

Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,
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Co. Chorcaí P81 AT28.
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Suíomh Greasain: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



**Mr. Tadg Sheehan,
Sleaveen West,
Macroom,
Co. Cork.**

21st May, 2024.

Our Ref: D/10/24.

**RE/ Declaration request on exempted development under Section 5
of the Planning & Development Act, 2000 (as amended).**

Dear Sir,

On the basis of the information and plans submitted by you on 5th April, 2024 and further information submitted on 13th May, 2024 on behalf of Mr. Cathal Noonan, the Planning Authority declares that the proposed sheep house at Droumdeegy, Dunmanway, Co. Cork constitutes development and would be "*exempted development*" having regard to Sections 3 and 4 of the Planning and Development Act, 2000, as amended and to Articles 6(1) and 9 of the Planning and Development Regulations, 2001, as amended and Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.

Please note that any material departure from the proposals as submitted may remove the development from the Exempted category and require the submission of an application for Permission under the Act.

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

Receipt No. WCP12568, in respect of €80.00, is issued herewith.

Yours faithfully,


KEVIN O'REGAN.
SENIOR EXECUTIVE OFFICER.



We are Cork.



Recycled

Anne Lordan

From: Ronnie Barry
Sent: Tuesday 21 May 2024 12:12
To: Anne Lordan
Subject: RE: D/10/24

Anne,

I have reviewed the further information submitted and the report of the Area Planner, and I concur with the recommendation of the report dated 16/05/24.

The proposed sheep shed / house is considered to constitute development and is exempted development.

Regards,

Ronnie.

Ronnie Barry | Pleanálaí Feidhmiúcháin Sinsearach | **Pleanáil agus Forbairt**

Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co.Chorcaí P81 AT28, Éire
T+353 (0)28-40340 | ronnie.barry@corkcoco.ie | www.corkcoco.ie

Tairseach na gcustaiméirí: www.yourcouncil.ie

Ronnie Barry | Senior Executive Planner | **Planning and Development**

Cork County Council | Norton House | Cork Road | Skibbereen | Co.Cork P81 AT28, Ireland
T+353 (0)28-40340 | ronnie.barry@corkcoco.ie | www.corkcoco.ie

Customer Portal: www.yourcouncil.ie

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie>

Sent: Tuesday, May 21, 2024 12:05 PM

To: Ronnie Barry <Ronnie.Barry@CorkCoCo.ie>

Subject: FW: D/10/24

Hi Ronnie,

See attached report from Ms. Annie O’Keeffe, Area Planner for your recommendation and sign-off.

Also attached application and further information response for your information.

Regards,

Anne.

Anne Lordan | Oifigeach Foirne Cúnta | **Pleanáil agus Foirbairt**

Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co. Chorcaí | P81 AT28 | Éire

T +353-(0)28 – 40340 | Ext. 7121

Anne.Lordan@corkcoco.ie | www.corkcoco.ie

Tairseach na gcustaiméirí: www.yourcouncil.ie

Anne Lordan | Assistant Staff Officer | **Planning and Development**

Cork County Council | Norton House | Cork Road | Skibbereen | Co. Cork | P81 AT28 | Ireland

Ref D/10/24

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

Re: Erection of sheep house with slatted slurry tank at Droumdeegy, Dunmanway, Co. Cork

Proposal

The applicant seeks a Declaration of Exemption to erect a sheep house on a site with an existing small animal house (48sqm). The proposed building has a scaled floor area of 199.81sqm and a maximum ridge height of 5.9m.

The proposed building is indicated as being located 11m from the public road. There is no 3rd party dwelling house within 100m of the proposed development.



Site marked with red star

Planning History

The most recent relevant application on this site is 19/153 whereby permission for retention of existing dwelling (previously permitted under 07/436) and permission for retention of detached garage with first floor studio was granted to Cathal Noonan, the applicant for this S.5 Declaration. The dwelling permitted under 19/153 is located opposite the site of the proposed sheep house.

Cork County Development Plan 2022

The subject site is located in a rural area identified as a Transitional Rural Area in the Cork County Development Plan 2022. The site is not located within the indicative flood risk zone for fluvial or pluvial flooding as mapped on the Flood Risk maps.

The site is located within the indicative Screening Zone for Bandon River SAC (Site Code 002171) as mapped on the Planning Enquiry System. Having regard to the scale, nature

and location of the proposed development it can be concluded that there is no potential for the proposed development to give rise to or contribute to negative impacts on any Natura 2000 site which could be significant.

Site Inspections

I inspected the site on 30/04/2024.

Relevant Statutory Provisions

The most relevant statutory provisions are as follows:

Planning and Development Act, 2000, as amended

Section 2 of the Planning and Development Act, 2000 provides that:

"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.

Section 2 of the Act 'agriculture' is defined as follows:

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and 'agricultural' shall be construed accordingly.

