## Comhairle Contae Chorcaí Cork County Council

Ballyglass Farm Ltd., c/o Declan O' Callaghan, O' Callaghan Engineering & Design Ltd., Ballynona North, Dungourney, Co. Cork. Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC.

Fón: (021) 4276891 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development, County Hall,

Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891 Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie



5<sup>th</sup> December 2023

REF:

D/272/23

LOCATION:

Kilphilibeen, Ballynoe, Mallow, 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> August and 16<sup>th</sup> November 2023 the Planning Authority, having considered the question whether or not the construction of a slatted tank in an existing farmyard at **Kilphilibeen**, **Ballynoe**, **Mallow**, **Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development**.

#### **Reason for Decision**

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

- Sections 2(1), 3(1) and 4(4) of the Planning and Development Act 2000 (as amended),
- Articles 3, 6 and 9 and Class 8, Schedule 3 of the Planning and Development Regulations 2001 (as amended) and
- The particulars received by the Planning Authority on 11th August and 16th November 2023

#### And Whereas Cork County Council has concluded that -

The construction of a slatted tank at **Kilphilibeen, Ballynoe, Mallow, Co. Cork** constitutes **development which is exempted development** as per Class 8 of Schedule 3, Part 1 of the Planning and Development Regulations, 2001, (as amended).

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.





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

Yours faithfully,

**KEVIN O' REGAN,** 

SENIOR EXECUTIVE OFFICER,

PLANNING DEPARTMENT.

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

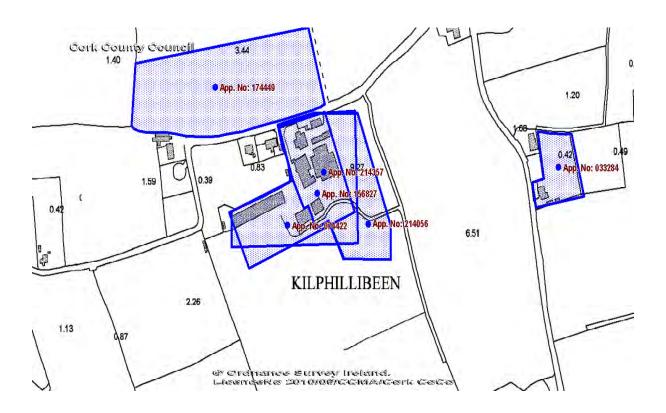
Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Ref D272-23 - Proposed slatted tank- Balllyglass Farm Ltd

#### Proposal/Context

Applicant has queried whether or not the construction of a slatted tank is or is not exempted development

#### Planning History



21/4357- Permission granted to Ballyglass Farm Ltd for Construction of an animal house, silage slabs, concrete apron and associated works.

15/6287- Eddie, Maeve and Linda O Keefe- Construction of an animal house incorporating slatted tank, straw bedded area, feed passage and associated site works.

07/4422- Eddie O Keefe- Construction of hen manure store, roofed dungstead, dairy washings tank and animal house incorporating slatted tank and straw bedded area and ancillary concrete aprons.

#### **Statutory Provisions**

I consider the following statutory provisions relevant to this referral case: Planning and Development Act, 2000

#### Section 3 (1) states:-

"In this Act, "development" means, except where the context otherwise requires, the carrying out of works on, in over or under land, or the making of any material change of use of any structures or other land."

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

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations, 2001.

#### Planning and Development Regulations, 2001

Article 6(1) of the Regulations states as follows:- "(a) 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) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

Class 8 of Schedule 3, Part 1, P&D Regulations, 2001 may be relevant

#### CLASS 8

Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

- No such structure shall be used for any purpose other than the purpose of agriculture.
- The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
- No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

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

In the first instance, consideration needs to be given as to whether or not the works proposed constitute "development" for the purposes of the Act. Section 3 defines "development" as the carrying out of "works" on in over or under land or the "making of any material change of use in the structure or other land"

"Works" *includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*". The construction of the slatted tank meets the definition of "development" as set out under the Act.

Having reviewed the exemptions pertaining to agricultural structures as set out under Classes 6-10 of Schedule 3,Part 1, P&D Regulations, 2001, effluent facilities are normally permissible as an ancillary element to the construction of an animal house or other such structure listed under the various classes. There is no exemption that specifically allows the building of such a structure in and of itself. The environment officer in his report (see Appendix A) has also queried this element but has posited that same be associated with an open yard (permissible under class 8). This would need to be clarified by the applicant. In addition, there are a series of caveats on this exemption class that the applicant would need to show adherence toparticularly the cumulative impact relative to existing structures on the farm complex (there are >4000sqm of farm buildings already in place across the site

#### **Article 9 – Restriction on Exemptions.**

Article 9(1) states that development to which Article 6 relates shall not be exempted for the purposes of the Act. Having reviewed this section, none of the caveats would appear to apply to the subject propsoal

The conclusions in relation to AA and EIA above refer in the context of Article 9(1)(a) (viiB) and 9(1)(c) are dealt with separately below

#### AA/EIA

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act. Having considered that detail I am satisfied the propsoal does not trigger any requirement for mandatory or sub-threshold EIA

As regards Appropriate Assessment, I am satisfied that significant impacts on Natura 2000 sites can be ruled out. The site is approx. 7km from Natura 2000 site (Blackwater river SAC) and no hydrogeological connection is evident

#### Conclusion

In considering this referral, and having had regard particularly to -

- (a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,
- (b) Articles 3, 6 and 9 and Class 8, Schedule 3 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

Further detail is required to conclude on the matter:

Having reviewed the exemptions pertaining to agricultural structures as set out under Classes 6-10 of Schedule 3,Part 1, P&D Regulations, 2001, effluent facilities are normally only permissible as an ancillary element to the construction of an animal house or other such structure listed under the various classes. There is no exemption that specifically allows the sole building of such a structure. It may be that the proposal is in conjunction with an open yard (permissible under class 8) however the purpose of the structure would need to be clarified.

Therefore please provide clarity around the reason for the proposed slatted tank. This may involve the submission of detailed information regarding livestock numbers, areas of open soiled yards, volume of slurry/soiled water generated versus available storage facilities.

Please also clarify, on a drawing and with dimensions, the area of soiled yard from which soiled water runoff is to be collected to the proposed tank and demonstrate sufficient capacity for 31 days.

In addition to the above are a series of caveats on this exemption class which need to be met- particularly the cumulative impact relative to existing structures on the farm complex

The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

Given the size/scale of existing farm operation please clarify the above.

