

# Comhairle Contae Chorcaí Cork County Council

Anthony McCarthy,  
Glinny,  
Riverstick,  
Co. Cork.

4<sup>th</sup> July, 2023

REF: D/239/23  
LOCATION: Glinny, Riverstick, Co. Cork.

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

Dear Sir,

On the basis of the information and plans submitted by you on 10<sup>th</sup> May and 13<sup>th</sup> June 2023 the Planning Authority, having considered whether the development of (a) a 15.24m (diameter) equine lunge ring, (b) 13.71m (diameter) roofed horse walker and (c) an all-weather surface outdoor exercise area with specialised horse mesh at **Glinny, Riverstick, Co. Cork** is development and is or is not exempted development

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

- Article 6, Schedule 2, Part 3, Class 10 of the Planning and Development Regulations 2001, as amended, and
- The particulars received by the Planning Authority on 10<sup>th</sup> May and 13<sup>th</sup> June 2023

**AND WHEREAS** Cork County Council has concluded that -

- The development of (a) a 15.24m (diameter) equine lunge ring and (c) an all-weather surface outdoor exercise area with specialised horse mesh **is development and is exempted development**

**And**

- The development of (b) a 13.71m (diameter) roofed horse walker **is development and is not exempted development.**

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

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

Fón: (021) 4276891 • Faics: (021) 4276321

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 • Fax (021) 4276321

Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)

Web: [www.corkcoco.ie](http://www.corkcoco.ie)



**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

**30 May 2023**

**D239.23**

**Glinny Riverstick**

XX

The proposal and referral is for three pieces of inter-related infrastructure for training and the keeping of horses which the applicant is involved with.

**Definitions etc.**

“agriculture” includes .....the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, .....and “agricultural” shall be construed accordingly.

I am satisfied the proposed constitutes development as defined in Planning Acts and for purposes of exemptions comes within scope of ‘agriculture’.

**Article 6, Schedule 2, Part 3, Class 10**

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.
2. No such area shall be used for the staging of public events.
3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.
4. The height of any such structure shall not exceed 2 metres.

**Relevant Planning History**

Permission granted under Planning Register No.21/4969 for stable barn consisting of 10 stables and a covered storage area for straw bedding and waste manure.

Permission granted under Planning Register No.22/6100 for dwelling adjoining.

**ASSESSMENT**

**Part 1: 50ft Lunging Ring**

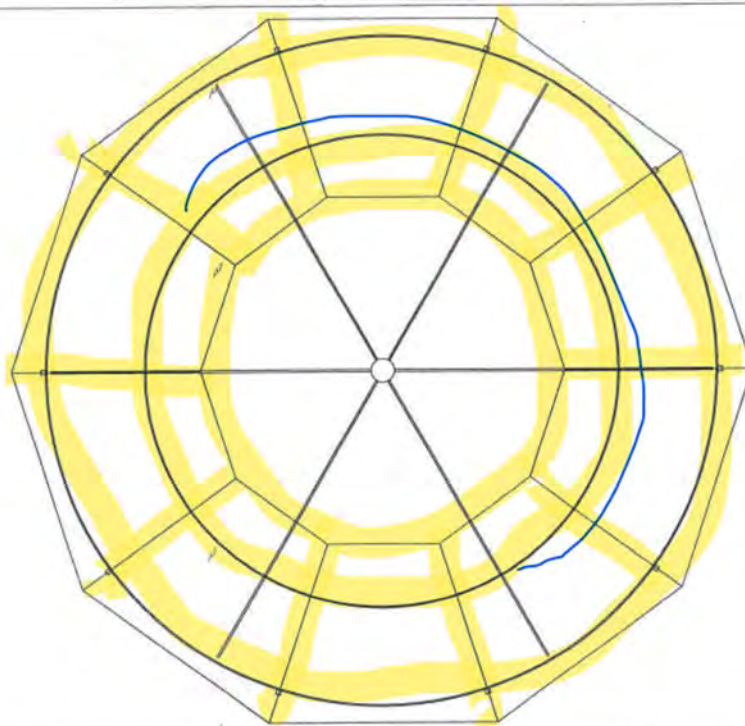
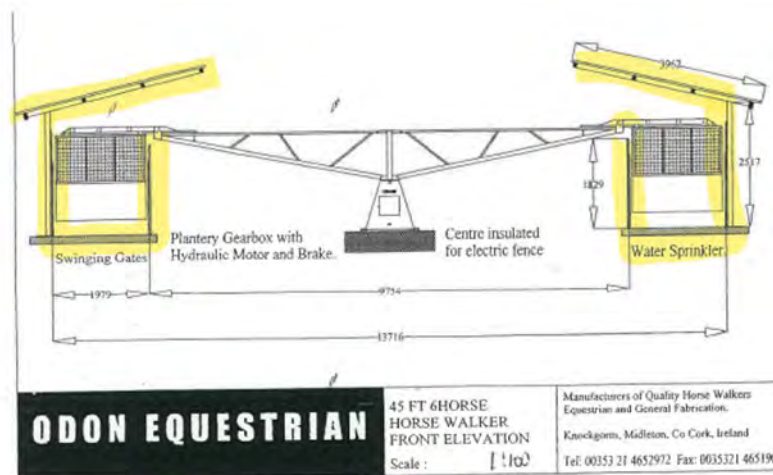
The proposed is an unroofed fenced area. It comes within the scope of Article 6, Schedule 2, Part 3, Class 10, but it fails condition and limitation no.4 because the fencing is 2.438m high.