Section 3(1) of the Planning and Development Act, 2000 provides that:

"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 Planning and Development Act 2000 sets out what shall be exempted developments for the purposes of the Act. Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and Development Regulations, 2001, as amended

Article 6 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended, makes provision for certain classes of development to be exempt from the requirement to obtain planning permission.

Article 9 of the Planning and Development Regulations, 2001 (S.I. No. 600 of 2001), as amended, makes provisions for the removal of the above exemptions in particular

circumstances.

Of particular relevance to this case is:

Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) which states -

Description of Development

CLASS 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure) and any ancillary provision for effluent storage.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. 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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated and no effluent from such structure shall be stored within 10 metres of any public road.
5. 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.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Assessment

The proposed development constitutes development in accordance with the definition of development as set out in Section 3(1) of the Planning and Development Act, 2000, as amended. The question therefore arises as to whether the proposed development is exempt development.

The proposal for exemption is assessed in accordance with the provisions of the legislation referred to above. Section 4 of the Planning and Development Act 2000 and Article 6 of the Planning and Development Regulations 2001 makes provision for certain classes of development to be exempt from the requirement to obtain planning permission. Of particular relevance in the assessment of the current proposal is Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 which allows for the provision of a roofed structure for the housing of sheep as exempted development subject to the limitations set down in Column 2.

The submitted documentation is not considered sufficient to enable the Planning Authority to be satisfied that the proposed building will be used to house sheep. Therefore, it is recommended that the applicant is requested to submit a map showing the extent of his landholding, to submit a relevant herd number and to clarify the number of sheep to be accommodated in the proposed building.

Conclusion

Please request Further Information as follows:

“In order to establish the intended use of the building please submit a map showing the extent of the landholding, details of the number of sheep to be accommodated in the proposed building and a relevant herd number.”



Annie O'Keeffe
01/05/2024



FURTHER INFORMATION RESPONSE

The applicant responded to the request for Further Information on 13/05/2024 and indicates the following:

1. Herd number supplied.
2. Map showing landholding of 28.04ha has been submitted.
3. Total herd number is 200 sheep.
4. Approximately 100 sheep to be housed in the proposed building.

Based on the Further Information submitted the Planning Authority is satisfied that the applicant is engaged in sheep farming and that the proposed building will be used for agricultural purposes i.e the housing of sheep.

Please advise the applicant that the development as proposed falls within exempted development permitted under Class 6 subject to compliance with the 7no. limitations listed above.

Conclusion

Having regard to Sections 3 and 4 of the Planning and Development Act, 2000, as amended, and to Articles 6(1) and 9 of the Planning and Development Regulations 2001, as amended, and Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, the proposed sheep house is development and is exempted development.

Please issue a Declaration of Exemption accordingly.

A. O'Keefe

Annie O'Keefe
16/05/2024

Tadg Sheehan Civil Eng. Dip
Sleaveen West, Macroom, Co. Cork
Phone:086-0555964
Email: tadgpsheehan@gmail.com

Ref. No. D/10/24

8th May 2024

**Re – Declaration of Exemption for Agricultural Building at Droumdeegy,
Dunmanway, Co. Cork for Cathal Noonan.**

To whom it may concern,

Thank you for your letter dated 1st May 2024.

The additional information that was requested by your letter is as follows,

1. Herd Number is D232122X
2. The area of land in the ownership of Cathal Noonan is 28.04HA and is outlined in blue on the attached maps
3. The total herd number is 200 Sheep.
4. The number of animals to housed is approximately is 100

Please note that these are mountain sheep and generally only require housing during the lambing season.

I hope this is to your satisfaction.

