

Comhairle Contae Chorcaí Cork County Council

Banteer Tidy Towns,
C/O Bernie O'Connor,
Chairperson,
Duinch,
Banteer,
Co. Cork.
P51 A7X9

12th March, 2025

REF: D/213/25
LOCATION: The Square, Banteer, Co. Cork

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

Dear Madam,

On the basis of the information and plans submitted by you on 12th February, 2025 the Planning Authority, having considered whether landscaping works comprising (a) Hard landscaping (b) Removal of notice boards and signposts (c) Provision of two fingerpost signs and (d) Provision of sculpture on a concrete base at **The Square, Banteer, Co. Cork** is development and is or is not exempted development

AND WHEREAS Cork County Council, in considering this referral had regard particularly to:-

- Section 2 and 3 of the Planning and Development Acts 2000 (as amended)
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- Class 33 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, (as amended)
- Section 254 parts (1), (2) and (7) of the Planning and Development Act 2000 (as amended)
- Class 13, Part 2, Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- The particulars received by the Planning Authority on the 12th February, 2025

AND WHEREAS Cork County Council has concluded that -

- (a) The paved area and the border constitute development and are **exempted development**.

And,

- (b) The sculpture on a concrete base on the corner site constitutes development and **not exempted development**
- (c) The fingerpost signs and the notice board signs constitute development and **not exempted development**.

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

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County Hall,

Carrigrohane Road, Cork T12 R2NC.

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And now therefore the Planning Authority hereby decides that a **SPLIT DECISION** arises in the assessment of the subject Section 5 request.

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.

Please be advised that:

While there is a lack of clarity in relation to the proposed fingerpost signs, there is no specific exemption for same in the planning legislation. It could be investigated if the fingerpost signs would be subject to a licence under section 254 of the Planning and Development Act 2001, as amended and schedule 12 of the Planning and Development Regulations 2001, as amended.

While there is no issue with the removal of the fingerpost signs and notice board signs from the corner site and there is a lack of clarity in relation to the proposed structures and the proposal for the site adjoining the main street, you are advised that there is no specific exemption for same. It could be investigated if the proposal would be subject to a licence under Section 254 of the Planning and Development Act 2001, as amended and Schedule 12 of the Planning and Development Regulations 2001, as amended.

Section 254 of the Planning and Development Act 2001, as amended makes provision for licensing of appliances etc on public roads, as follows;

- (1) Subject to subsection (2), a person shall not erect, construct, place or maintain -
- (b) a town or landscape map for indicating directions or places,
- (d) an advertisement structure, Page 11 of 15 or any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

Note: Planting should comprise native species.

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>

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

Ref No.	D/213/25
Applicant	Banteer Tidy Towns
Location	The Square, Banteer

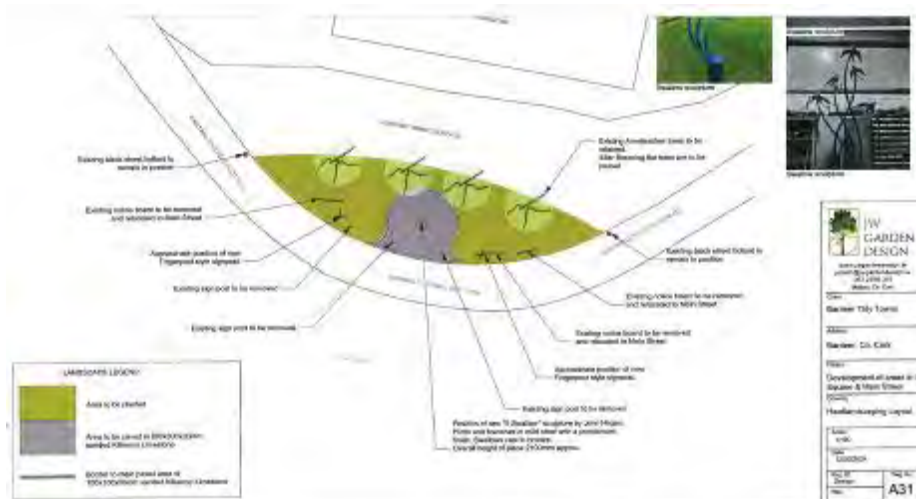
Section 5 Query

The subject of the section 5 query is set out as follows in the application form;

<p>RE LANDSCAPING OF AREA COLOURED ON MAP A31</p> <p>(i) REMOVAL OF EXISTING LOW VEGETATION; NB THE FOUR AMELANCHIER TREES TO BE RETAINED AND PRUNED MAP A37 RECLR</p> <p>(ii) REPLANTING OF GREEN COLOURED AREA WITH BIODIVERSITY FRIENDLY PLANTS MAPS A33 AND A38 PLCEES AND A35, A34.</p> <p>(iii) THE GREY AREA MAP A37 WILL BE PAVED, ALONG WITH A PIECE OF SCULPTURE IN THE MIDDLE</p> <p>(iv) EXISTING NOTICE (INFORMATION) BOARDS TO BE REMOVED</p> <p>(v) SOURCE OF POWER TO BE BROUGHT UNDERGROUND FROM NEAREST E.S.B POLE</p>
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The accompanying plans make reference to further works, as set out below;

<p>LANDSCAPING NOTES</p> <p>9msq of sanded Kilkenny Limestone with grouting</p> <p>12.5linear meters of 100x100x50mm sanded Kilkenny Limestone setts with grouting</p> <p>36msq + planted area for mulching with mini chip @ 75mm deep</p> <p>3 notice boards to remove</p> <p>3 signposts to remove</p> <p>2 new sign posts to stand</p> <p>Sculpture legs to be fixed to a concrete base 1.2x1.2x350mm beneath the level of the footpath</p> <p>Remove all existing vegetation , roots and weeds. Except for the Amelanchiers which are to be pruned.</p> <p>Import good quality topsoil to bring the levels up to 75mm of the existing concrete footpath level</p> <p>Plants are to be planted into 350mm minium of good quality topsoil.</p> <p>All waste to be removed from the site.</p> <p>All works to be finished to a high standard and the site is to be maintained and left in a safe clean way.</p>



Site Location and Proposal

The main part of the site lies to the north east of the junction between the regional road, R579, and the local road, L1120. The accompanying map also refers to a linear section adjoining the L1120 to the south west. There is a two storey building, with signage referencing 'The Olde Coach Inn' and an access to the north east of the triangular shaped site adjoining the crossroads. The application form indicates that the land is owned by the Council. It is not clear if this refers to both sites.



The sites are located outside areas identified as High Value Landscape in the CDP. There are no scenic routes in the vicinity. The sites lie outside of mapped flood risk zones A and B. The sites are located within flood zone C. The sites are located within a screening assessment zone associated with the Blackwater River SAC.

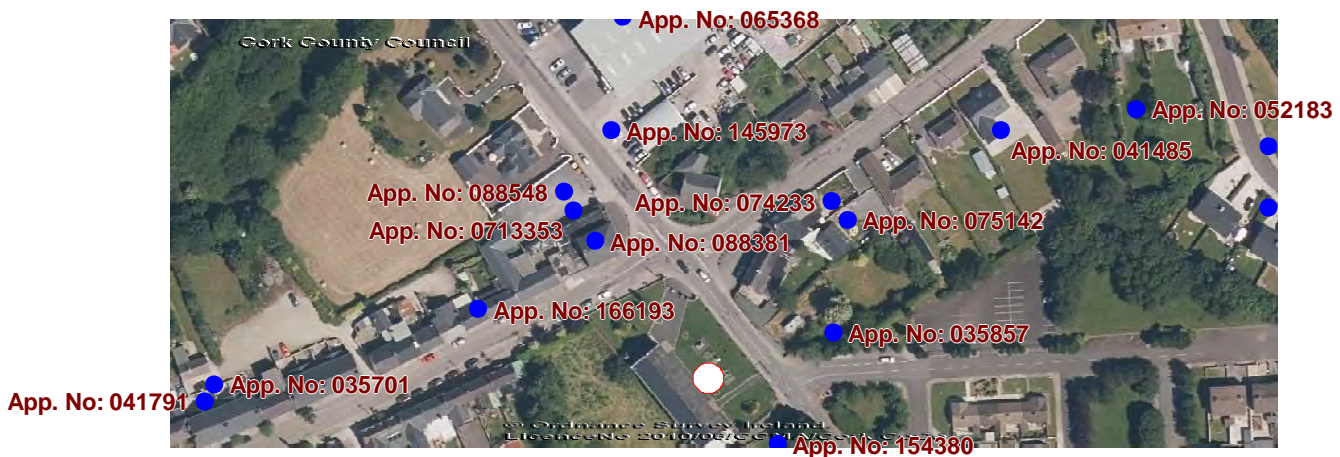
Existing site plans or a proposed site plan in respect of the linear site adjoining the main street were not included. Scaled plans of the proposed structures/signage were

not included. Some discrepancies are noted. The landscape plan and notes refer to the removal of three notice boards but there are two notice boards on site. One notice board sign refers to Mount Hillary with an accompanying map and information relating to walking routes. The second notice board sign refers to the Blackwater valley cycle route. It is indicated that the notice boards would be relocated to the main street. There is a lack of clarity in this regard. The landscape plan and notes also refers to the removal of three signposts but there are two fingerpost signs on site. The application form refers to a 'source of power to be brought underground from the nearest ESB pole'. There is a lack of clarity about this element.