Enda Quinn Executive Planner 7/9/2023

#### Updated report 5/12/2023

Further detail was requested on this file as set out above. A response

The applicant has clarified that the proposed soiled water tank is to be built in connection with an open yard which is crossed by cows twice daily en- route to the milking parlour. As such, the proposal can be considered under class 8 of the P&DR 2001. In addition, the applicant has also clarified that there are 2no. additional soiled water tanks in the farmyard- tank 1 has an area of 29sqm while tank 2 has an area of 5sqm. The cumulative total of these is well below the 300sqm total permissible under Class 8. As such I am satisfied that the proposal meets the requirements of Class 8

The environment officer has also reviewed the submitted information and is satisfied with the response. Please see comments from environment officers updated report below:

#### Response to F.I. received by CCC Planning on 16/11/23

*In response to a request for F.I., the Applicant confirmed that:* 

- The Applicant confirmed that the soiled water tank is to be constructed to collect soiled water runoff from a 152m² yard area which is crossed by cows twice daily to and from the milking parlour.
- The tank will provide 113m³ storage capacity; approx. 25m³ is required to provide 31 days storage capacity for the 152m² yard so the spare capacity is available for storage of other soiled water generated on the farmyard.
- Calculations and details submitted indicate that there are no other open soiled yards on the farmyard.

A farm inspection will be scheduled to verify the information provided and compliance with the GAP Regulations. The proposed tank QQ will enable improved management of farm effluents and better compliance with the GAP Regulations.

Based on the information provided, I have no objection to the proposed works.

#### Conclusion

In considering this referral, and having had regard particularly to -

- (a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,
- (b) Articles 3, 6 and 9 and Class 8 , Schedule 3 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that the propsoal constitutes "development" but constitutes "exempted development" as per as per Class 8 of Schedule 3,Part 1, Planning &Development Regulations, 2001

### **Application for Planning Exemption**

Reference: D/272/23

Applicant: Ballyglass Farm Ltd

Address: Kilphillibeen, Ballynoe, Co. Cork

Date: 6th Sept '23

**By:** Kevin Murphy

#### **Existing Site**

Based on ortho maps, the proposed slatted soiled water tank is to be constructed within an existing farmyard at Kilphillibeen, Ballynoe, Co. Cork.

#### **Details of Application**

The application for planning exemption relates to:

• Construction of 10.7m x 4.15m x 2.75m dp slatted tank.

The proposed tank is shown on what appears to be an open yard area, most likely associated with the milking parlour or access to the parlour, on the farmyard layout drawing.

Based on the information provided, the proposed development may be categorised as a Class 8 development – open loose yard with effluent storage facilities adequate to serve the structure. CCC Planning are best placed to confirm whether the proposed structure can be an exempted development.

#### **Assessment of the Application**

Information has not been provided regarding the type and number of animals housed on the farmyard, volume of slurry/soiled water generated on the farmyard or existing storage facilities.

It appears that the purpose of the proposed slatted tank is to collect soiled water runoff from open yards associated with the milking parlour, possibly to provide additional soiled water storage capacity required from Dec '23 due to changes to the GAP Regulations.

In the absence of detailed information regarding the volume of slurry/soiled water generated on the farmyard, existing storage capacity and the area of open soiled yards, it is not possible to assess the requirement for or the adequacy of the proposed effluent storage facility and compliance with Condition 3 for a Class 8 Exemption.

#### Conclusions

Whilst I have no objection in principle to the construction of an additional slatted tank to collect runoff from an open soiled yard, it is not clear whether the proposed development is required to facilitate the collections of runoff from an increased area of soiled yard or the provision of additional collection/storage facilities without an increase in the volume of effluents generated.

The Applicant should be required to provide clarity around the reason for the proposed slatted tank. This may involve the submission of detailed information regarding livestock numbers, areas of open soiled yards, volume of slurry/soiled water generated versus available storage facilities.

As a minimum, the Applicant should be required to clarify, on a drawing and with dimensions, the area of soiled yard from which soiled water runoff is to be collected to the proposed tank and demonstrate sufficient capacity for 31 days.

The slatted tank, if constructed, should be compliant with to Dept of Agriculture, Food and the Marine specification S123: Minimum Specification for Bovine Units and Reinforced Tanks to minimise the risk of water pollution.

#### **END**

#### Response to F.I. received by CCC Planning on 16/11/23

In response to a request for F.I., the Applicant confirmed that:

- The Applicant confirmed that the soiled water tank is to be constructed to collect soiled water runoff from a 152m² yard area which is crossed by cows twice daily to and from the milking parlour.
- The tank will provide 113m³ storage capacity; approx. 25m³ is required to provide 31 days storage capacity for the 152m² yard so the spare capacity is available for storage of other soiled water generated on the farmyard.
- Calculations and details submitted indicate that there are no other open soiled vards on the farmyard.

A farm inspection will be scheduled to verify the information provided and compliance with the GAP Regulations. The proposed tank QQ will enable improved management of farm effluents and better compliance with the GAP Regulations.

Based on the information provided, I have no objection to the proposed works.



The Secretary, Planning Department, Cork County Council, County Hall, Cork. 09 / 11 / 2023

## Re: D / 272 /23 – Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 – 2010.

To whom it may concern,

Further to your letter requesting further information in regard to the application for Declaration of Exempted Development, I would like to clarify the following: -

- 1. The proposed soiled water tank is being constructed in conjunction with an open yard where the dairy cows will be walking on a twice daily basis to and from the existing milking parlour. The proposed tank is for the storage of soiled water from this open yard. The open yard in question is a total of 152 metres squared. Enclosed are calculations illustrating the applicants current stocking numbers and the existing slurry storage facilities on the site.
- 2. Enclosed is a Site Layout Drawing illustrating the open yard as hatched and totalling 152 metres squared. Also enclosed are the calculations illustrating sufficient capacity for this open yard for a 31day period.
- 3. There are 2 no. additional soiled water tanks on the farmyard, tank II has an area of 29 metres squared and tank, G has an area of 5 metres squared.

I trust that this is to your satisfaction but should you have any questions or queries, please contact the undersigned.

