

# Comhairle Contae Chorcaí Cork County Council

Jodie Lane,  
C/O BRH Design Partners,  
Phoenix House,  
Monahan Road,  
Cork.

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
Fón: (021) 4276891  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning & Development,  
County Hall,  
Carrigrohane Road, Cork T12 R2NC.  
Tel (021) 4276891  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



26<sup>th</sup> February, 2025

REF: D/207/25  
LOCATION: Peafield, Ballinadee, Bandon, Co. Cork

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

Dear Madam,

On the basis of the information submitted by you on 29<sup>th</sup> January, 2025 the Planning Authority, having considered whether the proposed construction of a new vehicle entrance to an agricultural field at **Peafield, Ballinadee, Co. Cork** is or is not development or is or is not exempted development, has declared that it is **not exempted development**.

**Reason for Decision**

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

- Sections 3(1) and 4(1)(a) of the Planning and Development Act 2000 (as amended)
- Part 3(Rural), Article 6, Schedule 2 of the Planning and Development Regulations 2001 – 2024 (as amended)

**And Whereas the Planning Authority** hereby decides that

- The proposed development does not come within the scope of Section 4(1)(a) of the Planning and Development Act which only relates to 'use' of agriculture land.
- The proposed development is not covered by Part 3, Article 6, Schedule 2, of the Planning and Development Regulations which sets out exemptions in rural areas, with limited exemptions for agriculture ONLY available to structures (Class 6 to Class 10).
- The proposal constitutes development as defined in Section 3(1) of the Planning Act - but does not come within scope of Section 4(1)(a) of the Planning Act which only relates to 'use' of agriculture land.
- Furthermore, having regard to Part 3 (Rural), Article 6, Schedule 2 of the Planning Regulations the proposed development does not fall into any class relating to 'agriculture', nor to any other Part of Article 6 of Planning Regulations.



We are Cork.



Recycled

**NOW THEREFORE, Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the proposed new vehicle entrance to an agricultural field at Peafield, Ballinadee, Co. Cork is not exempted development.**

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

Yours faithfully,

  
\_\_\_\_\_  
**PIO TREACY,  
ADMINISTRATIVE 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>*

25 February 2025

## **S.5 DECLARATION**

**APPLICANT: Co. Cork.**

**Your Ref: D 207/25**

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I have not inspected the site. I am familiar with the location.

The proposal is for new vehicle entrance into agricultural field only.

The proposed development does not come within scope of Section 4(1)(a) of the Planning Act which only relates to 'use' of agriculture land.

The proposed development is not covered by Part 3, Article 6, Schedule 2, of the Planning Regulations which sets out exemptions in rural areas, with limited exemptions for agriculture ONLY available to structures (Class 6 to Class 10).

In this context, having regard to the above, information supplied, including survey of existing widths of the public road are not relevant factors.

### **Conclusion**

**The proposal constitutes development as defined in Section 3(1) of the Planning Act - but does not come within scope of Section 4(1)(a) of the Planning Act which only relates to 'use' of agriculture land.**

**Furthermore, having regard to Part 3 (Rural), Article 6, Schedule 2 of the Planning Regulations the proposed development does not fall into any class relating to 'agriculture', nor to any other Part of Article 6 of Planning Regulations.**

**The referral question involves development that is not exempted development.**

Regards  
Steve Baxter  
Executive Planner  
BA Hons Dip Town Planning

Planning Department,  
Cork County Council,  
County Hall,  
Carrigrohane,  
Cork.

Date: 24<sup>th</sup> January 2025

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## SECTION 5 DECLARATION

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**CLIENT:** Jodie Lane  
**ADDRESS:** Peafield, Ballinadee, Bandon, Co. Cork  
**AUTHORITY:** Cork County Council Planning Authority

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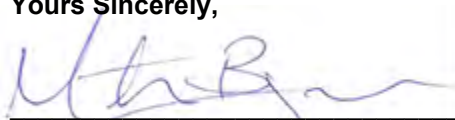
Dear Sirs,

Our client Jodie Lane recently purchased a 0.925 Hectare field near his family home in Ballinadee for agricultural purposes.