With regard to the corner site, it appears that the main proposal comprises the following;

- Hard and soft landscaping.
- Removal of notice boards and signposts
- Provision of two fingerpost signs
- Provision of sculpture on a concrete base

Planning History



Legislative Context

Planning and Development Act 2000, as amended

Section 2 (1)

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

Section 3 (1)

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(1) The following shall be exempted development for the purposes of this Act- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The Planning and Development Regulations 2001 as amended.

Article 6(1) states that subject to Article 9, development 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Class 33, Schedule 2, Part 1 (Development for Amenity or Recreational Purposes)
Development consisting of the laying out and use of land -
(a) as a park, private open space or ornamental garden,
(b) as a roadside shrine

Condition – The area of any such shrine shall not exceed 2 sq m, the height shall not exceed 2m above the centre of the road opposite the structure and it shall not be illuminated.

Class 13, Part 2. Advertisements for the purposes of identification, direction or warning with respect to the land or structure on which they are exhibited. Condition: No such advertisement shall exceed 0.3 sq m.

Article 9(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act-

- (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,
 - (ii) consist of or comprise the formation, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width,
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
 - (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main, or electricity supply line or cable, or any works to which class 25, 26 or 31(a) specified in column 1 of Part 1 of Schedule 2 applies.
 - (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.
 - (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the

development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
 - (ix) Consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of any existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area 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.
 - (x) Consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.
 - (xi) obstruct any public right of way.
 - (xii) Further to provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area 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 and the development would materially affect the character of the area.
- (b) in an area to which a special amenity area order relates, if such development would fall under (i),(ii), (iii) or (iv)
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these

- Regulations) to comply with procedures for the purpose of giving effect to the Council Directive
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Assessment

Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 as amended, the proposal, with the exception of the soft landscaping, would constitute development. Section 2 (1) states that works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. Section 3 (1) states 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.

As outlined above, there is a lack of clarity in relation to the specifics of the proposal.

With regard to the corner site, it appears that the proposal comprises the following;

- Hard landscaping.
- Removal of notice boards and signposts
- Provision of two fingerpost signs
- Provision of sculpture on a concrete base

The applicants indicate a proposal to relocate the notice boards and fingerpost signs to the linear site adjoining the main street.

(1) Hard landscaping

It is considered that the hard landscaping works comprising paving and a border would be exempt under class 33, Schedule 2, Part 1 of the Regulations.

Class 33

Development consisting of the laying out and use of land -
(a) as a park, private open space or ornamental garden.

Article 9 (1) (a) states that development to which article 6 relates shall not be exempted development for the purposes of the Act under a number of specified conditions. As article 6 is not applicable in this case, the restrictions set out in article 9 also do not apply.

Article 9(1)(a)

- (ii) consist of or comprise the formation, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Article 9(1)(a)(ii) is not applicable. In an email received from the Area Engineer on 24/02/25, she stated that she has no objection from a road's perspective. On this basis, this element of the proposal not be de-exempted by virtue of Article 9(1)(a)(iii).

With regard to Appropriate Assessment, article 9(1)(a) (viiB) comprises development in relation to which a planning authority or An Bord Pleanala is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. The site is located within the screening zone for Blackwater River Special Area of Conservation. The site is located c.340m from the SAC and c.550m from the Blackwater River. Having regard to the nature and scale of the proposal, it is considered that this element of the proposal is not likely to have a significant effect on the integrity of a European Site and therefore a Stage 2 Appropriate Assessment is not required and it will not have a significant effect on any features or other objects of ecological interest. The screening assessment report is attached in appendix A.

(2) Notice board signs and fingerpost signs

There is no issue with the removal of notice boards and signposts from the corner site. However, there is a lack of clarity in relation to the structures and the proposal to relocate the notice boards to the main street. Notwithstanding the lack of detail, there is no specific exemption for same. Class 13, Part 2 of the Regulations would not be applicable.

It could be investigated if the fingerpost signs would be subject to a licence under section 254 of the Planning and Development Act 2001, as amended and schedule 12 of the Planning and Development Regulations 2001, as amended.

Section 254 of the Planning and Development Act 2001, as amended makes provision for licensing of appliances etc on public roads, as follows;

- (1) Subject to subsection (2), a person shall not erect, construct, place or maintain—
- (b) a town or landscape map for indicating directions or places,
- (d) an advertisement structure,

or any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

Similarly, with regard to the proposed fingerpost signs, full details were not submitted. However, it could be investigated if the proposal would be subject to a licence under section 254 of the Planning and Development Act 2001, as amended and schedule 12 of the Planning and Development Regulations 2001, as amended.

Section 254 of the Planning and Development Act 2001, as amended;

- (1) Subject to subsection (2), a person shall not erect, construct, place or maintain—
- (d) an advertisement structure,

or any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

(3) Provision of sculpture on a concrete base

The proposal includes the provision of a sculpture on a concrete base on the corner site.

Notwithstanding the fact that full details were not provided, there is no specific exemption for this element. Class 33, Schedule 2, Part 1 of the Regulations refers to development consisting of the laying out and use of land - (a) as a park, private open space or ornamental garden or (b) as a roadside shrine. Class 33(a) is not applicable. Planning legislation does not provide a definition of a shrine. The Oxford dictionary definition of a shrine is 'a place regarded as holy because of its associations with divinity or a sacred person or relic, marked by a building or other construction'. Class 33(b) of the Regulations is not applicable.

Conclusion

The following comments are based on the available information and a site inspection. It should be noted that there is a lack of information in relation to a number of elements, including the proposed structures, the proposal for the linear site adjoining the main street and underground cabling.

Having regard to;

- (a) sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended and,
- (c) Class 33, Part 1 of the Planning and Development Regulations 2001, as amended;

it is considered that;

1. The paved area and the border constitutes development and exempted development.

Having regard to;

- (d) sections 2 and 3 of the Planning and Development Act 2000, as amended,

it is considered that;

2. The sculpture on a concrete base on the corner site constitutes development and not exempted development.

Having regard to;

(a) sections 2 and 3 of the Planning and Development Act 2000, as amended,

it is considered that;

3. The fingerpost signs and the notice board signs constitute development and not exempted development.

While there is a lack of clarity in relation to the proposed fingerpost signs, there is no specific exemption for same in the planning legislation. It could be investigated if the fingerpost signs would be subject to a licence under section 254 of the Planning and Development Act 2001, as amended and schedule 12 of the Planning and Development Regulations 2001, as amended.

While there is no issue with the removal of the fingerpost signs and notice board signs from the corner site and there is a lack of clarity in relation to the proposed structures and the proposal for the site adjoining the main street, you are advised that there is no specific exemption for same. It could be investigated if the proposal would be subject to a licence under section 254 of the Planning and Development Act 2001, as amended and schedule 12 of the Planning and Development Regulations 2001, as amended.

Section 254 of the Planning and Development Act 2001, as amended makes provision for licensing of appliances etc on public roads, as follows;

- (1) Subject to subsection (2), a person shall not erect, construct, place or maintain—
 - (b) a town or landscape map for indicating directions or places,
 - (d) an advertisement structure,

or any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

Note: Planting should comprise native species.

P Goulding
10/03/25

A/Senior Executive Planner

The report of the Area Planner is noted and endorsed.