Yours sincerely,

Declan O'Callaghan, BE (Civil), MIEI

## **Slurry & Soiled Water Storage Calculations**

in accordance with European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014, SI No. 31 of 2014

## Net Slurry Production - 16 week period

		Stock on slats	\$	
Animal	Number	m3/week	No. weeks	Total m3
Dairy Cows	180	0.33	16	950.4
Suckler Cows	0	0.29	16	0
Cattle 0-1 yr	20	0.15	16	48
Cattle 1-2yr	0	0.26	16	40
Cattle >2yr	0	0.26	16	0
Total			10	998.4

1 no. bull on straw bedding and fed on straw

Stock	on Straw Bedo	ling, Fed on SI	ats / Yard / Pass	ages
Animal	Number	m3/week	No. weeks	Total m3
Dairy Cows	0	0.165	16	0
Suckler Cows	0	0.145	16	0
Cattle 0-1 yr	0	0.075	16	0
Cattle 1-2yr	0	0.13	16	0
Cattle >2yr	0	0.13	16	<u> </u>
Total		0.25	10	<u> </u>

Net Slurry Produced	
rect sidily Froduced	998.4
	330.4

## Net Soiled Water Production - 16 week period

	Soiled Water G	enerated on Dirty Y	ards etc	
Area	10 days rainfall (mm)	Discharged into Soiled Water Tank	16 week	Discharged into
	0.053	0	0.592	ording rank
0	0.053	0	0.592	
0	0.053		0.592	0
0	0.053		0.592	0
Total into Sc	oiled Water Tank	0	0.002	0
Total				0

Parlour and Dairy Was	hings Produced		
	No. of Cows		
Stored in separate soiled water tank	120	x 0.3 m3 =	36
Stored in Slurry Tank, 16 week storage rqd.	60	x 3.36m3=	201.6

Open Tanks =	Gross Capacity le	ss rainfall to tar		Storage (	rapacity		
	= Gross Capacity						
	Length	Width	Depth	Gross	Open Tank minus	Covd Tank	Net
				Capacity	Rainfall & Freeboard	Freeboard	Capacit
				0	0		0
				0	0		0
				0	0		0
				0	0		0
N	25.3	3.2	2.44	197.5424		16.192	181.350
K/L/O	24	13.7	2.1	690.48		65.76	624.72
W	6.1	3	1.2	21.96		3.66	18.3
CC	9.1	3	1.2	32.76		5.46	27.3
Υ	7.6	2.8	2.1	44.688		4.256	40.432
11	21.7	3.2	2.44	169.4336		13.888	155.545
LL	41.925	8.25	2.7	933.8794		69.17625	864.703
DD	10.6	2.8	2.1	62.328		5.936	56.392
Capacity fo	r Slurry & As	sociated So	iled Water	*			1912.35
Total Slurry	Incl. Soiled	Water from	Yards Disc	charging into	Slurry Tanks		1200

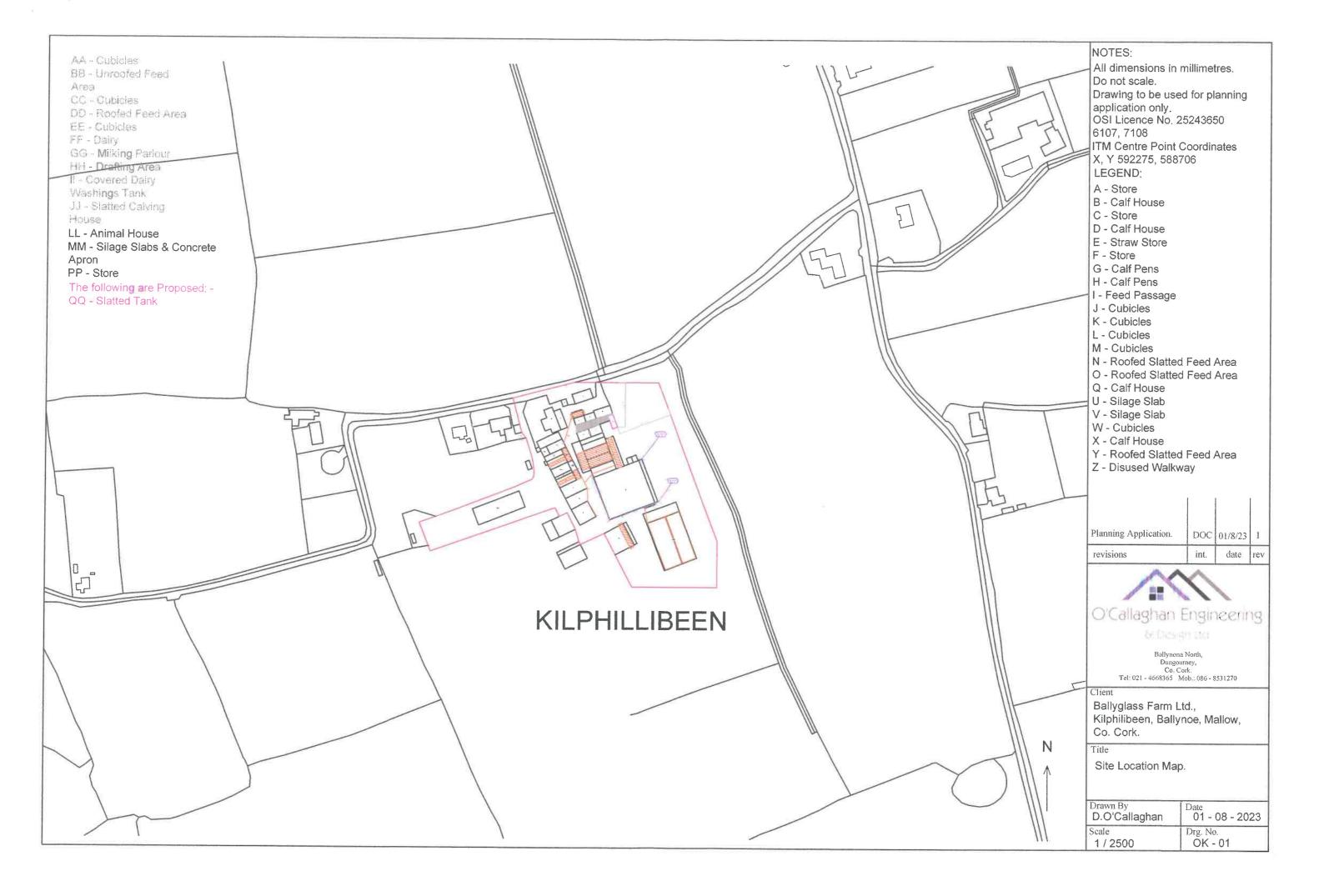
			Soiled	Water S	torage		
	Length	Width	Depth	Gross Capacity	Open Tank minus Rainfall & Freeboard	Covered Tank	Net Capacity
				- 0	0		0
				0	0		0
11	9.1	3.2	1.5	43.68		5.824	37.856
G	4.1	1.2	1.2	5.904		0.984	4.92
	or Soiled Wat						42.776
otal Soile	ed Water Pro	duced and S	tored in se	parate Soile	d Water Tank		36

