

# Comhairle Contae Chorcaí Cork County Council

P.J. Hegarty,  
C/O Frank Good,  
Gaggan,  
Bandon,  
Co. Cork.

25<sup>th</sup> April, 2025

REF: D/237/25  
LOCATION: Gaggan, Bandon, Co. 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)



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

Dear Sir/Madam,

On the basis of the information submitted by you on 1<sup>st</sup> April, 2025 the Planning Authority, having considered whether the proposed construction of a polytunnel for the growing of vegetables for your own use at **Gaggan, Bandon, Co. Cork** is or is not development or is or is not exempted development, has declared that it is **exempted development**.

**Reason for Decision**

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

- the details submitted to the Planning Authority on the 1<sup>st</sup> April, 2025
- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- The Planning history of the site

**And Whereas the Planning Authority** hereby concludes that the proposed construction of a polytunnel for the growing of vegetables for your own use at Gaggan, Bandon, Co. Cork **is development and is exempted development** on the grounds that

- a) the erection of the structure constitutes "works" that comes within the meaning of "development" as set out in Section 3(1) of the Planning and Development Act, 2000, as amended,
- b) the works fall within a class of exempted development under Class 9, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and,
- c) the works do not come within the scope of restrictions on exemption under Article 9 of the Planning and Development Regulations 2001 or Section 4(4) of the Planning and Development Act 2000, as amended.

**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,



---

**CATHAL DE BAROID,  
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>*

Ref D/237/25

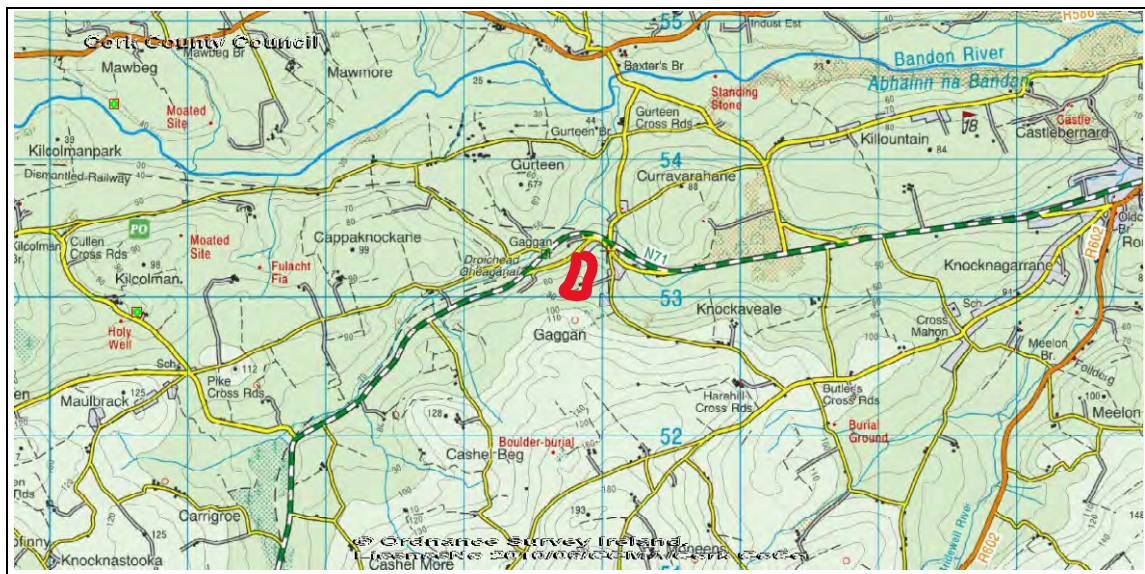
## Exempted Development under Section 5 of the Planning and Development Act 2000