Having regard to:

- the particulars received by the Planning Authority on 12th of February 2025
- sections 2 and 3 of the *Planning and Development Act 2000, (as amended)*,

- Section 254 parts (1), (2) and (7) of the *Planning and Development Act 2000 (as amended)*;
- Articles 6 and 9 of the *Planning and Development Regulations 2001, (as amended)*,
- Class 13, Part 2, Schedule 2 of the *Planning and Development Regulations 2001 (as amended)*, and;
- Class 33, Part 1, Schedule 2 of the *Planning and Development Regulations 2001, (as amended)*;

It is concluded that:

- The paved area and the border constitutes development and exempted development.
- The sculpture on a concrete base on the corner site constitutes development and **not** exempted development.
- The fingerpost signs and the notice board signs constitute development and **not** exempted development.

NOTE: The applicant should be further advised:

While there is a lack of clarity in relation to the proposed fingerpost signs, there is no specific exemption for same in the planning legislation. It could be investigated if the fingerpost signs would be subject to a licence under section 254 of the Planning and Development Act 2001, as amended and schedule 12 of the Planning and Development Regulations 2001, as amended.

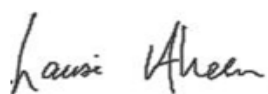
While there is no issue with the removal of the fingerpost signs and notice board signs from the corner site and there is a lack of clarity in relation to the proposed structures and the proposal for the site adjoining the main street, you are advised that there is no specific exemption for same. It could be investigated if the proposal would be subject to a licence under section 254 of the Planning and Development Act 2001, as amended and schedule 12 of the Planning and Development Regulations 2001, as amended.

Section 254 of the Planning and Development Act 2001, as amended makes provision for licensing of appliances etc on public roads, as follows;

- (1) Subject to subsection (2), a person shall not erect, construct, place or maintain—*
- (b) a town or landscape map for indicating directions or places,*
- (d) an advertisement structure,*

or any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

Note: Planting should comprise native species.

A handwritten signature in cursive script, appearing to read "L. Ahern".

L. Ahern

A/Senior Executive Planner

11/03/2025

Appendix A

BLACKWATER RIVER SPECIAL AREA OF CONSERVATION

Development location: Banteer

File Ref: D213/25

Section 1: Project Information	
Brief description of the key components of the proposed development.	Paving and a botder
Distance of proposed development site from the SAC.	c.340m
Distance of proposed development from watercourses.	c.550m
List any ecological reports which have been provided in support of this application.	None
Section 2: Natura 2000 Site Data	
Site Name	Blackwater River SAC Site Code 2170
Qualifying features of Natura 2000 sites	<p>Habitats: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); <i>Taxus baccata</i> woods of the British Isles.</p> <p>Species: Freshwater pearl mussel; White-clawed crayfish; Sea lamprey; Brook lamprey; River lamprey; Allis shad; Twaite shad; Salmon; Otter; Killarney fern.</p>
Conservation Objectives	<p>Detailed conservation objectives for the Blackwater River SAC have been published by NPWS (July 2012 ver 1). These objectives set specific targets for each of the qualifying features for which the SAC is designated. The overall objective is to ensure that the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected is maintained. Specific objectives relating to individual habitats and species, identify particular stretches of the river to which water quality targets apply.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks <i>Salicornia</i> and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows</p>

	<p>(<i>Juncetalia maritimi</i>); <i>Trichomanes speciosum</i>; Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> Vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); *<i>Taxus baccata</i> woods of the British Isles; Freshwater Pearl Mussel; White-clawed Crayfish; Sea Lamprey; Brook Lamprey; River Lamprey; Twaite Shad; Salmon and Otter.</p> <p>Please see expanded information relating to the conservation objectives at : http://www.npws.ie/protectedsites/specialareasofconservationsac/blackwaterrivercorkwaterfordsac/</p>
Other Notable Features	<p>This is an extremely large riverine site which includes the entire length of the river and many of its tributaries from its headwaters in north west Cork and east Kerry to the estuary at Youghal. This site overlaps with the Blackwater Callows Special Protection Area which extends from Fermoy to Tallow along the river and its banks, and with the Blackwater Estuary Special Protection Area which extends through the estuarine portion of the site. It is an important site for a number of freshwater fish and invertebrate species. Associated habitats along the banks of the river including wetland habitats and woodlands are also included within the SAC.</p>
<p>Section 3: General Assessment Consult with or refer file to ecology if the answer to any of the following is yes.</p>	
Is the proposed project within the SAC?	N
Is the proposed project within 100m of the SAC (landbased projects)?	N
Does the proposed project involve development in the intertidal or coastal zone within the potential impact zone of the SAC eg extensions or improvements to marine infrastructure (piers, slips, pontoons, marinas), or coastal protection works?	N
Does the proposed project involve dredging of marine sediments within the potential impact zone of the SAC?	N
Is there a surface water linkage between the development site and the SAC?	N
Is the proposed project located within an area identified to be at risk of flooding within the potential impact zone of the SAC?	Y
Does the proposed project involve the development of flood protection measures within the potential impact zone of the SAC?	N
Does the proposed project involve works within 30m of any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve development of water crossings or any instream or banks works along any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve surface water abstraction from any watercourse within the SAC?	N

Does the proposed project involve a discharge of surface water or wastewater to any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve groundwater abstraction within 1km of the SAC?	N
Does the proposed project involve the development or extension of buildings or other structures to be used for agricultural purposes within the potential impact zone of the SAC?	N
Does the proposed project involve the erection of a wind farm (>3 turbines), or an extension to an existing windfarm within the potential impact zone of the SAC?	N
Does the proposed project involve the development, extension or upgrade of a cycleway or walkway within 100m of the SAC?	N
Could the proposed project give rise to a change in land management practises within the SAC?	N
Section 4: Assessment of Proposals for Treatment of Wastewater	
<i>In order to ensure that there will be no impact on water quality, the following must be certified (mark the relevant box with X).</i>	
For developments proposing connection to individual waste water treatment systems the waste water treatment system must comply with EPA guidelines.	
For developments connecting to public waste water treatment systems which discharge to surface water within the catchment of this SAC, the public system must have the capacity to treat the proposed additional loading?	
Section 5: Screening Conclusion – Please tick either A or B	
A) Potential for significant impacts on the SAC have been ruled out. (In order to make this conclusion, you must certify the following, having regard to the information provided in sections 1, 2, 3, and 4).	
<i>Answers to all questions in section 3 is No.</i>	N
<i>Where applicable, waste water treatment facilities comply with EPA Guidelines or receiving WWTP has capacity to take increased load without causing a breach to license conditions (see section 4).</i>	
B) Potential for negative impacts have been identified or impacts are uncertain.	
Any Notes or Comments	
<i>Having regard to the nature and scale of the development and the distance from the SAC, it is considered that significant impacts on the SAC can be screened out in respect of the proposed paving and border.</i>	
Section 6: Screening Completed By	Date
Patricia Goulding	10/03/25

ENGINEERS REPORT – SECTION 5 DECLARATION OF EXEMPTION – D/213/25

Patricia,

No object to this proposal from a roads viewpoint.

Kind Regards

Andreana

Andreana Sheehan | Innealtóir Feidhmiúcháin | Roinn na mBóithre

Comhairle Contae Chorcaí | Annabella | Mala | P51 Y6YT | Éire

T +353 - (022) 54807

Andreana.sheehan@corkcoco.ie | www.corkcoco.ie

Tirseach na gcustaiméirí : www.yourcouncil.ie

Tracy OCallaghan

From: Tracy OCallaghan
Sent: Tuesday 11 February 2025 16:36
To: 'Bernie'
Cc: Angela Carrigy
Subject: RE: Section 5 Application Banteer Tidy Towns

Good Afternoon,

I refer to your Section 5 application on behalf of Banteer Tidy Towns, received by the Planning Authority yesterday. Please be advised that a fee of €80.00 is required to process this application. Whilst there are certain exemptions from planning fees, as outlined in Part 12, Section 157 of the Planning & Development Regulations 2001 (as amended), these apply to planning application fees only, and do not apply to fees for Section 5 applications. Please contact this office on the number below to arrange payment, so the application can be processed.