I am also unsure where the proposed vehicle access is from – this would be needed to verify condition and limitation 2.

**RECOMMENDATION: Is development, but is not exempted development, for reasons set out above.**

### Part 2: 6 Horse Walker

In my opinion, the proposed 6 horse walker, is a fenced roofed area (highlighted yellow underneath). It therefore cannot come within the scope of Article 6, Schedule 2, Part 3, Class 10.



**RECOMMENDATION: Is development - but cannot come within the scope of Article 6, Schedule 2, Part 3, Class 10, and is therefore not an exempted development.**

### Part 3: Outdoor Exercise Area

An all-weather surface + fence with specialised horse mesh comes within the scope of Article 6, Schedule 2, Part, Class 10.

But I need details of the proposed vehicle entrance and horse mesh fencing to establish if it passes condition and limitation no.2 and no.4.

**RECOMMENDATION:**

**Correspond with agent informing them of findings so far and request them to lodge further information where applicable:**

**Part 1: Lunge Ring.** In-order for the Planner to complete their assessment lodge a revised Site Plan showing the proposed vehicle access and driveway. At this stage, because the Lunge Ring fencing exceeds 2m in height – it is not an exempted development.

**Part 2: Horse Walker.** This cannot come within the scope of Article 6, Schedule 2, Part 3, Class 10, because it is a roofed fenced structure and is therefore not an exempted development.

**Part 3: Outdoor Exercise Area:** Is development, but further information is needed regarding height of mesh fencing.... what is the height of the fence and a revised Site Plan showing the proposed vehicle access and driveway.

Finally, please verify the proposed activities are not for public events or for breeding.

**Steve Baxter**

**Executive Planner**

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The applicant submitted further information and revised plans received 13 June 2023.

The vehicle access is shown. The height of the horse mesh fencing around the outdoor exercise arena is 1.22m. And the height of the fence of the Lunge ring is 1.9m high.

The refer has verified the development is not for public events or for commercial breeding.

**RECOMMENDATION: As follows:**

**Lunge Ring.** is an exempted development coming within scope of Article 6, Schedule 2, Part 3, Class 10, and complying with conditions and limitation.

**Horse Walker.** This cannot come within the scope of Article 6, Schedule 2, Part 3, Class 10, because it is a roofed fenced structure and is therefore not an exempted development.

**Outdoor Exercise Area:** is an exempted development coming within scope of Article 6, Schedule 2, Part 3, Class 10, and complying with conditions and limitation.

Requirement for Appropriate Assessment has been screened out for this proposed development having regard to the scale and nature of the proposal and the lack of any physical or hydrological connection between the development site and any European Site

Steve Baxter

Executive Planner

Anthony McCarthy

Glinny

Riverstick

Co. Cork.

12<sup>th</sup> June 2023

mobile 087-6442449

RE: Declaration of Exempted Development under  
section 5 of The Planning and Development Act 2000-2020

Reference Number: D/239/23

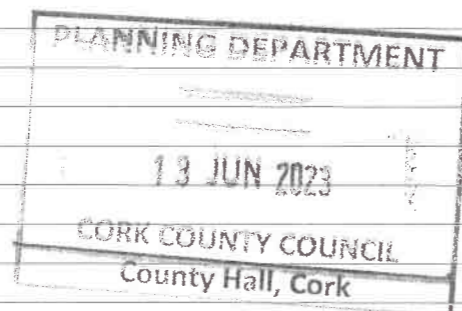
Dear Planner,

In response to your letter on 30<sup>th</sup> May '23  
I am submitting a revised site plan showing the vehicle  
access and driveway also showing the height of the horse  
mesh fencing around the outdoor Exercise Area being 1.22m.  
I have also revised the height of the Lunge ring  
fence to 1.9m high.

I can also confirm that these  
developments (outdoor exercise area and Lunge Ring)  
are not for public events or for breeding purposes,  
but for rearing and breaking young Equine stock.  
Hoping this will be sufficient to exempt the  
outdoor exercise area and the Lunge Ring.