The subject field he has purchased has no entrance from the public Road. We are submitting a Section 5 Declaration for a new agricultural entrance as the public road is only between 2.7m and 2.8m wide. See images below for context.

I trust the attached is in order. Please contact this office should you require any further information.

Yours Sincerely,



**Martin Byrne** BA Arch (hons), BSc Arch.Tech.(hons)



Image A – existing public roadway and approx. location of proposed agricultural entrance.



Image B – example of entrance gate proposed.





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

### **APPLICANT CHECKLIST**

(Please tick ✓)

**4 No. Copies of Application Form:**

**1 No. Copy of Contact Details:**

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

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

**4 No. Copies of Site Layout Plan:**

**4 No. Copies Scaled Drawings of Development:**

**€80 Application Fee:**

✓
✓
✓
✓
✓
✓
✓

### **FOR OFFICE USE ONLY**

<b>Receipt No.</b>	
<b>Cash/Cheque/ Credit Card</b>	
<b>Date</b>	
<b>Declaration Ref. No.</b>	

**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.*



**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):	0
(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 checked="" type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) 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):		

**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

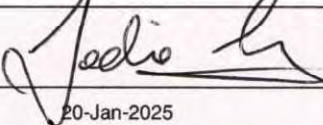


**8. DATA PROTECTION DECLARATION:**

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)	JODIE LANE	
Date		20-Jan-2025

**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	JODIE LANE
Date	25-Jan-2025

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

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

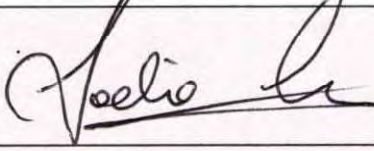
**ADVISORY NOTES:**

The application must be accompanied by the required fee of €80  
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
 Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.  
 The application should be sent to the following address:  
 The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

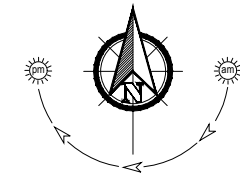
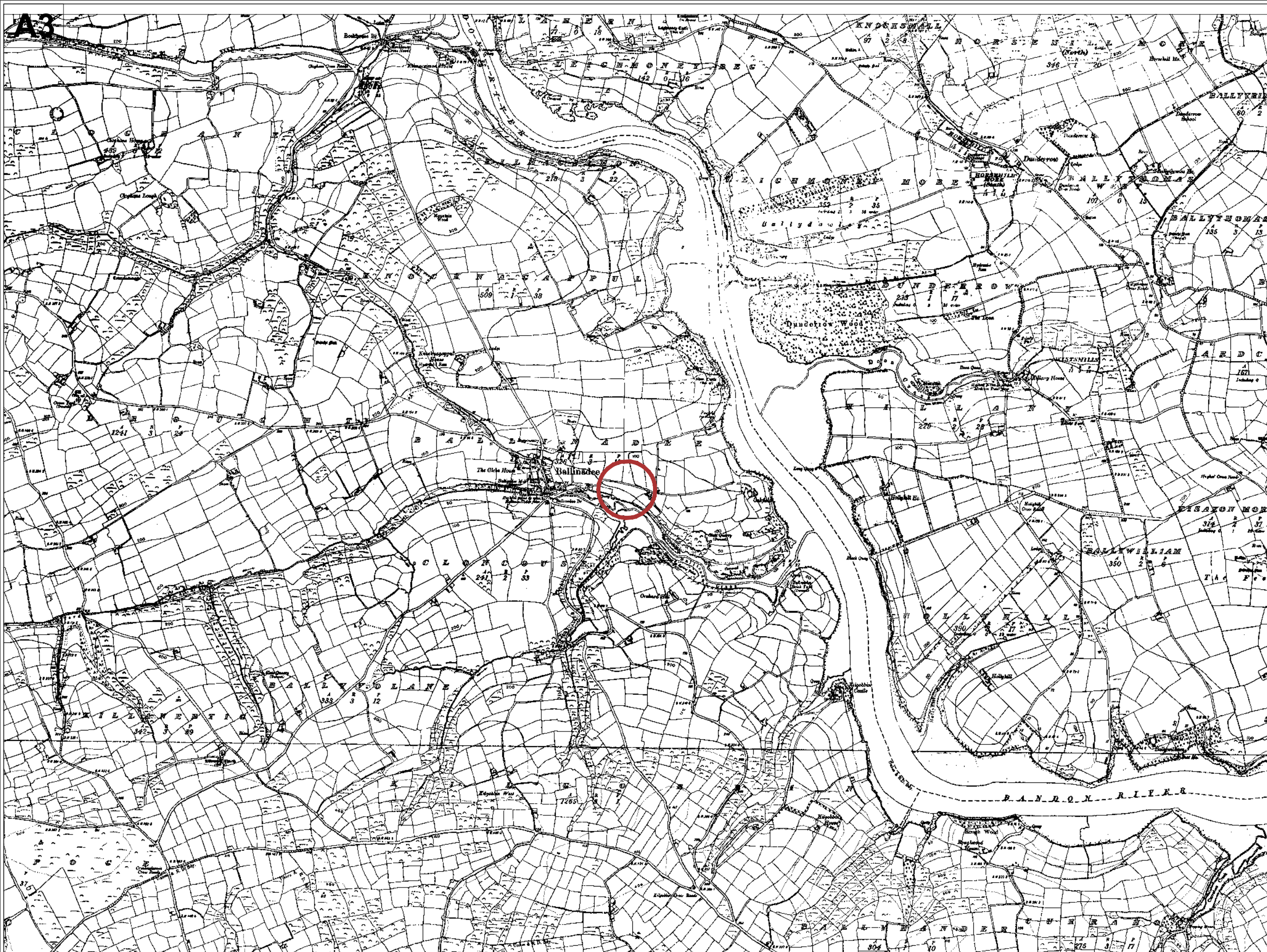
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and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