Yours faithfully,

Tadg Sheehan



REG. No. _____
PLANNING (WEST) DEPT

13 MAY 2024

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK

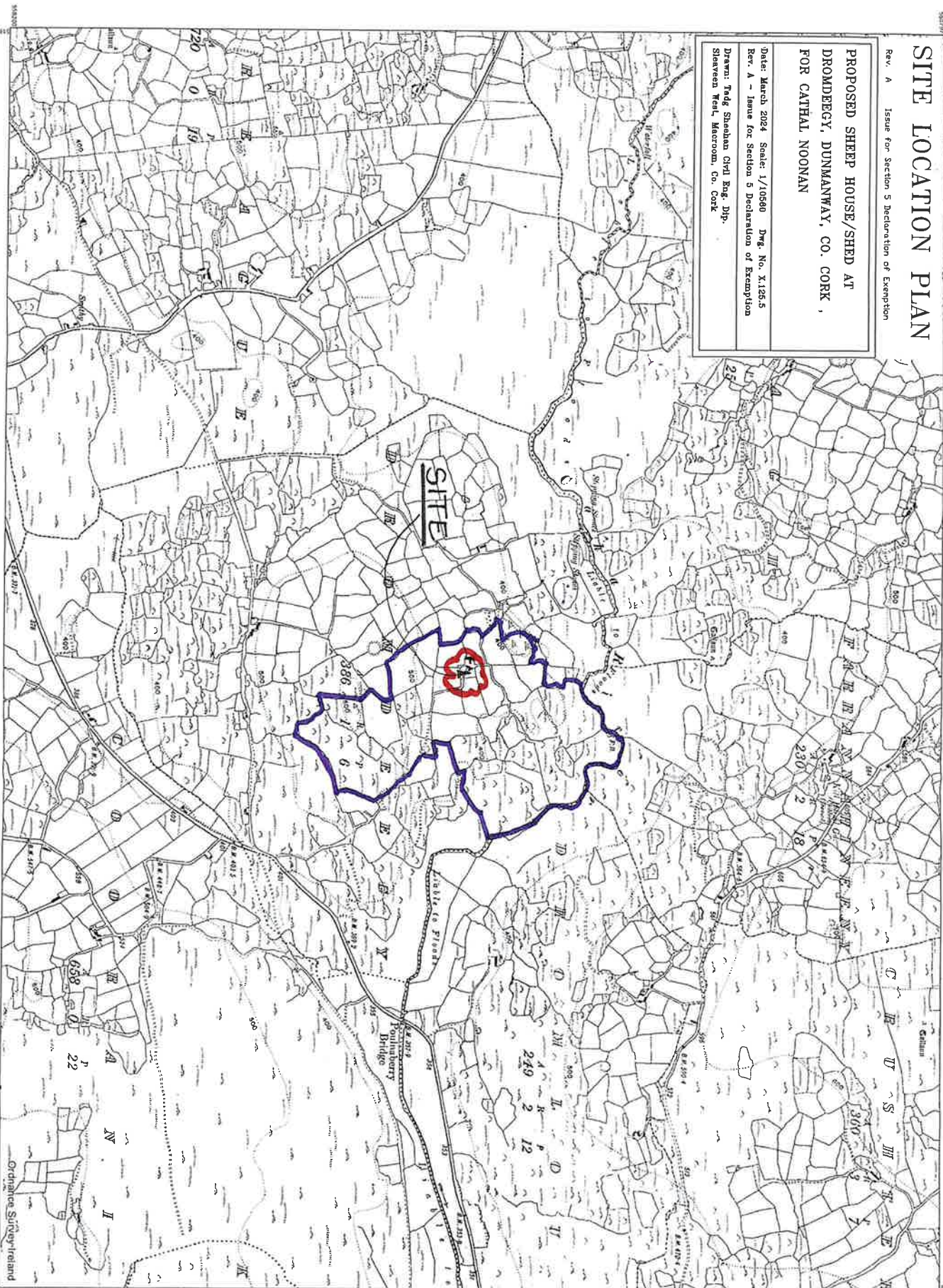
Site Location Map

SITE LOCATION PLAN

Rev. A Issue for Section 5 Declaration of Exemption

**PROPOSED SHEEP HOUSE/SHED AT
DROMEDEGY, DUNMANWAY, CO. CORK,
FOR CATHAL NOONAN**

Date: March 2024 Scale: 1/10560 Dwg. No. X.125.5
Rev. A - Issue for Section 5 Declaration of Exemption
Drawn: Tadhg Sheehan Civil Eng. Dip.
Sheavea West, Macroom, Co. Cork



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**CENTRE
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PUBLISHED:
28/03/2024

MAP SERIES:
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REG. NO.
PLANNING (WEST) DEPT