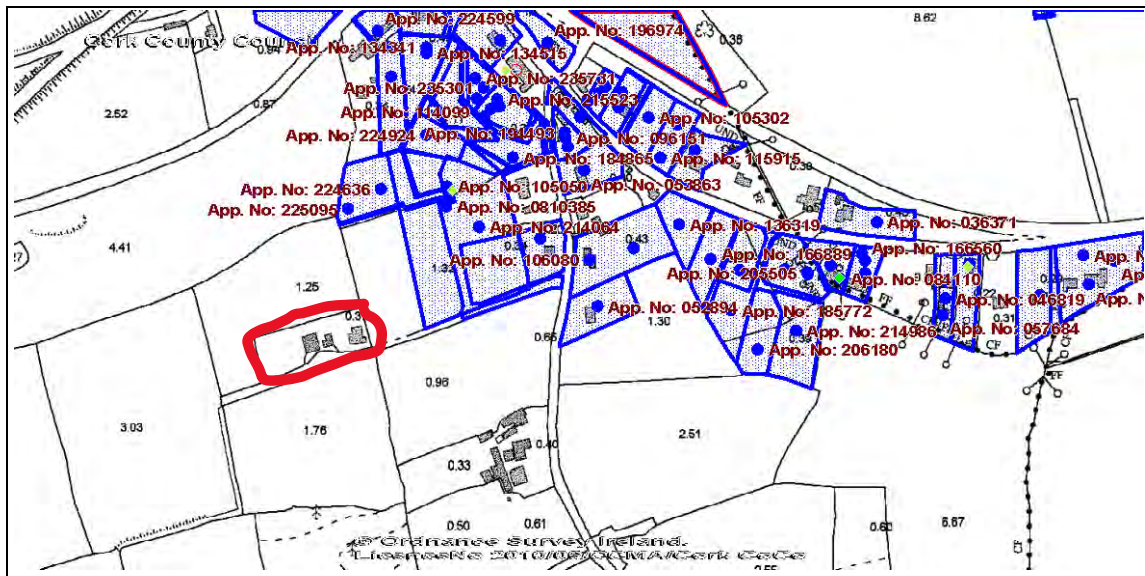
Re: Erection of a polytunnel at Gaggan, Bandon, Co. Cork

### Proposal

The applicant seeks a Declaration of Exemption for a polytunnel at Gaggan, Bandon for the growing of vegetables for his own use. The polytunnel has a stated floor area of 40sqm, measures 10mx 4m with a maximum height of 2.1m. The site forms part of the curtilage of a dwelling house with 2no. modest farm buildings totalling c.160sqm.

The applicant is seeking a Declaration of Exemption under Class 9 of the Planning and Development Regulations 2001, as amended.





Site marked in red

## **Relevant Statutory Provisions**

The most relevant statutory provisions are as follows:

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

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

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

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

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

Article 6(1) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) makes provision for certain classes of development to be exempt from the requirement to obtain planning permission.

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

Specifically, **Class 9 of Part 3 of Schedule 2** of these Regulations states:

#### CLASS 9

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

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.

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

3. No such structure shall be situated within 10 metres of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

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

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

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

#### **Cork County Development Plan 2022**

The subject site is located in a rural, coastal area identified as a Rural Area under Strong Urban Influence in the Cork County Development Plan 2022.

The site is not located within the indicative Screening Zone for any Natura 2000 site and the requirement for Appropriate Assessment can be ruled out. The site is located outside the known flood risk area as mapped on the Flood Risk Maps on the Planning Enquiry System and therefore the requirement for a Flood Risk Assessment can be screened out.



Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Internal Reports**

Environment Department: Comments received on 16/04/2025 by email indicating no objection on the grounds that the structure would appear to be exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

### **Assessment**

This application under S.5 of the Planning and Development Act 2000, as amended, relates to the erection of a polytunnel for the purpose of agriculture i.e. the growing of vegetables for the applicant's own use.



Location of proposed polytunnel marked red

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

Section 4 of the Planning and Development Act 2000, as amended, and Article 6 of the Planning and Development Regulations 2001, as amended, makes provision for certain classes of development to be exempt from the requirement to obtain planning permission.

The proposal for exemption is assessed in accordance with the provisions of Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001 (as amended) which are quoted above.

Of particular relevance in the assessment of the current proposal is Class 9 of Part 3 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which allows for the provision of an agricultural shed as exempted development subject to the limitations set down in Column 2.

The proposed development falls within Class 9 being works consisting of the provision of a structure not exceeding 300sqm intending to be used for the purpose of agriculture.

The structure is not located within 100m of any third party dwellings whose consent would be required for the structure to be exempt and the building complies with the conditions in terms of use, height, size, material finish and distance from the public road. The aggregate floor area of agricultural buildings within the curtilage of the site does not exceed 900sqm.

Accordingly, the proposed development falls under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 and complies with the conditions and limitations pertaining to Class 9.

No other restrictions on exempted development under Article 9 of the Planning and Development Regulations 2001, as amended, are considered to apply.