### **Soiled Water Storage Calculations**

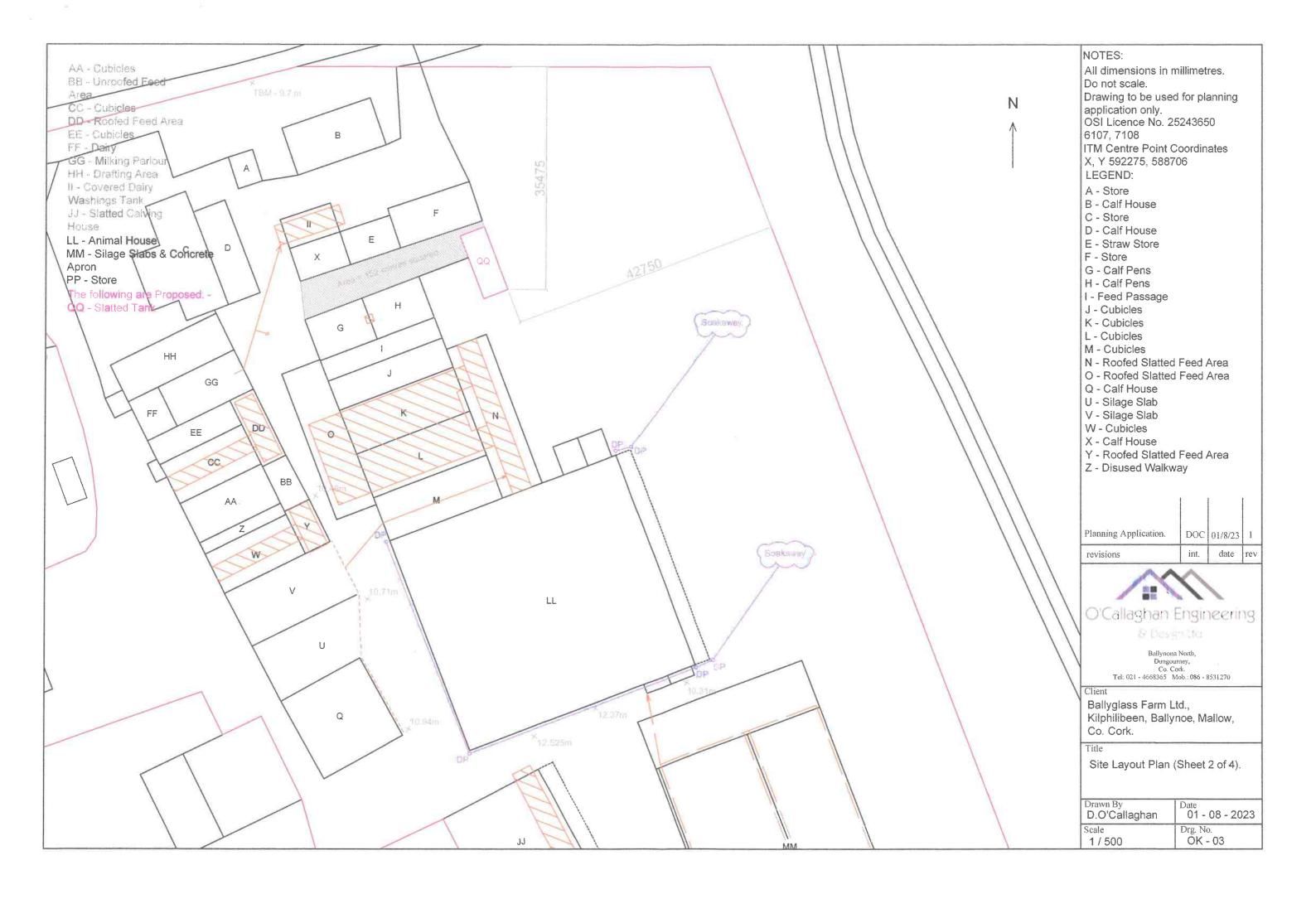
### Net Soiled Water Production - 16 week period

	Soiled Water G	enerated on Dirty Y	ards etc	
Area	31 days	Discharged into	16 week	Discharged into
	rainfall (mm)	Soiled Water Tank	rainfall	Slurry Tank
	0.1643	0	0.592	
152	0.1643	24.9736	0.592	
0	0.1643		0.592	0
0	0.1643		0.592	0
Total into So	oiled Water Tank	24.9736		
Total				0

			Soiled	Water S	torage		
	Length	Width	Depth	Gross	Open Tank minus	Covered	Net
				Capacity	Rainfall & Freeboard	Tank	Capacity
				0	0		0
				0	0		0
QQ	10.7	4.15	2.75	122.1138		8.881	113.2328
				0		0	0
Capacity for	or Soiled Wa	ter					113.2328
otal Soile	d Water Pro	duced and S	stored in se	parate Soile	d Water Tank		24.9736











## Comhairle Contae Chorcaí Cork County Council

Ballyglass Farm Ltd., c/o Declan O' Callaghan, O' Callaghan Engineering & Design Ltd., Ballynona North, Dungourney, Co. Cork.

7<sup>th</sup> September 2023

Our Ref.: D/272/23

Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC.

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RE:

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

Whether the construction of a slatted tank in an existing farmyard at Kilphilibeen, Ballynoe, Mallow, Co. Cork is development and is or is not exempt development.

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. The Planning Authority has concluded that further information is required to conclude on the matter.

- Having reviewed the exemptions pertaining to agricultural structures as set out under Classes 6-10 of Schedule 3,Part 1, P&D Regulations, 2001 (as amended), effluent facilities are normally only permissible as an ancillary element to the construction of an animal house or other such structure listed under the various classes. There is no exemption that specifically allows the sole building of such a structure. It may be that the proposal is in conjunction with an open yard (permissible under class 8) however the purpose of the structure would need to be clarified. Therefore, please provide clarity around the reason for the proposed slatted tank. This may involve the submission of detailed information regarding livestock numbers, areas of open soiled yards, volume of slurry/soiled water generated versus available storage facilities.
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- In addition to the above are a series of caveats on this exemption class which need to be met-particularly the cumulative impact relative to existing structures on the farm complex

The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

Given the size/scale of existing farm operation please clarify the above.





Yours faithfully,

Tracy O' Callaghan,

SO Planning Department.

