Comhairle Contae Chorcaí Cork County Council

Moorepark Technology Ltd., c/o John Kinsella, Malone O' Regan Consl. Engineers, 3-4 Canada Street, Waterford. X91 V52K. 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



29th January 2024

REF:

D/308/23

LOCATION:

Moorepark Technology Ltd., Moorepark, Fermoy, Co. Cork, P61 NP77.

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

Dear Sir,

We are Cork.

On the basis of the information submitted by you on 17th November 2023 and 12th January 2024 the Planning Authority, having considered the question whether or not the provision of a unit to produce and store livestock feed and associated equipment at **Moorepark Technology Ltd.**, **Moorepark, Fermoy, Co. Cork, P61 NP77** 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), 4 and 5 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 and Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended) and
- The particulars received by the Planning Authority on 17th November 2023 and 12th January 2024

And Whereas Cork County Council has concluded that -

The provision of a unit to produce and store livestock feed and associated equipment at Moorepark Technology Ltd., Moorepark, Fermoy, Co. Cork, P61 NP77 constitutes development which is exempted development.

Please be advised that any roof mounted wind turbines or solar panels shall be subject to the conditions and limitations of Schedule 2, Part 3 Class 18 (b) and (c) 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 https://www.corkcoco.ie/privacy-statement-cork-county-council

Reference Number	D 308/23
Applicant's Name	Moorepark Technology Limited
Section 5 question	Whether the provision of a unit to produce and store livestock feed and associated equipment is or is not development and is or is not exempted development.
Location	Moorepark Technology Limited, Moorepark, Fermoy, Co. Cork, P61 FP77.

Further information was sought to enable the Planning Authority to make a determination on the question at hand relative to condition/limitation no. 2 of Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended). The applicant was requested to clarify (with supporting details/drawings as appropriate) if any other similar type structures exist within the overall complex of which the site forms a part and to indicate the cumulative floor area of same (as applicable).

The response submitted refers to Teagasc Moorepark located on a 110ha site relating to a large a complex campus with widely varied activities. It is stated the campus is essentially split into 2 areas:

- Area A: Research Area two main buildings identified as the Food and Innovation Building and Moorepark Technology Building (MTL)
- Area B: Farm Area buildings generally used for housing livestock (cows and pigs) with the exception of the Paddy O'Keeffe Centre which is issued for office space, meeting rooms and administrative purposes

An associated overall campus layout indicating the existing uses within same is provided as part of the response. Confirmation has been provided none of the farm buildings in the Farm Area (Area B) of the campus are considered similar in nature to the proposed temporary building which is the subject of the Section 5 Declaration.

Having reviewed the response the applicant has clarified the range of existing uses on the overall campus. I am satisfied on the basis of the information provided that there are no other similar type structures to the one proposed (i.e. outlined use for the production/storage of livestock feed) within the overall site and as such the subject proposed building falls within the aggregate 900m² threshold as per condition/limitation no. 2 of Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended). It is noted that the reporting Environment Officer has no comment to make on the proposal.

Recommendation

Accordingly, whereas a question has been raised regarding whether the provision of a unit to produce and store livestock feed and associated equipment at Moorepark, Fermoy, Co. Cork, P61 FP77, is or is not development and is or is not exempted development and having had regard to:

- the details submitted to the Planning Authority on the 17/11/2023 and the 13/01/2024
- Sections 2 (1) 3(1), 4 and 5 of the Planning and Development Act (2000, as amended)
- Articles 6, 9 and Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended)

it is concluded by the Planning Authority that:

the provision of a unit to produce and store livestock feed and associated equipment at Moorepark, Fermoy, Co. Cork, P61 FP77 is **development** and is **exempted development**. The Planning Authority had regard to the following:

- the details submitted to the Planning Authority on the 17/11/2023 and the 13/01/2024
- Sections 2 (1) 3(1), 4 and 5 of the Planning and Development Act (2000, as amended)
- Articles 6, 9 and Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended)

. Sohn Ledon

John Lalor Executive Planner 26/01/2024

The report of the Area planner is noted and I concur that the subject development is **development** and is **exempted development**.

This exemption relates to the development description i.e. Whether the provision of a unit to produce and store livestock feed and associated equipment is or is not development and is or is not exempted development.

Please note: Any roof mounted wind turbines or solar panels shall be subject to the conditions and limitations of Schedule 2, Part 3 Class 18 (b) and (c) of the Planning and Development Regulations 2001 (as amended).

Louise Ahern

A/Senior Executive Planner

www.maloneoregan.ie

344 Canada Street Waterform X41 V 52K

fai +350 ⊸61-876 855 emal warence@more

Tracy O'Callaghan, Planning Department Planning & Development County Hall, Carrigrohane Road,

Cork. T12 R2NC.



11th January 2024

Re: D/308/23

Declaration of Exempted Development Under Section 5 of the Planning & Development Act 2000-2010.

At:

Moorepark Technology Ltd, Moorepark, Fermoy, Co. Cork. P61 NP77

Dear Tracy,

We respond to the request for Further Information issued by Cork County Council on 12th December 2023 as follows:

Item:

In respect of the proposed submitted, the Planning Authority has concluded that further information is required in order to enable the Planning Authority to make a determination on the matter.

Specifically, having regard to conditions/limitation no. 2 of Schedule 2, Part 3. Class 9 of the Planning and Development Regulations (2001, as amended), see highlighted extract below, you are requested to clarify (with supporting details/drawings as appropriate) if any other similar type structure exist with the overall complex of which the site forms a part and to indicate the cumulative floor area of same (as applicable).

CLASS 9

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

Conditions and Limitations

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.









Response:

Overview of Site

Teagasc Moorepark is located on a 110 hectare site in North Cork with a dedicated Food Research Centre, an extensive Animal and Grassland Research Facility and a Pig Production Development Facility.