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

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

Signed (Applicant or Agent as appropriate)	JODIE LANE 
Date	25-Jan-2025





**NORTH POINT**

-Description:  
 -----  
 -Historic 6" Latest Edition  
 -----  
 -Publisher / Source:  
 -----  
 -Taille Éireann  
 -----  
 -Data Source / Reference:  
 -----  
 -CK111  
 -Revision Date =  
 -Survey Date = 31-Dec-1935  
 -Levelled Date = 31-Dec-1939  
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 -CK124  
 -Revision Date =  
 -Survey Date =  
 -Levelled Date = 31-Dec-1902  
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 -Tagged Image File Format (TIFF)  
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 -R\_50444912\_1.tif  
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 -Centre Point Coordinates:  
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 -Data Extraction Date:  
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 -24-Jan-2025

0	ISSUED FOR SECTION 5 DECLARATION	23/01/2025	MB
Rev	DETAIL	DATE	BY



Phoenix House, Monahan Road, Cork.  
 T-021 2376150 E: info@brh.ie

CLIENT: Jodie Lane

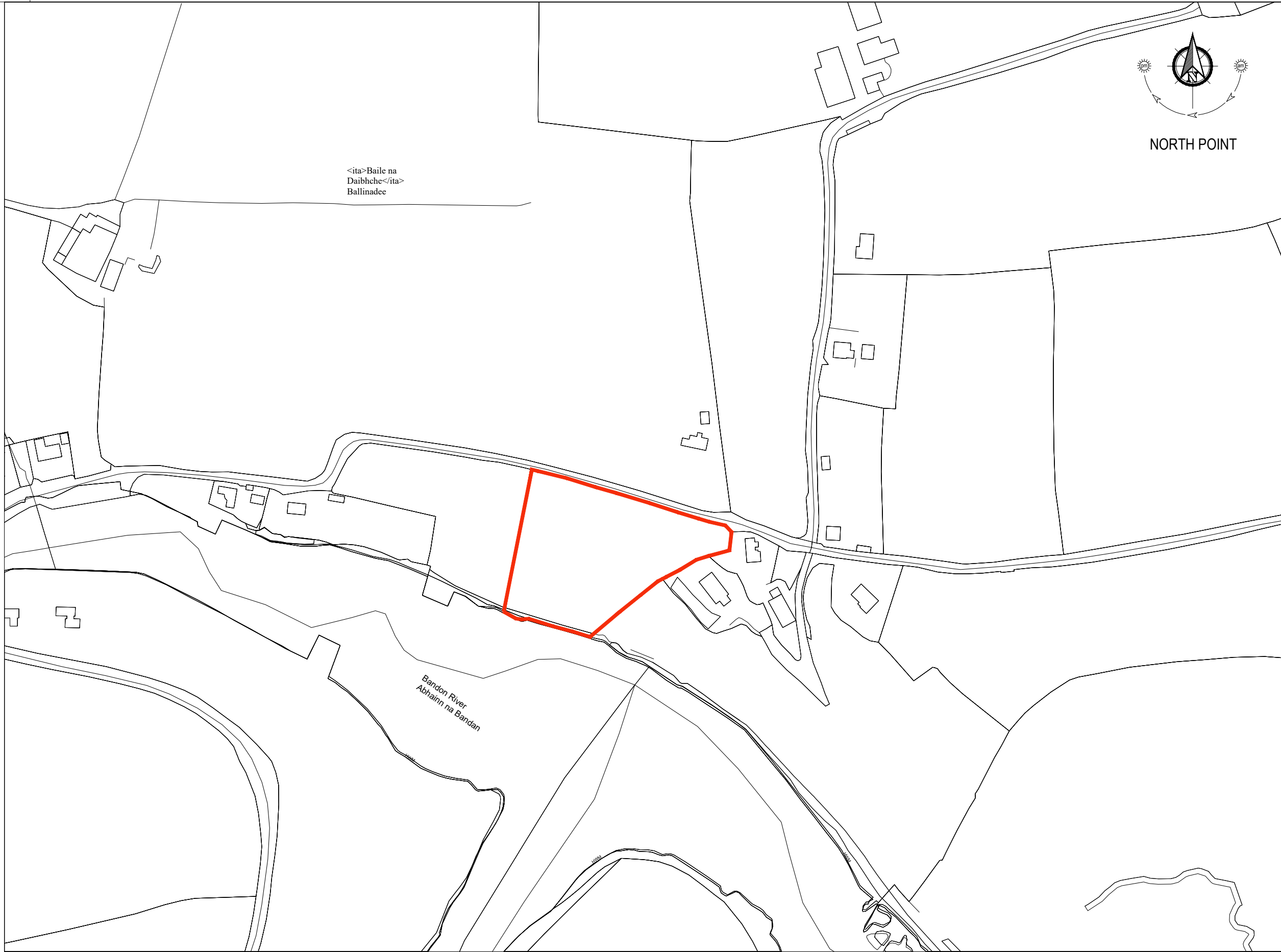
PROJECT: Section 5 Declaration for Exemption  
 for an agricultural site entrance  
 at lands at:  
 Peafield, Ballinadee, Co. Cork

DRG: Record Place Map

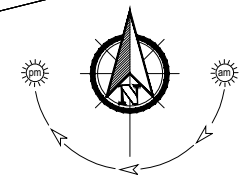
Drawn By:	Checked By:	Job No:	Drawing Number:	Revision:	Stage:
SW	MB	25_001	0101	0	PA

6 Inch on A3





<ita>Baile na Daibhche</ita>  
Ballinadee



NORTH POINT

Bandon River  
Abhainn na Bandon

-Description:  
-----  
-Digital Landscape Model (DLM)  
-----  
-Publisher / Source:  
-----  
-Taithe Éireann  
-----  
-Data Source / Reference:  
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-PRIME2  
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-File Format:  
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-Autodesk AutoCAD (DWG\_R2013)  
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-File Name:  
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-URX,URY= 557609.8372,551483.7729  
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-Centre Point Coordinates:  
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-Reference Index:  
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-Data Extraction Date:  
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-Date= 24-Jan-2025  
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-Source Data Release:  
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-DCMLS Release V1.183.119  
-----  
-Product Version:  
-----  
-Version= 1.4  
-----  
-License / Copyright:  
-----  
-Compiled and published by:  
-Taithe Éireann,  
-Phoenix Park,  
-Dublin 8,  
-Ireland.  
-D08F6E4