Yours faithfully

Anthony McCarthy





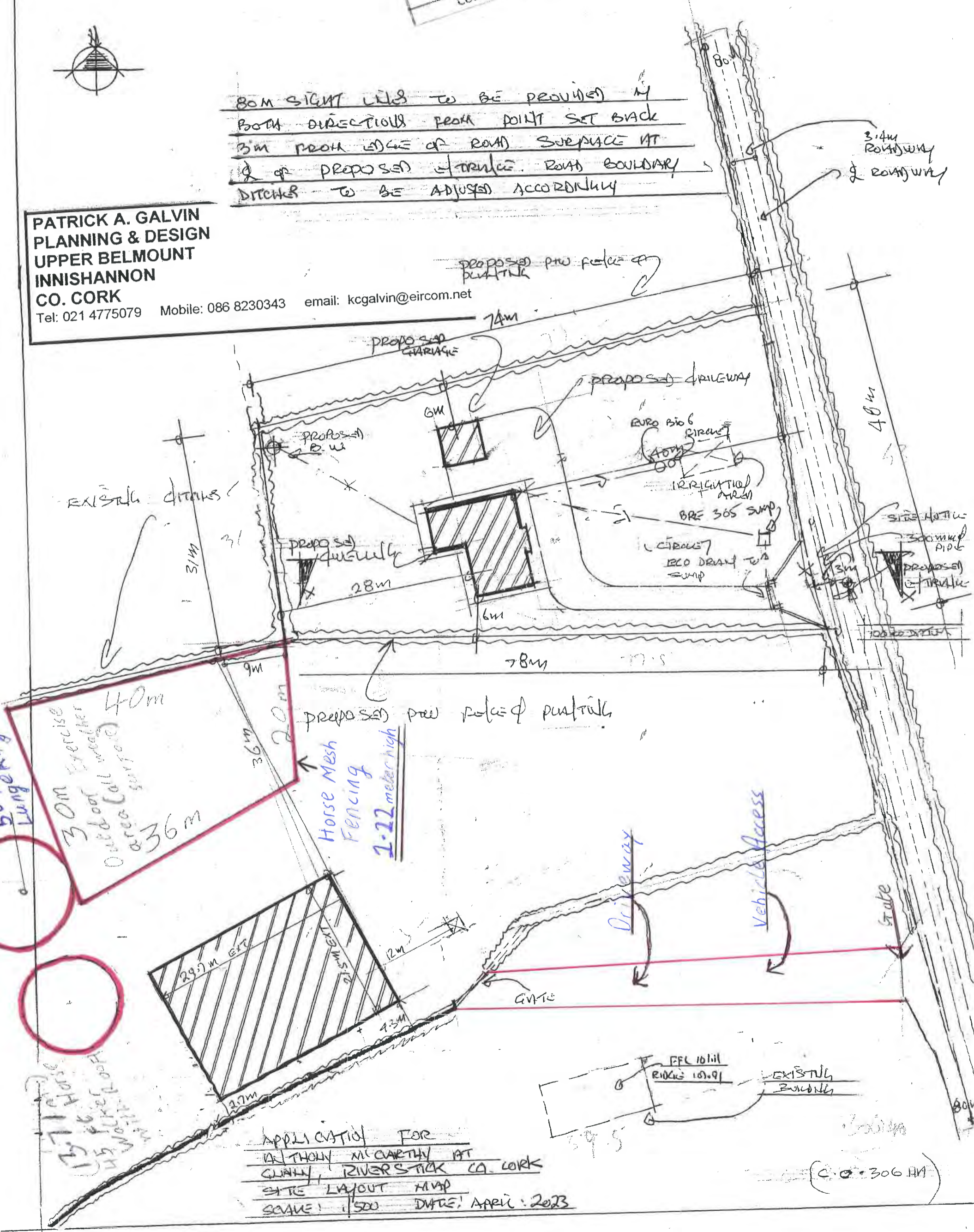
PLANNING DEPARTMENT  
 13 JUN 2023  
 CORK COUNTY COUNCIL  
 County Hall, Cork



80M SIGHT LINES TO BE PROVIDED IN BOTH DIRECTIONS FROM POINT SET BACK 3M FROM EDGE OF ROAD SURFACE AT 2 OF PROPOSED ENTRANCE. ROAD BOUNDARY DITCHES TO BE ADJUSTED ACCORDINGLY

**PATRICK A. GALVIN**  
 PLANNING & DESIGN  
 UPPER BELMOUNT  
 INNISHANNON  
 CO. CORK  
 Tel: 021 4775079 Mobile: 086 8230343 email: kcgalvin@eircom.net

(15.24m) 50 Fencing with 1.9m Fencing Lung



APPLICATION FOR  
 ANTHONY MCCARTHY AT  
 CLYNN, RIVERSTICK CO. CORK  
 SITE LAYOUT MAP  
 SCALE: 1:500 DATE: APRIL 2023

(C.O. 306 HA)



Anthony McCarthy,  
Glinny,  
Riverstick,  
Co. Cork.

30<sup>th</sup> May, 2023

Our Ref.: D/239/23

**RE: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.**

***Whether the development of (a) a 15.24m diameter lunge ring, (b) a 13.71m diameter horse walker with roof, and (c) an outdoor exercise area with all-weather surface and fenced with specialised horse mesh at Glinny, Riverstick, Co. Cork is or is not development and is or is not exempted development.***

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above and wish to advise as follows:

**(a) Lunge Ring:** In order for the Planner to complete their assessment, you are requested to lodge a revised Site Plan showing the proposed vehicle access and driveway. At this stage, because the Lunge Ring fencing exceeds 2m in height – it is not an exempted development.

**(b) Horse Walker:** This cannot come within the scope of Article 6, Schedule 2, Part 3, Class 10, because it is a roofed fenced structure and is therefore not an exempted development.

**(c) Outdoor Exercise Area:** Is development, but further information is needed regarding height of mesh fencing. Please confirm the height of the fence and submit a revised Site Plan showing the proposed vehicle access and driveway.

You are also requested to verify that the proposed activities are not for public events or for breeding.