13 MAY 2024

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, CO. CORK

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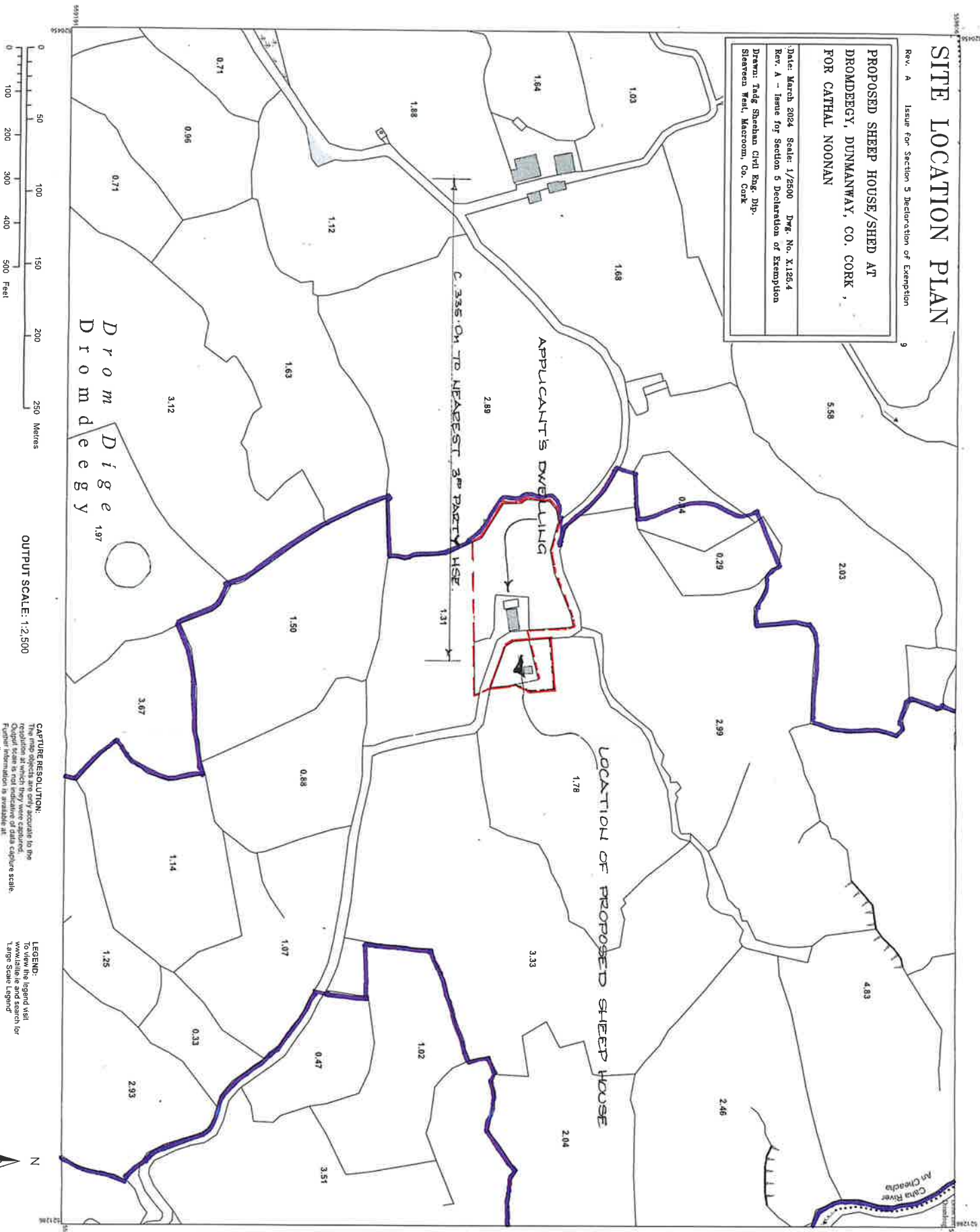
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SITE LOCATION PLAN

Rev. A Issue for Section 5 Declaration of Exemption

PROPOSED SHEEP HOUSE/SHEP AT
DROMDEEGY, DUNNANWAY, CO. CORK,
FOR CATHAL NOONAN

Date: March 2024 Scale: 1/2500 Dwg. No. X.126.4
Rev. A - Issue for Section 5 Declaration of Exemption
Drawn: Tadhg Sheehan Civil Eng. Dip.
Sheebeen West, Macroom, Co. Cork



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13 MAY 2024

CORK COUNTY COUNCIL
REVISIONS: CORK, CORK, CORK

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0 50 100 150 200 250
0 100 200 300 400 500 Feet
Metres

OUTPUT SCALE: 1:2,500



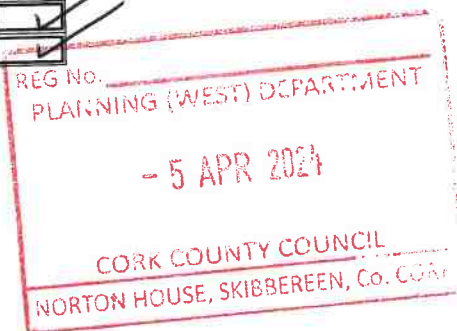
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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 ✓)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
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FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

DATE STAMP HERE

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

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

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

DATA PROTECTION

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

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

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)

CATHAL NOOLAN

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

DROUMDEEGA, DUNMANWAY, Co. CORK
P47W940

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought
Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

IS THE CONSTRUCTION OF A SHEEP SHED/HOUSE
EXEMPT FROM PLANNING @ DROUMDEEGA, DUNMANWAY,
Co. CORK

REG NO.
PLANNING (WEST) DEPARTMENT
- 5 APR 2024
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK

4. APPLICATION DETAILS:

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

(a) Floor area of existing/proposed structure(s):	199.81 m ²
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use _____ _____ _____ Proposed use _____ _____ _____	
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/> B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	

REG No. _____
PLANNING (WEST) DEPARTMENT
- 5 APR 2024

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

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

ARCHITECTURAL CONSERVATION AREA
NORTON HOUSE, SKIBBEREEN, Co. CO. DUB.