### **Recommendation**

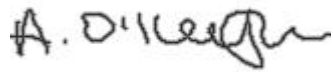
In considering this referral, the Planning Authority had regard particularly to –

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, and 9 and of the Planning and Development Regulations, 2001, as amended,
- (c) The planning history of the site,

I recommend that the erection of a polytunnel, within the curtilage of the applicant's dwelling, is development and is exempted development on the grounds that:

- (a) the erection of the structure constitutes "works" that comes within the meaning of "development" as set out in Section 3(1) of the Planning and Development Act, 2000, as amended,

(b) the works fall within a class of exempted development under Class 9, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and,  
(c) the works do not come within the scope of restrictions on exemption under Article 9 of the Planning and Development Regulations 2001 or Section 4(4) of the Planning and Development Act 2000, as amended.

A handwritten signature in black ink, appearing to read 'A. O'Keeffe', with a stylized, cursive flourish at the end.

Annie O'Keeffe  
Area Planner  
25/04/2025





## **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:

✓
✓
✓
✓
✓
✓
✓

Planning Department

01 APR 2025

Cork County Council  
County Hall  
Cork

### **FOR OFFICE USE ONLY**

Receipt No.	PL20002508
Cash/Cheque/ Credit Card	CHEQUE
Date	21/4/25
Declaration Ref. No.	D/237/25

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 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)

P. J. HEGARTY

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

GAGGAN

BANDON 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

Proposed construction of a  
Poly-Tunnel for the production  
of VEGETABLES FOR OWN USE.

Planning Department

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County Hall  
Cork

**4. APPLICATION DETAILS:**

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

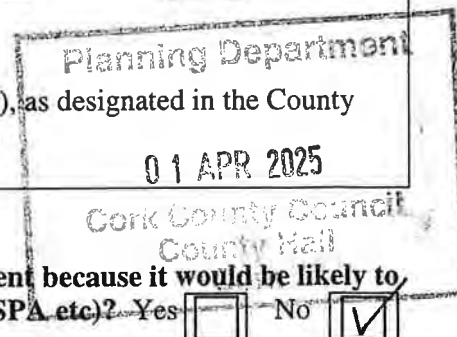
(a) Floor area of <del>existing</del> /proposed structure(s):	40 SQ M
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> 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  AGRICULTURAL LAND	Proposed use POLY-TUNNELL FOR GROWING VEGETABLES FOR OWN 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:	N/A	
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):	N/A	

**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 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"/>



**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

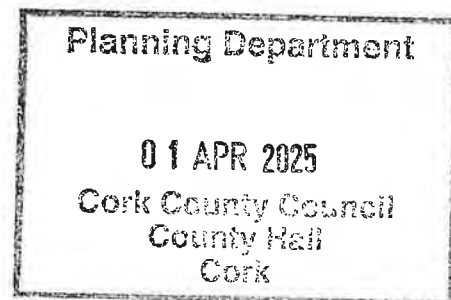
Signed (By Applicant Only)	<i>P.J. Hegarty</i>
Date	<i>27/3/25</i>

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

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

Special Categories of data / Sensitive Personal data include:

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



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

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

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

Signed	<i>P.J. Hegarty</i>
Date	<i>27/3/25</i>

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:

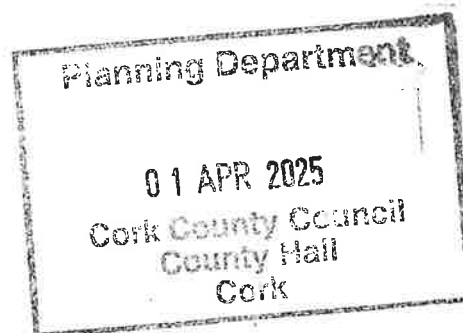
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- 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)	
Date	27/3/20





# Site Location Map



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 543785,553103

PUBLISHED:  
17/01/2025

ORDER NO.:  
50443742\_4

MAP SERIES  
6 Inch Raster  
6 Inch Raster

MAP SHEETS:  
CK109  
CK110

COMPILED AND PUBLISHED BY:  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