Yours faithfully,

---

Tracy O' Callaghan,  
SO 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>*

**30 May 2023**

**D239.23**

**Glinny Riverstick**

XX

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**Definitions etc.**

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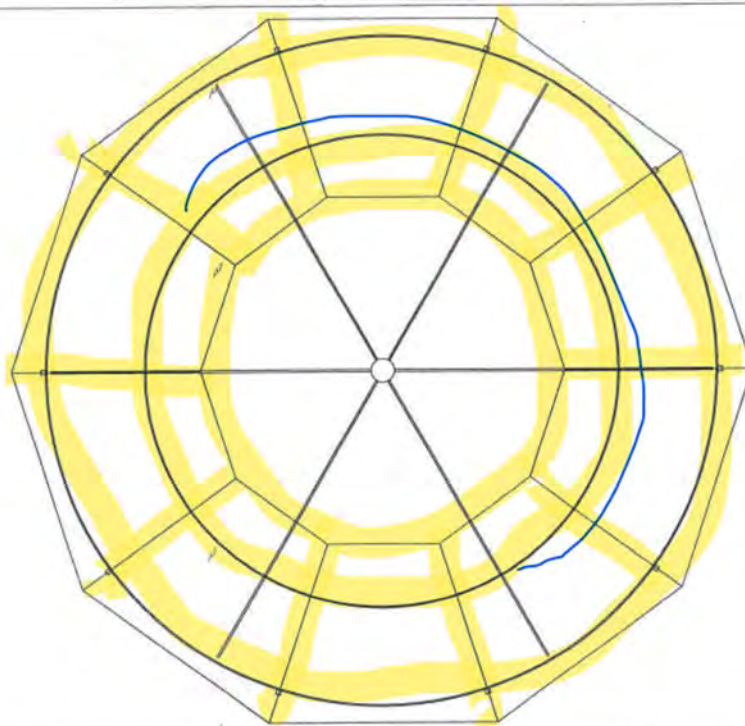
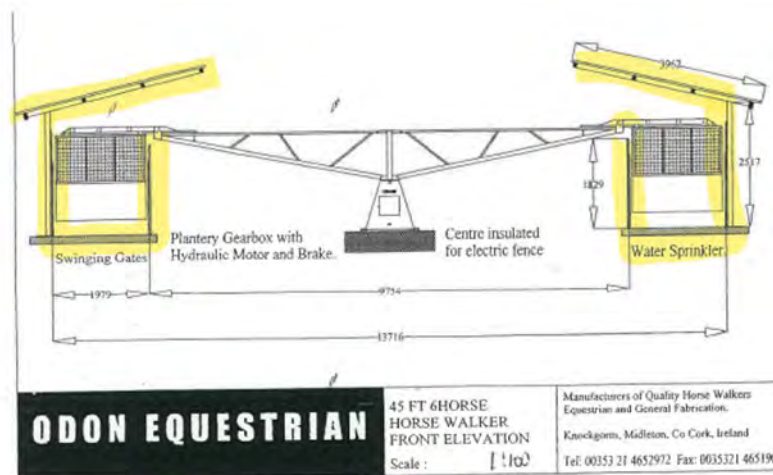
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**RECOMMENDATION: Is development - but cannot come within the scope of Article 6, Schedule 2, Part 3, Class 10, and is therefore not an exempted development.**

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**Steve Baxter**

**Executive Planner**



# 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: 1; 10,500
- 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 checked="" type="checkbox"/>

## FOR OFFICE USE ONLY

Receipt No.	P290040937
Cash/Cheque/ Credit Card	Card
Date	10/05/2023
Declaration Ref. No.	D/239/83



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)

Anthony McCarthy

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

Glinny,  
Riverstick,  
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

(a) 15.24m (Diameter) \* Lunge Ring \*

(b) 13.71m (Diameter) \* Horse Walker with Roof \*

(c) \* Outdoor Exercise area \* with all weather surface \*  
Fence with specialised Horse mesh.

Planning Department  
10 MAY 2023  
Cork County Council  
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):	Horse WALKER = 147.5m <sup>2</sup> LUNGE RING = 182m <sup>2</sup>
(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  _____	<del>10</del>  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):
Grazing Area	Exercise Area.

**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"/>	Planning Department 10 MAY 2023 County Council No. P.K.
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 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)	Anthony Mearthy
Date	8-05-2023

**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	Anthony Mearthy
Date	8-05-2023.

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.*

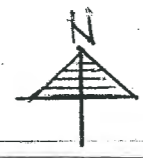
**9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	<i>Anthony Mearthy</i>
Date	<i>8-05-2023</i>

Planning Department  
10 MAY 2023  
Cork County Council  
County Hall  
Cork.



Surveyed 1041  
Revised 1930  
Levelled 1930



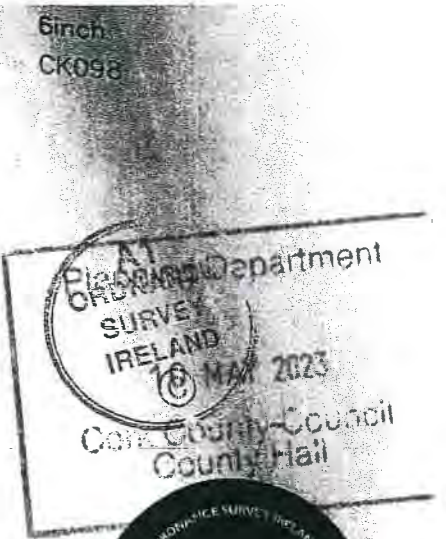
# Record PLACE Map



**PATRICK A. GALVIN**  
Planning Application Services

Upper Belmont, Innishannon, Co Cork  
021-4775079. Mobile: 086-8230348

Anthony McCarthy  
Glinny, Riverstick, Co. Cork

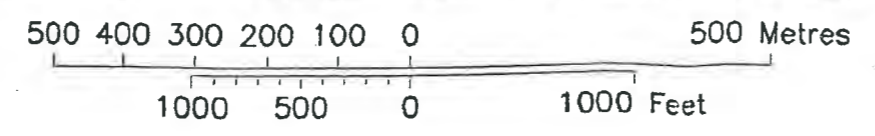


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a tharchur in aon fhoirm ná ar aon bhealach gan  
cead i scríbhinn roimh ré ó úinéir an chóipchirt.  
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© Ordnance Survey Ireland, 2003