Kind Regards,

Tracy Ní Cheallacháin | Oifigeach Fóirne | Pleanáil agus Fobairt
Comhairle Contae Chorcaí | Halla an Chontae | Corcaigh | T12 R2NC | Éire
T +353-(0)21 - 428 5633
tracy.ocallaghan@corkcoco.ie www.corkcoco.ie
Tairseach na gcustaiméirí: www.yourcouncil.ie

Tracy O' Callaghan | Staff Officer | Planning & Development
Cork County Council | County Hall | Cork | T12 R2NC | Ireland
T +353-(0)21 - 428 5633
tracy.ocallaghan@corkcoco.ie www.corkcoco.ie
Customer Portal: www.yourcouncil.ie



Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.

so, the Board shall notify the Health and Safety Authority.

- (2) A notice sent by the Board under sub-article (1) shall—
- (a) issue as soon as may be following receipt of the referral,
 - (b) include a copy of the relevant referral,
 - (c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Board's weekly list. 154.

In addition to the requirements of article 72(4), where a referral under section 5 of the Act relates to the provision of, or modifications to, an establishment, the list shall indicate that fact.

Public notice of referral. 155.

Where a notice is required under section 142(4) of the Act in respect of a referral under section 5 of the Act which relates to the provision of, or modifications to, an establishment, and which, in the opinion of the Board, could have significant repercussions on major accident hazards, the notice shall indicate that fact.

PART 12

FEES

Fee for planning application. 156.

Subject to the provisions of this Part, a fee shall be paid to a planning authority by an applicant when making a planning application.

Exemptions. 157. (1)

Where a planning application consists of or comprises development which, in the opinion of the planning authority, is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—

- (a) is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,



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:**

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>



FOR OFFICE USE ONLY

Receipt No.	PL20002480
Cash/Cheque/ Credit Card	CARD
Date	12/2/25
Declaration Ref. No.	D/213/25

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)

BANTEER TIDY TOWNS

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

THE SQUARE BANTER

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

RE LANDSCAPING OF AREA COLOURED ON MAP A31

- (i) REMOVAL OF EXISTING LOW VEGETATION: N.B. THE FOUR AMELANCHIER TREES TO BE RETAINED AND PRUNED. MAP A37 REFER
- (ii) REPLANTING OF GREEN COLOURED AREA WITH BIODIVERSITY FRIENDLY PLANTS. MAPS A33 AND A38 REFERS AND A35, A34.
- (iii) THE GREY AREA MAP A37 WILL BE PAVED, ALONG WITH A PIECE OF SCULPTURE IN THE MIDDLE
- (iv) EXISTING NOTICE (INFORMATION) BOARDS TO BE REMOVED
- (v) SOURCE OF POWER TO BE BROUGHT UNDERGROUND FROM NEAREST E.S.B. POLE

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):	50 m
(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 checked="" 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
N/A	N/A
(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):
N/A	

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 type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	COUNCIL PROPERTY	
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):	COUNCIL PROPERTY	

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"/>	N/A
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 checked="" type="checkbox"/>	
If yes, please state relevant reference No.	N/A
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"/>	N/A

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>Bernie D Power</i>
Date	30 01 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

N/A

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>Bernie D Power</i>
Date	30 01 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 or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

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


ADVISORY NOTES:

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

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

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

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

<i>Signed (Applicant or Agent as appropriate)</i>	
Date	10 - 02 - 2025



139031

98279

ITM CENTRE PT. COORDS.