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

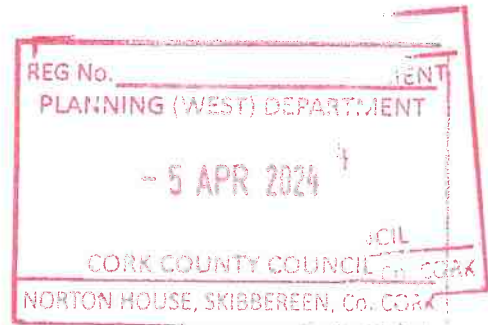
Signed (By Applicant Only)	<i>Cathal Noonan</i>
Date	26/03/2024

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation



In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	<i>Cathal Noonan</i>
Date	26/03/2024

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.

Site Location Map



Taite Éireann

SITE LOCATION PLAN

Rev. A Issue for Section 5 Declaration of Exemption

**PROPOSED SHEEP HOUSE/SHEED AT
DROMDEGGY, DUNMANWAY, CO. CORK,
FOR CATHAL NOONAN**

Date: March 2024 Scale: 1/10560 Dwg. No. X.125.5
Rev. A - Issue for Section 5 Declaration of Exemption

Drawn: Tadg Sheehan Civil Eng. Dip.
Sleeveven West, Macroom, Co. Cork

**CENTRE
COORDINATES:**
ITM 520871,559499

PUBLISHED:
25/03/2024

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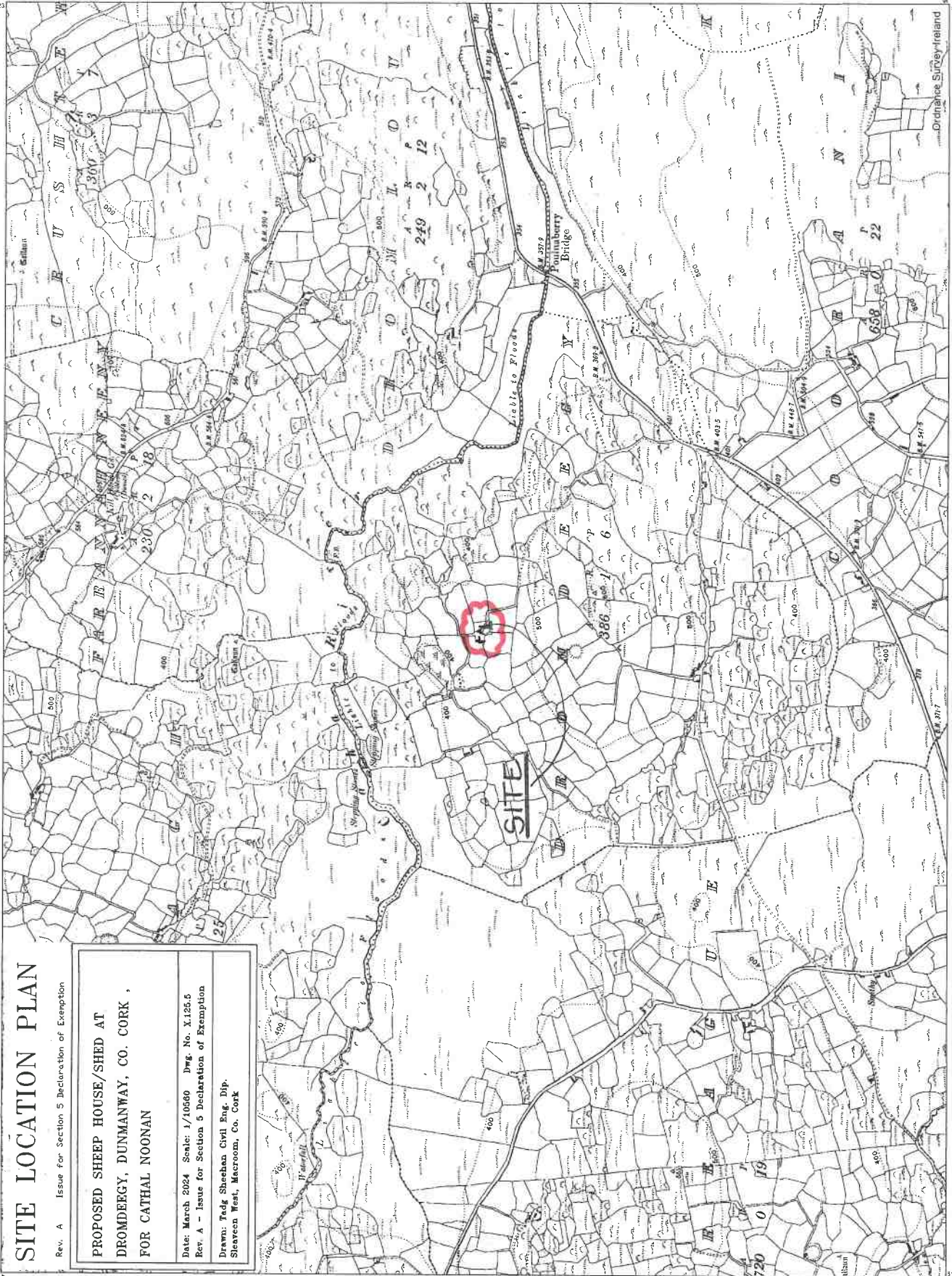
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REG. NO. **PLANNING (WEST) DEPARTMENT**
- 5 APR 2024
CORK COUNTY COUNCIL
NORTH HOUSE, SWINBERG, CO. CORK



