

# Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,  
Bóthar Chorcaí, An Sciobairín,  
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Planning Section, Norton House,  
Cork Road, Skibbereen,  
Co. Cork P81 AT28.  
Tel: (028) 40340 • Fax: (028) 21660  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



Mr. Michael J.F. O'Sullivan,  
Cahergal West,  
Union Hall,  
Skibbereen,  
Co. Cork. P81FY02.

REG. No. \_\_\_\_\_  
**PLANNING (WEST) DEPT**

18 APR 2024

**CORK COUNTY COUNCIL**  
NORTON HOUSE, SKIBBEREEN, Co. CORK

17<sup>th</sup> April, 2024.

Our Ref: D/9/24.

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 20th March, 2024, the Planning Authority declares that the proposed construction of agricultural building for the purpose of storing machinery and agricultural supplies at Cahergal, Union Hall, Co Cork **does not constitute "exempt development"** as per Schedule 2, Part 3, Class 9 of the Planning & Development Regulations 2022 (as amended).

The proposed works would not constitute exempt development under Class 9 as it would result in a visually obtrusive feature on the landscape and would seriously interfere with and detract from the character of this important High Value scenic landscape, thereby making it de-exempt under Article 9(1)(a)(vi) of the Planning and Development Regulations, 2022, as amended.

There is also a lack of information submitted to clearly demonstrate that the proposed structure is intended for the purpose of agriculture, as the extent of the agricultural holding has not been made clear nor has the type of agriculture being engaged clearly set out.

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.

Receipt No. WCP12527, in respect of €80.00 fee, is issued herewith.

Yours faithfully,

  
KEVIN O'REGAN  
SENIOR EXECUTIVE OFFICER



We are Cork.



Recycled

## Anne Lordan

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**From:** Ronnie Barry  
**Sent:** Wednesday 10 April 2024 15:53  
**To:** Anne Lordan  
**Cc:** Olivia Field  
**Subject:** FW: D/9/24 - Exemption fee  
**Attachments:** D.9.24 application.pdf; D-9-24 - S5 - Agri machinery storage shed at Cahergal Union Hall.docx

Anne,

I note the recommendation of the Area Planner and endorse the recommendation.

However, I also consider that the applicant should be informed that there is a lack of information submitted to clearly demonstrate that the proposed structure is intended for the purpose of agriculture, as the extent of the agricultural holding has not been made clear nor has the type of agriculture being engaged clearly set out.

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](mailto:ronnie.barry@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)  
**Tairseach na gcustaiméirí:** [www.yourcouncil.ie](http://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](mailto:ronnie.barry@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)  
**Customer Portal:** [www.yourcouncil.ie](http://www.yourcouncil.ie)

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**From:** Olivia Field <Olivia.Field@CorkCoCo.ie>  
**Sent:** Wednesday, April 10, 2024 2:58 PM  
**To:** Ronnie Barry <Ronnie.Barry@CorkCoCo.ie>  
**Cc:** Anne Lordan <Anne.Lordan@CorkCoCo.ie>  
**Subject:** FW: D/9/24 - Exemption fee

Hi Ronnie,

Please find attached my report for this S5 application.

Thanks,

Olivia

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**From:** Anne Lordan <[Anne.Lordan@CorkCoCo.ie](mailto:Anne.Lordan@CorkCoCo.ie)>  
**Sent:** Monday, March 25, 2024 10:05 AM  
**To:** Ronnie Barry <[Ronnie.Barry@CorkCoCo.ie](mailto:Ronnie.Barry@CorkCoCo.ie)>  
**Cc:** Olivia Field <[Olivia.Field@CorkCoCo.ie](mailto:Olivia.Field@CorkCoCo.ie)>; Kevin O'Regan <[kevin.oregan@CorkCoCo.ie](mailto:kevin.oregan@CorkCoCo.ie)>  
**Subject:** D/9/24 - Exemption fee

Hi Ronnie,

## Planner's Section 5 Report

Declaration on Exempted Development Under Section 5 of the Planning & Development Act 2000 as amended to Construct an Agricultural building for the purpose of storing machinery and agricultural supplies at Cahergal, Union Hall, West Cork.