538580,598028

DESCRIPTION

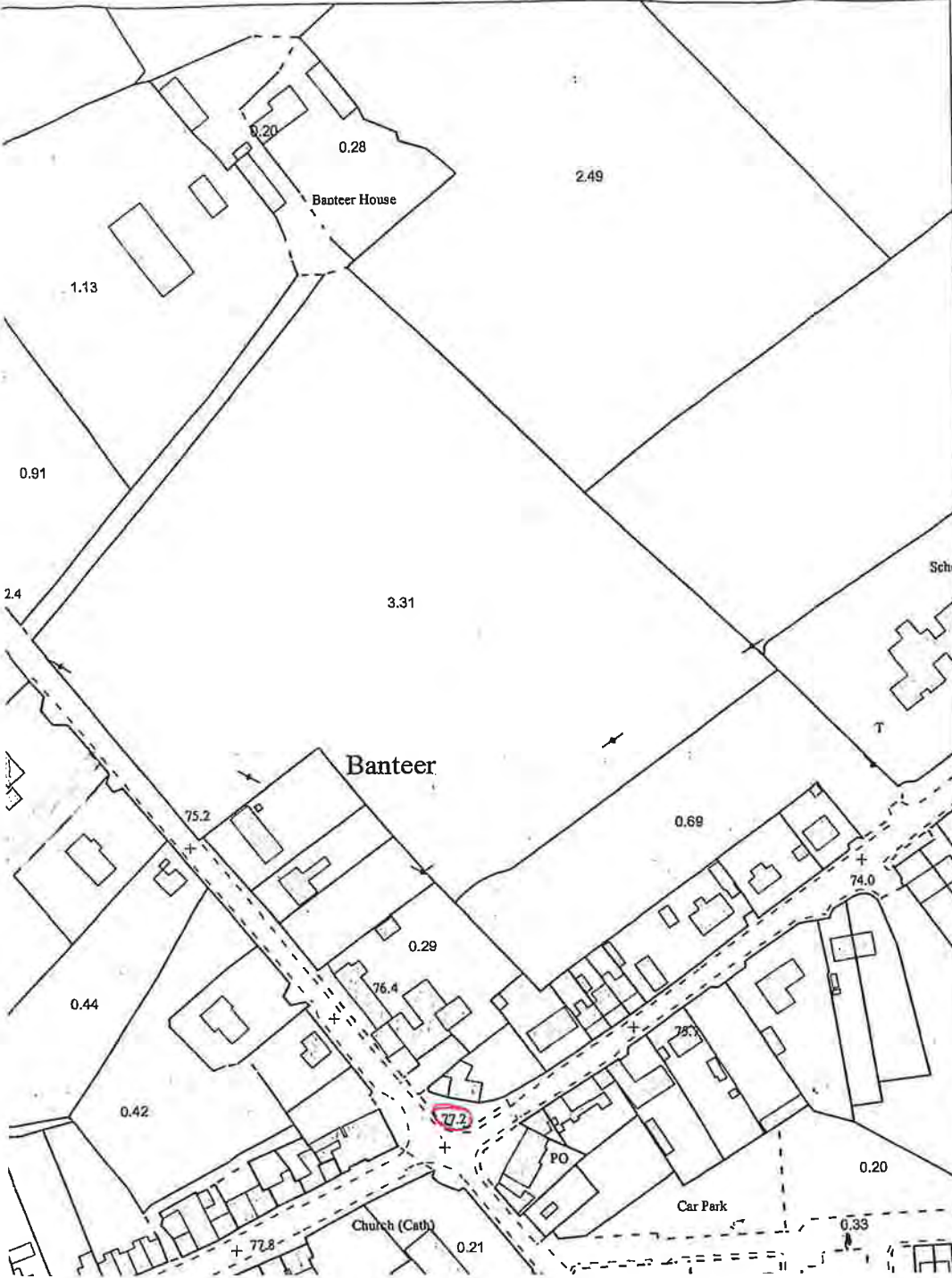
MAP SHEETS

1:2500
5948-D



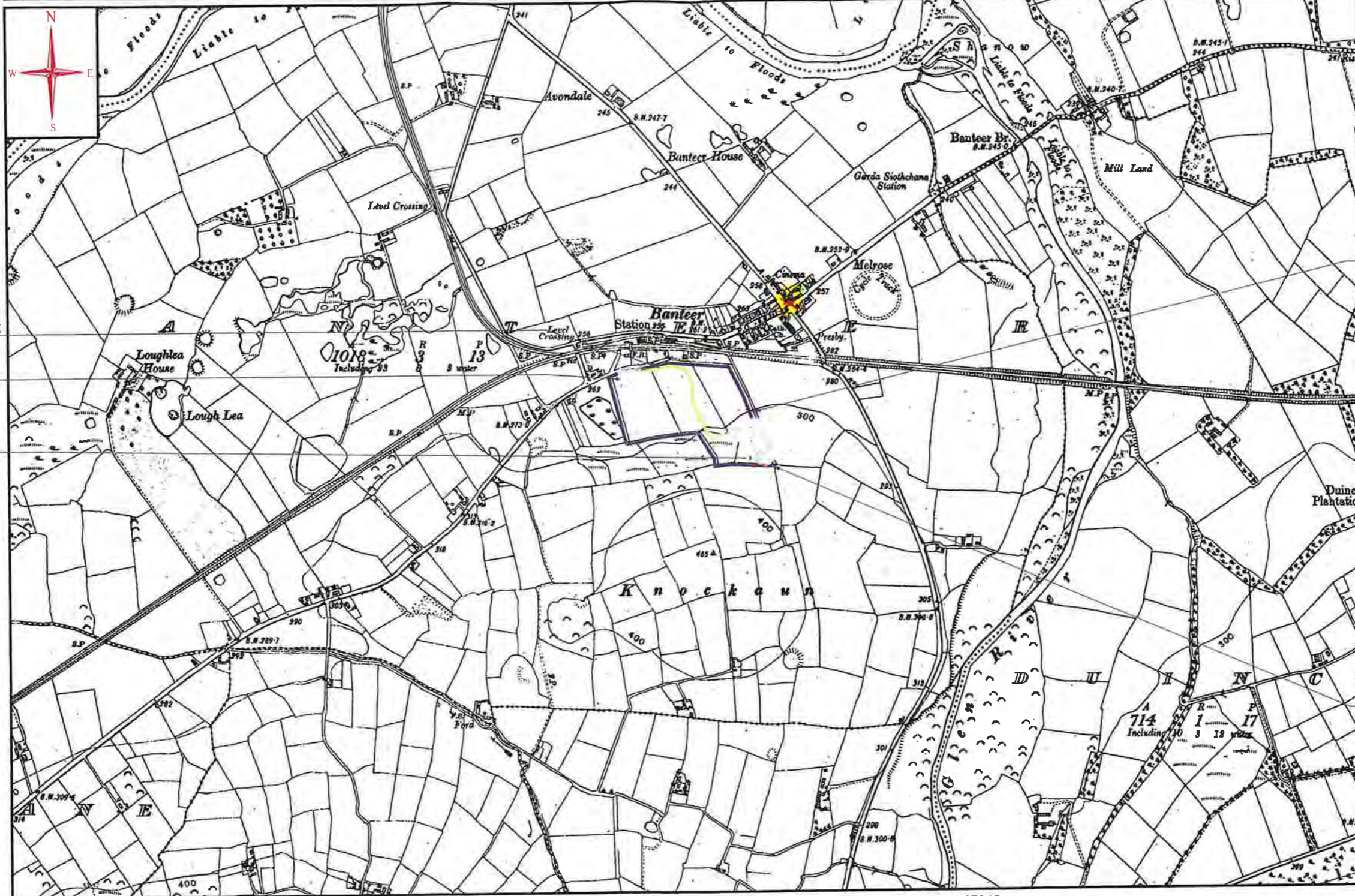
Produced by National Map Services,
The Court House Chambers,
27/29 Washington Street,
Cork City, Co. Cork
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

Sáraíonn atáirgeadh neamhúdaraithe cóipcheart
Shuirbhéireacht Ordanáis Éireann agus
Rialtas na hÉireann.
Unauthorised reproduction infringes Ordnance
Survey Ireland and Government of Ireland
copyright.



Ordnance Survey Map

Scale 1:10560



EXISTING ACCESS TRACK
OUTLINED IN YELLOW

PROPOSED LOCATION
OF 1st SITE NOTICE

PROPOSED LOCATION
OF 2nd SITE NOTICE

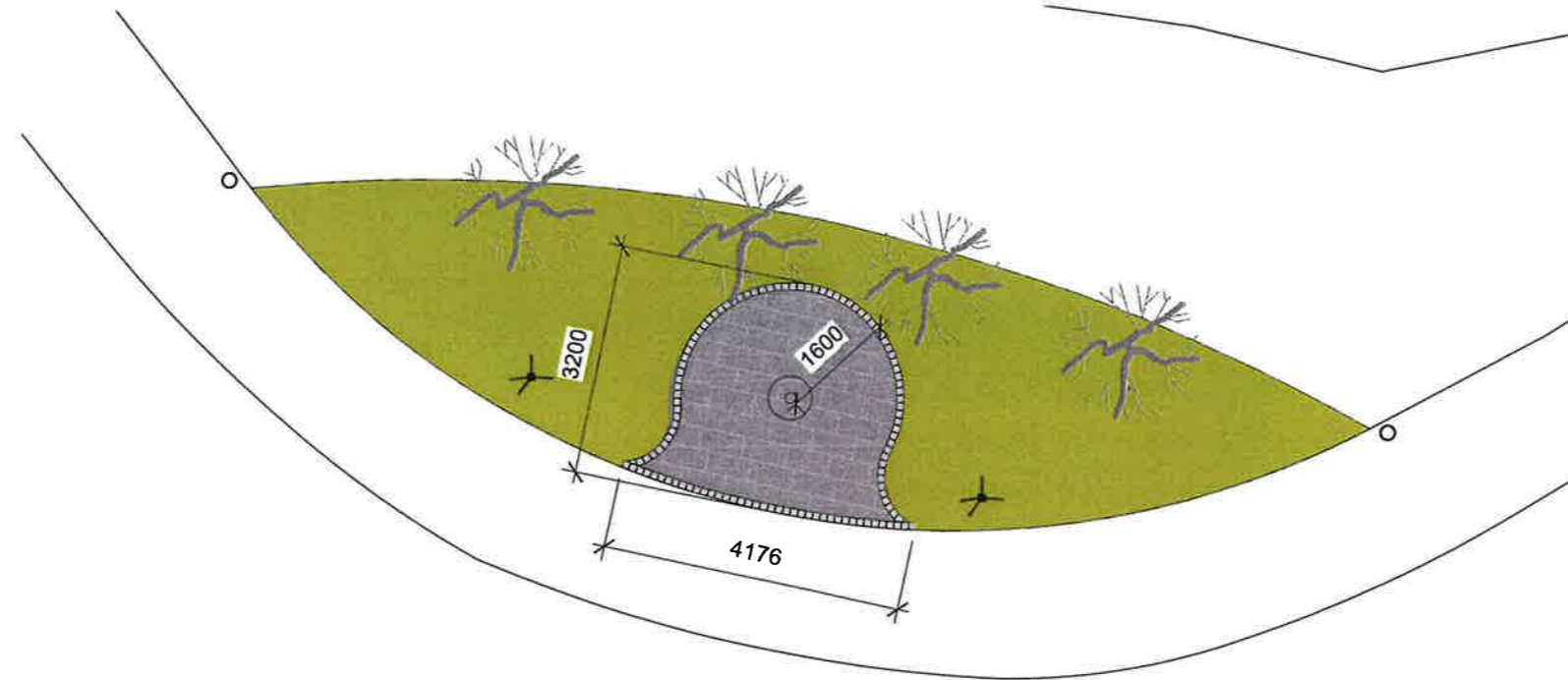
OWNERSHIP BOUNDARY
OUTLINED IN BLUE

Site Name: BANTEER GAA CLUB
Site Code: CK305

SITE BOUNDARY
OUTLINED IN RED

REPRODUCED FROM ORDNANCE SURVEY MAP UNDER O.S.I. COPYRIGHT REFERENCE No. CYAL50167948
EXTRACT FROM OS SHEET No: CK031





LANDSCAPING NOTES

9msq of sanded Kilkenny Limestone with grouting

12.5linear meters of 100x100x50mm sanded Kilkenny Limestone setts with grouting

36msq + planted area for mulching with mini chip @ 75mm deep

3 notice boards to remove

3 signposts to remove

2 new sign posts to stand

Sculpture legs to be fixed to a concrete base 1.2x1.2x350mm beneath the level of the footpath

Remove all existing vegetation , roots and weeds. Except for the Amelanchiers which are to be pruned.

Import good quality topsoil to bring the levels up to 75mm of the existing concrete footpath level

Plants are to be planted into 350mm minium of good quality topsoil.

All waste to be removed from the site.

All works to be finished to a high standard and the site is to be maintained and left in a safe clean way.



**JW
GARDEN
DESIGN**

www.jwgardendesign.ie
jarlath@jwgardendesign.ie
087 2208 303
Mallow, Co. Cork

Client

Banteer Tidy Towns

Address

Banteer, Co. Cork

Project

**Development of areas in the
Square & Main Street**

Drawing

**Hardlandscaping Notes
Square**

Scale
1:100

Date
12/02/2024

Proj. ID
Design

Dwg No.