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Planning Pack Map



Tallie Éireann

CENTRE COORDINATES:
ITM 520871,559499

PUBLISHED:
25/03/2024

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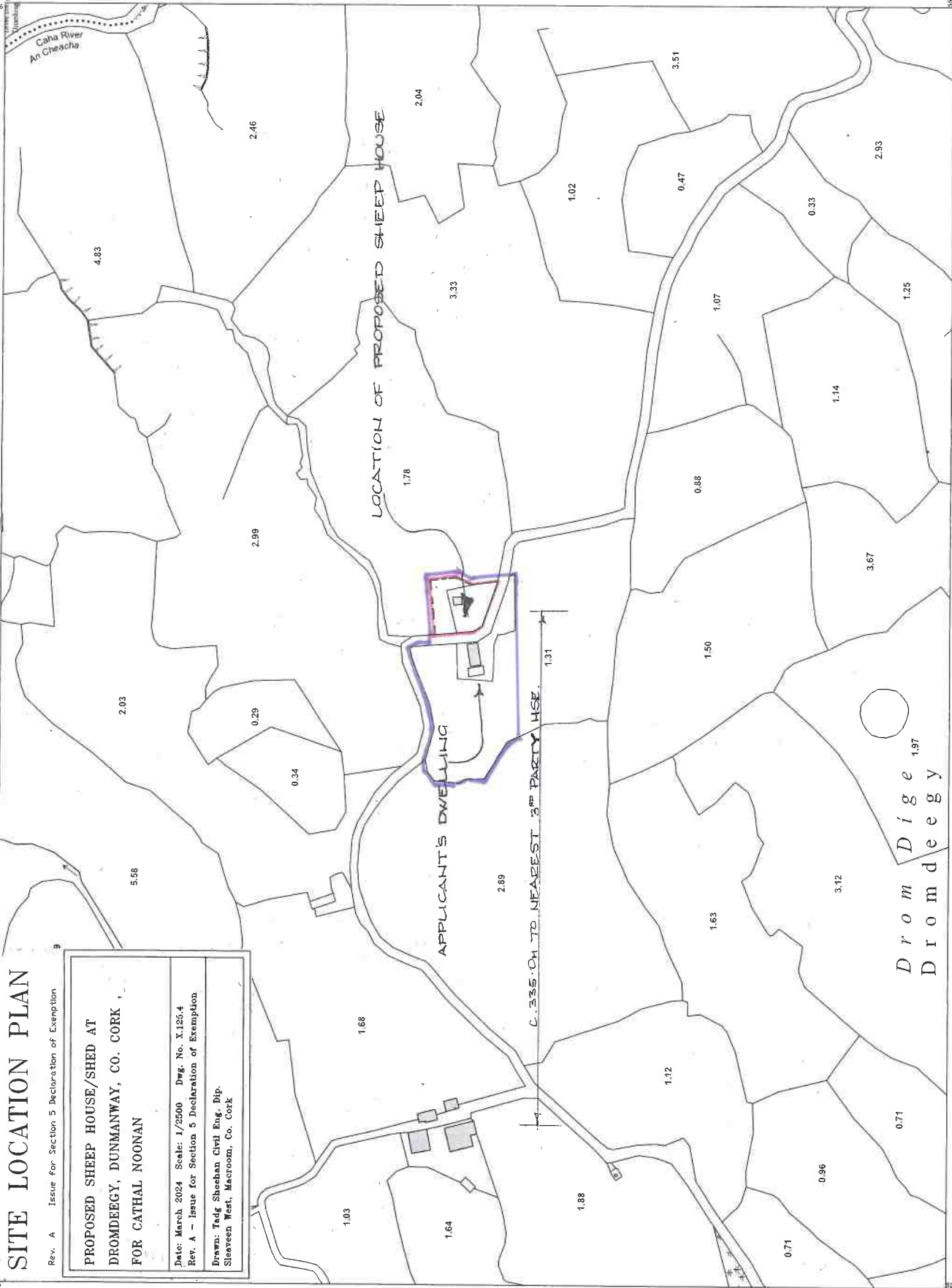
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5 APR 2024
CORK COUNTY COUNCIL
NORTON HOUSE, SRIFREEN, CO. CORK