The primary focus of the Food Research Centre at Moorepark is dairy science and food for health, including dairy-based ingredients, cheese research, flavour chemistry, fermented foods, bioactive compounds, milk quality and safety, food microbiology and microbiome research.

A state-of-the-art food pilot plant, Moorepark Technology Limited (MTL), is located next to the Teagasc Food Research Centre on the Moorepark campus.

It is therefore a large and complex campus with widely varied activities. We attach Drawing W22017-P710-Existing Campus Layout which gives an overview of the campus.

The Moorepark campus is essentially split into 2 areas:

Area A: Research AreaArea B: Farm Area

Area A: Research Area

The buildings in this area are for research and development purposes. The two main buildings are the Food and Innovation Hub Building and the Moorepark Technology Building (MTL). These building have high quality architectural designed facades. The attached Drawing shows photos of a number of buildings in this area. None of the buildings in this area are considered similar in nature to the proposed temporary building that this Section 5 Exemption is being sought for.

Area B: Farm Area

The buildings in this area are generally for housing livestock. The exemption to this is the large Paddy O'Keeffe Centre which is mainly used for office space, meeting rooms and administration purposes. The agricultural buildings are mainly used to house cows and pigs. Photos of the building are shown on the attached Drawings. None of the buildings in this area are considered similar in nature to the proposed temporary building that this Section 5 Exemption is being sought for.





We trust this information is to your satisfaction but should you have any queries please do not hesitate to contact the undersigned.

Yours sincerely for Malone O'Regan

Jan Kinsella

John Kinsella

County Hall



AREA A: RESEARCH & DEVELOPMENT AREA. ALL BUILDINGS IN THIS AREA ARE FOR RESEARCH AND DEVELOPMENT PURPOSES AND ARE NOT SIMILAR IN NATURE TO THE PROPOSED TEMPORARY UNIT BEING APPLIED FOR SECTION 5 EXEMPTION IN THIS APPLICATION



THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS, THE SPECIFICATION AND THE SAFETY AND HEALTH PLAN. THE APPOINTMENT OF THE PROJECT SUPERVISOR DESIGN PROCESS IS THE CLIENT'S RESPONSIBILITY. TEMPORARY WORKS PROPOSALS AND/OR METHOD STATEMENTS TO BE SUBMITTED TO THE PSDP AND THE PSCS FOR WORKS WHICH INVOLVE

PARTICULAR RISKS.

Health and Safety:

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AREA A: EXISTING RESEARCH BUILDINGS

AREA B (1): EXISTING AGRICULTURAL STRUCTURES (PIGGERY AREA)

AREA B (2): EXISTING AGRICULTURAL STRUCTURES -(FOR HOUSING COWS AND CALVES AREA)

AREA C: EXISTING OFFICE AND ADMINISTRATION BUILDINGS

EXISTING SILAGE PITS

PROPOSED RED LINE SITE AREA (0.076 Hec/ 0.17 ACRES) SECTION 5 EXEMPTION, FOR PROPOSED TEMPORARY UNIT TO PRODUCE AND STORE LIVESTOOK FEED

THIS DRAWING TO BE USED FOR PRELIMINARY PURPOSES ONLY 3-4 Canada Street Waterford

MALONE O'REGAN Email: waterford@morce.ie CONSULTING ENGINEERS Web: www.maloneoregan.com

PP PRELIMINARY ISSUE

Description

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Tel: +353 51 876 855

Co. Waterford.

