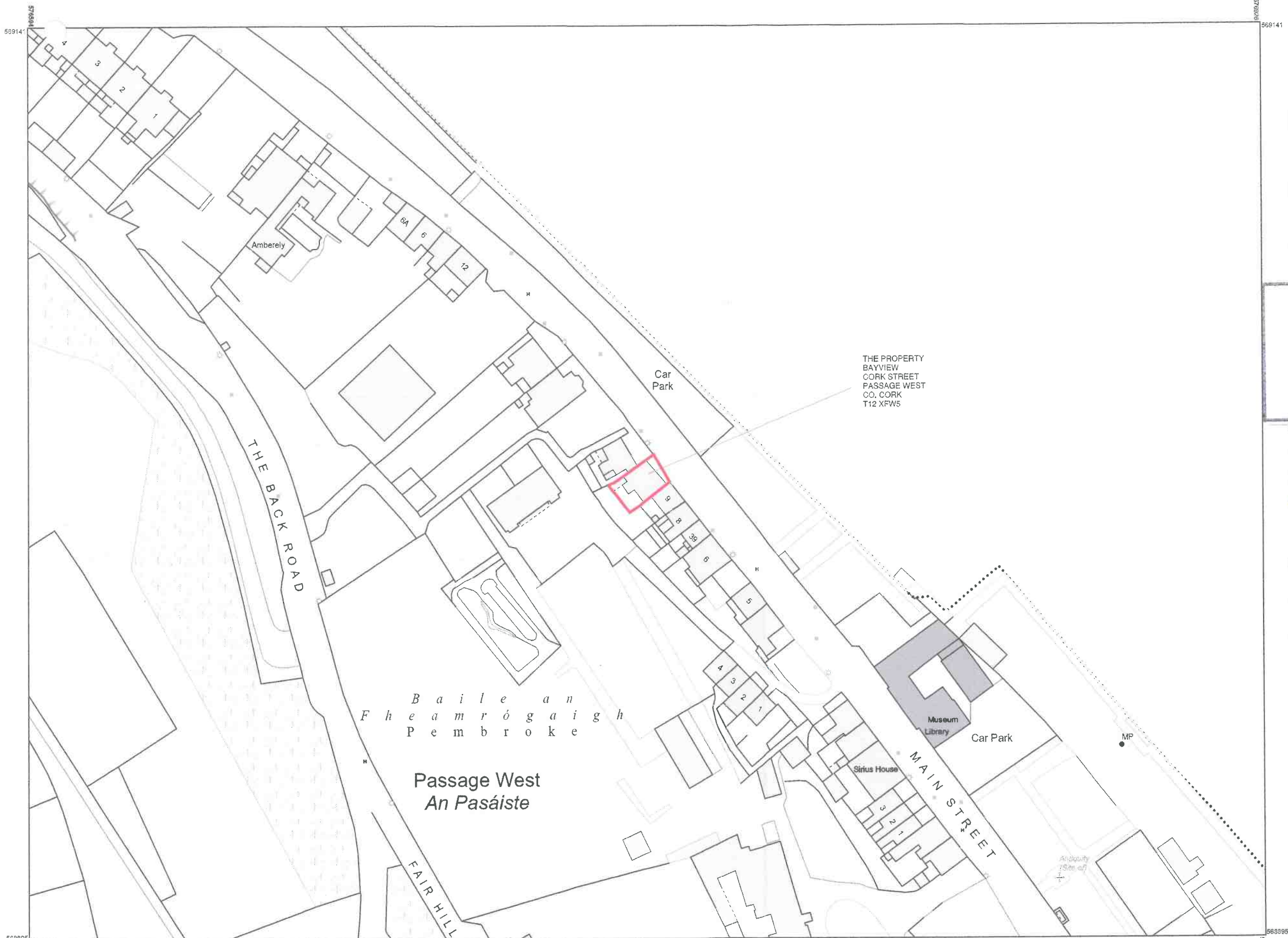
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LEGEND:
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'