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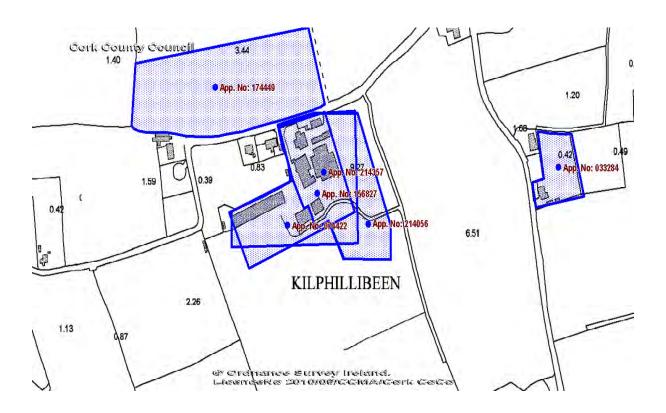
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- No such structure within 100 metres of any public road shall exceed 8 metres in height.
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person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

#### Assessment

In the first instance, consideration needs to be given as to whether or not the works proposed constitute "development" for the purposes of the Act. Section 3 defines "development" as the carrying out of "works" on in over or under land or the "making of any material change of use in the structure or other land"

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#### AA/EIA

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act. Having considered that detail I am satisfied the propsoal does not trigger any requirement for mandatory or sub-threshold EIA

As regards Appropriate Assessment, I am satisfied that significant impacts on Natura 2000 sites can be ruled out. The site is approx. 7km from Natura 2000 site (Blackwater river SAC) and no hydrogeological connection is evident

#### Conclusion

In considering this referral, and having had regard particularly to -

- (a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,
- (b) Articles 3, 6 and 9 and Class 8, Schedule 3 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

Further detail is required to conclude on the matter:

Having reviewed the exemptions pertaining to agricultural structures as set out under Classes 6-10 of Schedule 3,Part 1, P&D Regulations, 2001, effluent facilities are normally only permissible as an ancillary element to the construction of an animal house or other such structure listed under the various classes. There is no exemption that specifically allows the sole building of such a structure. It may be that the proposal is in conjunction with an open yard (permissible under class 8) however the purpose of the structure would need to be clarified.

Therefore please provide clarity around the reason for the proposed slatted tank. This may involve the submission of detailed information regarding livestock numbers, areas of open soiled yards, volume of slurry/soiled water generated versus available storage facilities.

Please also clarify, on a drawing and with dimensions, the area of soiled yard from which soiled water runoff is to be collected to the proposed tank and demonstrate sufficient capacity for 31 days.

In addition to the above are a series of caveats on this exemption class which need to be met- particularly the cumulative impact relative to existing structures on the farm complex

The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

Given the size/scale of existing farm operation please clarify the above.

Enda Quinn Executive Planner 7/9/2023

**Environment Officers Report** 

### **Application for Planning Exemption**

Reference: D/272/23

**Applicant:** Ballyglass Farm Ltd

Address: Kilphillibeen, Ballynoe, Co. Cork

Date: 6th Sept '23

By: Kevin Murphy

**Existing Site** 

Based on ortho maps, the proposed slatted soiled water tank is to be constructed within an existing farmyard at Kilphillibeen, Ballynoe, Co. Cork.

#### **Details of Application**

The application for planning exemption relates to:

• Construction of 10.7m x 4.15m x 2.75m dp slatted tank.

The proposed tank is shown on what appears to be an open yard area, most likely associated with the milking parlour or access to the parlour, on the farmyard layout drawing.

Based on the information provided, the proposed development may be categorised as a Class 8 development – open loose yard with effluent storage facilities adequate to serve the structure. CCC Planning are best placed to confirm whether the proposed structure can be an exempted development.

#### **Assessment of the Application**

Information has not been provided regarding the type and number of animals housed on the farmyard, volume of slurry/soiled water generated on the farmyard or existing storage facilities.

It appears that the purpose of the proposed slatted tank is to collect soiled water runoff from open yards associated with the milking parlour, possibly to provide additional soiled water storage capacity required from Dec '23 due to changes to the GAP Regulations.

In the absence of detailed information regarding the volume of slurry/soiled water generated on the farmyard, existing storage capacity and the area of open soiled yards, it is not possible to assess the requirement for or the adequacy of the proposed effluent storage facility and compliance with Condition 3 for a Class 8 Exemption.

#### **Conclusions**

Whilst I have no objection in principle to the construction of an additional slatted tank to collect runoff from an open soiled yard, it is not clear whether the proposed development is required to facilitate the collections of runoff from an increased area of soiled yard or the provision of additional collection/storage facilities without an increase in the volume of effluents generated.

The Applicant should be required to provide clarity around the reason for the proposed slatted tank. This may involve the submission of detailed information regarding livestock numbers, areas of open soiled yards, volume of slurry/soiled water generated versus available storage facilities.

As a minimum, the Applicant should be required to clarify, on a drawing and with dimensions, the area of soiled yard from which soiled water runoff is to be collected to the proposed tank and demonstrate sufficient capacity for 31 days.

The slatted tank, if constructed, should be compliant with to Dept of Agriculture, Food and the Marine specification S123: Minimum Specification for Bovine Units and Reinforced Tanks to minimise the risk of water pollution.

#### **END**



Planning Department, Cork County Council, County Hall, Cork. 02 / 08 / 2023

## Re: Planning Exemption for Ballyglass Farm Ltd., at Kilphilibeen, Ballynoe, Mallow, Co. Cork.

Dear Sir / Madam,

Please find enclosed the following: -

- 1. 4 no. copies of Section 5 Declaration of Exemption Application Form.
- 2. 4 no. copies of 6" O.S. Map.
- 3. 4 no. copies of 25" O.S. Map.
- 4. 4 no. copies of Site Layout Plan.
- 5. 4 no. copies of Scaled Drawings of Development.
- 6. €80 Application fee.

I trust that this is to your satisfaction but should you have any questions or queries, please contact the undersigned.

Yours sincerely,

Declan O'Callaghan, BE (Civil), MIEI

Planning Department

11 AUG 2023

Cork County Council
County Hall
Cork



# CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

#### APPLICANT CHECKLIST

4 No. Copies of Application Form:

1 No. Copy of Contact Details:

4 No. Copies 6" O.S. Maps:

4 No. Copies 25" O.S. Maps:

4 No. Copies of Site Layout Plan:

4 No. Copies Scaled Drawings of Development:

€80 Application Fee:

#### (Please tick $\sqrt{\ }$ )



#### FOR OFFICE USE ONLY

Receipt No.	P	2-	0002292
Cash/Cheque/ Credit Card	C	Lac	fune
Date	11	03	2023
Declaration Ref. No.	0	17	423



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.te/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 doo@corkcoco.te or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

lyglass Farm Ltd.,	
POSTAL ADDRESS OF I EXEMPTION IS SOUGH	LAND OR STRUCTURE FOR WHICH DECLARATION O
chilibeen, Ballynoe, Mallow, Co. Cork.	
	A STATE OF THE PERSON NAMED IN COLUMN TO PARTY.
	PLANNING DEPARTMENT
	1 1 AUG 2023
	CORK COUNTY COUNCIL
	County Hall, Cork
. QUESTION/DECLARAT	TON DETAILS:
age state the specific question for which	h a Declaration of Exemption is sought
to Only monly lines don't described our	
ote: Only works listed and described und	der this section will be assessed under the Section 5 Declaration of Exemption
ote: Only works listed and described und construction of a slatted tank in existing farmys	