Rev.

A37

JW GARDEN DESIGN			
Banteer Tidy Town, Banteer, Co. Cork			
PLANT SCHEDULE FEB. 2024			
Latin Name	Common Name	Quantity	Girth Circumference
PERENNIALS & SHRUBS			
MAIN STREET			
Abelia x grandiflora	Glossy Abelia	2	3L
Brunnera 'Jack Frost'	Brunnera 'Jack Frost'	6	3L
Campanula muralis	Wall Bellflower	6	1L
Geranium x 'Rozanne'	Rozanne Cranesbill	4	2L
Hebe 'Pastel Blue'	Hebe	2	3L
Hebe salicifolia	Willow leaf hebe	1	3L
Thymus x citriodorus 'Archer's Gold'	Archer's Gold Lemon Thyme	8	1L
BED IN THE SQUARE			
Abelia x grandiflora	Glossy Abelia	2	3L
Erica carnea 'Springwood White'	Heather	12	1.5L
Euonymus fortunei 'Emerald Gaiety'	Euonymus ' Emerald Gaiety'	10	3L
Geranium sanguinem Vision Pink	Bloody Crane's Bill	18	2L
Helleborus x hybridus	Hellebore	10	3L
Leucanthemum x superbum 'Snow Lady'	Snow Lady Shasta Daisy	5	3L
Nepeta racemosa 'Walker's Low'	Walkers Cat Mint	16	2L
Perovskia atriplicifolia 'Blue Spire'	Russian Sage	4	3L
Persicaria affinis 'Superba'	Persicaria	21	2L
Pieris japonica 'Little Heath'	Little Heath Pieris	2	5L
Prunus laurocerasus 'Otto Luyken'	Otto Luyken Laurel	10	3L
Rosmarinus officinalis	Rosmary	2	3L
Rudbeckia 'Little Gold Star'	Rudbeckia 'Little Gold Star'	6	2L
Sarcococca hookeriana var. humilis	Dwarf sweet box	11	3L
Sedum Autumn Joy	Sedum	18	2L
Stachys byzantina	Lambs Ear	9	2L
Weigela florida 'Purpurea'	Weigela florida 'Purpurea'	1	3L



**JW
GARDEN
DESIGN**

www.jwgardendesign.ie
jarlath@jwgardendesign.ie
087 2208 303
Mallow, Co. Cork

Client

Banteer Tidy Towns

Address

Banteer, Co. Cork

Project

**Development of areas in the
Square & Main Street**

Drawing

Planting Schedule

Scale

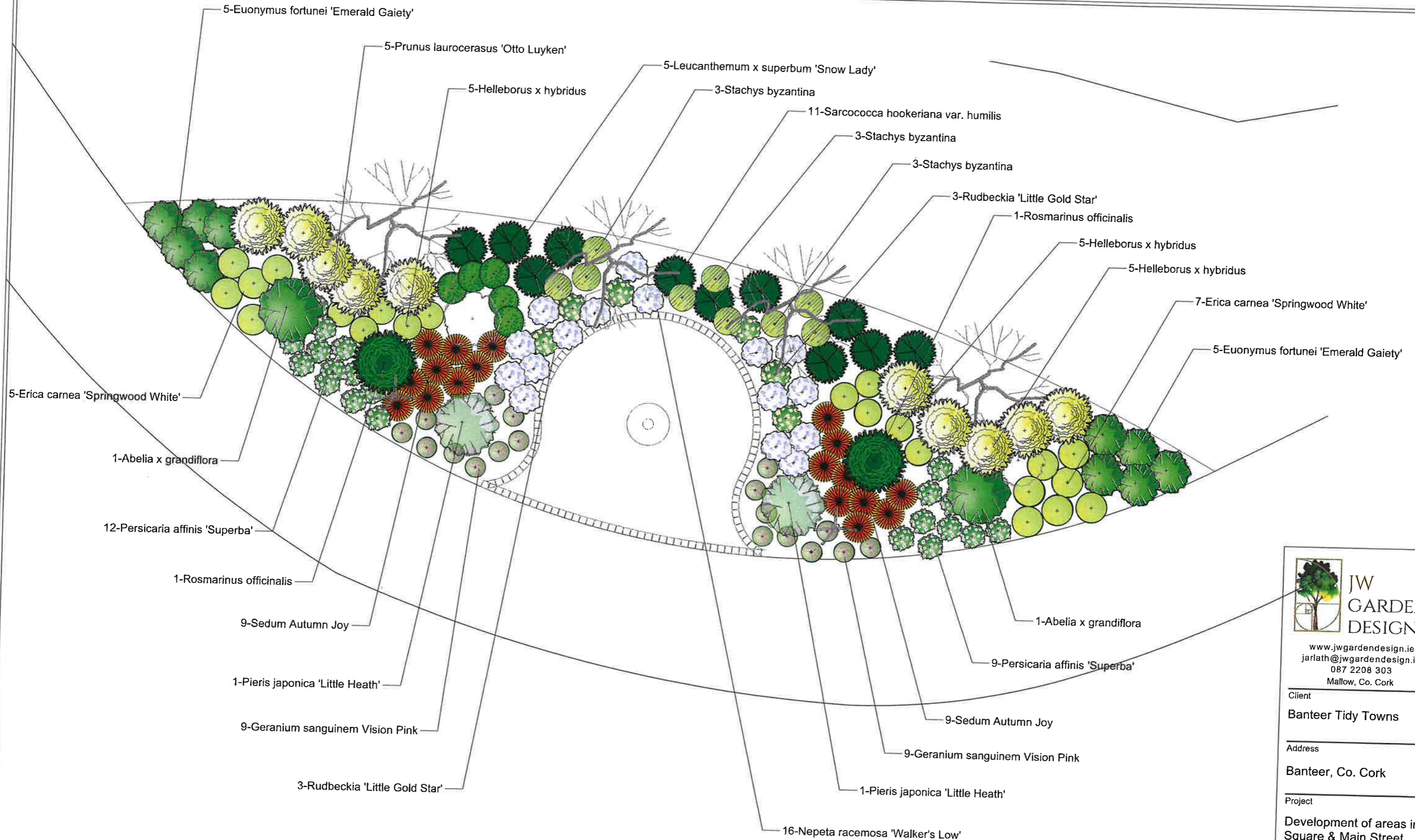
Date
12/02/2024

Proj. ID
Design

Dwg No.

Rev.

A38



www.jwgardendesign.ie
 jarlath@jwgardendesign.ie
 087 2208 303
 Mallow, Co. Cork

Client
Banteer Tidy Towns

Address
Banteer, Co. Cork

Project
Development of areas in the Square & Main Street

Drawing
PP Square Full

Scale
 1:50

Date
 12/02/2024

Proj. ID Design	Dwg No. A33
Rev.	