Planning Department
31 OCT 2023
Cork County Council
County Hall
Cork



CHRIS CASEY
ENGINEER

C Casey Consulting Engineers Ltd

PROJECT: BAYVIEW, PASSAGE WEST		
CLIENT: VALERIE O MAHONY AND HUGH HANLEY		
DRAWING TITLE: SITE LAY-OUT		
JOB REF:	DRAWN:	DRAWING NO:
STAGE:	APPROVED:	
DATE: 23/10/23	SCALE: 1:500	REV:

demolish existing kitchen
and extend



Existing Walls

Information

First Draft

Notes:
It is the responsibility of the Client to appoint :
1) a Project Supervisor Design Process
2) a Project Supervisor Construction Stage

In respect of health and safety, the following
is a list of non-exclusive risks:

- Hazard concerning the other users of the site
- Hazard from working at height
- Hazard from excavations
- Hazard from biological substances
- Fire Hazard
- Work involving the Assembly or Dismantling of Heavy Prefabricated Components
- Compressed Air
- Electricity

NOTES:
These drawings were prepared for the purpose of making a planning application. It does not pertain to show construction information for the purposes of pricing or building and does not pertain to show all building regulations. Detailed drawings are required prior to tendering and construction. All dimensions must be checked on site prior to tendering or construction and not scaled from this drawing.

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- Hazard from biological substances
- Fire Hazard
- Work involving the Assembly or Dismantling of Heavy Prefabricated Components
- Compressed Air
- Electricity

Boundary Line

Boundary Line

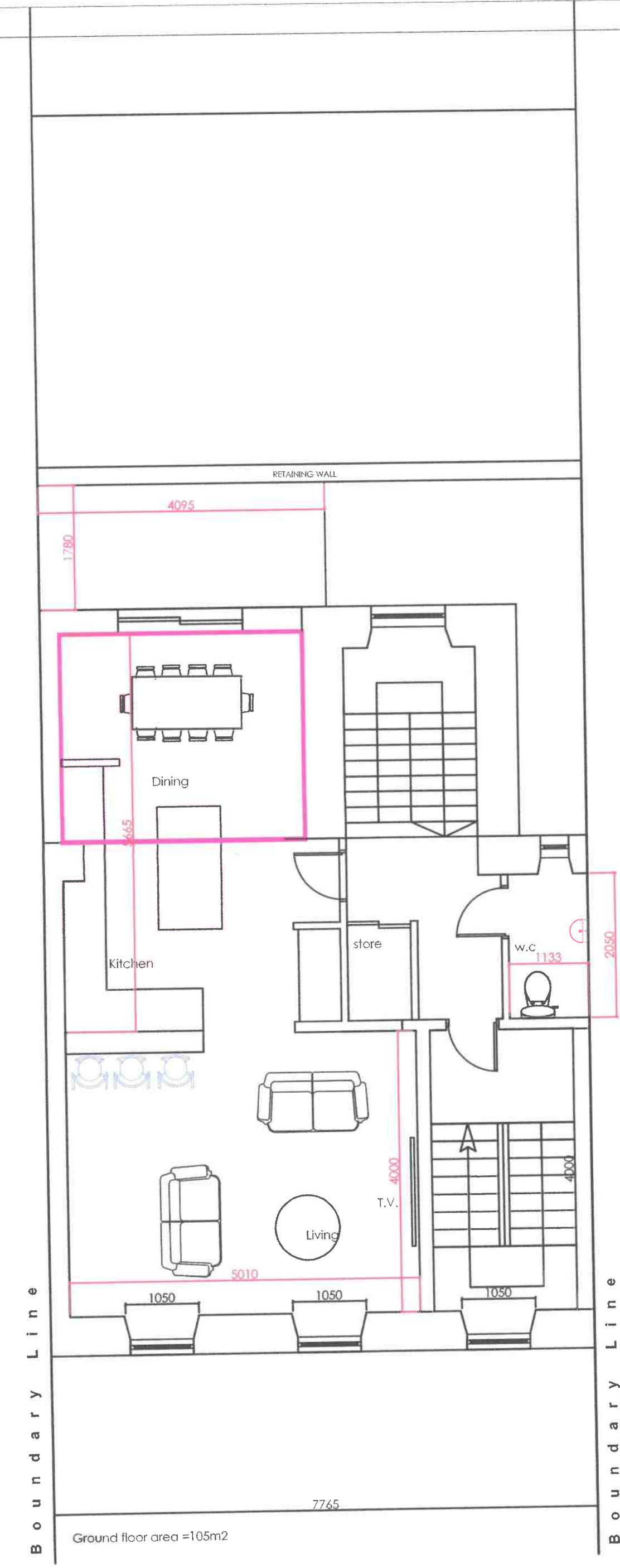
Ground floor area =105m2
First floor area =87m2
Total area =192m2