(a) Floor area of existing/proposed structure(s):	44 metres squared	
(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 No If yes, please provide floor previous planning reference	or areas (m <sup>2</sup> ) and
(c) If a change of use of land and/or building(s) is proposed, please state the following:		PLANNING DEPARTM
Existing/previous use	Proposed use	1 1 AUG 2023 CORR LUDNITY COURSE
(d) Are you aware of any enforcement	Yes No	County Hall, Cork
		ant reference number(s):
LEGAL INTEREST OF APPLICANT IN ? Please tick appropriate box to show applicant's	A. Owner	B. Other
Please fick appitubliate box to show appheant's T	A. Owner	
egal interest in the land or structure: Where legal interest is "Other", please state		
where legal interest is "Other", please state your interest in the land/structure:  If you are not the legal owner, please state the name of the owner/s (address to be supplied at		
Where legal interest is "Other", please state your interest in the land/structure:  If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):  PROTECTED STRUCTURE DETAILS / A		
Where legal interest is "Other", please state your interest in the land/structure:  If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):  PROTECTED STRUCTURE DETAILS / A list this a Protected Structure/Proposed Protected St		
Where legal interest is "Other", please state your interest in the land/structure:  If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):  PROTECTED STRUCTURE DETAILS / A list this a Protected Structure/Proposed Protected St	ructure or within the curtil	age of a Protected
Where legal interest is "Other", please state your interest in the land/structure:  If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):  PROTECTED STRUCTURE DETAILS / A list this a Protected Structure/Proposed Protected Structure:  Yes No  If yes, has a Declaration under Section 57 of the P	lanning & Development A	age of a Protected  ct 2000 been requested  No

APPLICATION DETAILS:

4.

#### 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 <a href="http://www.corkcoco.ie/privacy-statement-cork-county-council">http://www.corkcoco.ie/privacy-statement-cork-county-council</a> 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)	« nace o hall
Date	818/23

## 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 <a href="https://www.corkeoco.ie/privacy-statement-cork-county-council">https://www.corkeoco.ie/privacy-statement-cork-county-council</a> 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

 $lue{U}$  I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	a Marie Okcelle	
Date	8/8/23	

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

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

#### **ADVISORY NOTES:**

The application must be accompanied by the required fee of €80

The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

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

The application should be sent to the following address:

The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

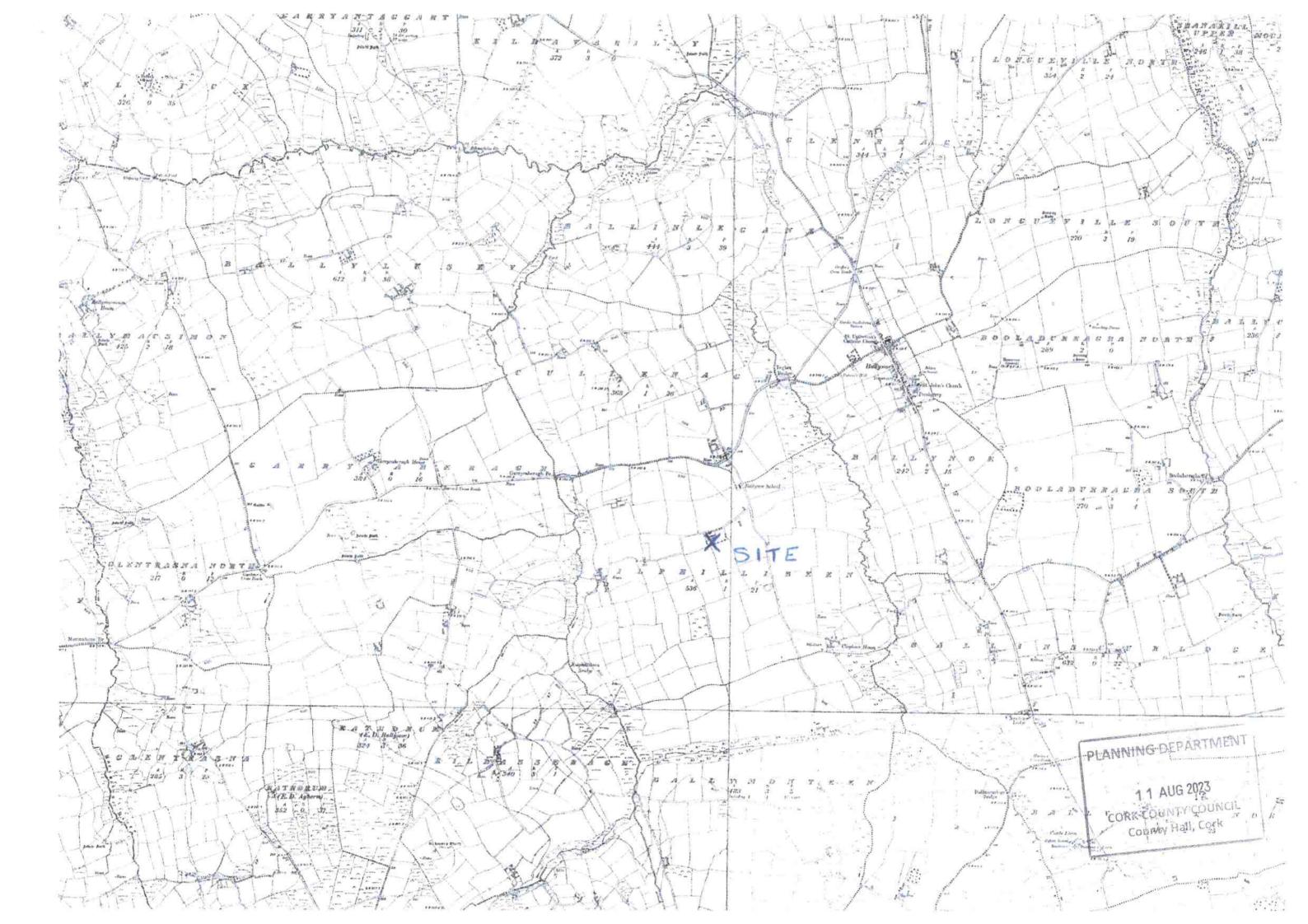
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and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