SITE LOCATION PLAN

Rev. A Issue for Section 5 Declaration of Exemption

PROPOSED SHEEP HOUSE/SHED AT DROMDEEGY, DUNMANWAY, CO. CORK FOR CATHAL NOONAN

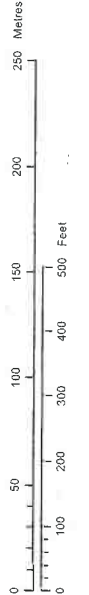
Date: March 2024 Scale: 1/2500 Dwg. No. X.125.4
Rev. A - Issue for Section 5 Declaration of Exemption

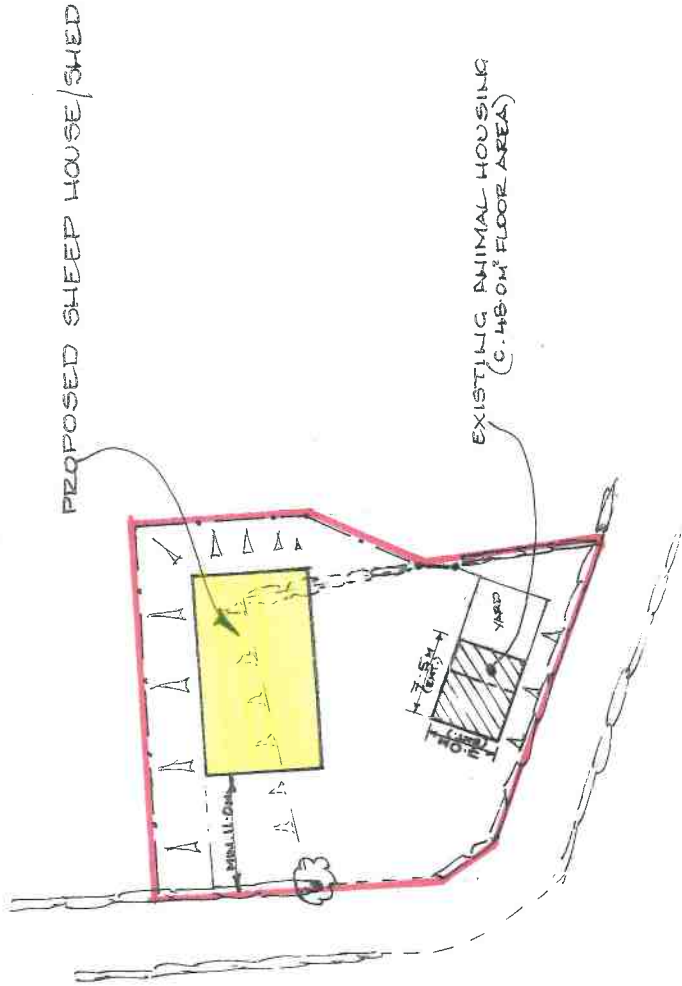
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To locate the legend visit www.tallie.ie and search for 'Large Scale Legend'

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Visit www.tallie.ie search 'Capture Resolution'

OUTPUT SCALE: 1:2,500



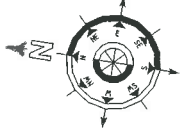


REG No. _____
PLANNING (WEST) DEPARTMENT
- 5 APR 2024
CORK COUNTY COUNCIL
MORTON HOUSE, SIBBERDEN, CO. CORK

SITE LAYOUT PLAN

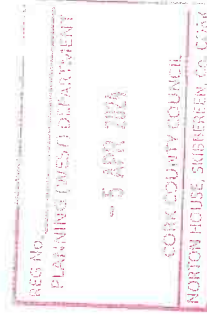
Rev. A Issue for Section 5 Declaration of Exemption

PROPOSED SHEEP HOUSE / SHED AT DROMDEGY, DUNMANWAY, CO. CORK, FOR CATHAL NOONAN		
Date: March 2024	Scale: 1/500	Dwg. No. X.125.3
Rev. A - Issue for Section 5 Declaration of Exemption		
Drawn: Tadg Sheehan Cvil Eng. Dip. Sleaveen West, Macroom, Co. Cork		