X91 V52K

11.01.2024 SOC JK

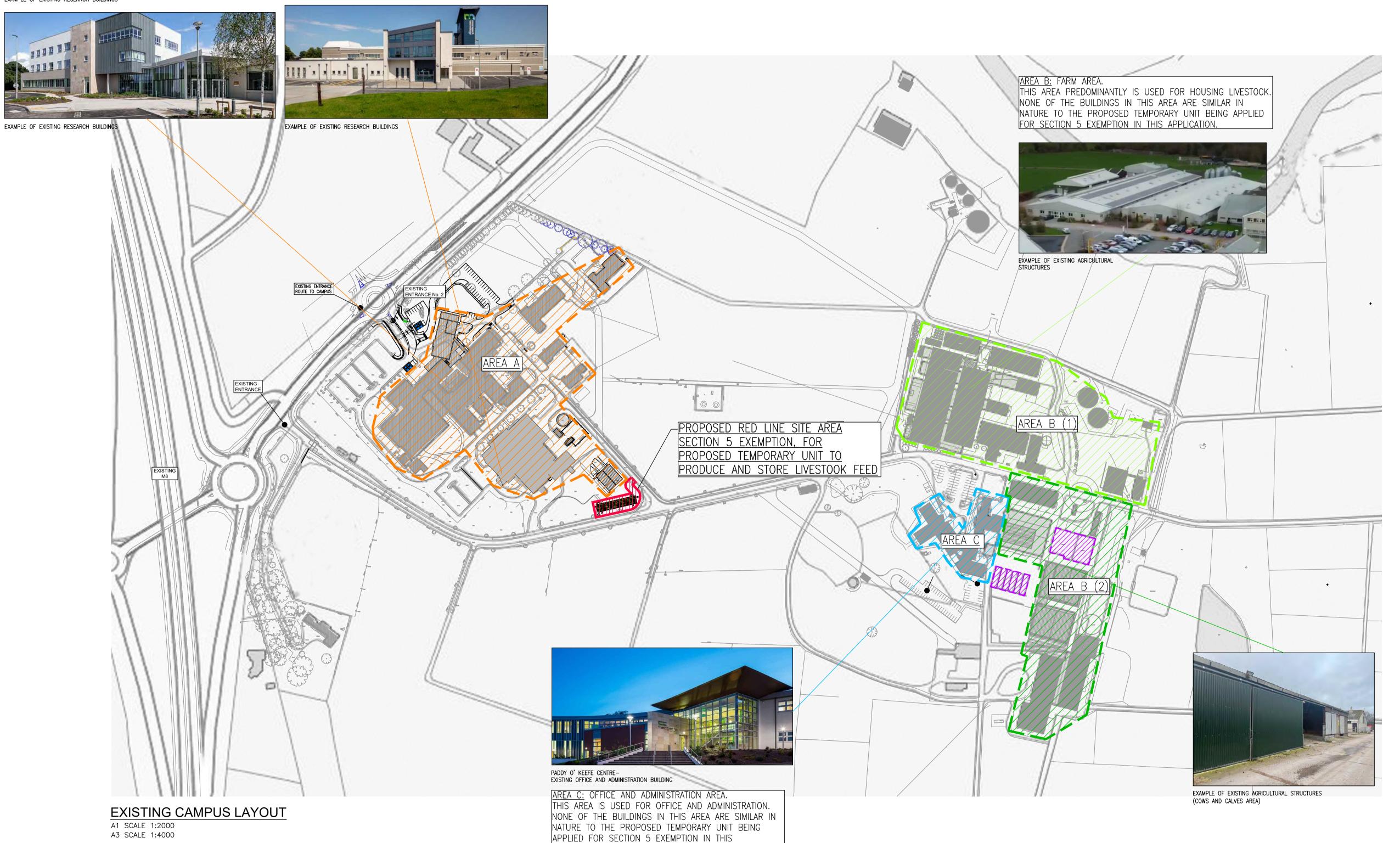
Date Drawn Chkd Appr

Client TEAGASC

Job PROPOSED WAREHOUSE BUILDING AT MOOREPARK, FERMOY, CO. CORK

EXISTING CAMPUS LAYOUT

PP P710



APPLICATION.

DON'T SCALE DIMENSIONS —

Comhairle Contae Chorcaí Cork County Council

Moorepark Technology Ltd., c/o Malone O' Regan Consl. Engineers, 3-4 Canada Street, Waterford. X91 V52K. Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891

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Planning & Development, County Hall,

Carrigrohane Road, Cork T12 R2NC.

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



12th December 2023

REF:

D/308/23

LOCATION:

Moorepark Technology Ltd., Moorepark, Fermoy, Co. Cork. P61 NP77.

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

Dear Sirs,

I refer to your application for a Declaration of Exemption in relation to the above. In respect of the proposal submitted, the Planning Authority has concluded that further information is required in order to enable the Planning Authority to make a determination on the matter.

Specifically, having regard to condition/limitation no. 2 of Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended), see highlighted extract below, you are requested to clarify (with supporting details/drawings as appropriate) if any other similar type structures exist within the overall complex of which the site forms a part and to indicate the cumulative floor area of same (as applicable).

Part 3		
Exempte	d Development – Rural	
Description of Development	Conditions and Limitations	
CLASS 9		
Works consisting of the provision of any	1. No such structure shall be used for any	
store, barn, shed, glass-house or other	purpose other than the purpose of agriculture or	
structure, not being of a type specified in	forestry, but excluding the housing of animals or the	
class 6, 7 or 8 of this Part of this Schedule,	storing of effluent.	
and having a gross floor space not		
exceeding 300 square metres.	2. The gross floor space of such structures	
	together with any other such structures situated	
	within the same farmyard complex or complex of such	
	structures or within 100 metres of that complex shall	
	not exceed 900 square metres gross floor space in	
	aggregate.	
	3. No such structure shall be situated within 10	
	metres of any public road.	
	4. No such structure within 100 metres of any	
k	public road shall exceed 8 metres in height.	

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

Yours faithfully,

Tracy O' Callaghan,

SO 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

Reference Number	D 308/23
Applicant's Name	Moorepark Technology Limited
Section 5 question	Whether the provision of a unit to produce and store livestock feed and associated equipment is or is not development and is or is not exempted development.
Location	Moorepark Technology Limited, Moorepark, , Fermoy, Co. Cork, P61 NP77.

Section 5 Request

Malone O'Regan Consulting Engineers Ltd. on behalf of the applicants (Moorepark Technology Limited) are requesting a declaration of exemption in accordance with Section 5 of the Planning and Development Act (2000, as amended), querying whether the provision of a unit to produce and store livestock feed and associated equipment at Moorepark Research and Development complex, Fermoy, Co. Cork is or is not development and is or is not exempted development.

Site Description

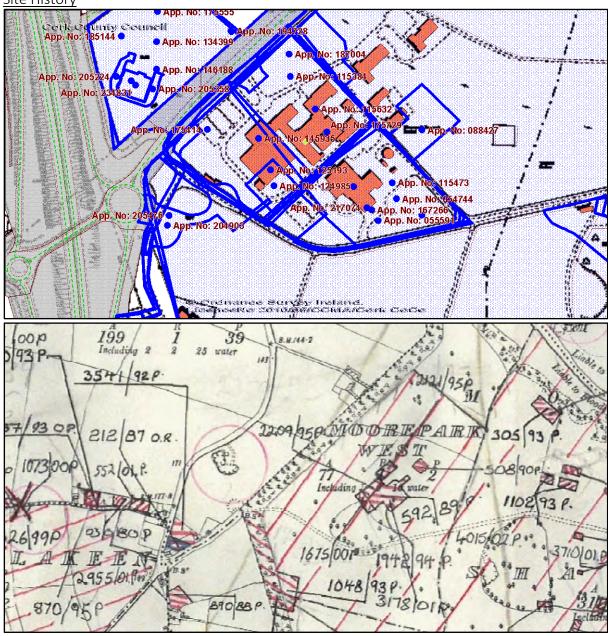
The subject site forms part of established Moorepark Teagasc Food Research Centre complex situated within a cluster of buildings towards the front of the overall site and accessed off the southern entrance. The main Teagasc Food and Research centre building fronts onto the internal road with a number of existing process/storage buildings adjacent to same. The area in question is situated adjacent to the rear of an existing building and adjacent to a gas compound. There were a number of steel containers and IBC's evident on site at the time of inspection which is partially hardcored with compacted stone. I carried out an inspection of the site on the 08/12/2023 as part of my assessment (see Appendix A).