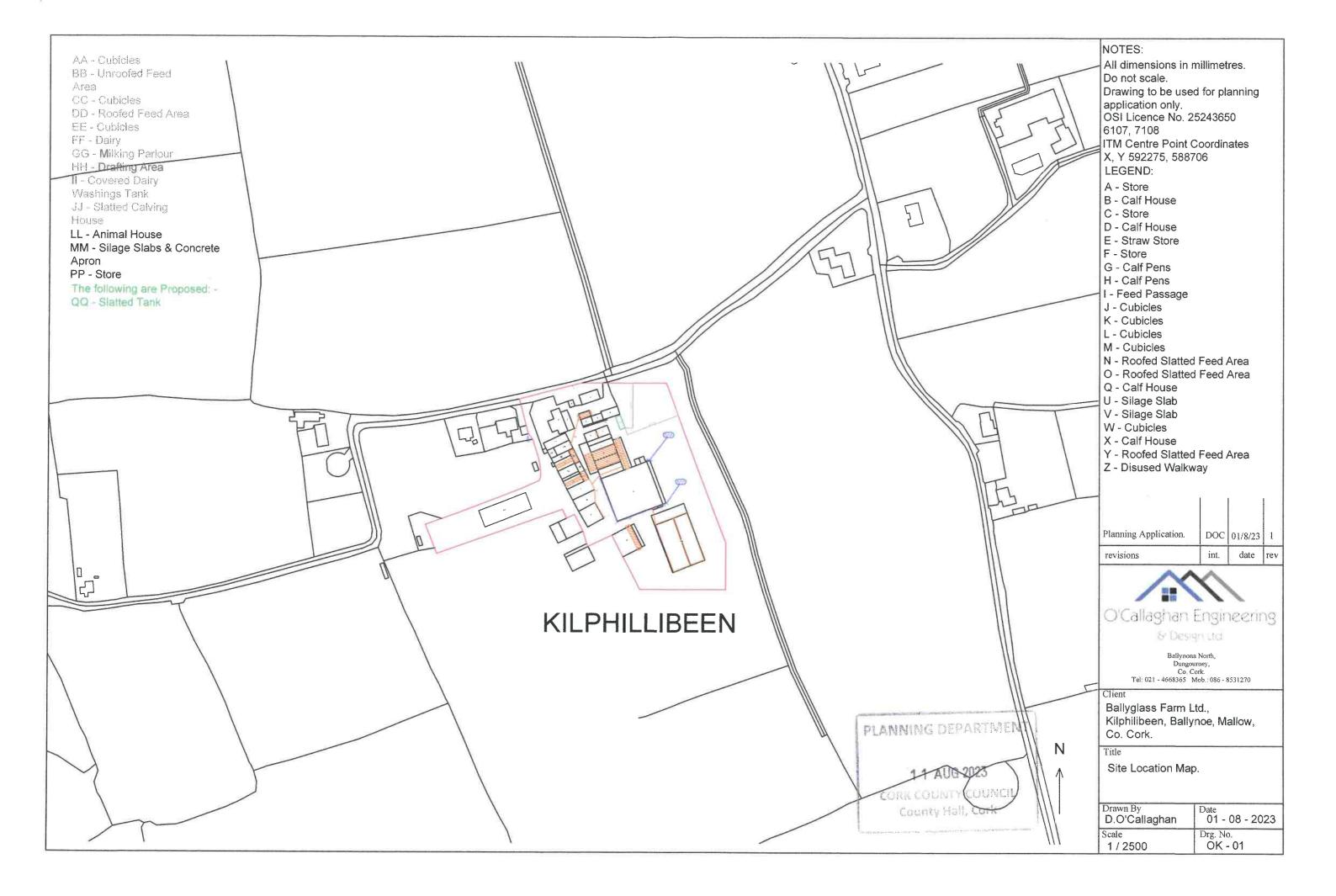
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be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

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

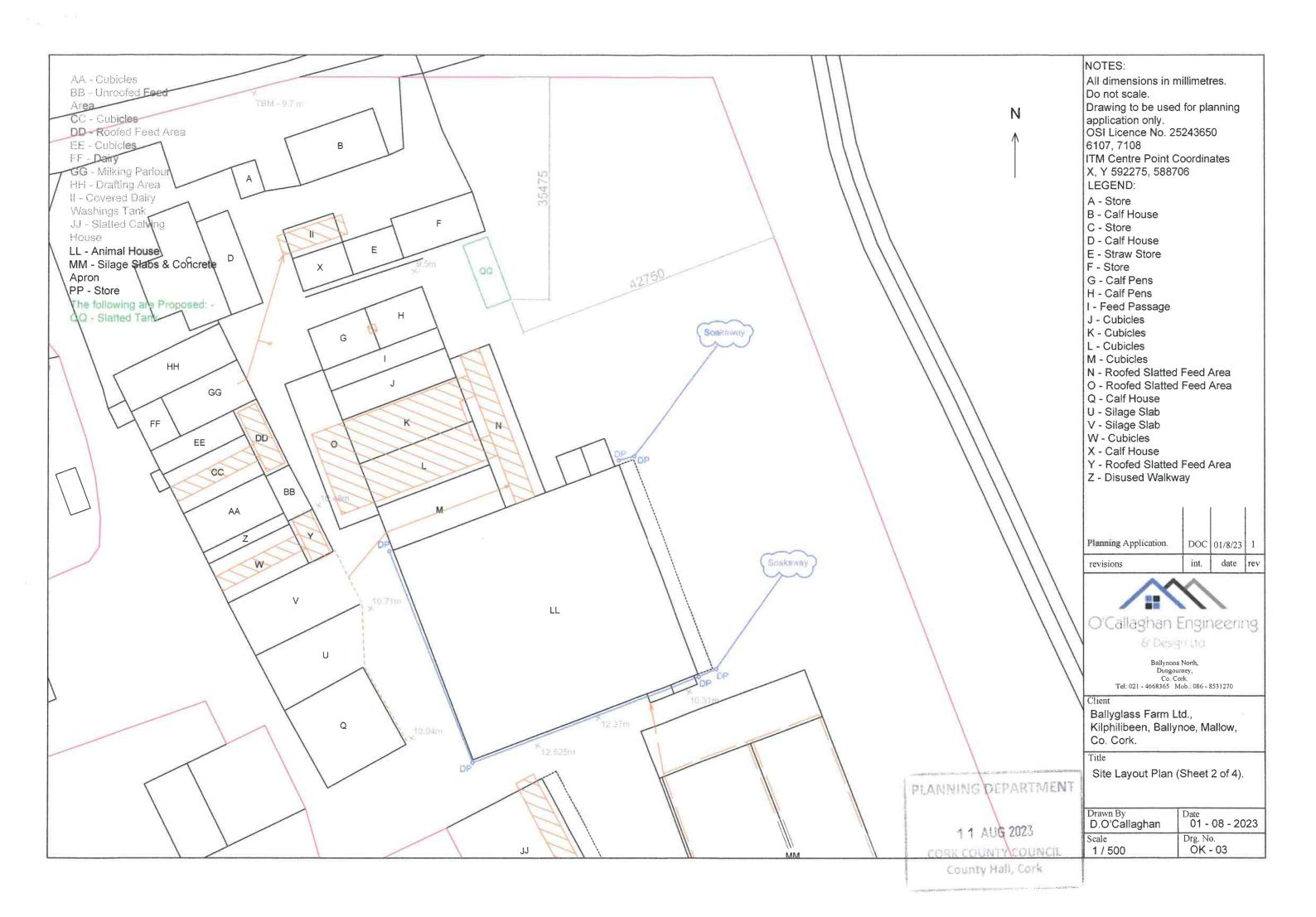
Signed (Applicant or Agent as appropriate)	« Maen Ohall
Date	8/8/23