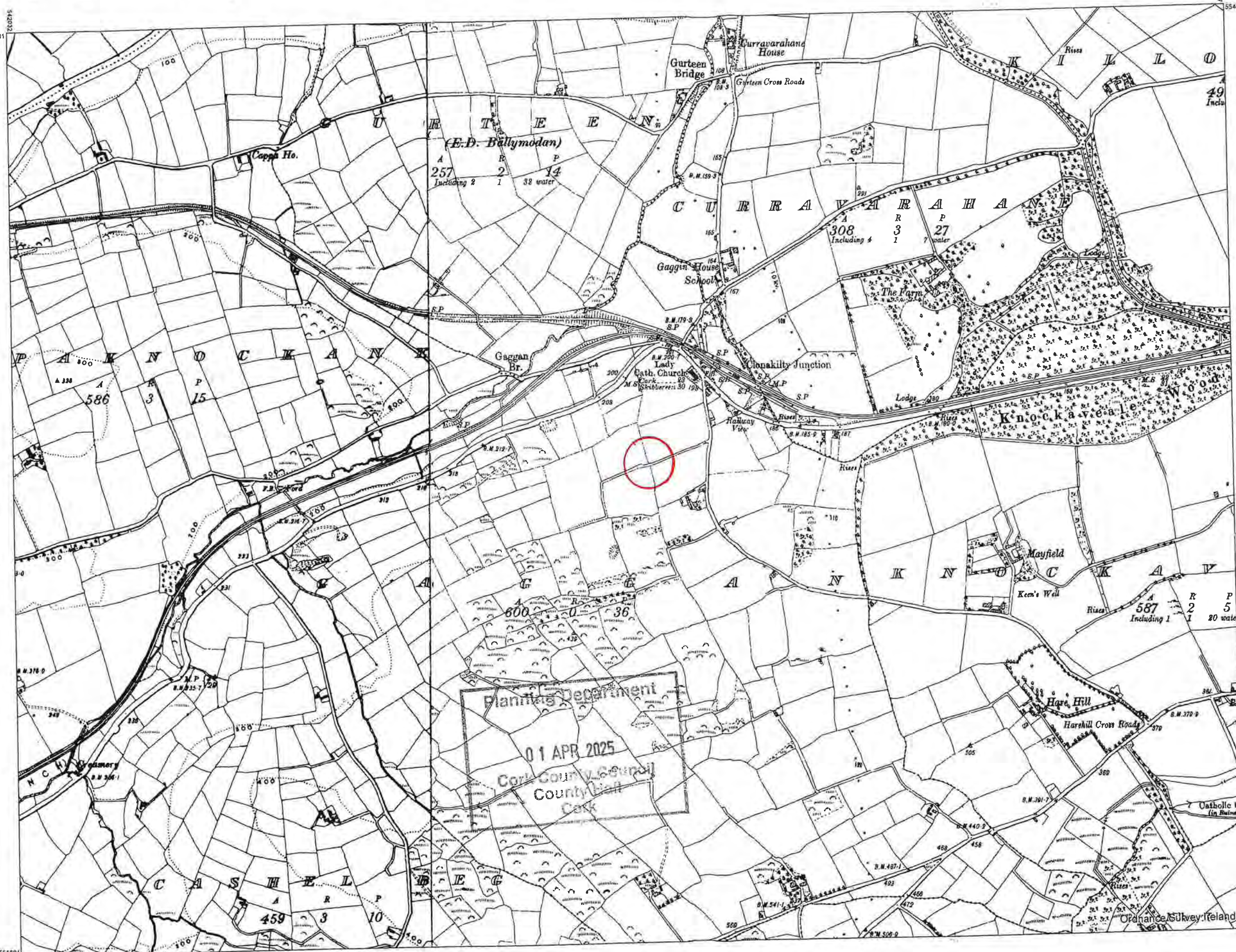
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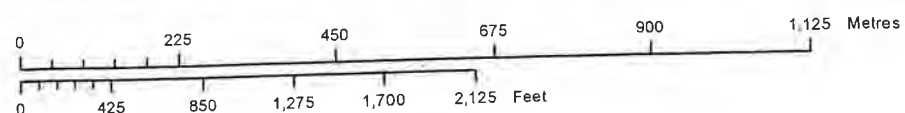
The representation on this map  
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01 APR 2025  
Cork County Council  
County Hall  
Cork