Ground Floor Plan

Planning Department
31 OCT 2023
Cork County Council
County Hall
Cork

A		ISSUED FOR INFORMATION	04/10/23	DMD
REV	DATE	DESCRIPTION	BY	CHK
dm DESIGN daveide mosca				
Davide Mosca Design ARCHITECTURAL SERVICES				
Tel: 0353 61 663673 Mobile: 087 3289 156 40-41 High Street, Kilbarney, Co. Kerry				
PROJECT: Proposed Dwelling at Spa, Kiltarney, Co. Kerry				
ARCHITECT: Hugh Hanley				
DRAWING TITLE: Plans: Option 01				
DRAWN BY: DMD2353	SCALE: 1:100	REVISIONS: DMD 2353-A21-A		
DATE: 04/10/2023	DISC: Architectural	ISSUED BY: DMD	CHECKED BY: DMD	

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First Floor Plan

Information

First Draft

Notes:
It is the responsibility of the Client to appoint :
1) a Project Supervisor Design Process
2) a Project Supervisor Construction Stage

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 - Compressed Air
 - Electricity

Planning Department
31 OCT 2023
Cork County Council
County Hall
Cork

A	ISSUED FOR INFORMATION	04/10/23	DMos
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David Mosca Design
ARCHITECTURAL SERVICES

Tel: +353 64 6636363
mob: 087 57 89 356
40/41 High Street,
Kilbenny Co. Kerry.

PROJECT:		
Proposed Dwelling at Spa, Killarney, Co. Kerry		
CLIENT:		
Hugh Hanley		
DESIGN TITLE:		
Plans Option 01		
APP. NUMBER:	SCALE:	DESIGN NUMBER:
DMD2353	1:100	DMD 2353-A21-A
DATE:	TYPE:	DESIGNER:
04/10/2023	Architectural	DMos

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Information

First Draft

Notes:
It is the responsibility of the Client to appoint :
1) a Project Supervisor Design Process
2) a Project Supervisor Construction Stage

In respect of health and safety, the following is a list of non-exclusive risks;