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Rev/	DETAIL	DATE	BY



Phoenix House, Monahan Road, Cork.  
T-021 2376150 E: info@brh.ie

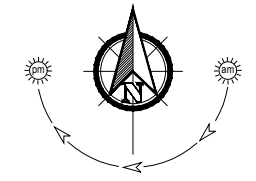
CLIENT: Jodie Lane

PROJECT: Section 5 Declaration for Exemption  
for an agricultural site entrance  
at lands at:  
Peafield, Ballinadee, Co. Cork

DRG: Rural Place Map

Drawn By:	Checked By:	Job No:	Drawing Number:	Revision:	Stage:
SW	MB	25_001	0102	0	PA
SCALE:		1:2500 on A3			

A3



NORTH POINT

**IMPORTANT TO BE READ**

- Copyright of this drawing is reserved by BRH Architecture and Engineering.
- All construction methods, materials, installations to be in accordance with all building regulations and codes of practice at the time of construction.
- All sub-contractors are ultimately responsible for ensuring compliance with regulations within their own trade.
- The user of this drawing shall cross-check dimensions shown on this drawing with relevant dimensions shown on other drawings issued by BRH Architecture and Engineering and by other design consultants relevant to the project prior to any fabrication or construction on site. All errors, omissions and discovered inconsistencies to be reported to the BRH Architecture and Engineering immediately.
- All trades to check dimensions on site prior to fabrication.
- Drawings show design intent only.
- Do not scale dimensions from the drawing.
- This drawing should not be reproduced without written prior consent from the copyright owner.
- This drawing is specific to the job outlined in the title box below.

**STAGE ABBREVIATIONS:**

CD- Concept Design, PP-Preplanning, PA-Planning Application, FI-Further Information, AP-Appeal, RC-Response To Conditions, TE-Tender, FC-Fire Cert/, LE-Contract / Legal, CO-Construction, AB-As Built.

OWNERSHIP OUTLINED IN RED = 0.925 HECTARES

Rev	DATE	BY
0	23/01/2025	MB
ISSUED FOR SECTION 5 DECLARATION		
DETAIL		



Phoenix House, Monahan Road, Cork.  
T-021 2376150 E: info@brh.ie

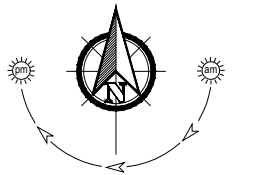
CLIENT: Jodie Lane

PROJECT: Section 5 Declaration for Exemption for an agricultural site entrance at lands at: Peafield, Ballinadee, Co. Cork

DRG: Existing Site Layout Plan

Drawn By: SW	Checked By: MB	Job No: 25_001	Drawing Number: 0103	Revision: 0	Stage: PA
SCALE: 1:500					

A3



NORTH POINT

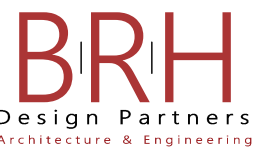
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0	23/01/2025	MB
ISSUED FOR SECTION 5 DECLARATION		
DETAIL		



Phoenix House, Monahan Road, Cork.  
T-021 2376150 E: info@brh.ie

CLIENT: Jodie Lane

PROJECT: Section 5 Declaration for Exemption for an agricultural site entrance at lands at: Peafield, Ballinadee, Co. Cork

DRG: Proposed Site Layout Plan

Drawn By: SW	Checked By: MB	Job No: 25_001	Drawing Number: 0104	Revision: 0	Stage: PA
SCALE: 1:500					



D/207/25 – PHOTOGRAPHS OF PROPOSED ENTRANCE LOCATION & TYPE OF GATE



Image A – existing public roadway and approx. location of proposed agricultural entrance.



Image B – example of entrance gate proposed.