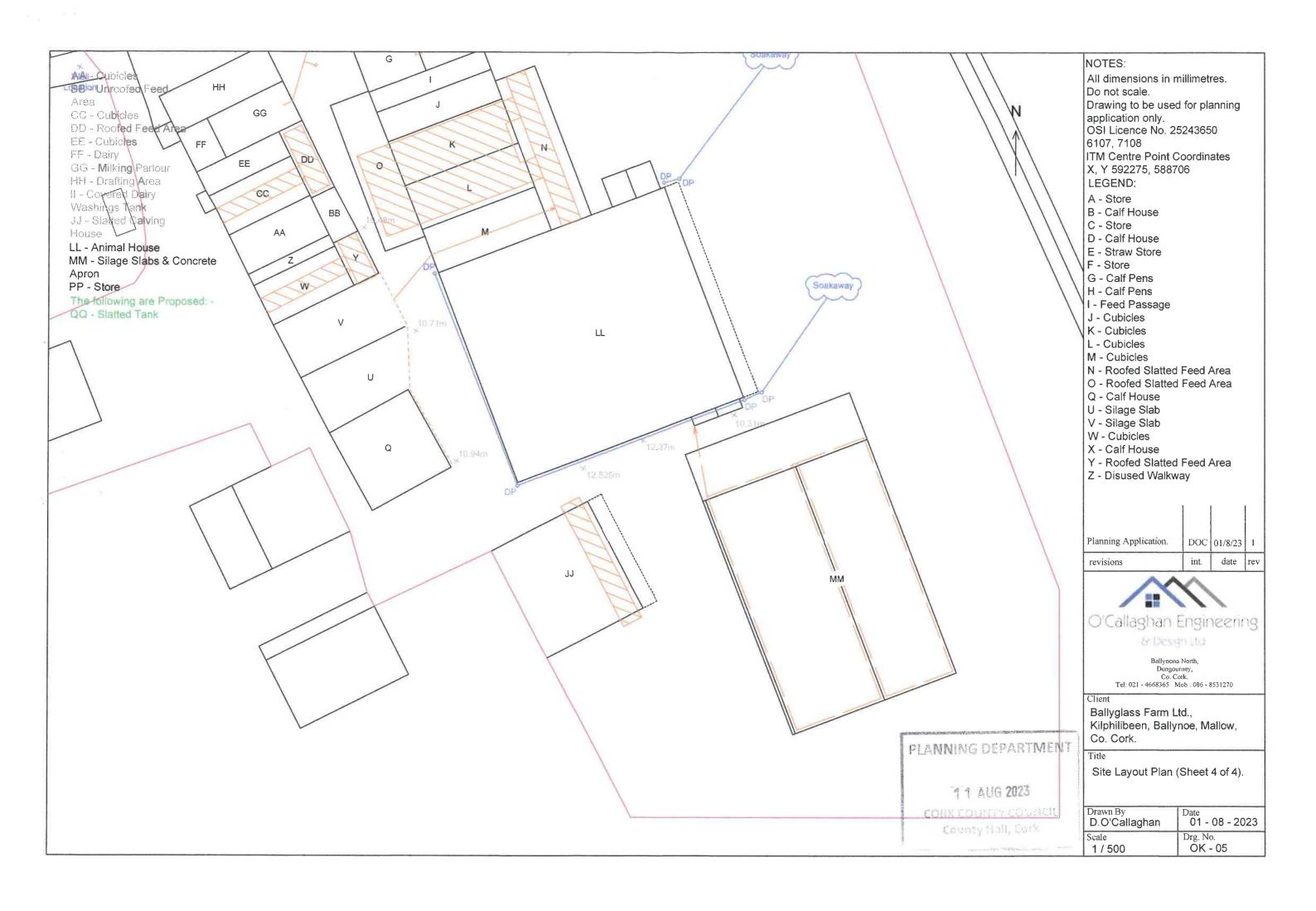


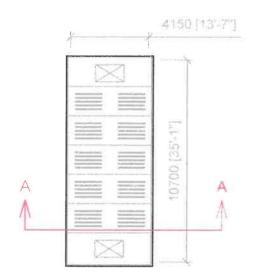






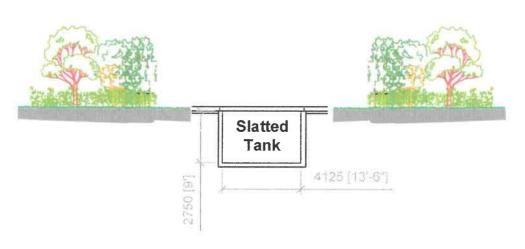






#### PLAN OF PROPOSED SLATTED TANK





SECTION A - A THRU'
PROPOSED SLATTED TANK

PLANNING DEPARTMENT

11 AUG 2023 CORK COUNTY EDW County Hall Core

#### NOTES:

All dimensions in millimetres.
Do not scale.
Drawing to be used for planning application only.

Layout & Size of Steel to be confirmed and certified by Structural Steel Contractor.

All works and material to conform with Department of Agriculture & Food Specifications, S. 101, Minimum Specifications for the Structure of Agricultural Buildings & S. 123, Minimum Specification for Bovine Livestock Units and Reinforced Tanks.

All works shall be constructed in strict accordance with the Department of Agriculture and Food: \$101, \$102, \$106, \$108, \$122, \$123, \$126, \$128, \$129, \$131, \$147, \$156 & \$160.

Pior to commencement of works, the builder will be responsible for checking all dimensions, levels and the location of all underground and overground services on site.

	4		
Planning Application.	DOC	01/8/23	1
revisions	int.	date	rev



Dungourney,
Co. Cork.
Tel: 021 - 4668365 Mob.: 086 - 8531270

Clier

Ballyglass Farm Ltd., Kilphilibeen, Ballynoe, Mallow, Co. Cork.

Title

Site Layout Plan (Sheet 1 of 4).

Drawn By D.O'Callaghan	Date 01 - 08 - 2023		
Scale 1 / 500	Drg. No. OK - 06		