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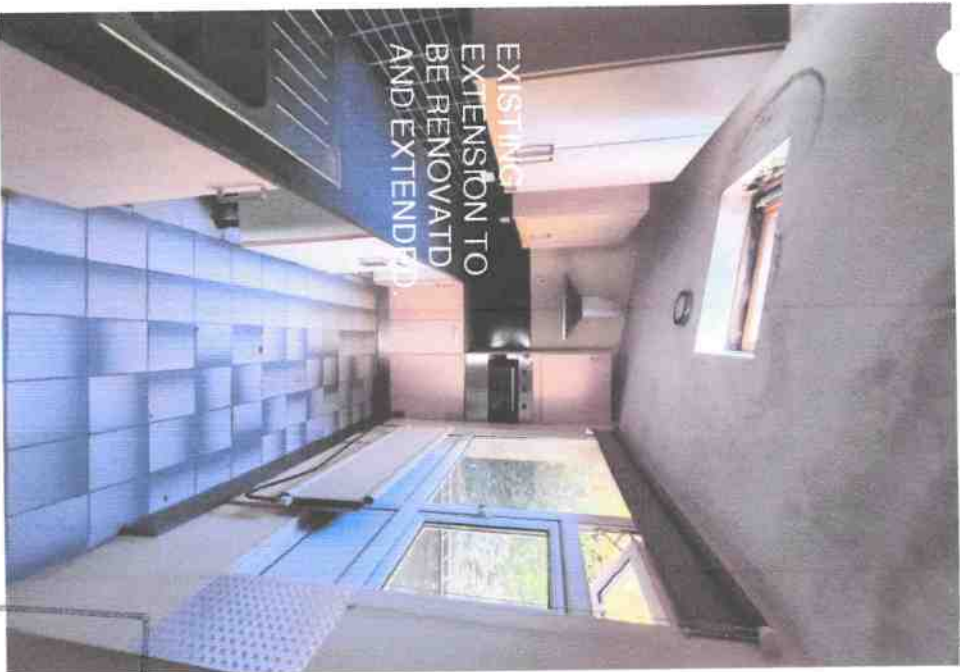
A		ISSUED FOR INFORMATION	04/10/23	DMos
DATE		ISSUED	DATE	ISSUED BY
04/10/23		04/10/23	04/10/23	DMos
dm DAVIDE MOSCA DESIGN				
Davide Mosca Design ARCHITECTURAL SERVICES				
Tel: +353 64 6636363 Mob: 087 32 89 356 40-41 High Street, Kilbarney Co. Kerry.				
PROJECT				
Proposed Dwelling at Spa, Killarney, Co. Kerry				
CLIENT				
Hugh Hanley				
DRAWING TITLE				
Plans Option 01				
DRAWING NUMBER		SCALE		FINAL DRAWING NUMBER
DMD2353		1:100		DMD 2353-A21-A
DATE		TYPE		SHEET NO.
04/10/23		Architectural		DMos

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Second Floor Plan

Planning Department
31 OCT 2023
Cork County Council
County Hall
Cork

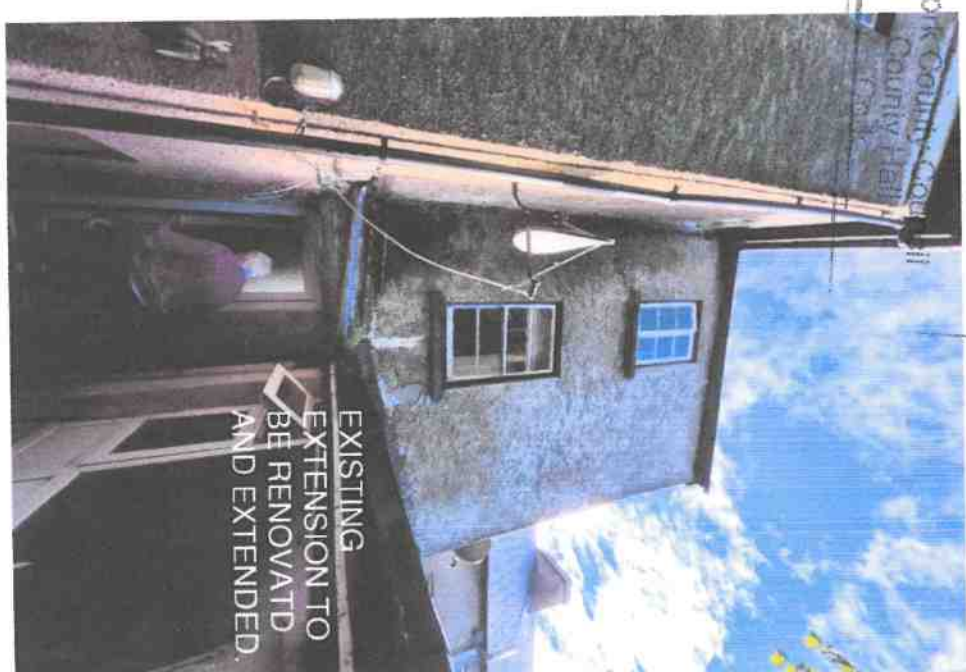


EXISTING
EXTENSION TO
BE RENOVATED
AND EXTENDED



Planned Extension

31 OCT 2023



EXISTING
EXTENSION TO
BE RENOVATED
AND EXTENDED