Scale: - 1:10560  
Scála: - 1:10560



Plot Ref. No. 29948\_1\_7  
Plot Date 27-JAN-2004







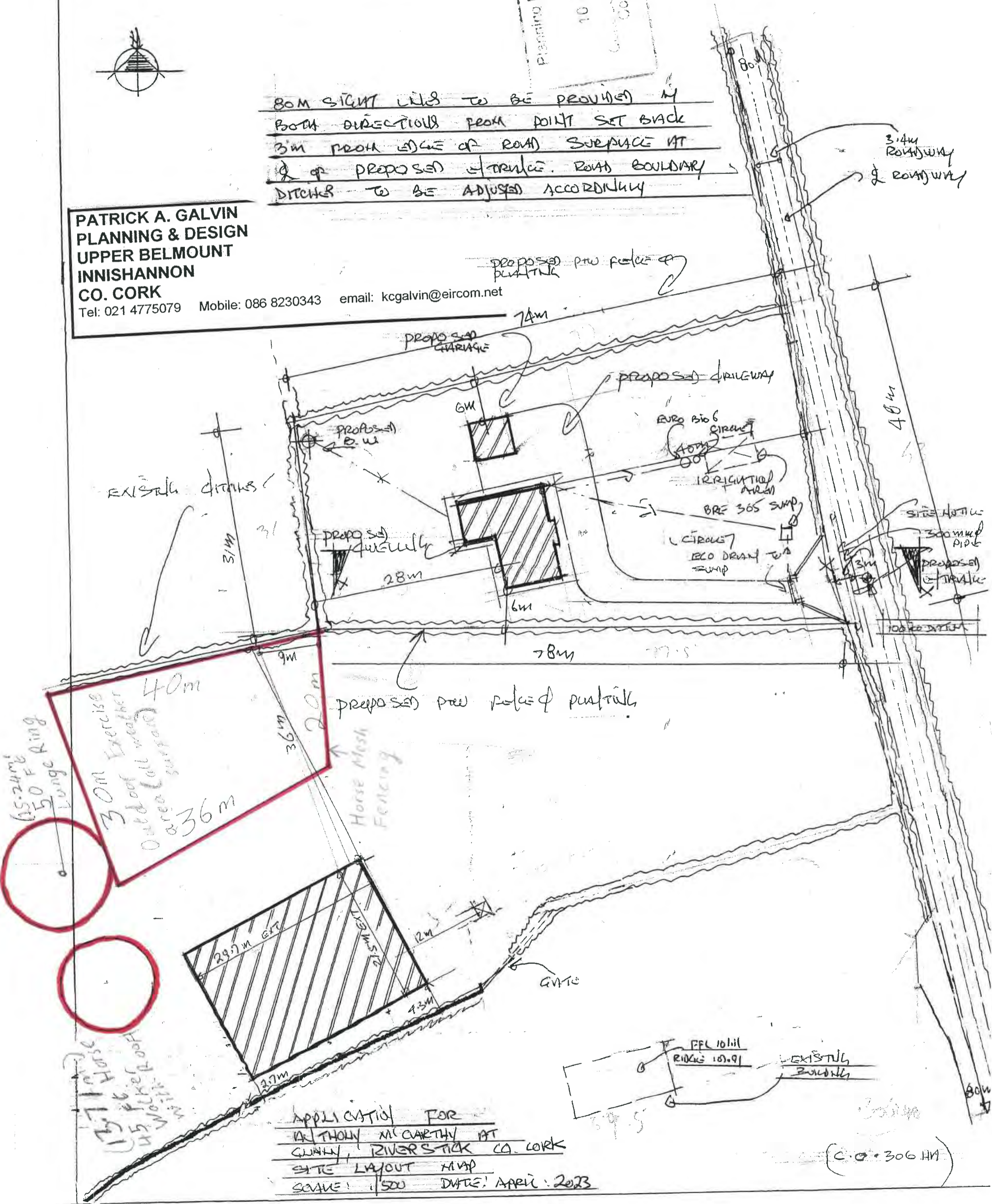


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10 MAY 2023  
County Hall  
County Cork

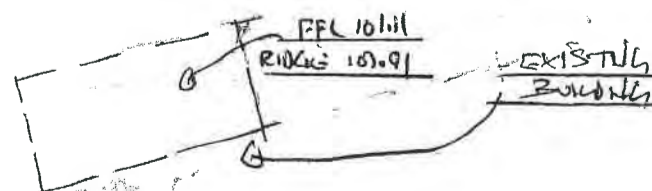
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CO. CORK**