OUTPUT SCALE: 1:10,560

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





Planning Pack Map



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 543785,553103

PUBLISHED:  
17/01/2025

ORDER NO.:  
50443742\_1

MAP SERIES:  
1:5,000  
1:5,000

MAP SHEETS:  
6605  
6606

COMPILED AND PUBLISHED BY:  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
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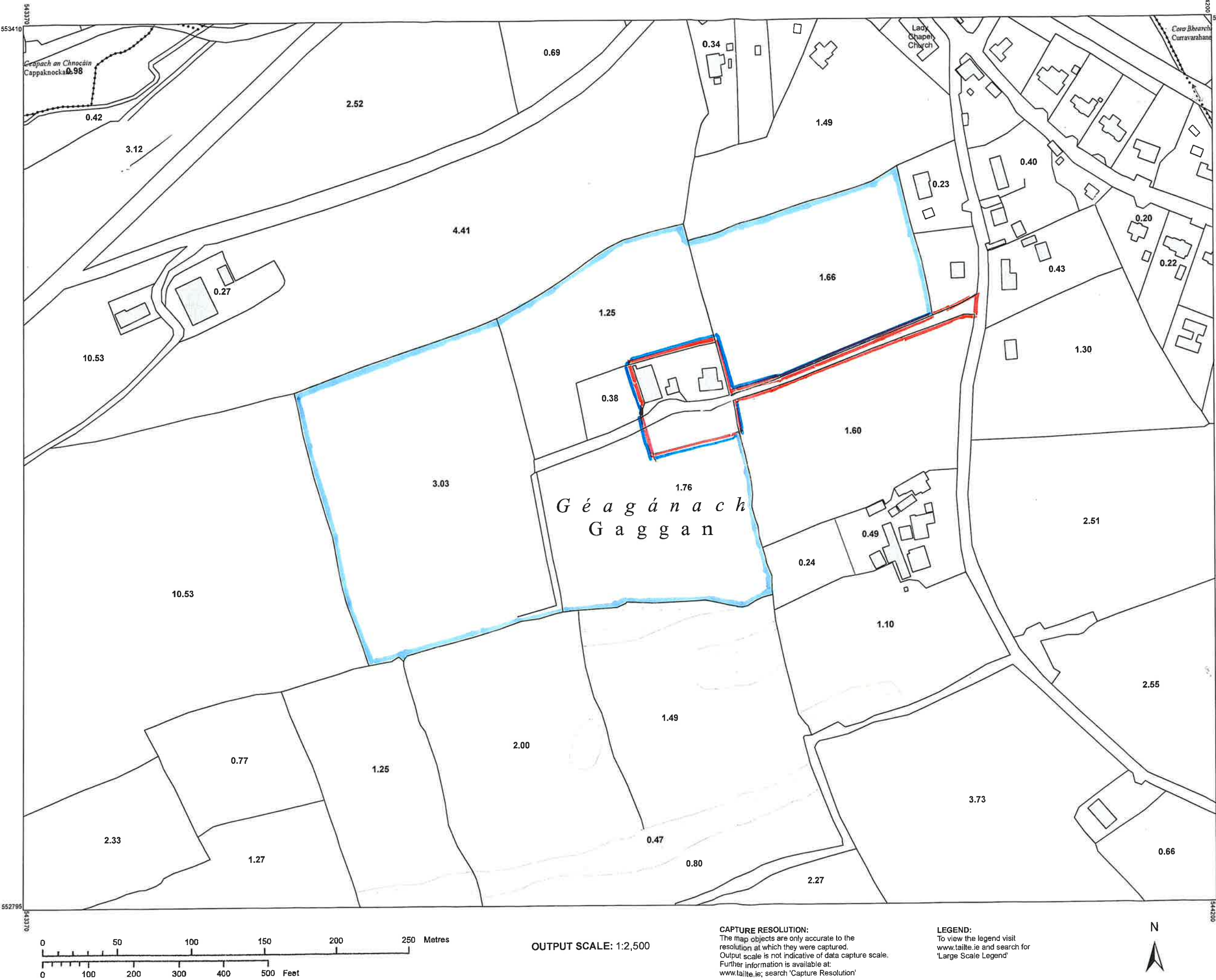