Planning History

Section 5 History

D 263/10 – extension to effluent treatment plant deemed to constitute exempted development.

Site History



21/7319 – permission granted to Moorepark Technology Limited for the construction of a warehouse building and all associated site works including services and ancillary accommodation.



Figure 1: Extract of permitted layout

17/4320 – permission granted to Moorepark Technology Limited for extensions to the existing MTL building as follows:- Construction of two storey and single storey extensions to the south to contain offices, laboratories, canteen, including renovation works to the existing staff changing area, also extension to the north to contain new processing areas and storage facilities [to match height of existing building] and the construction of a new plant room above height of existing roof level. In addition, the construction of a new lift shaft attached to the existing drying tower building coupled with the redesign and new roof treatment of the drying tower building and relocation of existing 11m high effluent tank. All the above works to be undertaken inclusive of additional car parking spaces, revisions to internal road access roadway and all associated site works including services and ancillary accommodation on site.

11/5473 – permission granted to Moorepark Technology Limited for the construction of 3 no. new research and development units, each 2/3 storeys high, including single storey link corridor to existing building, car parking and ancillary facilities.

05/5591 – permission granted to Moorepark Technology Limited for the construction of 4 no. research and development units including a link corridor, extension to existing corridor adjoining permitted powder store, relocation of powder mill room and waste packaging recycling facilities and associated works.

The wider planning history on the overall landholding of which the site forms a part is set out in the table below.

Landholding Planning History			
Planning Ref:	Development Description	Decision	
01/3178	Construction of single storey extension to research laboratory with conference facility & extension to central kitchen	Granted	
04/2548	Milking parlour	Granted	
05/348	Extension to store	Granted	
06/12095	Complete construction of single storey extension to research laboratory with conference centre and extension to central kitchen originally granted permission under pl. reg. no. 01/3178	Granted	
07/4571	Construction of two storey extension to laboratory facility to include laboratories, offices, toilets, ancillary accommodation with ancillary infrastructure and partially enclosed courtyard	Granted	
11/5384	Construction of a single storey office extension to rear of existing Technology Hall		
11/5632	Construction of a single storey autoclave room between the existing boiler house and library building and a single storey extension to the existing technology building to consist of a general office/student room and ancillary facilities (Teagasc)	Granted	
12/5193	Construction of a two storey dry goods store and new roofed walkway area between the existing and proposed buildings	Granted	

12/6095	Construction of a two storey building to contain offices, research educational facilities and associated ancillary accommodation. The building will be linked to the existing office building with a covered walkway. Siteworks will include removal of existing prefab research educational buildings and office buildings, the construction of additional carparking facilities, alterations to existing carpark and undertake all associated siteworks	Granted
13/4193	Demolition of existing piggery buildings including part demolition of 1no. building and the construction of new piggery buildings consisting of fattener building, weaner/farrow building with covered links to existing piggery and existing office building and replacement of roof and internal alterations to existing office building, construction of feed tote unit and grain silos and construction of food test/research facility with covered link to adjacent gilt isolation building. Construction of additional car parking facilities, concrete yards and associated site works including gravel tracks and services and undertake all associated site works	Granted
18/5461	Extension of Duration of 13/4193	Granted
14/4701	The demolition of existing farmyard buildings and the construction of hay barn, machinery shed, 4 no. feed silos, calving box building, refurbishment and extension to cow unit, new calf unit, new bunded slurry storage tank, rainwater store, slatted yards and additional car parking facilities, new well and associated pump house, new farm road network and associated site works including services and undertake all associated site works	Granted

14/5693	Construction of a 200 integrated sow unit, fattener building and weaner/farrow building with covered links to existing piggery and new integrated office area, a feed distribution building, ancillary feed silos and construction of food test/research facility with covered link to adjacent gilt isolation building. Demolition of existing office building. Construction of additional car park facilities, concrete yards and associated site works including gravel tracks and services and undertake all associated site works (alterations to layout and reduction in scale to permission granted for piggery development under Planning Reg. No. 13/4193)	Granted
14/5935	The development will consist of the construction of a single storey extension (in 2 phases) infill building in existing courtyard to include 2 no. laboratories, hot desks/write up areas and circulation area and all associated site works	Granted
17/5729	Construction of a single storey extension infill building in existing courtyard to include open plan write up office area and all associated site works	Granted
18/7004	Permission for a development to be constructed in two phases. The development will consist of the construction of a new three storey extension (with rooftop plant and equipment), containing laboratories and office accommodation, extension to the canteen facilities, and all associated site works, carparking and road network.	Granted
20/5476	Development consisting of the relocation of the current R639 (AGRI Centre) vehicular entrance from its current location to a new vehicular entrance location serviced from the existing roundabout located at R639, Junction 14, M8 roundabout (inclusive of all associated site works) to service the campus.	Withdrawn

	T	
20/6904	The construction of a two storey office development (with pedestrian link bridge) extension to the side and rear of the Paddy O'Keeffe Innovation Centre and also undertake remodelling and expansion of the existing carpark and road network. All the above works to be inclusive of associated ancillary accommodation and site works	Granted
21/6797	Construction of low emissions piggery building, 4 number feeding silos and all associated site works	Concurrent application, Further information sought
Adjacent sites		
13/4399	A motorway service station, to include a shop/restaurant building (with a drive through and take-away facility and ancillary storage/service areas) forecourt and canopy, fuel facilities for heavy commercial vehicles with canopy over, underground fuel tanks, substation, car wash, drainage facilities, signage, landscaping, picnic & external seating areas, parking and set-down areas and a new entrance and roundabout on to the R639 regional route (with amendments to the existing entrance serving the Teagasc facility at Moorpark) and all associated ancillary development works at Junction 14 on the M8 Motorway, Gortroe and Moorepark West (townlands), Fermoy, Co Cork	Refused