Tel: 021 4775079 Mobile: 086 8230343 email: kcgalvin@eircom.net

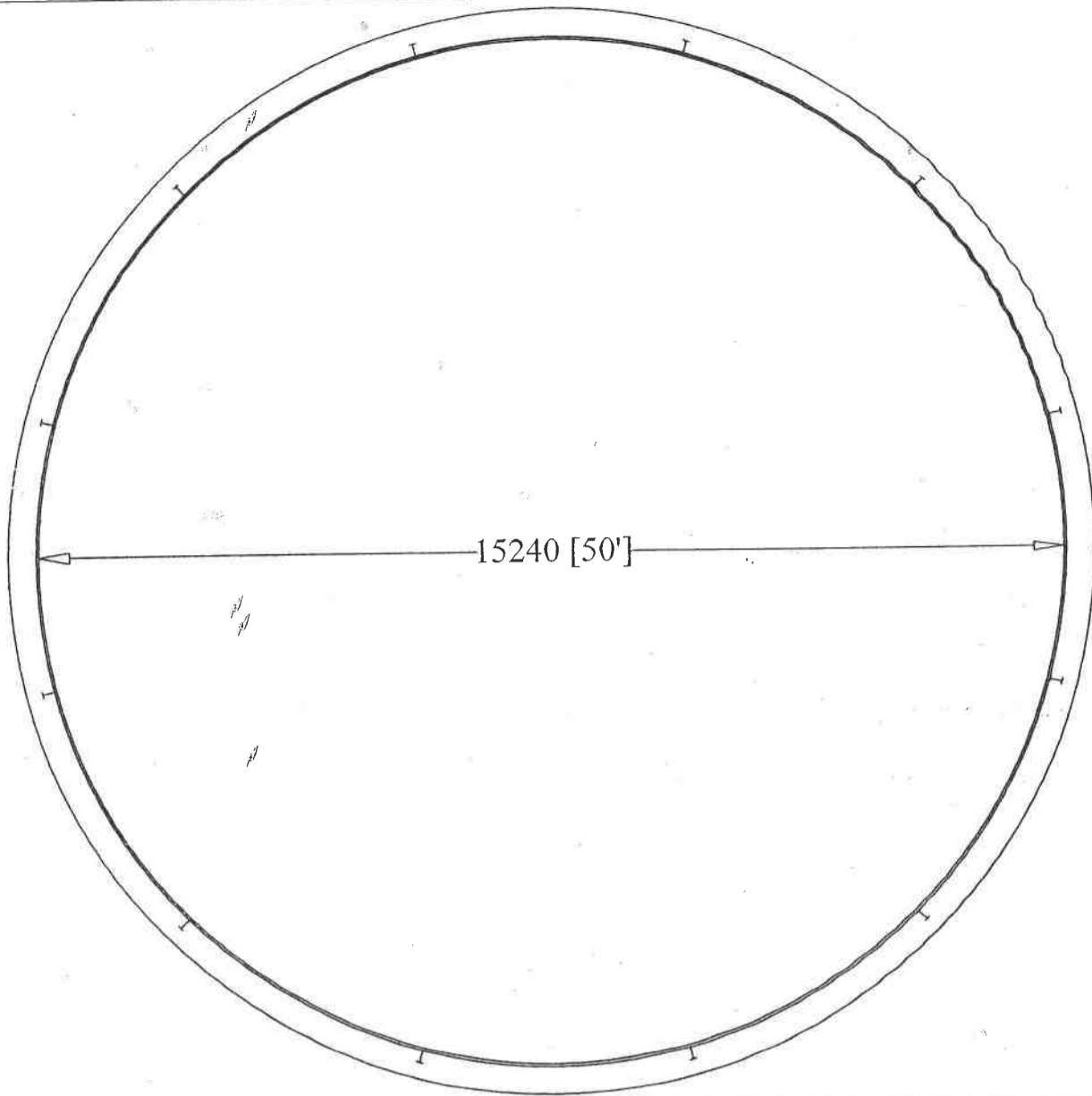


APPLICATION FOR  
ARTHUR MCCARTHY AT  
QUALITY RIVERSTICK CO. CORK  
SITE LAYOUT MAP  
SCALE: 1:500 DATE: APRIL 2023



(C.O. 306.HM)