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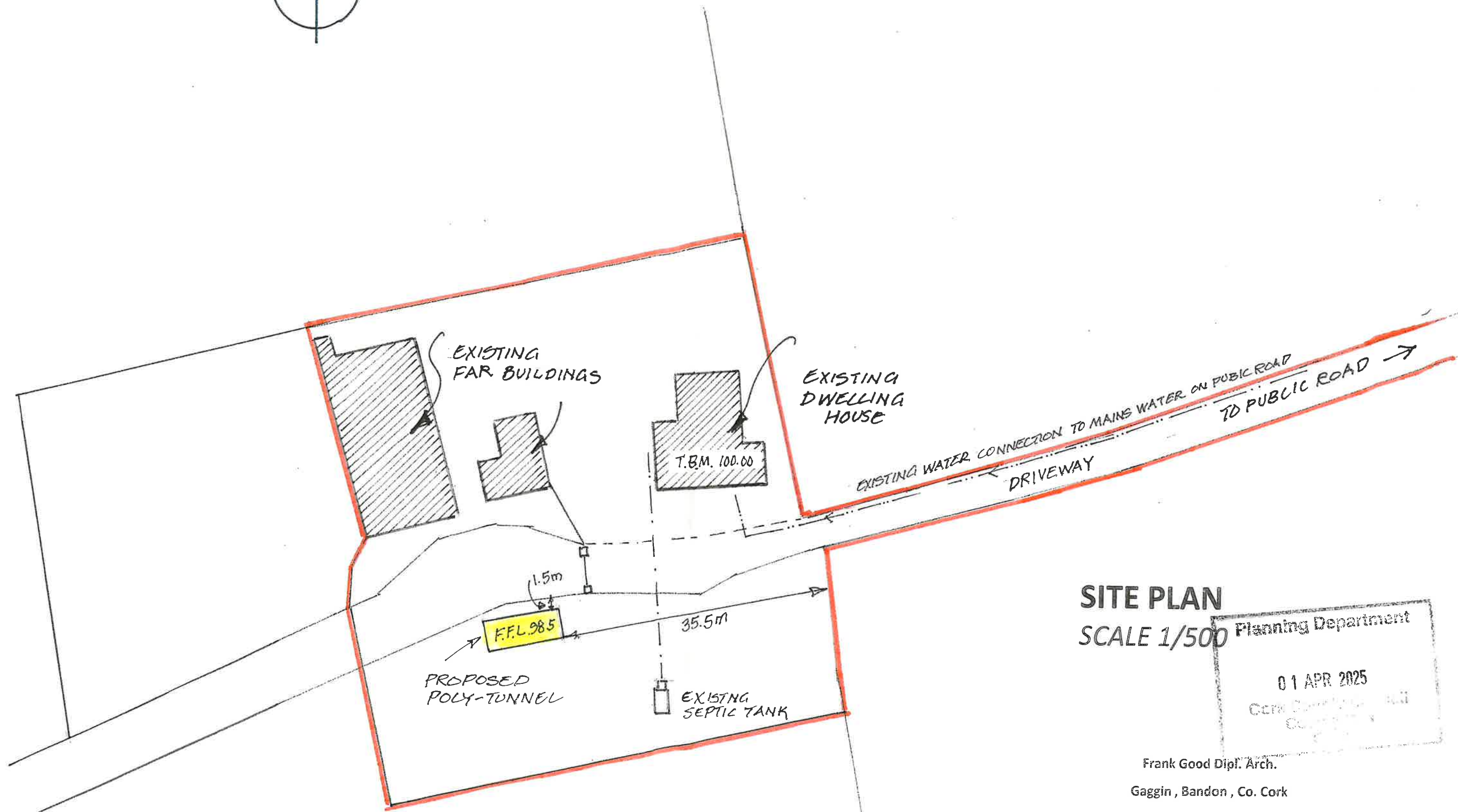
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OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:  
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resolution at which they were captured.  
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[www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