Application Ref. No. D/9/24

Received on: 20/03/2024

Decision Due date: 16/04/2024

Applicant: Michael O'Sullivan

### Development Description

The subject site is located in a scenic coastal area overlooking Lough Cluhir to the west, in the rural townland of Cahergal, approximately 1 km south of Union Hall village, West Cork.

The subject site comprises of an elevated and exposed sloping green field. This site is not shown to be part of an extended landholding in the area.

The application states that the applicant requires the new building to store machinery and agricultural supplies.

There is an existing habitable dwellinghouse located on the adjoining site to the south. According to Question no. 3 in the form the applicant refers to this dwelling as the 'main house'. It is therefore assumed that the applicant is the owner of the existing dwellinghouse located c. 20 metres away on the adjoining site to the south.

### Site Location Maps



Subject site identified by yellow star above.

Site Inspection Photographs taken on the 03/04/2024



View towards site from approaching public road to the north.



Proposed shed to be built here.



View towards site from the public road to the south – shed to go behind this dwelling.

### Relevant Zonings

The subject site is located in a High Value Landscape area as designated under the Cork County Development Plan 2022.

The Landscape Character of the area is described as ‘Indented Estuarine Coast’ under the Draft Landscape Character Assessment Study.

The site is not shown to be prone to flooding.

This application does not require a mandatory EIAR.

The application site is not located within a Screening Zone of a Natura 2000 site and as such the proposal will not give rise to any adverse impacts upon any Natura 2000 network.

### Assessment

The applicant is seeking a Declaration of Exemption to construct a detached agricultural building which will be used to store Machinery and agricultural supplies. The dimensions for the proposed building are 12 m x 24 m x 5 metres high. The proposed development has a stated gross floor area of 292.8 sqm. The building will be finished in dark green metal cladding.

The proposed shed will be constructed at the highest point on the site which comprises of an elevated and exposed sloping green field.

Under Schedule 2, Class 9, (Agricultural Structures), of the Planning and Development Regulations 2001 as amended, any agricultural store/shed not exceeding 300 sqm in size, is considered to be exempt, if it satisfies the following 6 no. limitations:



<p><b>CLASS 9</b></p> <p>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</p>	<p>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</p>
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<p>Schedule, and having a gross floor space not exceeding 300 square metres.</p>	<ol style="list-style-type: none"> <li>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.</li> <li>3. No such structure shall be situated within 10 metres of any public road.</li> <li>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>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.</li> <li>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> </ol>
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Restrictions on Exempt Development

This proposal appears to satisfy the 6 no. limitations under Class 9 of the Regulations.

However, Under Article 9 (1) (a) (vi) Development to which Article 6 relates shall not be exempt development for the purposes of the Act, (a) if the carrying out of such development would –

*(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

Having regard to the extremely prominent and exposed nature of the site within a highly sensitive scenic coastal landscape of high national importance, and to the size, scale, and design of the proposal, it is considered that the proposed development would form a visually obtrusive feature on the skyline and would severely detract from the scenic amenity and character of this high value coastal landscape.

Recommendation

It is considered that the proposed development would not constitute exempt development under Class 9 as it would result in a visually obtrusive feature on the landscape and would seriously interfere with and detract from the character of this important High Value scenic landscape, thereby making it de-exempt under Article 9 (1) (a) (vi) of the Planning and Development Regulations 2022, as amended.