**ODON EQUESTRIAN**

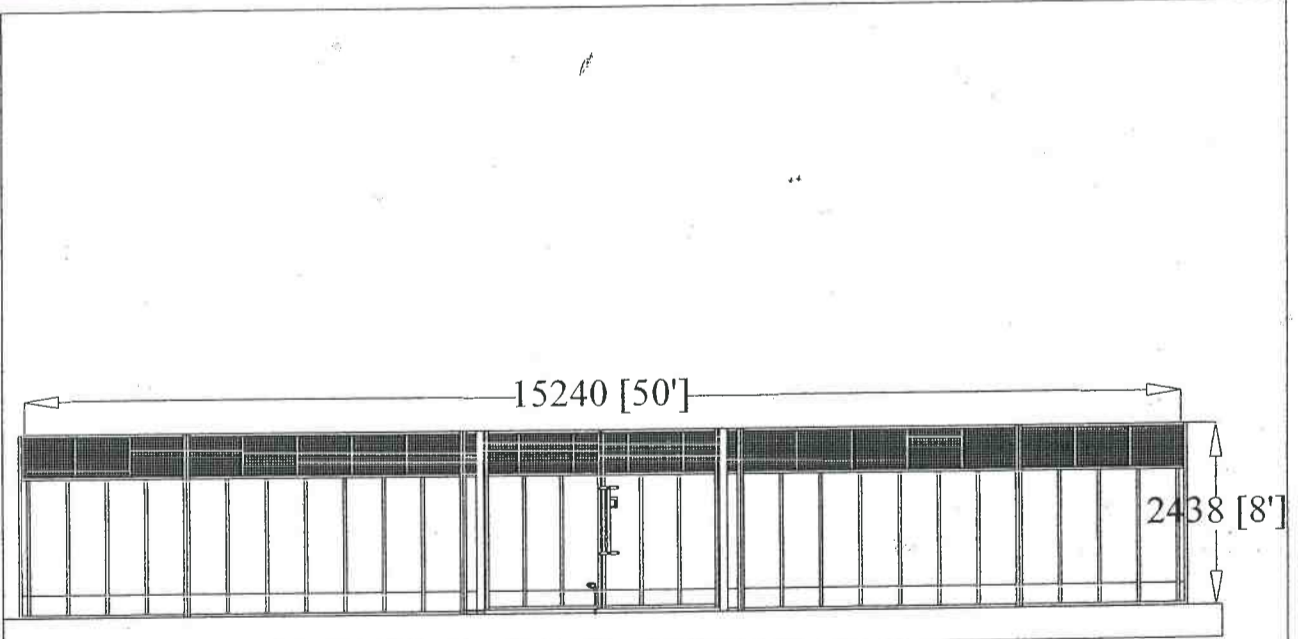
50FT LUNGING RING  
PLAN ELEVATION

Scale : 1: 100

Manufacturers of Quality Horse Walkers  
Equestrian and General Fabrication.

Knockgorm, Midleton, Co Cork, Ireland

Tel: 00353 21 4652972 Fax: 0035321 4651900



**ODON EQUESTRIAN**

50FT LUNGING RING  
FRONT ELEVATION

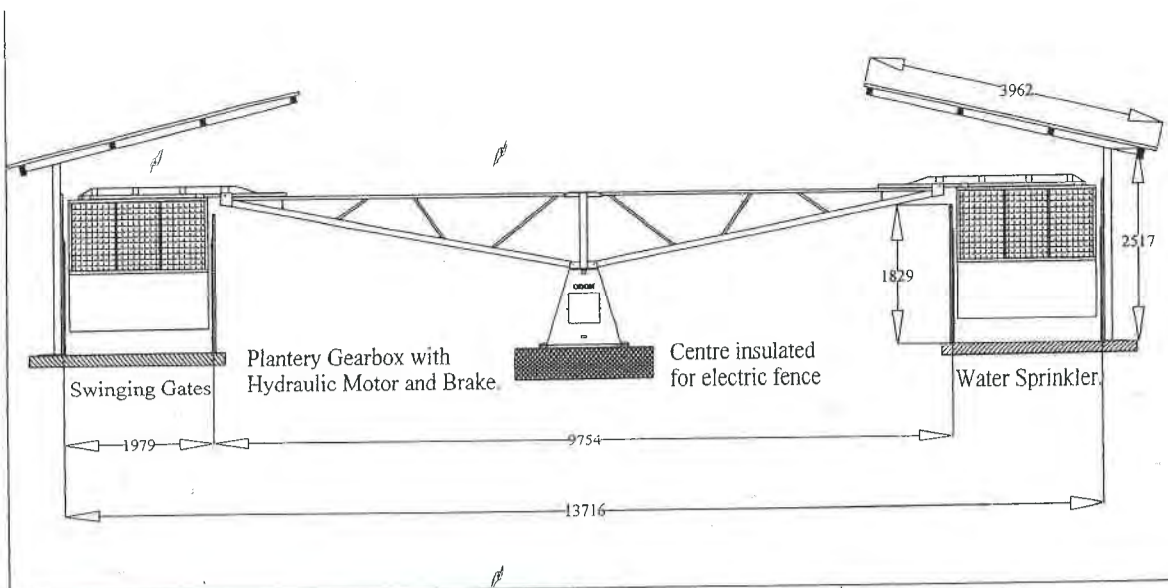
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Manufacturers of Quality Horse Walkers  
Equestrian and General Fabrication.