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



**SITE PLAN**  
**SCALE 1/500**

Planning Department

01 APR 2025

CORR. DEPT. OF THE AGING  
COUNCIL

Frank Good Dipl. Arch.

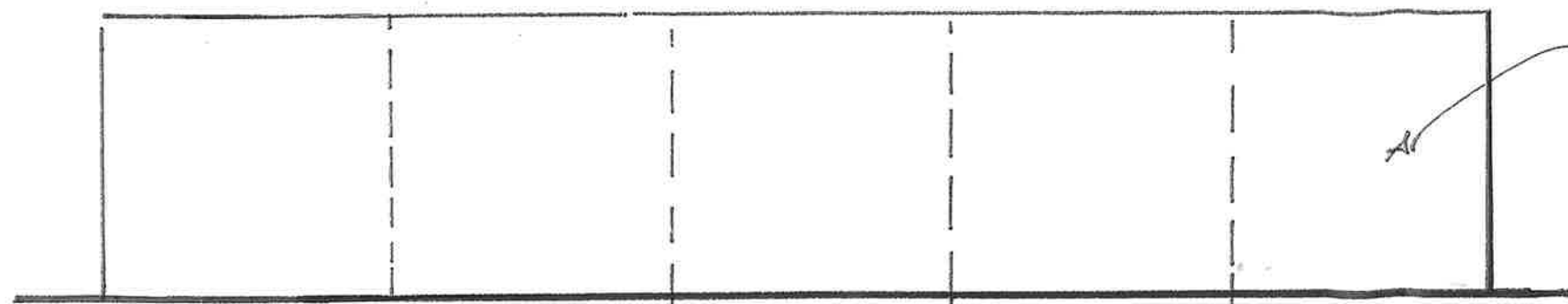
Gaggin, Bandon, Co. Cork

Ph .086 6084664

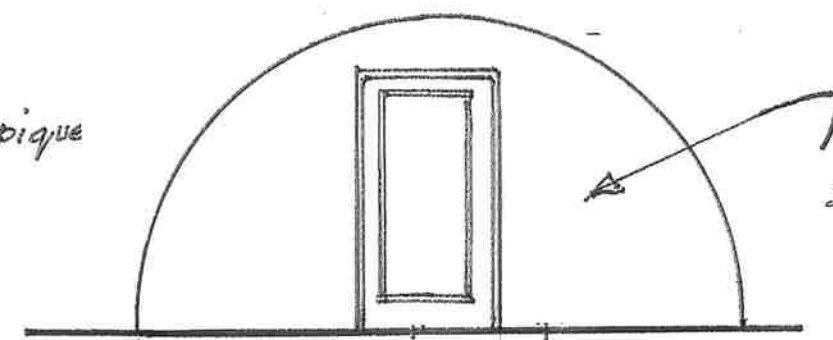
frnkgood@gmail.com

**PROPOSED POLY-TUNNELL FOR Mr.P.J. HEGARTY AT GAGGAN**  
**BANDON CO. CORK**

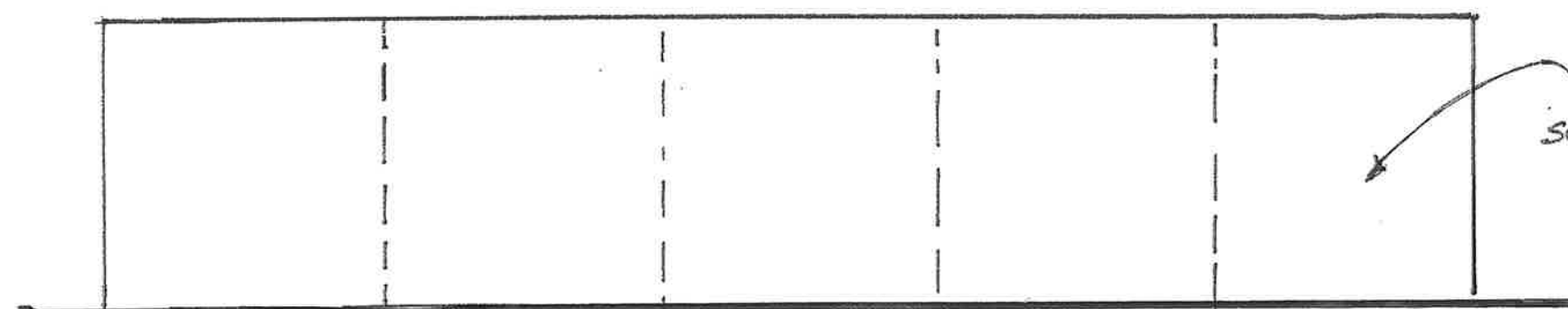