L

14/6188	A Motorway Service Area, to include a shop/restaurant building (with drive through and take-away facility and ancillary plant, storage/service areas), forecourt and canopy, fuel facilities for heavy commercial vehicles (HCV) with canopy over, underground fuel tanks, LPG tanks, sub-station, drainage facilities, signage, landscaping, picnic and external seating/amenity areas, set-down and parking areas (with control barriers to HCV parking), footpaths and a new entrance and roundabout on to the R639 regional route (with amendments to the existing entrance serving the Teagasc facility at Moorepark) and all associated ancillary development works	Granted by An Bord Pleanala (PL 04.244411) Condition no 2 required the omission of the drive thru facility (In order to prevent an undue impact from the proposal on the vitality and viability of nearby town centres and in order to improve the layout of the facility itself).
20/5358	The subject application principally proposes the provision of a drive-thru facility at the existing restaurant and the change of use of the existing service access route to a drive thru laneway. The proposed development also includes directional road marking, a goal post height restrictor at the entrance to the laneway; 2 no. new customer ordering points with canopy tops; 3 no. double digital menuboards (1.64m x 0.1m x 2.1m); 1no. single digital menu board (0.8m x 0.1m x 2.1m); change of use of the existing service layby to 1 no. grill parking bay adjacent to the west elevation of the restaurant building; 'pay' and 'collection' graphics added to the pay and collection windows respectively along the west elevation of the restaurant building; and a new 15" digital marketing screen installed in the collection window along the west elevation; and all associated site works above and below ground.	Granted

Legislation Context

Planning and Development Act (2000, as amended)

Section 2 sets out an interpretation of terms for the purposes of Planning legislation.

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

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and
- (b) in relation to a protected structure or proposed protected structure, includes—
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

Section 3 (1) of the Act states:

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

Section 4 of the Act sets out developments which shall be exempted development for the purposes of the Act.

Section 4(4) Notwithstanding..... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations (2001, as amended)

Part 3 Exempted Development – Rural	
Description of Development	Conditions and Limitations
CLASS 9	
any store, barn, shed, glass-house or	-

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 sets out restrictions on exemption to which article 6 relates. It states that development to which article 6 relates shall not be exempted development for the purposes of the Act in a number of specific instances.

Article 9, S9 (1)(a)

- (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,

Consultees

None.

EIA

Having reviewed the documentation submitted I am satisfied that an EIA is not required having regard to the nature/scale of development proposed and relevant provisions set out under Schedules 5 and 7 of the Planning and Development Regulations (2001, as amended).

Appropriate Assessment

The proposed development is located 1.1km from the Blackwater River (Cork/Waterford) SAC (site code: 002170) and the Blackwater Callows SPA (site code: 004094).

It is noted that no service connections are proposed as part of the development proposal Having regard the nature, scale and location of the development. I am satisfied that the proposed development would not affect the integrity of the Natura 2000 sites referred to and a Stage 2 AA is not required in this case.

<u>Assessment</u>

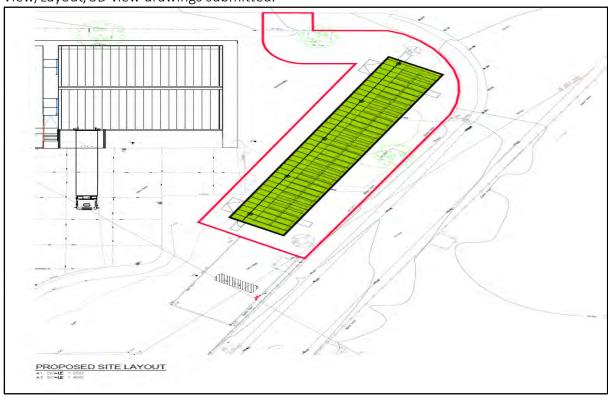
This Section 5 application is querying whether the provision of a unit to produce and store livestock feed at Moorepark, Fermoy, Co. Cork is or is not development and is or is not exempted development.

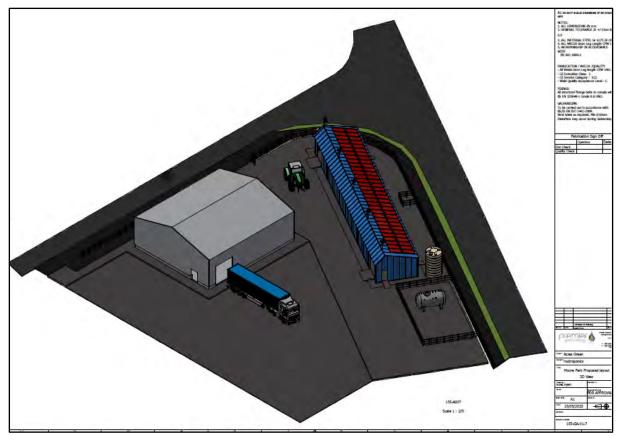
Description of Proposed Works

As set out in the cover letter submitted Moorepark Technology Limited (MTL) is a joint venture company founded in 1993 between Teagasc and the Irish Dairy Industry to provide research and sub commercial production facilities for the food and dairy industry. MTL operates an ultra modern plant (floor area of 5,000m²) with the core business identified as the rental of that plant to food companies and public research institutions for the purposes of carrying out commercialisation, product and process development, training, or small scale start-up manufacture (see: https://www.moorepark.ie/).

The development proposal for which the Section 5 determination is sought relates to the proposed provision of a unit to produce and store livestock feed and associated equipment to

the rear of a recently permitted/constructed warehouse building (permitted under Pl. Reg. No. 21/7319). Reference is made to the role of MTL facility as one of the foremost pilot production facilities in the world. It is stated the unit is under 300m² threshold set out in Class 9, is demountable once trials are complete and is akin to a glasshouse with the proposed use of artificial lighting to enhance environmental conditions and accelerate growth. It is also proposed to erect solar panels along the south-eastern roofplane of the building in question in addition to 5 no. roof mounted micro wind turbines. A 25Mlr Water Storage Vessell (4.6m high) and 5Mlr capacity Waste Water Storage Vessell (2.5m high) are indicated on the Section View/Layout/3D view drawings submitted.