*Olivia Field*

.....  
Olivia Field  
Assistant Planner  
10/04/2024



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

## **APPLICANT CHECKLIST**

(Please tick ✓)

- 4 No. Copies of Application Form:**
- 1 No. Copy of Contact Details:**
- 4 No. Copies 6" O.S. Maps:**
- 4 No. Copies 25" O.S. Maps:**
- 4 No. Copies of Site Layout Plan:**
- 4 No. Copies Scaled Drawings of Development:**
- €80 Application Fee:**


REG. No. \_\_\_\_\_  
 PLANNING (WEST) DEPT  
 20 MAR 2024  
 CORK COUNTY COUNCIL  
 NORTON HOUSE, SKIBBEREEN, Co. CORK

## **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 3<sup>rd</sup> parties to view.**

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

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

## **DATA PROTECTION**

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

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



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

Michael J F O'Sullivan

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

Chaergal West  
Union Hall  
Skibbereen  
Cork  
P81FY02

REG. No.  
PLANNING (WEST) DEPT  
20 MAR 2024

CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. CORK

**3. QUESTION/DECLARATION DETAILS:**

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

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

The erection of a Class 9 ( Planning and development regulations 2001)  
Store building 12.2m wide x 24m long x 4.87m to the eaves giving maximum height of 6.6m to the apex

This building will be used solely for the purpose of agriculture including storing of machinery and agricultural supplies. no animals will be housed in this building.

The additional of this building will not take to total indoor floor space above 900m

the structure will not be within 10m of any public road

It will not exceed 8m in height from ground level

It is not within 100m of any other building other than the main house.

The cladding of the structure will be green pvc coated.

**4. APPLICATION DETAILS:**

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	292.8 m2
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) and previous planning reference(s) where applicable: N/A
(c) If a change of use of land and/or building(s) is proposed, please state the following:  Existing/previous use NA	Proposed use NA <i>REG. No. PLANNING (WEST) DEPT 20 MAR 2024 CORK COUNTY COUNCIL NORTON HOUSE, SKIBBEREEN, Co. CORK</i>
(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):		

**6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:**

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

**7. APPROPRIATE ASSESSMENT:**

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


**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.*

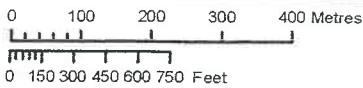
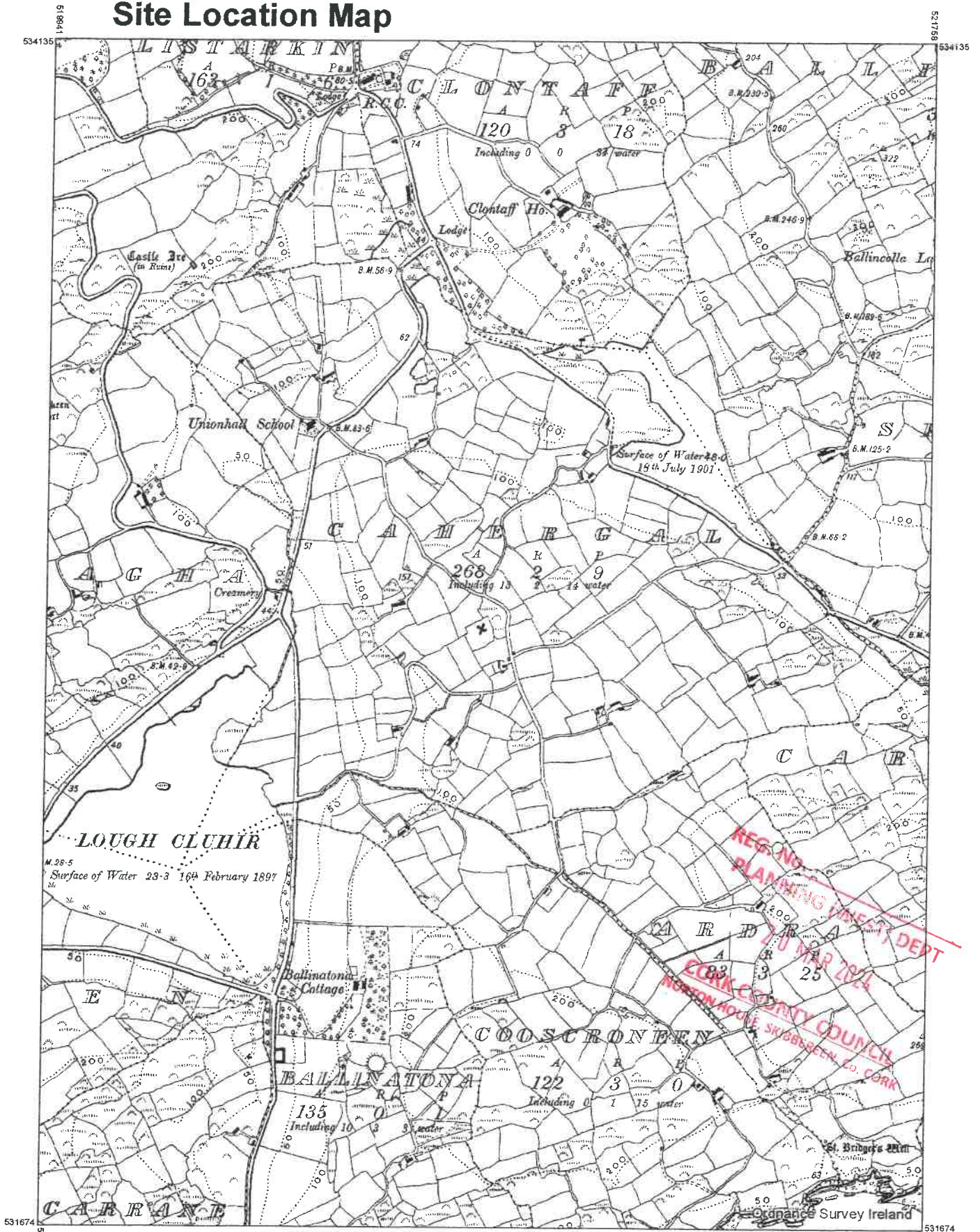
**9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