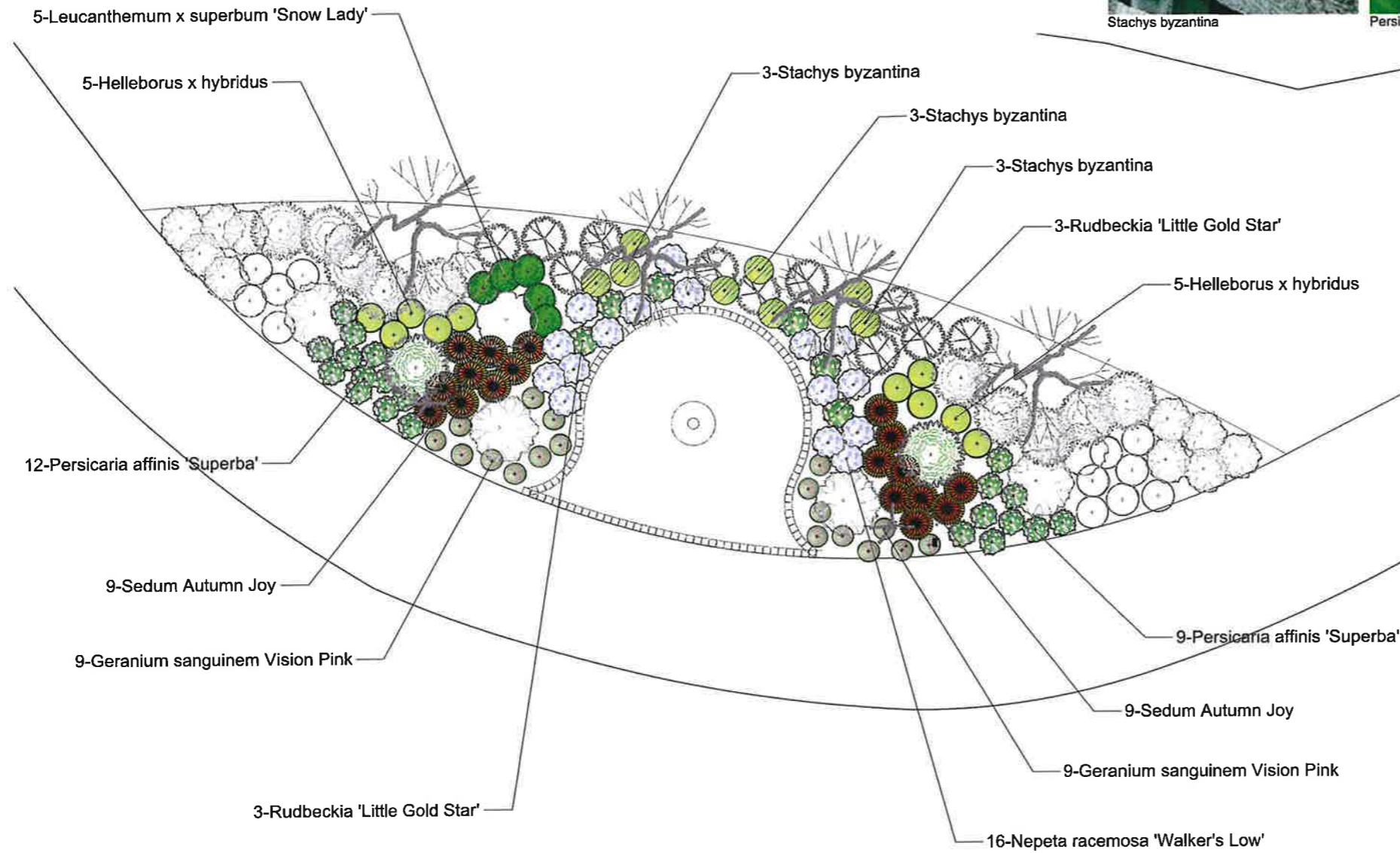


Stachys byzantina



Persicaria affinis Superba

Perennials with some winter presence



Geranium Vision Pink



Sedum Autumn Joy



Rudbeckia Little Goldstar



Helleborus x hybridus



Nepeta Walkers Low



Leucanthemum snow lady

Perennials



**JW
GARDEN
DESIGN**

www.jwgardendesign.ie
jarlath@jwgardendesign.ie
087 2208 303
Mallow, Co. Cork

Client
Banteer Tidy Towns

Address
Banteer, Co. Cork

Project
Development of areas in the Square & Main Street

Drawing
PP Square Perennials

Scale
1:75

Date
12/02/2024

Proj. ID
Design

Rev.

Dwg No.

A35

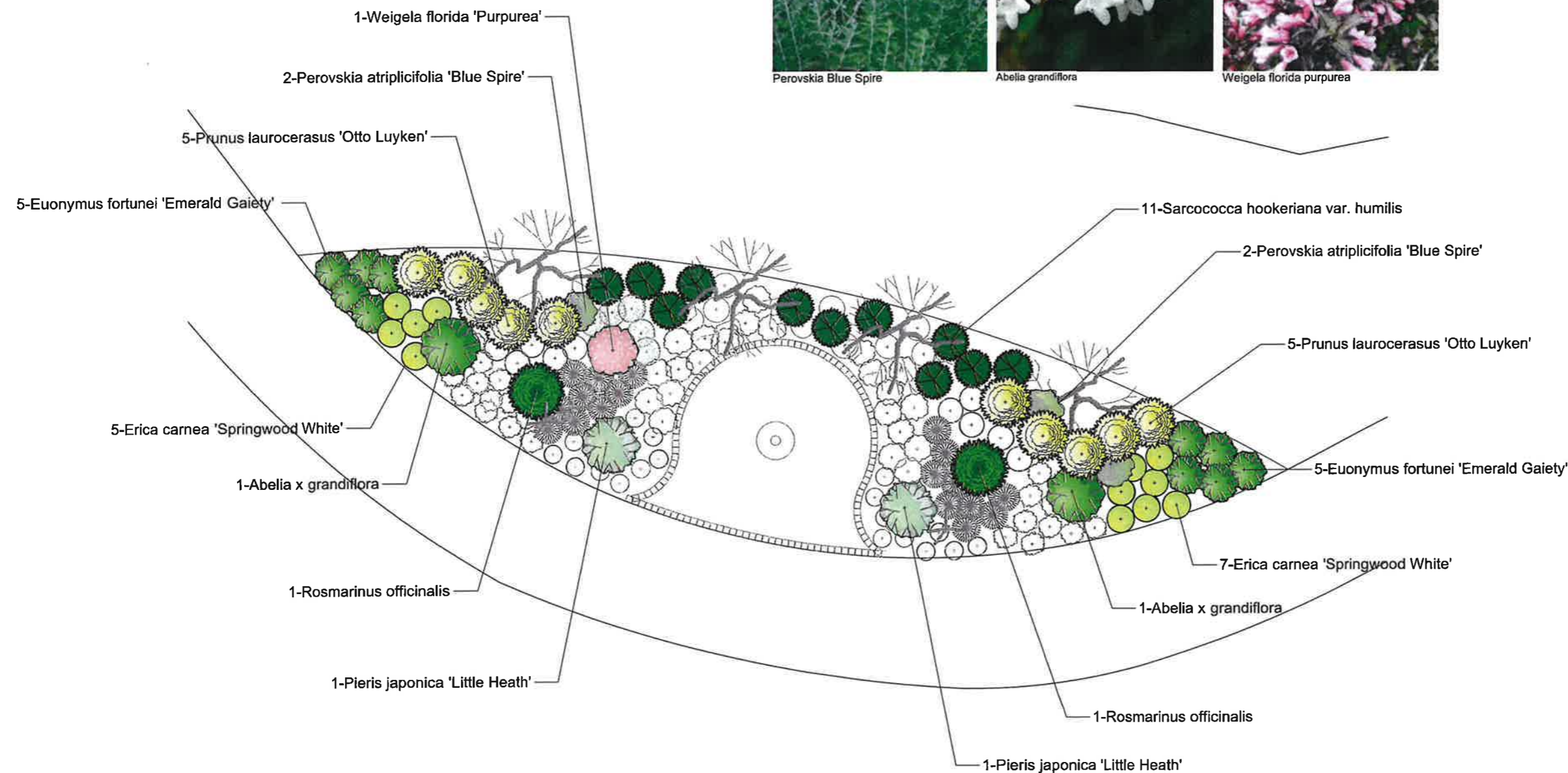
Deciduous Shrubs



Perovskia Blue Spire

Abelia grandiflora

Weigela florida purpurea



Rosmary



Prunus otto luyken



Sarcococca humilis



Euonymus Emerald Gaiety



Pieris Little Heath



Erica c. Springwood White

Evergreen shrubs



www.jwgardendesign.ie
 jarlath@jwgardendesign.ie
 087 2208 303
 Mallow, Co. Cork

Client
 Banteer Tidy Towns

Address
 Banteer, Co. Cork

Project
 Development of areas in the
 Square & Main Street

Drawing
 PP Square Shrubs

Scale
 1:75

Date
 12/02/2024

Proj. ID
 Design

Rev.

Dwg No.