Extract of Site Layout Plan and 3D view submitted

Confirmation is sought that the proposed structure constitutes exempted development under Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended).

Is the Proposal Development?

On the basis of the information submitted it is considered that the proposal amounts to 'works' and also relates to a "structure" as defined by Section 2 (1) of the Planning and Development Act (2000, as amended) and therefore the comes within the meaning of 'development' in accordance with Section 3 of the Planning and Development Act (2000, as amended). The question at hand, therefore, is whether the development is exempted development.

<u>Is the Proposal Exempted Development</u>

It is considered that the key legislative provision for determining the query raised is set out under Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended) as put forward by the applicant.

Having regard to the nature of the research/business being carried out by the applicants, Moorepark Technology Limited (MTL), as detailed in the application, I am satisfied that use of the structure as outlined can be deemed "Agricultural" for the purposes of the legislation as the process involved relates to livestock feed production/storage and testing. On the basis of the information submitted it is considered the proposal adheres to the conditions/limitations 3-6 of Class 9 and its potential future use is governed by condition/limitation no. 1.

However, further information is required is respect of condition/limitation no. 2 with regard to other such structures within the same complex noting the 900m² aggregate threshold. The subject site forms part of a much wider landholding of 134.4 hectares broken up into different components. The applicant should be requested to clarify if any other similar type structures exist within the overall site to enable a full assessment the proposal relative to the aforementioned aggregate threshold of Class 9.

With regard to the proposed renewable energy generating elements (i.e. solar panels and 5 no. roof mounted wind turbines) relevant exemptions apply to in-situ buildings as per Schedule 2, Part 3, Class 18 of the Planning and Development Regulations (2001, as amended).

Restrictions on Exemption

I have reviewed the proposal against potential restrictions on exemption as set out under Article 9 of the Planning and Development Regulations (2001, as amended). The key relevant potential restrictions on exemption are discussed below.

Article 9, S9 (1)(a)

(b) 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,

It is noted that the proposed structure partially encroaches on a permitted hardstand area related to the warehouse building permission granted under Pl. Reg. No. 21/7319 as illustrated above. The Proposed Layout Plan View drawing has indicated a 12m turning circle for Tractor Vehicles. Given the obvious ancillary link to existing/permitted buildings and from a review of the site planning history I satisfied that the proposal does not materially contravene any conditions attached to previous permissions granted on site and as such no restrictions on exemption apply from this perspective.

Recommendation

Accordingly, whereas a question has been raised regarding whether the provision of a unit to produce and store livestock feed and associated equipment at Moorepark, Fermoy, Co. Cork is or is not development and is or is not exempted development and having had regard to:

- the details submitted to the Planning Authority on the 17/11/2023
- Sections 2 (1) 3(1), 4 and 5 of the Planning and Development Act (2000, as amended)
- Articles 6, 9 and Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended)

it is concluded that **further information** is required in order to enable the Planning Authority to make a determination on the matter.

Specifically, having regard to condition/limitation no. 2 of Schedule 2, Part 3, Class 9 of the Planning and Development Regulations (2001, as amended), see highlighted extract below, you are requested to clarify (with supporting details/drawings as appropriate) if any other similar type structures exist within the overall complex of which the site forms a part and to indicate the cumulative floor area of same (as applicable).

Part 3		
Exempted	d Development – Rural	
Description of Development	Conditions and Limitations	
CLASS 9		
any store, barn, shed, glass-house or		

. John Leder

John Lalor Executive Planner 11/12/2023

Appendix A: Site Photographs





www.maloneoregan.ie

Jan Israca Gradi Postaroro (G. 1954) Tali-1017-5 (Bradis) ama i kasaroro Smorta e



15/11/2023

Cork County Council Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork.

Re: W22017 Application for Section 5 Declaration of Exemption

Dear Sir/ Madam,

We enclose the Application for Section 5 Declaration of Exemption for a unit to produce and store livestock feed at Moorepark Technology Limited, Moorepark, Fermoy, Co. Cork.

Moorepark Technology Limited is a joint venture company founded in 1993 between Teagasc and the Irish Dairy Industry to provide research and sub commercial production facilities for the food and dairy industry.

It currently serves as a key link in the application of research to industrial scale production. Moorepark Technologies Limited provided facilities and consultancy services to the Irish food section and has a significant role in enabling and achievement 'Food Wise 2025' government strategy for the agri-food sector. This facility has grown and expanded in reach and complexity over the years and is now recognised as one of the foremost pilot production facilities in the world.

This exemption request is made under class 9 of the agricultural exemptions. Class 9 covers Dry Stores, Barns, Sheds and Glasshouses. The purpose of this unit is to produce and store livestock feed, in addition the unit will utilise and store associated equipment. The proposed unit is demountable once the trials are complete. The unit is under the 300m² threshold set out in Class 9 and is akin to a glasshouse albeit will use artificial lighting as opposed to natural light to enhance environmental conditions and accelerate growth.

Yours sincerely for Malone O'Regan

John Kinsella

Jan Kinsalla











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 $\sqrt{\ }$)



Planning Department

17 NOV 2023 Cork County Council County Hall

Cork.