<i>Signed (Applicant or Agent as appropriate)</i>	Michael J F O'Sullivan 
Date	15-Feb-2024

REG. No. \_\_\_\_\_  
 PLANNING (WEST) DEPT  
 20 MAR 2024  
 CORK COUNTY COUNCIL  
 NORTON HOUSE, SKIBBEREEN, Co. CORK



# Site Location Map



OUTPUT SCALE: 1:10,560



**CENTRE COORDINATES:**  
ITM 520850,532905

**PUBLISHED:** 15/02/2024

**MAP SERIES:** 6 Inch Raster

**ORDER NO.:** 50383464\_1

**MAP SHEETS:** CK142

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

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# Planning Pack Map



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**CENTRE COORDINATES:**  
 ITM 520850,532905

**PUBLISHED:** 15/02/2024  
**ORDER NO.:** 50383464\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 6775

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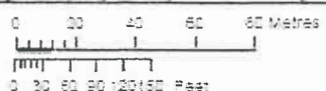
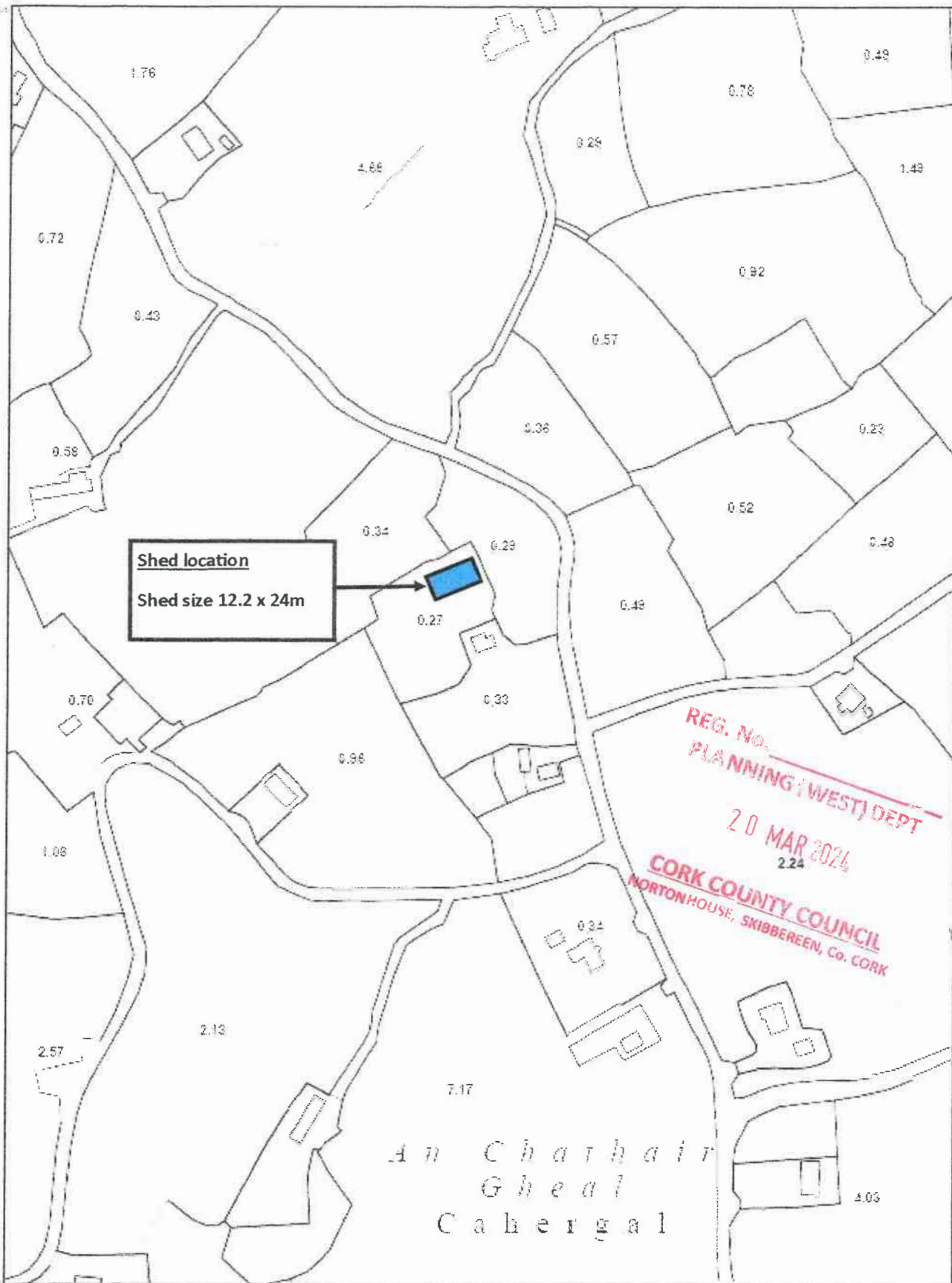
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# Planning Pack Map