A34



Limestons paving & edging



Fingerpost style signpost



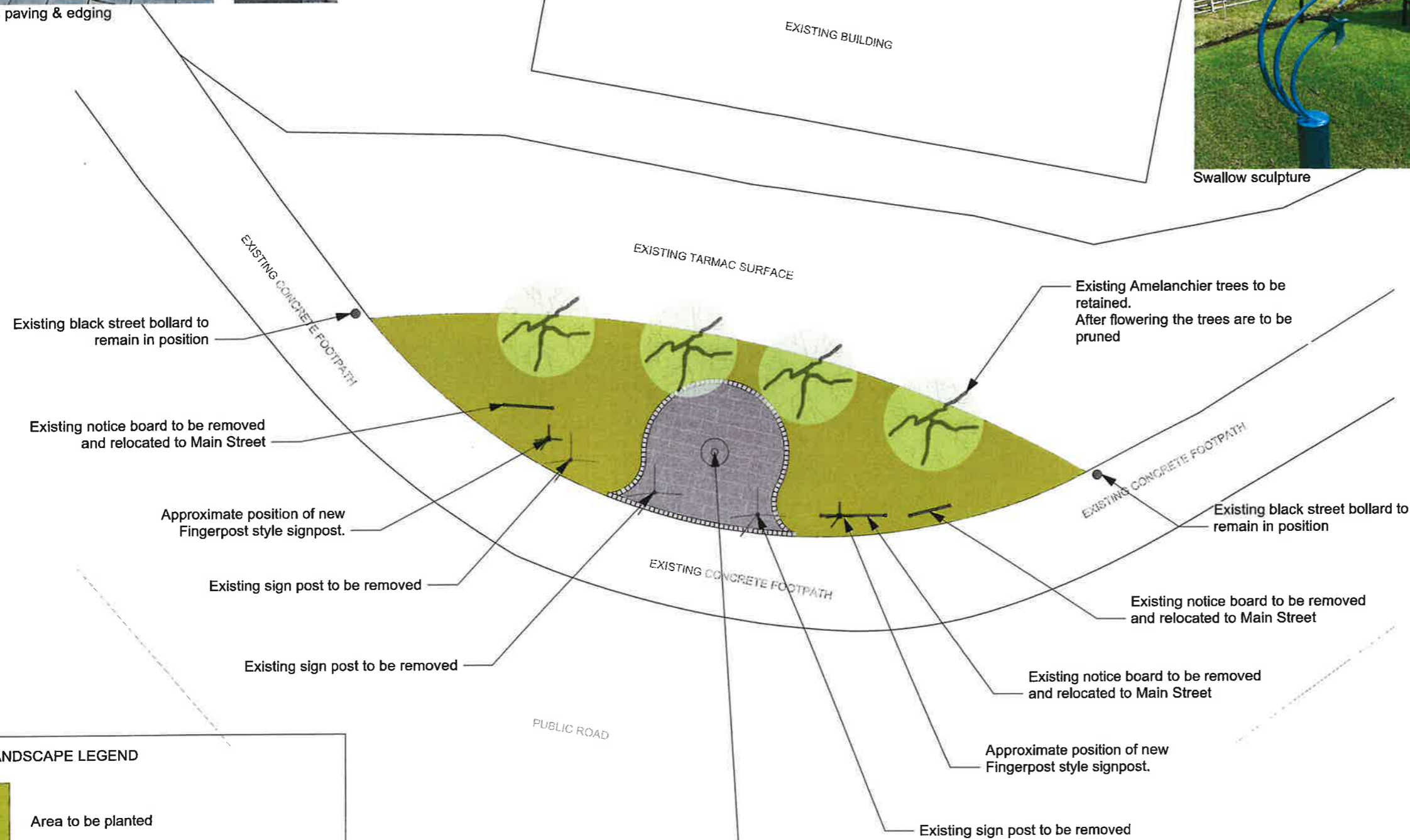
Swallow sculpture






Swallow sculpture



Swallow sculpture



LANDSCAPE LEGEND

-  Area to be planted
-  Area to be paved in 600x300x20mm sanded Kilkenny Limestone
-  Border to main paved area of 100x100x50mm sanded Kilkenny Limestone



JW GARDEN DESIGN

www.jwgardendesign.ie
 jarlath@jwgardendesign.ie
 087 2208 303
 Mallow, Co. Cork

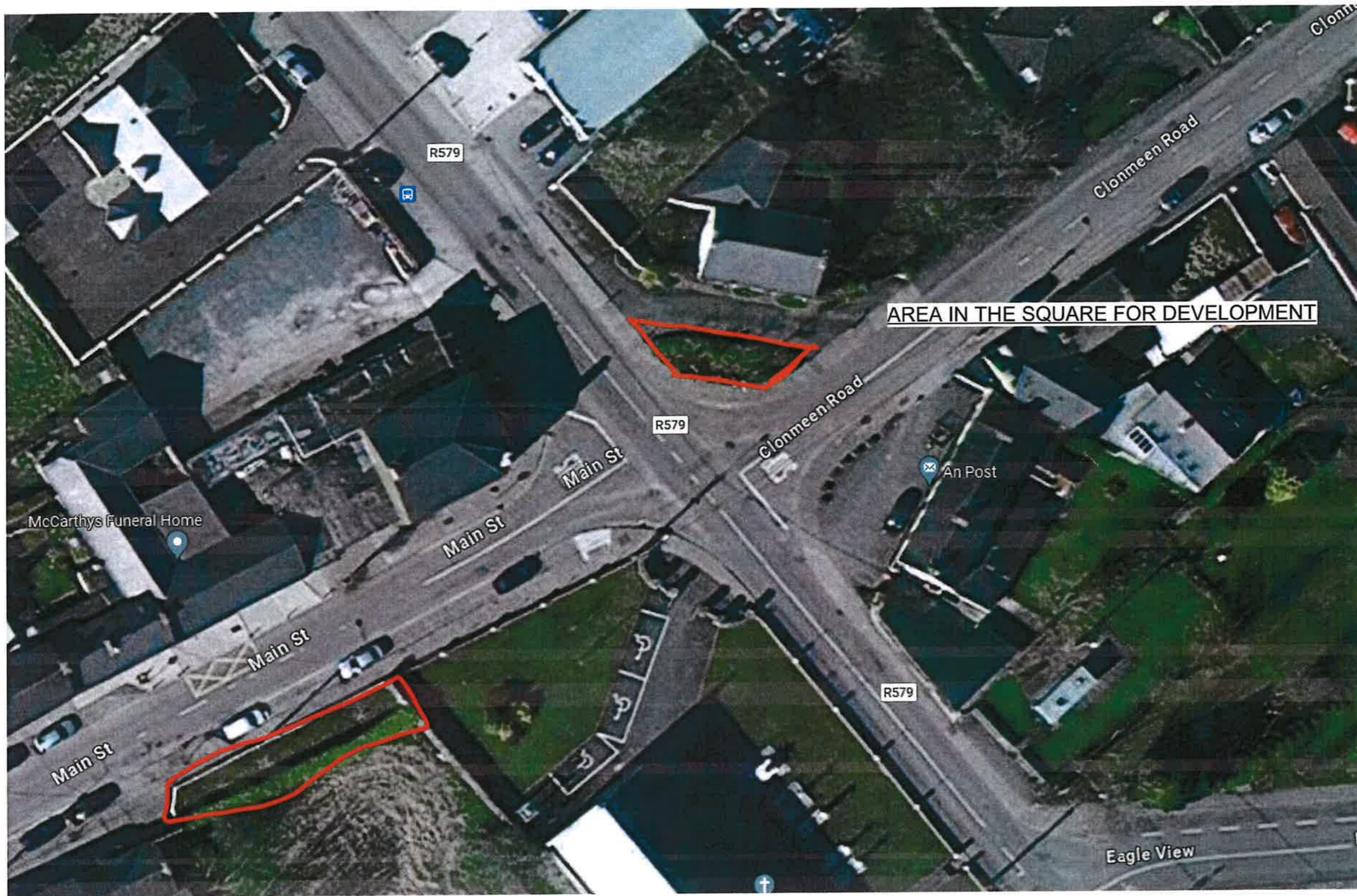
Client
Banteer Tidy Towns

Address
Banteer, Co. Cork

Project
Development of areas in the Square & Main Street

Drawing
Hardlandscaping Layout

Scale 1:100	
Date 12/02/2024	
Proj. ID Design	Dwg No. A31
Rev.	



AREA ON MAIN STREET FOR DEVELOPMENT



www.jwgardendesign.ie
 jarlath@jwgardendesign.ie
 087 2208 303
 Mallow, Co. Cork

Client
 Banteer Tidy Towns

Address
 Banteer, Co. Cork

Project
 Development of areas in the Square & Main Street

Drawing
 Overview of areas to be developed

Scale
 Date
 12/02/2024

Proj. ID Design	Dwg No. A300
Rev.	