FOR OFFICE USE ONLY

Receipt No.	PL2-0002317	
Cash/Cheque/ Credit Card	Chaque	
Date	17/11/202	
Declaration Ref. No.	0/308/23	

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at http://www.corkcoco.ie/Privacy-Policy or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1.	NAME OF APPLICANT: (ADDRESS TO BE	E SUPPLIED AT QUESTION A - CONTACT DETAILS
MOOF	REPARK TECHNOLOGY LIMITED	
2.	DOCTAL ADDRESS OF LAND OR SERVI	ICELIDE FOR WITTEN PROTEIN
<i>L</i> .	EXEMPTION IS SOUGHT:	CTURE FOR WHICH DECLARATION OF
	REPARK TECHNOLOGY LIMITED REPARK.	
FERMO	OY,	
P61 NF	P77	
IN I HI	E TOWNLAND OF MOOREPARK WEST)	
-		
3.	QUESTION/DECLARATION DETAILS:	
lease :	state the specific question for which a Declaration of Exe	mption is sought
ote: C	Only works listed and described under this section will be	assessed under the Section 5 Declaration of Exemption
HIS E	XEMPTION REQUEST IN UNDER CLASS 9 OF THE AGRICUL	TURAL EXEMPTIONS. CLASS 9 COVERS DRY STORES, BARNS,
HEUS	AND GLASSHOUSES. THE PURPOSE OF THIS UNIT IS TO P VILL UTILISE AND STORE ASSOCIATED EQUIPMENT. THE PR	PRODUCE AND STORE LIVESTOCK FEED IN ADDITION THE
CIMPL	LETE. THE UNIT IS UNDER THE 300M2 THRESHOLD SET OU	TIN CLASS GAND IS AKIN TO A CLASSHOLISE ALDEIT WILL
SROW	THE CAL LIGHTING AS OPPOSED TO NATURAL LIGHT TO EITH.	NHANCE ENVIRONMENTAL CONDITIONS AND ACCELERATE
Yor.		
		Parties and the same of the sa
		Planning Department
-		
		17 NOV 2023
-		Cork County Council
		Cork County Council County Hall

(a) Floor area of existing/proposed structure(s):	290M2		
(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 No III If yes, please provide floor areas (m²) and previous planning reference(s) where applicabl		
(c) If a change of use of land and/or building(s) is proposed, please state the following:			
Existing/previous use	Proposed use		
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No V If yes, please state relevant reference number(s)		
LEGAL INTEREST OF APPLICANT IN T			
Please tick appropriate box to show applicant's			
Please tick appropriate box to show applicant's legal interest in the land or structure: Where legal interest is "Other", please state your interest in the land/structure:	HE LAND/STRUCTURE:		
Please tick appropriate box to show applicant's legal interest in the land or structure: 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	HE LAND/STRUCTURE: A. Owner B. Other Planning Department 17 NOV 2023		
Please tick appropriate box to show applicant's legal interest in the land or structure: 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 / AR	HE LAND/STRUCTURE: A. Owner B. Other Planning Department 17 NOV 2023 Cork County Council County Hall CONSERVATION AREA		
Please tick appropriate box to show applicant's legal interest in the land or structure: 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):	HE LAND/STRUCTURE: A. Owner B. Other Planning Department 17 NOV 2023 Cork County Council County Hall CONSERVATION AREA:		
Please tick appropriate box to show applicant's legal interest in the land or structure: 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 / ARE IS this a Protected Structure/Proposed Protected Protect	HE LAND/STRUCTURE: A. Owner B. Other 17 NOV 2023 County Hall County Hall		

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 f	or my personal information to be processed	for the purpose stated above
Signed (By Applicant Only)	1	(KIERAN DOWNE
	()1000	3
Date	13/11/23	

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

Planning Department

17 NOV 2023

Cork County Council County Hall Cork.

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 the purpose state	on for my sensitive personal d above.	data submitted to th	e Planning	Authority to be processed
Signed				

Signed	>50	- / N
Date		(KIERAN DOWNEY)
Date	13/11/23	

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

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

ADVISORY NOTES:

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

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

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

The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for

applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

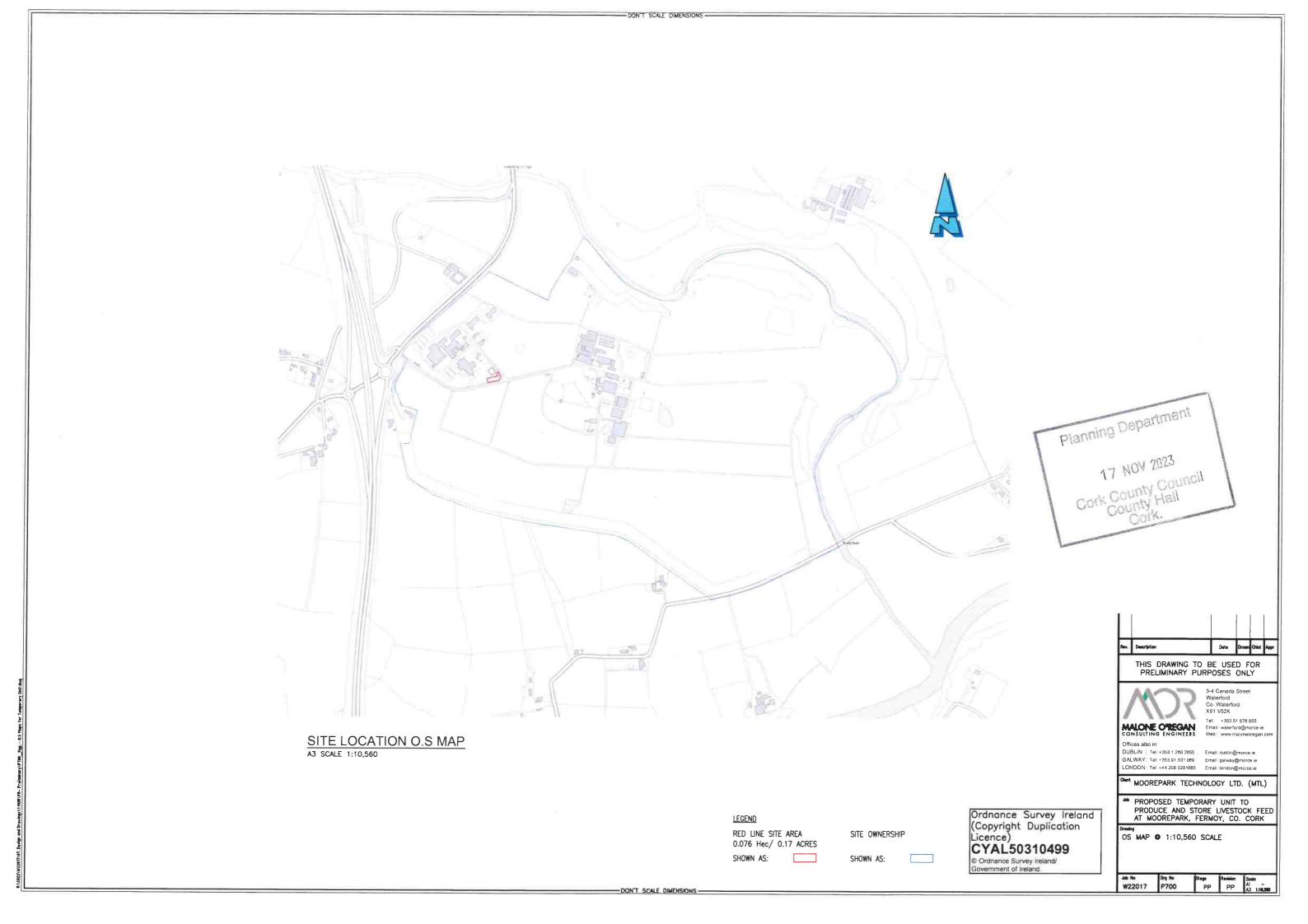
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and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