OUTPUT SCALE: 1:2,000



CENTRE COORDINATES:  
ITM: 500850.890902

PUBLISHED: 15/02/2024  
MAP SERIES: 1:6,000  
ORDER NO.: 5008494\_1  
MAP SHEETS: 0776

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

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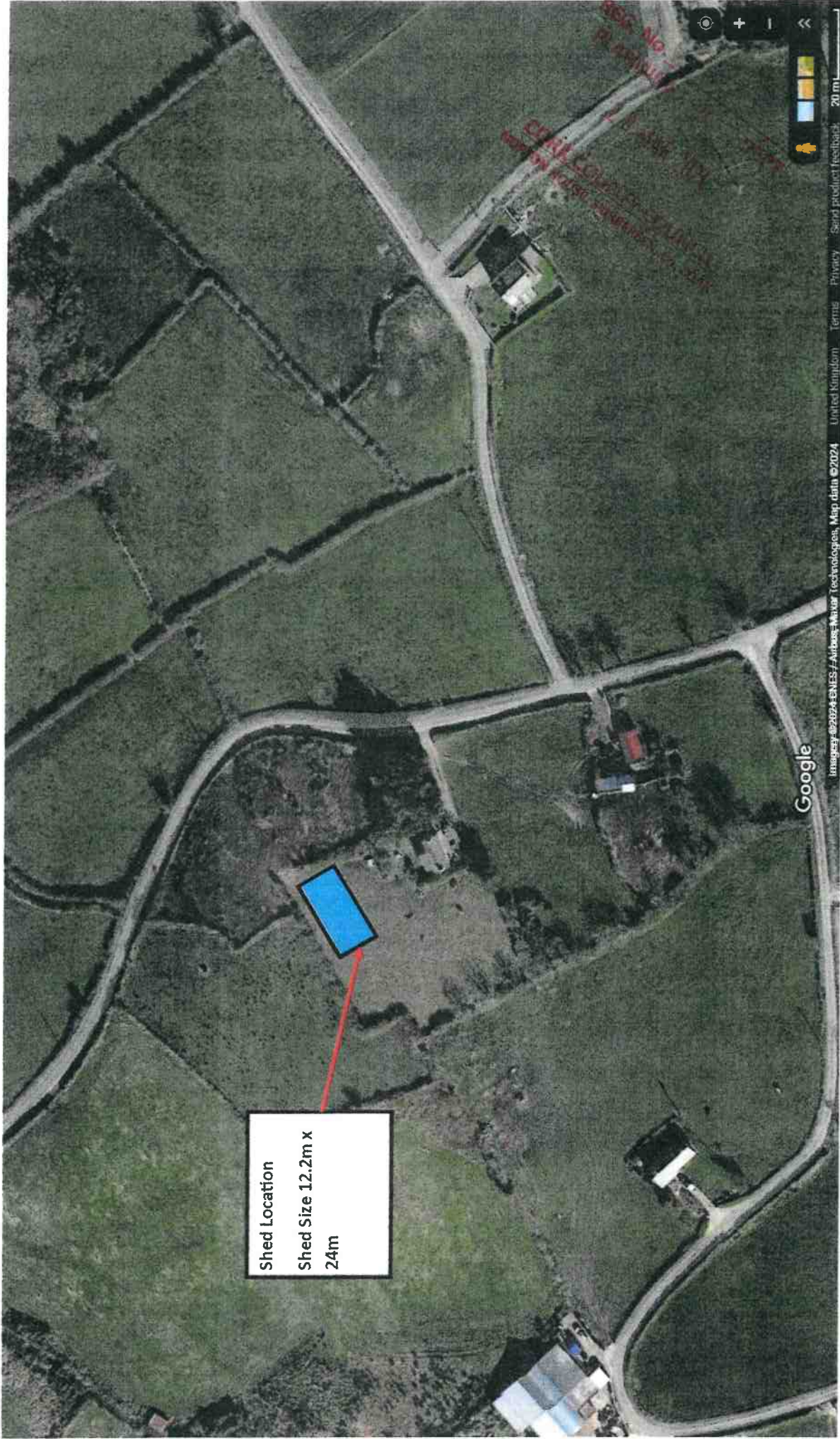
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Tailte Éireann



Shed Location  
Shed Size 12.2m x  
24m

Google

Images © 2024 Earthstar Technologies, Map data © 2024 United Kingdom Terms Privacy Send product feedback 20 m



Google Maps Unionhall



Imagery ©2024 CNES / Airbus, Maxar Technologies, Map data ©2024 20 m

Agricultural shed for P81FY02 Cahergal Union Hall



Difficulty getting full specifications and scale plans until an order is placed for the building.

The shed is 12 metres wide x 24 metres long and 5 metres to the eaves using 5 portal frames as the main structure, wind braced in both end bays. There will be one roller shutter door in the side and one personnel door in the same side.

Tree planting on site is expected to completely mask the building in 4/5 years

It will be a CE marked building with green plastic covered sheets, clad to the floor.

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