Knockgorm, Midleton, Co Cork, Ireland

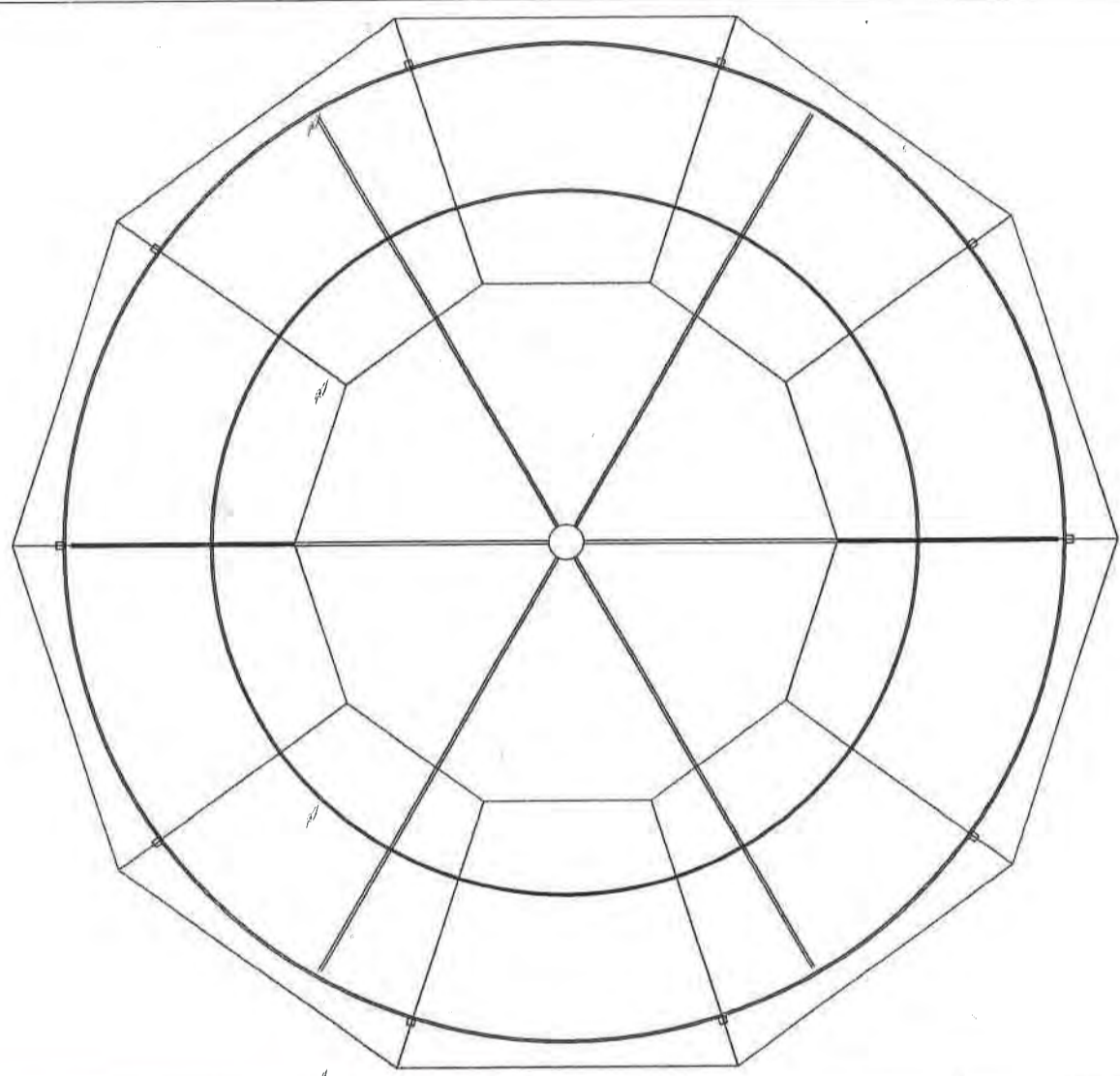
Tel: 00353 21 4652972 Fax: 0035321 4651900

Planning Department  
10 MAY 2023  
Cork County Council  
County Hall  
Cork



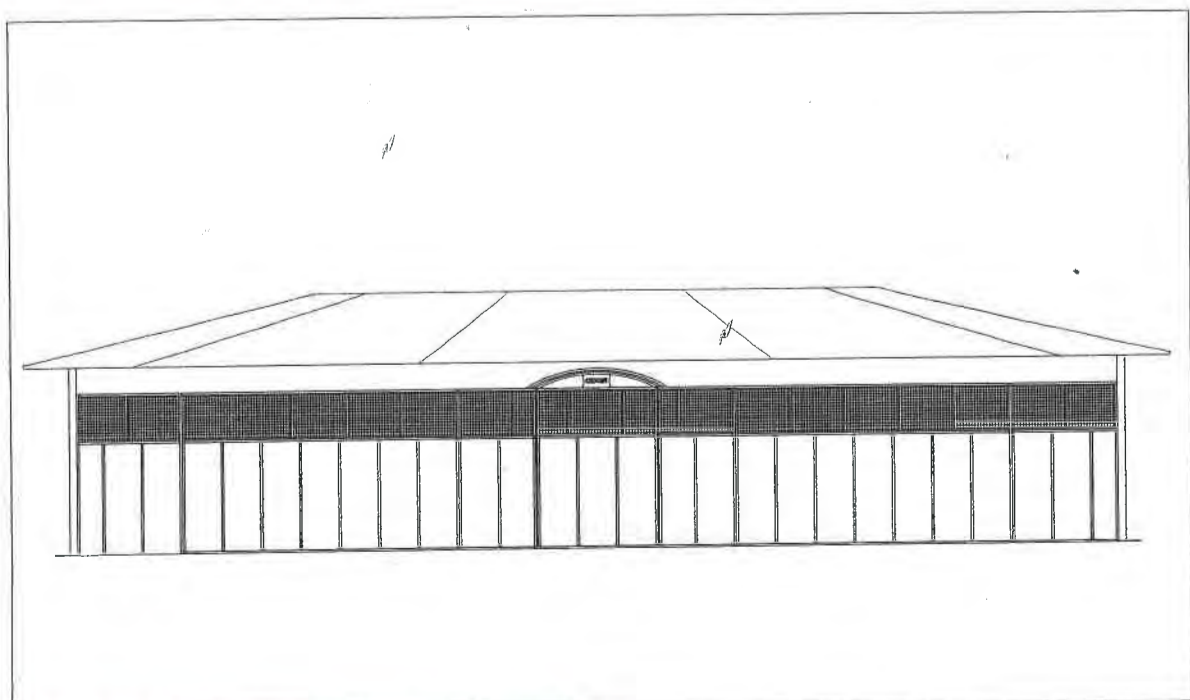
**ODON EQUESTRIAN** 45 FT 6HORSE HORSE WALKER FRONT ELEVATION Scale : 1:100

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 Cork County Council  
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 Cork