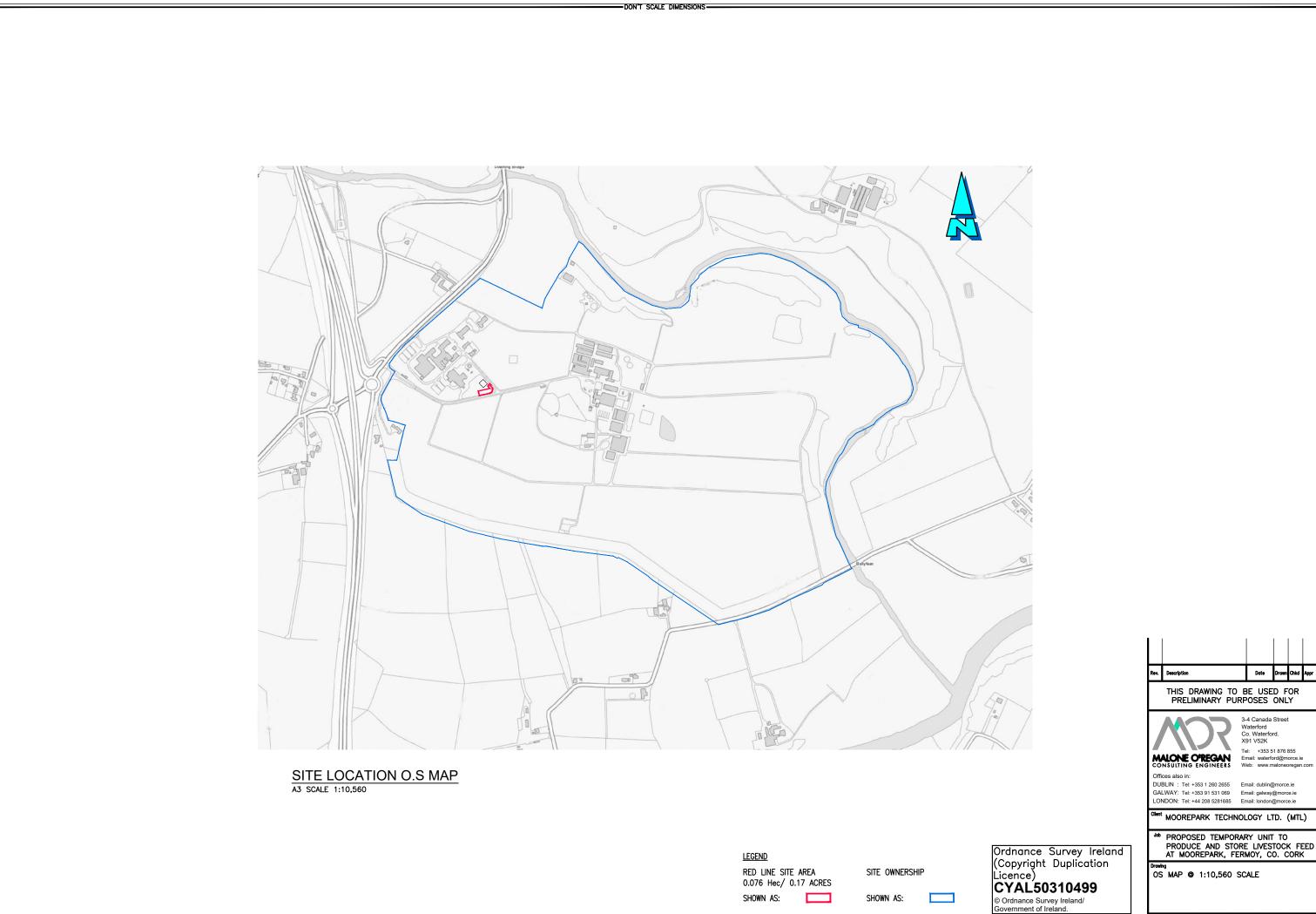
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be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

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

Signed (Applicant or Agent as appropriate)	350	
Date	13/11/23	(KIERAN DOWNEY

Planning Department 17 NOV 2023 Cork County Council County Hall





OS MAP @ 1:10,560 SCALE

Job No Drg No W22017 P700 Revision Scale PP A1 -A3 1:10,560

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