**PL.1**



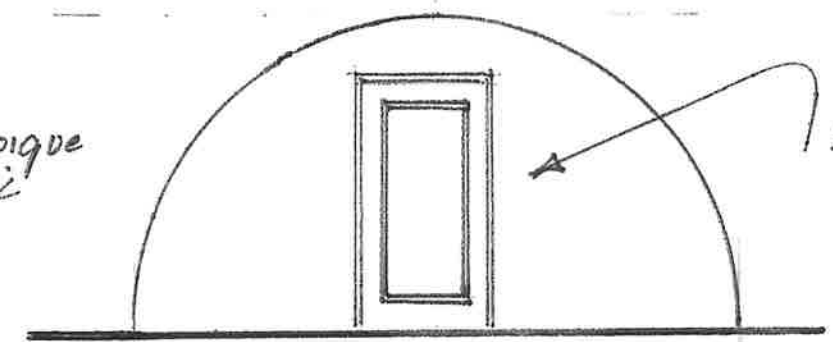
SIDE ELEVATION



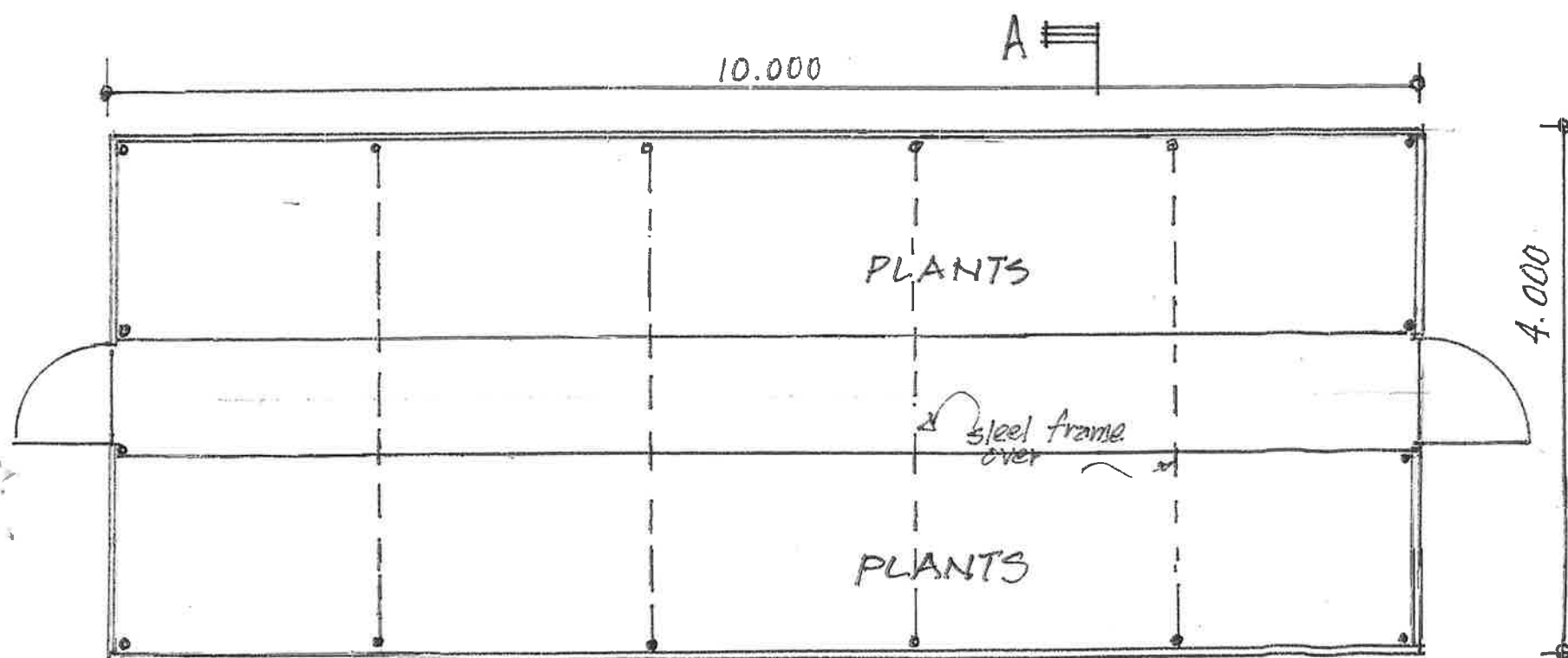
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

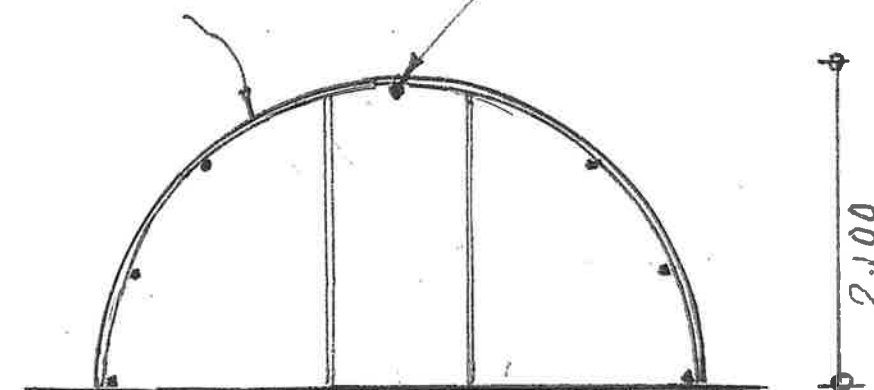


PLAN

A-A

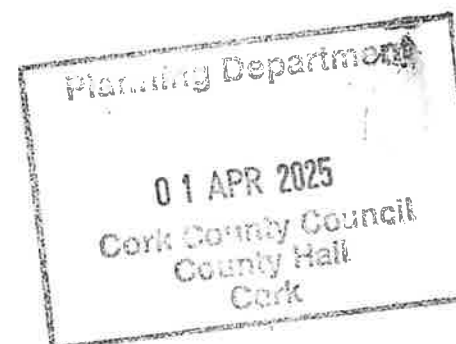
720 gauge  
Semi-opaque  
Plaster cover

33mm galvanised  
steel frame



SECTION A-A

SCALE 1/50



PL2