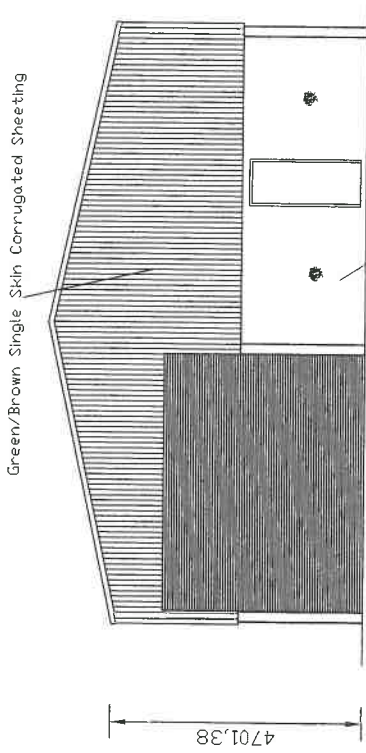
FLOOR PLAN

Floor Area = 199.81Sq,metres

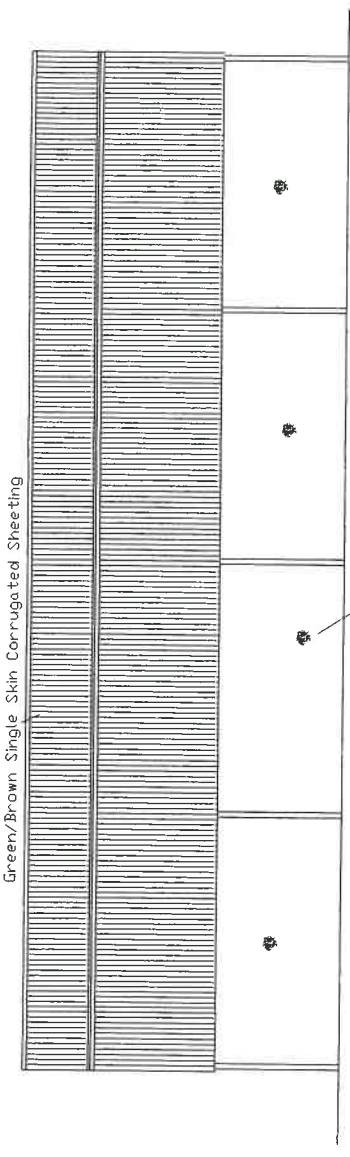


PROPOSED SHEEP HOUSE AT DROUMDEEGY, DUNMANWAY, CO. CORK FORM CATHAL NOONAN

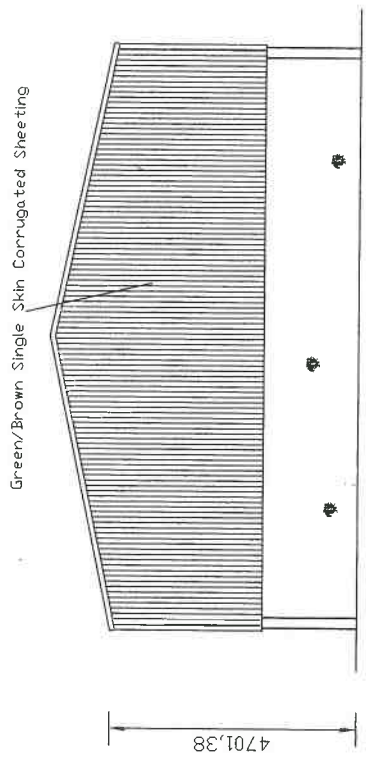
Date: March 2024, Scale: 1/100, Dwg. No. X.125.1 - Rev. A - Issue for Declaration of Exemption
Drawn: Tada Sheehan Civil Enn. Dip. Sleaveen West, Macroom, Co. Cork



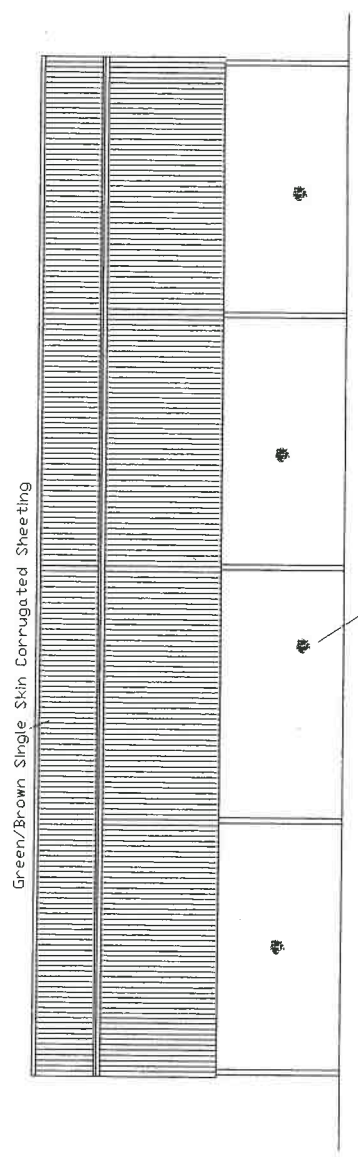
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



**PROPOSED SHEEP HOUSE AT DROUMDEEGY, DUNMANWAY, CO. CORK
FORM CATHAL NOONAN**

Date: March 2024, Scale: 1/100, Dwg. No: X.125.2 - Rev. A - Issue for Declaration of Exemption
 Drawn: Tadhg Sheehan Civil Eng. Dip. Sleaveen West, Macroom, Co. Cork